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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FIFTH CONGRESS

OF

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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS
SECOND SESSION.

SENATE.

FRIDAY, *April 19, 1918.*

Rev. Hugh T. Stevenson, of the city of Washington, offered the following prayer:

Almighty and eternal God, in whom we live and move and have our being, as individuals and as a Nation we desire to thank Thee that Thou hast given us the privilege to serve and to glorify Thee. We ask Thee to direct our labor this day that it may bring glory and honor to Thee, advance the welfare of humanity, and develop the strength of our Nation as we may continue to serve Thee in the battles for freedom. We ask Thee to be with our men on land and on sea wherever they are. As Thou hast always crowned our efforts from the day of Concord Bridge and Lexington in battles for freedom with success so continue until the end shall come, and we shall give Thee the glory and thank Thee that Thou hast enabled us to serve Thee. Watch over and direct the affairs of the Senate and the House and the Nation this day, and throughout all the coming days, that we may ever have as a people that righteousness which exalts a Nation. We ask it in the name of our Lord. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Journal of yesterday's proceedings was read and approved.

IMPORTATION OF PRISON-MADE GOODS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting reports from consular officers at Chefoo, China; Odessa, Russia; Rome, Italy; Algiers, Algeria; and Kingston, Jamaica, relative to the extent to which prisoners, paupers, or detained persons are utilized in the production or manufacture of the commerce of various countries, which, with the accompanying papers, was referred to the Committee on Printing.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 217).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting a letter from the Acting Secretary of War submitting supplemental estimates of appropriation in the sum of $11,075 required by the War Department to pay the salaries of the Second and Third Assistant Secretaries of War authorized under the act approved April 6, 1918, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXTENSION OF MAIL-TUBE SYSTEM.

The PRESIDENT pro tempore laid before the Senate a joint resolution of the Assembly of the State of New York, urging continuation and extension of the mail-tube system, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

IN SENATE, STATE OF NEW YORK,
Albany, April 12, 1918.

(By Mr. Cromwell.)

Whereas this legislature's action more than 25 years ago made possible the underground mail and parcel transportation which the metropolis enjoys and which all other cities of the State may also possess under the franchise granted by this body; and

Whereas the sentiment of New York, like that of the other large cities of the country where this modern mail-tube system has been tested, is emphatically in favor of it, as indicated by the press and by public expression, by the great business organizations, and by the public generally: Therefore be it

Resolved (if the assembly concur), That this legislature associates itself with the public's progressive, enlightened demand for the retention and extension of such service as a necessity of the post office and a relief to the congestion of the already overcrowded thoroughfares of our larger cities; and be it further

Resolved, That a copy of this resolution be sent to the Vice President and Speaker of the House for presentation to Congress.

By order of the Senate.

ERNEST A. FAY, *Clerk.*

IN ASSEMBLY, *April 12, 1918.*

Concurred in without amendment by order of the assembly.

FRED W. HAMMOND, *Clerk.*

PETITIONS AND MEMORIALS.

Mr. NORRIS. I have here a copy of a resolution adopted unanimously at a very large meeting of citizens of Scottsbluff, Nebr. The resolution relates to the liberty loan. I ask that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution.

Whereas our country is engaged in war for world liberty; and

Whereas the Food Administration has said that food will win the war; and

Whereas millions of bushels of foodstuffs are being worse than wasted in the manufacture of malt liquors: Wherefore, be it

Resolved, That we hereby respectfully petition the President of the United States and Congress to give the country immediate war-time prohibition of the manufacture and sale of all forms of alcoholic liquors, including beer, for beverage purposes, in order that the resources of the country in men, money, and provisions may be conserved for the one great task of winning this war.

Respectfully submitted by a mass meeting of the citizens of Scottsbluff, Nebr., April 7, 1918.

Mr. LODGE presented resolutions adopted by the Massachusetts State Federation of Churches, favoring national prohibition as a war measure, which were ordered to lie on the table.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Bishopville, St. Charles, and Beaufort, all in the State of South Carolina, praying for the enactment of legislation to provide punishment for persons interfering with the Government in the prosecution of the war or who are responsible for pro-German activities, which were ordered to lie on the table.

PRICE OF COTTON.

Mr. OVERMAN. I send to the desk a telegram which I have received from the Senator from Louisiana [Mr. RANSDELL], who is attending the funeral of the late Senator BROUSSARD. I ask that the Secretary may read the telegram.

The Secretary read the telegram, as follows:

NEW ORLEANS, LA., *April 18, 1918.*

Hon. LEE S. OVERMAN,
Washington, D. C.:

Reported from Washington that EMERSON, of Ohio, introduced House bill to fix price of cotton 20 cents, causing demoralization in all branches in the cotton market. After conference with our cotton friends and bankers here, I urge you to make public statement immediately that no bill fixing price of cotton could pass unless it fixed prices on all articles made from cotton, including textiles, also on all products of the farm, also on manufactured articles of all kind, upon the same basis.

JOSEPH E. RANSDELL.

SPEEDING OF WAR PREPARATIONS.

Mr. McCUMBER. Mr. President, I received this morning a large number of cards, in printed form, showing that they had been sent out by some propaganda and were being circulated to be signed by individuals and sent to Members of Congress. I assume that every Member of Congress is receiving them. They demand attention, and they demand it now, because every one of them is an unjust and uncalled for assault upon Congress. They read:

"For God's sake, hurry up!"—Joseph H. Choate. This urgent appeal was the last public utterance of Joseph H. Choate, only three days before his death. The date—May 11, 1917—was almost a year ago.

Then there is the name of the address, the city and the State, and "address Hon. ———, United States Capitol, Washington, D. C." upon the back.

On the margin of this postal the sender has written these words: "Our boys are looking to you to speed up aeroplanes."

Mr. President, the man who signs this postal little understands what propaganda is responsible for sending it out. He does not understand that it comes either from some one who has no conception of what Congress has done in war appropriations and war measures and has, therefore, been misled by press headlines, or from some source which is attempting to hide the real responsibility for our failure to meet our war engagements by diverting the just censure from those who are responsible for the delay and directing it toward those who are not in the slightest degree responsible for that delay.

Believing that Mr. Chambard, who signs this card, is but one of very many honest and patriotic people who have been misled by these false charges of congressional delay, I think it time for some one to tell the truth and place the responsibility where it belongs, and therefore I propose to speak plainly to this gentleman.

Mr. Chambard, are you aware that Congress has voted with alacrity every dollar asked for by the President or the departments for war purposes?

Are you aware of the fact that unlimited power has been granted to these departments to expend this money for war purposes?

Are you aware of the fact that the delay is due to the failure, the shameful failure in many instances, of those appointed and empowered to speed up production—appointed by the administration and not by Congress, because Congress can not make the appointments—and that notwithstanding these persons have been spending this money in the wildest extravagance ever dreamed of, extravagance that would shock and horrify you were you present as we are to observe it, they still have been able to spend up to date only a small part of the enormous sums appropriated for the most pressing needs of the country, such as ships, guns, aeroplanes, and so forth?

You say, "Our boys are looking to you to speed up aeroplanes." Are you aware of the fact that in the early part of 1917 we appropriated $640,000,000 for aeroplanes alone and we have before us an estimate for $400,000,000 more, more than a billion dollars, more than one-fourth of the entire war debt of the Civil War, for just one little branch of the service?

You have seen aeros. You know their size and structure and can form some idea as to what they should cost and how rapidly they should be constructed. Our 1917 program called for 20,000 aeroplanes, 12,000 of which were to have been placed in France by this time. Now, you know that Congress can not build the aeroplanes. All Congress can do is to appropriate the money, put that money into the hands of the proper department, and instruct that department to go ahead and build them. That Congress has done, and yet up to date we have no planes in France and a mere bagatelle of the proposed number constructed.

Why is this? The answer is inefficiency in the departments, not in Congress. It is stated that no less than 1,500 changes in specifications for Liberty motors and planes have been made up to the present time and ordered to be made by the manufacturers. How on earth could you expect the manufacturers to produce these planes if every day in the year there came several new orders for variations? Had the department responsible for the production of these planes said to Mr. Ford, "We want 20,000 planes of the highest standard manufactured by either the French, the British, or the German powers; go ahead and get them out for us," we would have had them ready long ago.

Our shipping program, because of its greater importance in this war, has been more grossly neglected. We have appropriated for ships and ship construction $1,750,000,000. For the first six months of the war absolutely nothing was done while the board was quarreling over whether we should have wooden ships or steel ships. Since we have finally gotten started, we have allowed strikes and slacking to so hamper the production that we have not accomplished one-tenth of what we should have accomplished under good management had we proceeded immediately upon our entry into the war and continued efficiently thereafter.

But what more could Congress do? Congress is supposed simply to make the laws and the appropriations and leave to the executive branch of the Government the duty of making those laws effective. Congress has not only performed its duty but has performed it with alacrity, generosity, and unanimity almost unknown in legislative bodies. Then, observing that the work is not being done for which appropriations have been made, Congress has been compelled to criticize by resolution and through speeches and investigations, and individual Members have been compelled to press in every possible way the several executive departments to hurry up, speed up, to stop bickering, and to do something. So you have Congress as a whole passing every appropriation, with comparatively little debate, and then the Members doing everything in their power to get the departments charged with the duty of production to speed up the work.

And every time a criticism is made by a Member of Congress he has been subject to abuse by the press of the country because he complains that having voted the money either nothing is being accomplished or the work is not speeding as rapidly as it should be.

So your card, "For God's sake hurry up," ought to be sent not to Congress but to the department responsible for the delay.

Stop a moment and think of what Congress has done: It has raised taxes, authorized the sale of bonds, and provided for the issuance of certificates of indebtedness, so that during the first year of the war up to April 6, 1918, we received from the first sale of—

Liberty bonds	$1,986,625,405.57
From the second liberty loan	3,807,736,299.19
From certificates of indebtedness less certificates redeemed	3,266,649,500.00
From war-savings certificates and thrift stamps	146,617,316.33
From excess-profits tax	1,226,000,000.00
From corporation income tax	535,000,000.00
From individual income tax	666,000,000.00
A total of	9,648,003,115.52

especially raised for war purposes. And this in addition to the ordinary revenues and customs receipts amounting to nearly a billion dollars to cover the ordinary expenses of the Government.

Not only have we raised that much, in actual cash, but—

We have appropriated the sum of	$18,396,361,267.59
In addition, the present session has appropriated another	3,327,727,797.35
Or a total appropriation of	21,724,089,064.94
Of this sum there has been loaned to the allies	4,748,829,750.00
Leaving a balance for our war purposes of	16,976,259,314.94

Can you realize that this nearly $22,000,000,000 is about six times as much as the entire Civil War debt when we emerged from that conflict?

And what is the result of all this vast expenditure? We have something over 200,000 fighting men in Europe to-day.

Out of this vast sum raised we have not spent up to date more than $9,000,000,000, and this, as I have stated, notwithstanding the awful extravagance that has been indulged in in our war efforts.

We should construct during 1918 not less than 15,000,000 gross tons of shipping. The most we can now possibly hope for is 2,500,000 tons, unless a radical change is made in our ship production.

Now, you must know that Congress is not responsible for this delay. We have voted money. It is ready to be used. Congress has done its work and has done it quickly. No appropriation bill has lagged in the slightest degree. No necessary power has been withheld. Of course we must take into consideration that we were wholly unprepared when we went into this war, and we will make all allowances that should be made for the lack of experience of those upon whom onerous duties were imposed. We will make all excuses that should be made for inefficiency. But when we have done this there is a vast field in which no allowance can justly be made, and a vaster field in which there is no excuse for the inefficiency manifested. If, therefore—and I speak this to the writers of these postal cards—you want to be of service to your country, do not follow the rule that has been adopted by so much of the press of the country of damning Congress when you should know, as the press must know, just where the fault lies. If you want to help your country, send your postals to the several boards upon which are imposed the duties of speeding up production. Say to the Shipping Board, "For God's sake, hurry up." Say to the men who are striking, "In the name of Heaven and patriotism, stop your strikes, stop your slacking, and produce to the full limit of your ability." Say that to these men who are threatening to go on a strike the 1st of May all over the country because the governor of California refuses to pardon a man whom the jury convicted of one of the worst crimes that has ever been committed in this country, the hurling of a bomb into a procession of men, women, and children, that killed immediately some ten or a dozen people and wounded and injured many others, a man whose reputation has been as that of a criminal for years in the State of California. Write your cards to those people and tell them for God's sake, do not go on a strike for such an ignoble cause as that. You will then be doing some good for your country.

Say to all of the department's, "For Heaven's sake, stop burning up the money raised by taxation and bonds as you have been doing during the last year." Say to them, "In Heaven's name, cease these strikes"; "Cease making thousands upon thousands of men who could be fighting for their country lieutenants and majors and colonels and paying them good salaries to do the ordinary work of a file clerk."

Say to them that there is no excuse on earth for its costing this country at least twelve times as much for each man in the field as it costs any of the other powers. Plead to them for activity and reasonable economy, and in the meantime your Congress will go right on performing its duty, appropriating every dollar that is necessary and doing everything that is neces-

sary in the quickest possible time to facilitate our war progress. If Congress at times has seemed slower than you think it should be on the little matter of granting extraordinary and unheard-of powers to individuals, just remember that it has never lost a moment of time in hurrying up and putting into law every matter that has been necessary to production of war material to speed up. So let me answer you, in God's name, bring your influence to bear upon those who are responsible for the delay and not upon those who are appropriating and raising the funds for this war far more rapidly than they can be spent or squandered.

STANDING ROCK INDIAN RESERVATION.

Mr. STERLING. From the Committee on Public Lands I report back favorably with amendments the joint resolution (S. J. Res. 131) authorizing the Secretary of the Interior to extend the time for the payment of annual installments on the purchase price for land in the Cheyenne River and Standing Rock Indian Reservations and I submit a report (No. 403) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from South Dakota asks unanimous consent for the immediate consideration of the joint resolution just reported by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment of the committee was, on page 1, in line 7, after the word "approved," to strike out "May 29, 1908 (35 Stats., p. 460), entitled 'An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian Reservations in the States of South Dakota and North Dakota and making appropriation and provision to carry the same into effect'" and insert "February 14, 1913 (37 Stats., p. 675), entitled 'An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect,'" so as to read:

That the Secretary of the Interior is hereby authorized to extend for a period of one year the time for the payment of any annual installments due, or hereafter to become due, on the purchase price for land sold under act of Congress approved February 14, 1913 (37 Stats., p. 675), entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation, in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect."

The amendment was agreed to.

The next amendment was, on page 2, line 7, after the words "*Provided further*," to insert "That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved, further residence and cultivation will not be required: *Provided further*"; and in line 10, before the words "per centum," to strike out "four" and insert "five," so as to make the proviso read:

Provided further, That any entryman who has resided upon and cultivated the land embraced in his entry for the period of time required by law in order to make commutation proof, may make proof, and if the same is approved, further residence and cultivation will not be required: *Provided further*, That any and all payments must be made when due unless the entryman applies for an extension and pays interest for one year in advance at 5 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof.

The amendment was agreed to.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from South Dakota if this proposed legislation is applicable only to the Standing Rock Indian Agency, or is it general?

Mr. STERLING. It is applicable only to the Standing Rock Indian Reservation, and only to that part of the reservation which was opened to settlement in 1913, and not to that opened for settlement under the act of 1908.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the Secretary of the Interior to extend the time for the payment of annual installments on the purchase price for land in the Standing Rock Indian Reservation."

TEST OF ORDNANCE.

Mr. TILLMAN. Mr. President, the Committee on Naval Affairs met this morning and authorized me to report favorably and without amendment the bill (H. R. 10783) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, and I submit a report (No. 402) thereon. The necessity for the passage of the bill is very urgent, and I ask for its immediate consideration. There is a letter from the Secretary of the Navy accompanying the report of the committee.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the immediate consideration of the bill just reported by him. Is there objection?

Mr. GALLINGER and Mr. JONES of Washington. Let the bill first be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to expend the sum of $1,000,000, or any part thereof, in his discretion, for the purpose of increasing the facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, railroad, and water facilities, land, and damages and losses to persons, firms, and corporations resulting from the procurement of the land for this purpose, and also all necessary expenses incident to the procurement of said land: *Provided*, That if such lands and appurtenances and improvements attached thereto can not be procured by purchase within one month after the passage of this act the President is hereby authorized and empowered to take over for the United States the immediate possession and title of such lands and improvements, including all easements, rights of way, riparian, and other rights appurtenant thereto, or any land selected by him to be used for the carrying out of the purposes of this act. That if said land and appurtenances and improvements shall be taken over as aforesaid, the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as, added to the said 75 per cent, will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code. Upon the taking over of said property by the President as aforesaid, the title to all such property so taken over shall immediately vest in the United States. For the purposes of this act there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,000,000, or so much thereof as may be necessary: *Provided*, That no railroad shall be built in the District of Columbia under this act until Congress has approved the point from which such road may start and also the route to be followed in the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The morning business is closed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 4401) to require separate street car accommodations for white and negro passengers within the District of Columbia, and fixing penalties for a violation thereof; to the Committee on the District of Columbia.

By Mr. TILLMAN:

A bill (S. 4402) to amend the naval appropriation act of August 29, 1916, in so far as it relates to sea service in grade before promotion; to the Committee on Naval Affairs.

By Mr. WALSH:

A bill (S. 4403) for the relief of John T. Eaton; to the Committee on Claims.

A bill (S. 4404) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 4405) for the relief of Henry Gregg; to the Committee on Military Affairs.

A bill (S. 4406) granting an increase of pension to William Harris (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4407) granting a pension to Elizabeth Dalton (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4408) granting an increase of pension to Walter J. Shelley (with accompanying papers); to the Committee on Pensions.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

INCREASE OF PENSIONS.

Mr. SMOOT. I move the Senate proceed to the consideration of the bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. THOMAS. Reserving the right to object, I ask that the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. OVERMAN. This is a measure of great importance, and I think there ought to be a quorum present when it is considered. Therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Harding	New	Smoot
Beckham	Henderson	Norris	Sterling
Brandegee	Hollis	Nugent	Thomas
Chamberlain	Johnson, Cal.	Overman	Tillman
Culberson	Jones, Wash.	Owen	Townsend
Cummins	Kellogg	Poindexter	Trammell
Curtis	Lenroot	Pomerene	Underwood
Dillingham	Lodge	Saulsbury	Walsh
Fall	McCumber	Sheppard	Warren
Fletcher	McKellar	Sherman	Watson
Frelinghuysen	McNary	Simmons	Weeks
Gallinger	Martin	Smith, Ga.	Wolcott
Hale	Nelson	Smith, Md.	

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator BROUSSARD.

Mr. HOLLIS. I wish to announce that the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Nevada [Mr. PITTMAN] are necessarily detained on official business. I desire also to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator STONE. I also wish to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is absent to-day on account of illness.

Mr. MARTIN. I desire to announce that my colleague [Mr. SWANSON] is absent, taking part in the campaign for the sale of liberty bonds. He will be back by Monday.

Mr. WARREN. I wish to announce that my colleague [Mr. KENDRICK] is absent from the city on public business. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the general pension act of May 11, 1912, is hereby amended by adding a new section, to read as follows:

"SEC. 6. That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month. In case such person has reached the age of 72 years and served six months, the rate shall be $32 per month; one year, $35 per month; one and a half years, $38 per month; two years or over, $40 per month: *Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private."

Mr. THOMAS. Mr. President, still reserving the right to object, I wish to ask the Senator from Utah what additional aggregate burden will be placed upon the Treasury in the event that this amendment to the law should pass?

Mr. SMOOT. Approximately $40,000,000 for the first year. For each succeeding year the amount will be greatly reduced, as I shall show from letters I have received from different sources, and I think that the Pension Bureau themselves have figures which will demonstrate the accuracy of the statement I shall make.

Mr. THOMAS. Mr. President, I do not feel that we should, except in the direst emergency, impose such an enormous additional burden upon our ordinary expenditures; and I am therefore compelled to object to the request for unanimous consent.

Mr. SMOOT. I did not ask for unanimous consent. I moved to proceed to the consideration of the bill.

The PRESIDING OFFICER. The question is, Shall the Senate proceed to the consideration of Senate bill 3783?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912.

Mr. SMOOT. Mr. President, I do not intend to take the time of the Senate in discussing this bill further than to give a few facts in the case to be considered as a report, as I promised to make at the time I reported the bill to the Senate.

This bill was reported unanimously from the Committee on Pensions by every member present, both Democrats and Republicans. I wish to say that I have hundreds of resolutions from the different Grand Army of the Republic organizations of the United States approving this bill. It is true that many veterans think it does not go far enough, but I believe that the rates fixed in the bill will at least partly compensate the veterans for the increase in the cost of living that has taken place since the passage of the act of May 11, 1912.

When that act was passed I never expected to ask Congress again to increase the rate of pensions for the Civil War veterans, but since that act was passed the cost of living has greatly increased, much more than the increase in pensions that is asked in this bill. Again, I know that the veterans of the Civil War, when the act of May 11, 1912, was passed, stated time and time again through their organizations that the rates provided in that act would be the last request they would make for an increase in pensions. The only excuse they offer or could offer for the change is that the cost of living has mounted so high that with the condition they are in physically, and the amount of pension that they are receiving to-day, it is absolutely impossible for many of them to keep body and soul together.

When we take into consideration the legislation that Congress has passed caring for the soldiers that are fighting or will fight, perhaps, in this world war, the rates of pension provided for in this bill are a bagatelle compared to what the soldier of to-day will receive in case of injury, or his dependents in case of death.

We must also take into consideration the fact that there are nearly 150 veterans dying every day, and when 12 months shall have passed that 150 deaths per day will be increased to over 200; and when the year 1926 arrives, under the figures of all life insurance companies as to the rates of death, the mortality tables, there will be none of the veterans left.

I know that this bill carries an increase of $40,000,000 for the first year, and I know that when the act of May 11, 1912, became a law there was an increase then of about the same amount, and our pensions then amounted to nearly $190,000,000 a year. Since then so many deaths have occurred that, notwithstanding the increases that have been made by thousands of special acts, our pension appropriations have decreased from that amount to about one hundred and fifty-odd million dollars. I trust that Congress will see that the last days of our war veterans are robbed of hunger and actual want; and if this small increase of pension granted to them will bring that about, I know that the American people from one end of this country to the other will approve.

I recognize, Mr. President, that this is a time to scan appropriations most carefully; and I want to say now that we could have appropriated $40,000,000 less in many of the bills that have passed without doing an injustice to the country, and thus we could have saved that amount of money to take care of the worthy defenders of the life of our Nation.

Mr. President, for the information of the Senate only, I wish to call attention to the number of veterans left in the United States, showing how rapidly they are passing away when we compare the number that are living to-day with the number that drew pensions but six years ago.

Of those who are less than 72 years of age who served 90 days and over, and those 72 years and over who served less than 6 months, there are but 2,171 alive. That, Mr. President, was on February 15 of this year. There is a smaller number than that to-day.

Mr. NORRIS. Mr. President, will the Senator repeat those figures?

Mr. SMOOT. There are 2,171 of that class.

Mr. NORRIS. Of what age?

Mr. SMOOT. Less than 72 years of age who served 90 days and over and 72 years of age and over who served less than 6 months.

Mr. NELSON. Mr. President, the Senator might add one to that number and make the list complete. I am not drawing a pension, but would be entitled to it.

Mr. SMOOT. That is true, Mr. President, and I think there are others in the United States in the same position as the Senator from Minnesota, but I will say that they are few in number.

The number of those 72 years and over who served six months and less than one year is 39,163.

The number 72 years and over who served one year and less than one and a half years is 42,083.

The number 72 years and over who served one and a half years and less than two years is 24,785.

The number 72 years and over who served two years and over is 111,739.

Making a total of 299,941.

Mr. President, I do not believe it is necessary to discuss this question further. I believe that Congress has but to have its attention called to the condition, and it will vote willingly to take care of the Civil War and Mexican War veterans who are still living for the few years that they have yet to live.

Mr. WALSH. Mr. President, before the Senator takes his seat I should like to ascertain a few facts from him. The bill was considered by the committee before I became its chairman, and I was not in attendance at the session in which the bill was under consideration.

I want to inquire of the Senator if any report was made on the bill other than the formal favorable report?

Mr. SMOOT. No, Mr. President; there was no report made on the bill, and at the time I reported the bill to the Senate by instructions of the committee I said that whenever the bill was brought up for consideration I would make a statement as to the number of pensioners affected, and as to the cost that the bill would impose upon the Government if it should become a law.

Mr. WALSH. Let me ask the Senator if the bill was referred to any department for consideration?

Mr. SMOOT. The bill was referred to the Commissioner of Pensions, and I will state that I have a copy of the letter from the Commissioner of Pensions, and if the Senator desires I will ask that it be printed in the RECORD.

Mr. WALSH. I shall be glad to have that done.

Mr. SMOOT. I ask that this letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WALSH. I do.

Mr. OWEN. I merely wish to suggest that a bill proposing to fix an annual charge of $40,000,000 on the Treasury certainly ought to be accompanied by a written report, and by the report of the proper department of the Government, so that the Senate of the United States may have some knowledge with regard to the bill. I have no knowledge whatever of the bill, and I see here hardly anybody on the Democratic side, and on the Republican side very few Members, indeed. I think this matter ought to be treated in the usual way, by having a printed report, in order that the Senate may have the benefit of its consideration before the bill is disposed of.

Mr. SMOOT. Mr. President, in view of the statement of the Senator, I will read the letter that I have just asked to have printed in the RECORD.

The PRESIDING OFFICER. Does the Senator from Montana further yield to the Senator from Utah?

Mr. WALSH. Yes; I yield for that purpose.

Mr. SMOOT. I will read it in order that the Senator may have the information that comes from the department.

Mr. OWEN. The point to which I call attention is that the Senator, by reading that letter now and making a verbal report with regard to this bill, does not reach the Senate. There is practically nobody here.

Mr. SMOOT. Well, Mr. President, that is generally the case with all legislation. The Senator from North Carolina called for a quorum before the question of taking up the bill was even presented to the Senate, and I would have done the same thing if the Senator from North Carolina had not done it. But day after day we discuss legislation of the most important character—far, far more important than this bill—with scarcely half a dozen Senators in the Chamber; and it seems to me there is no reason why this bill should be pointed to as something unusual because of the fact that we are discussing it with only 16 Senators in the Chamber.

Now, Mr. President, if the Senator from Montana will yield further, I should like to read this letter:

DEPARTMENT OF THE INTERIOR.
Washington, February 15, 1918.

The CHAIRMAN COMMITTEE ON PENSIONS,
United States Senate.

MY DEAR SENATOR: I have the letter of the clerk of your committee to the Commissioner of Pensions, dated the 7th instant, transmitting a copy of Senate bill 3330, to amend the act of May 11, 1912, granting pensions to survivors of the Civil War and the War with Mexico, with request for a report supplemental to that of the 26th ultimo showing the number of pensioners in each class and the probable cost of the bill, if enacted into law, with the age of 72 years substituted for the age of 75 years.

The bill thus amended proposes a rate of $30 per month to persons who served 90 days or more in the military or naval service of the United States during the Civil War, and to such persons reaching the age of 72 years who served six months a rate of $32 per month; 1 year, $35 per month; 1½ years, $38 per month; 2 years or more, $40 per month.

The roll carries no class of survivors rated upon attained age of 72 years. It was ascertained by running through several thousand roll cards that about 75 per cent of the survivors pensioned upon the basis of attained age of 70 years were now between the ages of 72 and 75 years. The results of addition of this percentage of the 70-year class on the roll at the close of the last fiscal year to the 75-year class then on the roll by periods of service and computation of the difference in annual rates at that time and the rates proposed by the bill are shown in the following tabulation:

Age and length of service.	Number.	Increased cost per year.
Less than 72 years and served 90 days and over, and 72 years and over and served less than 6 months	2,171	$10,670,202
72 years and over and served 6 months and less than 1 year	39,163	5,099,178
72 years and over and served 1 year and less than 1½ years	42,083	6,209,772
72 years and over and served 1½ years and less than 2 years	24,785	4,165,542
72 years and over and served 2 years and over	111,739	15,959,208
Total	299,941	42,104,202

The average annual increase is about $140. Allowance for death losses and other changes may be accepted to reduce the above total to $40,000,000 as representing the approximate cost of the bill for the first year should it become a law.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

Mr. WALSH. Mr. President, the letter read apparently is a reply to an inquiry for detailed information as to the operation of such an act and the expense to the Government which it would entail. It does not appear to have been recommended by the department. Am I correct in that?

Mr. SMOOT. That is correct; and I wish to say also to the Senator that the department has never, to my knowledge, recommended the passage of any pension legislation, as other departments do in relation to legislation affecting them. In other words, the Pension Bureau has never initiated pension legislation, whereas almost all of the other departments draw the bills affecting their departments asking for the legislation, and they approve of it before the committees act upon it.

Mr. WALSH. I am simply addressing these questions to the Senator in an endeavor to gain the information which I should have endeavored to elicit had I been present at the meeting of the committee at which the bill was considered. I want to inquire now of the Senator if the measure has been asked for by any association of veterans?

Mr. SMOOT. Mr. President, I do not know whether or not the Senator was in the Chamber at the time I made the statement, but thousands and tens of thousands of the veterans have asked, since the passage of the bill increasing the widows' pensions, that they be granted $50 per month. Mr. President, I could not see my way clear to introduce a bill of that character, and therefore I went to the officials of the Pension Department. I studied the question with them most carefully, and while they are in no position and I do not ask them to recommend pension legislation, I got the information from them which led me to believe that if the provisions of this bill became a law it ought to be all that the Grand Army of the Republic veterans should ask for under existing conditions. Since the introduction of the bill, I wish to say to the Senator that there have been hundreds of Grand Army of the Republic organizations throughout the United States that have adopted resolutions approving of this bill. Many of the resolutions in the body stated that they had hoped that $50 per month would be granted, but they recognize the situation as it exists to-day and approve of this measure, and stated that they would be satisfied with its passage.

Mr. CURTIS. May I make a suggestion here?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH. I do.

Mr. CURTIS. I wish to state in line with what has been stated by the Senator from Utah that I have received a large number of resolutions passed by Grand Army posts in favor of an increase. Many of them have asked for a larger increase than is given in this bill. I will state also that I was on the Pension Committee for a number of years, and I never knew the Pension Office to recommend any measures. All that was asked of them was an estimate as to the amount a particular bill would carry.

I hope this measure may pass the Senate to-day.

Mr. WALSH. I gather from the answers made by both the Senator from Utah and the Senator from Kansas that some legislation of this character has been requested by a large number of Grand Army posts.

Mr. SMOOT. By nearly every post in the United States.

Mr. WALSH. That can hardly be correct; at least I have not been honored with any request from any post in my State for the legislation, and that is why I was prompted to make the inquiry.

Mr. SMOOT. I will say to the Senator that perhaps not having been chairman of the committee——

Mr. WALSH. It may be, however, that they directed their requests to the Senator from Utah rather than to myself.

Mr. SMOOT. I can not say whether I have received resolutions from Montana or not. I have not the copies of the resolutions before me; but I know the statement I made was virtually correct, that nearly every organization in the United States has indorsed the bill. Further, I wish to say to the Senator that the representatives of the national organizations of the veterans residing in Washington and acting as the legislative committee of those organizations have approved of this measure, and not only that but they appeared before our Pension Committee. I think the hearings were printed, although I am not quite positive of that. They spoke in behalf of this measure, and there were members of the Pension Committee of the House present at that meeting. Unfortunately the Senator from Montana was ill at that time and out of the city; but I want to assure the Senator, and the Senator from New Hampshire [Mr. HOLLIS] now sitting on the right of the Senator no doubt will bear me out in saying that the legislative committee as well as the national commander of the Grand Army of the Republic of the United States were present and spoke at that time in behalf of this measure. The commander stated that many of the veterans throughout the United States felt that there ought to be a flat rate of $50 per month for the surviving veterans; he himself recognized the situation and believed, and not only did he believe but he stated that he knew the passage of this bill would be satisfactory to the great body of the Grand Army of the Republic.

Mr. President, I want also to say that at the time he was speaking to the committee he said "we as a body of veterans never expected to come to Congress again and ask for an increase over the rates provided in the act of May 11, 1912; but," he said, "the cost of living had mounted so high that it is absolutely impossible for the veterans, physically unable as they are to do manual labor, to keep the wolf from the door."

Mr. WALSH. Mr. President, if this legislation were requested by any formal resolution of the national organization of the Grand Army of the Republic I should feel very much disposed to defer to any request they might make in the matter or any request that might be made in their behalf by any of the officers authorized to express their views in respect to the matter. I am glad to be advised by the Senator from Utah that some of the officers at least did appear before the committee and request the legislation. I was not aware of that fact and was not apprised by any of the Grand Army posts in my own State that this legislation was desired.

I content myself, Mr. President, at this time with asking that there be incorporated in the RECORD the first two paragraphs of the act of May 11, 1912, which this bill seeks to amend, in order that the public may be advised of the increases that it is proposed shall be made. I call attention to the fact that under the provisions of that law a person who has arrived at the age of 62 years and served 90 days becomes entitled to a pension of $13 per month. His pension is raised by this bill to $30. If he served 6 months he gets $13.50. It is raised to $30 by this bill. There are pensions provided dependent upon the period of service until he has served three years or over, when his pension becomes $16 per month; that is to say, the pension now provided by the bill for service in the case of those who have arrived at the age of 62 is raised from $13 to $16.

Mr. SMOOT. If the Senator will yield I wish to say to him I do not think there is anyone to whom the age of 62 applies now left on the pension roll.

Mr. WALSH. That is quite probable.

Mr. SMOOT. There are only 2,171 under the age of 72 who are now left upon the pension roll.

Mr. WALSH. The pension provided in the existing law for one who has arrived at the age of 70 years is $18 per month, having served for 90 days; having served for 6 months it is $19 per month; having served for 1 year it is $20 per month, for 1½ years $21.50 a month, for 2 years $23 per month, for 2½ years $24 per month, and for 3 years or over $25 per month.

I ask that this be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $13 per month; 6 months, $13.50 per month; 1 year, $14 per month; 1½ years, $14.50 per month; 2 years, $15 per month; 2½ years, $15.50 per month; 3 years or over, $16 per month. In case such person has reached the age of 66 years and served 90 days, $15 per month; 6 months $15.50 per month; 1 year, $16 per month; 1½ years, $16.50 per month; 2 years, $17 per month; 2½ years, $18 per month; 3 years or over, $19 per month. In case such person has reached the age of 70 years and served 90 days, $18 per month; 6 months, $19 per month; 1 year, $20 per month; 1½ years, $21.50 per month; 2 years, $23 per month; 2½ years, $24 per month; 3 years or over, $25 per month. In case such person has reached the age of 75 years and served 90 days, $21 per month; 6 months, $22.50 per month; 1 year, $24 per month; 1½ years, $27 per month; 2 years or over, $30 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $30 per month, without regard to length of service or age.

That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $30 per month.

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Approved May 11, 1912.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The message also announced that the House further insists upon its disagreement to the amendment of the Senate No. 44 to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEVER, Mr. LEE of Georgia, Mr. CANDLER of Mississippi, Mr. HAUGEN, and Mr. MCLAUGHLIN of Michigan managers at the further conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BYRNS of Tennessee, Mr. EVANS, and Mr. STAFFORD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker pro tempore of the House had signed the enrolled bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, and it was thereupon signed by the President pro tempore.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN. I ask the Chair to lay before the Senate the action of the House of Representatives on the legislative, and so forth, appropriation bill.

The PRESIDING OFFICER (Mr. POMERENE) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MARTIN, Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. SMITH of South Carolina. Mr. President, I am just in receipt of a telegram from the Senator from Oklahoma [Mr. GORE] requesting me to ask unanimous consent that further action on the conference report upon the Agricultural appropriation bill in reference to wheat be postponed until he returns to the city. He is absent attending the funeral of the late Senator from Louisiana, Mr. BROUSSARD, and I make that request.

The PRESIDING OFFICER. Unless there is objection to the contrary, the report will lie on the table.

Mr. SMITH of South Carolina. Yes; I ask unanimous consent that it lie on the table until the Senator from Oklahoma returns.

The PRESIDING OFFICER. It is so ordered.

ADJOURNMENT TO MONDAY.

Mr. OVERMAN. Mr. President, it was developed on the last roll call that there were only 51 Senators present. Several Senators have told me that they have to leave. A good many are away making patriotic speeches and others are absent attending funerals or on official business. Therefore I ask, for I feel compelled to do so, that when the Senate adjourns to-day it adjourn to meet on Monday at 12 o'clock.

The PRESIDING OFFICER. The Senator from North Carolina moves that when the Senate adjourns to-day it adjourn to meet on Monday at 12 o'clock.

The motion was agreed to.

INCREASE OF PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War or in the War with Mexico," approved May 11, 1912.

Mr. THOMAS. Mr. President, I have long since learned from unsuccessful experience that a Senator who opposes legislation of this sort, whatever his motive or the sincerity of his purpose may be, earns little support and less appreciation. Indeed, it is disagreeable to pose as an economist in any direction. So many demands are made upon the Public Treasury of a local and personal character that the practice of uniting these demands in what are called omnibus bills, so that the bill as a composite may represent them all and thus receive sufficient support to obtain a majority vote, only serves to increase the embarrassment of those who oppose them, particularly if the argument is to limit the expenditures of the Government. I say this, Mr. President, with no reflection upon anyone or upon either House, because I know what the influences behind these bills are, and how potent they become when directed to an objecting Senator or Member. As a consequence, it has become impossible to stem the tide of extravagance, of increased expenditure, and of consequent increased taxation.

I had hoped, however, Mr. President, that in such an emergency as now confronts us, when every dollar that can be raised by taxation or by loan is urgently needed by the Government, when our expenditures are reckoned no longer in millions but in billions of dollars, the evident necessity of economizing in every possible direction would be so potent as to compel a spirit of frugality with regard to domestic expenditures that would reduce them to the lowest possible minimum during the continuation of the war.

I had hoped, Mr. President, that consciousness of the fact that pay day must inevitably come and that our obligations are to be met through increased taxation would impel us from a sense of obligation to the producers of this country, who bear the burdens and pay the taxes, to place a limit upon our extravagance, or confine it to those emergencies so palpably evident every day and which are the outgrowth of the demands of war.

But, Mr. President, I must confess to a sense not only of disappointment but of discouragement. This is a wonderfully populous city at present. You can find everything in it except a spirit of frugality, a desire to save. Senators and Representatives are beset every day with schemes, propositions, and enterprises ostensibly necessary or desirable for the prosecution of the war, and presented from every direction having for their immediate purpose a Treasury appropriation, the larger the better, and the representatives and promoters of each scheme endowed with the notion that their particular enterprise must receive immediate financial consideration, if Germany is to be defeated. The employees of the Government in this emergency are unwilling to submit to the imposition of an eight-hour day, and Congress, in obedience to the demand that the present law remain unchanged, have finally submitted.

Demands for increased compensation come from every direction, and, so far as I am aware, in every instance they have been complied with. If there is a single instance the contrary, I trust that those having knowledge of the fact will correct me. The other day the Committee on Appropriations rejected a proposed sum in excess of $4,000,000 for the purchase of a valuable corner in this city upon which the Government is erecting a structure for public uses. Shortly afterwards by Executive allotment that sum was placed at the disposal of the Secretary of the Treasury, and I understand the purchase to have been made. I do not criticize that instance; I cite it as an illustration, and I think an apt illustration, albeit a conspicuous one, of the manner in which the public funds are being used. It was doubtless regarded as essential, yet I think the judgment of the Congress regarding it should have prevailed.

I am surprised that a bill appropriating money for public buildings in different sections of the country has not by this time materialized; that communities which have not yet been blessed with expenditures for those structures should not get into the race "while the going is good," and seize the present opportunity for accomplishing that purpose. It will not surprise me, Mr. President, if such a bill shall materialize before this Congress is over; and it certainly will not surprise me to see it enacted into law.

The rivers and harbors bill—that gray-haired old sinner, whose capacious bosom has carried in days past many and many a successful scheme to secure unneeded money from the Treasury—is as active and vigorous as though it were within the draft age. It has passed the House of Representatives, and I have no doubt will soon knock at the doors of the Senate for immediate consideration, one reason for its immediate passage then to be urged being that it is demanded for "the successful prosecution of the war."

Mr. President, I wonder if any Senator in this Chamber, except the Senator from Utah [Mr. SMOOT], has ventured to make an estimate of the amounts of money so far appropriated by this Congress, and has contrasted the total sum with the revenues upon which we must rely to meet them. Perhaps even the Senator from Utah has not ventured that experiment thus far.

Mr. SMOOT. It is too early in the session to do so.

Mr. THOMAS. The Senator says it is too early in the session, and I agree with him; but I imagine, Mr. President, the aggregate of those appropriations is far beyond our conceptions, extensive as they may be. It is too early to make such an estimate; and between this 19th day of April and the 4th of next July they may be beyond our present conception. I want to know where all this money is coming from, and to ask whether any of us has seriously considered the burden we are placing upon the taxpayers of the next generation?

Mr. President, we are on the road to national bankruptcy if we do not retrace many of our steps. Let us face the fact, and act accordingly. We can not sell liberty-loan bonds forever, for the great financial and industrial reservoirs of this Republic are not exhaustless; there is a limit, and that limit we are approaching. The people of the United States will pay their taxes; they will subscribe to liberty bonds just so long as it is within their financial power to do so, provided the money which they contribute is expended for the prosecution of the war. Many of them are now inquiring whether that is true, and many of them are justified in criticizing the character of some of our expenditures. Some are now showing reluctance to make further contributions until our methods of expenditure shall be, as some of them should be, corrected.

Mr. President, the mightiest empire of modern times is Great Britain. She is the wealthiest nation of all times, in proportion to her population; she is the creditor nation of the world. Her capital has been for centuries the nucleus of every great financial enterprise; her loans have been extended to every nation on earth; her capital was seemingly exhaustless; but, Mr. President, after fighting three years of a modern war, that mighty empire has called upon the United States at this hour to aid her in meeting her Indian obligations and to tide her over a serious situation. We have responded, as we should have responded and as we shall still respond, for the common cause of liberty and of freedom; but this situation should bring home to our minds the tremendous responsibility which we as Senators of the United States must assume and discharge in the appropriations which we shall make during these parlous times, lest the

mighty structure of our credit shall also sink beneath the weight of a common burden and specie payments are suspended, as was necessary during the last years of the Civil War.

Is this a time, therefore, Mr. President, to add a fixed charge of $40,000,000 upon our annual budget unless that addition is absolutely necessary to our present objects and our present obligations? Is this a time to add a dollar to our fixed expenditures that can be properly and decently avoided?

Mr. President, that is what is proposed to be done by this bill, and I am unable to perceive any emergency whatever to justify it. I believe that away down in their hearts all Senators, whether present or not, very largely share that opinion, and I flatter myself that I am voicing their deliberate judgment regarding the expediency of this measure when I say that it ought not to be passed.

Mr. President, this country has been generous and overgenerous to the men who have fought to preserve it. The Government has extended its pension system from time to time, both by general and by special legislation, until every man, including many who have no right whatever to the largess of the Government, and the widow of every man enrolled upon the military records of the Nation during the Civil War have been made its beneficiaries. No demand which I can recall has ever been made, except in a few isolated individual instances, which has not met ultimately with a favorable response. I say "demand," Mr. President, because that is what I conceive these bills to be. They come from a great and powerful organization, which at times has not hesitated to intimate the political power which it wields, to the end that its displeasure may be averted by compliance with its requirements.

Since I have been a member of the Committee on Military Affairs I have had occasion to examine many bills of an individual character whose purpose was to remove the disabilities of the individuals mentioned in them, to the end that they might go upon the pension rolls, and I am sorry to say that in a large number of instances those bills have been favorably reported and favorably acted upon, in consequence of which many men dishonorably discharged from the service have been given the same status as those who enlisted for the war and who fought to the end.

What is the proper conception of a pension system? Does every man who takes up arms for his country impose a contract obligation upon it for his support ever after? Does every man who fights for the Republic do so because of the financial reward which may come and which does come in the form of pensions? I do not want to believe it, and yet, Mr. President, the history of pensions in the United States discloses a mercenary side, which it is difficult to reconcile with the lofty spirit of patriotism. Democrats and Republicans, as they have from time to time alternated in control of this Government, have competed with each other in the alacrity with which they have met these demands, and have claimed all the political advantage that could be reaped therefrom, just as they are now competing with the organized civil service of the United States to secure their political support through the medium of similar legislation.

Mr. President, I deny the general proposition—and I think I can successfully do so—that pensions are given for the purpose of supporting families or individuals, except in rare instances where great disability resulting from wounds or from insidious disease contracted during service renders the recipient incapable of caring for himself. A pension is a badge of honor, or it was in the days gone by, and I wish it could be said that it was a badge of honor now, but when given indiscriminately to everybody whether serving 90 days or 3 years, whether on the field or in the departments, whether in the ranks or in the Quartermaster's Bureau, the contribution is robbed of its aspect of honorable distinction and sinks to the level of commercialism.

I have had occasion, Mr. President, several times, to oppose, as best I could, appropriations which seemed to me to be extravagant or unnecessary. The senior Senator from Utah [Mr. SMOOT] has cooperated, except upon occasions when pensions were involved, and then I have noticed that the Senator's principles of economy always yield to the demands of the pensioner.

Mr. SMOOT. Civil War pensioners.

Mr. THOMAS. Well, no; I will not confine my criticism—my "comment" perhaps I should say—to Civil War veterans, for I recall that the Senator was extremely active in securing the extension of the law giving pensions to men engaged in Indian warfare, not only during the Civil War but before and after, some of the campaigns occurring before the Civil War being of questionable merit to me; but the bills have gone through. I regret, therefore, that the Senator, with his ability, his tenacity, and his unapproachable industry, not only in his attention to senatorial duties but to his private affairs, is not with me upon this occasion, because I know that if he were there could be but the one outcome to this bill.

Mr. President, if I understand the basis upon which this bill is to be supported, it is that, owing to the increased cost in living, the beneficiaries of the proposed legislation are unable, because of their age and their lack of resources, to meet present-day conditions and may, therefore, suffer greater or less hardship. To that there are two answers. The first is that the proposed increase is insufficient for such a purpose. I believe that the maximum pension to be granted is $40 a month. There are some, perhaps, who can live upon that amount of money. The man who can do it at present, however, is to my mind as distinct a patriot as the man who is carrying a musket in the French trenches. The man who upon $40 a month can support a wife, to say nothing of children, deserves a medal equivalent to the French Croix-de-Guerre. He exhibits a degree of self-denial and of heroism that should stand as a shining light in these days of crass materialism and selfishness. It is occasionally done, but not very frequently. Hence we are not pretending here to give the beneficiaries of this bill any sum of money which is equivalent to their needs, provided—and I must assume that to be the fact—that they are reliant upon the largess of the Government.

The other answer is this: At the request of the members of the Grand Army of the Republic—and that request has always met with a warm response in my bosom—the Government of the United States and the States, respectively, have built a long chain of soldiers' homes, endowed and supported at the public expense, comfortable and attractive, to which every veteran of the war, whether he fought for the North or for the South, may have access in his old age at any time he desires. I was very much surprised some time ago to receive a letter from a constituent of mine asking me to introduce a bill to double his pension, because he said if it was not doubled he would have to go to a soldiers' home, and he did not want to endure the disgrace and humiliation of entering a sanctuary built for that express purpose so long as it was possible for him to be supported by the Government outside of it. I know that to a proud man such a refuge does not appeal very strongly; but these are far different from other institutions of similar character. These have stamped upon them not only in the legislation itself and in the requests upon which they were based but in the manner of their operation, a difference which means all the distinction between the enjoyment of an honest livelihood and the acceptance of alms and pittances from the public. Consequently, I am out of sympathy—I must be out of sympathy—with that sentiment which, after these homes have been instituted, sees disgrace and humiliation in taking advantage of them.

Mr. President, in these days when we are expending money by billions of dollars, and when our daily outlay is greater than the sum necessary to pay all the annual expenses of the Government during the early years of its existence, forty millions does not seem to be very considerable. To the Treasury of the United States that is a bagatelle, but considered in the abstract the sum is prodigious; and when we consider that the annual pension charge under existing laws mounts up to something like $200,000,000, the addition of 20 per cent, or forty millions more, gives one a fair idea of what the sum stands for.

Forty million dollars, at $10,000 a mile, would build 4,000 miles of railroad, and there are very few institutions outside of the great transportation companies and the great steel and other combinations whose capital comes anywhere near the sum of $40,000,000. Some of the States have revenues very far less than that sum. Indeed, I may say with perfect truth that the majority of the States enjoy annual revenues nowhere near that amount of money.

Where is it coming from, for this is but one of many items in our list? Why should we legislate now for this increase of expenditure? I think I am correct in saying that every appropriation bill so far becoming a law and every appropriation bill pending in the committees show increases over those of the last fiscal year. Many of them contain items that are novel, in the sense that they have not appeared in previous appropriation bills. Where is the money coming from to meet these new obligations, in addition to the vast sums that we are raising for our immediate pressing necessities?

It must be raised either by way of loans, which means a deferred debt, or by way of taxation, which means immediate sacrifice. I think the total assessed valuation of the property of the United States amounts to something like two hundred thousand millions of dollars. Our expenditures up to the present time are desperately near twenty thousand million dollars, and a year from now they will be two or three times that sum of

money. We must either pay the score or we must repudiate it. Which shall we do? Which must we do when the time comes for final action?

It does not concern me, except in so far as my duties require me to speak of it, because I have nearly reached the period of threescore and ten, and there is a time when all activity ceases; but I am concerned for posterity, for nations are led into bondage more frequently by the burden of debt than through the power of the sword. Nevertheless we are going right ahead here expending money for all conceivable objects upon the theory that they are immediately necessary for the public good.

Mr. President, one afternoon during the discussion of the Agricultural appropriation bill, and immediately after an unsuccessful attempt to do away with what seemed to me to be a wholly unnecessary appropriation, I became possessed with a spirit of cynicism, so I took my pen at the desk here and sketched the outlines of a fable. I might well close this discussion by reading it:

A FABLE.

"Once upon a time, when Uncle Sam was youthful, he had to make his own way in the world. He was therefore careful to live within his income. Being thrifty, he amassed wealth sufficient for all his purposes, albeit these were many. In those days his money vaults were guarded by faithful and courageous animals called 'watchdogs of the Treasury.' Then, as now, Uncle Sam's increasing family was divided into factions bearing attractive and inspiring appellations. He committed the management of his affairs first to one and then to another of these factions as their changing preponderance in numbers required. Each of these factions championed economy with great vociferation, and each claimed a monopoly of the virtue. Both had their watchdogs, who succeeded with their masters in the guardianship of the Treasury. Hence, Uncle Samuel took no great concern as to the safety of his strong box, and especially since the watchdogs on duty were watched in turn by the dogs in temporary retirement.

"Moreover, each of Uncle Sam's factions contended that its watchdogs were the only thoroughbreds, and those of the opposition were mongrels and coyotes masquerading as dogs of pedigree. Uncle Sam was pleased with this situation, since theft or misappropriation would be detected and exposed by factional self-interest, promptly followed by an early and complete substitution of watchdogs.

"As time progressed, these great factions established the custom of holding quadrennial 'pride and alarm' meetings. They were so called because the factions at these meetings always paraded their own virtues and watchdogs with great pride and viewed the vices of the other faction and its watchdogs with great alarm. They also compared each his own economies in past administration of Uncle Sam's fiscal affairs with the reckless extravagances of the other faction. So common has this formula become that it has persisted down to this hour. No 'pride and alarm' meeting of either faction would be complete were these terms eliminated from its public announcements.

"These watchdogs guarded the Treasury and watched each other with great success for many years. Through the mutual rivalry and suspicions of their owners Uncle Sam's accumulations waxed fat and became more and more alluring. As time passed, and these accumulations multiplied, the financial virtue of the factions was gradually but surely disintegrated by the temptation to divide and enjoy them. They gazed more and more avidly at the vaults which contained them, and more and more reproachfully at their vigilant watchdogs keeping sentinel over them. The barriers of their moral resistance finally yielded to the unremitting pressure of opportunity. So the watchdogs were gradually toiled away from the Treasury portals and tied in the backyards, where they were starved and their breed finally extinguished. Canines of different quality have been substituted for them. They watch the Treasury, but only to ascertain whether anything is left in it or about to be put in it. They do not watch those who need watching, but they watch for them. Their olfactories quiver with no sense of the possible proximity of marauders, but with the joy of a prospective continuous feast, whose abundance may partially satisfy the insatiate demands of their unappeasable appetites.

"Theirs is the policy of 'the open door,' and the more doors the better, and the fecundity of the breed is beyond computation. It multiplies but does not replenish the earth. They can not be classified as a species, for their shapes are protean. They have just one line of vision, and that embraces the Federal Treasury. Their motto is 'Let no guilty dollar escape.' Their pretexts for public contributions are countless as the sands of the seashore. They are as prolific of them as Germany is of spies. In their progress toward Treasury exhaustion they have sheltered under the roof of the National Treasury all the birds of the air, the beasts of the field, the fishes of the waters under the earth, and the multitudinous swarms of insectivorous life. They inspire Federal employees and men who heard the guns of the enemy from cloistered sanctuaries during the Civil War to help themselves and welcome. They have devised revolving funds which do not revolve and can not do so. They are incapable of turning over. They are called revolving funds because they are all large, round ones. But their spheres become segments as soon as they emerge from the Treasury doors.

"The war has quadrupled the breed and multiplied their pretexts many fold. Discovering and utilizing them constitutes the principal source of competition between Uncle Samuel's factions. The things which have become and are becoming necessary, or which are said to contribute to the successful prosecution of the war, enhance within their scope the Garabed scheme to harness natural energy and purchases of imaginary homes for homeless Indians. The hungry, howling, clamoring pack has surrounded the Treasury, burrowed under it, and swarm all over the roof.

"Time is fleeting. It creates opportunities, but it bears them along its hurrying tides. This war is opportunity, and all wars must end some time. Hence, other avenues to the money vaults, all of them either necessary or contributing to the prosecution of the war, must be devised and pressed to the limit right now. The field has been pretty thoroughly gleaned, but here and there a stray peppercorn may be uncovered and developed. It may still be possible to secure appropriations to teach the taxpayer the difference between pulling his tooth and pulling his leg, and why he should howl at the one and smile at the other; to investigate the habits and hereditary tendencies of the tumblebug and the lightning bug, and ascertain why the one pushes in one direction and looks in the other, while the latter hangs his lantern upon his rear and then flies ahead; to study the vagaries of the lobster, and make him quit blushing when he is boiled; to develop eating crow from an infliction to a pleasure; to study the habitat and the anatomy of the skunk and teach him to use only blank cartridges in polite society; to devise plans for abolishing toil and making idleness productive; to study the maladies of the skin and ascertain why measles break out and shingles strike in. Other suggestions occur to the mind, but let these suffice as specimens.

"Every fable should involve a moral. This is an exception. It dimly suggests that watchdogs must watch out lest they be trampled by the multitude, and that political parties should always wink the other eye when quadrennially denouncing each other for squandering public money with reckless extravagance."

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The bill is in Committee of the Whole and open to amendment.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Chamberlain	Harding	Nelson	Thomas
Culberson	Henderson	New	Tillman
Cummins	Hollis	Norris	Townsend
Curtis	Johnson, Cal.	Overman	Underwood
Dillingham	Jones, Wash.	Pomerene	Walsh
Fall	Kellogg	Saulsbury	Warren
Fletcher	Lodge	Sheppard	Watson
France	McCumber	Shields	Williams
Frelinghuysen	McKellar	Smith, Md.	Wolcott
Gallinger	McNary	Smoot	

Mr. SHEPPARD. I desire to announce that the Senator from Virginia [Mr. SWANSON] is absent in the liberty-loan campaign.

Mr. POMERENE. I wish to announce that the Senator from Louisiana [Mr. RANSDELL], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Arkansas [Mr. KIRBY], the Senator from Kansas [Mr. THOMPSON], the Senator from Oklahoma [Mr. GORE], the Senator from Montana [Mr. MYERS], and the Senator from Colorado [Mr. SHAFROTH] are detained in attendance on the funeral of the late Senator BROUSSARD. I wish also to announce that the Senator from Kentucky [Mr. JAMES] is necessarily absent, owing to illness.

Mr. HOLLIS. I desire to announce that the Senator from Missouri [Mr. REED], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Arizona [Mr. SMITH], the Senator from West Virginia [Mr. SUTHERLAND], the Senator from New Mexico [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Utah [Mr. KING], and the Senator from Wyoming [Mr. KENDRICK] are detained in attendance on the funeral of the late Senator STONE. I also wish to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names, not a quorum. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRANDEGEE, Mr. PITTMAN, Mr. STERLING, and Mr. TRAMMELL answered to their names when called.

The PRESIDING OFFICER. Forty-three Senators have answered to their names, not a quorum.

Mr. THOMAS. It is quite evident that we are not going to be able to maintain a quorum, and I move that the Senate adjourn.

Mr. SMOOT. I think we can secure a quorum if the Senator will allow a motion to be made to direct the Sergeant at Arms to request the attendance of absent Senators.

Mr. THOMAS. Very well; I will withdraw the motion.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a delay of a few minutes,

Mr. SMOOT. From information I have received since the order was issued by the Senate it will be impossible to secure a quorum. I do not want to hold Senators here longer knowing that to be a fact. Therefore I ask that the order of the Senate requesting the attendance of absent Senators be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OVERMAN. There are reasons for the absence of Senators. Many Senators are absent on official business and others on patriotic business during the week end. Therefore I feel compelled to move an adjournment. I make that motion.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 22, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 19, 1918.*

The House was called to order by the Speaker pro tempore, Mr. KITCHIN, at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We invoke Thy blessing, Almighty Father, upon this body of representative men, here for the purpose of enacting laws for the guidance of a great and growing people, now engaged in a struggle for human rights.

Grant that in all their deliberations they may be actuated only by the highest considerations of right, truth, justice, equity; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent to take from the table the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, with Senate amendments, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. GOOD. Mr. Speaker, reserving the right to object, I observe that in making the appropriation for clerk hire for Senators the Senate has made great increases. The increase is attempted in two ways. One by paying clerks salaries from the contingent fund, thereby increasing the contingent fund of the Senate by a good many thousand dollars. Then by direct appropriation the number of their clerks is increased. Already each Senator, as I recall, has about $4,800 for clerk hire. Take the Committee on Ways and Means of the House, for example. As I recall the facts, that committee has clerk hire aggregating about $8,000, speaking only in round numbers. By this new arrangement the Finance Committee of the Senate, the similar committee in that body, has clerk hire aggregating about $14,000 or $15,000. Everyone knows that bills coming from this committee must originate in the House, and without any disparagement of the great work done by the Finance Committee of the Senate, I think it is safe to say that at least as much work is done in the Committee on Ways and Means of the House as is done by the Finance Committee of the Senate. Why then this discrepancy in clerk hire? Just at this time when every one is being called upon to give financial support to the Government, it does seem to me that the legislative branch of the Government ought to conserve where it can. I was surprised to learn what the Senate had done in this respect, and I wanted to ask the gentleman whether or not he would be willing to bring these items back to the House and give us opportunity to consider them, inasmuch as the Senate a year ago absolutely brushed aside the rule, that had hitherto obtained, by which the House would regulate its affairs so far as its expenditures were concerned, and the Senate would regulate its. The Senate violated that rule last year, and I understand that now we have a perfect right to inquire into these increased appropriations for clerk hire so far as that body is concerned.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. GOOD. Yes.

Mr. COX. Does that increase apply to all of their clerks over there or only to the Finance Committee?

Mr. GOOD. It applies to all of them.

Mr. BYRNS of Tennessee. Mr. Speaker, in so far as the Finance Committee of the Senate is concerned, the gentleman is evidently referring to the bill that was reported from the committee. There was a considerable increase recommended by the committee, but that was stricken out on motion of the committee in the Senate. It was not agreed to. I do not find that there is any increase in the bill as it passed the Senate for the clerical force of the Finance Committee. It is true that the Senate has considerably increased the expenditures for clerical services for Senators.

Mr. GOOD. I could not get a copy of the bill as it passed when my attention was called to it by the remarks of Senator MARTIN, made on the floor of the Senate, from which it appeared that action had been taken very materially increasing the clerk hire of the Senate. I would ask the gentleman if that is not correct?

Mr. BYRNS of Tennessee. That is correct. There is an increase in the bill as it passed the Senate of something over $26,000 to provide clerks for Senators who are not chairmen of committees. That is over and above the appropriation of the current year of $105,600 for a similar purpose. Then I understand the Senate has adopted a resolution providing for an extra clerk for each Senator at $1,200 per year, to be paid out of the contingent fund. That is my understanding.

Mr. GOOD. Formerly the contingent fund of the Senate was $50,000. That was increased to $140,000, of which $40,000 was to be immediately available, which was to pay for the increased clerk hire up to the 1st of July.

Mr. BYRNS of Tennessee. The gentleman assumes that, and he may be entirely correct. I do not know just why they need the $40,000 now unless it be to meet the expenditures required under that particular resolution. I may say to the gentleman that the resolution adopted by the Senate, I suppose, expires by limitation on July 1, and it would probably be necessary to adopt another resolution for next year.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a few observations?

Mr. BYRNS of Tennessee. Yes.

Mr. MONDELL. Mr. Speaker, in connection with the matter to which the gentleman from Iowa [Mr. GOOD] has referred—that of the practice of economy by the House in the matter of clerks, whereas the Senate is quite liberal toward its own Members in that respect—it should be remembered that there are some Members here who represent an entire State, who have the same responsibilities in regard to looking after the affairs of their people that two Senators have. There are also States in which there are the same number of Members that there are Senators.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. In a moment. It has occurred to some of us that this situation should be taken into consideration—not that there should be any effort to discriminate or differentiate in favor of the Members so situated, but at least that is a matter that is entitled to consideration in connection with the question of clerks and clerk hire. I see several gentlemen before me, on the other side, who are from States having no more Members than Senators. In view of such representation, it is to be assumed they have quite as much to do as a Senator in the way of correspondence and attention to affairs in their districts. Gentlemen at the other end of the Capitol seem to think that they are entitled to clerk hire and assistance to the tune of $5,000 and upward. The notion of economy seems to be confined entirely to the House, where the maximum allowance to a Member without a committee is $2,000. I do not care to refer to my own experience in that regard, but it illustrates a

situation such as I have referred to. I have been laboring under the disadvantage of having an allowance of only $1,500 per annum for clerk hire until very recently; now it is $2,000. As the Representative of an entire State, I think I have as much work and correspondence as a Senator from any State. I do not assume the Senators have too great an allowance, but they have almost treble our allowance for clerk hire.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. MONDELL. The gentleman from Tennessee has the floor. With his permission I will yield.

Mr. DOWELL. Did not the Senate merely insist upon the clerks to Members of the House being placed upon the pay roll, and is not that the question that the Senate insisted upon?

Mr. MONDELL. Well, whether or not that was the question, I should say if it was, with all due deference to the honorable body at the other end of the Capitol, the House should decide and not the Senate.

Mr. DOWELL. Is not it also true——

Mr. MONDELL. Personally, I am entirely agreeable to that arrangement, and am, in fact, in favor of it, but it is an arrangement that the House should settle for itself.

Mr. DOWELL. Is not it also true, by reason of the increase of pay that was accorded employees, that the clerks of the Senate who were on the pay roll have been increased by reason of that legislation, and the clerks of the Members of the House are not affected by it and get no increase? Is not that true?

Mr. WALSH. Will the gentleman from Tennessee yield?

Mr. BYRNS of Tennessee. I do.

Mr. WALSH. The gentleman from Wyoming has made some reference to Members on the other side of the House who represent as much territory and as many people as Senators do. Of course, I know that he is aware of this fact, but because of his modesty would not express the hope, which we all indulge in on this side of the House with mingled feelings of regret and joy, that some of those gentlemen on our side may soon have opportunity to participate in this increased allowance for clerk hire in the other branch of the Congress. [Applause.]

Mr. MONDELL. I am told there are gentlemen on this side and the other side who have such ambition, and I thank the gentleman on their behalf for his kindly words and wishes.

Mr. FORDNEY. If the gentleman will permit, I understand arrangements have been satisfactorily made to correct the situation in the next Congress in the State of Wyoming; so it does not apply to the State of Wyoming. [Applause.]

Mr. GOOD. Mr. Speaker, if the gentleman from Tennessee will permit me further, I will say that I have been looking through the bill, and I find it is a fact that the House did not increase, as I recall it, by a single dollar the amount which we have appropriated for clerk hire, including clerks, messengers for committees of the House; but the Senate for next year has increased this allowance by $128,000 and more. Now, it seems to me that a matter of that kind ought to be brought back to the House and we ought to have some reason for that stupendous increase. Certainly there will be no greater work on the part of the Senate correspondingly than there will be on the House for the next year over the past year.

Mr. BYRNS of Tennessee. The gentleman understands, of course, when questions arise as to appropriations of this character the claim is always made that each House should be permitted to settle that for itself. Now, personally, I do not entirely subscribe to that idea, because we all, of course, are responsible for these appropriations; but that has been the custom that has been adopted heretofore, and has usually prevailed. I would not like——

Mr. COX. Will the gentleman yield? Reserving the right to object, if the gentleman from Iowa is through——

Mr. GOOD. I am through.

Mr. COX. I want to ask the gentleman who is in charge of this bill in regard to amendment 90, stricken out by the Senate, and particularly to what is known here as the Borland amendment, which was adopted, as I recollect, by a very large majority. I do not see the gentleman from Missouri [Mr. BORLAND] on the floor this morning.

Mr. KEATING. Will the gentleman yield?

Mr. COX. For a question; yes.

Mr. KEATING. I wanted to ask the gentleman if the gentleman from Missouri had been on the floor since the Borland amendment had been adopted?

Mr. COX. Well, I do not know anything about that, but I think perhaps he may be away attending the funeral of Senator STONE. I would like to ask the gentleman whether or not before the conferees between the House and the Senate agree on that Senate amendment if he will bring it back to the House and give it a chance to express its opinion upon it?

Mr. BYRNS of Tennessee. I will say, Mr. Speaker, in reply to the gentleman from Indiana, that, speaking for myself—and I believe the other conferees will agree with me as to that particular amendment—that inasmuch as it was passed on by the House and a record vote taken——

Mr. KEATING. No; the gentleman is mistaken; we have had no record vote on that proposition.

Mr. COX. We had a division vote.

Mr. KEATING. We had a division vote, but no record vote, because there was no opportunity to secure one.

Mr. BYRNS of Tennessee. My recollection was that we had a record vote, but the gentleman from Colorado corrects me——

Mr. KEATING. I mean by a record vote there was no yea-and-nay vote.

Mr. COX. Well, while there was no yea-and-nay vote, there was a division vote in the House, and I would like to ask the gentleman whether, as he is one of the members of the conference committee, he will bring that amendment back to the House and give it a chance to express its opinion upon it?

Mr. BYRNS of Tennessee. Well, in view of the difference of opinion that exists in the House as to whether or not that amendment should be adopted, and considering the debate that occurred during the consideration of this bill and the efforts made heretofore to adopt it, personally, I say to the gentleman, that I feel as if the House ought to have an opportunity to express itself one way or the other. I speak for myself as one of the conferees, and I assume that the other conferees will feel the same way about it. But I hope the gentleman will not insist upon any rigid promise to bring any particular amendment back.

Mr. COX. I will not.

Mr. BYRNS of Tennessee. Because I think the gentleman can rely on the fact that the conferees will undertake to the best of their ability to see that the wishes of the House are carried out.

Mr. COX. I think the House should have an opportunity to frankly express its opinion on that before the House yields to it.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. EMERSON. How much does the appropriation this year exceed the appropriation of a year ago?

Mr. BYRNS of Tennessee. The appropriation bill of a year ago carried, in round numbers, $39,000,000. The bill for next year, as it passed the House recently, carried a total of $69,500,000, and it carries over $70,000,000 as it passed the Senate.

Mr. EMERSON. It seems to me there should be a saving at this time, if possible. I have a letter from a constituent protesting against increasing expenses during the period of the war and expressing the opinion that we should confine ourselves to necessities. My constituent says:

APRIL 15, 1918.

Hon. H. I. EMERSON, M. C.,
Washington, D. C.

DEAR SIR: You will find inclosed the seeds which you sent me. These are war times, and the Government needs every cent to win the war.

We will all have to pay lots of tax and buy many bonds, but I, for one, am not for asking people to buy bonds to pay for seeds for Congressmen. Cut out the extras until after the war—forever would be better.

Very truly, yours, H. S. HART.

Mr. BYRNS of Tennessee. The gentleman will understand that this large increase represents the salaries necessary to be paid to the greatly increased number of clerks who have been brought here on account of the war. It is a condition that would not exist in normal or peace times.

Mr. EMERSON. In this bill?

Mr. BYRNS of Tennessee. Yes; in this bill.

The SPEAKER pro tempore. Is there objection?

Mr. SANFORD. Reserving the right to object, the Senate has included an amendment providing for 50 additional policemen, and they insert the very peculiar provision that the appointment to these positions shall be made on account of efficiency and special qualifications. I would assume that all public officers were appointed on account of efficiency or special qualifications without that amendment, but I would like to ask the chairman if he has any idea as to how that efficiency or special qualification should be determined in selecting policemen to guard the Capitol at this time, and whether he intends to give the House a chance to express itself on that subject?

Mr. BYRNS of Tennessee. I will say to the gentleman that there is no question in my mind but that at this particular time there is a necessity for an increased number of police to guard the Capitol and the Office Buildings. The gentleman will recall that it was omitted from this bill as it passed the House, for the reason that it was expected to make provision in the sundry civil bill for the appointment of additional police or guards through the Superintendent of the Capitol. The Senate

seems to be of the opinion that those appointments should be made through the Sergeant at Arms of the respective Houses.

Mr. SANFORD. I will agree with the gentleman that there should be additional guards in the Capitol and should have been last year, but is there any reason why policemen should not be selected to guard the Capitol by the method which is now universally accepted as the only method of choosing policemen, namely, through the civil service? Should the Capitol of the United States be the one place in the United States where the patronage system is now used in the choosing of policemen?

Mr. BYRNS of Tennessee. There is this reason, so far as this particular increase is concerned: These policemen who will be put on if the increased appropriation is made are temporary. In other words, it is not expected that they will be needed after the present condition of affairs has passed away, or after the war is over. This is simply an emergency provision.

Mr. SANFORD. Does the gentleman think that this Senate provision in regard to the selection of these particular policemen, that they should be appointed on account of efficiency and special qualifications, is a reflection on the policemen that we now have?

Mr. BYRNS of Tennessee. I am sure it is not a reflection. So far as I know, all our policemen are efficient.

Mr. SANFORD. Does the gentleman think it is a reflection on the House to maintain a police force at this time to guard the Capitol, a force which is appointed by the patronage system? Is there any city in the United States where policemen are now chosen in that way?

Mr. BYRNS of Tennessee. Of that I am not advised.

Mr. SANFORD. It has been discredited all over the United States except in this Capitol.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will have to ask for the regular order.

The SPEAKER pro tempore. Is there objection to the unanimous-consent request of the gentleman from Tennessee [Mr. BYRNS]?

There was no objection; and the Speaker pro tempore announced as the conferees on the part of the House, Mr. BYRNS of Tennessee, Mr. EVANS, and Mr. STAFFORD.

MAIL OF SOLDIERS AND SAILORS ABROAD.

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. Before the naval bill is taken up I desire to ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, the matter of soldiers' mail is receiving the attention of Congress. It is natural, of course, that a soldier should desire to communicate with his relatives and that their relatives should desire to hear from the boys at the front. In this connection I send to the Clerk's desk to have read a letter which presents a very interesting, if not a startling, phase of this question.

The SPEAKER pro tempore. The Clerk will read the letter.

The Clerk read as follows:

NATIONAL PRESS CLUB,
Washington, April 19, 1918.

Hon. J. HAMPTON MOORE,
House Office Building, Washington, D. C.

DEAR MR. MOORE: Here are the facts in the case we were discussing this morning.

Frank C. Dodge, 37 years old, born at Barrington, R. I., son of John W. Dodge, in the oyster business at Barrington for 45 years. Mr. Dodge's ancestry dates back to the early settlers of New England.

He was a member of the Seventh Cavalry during the Spanish War. He was 15 years captain of oyster boats and schooners in Narragansett Bay.

August 15, 1917, the United States Shipping Board established at Providence, R. I., a free Government nautical school to train seamen for officerships aboard the merchant marine. Mr. Dodge was one of the first volunteers to take this course. He graduated and was given a third mate's license.

He was assigned first to the *Minnesota* and made a trip across through the war zone.

On his second trip he was aboard the steamer *Harry L. Luckenbach*, and the *Luckenbach* was torpedoed on January 3, 1918, off the coast of France. He took to the lifeboats, and the German U-boat shelled the lifeboats. One shell hit the lifeboat in which Mr. Dodge had been taken. A piece of flying timber broke his left wrist and bruised several ribs on the left side. He was thrown into the icy water, and was in it for 3 hours and 40 minutes when picked up by a French torpedo-boat destroyer. He was taken to Nancy, France, and later transferred to a hospital in Paris for five weeks. After recovering sufficient strength, Mr. Dodge visited some of the towns and cities in France, and while in Saint-Nazaire, France, discovered, much to his delight, that many of the Rhode Island boys in the artillery regiments and motor corps were billeting in the town. Many of them requested that he bring back letters to their mothers, fathers, brothers, sisters, relatives, friends, and sweethearts. He brought over about 26 such letters, and on the back of these wrote, "Kindness of Officer Frank C. Dodge, West Barrington, R. I." He was happy to bring back a personal message to the folks here. Mr. Dodge delivered these letters, paying car fare out of his pocket, and found that the mothers, fathers, etc., were wild with joy to hear directly and personally from their sons.

On April 7 Officer Dodge, having recovered strength from his injuries, was back in New York ready to be assigned to another troop ship. He was informed that the Federal authorities in Providence were going to make a case against him for violating that section of the trading-with-the-enemy act prohibiting the bringing of uncensored letters to this country. He went back to Providence of his own accord to await any action that might be taken against him. He was arrested in Providence on a warrant charging him with bringing over uncensored letters and placed under a $5,000 bail. Of his own accord he told agents of the Department of Justice in Providence just where they could locate his baggage in New York City, and told them the names of the people to whom he had brought letters over. He attempted to conceal no information from the authorities, and frankly told them he did not know any such law existed, and that he was sorry if he had technically violated any law, and that in bringing over the letters he thought he was doing a bit of human kindness for brother fighting men and lifelong friends.

Now, the status of the case is that a warrant is against this man's good name, and the United States Shipping Board's officials in New York refuse to let Mr. Dodge sail in his country's transport service until the stigma which has been unjustly placed against his good name is eliminated. He has been held for the action of the Federal grand jury in Providence, which meets May 21. At first officials in Providence refused to permit him to sail until after the grand jury had considered his case, but finally, through the interest of many friends, the district attorney consented to let him sail. But the officials of the United States Shipping Board in New York having heard of the arrest refused to give him his shipping papers.

Respectfully, your friend,

JEROME STUART PRICE.

Mr. MOORE of Pennsylvania. Mr. Speaker, the writer of that letter is a member of the National Press Club, now attached to the staff of the Providence (R. I.) Journal.

I would not interfere with the ordinary course of the law. Whatever is the law should be enforced. But here is a case where warning should be given to the soldiers and sailors who are facing the dangers of war of the legal pitfalls that confront them if they attempt to communicate with their relatives on this side of the water in any manner except as laid down by the regulations of the Army and Navy. Here is a man with the qualities of a hero, who has done "his bit" for his country, and who must now suffer for it because out of the kindness of his heart he endeavored to bring tidings from his chums in Europe to the friends on this side who are longing to hear from their loved ones. His arrest is a part of the secret service system with which we have to deal in the United States. On the face of it, it seems harsh that such a man should be denied the further opportunity to serve his country. I desired to have the letter read as a note of warning——

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman may have two more minutes.

Mr. MOORE of Pennsylvania. I bring it to the House as a note of warning to all soldiers and sailors to be careful about their correspondence. They should be protected against a repetition of the Providence case.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill (H. R. 10854); and, pending that motion, I wish to see if we can make an arrangement with reference to general debate. I would like to ask the gentleman from Pennsylvania [Mr. BUTLER] if it would be agreeable to him, and also to the House, if he would join with me in a request to the House to dispense with all general debate and proceed with the consideration of the bill under the five-minute rule?

Mr. BUTLER. Mr. Speaker, does the gentleman make that request?

Mr. PADGETT. Yes.

Mr. BUTLER. In order that I may say a word, I will reserve the right to object. I do not propose to object, however, because I appreciate the urgency of this measure. But a number of gentlemen have asked me to secure time for them, and I promised to do it. So may I ask the gentleman to include in his request that after this bill has been passed and sent to the Senate general subjects may be discussed by this side of the House for two hours? A number of gentlemen who never consume any time in the House have something to say, and, appreciating their wishes, I made the promise that I would endeavor to obtain time for them. But within the last 24 hours we have been notified of the absolute urgency of the

passage of this measure. If the gentleman will include that in his request, that will be entirely satisfactory. I will exclude next Monday, because I understand that has been set aside for another purpose.

It is desirable that we pass the naval appropriation bill as promptly as possible, discussing it under the five-minute rule and amending it where it should be amended, but that we send it to the Senate promptly, where the chairman of the Naval Affairs Committee has assured us, after conversation with some of the Senators, that the measure will be considered by the Senate in a very, very short time. Will the gentleman be willing to add that to his request?

Mr. PADGETT. I want to say to the gentleman that my desire is to get immediate consideration of the bill, and to give an illustration to the country that we can take up a war bill and deal with it in a business way, and put it through without having outside discussion intervening to prevent the early and prompt passage of war measures.

Mr. BUTLER. It was for that very purpose that I made the proposition to defer the discussion of general subjects until after the passage of the bill.

Mr. PADGETT. So far as I am concerned I am perfectly willing, if it meets the pleasure of the House, to have two hours set aside for gentlemen on that side and two hours for this side, if it is desired, for the discussion of the state of the Union after this bill has passed. That practice prevailed in the early history of this House, and I believe that once since I have been a Member here there was a day set apart for discussion of questions under the state of the Union, upon the request of Mr. Galusha A. Grow.

Mr. BUTLER. Mr. Speaker, I would like to say to the gentleman from Tennessee that I have here a memorandum of the requests made of me for time. If all these requests are complied with, we will need on this side of the House fully five hours' time, and I am assuming that there will be that much time needed on the other side. Now, I believe that all the members of the Naval Affairs Committee agree that we ought to move with the greatest expedition to secure the passage of this measure, and they have foregone any requests for time in general debate.

Mr. PADGETT. Would it be agreeable to the gentleman that a night session be held for the purpose of general debate?

Mr. BUTLER. I am not much in favor of night sessions.

Mr. McLAUGHLIN of Michigan. Or Sunday! [Laughter.]

Mr. BUTLER. The gentleman from Tennessee has put a hard question to me. I would have to go around to these gentlemen to find out whether they would be willing to postpone their bedtime and stay here at night. I assume that if we go into this unlimited general debate we will not be able to reach the consideration of this bill under the five-minute rule before next Tuesday, and I know the gentleman from Tennessee will agree with all of us that expedition is the one thing necessary. When we get into the Committee of the Whole, we will be able to satisfy Members that the statement I have made is not an exaggerated one. These troops must be sent abroad, and they can not be sent until you pass this bill.

Mr. PADGETT. Did the gentleman from Massachusetts [Mr. WALSH] desire to make a request?

Mr. WALSH. The gentleman from Massachusetts desires to reserve the right to object. Mr. Speaker, I appreciate that expedition in the passage of any measure is necessary. The request which has been proffered involves rather a revolutionary proceeding, particularly during recent days in Congress, namely, to pass a bill and then talk about it afterwards. Now, two hours for general debate after the bill is passed will take just as long, just as many minutes, as before the bill is passed, and after this bill is passed there are other measures of just as much urgency as this. I have gone over the bill fairly carefully, and I can not find very many appropriations which are to be immediately available. If this measure is passed by both branches of Congress and becomes a law by the 30th of June, that seems to be all that is necessary.

Mr. PADGETT. May I interrupt the gentleman a moment? Every appropriation in this bill is made available by a general provision at the end of the bill.

Mr. WALSH. Then that is one of the few pages that I had not reached in going over the bill. Let me say to the chairman that I trust he will not plunge into the five-minute debate without himself making a short preliminary general explanation of the measure. Then after he does that, let us go ahead and read the bill under the five-minute rule.

Mr. PADGETT. The request of the gentleman from Pennsylvania [Mr. BUTLER] was for debate upon matters not connected with this bill, in order that gentlemen might have an opportunity to speak upon other matters.

Mr. WALSH. I do not want them to talk about anything except the bill.

Mr. PADGETT. I know; but the gentleman asked for that, and under the rules they could speak upon matters not pertaining to the bill. I wanted to expedite the passage of the bill and to help the gentleman get permission that Members who desired to speak might do so at some other time.

Mr. BUTLER. Mr. Speaker, four of the gentlemen who made requests for time have sent word to me that they will not stand in the way of the immediate passage of this bill. Therefore I withdraw the request I made, and will ask the chairman to proceed as quickly as he knows how. [Applause.] I promise these gentlemen now that since they have been so generous in this matter I will endeavor to get them an opportunity to speak later.

Mr. WALSH. May I ask the chairman of the committee a further question?

Mr. PADGETT. Yes.

Mr. WALSH. I understand that it is the purpose, of course, to permit liberal discussion under the five-minute rule, as items of the bill are reached.

Mr. PADGETT. Certainly; so that every line of the bill may be clearly understood and intelligently acted upon by the House.

Mr. WALSH. And the gentleman desires to confine the discussion under the five-minute rule to the bill?

Mr. PADGETT. I do.

SEVERAL MEMBERS. Regular order!

Mr. EMERSON. Mr. Speaker, I ask that a letter——

The SPEAKER pro tempore. The regular order is demanded. The gentleman from Tennessee [Mr. PADGETT] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, H. R. 10854, and asks unanimous consent, pending that, that there be no general debate on the bill. Is there objection? The Chair hears none.

Mr. LUNN. Reserving the right to object, I would like to ask the gentleman if discussion will be limited to the bill?

Mr. PADGETT. It will.

The SPEAKER pro tempore. The Chair will say that unanimous consent has already been given for that. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill under the five-minute rule. General debate having been dispensed with, under the rules of the House debate must be confined to the subject matter of the bill.

Mr. BRITTEN. Will the gentleman from Tennessee yield?

Mr. PADGETT. If I have the floor.

Mr. BRITTEN. Is it not the intention of the chairman to make a brief statement to the House as to the contents of the bill?

Mr. PADGETT. I do not think it is necessary. Any matter that comes up where information is desired I will be glad to give all the information I have. The bill has been on the calendar for three or four weeks with a full report as to the items and purpose of the bill, and I do not think it necessary to make any preliminary statement now.

The Clerk read as follows:

Provided, That hereafter the Secretary of the Navy is authorized to consider, ascertain, adjust, determine, and pay the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of $1,000, and occasioned and caused by men in the Navy and Marine Corps of the United States in European waters during the period of the present war, all payments in settlement of such claims to be made out of "Pay, Miscellaneous."

Mr. WALSH. Mr. Chairman, I reserve a point of order. May I ask the chairman of the committee if the last proviso in the paragraph is in accordance with the bill which passed the House earlier in the session with reference to losses of goods and effects of men in the Naval Coast Guard Service?

Mr. PADGETT. No; this is for the purpose of authorizing the Secretary of the Navy to do what a similar act that passed the House this session gave the Secretary of War with reference to the Army. It allows the Secretary of the Navy to adjust small damages that may be occasioned in the Navy to the people of France and citizens of France, limiting the amount not to exceed $1,000, instead of having those people send their claims over here to be presented in a special bill to Congress or trying to get into the Court of Claims.

Mr. WALSH. I recall the bill passed with reference to the Army and there was no limit.

Mr. PADGETT. There was not; but this is limited to $1,000.

Mr. WALSH. Why was the limitation placed in this proviso?

Mr. PADGETT. The Secretary thought it was well to limit the discretion and not give absolute power to adjust large claims. There might be a claim come up for many thousand dollars; for instance, the sinking of a ship, which might involve half a million or a million dollars. He did not think it was well, and did not ask for that unlimited power. This is for citizens that suffer small damages to private property.

Mr. HICKS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HICKS. I think the gentleman will remember that we found that a great deal of this damage came from ships of the Navy running into docks and into rowboats and things of that kind.

Mr. BUTLER. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. Did not we consider that this would very largely promote harmony among the allies?

Mr. PADGETT. Absolutely.

Mr. BUTLER. And would enable the Secretary to dispose of little claims without having to refer them to some tribunal?

Mr. PADGETT. Yes. We did not want a state of feeling to grow up that the American ships and sailors had done injury and damage to private property of the allies, with no means of redress, and leave them in a dissatisfied and disturbed condition.

Mr. WALSH. Is there any special bill pending for this purpose?

Mr. PADGETT. No; there is not.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. MILLER of Minnesota. A bill similar to this was passed the other day in reference to claims for damages arising out of the movement of troops in France.

Mr. PADGETT. Yes; but that had no limit.

Mr. MILLER of Minnesota. No; but there was a proviso that limited the class of claims that might receive benefit to those that would be proper under the laws of the country in which the claim arose. There is nothing of that kind here.

Mr. PADGETT. This is limited to $1,000, and it is intended to take care of these minor things.

Mr. MILLER of Minnesota. That was what the other was intended for.

Mr. PADGETT. No; because there was no limit in that.

Mr. MILLER of Minnesota. The phraseology was without limit, but the discussion was entirely devoted to small incidental claims.

Mr. PADGETT. Yes; but it might take in big ones. This is limited to $1,000, and it is intended to take care of many little things that may arise where a man is injured to the extent perhaps of $15, $20, or $25, so that he would not have to come over here and refer it to our tribunals.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. JOHNSON of Kentucky having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 10783) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Temporary government for West Indian Islands: For expenses incident to the occupation of the Virgin Islands and to the execution of the provisions of the act providing a temporary government for the West Indian Islands acquired by the United States from Denmark, and for other purposes, approved March 3, 1917, to be applied under the direction of the President, $200,000.

Mr. WALSH. Mr. Chairman, on that I reserve the point of order.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman from Tennessee [Mr. PADGETT] a question or two in respect to this item. When the West Indian Islands were taken over under purchase there was consideration had as to how they should be controlled, whether by the civil or the naval authorities. I listened with much interest to the gentleman's very earnest statement to the House the other day when the river and harbor bill was under consideration in reference to a possible development for naval purposes of the Virgin Islands. From some remarks the gentleman made, but more particularly from remarks made by other distinguished members of the Committee on Naval Affairs, of which the gentleman is so able a chairman, I gathered it is not possible for the Navy Department ever to utilize the Virgin Islands as a naval base. If that is the case, there is no sense on earth why the government in control of those islands should remain in the Navy Department. Can the gentleman enlighten the House a little upon that? We had some consideration of this before the Committee on Foreign Affairs.

Mr. PADGETT. Mr. Chairman, the act of Congress taking over the Virgin Islands and providing for a temporary government placed them altogether under the President.

Mr. MILLER of Minnesota. That is the makeshift that we made.

Mr. PADGETT. That is the law now. The President placed the government under the Navy, and it appears it is being governed under the administration of the Navy Department. The island of Guam is governed in the same way.

Mr. MILLER of Minnesota. But there is a great difference between the island of Guam and the Virgin Islands—as much as there is between the two poles of the Arctics—unless the Virgin Islands are going to be used for military purposes. I feel it is proper and just here to state that if it is not the purpose to use them for a naval purpose, then Congress and not the President should devise a scheme of government for the people of those islands. It is contrary to our scheme and system of government that they should be controlled by an Executive order.

Mr. PADGETT. That rests with the wisdom and desire of Congress as to when it will legislate for a permanent government. Under existing law it is under the control of the President. He could have placed the government of the islands under the War Department or, as he did, under the Navy Department or under any other of the departments. He saw fit to place the matter under the administration of the Navy Department.

Mr. MILLER of Minnesota. The gentleman is entirely correct in that statement; but the point I wish to emphasize is this: It was expected when we passed that law—at least it was the expectation of some of us who helped to write the law or who consented to it as written—that it was temporary, and it was distinctly understood that perhaps within a year there would be presented to the Congress for its consideration a scheme for a permanent government of the islands. That has not yet arrived. Perhaps the disturbed condition of the world justifies its postponement. I rather think that is correct.

Mr. PADGETT. I think the gentleman is entirely correct in that assumption, that the disturbed conditions have so engaged along other lines that it is entirely proper for the President to continue the government under the Navy administration, regardless of the future government.

Mr. MILLER of Minnesota. If we are justified in the assumption that these islands are not to be used for naval objects, Congress should be taking up the subject of a permanent government, and its character and kind and jurisdiction over them should go to the Committee on Insular Affairs. If it is to be used for military purposes, like Guam—and everybody knows that Guam exists under the American flag wholly because of its military value—then the government should be kept under the Navy Department.

Mr. BRITTEN. Guam is not being developed in a military direction.

Mr. MILLER of Minnesota. But it is the earnest expectation of every one that Guam will be so developed.

Mr. BRITTEN. Not of every one. The same condition might be imposed upon the Virgin Islands. Some military activity may prevail there at some future date, just as it may occur in Guam, but the island of Guam is now administered under a governor general who is a naval officer. The same condition will prevail in the Virgin Islands, and I know that my good friend will agree that Guam is very properly administered.

Mr. MILLER of Minnesota. Very properly, and the administration of it is exactly where it belongs, but I think the gentleman will see the difference. The island of Guam contains the only harbor in an area the radius of which is about 1,500 miles.

Mr. BRITTEN. A very poor harbor.

Mr. MILLER of Minnesota. Or a distance of about 6,000 miles across. It is absolutely the only harbor in a quarter of the globe that commands the trade routes, and the routes that fleets would take in crossing from the Eastern to the Western Hemisphere. It is the most important strategic point under the American flag, bar none, except the Hawaiian Islands, but now I gather from the gentleman's committee that they do not expect to develop the Virgin Islands.

Mr. PADGETT. As to whether there would be any development at all has not been considered. The question that was asked me the other day and which I answered was as to the relative value or adaptability of the harbor at St. Thomas for a naval base, compared with others. I stated then that at Samana Bay there was a place many, many, many times more valuable and much better adapted than St. Thomas.

Mr. MILLER of Minnesota. But I am unofficially advised that the harbor at St. Thomas is incapable of a development so as to make a proper place for our present Navy.

Mr. PADGETT. In my judgment it is not a proper place to establish a naval base.

Mr. MILLER of Minnesota. Now, may I make one further inquiry of the gentleman? The sum named here is $200,000. What on earth are we going to spend $200,000 on in the government of the island of St. Thomas?

Mr. PADGETT. The revenues of the island of St. Thomas, the Virgin Islands, especially St. Thomas, were derived from its shipping. There are no industries there to amount to anything except a little mercantile——

Mr. MILLER of Minnesota. There is quite a lot of ship repairing.

Mr. PADGETT. There was, but this war has absolutely paralyzed it, and the people there are in a deplorable condition, so far as resources, revenues, and occupations are concerned, and there is a shortage of revenues as compared with absolutely essential necessary expenditures.

Mr. MILLER of Minnesota. They had a land tax. Is not the land producing as much now as it did then to enable it to pay this tax?

Mr. PADGETT. The land tax there is nominal. The land starts at the water's edge, is bounded by the heavens on one side and the water on the other.

Mr. MILLER of Minnesota. The gentleman is entirely correct.

Mr. PADGETT. And goes up straight from the water. The farming interest amounts to nothing.

Mr. MILLER of Minnesota. I assume estimates were submitted showing $200,000 was needed to administer the government of that island?

Mr. PADGETT. The estimates submitted were very much more, but the Secretary has only reported $200,000. Admiral Oliver—and when I was down there I spent several hours with him in a personal conversation, going over the whole state of the island—was very earnest in recommending even much more than this.

Mr. MILLER of Minnesota. Did he want to build docks or build roads?

Mr. PADGETT. No; it was for health and hospitals and internal government and administration of affairs. It does not contemplate making anything of that kind whatever.

Mr. HICKS. Mr. Chairman, may I say just one word here, that one of the sources of revenue of that island was a lottery, which, of course, has now ceased to exist, in addition to the returns received from shipping. Now, it happened that down there the educational system was entirely maintained by religious institutions. That has now practically ceased, and some of this money is going to go into the schools.

Mr. MILLER of Minnesota. Just one final word, and I do not care to take up too much time, but I do consider this very important. I am sure evidence was submitted to the committee to which I belong when we purchased this island for the sum of $25,000,000, which some of us thought was extortionate, that there would be no considerable charge on the Treasury of the United States in maintaining it unless we wanted to develop a naval base. Now, here is an estimate for the first year of $200,000.

Mr. PADGETT. But last year there was an appropriation of $100,000, and this year it is $200,000, and last year it was just for a part of the year and before they had opportunity to have any investigations or estimates.

Mr. MILLER of Minnesota. Now, the fact is that we have on our hands, which cost $25,000,000, some land which will not grow enough to justify taxation, bounded by the sea beneath and the heavens above, land where the sanitation is such that we will have to spend money to improve the health, land that is not good for a naval base, and that is going to cost $200,000 a year to administer.

Mr. PADGETT. This is not permanent, but in the disturbed conditions, as was stated a while ago, and the breaking up of the shipping and the dispensing with the lottery there from which they received revenues, there is that shortage of revenues that it is necessary for us in those disturbed conditions to supplement it. When conditions become normal, when shipping is resumed, I think that the islands will become then self-sustaining; but in the present disturbed conditions, with their principal industry gone and with the source of revenue from the lottery gone, which was about $175,000 a year, if I remember, why, they are in bad shape.

Mr. HUSTED. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. HUSTED. I would like to ask the chairman of the committee what the great value of these islands is to the United States if they are practically worthless from an agricultural standpoint and are not good for anything for a naval base? I am sure the people of the United States believed when those islands were purchased that the United States had made a splendid investment. We paid $25,000,000 for them, did we not?

Mr. PADGETT. Yes.

Mr. HUSTED. And with the assurance they were going to be a great safeguard to the United States in the Caribbean Sea.

Mr. FARR. I suggest Germany at any time will take them off our hands.

Mr. BRITTEN. Not now.

Mr. FARR. At any time this Government desires to give possession to Germany she will be very happy to get possession of them, with some of the other land down there——

Mr. BUTLER. Germany will need to have 1,200 ships, then.

Mr. PADGETT. I do not think any country will ever take them off our hands. The Monroe doctrine will have to be abandoned before any other country could get them of this Government. It is necessary to have those islands, and I presume they were negotiated through the State Department. The Navy Department had nothing to do with the acquisition of those islands, but they were turned over to that department for administration.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. SLOAN. I would like to ask if it is not a fact that these little islands that we were talking about cost pretty nearly as much as all the other land that the United States has purchased of any country from its organization down until now?

Mr. PADGETT. I think we paid something like seven and a half millions for Alaska, and then in the Paris treaty after the Spanish-American War I think we paid $20,000,000 for the Philippines. How much we have paid since then has been a source of unlimited disputation and debate.

Mr. SLOAN. But the Louisiana Purchase, our great purchase, was only three-fifths of what these little islands that might disappear in the night cost us.

Mr. PADGETT. That was a great acquisition.

Mr. SLOAN. Do they keep a force down there to prevent anybody from abstracting those islands in the course of the night time?

Mr. PADGETT. They are firmly rooted in the bottom of the ocean.

Mr. SLOAN. But suppose those corals that are at work under it should strike, for instance. Would not the foundations be removed from those islands?

Mr. PADGETT. The corals are so constituted that they never remove anything. They always add to the formation.

Mr. SLOAN. They do not belong to a union?

Mr. PADGETT. They are always adding to the formation.

Mr. WALSH. Will the gentleman state under what act the $100,000 appropriation was carried last year?

Mr. PADGETT. Yes. It was carried in the act of March 3, 1917, Public Act No. 389.

Mr. WALSH. That was not the naval appropriation bill?

Mr. PADGETT. No. I think it was a bill reported by the Committee on Appropriations. It was after the naval appropriation bill had passed, as I remember.

Mr. WALSH. Mr. Chairman, I withdraw the point of order in view of the fact that the gentleman has answered the question I had in mind in replying to the gentleman from Minnesota.

Mr. FESS. Mr. Chairman, I rise in opposition to the pro forma amendment. The disclosures that have come to light in this colloquy here are, to say the least, wonderfully surprising to me and disappointing. Those islands we have been looking upon for more than 70 years as of great value to us strategically, and now it seems that after we have purchased them at a good price the information comes to us, probably through investigation, that the purpose for which we purchased them can not be carried out.

Mr. PADGETT. I do not know whether it was the purpose for which we purchased them. I am rather inclined to think that the underlying moving spirit that prompted the purchase was to keep somebody else from getting them.

Mr. FESS. That was not the purpose originally, when Mr. Seward wanted to buy them.

Mr. PADGETT. At that time, the gentleman will bear in mind, the ships of the Navy were sail ships of a few hundred tons, and the little harbor at St. Thomas would accommodate those small sail ships, but would not now accommodate ships of 40,000 tons displacement or one of 32,000 tons, 850 feet long.

Mr. FESS. Then we are to understand that the Danish West Indies Islands are not available for a naval base?

Mr. PADGETT. I can only speak from my own personal knowledge from having been there. I do not think under any circumstances that it would be desirable to establish a base there when it is possible to get one near there that is far superior.

Mr. FESS. Will it not be construed by the American people that we purchased "a pig in a poke"; that we paid a big price for a group of islands and afterwards investigated and found that they could not be utilized? Will not that be the general opinion of the public?

Mr. PADGETT. I do not know about that. The gentleman can form his own ideas about that.

Mr. FESS. That is my own conviction about the matter.

Mr. PADGETT. I will say to the gentleman that my own idea has been, even before I went there, that the purpose in getting them was that it would be cheaper to buy them and own them ourselves than to have a controversy over somebody else's getting them.

Mr. FESS. That may have been the purpose.

Mr. PADGETT. It may have been the underlying purpose. That was not discussed in the open.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. HICKS. I think it is fair to say that for a number of years before we acquired those islands Denmark had practically abandoned them; that is, she was spending almost nothing on them. As I remember, we found that the inhabitants of the island of St. John had practically gone back to the bush. Religion, education, sanitation, and practically everything had been thrown aside.

Mr. PADGETT. There are only a few hundred people on the island.

Mr. FESS. I will say to my colleague from New York that for years and years those islands had been looked upon from the standpoint of the State Department as being very valuable, and that we ought to purchase them. Big prices were offered for them, and when the matter came up last year the question arose as to why we should pay such an exorbitant price for what they had originally been offered for, and I gathered the idea that it was a very strategic advantage to us as a naval power.

Mr. BRITTEN. The gentleman's statement just now would indicate that the object in view was a diplomatic object. The State Department has repeatedly called attention to the value of those islands, not the military authorities but the State Department. From the diplomatic standpoint the islands were considered to be valuable. Our purchase of them has prevented others from coming in there, and, to say the least, from causing us a lot of embarrassment.

Mr. FESS. If other nations believed it would be of strategic value to be there, would we not be in the same position?

Mr. BRITTEN. No. We have many harbors on this side, and other nations might not have any on this side, and a small harbor in the Virgin Islands might be valuable to another nation.

Mr. FESS. Would it be a good policy for us to go into the West Indies and buy everything we can get?

Mr. BRITTEN. Yes; at any time, rather than let somebody else have them for hostile use against us.

Mr. HICKS. From the agricultural standpoint the value of those islands is almost nil. There are just a few valleys where sugar can be grown.

Mr. FESS. I had thought that they were strategically valuable.

Mr. HICKS. I thought so, too, but when I was there last summer I thought we had gotten something of very little value.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, may I have a minute more?

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FESS. I would like to ask the chairman whether the use of the phrase "West Indian Islands" is not misleading, inasmuch as there are many islands in the West Indies other than the Danish West Indies or the Virgin Islands. Why not make it read, "Temporary government for the Danish West Indies Islands" or "Temporary government for the Virgin Islands"?

Mr. PADGETT. It should be "Temporary government for the Virgin Islands." That came down from the department in that form, and we simply followed the estimates.

Mr. FESS. That is in the caption. I do not know that it is material.

Mr. PADGETT. It follows the provision that was in the other appropriation bill.

Mr. SLOAN. Will the gentleman yield for just one question?

Mr. PADGETT. I yield to the gentleman from Nebraska.

Mr. SLOAN. I desire to call the attention of the gentleman from Ohio to the fact that when this purchase was up for consideration it developed that at a prior date these islands had been offered to us at $5,000,000.

Mr. FESS. Yes.

Mr. SLOAN. And that we had not purchased them. At that time I submitted a rather strict inquiry to find out the reason for the addition of the $20,000,000. A few years before they had been offered for $5,000,000 and not purchased, and now they were asking $20,000,000 additional, which seemed to be quite a boom in real estate. I could not understand why at that particular time $20,000,000 were added to the price of these islands, over what had been estimated before. I am interested now to find that we are just discovering that we paid a very large price for something that can be of very little if any value to us, either during the war or at any other time.

Mr. BRITTEN. Is it not possible that we purchased a lemon grove.

Mr. SLOAN. Perhaps a squeezed lemon.

Mr. FESS. I should like to ask the chairman of the Committee on Naval Affairs if the organization of any more permanent form of civil government for these islands is in contemplation?

Mr. PADGETT. I understand that as soon as they get them in a stabilized condition under the naval administration the question of a permanent government will be taken up; but in the disturbed conditions now existing and the necessity of keeping outposts and a lookout down there, and it being the only thing we have in that group of islands, the government is to remain under the Navy Department. How long it will so remain I really can not say.

Mr. FESS. I agree that it is a matter for the Executive and not the Congress, and that whether the President wants to govern through the War Department or the Navy Department is a matter that should be left for the time being entirely to his option. I agree also that the status is not such now that we could organize a civil government there. I think that would be unwise at this stage.

Mr. PADGETT. The organization act says that the government of these islands shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct, until Congress shall provide for the government of said islands.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Investigation of fuel oil: For an investigation of fuel oil and gasoline adapted to naval requirements, including the question of supply and storage and the availability, economically and otherwise, of such supply as may be afforded by the naval reserves on the public domain, and for such other expenses or transportation and hire of vehicles in connection with naval petroleum reserves as the Secretary of the Navy may deem appropriate; for the purchase of necessary instruments and appliances; for the extension of the naval fuel-oil testing plant at the navy yard, Philadelphia, Pa.; and the temporary employment of civilian experts and assistants, $60,000.

Mr. ELSTON. I should like to ask the chairman of the committee a question about this expenditure. Can he tell me a little about the scope of this appropriation of $60,000?

Mr. PADGETT. This appropriation has been carried for the last three or four years. It is for the purpose of experimenting both with the manufacture and the development of fuel oil, and also for the preservation of the oil that we have upon our public domain.

Mr. ELSTON. This matter has come up incidentally in the Committee on Public Lands, and the question was asked of the representative of the Navy Department as to why actual exploratory drilling was not made by the Navy Department on naval reserves where there are no private holdings, as in naval reserve No. 1, in California, and No. 3, I believe, in Wyoming. The oil content of the domes covered by these naval reserves is not definitely known.

I think it advisable, and I believe the representative of the department agreed, that the Navy should make exploratory drillings to find out the possible oil content, in order to determine the disputed necessity for holding on to naval reserve No.

2, which is covered largely by private claims, and which is involved in litigation.

Further than that, it was brought out in the committee hearings that the oil shales of Utah and Colorado had come under investigation as a possible fuel reserve. The statement was made by the representative of the Navy Department that these oil shales were not seriously considered by the department as a possible reserve, although the oil content in them was acknowledged, and experiments in other countries showed the practicability of the extraction of fuel oil from shales of this character. Is it intended under this appropriation that these shales, for instance, shall be experimented upon with the idea of determining whether there is a great reserve there of fuel oil for the Navy?

Mr. PADGETT. I understand it is the purpose of the department to develop, as far as it can, the whole product to ascertain where there is oil, and the character of it, and to experiment in the manufacture and development of it in its largest sense. But, as I stated, I think this is the third appropriation that we have had. The first one, I think, was for about $30,000, and last year $50,000; but war conditions arose and changed the situation of things, so that the Navy Department has not been able to take it up as a new enterprise and develop it as the Secretary of the Navy desires.

Mr. ELSTON. How would the gentleman regard an amendment to increase this appropriation to an amount large enough to permit exploratory drilling in these two naval reserves, which are untouched by private claims?

Mr. PADGETT. I would not want to do that now, because we have so many activities already and so many more urgent demands for money for strictly war necessities that we want to put the money where it is needed and withhold it where it can be withheld.

Mr. ELSTON. I appreciate that, but I believe if the chairman of this committee had been present at the hearings of the Public Lands Committee he would have been impressed with the importance of ascertaining what amount of oil is contained in these naval reserves which are not covered by private claims. Until that is done, we will not know how best to adjust the conflict between the Navy and the private claimants.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHALLENBERGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. UNDERWOOD, Mr. WARREN, and Mr. SMOOT as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Aviation: For aviation, to be expended under the direction of the Secretary of the Navy for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, establishment and maintenance of aircraft stations, including the acquisition of land by purchase, donation, or condemnation; and for experimental work in development of aviation for naval purposes, $188,042,969: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for drafting, clerical, inspection, and messenger service for aircraft stations shall not exceed $300,000.

Mr. CONNELLY of Kansas. Mr. Chairman, I want to reserve a point of order on this for the purpose of asking a question of the chairman of the committee. Some of this seems to have escaped my attention as a member of the committee. I want to ask about the including of the acquisition of land by purchase, donation, and condemnation. Is this any specific land?

Mr. PADGETT. Yes.

Mr. CONNELLY of Kansas. Were any limits placed on the amount of money to be expended for that purpose?

Mr. PADGETT. When Capt. Irwin was before the committee he called attention to the fact that at Miami, Fla., they have built a station on which a very large amount of money has been expended under lease. This was to authorize the acquisition of that land at Miami, on the east coast of Florida, the point that was selected by the board that went up and down the Atlantic and Gulf coasts as the most desirable and best-fitted place on the south Atlantic. He stated that this was needed, not only for war purposes but also for aviation purposes after the war, and also for the purchase of a site at Port Arthur, Tex., if I remember correctly.

The amount that was intended for the purchase of the Army was either $50,000 or $52,000. The amount at Port Arthur I do not recall at this moment, but it was stated that these places were needed on the south Atlantic and Gulf coasts, and that large expenditures were being made and would still be made on this leased land, and with the purchases by these small amounts we would own the large improvements placed upon them.

Mr. CONNELLY of Kansas. Then it is only contemplated to purchase the land at two places?

Mr. PADGETT. That is all I recall at this time.

Mr. CONNELLY of Kansas. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. FOSS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee how much money we have appropriated for aviation in the Navy up to and including this which is recommended in the bill?

Mr. PADGETT. Last year in the appropriation bill for the fiscal year of 1918, in the regular naval bill we appropriated $5,133,000. Under the deficiency act of June 15 we appropriated $11,000,000, and under the deficiency act of October 6, 1917, we appropriated $45,000,000. I have not a memorandum of what was carried in previous years. I may add that the larger amount here is needed because of the very rapid enlargement and development of machines, and also for the establishment and operation of bases in Ireland, Scotland, France, and England.

Mr. FOSS. How many aircraft stations have we in this country at the present time?

Mr. PADGETT. I have a memorandum of them here, but they are regarded as confidential, and also we have a number in the places I have mentioned, and their location is regarded as better not for publication.

Mr. FOSS. Do they intend to increase the number of stations?

Mr. PADGETT. I do not know of any beyond what they have now. They have got a number at different places. I can give the gentleman an illustration. The largest airplanes we are constructing now cost $30,000 and the two engines cost $6,000 each, making a cost of $42,000 for a machine.

Since that machine was put into operation in the recent past we learn that they are making still larger ones abroad. So what is regarded as the best to-day next week is superseded by something still larger.

Mr. FOSS. In other words, the last word has not been spoken.

Mr. PADGETT. No; it has not.

Mr. FOSS. This subject of aviation is of immediate interest to the House and the people generally throughout the country. We have been hearing about the progress of aviation in the Army, and I think it would be interesting if the gentleman would speak in a general way of the progress made by the Navy. Has it been satisfactory?

Mr. PADGETT. Not altogether. The aviation matter has not been entirely satisfactory, but I do not think it has been the fault of the department or of the administration. For instance, at the beginning of the war private manufacturers held out promises that they could extend their business and deliver a certain number of machines at a given time. When they came right up to the proposition they were unable to do what they had promised. Their promises were too optimistic, but the situation has improved very rapidly. A few days ago I was talking with Admiral Taylor, whom the gentleman knows well, a member of the Aircraft Board representing the naval side, and he stated that the Navy was up to its promises and expectations with training machines, but that they were about 60 days behind on the combat or fighting machines, and that the 60 days was being cut down, and they were making good progress toward getting up to their expectations.

He also stated that the companies and firms that had heretofore made optimistic promises and were unable to perform them are getting better organized, better to understand the work, and that they are delivering much more satisfactorily.

Mr. BRITTEN. Mr. Chairman, reverting to the reply of the chairman of the committee to the question of my colleague about the progress of aviation in the Navy, I think this is an opportune time to say something I have in my mind. It is not my intention to criticize anybody in particular in the department of aviation or in the Navy. I think the attention of Secretary Daniels should be called specifically to aviation in the Navy at this time. There appears to be a lack of coordination there some place. Surely no one will say that the head of the Bureau of Construction and Repairs, Admiral Taylor, is not one of the

foremost naval constructors in the country. Admiral Earle, at the head of the ordnance, is equally rated among the great ordnance experts and is ably assisted by Commander Kearney. Admiral Palmer, Chief of the Bureau of Navigation, is a complete success, as also is Admiral Griffin, Chief of the Bureau of Steam Engineering. All these various bureaus contribute something to aviation. Aviation is presided over by Capt. Noble Irwin. I am sure that when the chairman of the committee said that aviation was not entirely satisfactory he expressed it very moderately. The subcommittee of the Committee on Naval Affairs, presided over by the gentleman from Alabama [Mr. OLIVER], went into the conduct of the war by the Navy very thoroughly, and we were highly pleased with our findings in almost every particular, except in aviation. There is a lack of coordination there somewhere. Members of Congress can not tell them what to do, but I am sure if the Secretary will dig into it he will find that something important is lacking.

Last year some $64,000,000 was provided for aviation. When Capt. Irwin came before the committee he said that amount of money was ample. I really think that the House would be astounded if I told them how many qualified pilots we had in the Navy on January 1 of this year, the number is so ridiculously small. They say we are going to get more machines some time this year. I hope we are. Expansion of aviation in the Navy Department depends very largely on what is done in the Aircraft Board. We are going to use the Liberty motor. The Liberty motor up to the present time has not been turned out in very large numbers. It is said that they will be from now on; but it is always next month or the following month that something is to be done. It makes no difference, however, from my point of view, how successful the Army is in getting out Liberty motors, unless we have coordination of the various bureaus making up aviation in the Navy we are doomed to further disappointment.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. DOWELL. Do I understand that the Navy is using the same motor that is being made by the Army?

Mr. BRITTEN. Yes.

Mr. DOWELL. And that the Army is manufacturing for the Navy?

Mr. BRITTEN. The Aircraft Board is controlling the manufacture for the Army and the Navy. Of course, the gentleman understands that the Army itself does not do the manufacturing?

Mr. DOWELL. Yes.

Mr. PADGETT. The Navy makes its contracts and the Army makes its contracts.

Mr. BRITTEN. Not for motors.

Mr. PADGETT. They are using the same motor, the Liberty motor. A certain per cent goes to the Army and a certain per cent goes to the Navy.

Mr. DOWELL. Right here may I ask one other question? Is there other difference between the planes used by the Navy and the Army?

Mr. BRITTEN. Oh, yes; a great difference.

Mr. PADGETT. The motor is the same, but the mechanical construction of the planes for landing is very different. One is to land on the water and the other on the land.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. If it is along the line of my argument, for I have not yet concluded.

Mr. HUSTED. I find that in the Army aviation they are turning students out of the ground school much faster than they are able to provide them with planes in which to learn to fly. I think that is unfortunate. I know men who have passed through the ground school who are being drilled now as private soldiers in the infantry, and they are losing the benefit of their theoretical training, which they got in the ground school. I would like to know if that same condition exists in the naval aviation.

Mr. BRITTEN. Yes; there is a shortage of planes.

Mr. PADGETT. Just at this point, before we get away from the statement of the gentleman from Pennsylvania——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Two or three days ago I was in conversation with Col. Deeds, who is very prominent in the Army manufacture of planes, and he stated this fact, which I think is the keynote fact: He says there is not an aviator abroad who has not machines with which to fly, and that there will not be one abroad that will not have machines when he needs them.

Mr. FARR. They are foreign machines?

Mr. PADGETT. They are foreign machines; yes. They made contracts with France for the delivery of machines over there until they could organize the business here and get them abroad, but they are beginning to ship them abroad. The crucial fact that I want to bring out is that the men we have over there to fly have the machines, and that preparation is made to furnish machines to all that we send over there as they need machines, and we are shipping machines now.

Mr. OLIVER of Alabama. We are shipping the motors there, too, are we not?

Mr. PADGETT. Yes.

Mr. OLIVER of Alabama. And hope to increase the shipment very largely?

Mr. PADGETT. And I will say another thing: Col. Deeds said to me that England had made a request for a given number of motor engines by the 1st day of July. He stated that they not only expected to furnish England with the number that she had asked for but they had their arrangements made to furnish her more than she had asked by the 1st day of July.

Mr. DOWELL. Mr. Chairman, will the gentleman permit me there to ask a question of the chairman of the committee?

Mr. BRITTEN. Certainly.

Mr. DOWELL. Can the chairman of the committee tell us about how long it takes to construct one of these planes when the contractor is in full operation?

Mr. PADGETT. I do not know the time that it takes; but just a day or two ago several of us went across the river, near Anacostia, to see the large machine that came up from some point down in Virginia, about a hundred miles, coming in an hour and four minutes. We went over there to see it, and Admiral Taylor pointed out that machine and said that arrangements for the manufacture of those machines as soon as they got their plans developed were such that they would turn out two a day.

Mr. DOWELL. How many manufacturers are making that machine?

Mr. PADGETT. I do not know, but there are several of them.

Mr. BRITTEN. That would probably go into the dozens, because of the various parts being manufactured all over the country and assembled in the larger plants.

Mr. DOWELL. What I was trying to get at is what we may expect as to the rapidity of the manufacture of these machines.

Mr. BRITTEN. Will not that depend almost entirely on the manufacture of Liberty motors, if the Army and the Navy use the same motor? It has been said publicly that it is the expectation, beginning on March 1—and by the way that program has fallen down—to turn out 5,000 motors a month. So that the aviation program in the Navy as well as the Army must depend entirely upon the output of motors.

Mr. PADGETT. And the motors have been standardized and they are proceeding with the manufacture of the motors in the standardized condition. Heretofore, as the gentleman knows, the Liberty motor was a composite manufacture of a number of different patents where the patentees agreed that the best part of their idea might be consolidated into this composite machine; and then they started out to test it, and if a weak part was discovered it was improved. Then, in making further experiments, taking advantage of every discovery, that was added in. Now, they have gotten a machine which they believe is a good workable machine and they are proceeding to manufacture those in quantities, not changing their plans by these developments and improvements made from time to time, but they are making them as they have them and if they get a further improvement they will make the improved machine subsequently, but they are making quantities of the machines as they are now developed and standardized.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Chairman, I had five minutes a moment ago and I have not spoken a word yet.

Mr. MAPES. Will the gentleman allow me to ask him a short question?

Mr. BRITTEN. I will.

Mr. MAPES. I would like to know if production of the aircraft of the Navy is under the Aircraft Production Board, the same as the Army?

Mr. BRITTEN. Indirectly it is.

Mr. MAPES. What does the gentleman mean by that?

Mr. BRITTEN. Admiral Taylor, chief of the Bureau of Construction and Repairs, is a member of the Aircraft Board, which controls aviation production to a large degree.

Mr. MAPES. Does the board have control of the production of the aircraft of the Navy?

Mr. BRITTEN. It has as to establishing the contracts for the production of motors. The Navy will get its quota out of the general production of approximately 5,000 per month.

Mr. McKENZIE. Will the gentleman yield?

Mr. BRITTEN. I will yield to my colleague.

Mr. McKENZIE. I desire to ask my colleague in regard to certain language in the section here, which reads like this:

Including the acquisition of land by purchase, donation, or condemnation.

This is for a flying field, and I would like to ask my colleague what has been the policy of the Navy Department in regard to that matter. Has the Secretary of the Navy gone ahead and purchased land wherever he saw fit without coming to the Committee on Naval Affairs and submitting the proposition and asking for an appropriation?

Mr. BRITTEN. No; he has purchased no land.

Mr. McKENZIE. I am glad to hear that.

Mr. BRITTEN. But he has done this, and I was about to come to that particular point. At North Island, San Diego, there are some 1,200 acres of Government land, one of the most wonderful aviation fields in the world.

The Weather Bureau reports indicate that a flier can fly there longer than elsewhere, fly a greater number of hours per day on an average at San Diego than any place in the United States because of the delightful climate, no rain, and plenty of sunshine. Now, here is what has been done with aviation in the Navy: Instead of developing that field for which an appropriation was made more than a year ago and the money in hand for a specific purpose for land owned by the Government, our aviation in the Navy goes to Miami, Fla., and leases for a nominal amount a few acres on which they immediately expended $450,000 in building construction, and now comes to Congress and says, "We have spent $450,000 on a little piece of land, and we ought to buy it now." Another instance: At Key West they acquired by lease a small piece of land from a railroad company and they immediately expended $300,000 or $400,000 on buildings on that land which we did not own, and they now desire appropriation for its purchase. One of the things that caused me to make up my mind that aviation in the Navy is not progressing properly was that San Diego condition. The land owned by the Government, the money appropriated for a specific purpose, to be used only for aviation at that place, and not a single dollar was spent after April 1, 1917. We must now purchase these two pieces of land in Florida because of the character of improvements we have put on them, and naturally the committee must recommend this procedure. We have got a million dollars' worth of buildings on land worth $80,000 or $100,000.

Mr. McKENZIE. If my colleague will permit, my reason for asking this question is due to certain criticisms which have been made over legislation of Congress granting the Signal Corps in the Army power to buy land, and that a great sum of this $640,000,000 appropriated by Congress for the construction of aeroplanes has been expended in buying fields here and there and everywhere, it seems, and putting up buildings on them.

Mr. BRITTEN. Well, that has not been the case in the Navy, but in fact——

Mr. McKENZIE. And I thought perhaps the same abuse was carried in the Navy.

Mr. BRITTEN. Purchases and general conditions are quite satisfactory. The Navy is as clean as a hound's tooth in every direction.

Instead of buying land in the South, as they do for the Army, the Navy will lease a piece of land for a dollar a year, put an enormous amount of buildings on it, and then very naturally suggest that it be purchased.

That process may be all right. Maybe we needed an aviation field at Miami. Maybe the location is good. Maybe we needed one at Key West. The location there may also be good. But in the meantime we should have developed the plant at San Diego, Cal., where the Congress had provided for the development of Government property with an appropriation for an aviation field.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that I may proceed for two or three minutes without interruption.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILSON of Illinois. Mr. Chairman, will my colleague yield?

Mr. BRITTEN. Yes.

Mr. WILSON of Illinois. Would it not have been better to have purchased this land before they expended this money on it?

Mr. PADGETT. They had no authority.

Mr. WILSON of Illinois. You could have gotten the same authority that you are asking for now.

Mr. PADGETT. Congress was not in session. We had to go ahead and act.

Mr. WILSON of Illinois. Are you paying an exorbitant price for this property in comparison with its value before the buildings were erected and the improvements made?

Mr. PADGETT. From the hearings that we had on the matter it is shown that it is undeveloped land on the water front, and they say the people were asking about the price we proposed to pay. I think it is more than it would be worth or would sell for, but I do not know what water-front land is worth there.

Mr. WILSON of Illinois. Does not the gentleman think it is the duty of the committee to ascertain the value of this property before the improvements are put on it?

Mr. PADGETT. We did. They said that those people in that country were asking these prices for the land.

Mr. BRITTEN. Mr. Chairman, answering my colleague from Illinois, in the Miami purchase the only evidence that the Aviation Bureau or the officers had about the value of the property, was a letter from the secretary of the chamber of commerce down there, who said that the land was probably worth $45,000 in comparison with adjoining values. But it developed in the meantime that as soon as we acquired this property on a dollar-a-year lease we expended $45,000 for filling in and grading while making the land available for aviation purposes, and now we are probably going to pay $45,000 more for the land. That has not yet been determined.

I am not objecting, understand, to the establishment of these aviation bases on the Atlantic coast. We probably need them.

Mr. PADGETT. What you object to is that we did not develop San Diego?

Mr. BRITTEN. Yes; that they did not develop San Diego.

Mr. WILSON of Illinois. I wanted to understand why you did not make some preparations about buying this property before this money was expended, and now you are paying this exorbitant price after you have made it valuable.

Mr. BRITTEN. Ordinary business practice would suggest an option on the land at least, which they have not done.

Mr. WILSON of Illinois. Is any limit placed on this for the protection of the Government?

Mr. BRITTEN. Not specifically. I do not think we will pay more for the land than it was worth when we started to build down there. I am satisfied there is nothing crooked or disagreeable about the transaction. I do complain because Government-owned land on the Pacific coast which Congress desired developed remained untouched and not a dollar was spent on it for a year, notwithstanding the fact that we were at war.

I do not think I am violating any confidence when I say that, after parleys back and forth between this country and England, it is agreed that the one thing that will stifle the submarine more than anything else is the seaplane.

The chairman of the committee stated a few moments ago that we were establishing aviation bases in Ireland and Scotland and England and France. That is true. We are establishing a good many of them, at enormous cost, but these bases are worthless unless we have seaplanes. The seaplane, equipped with machine guns and to drop bombs, is the one thing to destroy submarines rather than destroyers themselves.

On that account I am anxious to see aviation developed in the Navy even further than aviation in the Army, but it never can be under existing conditions in the Navy Department. I do not think the Secretary of the Navy or the Assistant Secretary is to blame. This matter has probably not been called to their attention, but until there is coordination between the various bureaus contributing to aviation in the Navy aviation in the Navy is going to be a failure, as it is to-day.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. JUUL. I will ask the gentleman a brief question.

Mr. BRITTEN. You may.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield to the gentleman one minute.

Mr. JUUL. What part, if any, of the $640,000,000 that we appropriated for airplanes at the special session has been utilized?

Mr. BRITTEN. Probably 95 or 100 per cent of it has been either expended or obligated.

Mr. JUUL. Did the Navy get any share of that?

Mr. BRITTEN. No; none of it. That was for the Army.

Mr. OLIVER of Alabama. Mr. Chairman, I do not think the views expressed by the gentleman from Illinois [Mr. BRITTEN] are shared by the other members of the committee of which he is a member, nor do I feel that the criticism he has directed at the aviation branch of the Navy is borne out by the facts. I recall that the gentleman from Illinois had reported to him some facts in relation to the development of the aviation field at Miami, and also at Key West, that led him to conclude that the action of the Navy in developing these fields was unwise, and on the strength of this information, if it had been correct, the gentleman might have been justified in his conclusions, but afterwards our committee found that information was altogether incorrect.

Mr. BRITTEN. Only as applying to the Key West purchase, and not to the Miami purchase.

Mr. OLIVER of Alabama. The same is true of his criticism of the activities of the Navy at San Diego. North Island was owned jointly by the Army and the Navy. There had been no division of the land between the Army and the Navy, but it was understood that the Navy would take the north half of the Island and the Army would take the south half of the island and develop it. The Army unfortunately was occupying the portion of the island that the Navy was to have, and was using it for aviation purposes. They had buildings there, and men stationed there, and the Navy was unable to get possession of its part of the island without interfering with Army aviation training at its then principal field.

Not until about three or four weeks ago did the Army begin to vacate the part of the island that was to be apportioned to the Navy. They have not yet vacated all of it, though very strenuous efforts have been made by Capt. Irwin to have them vacate at once, because the Navy is anxious to develop its station there. So I want the Members of the House to know that the part of the island which the Navy will develop as an aviation field has been for some years in the possession of the Army, and used for Army aviation. The money is already appropriated for the development of the San Diego field, and the plans are drawn for much of that development, and I have assurances that just as soon as the Army vacates work will begin immediately on that field. The Navy appreciates the importance of developing this field, since there are students on the western coast who are now prepared to take their elementary training there.

Mr. BRITTEN. Will the gentleman yield?

Mr. OLIVER of Alabama. I yield to the gentleman from Illinois.

Mr. BRITTEN. My colleague on the committee, who is always very fair and courteous, said a moment ago that plans had been prepared. Will he tell the House just when the plans for the improvement of North Island were approved by the Navy Department, or if they have been approved up to this present time?

Mr. OLIVER of Alabama. I do not think they have been finally approved. The plans have been tentatively drawn, and I think comparatively recently. I do not remember the exact date, but I think that came out in the hearings before our committee.

Mr. BRITTEN. Yes; it did; and I should like to refresh the memory of my colleague. When Capt. Irwin came before the committee he said that plans had been prepared and were about to be approved. On a question from me as to when they had been prepared and presented to the Navy Department he said "last Saturday," this being Monday or Tuesday. I have since learned that the plans were not approved and are not approved to-day, notwithstanding the fact that we have been at war for a year, and that a year ago Congress appropriated several hundred thousand dollars for the development of that particular field, and all they have got to do is to draw plans and have them approved and go ahead with the construction, but they have not done that even to this day, notwithstanding these facts.

Mr. OLIVER of Alabama. I yielded to the gentleman only for a question.

The CHAIRMAN (Mr. MAYS). The time of the gentleman has expired.

Mr. BRITTEN. I ask that my colleague have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Alabama have five minutes more. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Is it not true that the revised estimates show that it will require a much larger sum of money than was originally appropriated for this San Diego field?

Mr. OLIVER of Alabama. Very much larger.

Mr. KELLEY of Michigan. And that that is one reason why the plans have not been furnished?

Mr. BRITTEN. Is that any reason why they should not do anything at all? They have got half the amount. Why should they not go ahead with some of the work?

Mr. PADGETT. I will ask the gentleman if it was not further shown that the war being on the Atlantic side and not on the Pacific side, these Atlantic developments were the urgent and pressing needs, instead of those on the Pacific coast?

Mr. BRITTEN. Are we taking no boys from the Pacific coast because the war is on the Atlantic side?

Mr. PADGETT. Oh, that is not the case at all, but there had to be development over here before we could train to be prepared for the emergency.

Mr. OLIVER of Alabama. I do not want to criticize the gentleman from Illinois [Mr. BRITTEN] because he is sincere in the views he states. I think it is but fair to say, however, that if the members of the committee will read the hearings of Capt. Irwin they will find that like the other members of the committee, excepting the gentleman from Illinois——

Mr. BRITTEN. Those hearings are not printed, are they?

Mr. OLIVER of Alabama. Yes; the last hearings are printed, and I have them here. I repeat, all members of the committee excepting the gentleman from Illinois were fully satisfied that the grounds of criticism now directed at the aviation branch of the Navy by the gentleman from Illinois [Mr. BRITTEN] are not well founded, especially in so far as it relates to the San Diego station.

Mr. BRITTEN. Will the gentleman yield for just a question there?

Mr. OLIVER of Alabama. Yes.

Mr. BRITTEN. Is the gentleman himself satisfied with the progress that aviation has made in the Navy during the past year, since we have been at war?

Mr. OLIVER of Alabama. No; I do not think anyone is satisfied with the progress that aviation has made, either in the Navy or in the Army; but I think the officers directing the aviation department of the Navy are capable and industrious and have put forth every possible effort to hurry up construction. They simply could not accomplish the impossible, and their disappointment is as keen as ours.

The Navy has very recently built, near Philadelphia, a factory for the construction of airplanes. They have already turned out more than three, and the production will increase from this time on. That factory was built in an incredibly short time. It has been in operation only a comparatively short time, and they are now largely expanding this plant. The new part of the plant is to be an assembling plant. Contracts have been let in different parts of the country for the different parts of planes, and they will be assembled and put together rapidly at this plant. The naval officers recognize that airplane construction is about 60 days behind on the estimates made last August as to what could be accomplished.

Mr. PADGETT. Less than 60 days. They feel that will be overcome largely as soon as they can have this factory or place for the assembling of completed airplanes.

Mr. OLIVER of Alabama. Does the gentleman from Minnesota [Mr. MILLER] desire to ask me a question?

Mr. MILLER of Minnesota. The gentleman has already answered the question I was going to ask, which was if that was to be an assembling plant. The gentleman has so stated.

Mr. OLIVER of Alabama. Yes. The part that is completed is a building plant, but the additions will be an assembling plant.

Mr. MILLER of Minnesota. What in general is it proposed to use in these planes that are being assembled?

Mr. OLIVER of Alabama. My understanding is that the Liberty motor will be used.

Mr. MILLER of Minnesota. Can the gentleman place the responsibility for the 60 or 90 days' delay in the Navy? I am informed from reliable sources that that is practically the delay in the Army.

Mr. OLIVER of Alabama. I think that is correct.

Mr. MILLER of Minnesota. That is, the delay is about three months?

Mr. OLIVER of Alabama. Sixty days, I think, in the Navy.

Mr. MILLER of Minnesota. In other words, the Army hopes in three months from now to be as well advanced as it ought to be now.

Mr. OLIVER of Alabama. Admiral Taylor, who has been referred to here in such complimentary terms, and who fully deserves what has been said, gave to the subcommittee a very clear and full statement of the cause of the delay. Unquestionably private companies have fallen far behind what they estimated to the department they could do, and most of this delay is due to the private companies failing to carry out what they at one time believed they would be able to accomplish.

Mr. MILLER of Minnesota. Of course when the assembled plane is utilized that is the way to get the greatest maximum of output; but if the various plants scattered throughout the country, of which you ask certain things to be produced, if any one falls down, your whole plant is practically paralyzed, or at least its output is stopped.

Mr. OLIVER of Alabama. From information I have the aviation department of the Navy has foreseen the possibility of that and has not confined the production of parts to any one particular factory or factories. They feel now that they will have very good returns from the contracts let.

Mr. MILLER of Minnesota. I profoundly hope that that is true, but we have been expressing that same sentiment off and on, mostly off but sometimes on, for a year. Has the gentleman anything more to justify his hope than he had some months ago?

Mr. OLIVER of Alabama. I can only say that all the stations are now provided with training planes, and they are fairly well equipped with service planes for advanced training. At all of our completed foreign stations we have a sufficient number of pilots, mechanics, and other trained officers to carry on the program at present. They likewise are provided with a sufficient number of planes. All of these have been obtained from France. We are now prepared to send some finished planes from here to our forces abroad, and these shipments will now rapidly increase, so the department informs me.

Mr. MILLER of Minnesota. The gentleman does not mean by service planes battle planes?

Mr. OLIVER of Alabama. Yes; they are now prepared to ship at least 20 service planes, and shipments will steadily increase, so Capt. Morrill has informed me.

Mr. MILLER of Minnesota. Can the gentleman state whether the Navy expects to produce in the near future any battle planes?

Mr. OLIVER of Alabama. Yes.

Mr. MILLER of Minnesota. We have not produced one yet.

Mr. PADGETT. Admiral Taylor told me a few days ago that at the present time they were up with the program, and expected, with reference to the training planes and with the battle planes or fighting planes, they were about 60 days behind, but were cutting that down, and now the private concerns were beginning to make deliveries.

Mr. MILLER of Minnesota. May I ask the gentleman a question in all sincerity, and he can answer it or not, as he likes? Why was it not possible to take a perfectly successful English airplane and manufacture it in this country?

Mr. FARR. I think I can answer that question, if the gentleman from Alabama will permit me.

Mr. OLIVER of Alabama. I yield.

Mr. FARR. It was because of the fact that they could not expedite the work on the particular machine. One thing is very comforting—we can build three or four Liberty motors to one Rolls-Royce machine.

Mr. OLIVER of Alabama. The Navy had closed a contract for building Rolls-Royce motors, but afterwards ascertained that the output would be so small that the contract was canceled. Under the contract as tentatively agreed on no deliveries were promised for nine months.

Mr. MILLER of Minnesota. But that does not answer my question.

Mr. HICKS. Yesterday I visited a plant in my district where they are manufacturing a large number of nonflying training machines. They are used entirely for training on the ground. It used to be an old picture-frame molding factory. They are turning out a vast number of these machines every week. It is very pleasing and interesting to see all these machines being turned out.

Mr. HUSTED. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. HUSTED. I would like to ask the gentleman whether the Navy Department has decided upon a type of combat plane and upon the motor to be used in that combat plane?

Mr. OLIVER of Alabama. Yes; but the department recognizes that developments in aircraft are constantly occurring, and it is their purpose to keep up with the most advanced ideas.

Mr. HUSTED. The combat plane has been decided on? If proper, I would like to inquire what motor they have proposed to use in it.

Mr. OLIVER of Alabama. The Liberty motor; but experiments are now being made with other motors. If anything better than the Liberty motor is found, the Navy will not hesitate to make use of the same, is the information given me by the department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLIVER of Alabama. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. KINKAID. Will the gentleman state what estimate is placed on the efficiency of the planes we are going to make as compared with the best planes being used in the war?

Mr. OLIVER of Alabama. The information we have from men like Admiral Taylor is that there is no motor superior to the one we are manufacturing. I will say that France and England have approved it, and orders from both France and England for these motors have been received and some shipments have been made.

Mr. HUSTED. I am rather surprised at the gentleman's statement that we intended to use the Liberty motor in the combat plane.

Mr. OLIVER of Alabama. I was speaking of the large Navy planes.

Mr. HUSTED. I understand they do not intend to use it in the combat planes in the Army aviation.

Mr. OLIVER of Alabama. I do not know about that.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. SHALLENBERGER. The chairman stated that we have not produced any combat planes, and yet I understood him to say that the naval authorities claim that they are only 60 days behind their program. It must have been, then, that they did not expect to produce any combat planes up to this time. Is that it?

Mr. OLIVER of Alabama. We have secured planes abroad, as the gentleman knows.

Mr. SHALLENBERGER. I notice a great many young men on the streets here in aviator's uniform, with the flying badge of the Navy, many more than of the Army. Have we plenty of trained fliers developed now in the Navy?

Mr. OLIVER of Alabama. My understanding is that we have a good number; not plenty. We are constantly adding to this number.

Mr. SHALLENBERGER. The gentleman thinks we have plenty of those?

Mr. OLIVER of Alabama. The production of fliers is ahead of service machines, and it is hoped will be kept so. May I just add in that connection that we had something like about 320 officers and men in the Aviation Service when war was declared. We have now more than 17,000.

Mr. SHALLENBERGER. How many of those are fliers?

Mr. OLIVER of Alabama. I am not prepared to tell the gentleman the number, but do not think it would be proper to write it into the RECORD.

Mr. PADGETT. If the gentleman wishes, I am willing to show him a tabulation that I have here.

Mr. SHALLENBERGER. Is there the same general requirement for aviation in the Navy as in the Army? Does a flier have to have a certain amount of skill, and does he receive an increase of pay?

Mr. OLIVER of Alabama. Yes.

Mr. SHALLENBERGER. And these men who have the badge are trained aviators?

Mr. PADGETT. There are student aviators and trained aviators in the Navy.

Mr. SHALLENBERGER. Do they wear this badge when only a student?

Mr. PADGETT. I must confess that I do not know anything about badges.

Mr. OLIVER of Alabama. My information is that only trained fliers are permitted to wear the badge.

Mr. SHALLENBERGER. I see so many more of the Navy than I do of the Army that I asked the question.

Mr. PADGETT. I stated before that I could not tell the insignia of an ensign from that of an admiral. I do not know anything about uniforms or insignia.

Mr. OLIVER of Alabama. I do not recall having noticed the badges, but the department informs me the badge is worn only by the trained flier.

Mr. TILSON. Has the gentleman said anything in regard to the tactical use of these planes? It is perfectly well understood how the battle planes and other planes are used in the Army; but, with the German Navy practically off the seas, what is the intention or expectation in regard to the use of these aeroplanes in this war?

Mr. OLIVER of Alabama. Part of that information perhaps might be considered confidential. However, the larger planes, I will say, are used for hunting and destroying submarines, and they are very effectively used for that purpose.

Mr. TILSON. That is the point that I wished to bring out.

Mr. OLIVER of Alabama. There will be some combat planes of a smaller type used by the Navy, but I would not care to discuss matters in that connection.

Mr. TILSON. It is a fact that it is the intention to use them, and they are being used now to destroy submarines.

Mr. OLIVER of Alabama. I will say that it is, and that it is believed there will be no more effective means of disposing of submarines than by aeroplanes.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I dislike to do so, but I would like to have five minutes more, as I want to make one connected statement.

The CHAIRMAN. The gentleman asks unanimous consent to extend his time for five minutes more. Is there objection?

There was no objection.

Mr. OLIVER of Alabama. Now, in connection with the aviation fields at Miami and Key West, referred to by the gentleman from Illinois [Mr. BRITTEN], these two fields were selected by boards early last year after a thorough inspection, and on their recommendation these fields were taken over and developed. There were no funds available out of any appropriation the Navy Department had for the purchase of these fields or even for their development, and the money used in the development of the fields came from deficiency appropriations.

The field at Miami, I am informed, was thought to be very desirable for aviation purposes. It was strategically located. Some allusion was made by the gentleman from Illinois to the fact that a great deal of the field had to be filled up. I am informed that would have been true of any field selected along the coast, and they simply dredged nearby and filled from this dredging. Dredging was necessary for the use of the water in front of the station, and this dredging was used to fill with.

Mr. BRITTEN. The gentleman is not trying to convey to the House the idea that you need deep water for the landing of sea planes?

Mr. OLIVER of Alabama. They needed to deepen the water at that place, and this dredging would have been necessary at any point along the coast. The large planes, I learn, will require about 6 feet for safe operation.

Mr. BRITTEN. How much water do sea planes draw?

Mr. OLIVER of Alabama. The hearings show that only the necessary dredging was done at Miami.

Mr. BRITTEN. How much did the dredging cost, if the gentleman remembers?

Mr. OLIVER of Alabama. I do not recall.

Mr. BRITTEN. Was not the amount $45,000, and was not that the original value of the property?

Mr. OLIVER of Alabama. No purchase price has been fixed on the property. Capt. Irwin stated that he felt the present owner might demand more than the Government should pay, and in that event condemnation proceedings would be had to obtain a reasonable price. He gave us information as to what the president of the chamber of commerce and other business men of Miami had estimated to be the value of the property. And I feel sure that Members of the House need have no uneasiness that the Navy will pay more than a reasonable price for the land, unless a jury requires them to pay more for it. I fully concur in the suggestion made by the gentleman from Illinois that it is unwise to improve property first, without having a contract for its purchase; but yet you understand this was hurried-up work. The Navy had no authority to buy there, and could not wait for an appropriation. I now yield to the gentleman from New York.

Mr. HUSTED. I would like to find out if the Navy Department is able to provide the student fliers with planes upon which to learn to fly as rapidly as they are graduated from the ground school?

Mr. OLIVER of Alabama. The gentleman perhaps missed the statement I made just a few minutes ago that I am informed that all of our training stations are now supplied with a sufficient number of training planes.

Mr. HUSTED. To take care of the graduates from the ground school?

Mr. OLIVER of Alabama. Yes.

Mr. HUSTED. I know that condition does not exist in the Army.

Mr. OLIVER of Alabama. And these stations are fairly well equipped with service planes for advanced training, where it is proposed to give advanced training.

Mr. SEARS. If the gentleman will permit, I wish to say for the information of the gentleman from Chicago, who seems to be laboring under a misunderstanding, that much of the valuable land around Miami is made from filled-in ground. Mr. Deering, of the Deering Harvester Co., is completing a $4,000,000 residence and outbuildings near the aviation camp on partly filled-in ground. This is done by simply pumping the sand out of the bay until the low places are filled up and all of the land is not only level, but high and dry.

Mr. BRITTEN. Is there any land down there that might be used for an aviation field or some lowland that might be filled in that the Navy Department might have acquired rather than to take this very expensive piece of property, valued, according to the association of commerce, at $45,000, and expend an additional $45,000 on filling it in?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. OLIVER of Alabama. May I ask for three minutes more?

Mr. BRITTEN. I ask unanimous consent that the time of the gentleman may be extended three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. BRITTEN. I want to ask the gentleman, who knows all about land down there, if, in his estimation, it could not have been possible to acquire other land at a whole lot less money?

Mr. SEARS. I doubt if it would have been possible. The land about Miami is of tropical growth, and——

Mr. BRITTEN. Why was it necessary to have it right at Miami?

Mr. SEARS. It is not; it is some distance away.

Mr. PADGETT. The board went and selected the place because of its location and adaptability to flying uses, and they say it was the best place on the Atlantic coast.

Mr. SEARS. Land that might have been gotten much cheaper would have cost more to fill in.

Mr. BRITTEN. Oh, none of the committee complained about the location of the land at Key West. We did feel that the land at San Diego, owned by the Government, for which an appropriation was made by Congress for that specific purpose, should also have been utilized.

Mr. OLIVER of Alabama. Just in that connection I think the gentleman will recall that the information before the committee was very full and showed beyond question that the Navy could develop its part of North Island, for the reason that the Army was occupying and using it for aviation purposes. That unquestionably was the reason why the Navy could not at an earlier time begin the construction of buildings there. There could not have been any better reason assigned. The Army, an important branch of the military service, was actually using and occupying it for aviation purposes. They have not yet vacated it.

Mr. BRITTEN. One more question. What prevented the completion of the plans and specifications for construction work down there by the Navy Department during the year we have been at war?

Mr. OLIVER of Alabama. I will say to the gentleman that I do not think an hour's delay will be occasioned by the failure to have plans, but construction will be commenced just as soon as the Army surrenders possession, and insistent demand is being made for the land by the Navy.

Mr. BRITTEN. The gentleman is very optimistic. The plans have not been approved up to this day.

Mr. OLIVER of Alabama. The very fact that the Army was in possession and using the property, and the further fact, as stated by the chairman of the committee, that those who were advising the Navy Department said that the stations nearest the war zone should be first developed accounts for the delay in developing the San Diego station.

Mr. SABATH. Will the gentleman yield?

Mr. OLIVER of Alabama. I will.

Mr. SABATH. Can the gentleman inform me as to the number of acres of which this tract consists?

Mr. OLIVER of Alabama. San Diego—it is a very large tract.

Mr. BRITTEN. Twelve hundred acres.

Mr. SABATH. Twelve hundred acres; that would be about——

Mr. PADGETT. The Government took over the North Island, but this other tract of which we have been speaking is down here at Miami, Fla.

Mr. OLIVER of Alabama. Only a small acreage at Miami—about 26 acres—and if a reasonable price can not be agreed on condemnation proceedings will be had.

Mr. BRITTEN. The gentleman was talking about the land for which we expect to pay $45,000.

Mr. PADGETT. That is about $2,000 an acre.

Mr. BRITTEN. Before we leave the item of aviation I would like to have one minute in order to give a few figures to the House.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. I desire to substantiate what I said a few moments ago. On April 1, 1917, when we went into the European war, the Navy had 93 completed seaplanes. They had 133 additional seaplanes under course of construction. On January 1 of this year they had 324 completed planes, all told, many of which were obsolete. In other words, on April 1, 1917, we had 226, either completed or in course of construction, and almost a year later we have 324, an increase of about a hundred in nine months of war period. If that is making real progress, I do not know the true definition of the word. Aviation in the Navy to-day is almost a complete failure.

The CHAIRMAN. The Clerk will read.

Mr. FARR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. FARR. Mr. Chairman, the progress in aviation has been keenly disappointing to the people of this country. The fact is that there has been too much publicity and promising and too little productivity. A double injury has been done us by those who have made such glowing promises and not fulfilling them. We have not the thousands of aircraft expected, and Germany was stimulated to frantic efforts to produce many thousands of machines; and they have done it.

Now, I have no doubt in my own mind to-day—although I must confess that I view these things with a great deal of concern on account of the many assurances relative to aircraft—that the condition will be improved. But we have not any American machines on the fighting field, and it is no comfort to me to have those in authority tell us that those of our boys who are over there, ready to sacrifice their lives, have machines furnished by our allies when we know that they can not spare these machines; else they would not be asking us to supply them with liberty motors.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. SHALLENBERGER. What encouragement is it to hear that other nations are ready to buy Liberty motors when in six months we produce 65 of those motors out of 20,000 that have been contracted for by the United States Government, and when we produced last month less than we did the month before?

Mr. FARR. That is what I say. The newspapers have been used to encourage the people to believe that we are doing wonderful things to fight in the air, when we are doing very little.

Mr. SHALLENBERGER. And, furthermore, we were told not to get Rolls-Royce engines because we could produce these faster. In fact, they are producing the Rolls-Royce engine at the rate of 800 a month, while we are producing only 50.

Mr. FARR. I think the Liberty motor, in some respects, will surpass the Rolls-Royce motor. It is a lighter machine. It will have more power, and we can make the Liberty motor, if statements made to me are anywhere near true, three or four times as fast as we could make the Rolls-Royce machine.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. MAPES. Will the gentleman tell us who is responsible for these glowing reports and false reports as to production?

Mr. FARR. It is a mystery to me. Only a few weeks ago, in the Committee on Naval Affairs, I talked about a special page article that appeared in a Philadelphia newspaper stating that we were going to have thousands of machines by next July. Mr. Daniels, the Secretary of the Navy, was before us at the time and I presented some of the figures mentioned in this article and asked him the question, limiting the number to 5,000 by July 1, if he thought that promise would be fulfilled, and Mr. Daniels stated frankly, "Yes; and I think we will be able to do better than that."

I do not question Mr. Daniels's integrity or truthfulness. I believe he stated what he actually believed. We had Admiral Taylor before us, and there were very encouraging reports as to what this country was going to do in the matter of aircraft. The admiral also was sincere in his statements; but we have been keenly disappointed. The information that I get is that there are too many persons interested in aircraft.

What we want is one big man to take hold of this situation and build the airplanes and send them to Europe and help to win this war.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. FESS. I take it from what the gentleman has said that he does not approve, for example, the action of the Secretary of War in calling in the reporters and giving a statement as early as last July as to what this Liberty motor is in its operation, in view of the fact that changes have been made since then, and it still is not used for the combat plane or the very fast flying plane.

Mr. FARR. We are not making any combat planes. I think one type of bombing machine is a most promising one, but difficulties have arisen because of the fact that many parts are needed for the combat machine that are not necessary for practice machines.

Mr. FESS. In other words, it produces a state of public opinion that will revolt later, when the truth comes out?

Mr. FARR. There is a great deal of anxiety throughout the country about our aircraft. But I got much satisfaction from the President's recent address in Baltimore. It is the best punch that the President has put into a speech. He has caught the spirit, the purpose, and the determination of the American people to make a real fight. They know it takes force to meet force, and they want it done.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FARR. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FARR. Yes.

Mr. SLOAN. I infer from the gentleman's remarks that if we confined the statement of those gentlemen to the recording of history and prevailed upon them to avoid prophecy we would be giving a better service to the American public?

Mr. FARR. My criticism is of the false encouragement given to an anxious people, who are willing to make every sacrifice to win the war. We have made great progress in our preparations. Our Navy is in a highly efficient condition—actual, not imaginary. It has been made such by performance and not promise. The country wants to see less promise and more performance in aircraft. There is no doubt of our ability to do it. Our allies are holding on with desperation waiting for us to add strength to that right arm of brave, splendid, young men over there, of which Secretary Baker speaks, by putting more of the power of the American body in that right arm.

Mr. HUSTED. Does not the gentleman think it was a very serious mistake to devote our entire energies to the experimentation, in trying to develop a new motor, instead of building motors that had been tried out in actual warfare and were known to be right, and experimenting on the side in the attempt to get something better? Now, we have devoted our whole time to experimentation, in the hope of developing a better motor, and we have not got the motor yet; and everybody who knows anything about air motors knows that it takes about two years to perfect one. In the meantime we have no motor to put on our planes.

Mr. FARR. I hope the gentleman's statement is not true. I trust we have succeeded in getting a real motor. I have confidence that we have. I talked with a constructor only three or four days ago relative to this matter, and I believe he knows what he is talking about. He has a knowledge of the business, and he thinks we have done splendidly so far as we have gone, and that the Liberty motor is a success. The same gentleman informed me that Germany has maintained her strength in the air largely through one machine—the Mercedes. She has made no changes in that machine; but by tactical experience and ability has utilized it to great advantage.

Mr. FOCHT. Inasmuch as the gentleman has just stated that he was disappointed with respect to the prediction and forecast made by Secretary Daniels and others in authority, will the gentleman, who is a member of the committee, inform me and other Members of the House who are standing on the outside what he thinks about the aeroplane business and when we are going to get 5,000 or 1,000 machines, or any airplanes, to go to

Europe? Will the gentleman state that, if it is not exceeding the bounds of propriety for him to do so?

Mr. FARR. The promise is made that 750 machines will be delivered by the 1st of July.

Mr. FOCHT. I do not want promises, but the gentleman's own idea.

Mr. FARR. I want to say frankly and regretfully that all we have had before the committee and in the newspapers has been much more of promise than of actual results.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. FARR. Yes.

Mr. BRITTEN. The gentleman is always well informed about naval matters. Does he think aviation in the Navy is a success to-day?

Mr. FARR. No; I do not think so, because of the fact that the undertaking was so tremendous and the promises were too many. A year ago last February, with all the facilities that we had in this country for building aircraft, we could not turn out more than 100 to 125 ordinary practice machines in a month. So what was the sense of talking about 20,000 or 10,000 or 5,000 within a year, and elaborate combat machines at that?

Mr. FAIRFIELD. Do I understand the gentleman to say that 750 airplanes are promised by the 1st of July?

Mr. FARR. Seven hundred and fifty Liberty motors are promised. It is promised that they will be ready for England on July 1. That shows that England needs more aircraft, and it is not comforting to us to hear the statement made that our boys over there have English machines, when we are taking those machines away from England, which is putting up the battle to protect the liberties of this country.

Mr. PADGETT. England has asked for 750, and we expect to furnish more than 900.

Mr. FARR. Seven hundred and fifty is what the gentleman told me at Anacostia the other day. I think the chairman of the Naval Committee and every other member of the committee are disappointed in the number of airships turned out. I regret that we have suffered that disappointment, because I think our Navy is in wonderfully good shape. It is vastly the best Navy that we ever had and is making a fine showing across the ocean; and when the real crisis comes, I believe it will show splendid results. [Applause.]

Mr. FAIRFIELD. I understood the gentleman to say a moment ago that Secretary Daniels made the statement that we would have 5,000 airplanes by the 1st of July.

Mr. FARR. More than 5,000.

Mr. FAIRFIELD. How can that be reconciled with the promise made by the man supposed to know? How can we reconcile that statement with the optimism of the Secretary?

Mr. FARR. The Secretary of the Navy believed it would be done. Frankly, the Secretary of the Navy was deceived, as the rest of us were deceived, and as the country has been deceived.

Mr. FOCHT. Then you are still in doubt as to whether you are going to have five or even one?

Mr. FARR. We saw a splendid bombing craft over at Anacostia the other day, and it made an excellent record in coming up from Newport News. There is no question about that, and I believe the Liberty motor has many excellencies. But it is a question now of turning out the Liberty motor. One fighting craft over in Europe is worth more than a thousand in our imagination in this country. [Applause.]

Mr. McKENZIE. Does the gentleman from Pennsylvania think it is a fair assumption to say that England is short of airplanes, simply because she proposes to buy some of our Liberty engines? Is it not possible that England might want some of these engines on account of the fact that they are better perhaps than those she now has, but that nevertheless she is fully equipped with airplanes?

Mr. FARR. England wants aircraft, more aircraft, and more aircraft. France wants aircraft and more aircraft. She wants these fighting aids, and we are not furnishing them. We are not furnishing them for our own boys over there, and we are not providing them in sufficient numbers to develop the thousands of young men in this country who are anxious to do their all for their country.

Mr. McKENZIE. I do not think it is a fair conclusion that England is short of airplanes simply because she is buying a few Liberty engines.

Mr. FARR. It is good evidence that she can use more.

Mr. WALSH. I should like to have it understood which we are considering, the larger sum in this paragraph or the sum stated in the proviso. I think it is very important that that should be made clear before we go along.

Mr. BUTLER. The gentleman from Michigan [Mr. KELLEY] knows something about the Liberty motor, and I would like to have him state it.

Mr. KELLEY of Michigan. I only want about a minute, Mr. Chairman, to make a statement relative to my understanding about the Liberty motor.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. KELLEY of Michigan. Mr. Chairman, as gentlemen know, these motors are made largely in our section of the country, in the Middle West. A few days ago I visited the Buick plant, in Flint, where they are making a large number of these engines. The head of the Buick plant is regarded as one of the greatest manufacturers in America. He started in the shops as a boy and has worked up to the presidency of the company, and thoroughly understands mechanics. I asked him about the Liberty motor, and particularly about the newspaper reports to the effect that it is a disappointment. He told me that in his judgment it was the greatest piece of mechanism he had ever known anything about. In its simplicity, durability, weight, and in all essential things it surpassed anything he had ever seen. It weighs only 100 pounds more than the engine in the Buick car. The engine in the Buick car is about 40 horsepower, while the new Liberty engine is a 400 horsepower. I make this statement, based not on my own opinion but upon the information I have received at the Buick plant, which is turning these engines out right along.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KELLEY of Michigan. I will.

Mr. BANKHEAD. Was it the opinion of this expert manufacturer of engines from whom you had the information that the Liberty motor would come up to the expectations made for it?

Mr. KELLEY of Michigan. Absolutely; and I think, myself, judging from the statements made by Mr. Chrysler, the gentleman I refer to, that it has proven to be no mistake on the part of the Government to develop this new engine, because it is much simpler in construction, lighter, and more durable than any other engine suitable for aviation purposes. I do not state this of my own knowledge, because I am not a mechanic, but my opinion is based on information supplied as I have stated.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. SHALLENBERGER. The gentleman tells us about the wonderful information of this particular gentleman about motors, but does he know that after the Liberty motor had been perfected, presumably in Flint, Mich., it was sent to St. Charles, La., and there discovered that the radiator had been constructed for winter service, and, although it worked well up in Michigan, it was impossible to use it in an aeroplane in the summer time, and it had to be sent back to have the radiator changed? I believe there were 106 changes of that sort discovered by the experts.

Mr. KELLEY of Michigan. It is undoubtedly true that in developing any piece of mechanism of so complicated a nature, difficulties will have to be met that could not have been foreseen.

Mr. HICKS. If the gentleman will allow me, I understood from a man well informed on this matter that the Liberty motor, while it developed a tremendous horsepower on the block, it did not develop that same horsepower at an elevation of 10,000 or 12,000 feet in the air. Does the gentleman know anything about that?

Mr. KELLEY of Michigan. Not of my own knowledge, but I am inclined to think that the gentleman's information is not correct.

Mr. PADGETT. A few days ago a number of members of the committee went across to Anacostia to see a big machine that came up 100 miles from down in Virginia. It came up in an hour and 4 minutes, and went up to an elevation of over 10,000 feet. They said they came without missing a stroke, without any impediments or criticism of the engine whatever. It was the double Liberty motor—had two motors in it, and that machine was 92 feet and 8 inches from tip to tip of the wings.

Mr. FESS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. It strikes me that we can get more than one report just like that. Everyone speaks of the perfection of the thing he has done. It is so perfect that it can not be improved. The truth about the matter is we are finding defects all the time.

Mr. PADGETT. There is nothing perfect. They have been making experiments to develop it, just like they made in the automobile, in electricity, in the talking machine, and in the radio, and all those things, when they were being developed. I stated at the outset that many experiments were made until they got to the present status, but it is now standardized, and they are producing the machines. It is a valuable and efficient and competent machine. If improvements are found in the future, it will not delay the production that is going on until

they get the number, and then they can go to making the improved machines to supply future demands.

Mr. FESS. Is it not true that we are talking too much about what we are going to do, rather than doing it and keeping quiet about it?

Mr. PADGETT. Yes. I said in the beginning that they were too optimistic; that they made promises they were unable to keep. I have stated that time and again, but these things are being corrected. One of the big concerns that lacks organization has been reorganized, and they are now turning out production.

Mr. BUTLER. Mr. Chairman, a point of order. What is the parliamentary situation?

Mr. PADGETT. We are running along by unanimous consent.

Mr. BUTLER. Does not the Chairman think that we have now told the Hun all that we know about the motors and that we have not flying machines?

Mr. WALSH. Two or three members of the committee have not spoken yet. [Laughter.]

Mr. BUTLER. I will say to the gentleman that the members of the committee do not bore the House usually with their talk. It has been a disappointment to everybody that the airplanes are not supplied, but I want to say that the Navy Department and the naval officials have done the best they knew how. I believe the fault is that they have had too many cooks at the food.

Mr. PADGETT. I ask that the Clerk continue the reading of the bill.

The Clerk read as follows:

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enlisted men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; transportation of civilian officers and crews of naval auxiliaries; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; purchase, rental, maintenance, operation, exchange, and repair of motor-propelled passenger-carrying vehicles for official use; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties, $5,100,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to call the attention of the committee to a situation that has come to my notice through a letter from a widow whose son was enlisted in the Navy and who for some reason or other was discharged as not fit for the service and was turned loose a thousand miles away from home, sick, refused admission to the hospital, without a cent with which to pay his fare home, and left to find his way as best he could in the condition in which he found himself after his dismissal from the service. I called the attention of the department to this condition and inquired whether or not this boy could not find an asylum in one of the naval hospitals for treatment during his illness, and was told that having been discharged from the service as not fit for the service he was not entitled to any consideration by the department. This boy is in a condition from which I fear he will not recover. I think the treatment that he received from the Navy Department was inhuman. His mother is distracted on account of the condition of her boy, and I believe this is the time and the place to call the attention of the Navy Department to the injustice of such treatment of boys who volunteer their services in defense of the flag. I do not know what the rules of the department may be with respect to men who are discharged as unfit, but if there are rules that permit the commanding officers to turn a boy loose because he happens to be so sick that he is unable to perform his duty, then those rules should also include a provision that will compel the officers in charge of the men to care for him as a human being ought to be cared for.

I know of another case where not long since a boy enlisted on the Pacific coast. He was sick during all his voyage down through as far as the Caribbean Sea. He was unable to perform his duties, and the commanding officer of the ship discharged him, turned him out on foreign soil, in a strange land where he could not speak the language, without a dollar in his pocket, and he was compelled as best he could to find his way back to those who could care for him. If we hope to have the confidence of the American people to an extent that will justify the boys of America in fighting for the flag, we have got to compel the men who are in command of the American ships to treat the boys who volunteer their services in the way in which they ought to be treated.

I have been able to receive no satisfaction whatever from any communications that I have sent to the Navy Department in connection with this boy Kennedy, whose mother lives in Chicago in my district. I am not one of the men who believe in calling the attention of the House to these unjust acts, but I believe the future welfare of the Navy justifies me in calling the attention of the House to this matter at this time, and I want to know if the chairman of the committee in charge of this great bill, appropriating $1,500,000,000, or some such sum as that, for the maintenance of the Navy, knows of any such practice in the Navy; and if there is such practice, why?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more, in order that the gentleman may answer the question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I want to say to the gentleman that I have never heard, directly or indirectly, of any such practice, and I would like to ask the gentleman if he has investigated that matter. There must be some mistake.

Mr. MADDEN. There is no mistake, because I have the letter of the mother; I have the admission of the admiral in charge of the Bureau of Navigation that the boy was dismissed as unfit for the service, and the fact that he was enlisted in the service must prove that he was qualified for the service when he was enlisted.

Mr. PADGETT. No; it does not prove that.

Mr. MADDEN. Then they had no business enlisting him.

Mr. PADGETT. There may be mistakes made in enlistment, but, as I understand it, under the law a man is not discharged in a foreign country.

Mr. MADDEN. He was discharged here—the one to which I refer.

Mr. PADGETT. The gentleman mentioned one who was discharged in a foreign country.

Mr. MADDEN. Yes; and that is true.

Mr. PADGETT. I would like to have the gentleman give me the names of those two men, and I shall investigate those two particular cases. I doubt the accuracy of the gentleman's information. Another thing, the law provides that when they are discharged at home they shall be given transportation back to the place of original enlistment.

Mr. MADDEN. I assert——

Mr. PADGETT. This boy——

Mr. MADDEN. Just one moment. I have the floor, and I object to the gentleman taking up all of my time with a statement to the effect that he doubts the accuracy of my statement.

Mr. PADGETT. Oh, no, the accuracy of the gentleman's information.

Mr. MADDEN. I have the information based on the letter of the mother of the boy. I have the reply from Admiral Benson in reply to a letter that I wrote him. If there needs to be any further information in connection with it I shall be able to get it. I shall not ask the gentleman from Tennessee to get it for me. If I, as a Member of the House of Representatives, am unable to obtain information I am not going to ask any other Member of the House to intervene in my behalf. I think I am entitled to the information.

Mr. PADGETT. Will the gentleman permit me to state that I do not want to be construed as an interloper in any way. I thought the gentleman was asking me for information.

Mr. MADDEN. Yes; but the gentleman has not been giving me any. He has been criticizing my statement.

Mr. PADGETT. No; I have not. I was only asking the gentleman to place me in a position where I could be of assistance and service to him.

Mr. MADDEN. I do not need any assistance. If I, as a Member of Congress, have not as much influence as any other Member of Congress, then I have no right here, and if my request for information does not receive the same consideration as the request of the gentleman from Tennessee [Mr. PADGETT], then the people of my district ought to send some one else here in my place. I demand proper consideration for the boys who have enlisted in the Navy, and the one I refer to has not received proper consideration, and every word I say on this floor is absolutely true. I state it on my honor as a Member of this House.

Mr. PADGETT. Let me ask the gentleman, will the gentleman give the names of those two boys?

Mr. MADDEN. I will put it in the RECORD.

Mr. PADGETT. I would be glad if the gentleman would do so for the sake of the Navy. I want to see if there is any such practice in the Navy.

Mr. MADDEN. Well, there is.

Mr. PADGETT. I wish the gentleman would put the names of the two boys in the RECORD.

Mr. MADDEN. I made the statement, and it is not necessary to put the names of the boys in. I have made the statement.

I have charged them with the practice. Now, the question is, is the practice pursued in the Navy Department without respect to who the boys are? I say it is; I know it is. I demand that the practice be changed.

Mr. RAGSDALE. Will the gentleman yield for an interruption?

Mr. MADDEN. I will.

Mr. RAGSDALE. I know my friend wants to be fair——

Mr. MADDEN. I am fair, and I am telling the truth as far as I know the facts.

Mr. RAGSDALE. Will my friend pardon me? All Members of Congress here have the same interest in their boys——

Mr. MADDEN. Yes.

Mr. RAGSDALE. That the distinguished gentleman has in his boys.

Mr. MADDEN. Yes.

Mr. RAGSDALE. Is not it fair to the boys whom I represent that we might have the names of those boys in order that we may protect them against the same injustice being inflicted on them? Will not the gentleman in fairness to us give an opportunity to take such action with the Navy Department that we may protect our boys who are in the Navy?

Mr. MADDEN. I do not think the gentleman's statement has anything whatever to do with the merits of the case.

Mr. RAGSDALE. Oh!

Mr. MADDEN. You can protect those you are interested in; I am going to protect those I am interested in. I am not going to ask anybody's assistance to do it. I am going to demand it as a right, and I shall insist upon that right upon the floor of this House in defense of innocent boys from my territory who offer their lives in the service of their country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Outfits on first enlistment: Outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, at not to exceed $100 each; for the clothing gratuity of officers and men of the Naval Reserve Force, not to exceed $150 each for officers and $60 each for men; for civilian clothing not to exceed $15 per man to men given discharges for bad conduct, undesirability, or inaptitude; in all, $9,975,000.

Mr. PADGETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: On page 8, line 17, strike out the word "men" and insert in lieu thereof the words "every member."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 18, strike out the words "and $60 each for men."

Mr. BUTLER. Mr. Chairman, I would like to ask the chairman of the committee——

Mr. PADGETT. This is simply because there is a provision for that on a subsequent page.

Mr. BUTLER. All right.

The question was taken, and the amendment was agreed to.

Mr. RAGSDALE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina.

Mr. RAGSDALE. Mr. Chairman, I have a profound respect for the opinion of the gentleman from Illinois [Mr. MADDEN], but unlike him I do not feel I have as much influence as any man in this House. If any man from my district at any period of time has a gross injustice visited upon him by any department of the Government, I would say to my colleagues here that if I am not able to get him righted I will thank each and all of them if they will lend me their assistance in trying to see that simple justice is done him. My purpose here is not to glorify myself, but to serve my people, and if by chance I have to appeal to a department to relieve the distress of one of my constituents I shall welcome any assistance that may be offered me. I am exceedingly sorry to hear the strictures of the distinguished gentleman upon anyone in our Navy, especially upon that gallant admiral who with singular ability has taken the Stars and Stripes in every water of the globe and has done so much to make a Navy of which the Nation may justly be proud at this time. No navy in the world has done so much, I am informed, to relieve the condition that confronts us on the waters from the submarine attacks, and nobody is more responsible for the present efficiency of the Navy than the admiral whom this gentleman has criticized. I know Admiral Benson personally——

Mr. MADDEN. I do.

Mr. RAGSDALE. I have known him for a number of years, and am quite sure any Member of this House needs but to go to him once and point out any injustice that is done to any member of the Navy, whether officer or enlisted man, and Admiral Benson, so far as within him and his power lies, will see that that man who has been wronged gets a "square deal."

Speaking from my intimate knowledge and from the reports coming from the press, reports from a press hostile at one time to this department and criticizing it adversely on more than one occasion, I point with pride to the reports which come from all parts of our country now praising the efficiency of the Navy, the efficiency of Admiral Benson, of Admiral McGowan, and all those who hold offices under them, and to the efficiency of the men who are serving in every department. This criticism, it seems to me, comes at a poor time and with bad grace, that a Member of the House, unwilling to give us an opportunity to try to assist him in righting the wrongs of a constituent, prefers to stand here, outraged himself, and hurl an adverse criticism at our Navy Department, of which all America, of which all our allies, at this time are so justly proud. [Applause.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. MADDEN. The gentleman from South Carolina [Mr. RAGSDALE] can not claim any superior patriotism. I think he has criticized every department of the Government more than any other man in the House, without just reason on many occasions. I have never yet criticized any department. I am here to help. I am proud of the Navy. I am proud of those who conduct the Navy. I am opposed to their treatment of the men. The gentleman's speech has nothing to do with the injustice done to the men in whose behalf I speak; none whatever.

Admiral McGowan happens to be in charge of the purchasing division of the Navy. What place has he in this discussion? The gentleman from South Carolina called him into the discussion without any rhyme or reason. What place has he, or can he have, in the injustice done to a young American who happened by some chance to be unfit for naval service?

What I am anxious to know is whether men who go into the Navy are to be treated as he was, whether he is to be left to the mercy of charity without any attempt on the part of the Government of the United States to nurse him back to health. He was refused admission into the naval hospital, where his parents and his friends requested that he should go. The answer to my inquiry as to why he should not be permitted to go into the hospital was that he was discharged "as unfit for service in the Navy"; not because of his character, not that his character was not good, not that he was not an American, not that he was not clean, not that he was not moral, not that he was not everything that a young man ought to be, but that for some reason his health had failed and he was "unfit for service in the Navy."

I make no complaint about the brilliancy of the management of the Navy. I am proud of it, as every other American is. My complaint is upon a totally different proposition. The speech of the gentleman from South Carolina has no place in this discussion. I am surprised that he should have volunteered to inject himself into a discussion where justice was being sought by a Member of the House for an American who had offered his life to his country and had not been treated as he should have been treated by those in command of the Navy. I do not blame the Secretary of the Navy. He perhaps knows nothing about this conduct. I do not blame Admiral Benson. Perhaps he is bound by ironclad rules that compel him to do an injustice to a human being.

I do not know who may be responsible for the injustice that has been meted out to this young man, but I do know that there should be some remedy applied, and that remedy should be applied at once. I know that the Government of the United States can afford to act in a humane way. It can not afford to turn the young men who go into the Navy or the Army onto the streets and compel them to depend upon charity when they are turned out of the service.

This young man should be cared for, cared for by the Government, and cared for until he is nursed back to health; and I demand that the Government of the United States, or that branch of the Government under the direction of the Secretary

of the Navy, shall see to it that the commanding officers of ships in the future shall so conduct themselves that no complaint can be made by the mother of any boy.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes; I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask for one minute more.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUSTED. I would like to ask the gentleman if he knows whether the admiral had the legal authority to grant this relief?

Mr. MADDEN. I do not know whether he had or not. I am not complaining about the action of the admiral. I am complaining about the act of the Government.

Now I yield to my colleague.

Mr. McKENZIE. The question propounded by the gentleman from New York practically covers the question I intended to ask.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KELLEY of Michigan. In response to the question of the gentleman from New York, it is my understanding that when a boy is discharged from the Navy for any of the causes mentioned by the gentleman from Illinois, he is not only furnished transportation home but he is furnished with a civilian suit of clothes for that purpose.

Mr. PADGETT. Mr. Chairman, I simply wanted to make this statement, that if anything has happened like what the gentleman from Illinois has stated with reference to boys, it has the condemnation of every man that has a humane heart. It would be well to have a statement of the facts, so that they could be investigated, to see whether or not there is any such practice or custom.

Mr. MADDEN. I ask unanimous consent to put the correspondence in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADDEN subsequently said:

Mr. Chairman, I ask to make a statement in connection with the statement I made a short time ago.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. When I spoke a few minutes ago I said I wanted to put the correspondence into the RECORD that passed between myself and the mother of the young man to whom I referred as being discharged from the Navy for inaptitude. I went to my office to get the correspondence, and I find that all of that correspondence is in the hands of Admiral Benson. I have a copy of the last letter which I sent to the admiral, which reads as follows:

APRIL 9, 1918.

Admiral WILLIAM S. BENSON,
Chief of Naval Operations,
Department of the Navy, Washington, D. C.

MY DEAR ADMIRAL: I have had so much to do lately that I have not had time to take up the letter of Mrs. Elizabeth Kennedy dated March 19, hereto attached, until now. She tells a pitiful story about her boy. It seems to me that the Government ought to do something in a case of this sort. I do not think it is right to take a boy away from home (he must have been qualified or he would not have been accepted) and turn him loose in the condition he seems to be, as if he had no country.

Is there nothing that we can do in such a case? I hope there is.

I know of a case where a young chap enlisted on the Pacific coast. He was put to sea and discharged down in the Caribbean Sea, too sick to stand up, without a dollar in his pocket, in a strange land where he could not speak the language. I wonder if this is the policy of all the commanding officers of the Navy. I do not think it is right.

The boy referred to as having been discharged down in the Caribbean had to work his way back to the Pacific coast the best he knew how, and this boy whose case I take up now seems to have lost his health, and I wouldn't wonder if he has lost his mind.

It looks like an inhuman way to treat men who volunteer their services to their country. There ought not to be any men turned loose without a dollar, in bad health; they at least should be sent home, and if there is anything that the Government can do after they get home to restore them to their former condition it ought to be done.

I shall be glad to hear from you on this subject, especially in respect to the case of Kennedy, and be kind enough to return Mrs. Kennedy's letter and other correspondence, and oblige,

Yours, very truly,

———.

This letter was written to Admiral Benson on the 9th of April and I have not yet had a reply. However, in a former letter from the admiral he stated that the boy had been discharged for inaptitude. My recollection is that he stated that the boy was nervous and could not function in the service, and because of the discharge he was not eligible to admission to the naval hospital.

I make this explanation because I suggested that I would put the correspondence in the RECORD in connection with my statement, but I have it not in my possession, as it is in the possession of Admiral Benson. As soon as I get the correspondence back I will ask permission to insert it all, including the letters from Mrs. Kennedy and Admiral Benson to me, and my own letters in connection with the case. I only rose for the purpose of apologizing for not having the correspondence in the RECORD.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SHALLENBERGER. I notice the bill provides for the clothing gratuity of officers and men of the Naval Reserve Force, not to exceed $150 for officers and $60 each for men. It is a fact that the Navy now provides that much?

Mr. PADGETT. The existing law provides that much. That is just under existing law.

Mr. SHALLENBERGER. Every officer that enters the Navy is allowed $150?

Mr. PADGETT. Not the Regular Navy. That is the Reserve.

Mr. SHALLENBERGER. The reason why I ask that is because it has been proposed to the Committee on Military Affairs to allow something like that in the Army. It is not done now.

Mr. PADGETT. The officers of the Navy get no such allowance, but those of the Reserve do. The law provides that in time of war, when they are serving in the war, they shall get an initial allowance of $150 or $160, whichever it is, and $60 for the men. That is on the theory that, coming in on an uncertainty and not knowing how long they may serve and how long they may be giving up their business, they are given that much that does not go to the regular officers.

Mr. SHALLENBERGER. What does this cost the Government a year? Does the gentleman know?

Mr. PADGETT. No; I can not state, because the Reserve has been growing very rapidly.

Mr. SMITH of Michigan. Does the same provision exist as to the officers in the Aviation Service? Is there any provision for paying them for clothes?

Mr. PADGETT. If they are in the Reserve and have rank, they get the same as the others.

Instruments and supplies: Supplies for seamen's quarters; and for the purchase of all other articles of equipage at home and abroad; and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage of ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection, $3,469,800.

The CHAIRMAN. The Chair calls the attention of the chairman of the committee to the fact that in line 1, page 9, there is a typographical error, the word "navy" being spelled "navay." Without objection, the Clerk will make the proper correction in the spelling of the word.

There was no objection.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. I have been criticized by some of my constituents on the ground that I am opposed to a large Navy. I desire to call the attention of my colleagues to the fact that in my remarks last year I stated emphatically I was not opposed to a Navy; but, on the contrary, coming from Florida, which is surrounded entirely by water except the northern border, of all the States in the Union we should be in favor of a large Navy. I opposed the naval bill last year because, as I stated, I did not believe it was a preparedness measure or a naval bill. This is not intended in the spirit of criticism of my colleagues who did not agree with me, especially the members of the Naval Committee. I said then, and I say now, I believe there should have been in the bill a time limit in which contracts should be completed. I made that statement because, to my mind, it is not conceivable that any business man would enter into a contract without having a time limit.

I also opposed the bill last year because I believed we should have more fast battle cruisers, submarines, and submarine destroyers. These could be built promptly, and it would take a

good many years to build superdreadnaughts. That my position was true in part was proven by the appropriations that we have since made of nearly $1,000,000,000 to construct smaller vessels. Of course, these are not fast battle cruiers, but the fast battle cruisers could have been turned into vessels for the purpose of carrying food and soldiers across the ocean.

I make this brief statement simply in order that my attitude in the future may not be misunderstood.

I also criticized the appropriation for the Naval Academy. I believed then and I believe now that we are spending too much money on each pupil at the Naval Academy, and I make this statement because of my 10 years' experience in educational work; but I shall not at this time fight or oppose this bill, nor shall I criticize it, because I realize that we are in this war and that we must win it regardless of the cost. I do believe, however, some day my colleagues and the members of the committee will investigate the cost of educating boys, both at the Naval Academy and at West Point, and that some reform may be made.

What I say now is not meant in a spirit of eulogy, but in the spirit of justice. A year ago, when it was not so popular as it is now, I stated that the Secretary of the Navy needed no eulogy at my hands, because I believed history would record him as one of the greatest Secretaries of the Navy the United States has ever had. I am glad that my view is now being agreed to by the press, and that he is receiving commendation instead of condemnation all over the country.

I make these few brief remarks, and shall not take up any more time, because I believe we should legislate and not talk, simply that my attitude last year may be thoroughly understood and not misunderstood, and also that anything I may say in the future will be consistent.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

That upon the approval of this act all laws heretofore enacted by the Congress relating to the Naval Militia and the National Naval Volunteers be, and the same hereby are, repealed; that all members of the National Naval Volunteers are hereby automatically transferred to the class "the Naval Reserve," of the Naval Reserve Force, for general service, and confirmed in the rank, grade, or rating they now hold in the National Naval Volunteers, without examination, regardless of their being members of a State military force; that all members of the Naval Reserve Force shall be eligible for reenrollment in the rank, grade, or rating held on the termination of their last enrollment; that no enrollments or promotions shall be made in any rank or grade above that of lieutenant commander, except as herein otherwise provided.

Mr. WALSH. Mr. Chairman, I reserve a point of order upon the paragraph. This paragraph and several following it——

Mr. PADGETT. All down to the middle of page 17.

Mr. WALSH. These paragraphs involve a reclassification, or the transfer apparently of some existing branches of the service into the Naval Reserve, and I think it is an opportune time for the chairman or some member of the committee to make a statement with reference to the items under discussion just to vary the monotony a little.

Mr. PADGETT. I shall be very glad, indeed, to explain this legislation. It runs down to the middle of page 17. Up to five or six years ago the Naval Militia existed purely as State organizations, without any Federal connection or Federal legislation. About four or five years ago the committee reported a bill to federalize the Naval Militia, and that was done, and it was organized and constituted a good body. There are at this time about 15,000 or 16,000 in the Naval Militia. The gentleman will bear in mind that under the Constitution the militia can not be sent abroad or to other countries, and the question was raised as to whether that applied to the Naval Militia, the general term in the Constitution being militia, and they being State organizations. So in order to avoid that, in the act of August 29, 1916, if I remember the statute, we enacted legislation creating the National Naval Volunteers, providing that in order to be federalized and to get the benefit of the Federal aid and help to the Naval Militia they must also become members of the National Volunteers. So when the President calls them into service as an organization in an emergency or in time of war he calls them not as the militia but as the National Naval Volunteers, they being members of that organization. There are two organizations running parallel. The State militia organization and officers were represented before the committee, and all of that legislation was congenial and sought and heartily approved by them.

We also established in the act of August 29, 1916, the Naval Reserve Force, consisting of six branches, with which the House is familiar, in order to have a force and to conserve the men who had served heretofore in the Navy and had gone out of the naval service, and also to have available the services of men who possessed seafaring experience and qualifications; and also others from civil life who would associate themselves into the Naval Reserve and be available if called into the naval service in case of war or emergency.

Now, that was started in the act of August 29, 1916. When this emergency came on, I may say, to the Congress belongs the credit of having established that organization, which was largely responsible for the salvation of the situation with the naval matters. We have now somewhere from 65,000 to 70,000 men in the Naval Reserve called into the active service and cooperating with the service, distributed around in the various ships and stations with the Regular Naval Establishments.

Now, we found ourselves in this condition: Here is the Naval Reserve that is running along, and right parallel with it is the Naval Militia and the National Naval Volunteers, forming that composite organization with a similar organization, similar work, similar duties, and costing extra expense.

The Naval Militia and the Naval Volunteers took up the question themselves of being incorporated into the Naval Reserve, where they will have to perform the same duties, the same functions, that they are now performing in this parallel and collateral organization of service. The result of it was that we cut out of the bill an appropriation that had been submitted in the estimates of $1,527,617 for administrative and other expenses for the maintenance of this Naval Militia and National Naval Volunteers by incorporating them into the Naval Reserve Force. The effect of this legislation is just to transfer that organization into and incorporate it with the Naval Reserves.

Mr. BUTLER. May I ask the chairman if it is the wish of these men to go abroad if necessary that they should go? They made that request?

Mr. PADGETT. They could go abroad as Naval Volunteers, but there is no use of three organizations—the Naval Reserves and Naval Volunteers and the Naval Militia—all of them in auxiliary service, all of them working along parallel lines.

The result is it has saved a million and a half dollars of appropriation. It meets their wishes. They were consulted, and this legislation was the result of conference and work of boards representing the Navy, the Naval Volunteers, and the Naval Militia.

Mr. HUSTED. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HUSTED. Is the legal status of men in the two organizations changed in any way by reason of the transfer to the Naval Reserve Force?

Mr. PADGETT. No; they are transferred with the same rank, the same rating, just incorporated into and become a part of the Naval Reserve. They asked it and are seeking it, and this legislation was worked out by a joint conference of the Navy and the Naval Volunteers.

Mr. WALSH. Will not the effect of it be, however, to eliminate, probably in the near future, the National Naval Volunteers?

Mr. PADGETT. It eliminates them at once when they are transferred.

Mr. WALSH. And also the State Naval Militia?

Mr. PADGETT. No; it does not interfere with the Naval Militia of a State organization, but the Federal Government cares and provides for them the facilities for training and all the help that has been afforded under the name of Naval Volunteers or Naval Militia. It will give them the same help and consideration that it gives them now under the name and organization of Naval Reserves.

Mr. WALSH. When the transfer is made they will be in the national service as Naval Reserves?

Mr. PADGETT. Yes.

Mr. WALSH. And their identity as Naval Militia will be lost, and they will not be transferred as a body but as individuals?

Mr. HUSTED. No; they will be transferred bodily.

Mr. WALSH. They lose their bodily identity.

Mr. PADGETT. Not as a State organization. They can still keep up the State organization as a Naval Militia, but they receive Federal help and recognition as members of the Naval Reserve.

Mr. WALSH. Will the gentleman advise us what this language means, on page 12?—

Members of the Naval Reserve Force who have enrolled for general service and are citizens of the United States are eligible for membership in the Naval Reserve.

Mr. PADGETT. The act of August 29, 1916, created the Naval Reserve Force. Now, the Naval Reserve Force consisted of six subdivisions. The first is the Fleet Naval Reserve. I will read from the act:

There is hereby established under the Department of the Navy a Naval Reserve Force to consist of six classes designated as follows and as hereinafter designated: First, the Fleet Naval Reserve; second,

Naval Reserve; third, Naval Auxiliary Reserve; fourth, Naval Coast Defense Reserve; fifth, Volunteer Naval Reserve; sixth, Naval Reserve Flying Corps.

Now you come to the definitions. When you come to the Naval Reserve, it is "All former officers of the United States naval service, including midshipmen, who have left that service under honorable conditions, and those citizens of the United States who have been, or may be entitled to be, honorably discharged from the naval service after not less than one 4-year term of enlistment, or after a term of enlistment during minority, and who shall have enrolled in the Naval Reserve Force, shall be eligible for membership in the Fleet Naval Reserve.

When you come to the Naval Reserve, you will see that the law provides that members of the Naval Reserve force who have been or may be engaged in the seagoing profession and who have been enrolled for general service shall be eligible for membership in the Naval Reserve. That is the second clause. There is a little modification the gentleman will notice in this. All of the men who are in the Naval Militia have not been seafaring men, as, for instance, a city like Chicago or Philadelphia or many inland places upon the Lakes or from other places. They have had this Naval Militia, but they have not been strictly seagoing men, so that to incorporate them into the Naval Reserve the language is changed as to the eligibility of membership in the Naval Reserve by the language which the gentleman quoted, that men who are citizens of the United States, and so forth, and they must have citizenship. Then they must be qualified to become members of the Naval Reserve, but it eliminates that seafaring occupation as a prerequisite to membership.

Mr. WALSH. But it still requires a man to establish his qualification for the performance of duty aboard combatant ships.

Mr. PADGETT. Those are qualifications as to his moral character, as to his physical condition and fitness, and things of that kind to perform the duties.

Mr. WALSH. And past experience would neither militate against him nor work in his favor?

Mr. PADGETT. No. It is put in there for the very purpose of getting rid of the seafaring experience that was required, in order to enable these men to get into the service.

Mr. FESS. Mr. Chairman, I want to ask one or two specific questions. I am a little confused yet as to this organization. The Naval Militia is not totally destroyed, then, by the creation of the Naval Volunteers?

Mr. PADGETT. Not as a State organization.

Mr. FESS. And that is still retained?

Mr. PADGETT. Yes; it would be still in the same fix as though Congress had simply repealed the law that was passed about five years ago federalizing the State militia. The State Naval Militia existed as State organizations for years before the Federal Government attempted to legislate or to have anything to do with them, and then we passed an act, I think about five years ago, to federalize them and organize them, bring them under the Federal help.

Mr. FESS. And the Naval Volunteers is made up of more than the Naval Militia?

Mr. PADGETT. No.

Mr. FESS. The Naval Militia is federalized to make the Naval Volunteers?

Mr. PADGETT. No. We had the Naval Militia federalized for two or three years before we passed the National Naval Volunteers act, but, as I stated a moment ago, the question arose as to whether the Naval Militia could be used except in our own territorial waters.

Mr. FESS. I understand that. I am trying to differentiate between the Naval Militia and the Naval Volunteers.

Mr. PADGETT. The whole thing is this: The membership is identical. The Naval Militia, in order to get the benefit of Federal legislation, must become members of the Naval Volunteers. When they become members of the Naval Volunteers they perform the same service as they would in the Naval Militia, but when the President calls them into the service he does not call the Naval Militia into the service, he calls the Naval Volunteers into the service, and they are called in as that organization, but the individuals that compose the two are the same.

Mr. FESS. If I should be asked what is the fighting ability and numbers of the Navy and undertook to designate, first, the Naval Militia, then by the Naval Volunteers, then by the Naval Reserves, what would be the fact? Such a question is frequently asked.

Mr. PADGETT. The Naval Militia and the Naval Volunteers are identical. The same persons that constitute one constitute the other. You would say, just as we do in the Navy, that we have so many enlisted men in the Navy, we have so many apprentice seamen in the Navy, we have so many enlisted in the Flying Corps of the Navy, we have so many in the Medical Corps of the Navy, we have so many in the Dental Corps of the Navy, and then you would say that we have so many in the Naval Reserve. We have now in the Naval Reserve between 65,000 and 70,000.

Mr. FESS. And in active service, how many? How many outside of the reserve? What is your naval equipment now in personnel?

Mr. PADGETT. There are about 304,000 men.

Mr. FESS. Including the reserve?

Mr. PADGETT. Yes.

Mr. FESS. That is what I am trying to get.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. GOOD. Take the paragraph on page 10. I think that will illustrate what runs through several other paragraphs. It provides:

That all laws heretofore enacted by Congress relating to the Medical Reserve Corps and Dental Reserve Corps be, and the same hereby are, repealed: *Provided*, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force in their present grades and ranks.

In referring to the act of August 29, 1916, I do not find any provision for the Dental Corps or the Medical Corps under the Naval Reserve forces. If we repeal that law, then we will have no law with regard to the Medical Corps or the Dental Corps.

Mr. PADGETT. Oh, yes; you would. The Medical Reserve Corps and the Dental Reserve Corps were created under other acts as a part of the reserve. When they are incorporated into it they become a part of the Naval Reserve Force. It is just simply an additional branch of that.

Mr. GOOD. Yes; but if we repeal all of the laws covering those two we will have no law at all.

Mr. PADGETT. Yes; you will. You will have the act of August 29, 1916, the reserve force that gives them all of their rights as a part and parcel of the Naval Reserve Force.

Mr. GOOD. But I do not find under the act of August 29 any provision regarding the Medical Corps or the Dental Reserve Corps in the Naval Reserve Force. That is provided for on pages 20 and 21 under the Medical Reserve Corps and Dental Reserve Corps.

Mr. PADGETT. Where?

Mr. GOOD. But the provision in regard to the Naval Reserve Force——

Mr. PADGETT. What page is the gentleman talking about?

Mr. GOOD. Commencing on page 35 of the act.

Mr. PADGETT. The gentleman means the act of August, 1916?

Mr. GOOD. Yes.

Mr. PADGETT. Yes; but it simply gives them, or, rather, I should say, they just come bodily in and get the benefits of the Medical Reserve Corps just like the Flying Naval Reserve or the Naval Reserve or the Naval Auxiliary Reserve or all of these others. There is general legislation creating the reserve, and these men come into it and become a part of it, and they are incorporated in there with the same rank that they have now and then become a part of the Naval Reserve.

Mr. GOOD. The gentleman may be right about that.

Mr. PADGETT. I do not think there is any conflict about it. There is no objection at all, and it has been all worked out.

Mr. HUSTED. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. HUSTED. When this paragraph becomes effective the Naval Marine Corps Reserve and State organizations will still remain in existence and the National Naval Volunteers as an organization will pass out of existence?

Mr. PADGETT. Yes, sir.

Mr. HUSTED. That is correct?

Mr. PADGETT. Yes, sir.

Mr. WALSH. Mr. Chairman, the chairman of the Committee on Naval Affairs I think has given a very comprehensive explanation of the provisions of the paragraph to which I reserve the point of order and also the following paragraph down to the middle of page 17 and as I understand they all relate to this transfer and the continuation, so to speak, of this force——

Mr. PADGETT. It is a simplification of them; it is consolidating into one three organizations.

Mr. WALSH. I have read its provisions very carefully and as the questions have been answered I think that the plan is worthy of adoption and I am therefore going to withdraw the point of order, and I would suggest to the Chairman that if there be any discussion of the matter that the Clerk might read

the paragraph to the middle of page 17 and debate be upon it as a whole.

Mr. PADGETT. I will be very glad to have that done. There are two verbal amendments which I wish to offer, and if we can read the whole as one paragraph, then I can offer those amendments.

Mr. WALSH and Mr. BUTLER. Then the gentleman had better ask permission.

Mr. GOOD. Mr. Chairman, I desire to offer an amendment at the end of line 23, page 10.

Mr. PADGETT. As I said to the gentleman when he was talking to me a while ago in reference to his amendment, I would like to look into it and I will ask the gentleman if he will not withhold it and then I will ask to return to that paragraph.

Mr. GOOD. That is perfectly satisfactory.

Mr. PADGETT. And then the gentleman can offer his amendment.

Mr. BUTLER. I suggest to the gentleman from Tennessee that he adopt the suggestion made by the gentleman from Massachusetts and read this as one paragraph.

Mr. PADGETT. I am going to ask that.

Mr. BRITTEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRITTEN. I would like to ask if it is possible under unanimous-consent agreement to defer the reading of these seven long pages of closely printed matter?

The CHAIRMAN. Under the rules of the House they have to be read; the House can do anything by unanimous consent, but it would be unusual.

Mr. PADGETT. I would not want to put in the RECORD that we waived the actual reading. I do not think that would be proper.

The CHAIRMAN. The gentleman withdraws his point of order; and the gentleman from Tennessee asks unanimous consent that the Clerk be permitted to read down to the middle of page 17, all the matter so read to be considered as one paragraph, and after it is read the part so read be open to amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

That all members of the National Naval Volunteers for aeronautic duties only are hereby transferred to the Naval Reserve Flying Corps, and that all members of the National Naval Volunteers of the Marine Corps branch are hereby transferred to the Marine Corps Reserve under such regulations as may be prescribed by the Secretary of the Navy.

That all laws heretofore enacted by Congress relating to the Medical Reserve Corps and Dental Reserve Corps be, and the same hereby are, repealed: *Provided*, That members of the Medical Reserve Corps and Dental Reserve Corps may be enrolled in the Naval Reserve Force in their present grades and ranks.

That the provisions of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, are hereby amended as follows:

Strike out that part of the fourth paragraph under the subcaption "Fleet Naval Reserve," which reads as follows: "Men enrolled in the Fleet Naval Reserve with less than 8 years' naval service shall be paid at the rate of $50 per annum, those with 8 or more years' and less than 12 years' naval service shall be paid at the rate of $72 per annum; and those with 12 or more years' naval service shall be paid at the rate of $100 per annum, such pay to be considered as retainer pay for the obligation on the part of such members to serve in the Navy in time of war or national emergency," and substitute therefor the following:

"The retainer pay of the enrolled men of the Fleet Naval Reserve shall be the same as for the enrolled men of the Naval Reserve and shall be computed in like manner: *Provided*, That nothing herein shall operate to reduce the retainer pay allowed by existing law to enlisted men who, after 16 years' or more naval service, are transferred to the Fleet Naval Reserve," nor to deny to such enlisted men their privilege of retirement upon completing 30 years' naval service as now provided by law.

Strike out the first paragraph under the subcaption "Naval Reserve" and substitute the following:

"Members of the Naval Reserve Force who have enrolled for general service and are citizens of the United States are eligible for membership in the Naval Reserve. No person shall be enrolled in or transferred to this class unless he establishes satisfactory evidence as to his qualifications for duty on board combatant ships of the Navy."

That the age limits for the several ranks, grades, and ratings and on first enrollment in the Naval Reserve shall be as prescribed by the Secretary of the Navy.

That the minimum active service required for maintaining the efficiency of a member of the Naval Reserve shall be two months during each term of enrollment and an attendance at not less than 36 drills during each year, or other equivalent duty. The active service may be in one period or in periods of not less than 15 days each.

That the annual retainer pay of members of the Naval Reserve Force, except officers in the Naval Auxiliary Reserve, after confirmation in rank, grade, or rating, shall be the equivalent of two months' base pay of the corresponding rank, grade, or rating in the Navy, but the highest base pay upon which the retainer pay of officers of the Naval Reserve Force shall be computed shall not be greater than the base pay of a lieutenant commander. Service in the Navy, Marine Corps, National Naval Volunteers, and Naval Militia shall be counted as continuous service in the Naval Reserve Force, both for the purpose of retirement and of computing retainer pay: *Provided*, That no member of the Naval Reserve Force shall be eligible for retirement other than for physical disability incurred in line of duty until he has completed at least two continuous enrollments in the Naval Reserve Force: *Provided further*, That no retainer pay of any member of the Naval Reserve Force except those enlisted men transferred to the Fleet Naval Reserve after 16 or 20 or more years' naval service shall be in excess of the amount authorized to members having had 16 years' continuous service therein.

That in time of peace the Secretary of the Navy is authorized, in his discretion, to order any member of the Naval Reserve Force, with his consent, who has been confirmed in his rank, grade, or rating, to perform any duty afloat for any period of time for which his services may be required: *Provided*, That such members may be relieved from duty by the Secretary of the Navy at any time and shall upon their own application be released from said duty within four months from the date of their application therefor.

That the uniform gratuity for the enlisted men of each class of the Naval Reserve Force shall be the same as that prescribed for enlisted men of the Navy, but in time of peace the Secretary of the Navy shall prescribe the portion of the clothing gratuity to be issued to such enlisted men of the Naval Reserve Force.

That in time of peace no member of any class of the Naval Reserve Force shall be entitled to retainer pay when assigned permanently to active duty.

That no part of the clothing gratuity credited to members of the Naval Reserve Force shall be deducted from their accounts where said members accept temporary appointments in the Navy in time of war or other national emergency.

That members of the Naval Reserve Force shall upon reaching the age of 64 years be disenrolled except that in time of war or other national emergency such members of the Naval Reserve Force, if in active service, may be continued therein during such period as the Secretary of the Navy may determine, but not longer than six months after said war or other national emergency shall cease to exist.

That no officer of any class of the Naval Reserve Force shall in time of peace be promoted above the grade of lieutenant commander, but in time of war or other national emergency officers of the Naval Reserve Force of and above the rank of lieutenant commander in active service shall be eligible for selection for promotion to the next higher grade or rank by the same board of officers that selects officers of the United States Navy for promotion to such higher ranks and grades, under the same rules and regulations as apply to the selection for promotion of officers of the United States Navy. The promotion of officers of the Naval Reserve Force below the rank of lieutenant commander shall at all times be in accordance with such regulations as the Secretary of the Navy may prescribe.

That when on active duty officers of the Naval Reserve Force shall take precedence among themselves and with other officers of the naval service in their respective grades or ranks according to the dates of their commissions or provisional assignment of rank in the Naval Reserve Force: *Provided*, That all officers of the Naval Reserve Force of and above the rank of lieutenant commander shall rank with but after officers of the same rank or grade in the United States Navy, except that in time of war or other national emergency such officers of the Naval Reserve Force shall have a date of precedence with officers of the United States Navy as of the date of general mobilization, to be established by the Secretary of the Navy: *Provided further*, That during the present emergency the date of precedence of all officers of the Naval Reserve Force shall be as prescribed by the Secretary of the Navy.

No officer of the Naval Coast Defense Reserve or officer of the Naval Reserve Flying Corps shall exercise command except within their particular department or service for the due performance of his respective duties.

Officers and enlisted men of the Naval Reserve Force when employed in active service, ashore or afloat, under the Navy Department shall receive the same pay and allowances as received by the officers and enlisted men of the Regular Navy of the same rank, grades, or ratings and of the same length of service, which shall include service in the Navy, Marine Corps, Naval Reserve Force, Naval Militia, and National Naval Volunteers.

That the unexpended and unobligated portion of all moneys heretofore appropriated, and the appropriation authorized by section 10 of Public No. 57, Sixty-third Congress, approved February 16, 1914, for the training and equipment of the Naval Militia and the National Naval Volunteers, for the clerical force and the office expenses of the Division of Naval Militia Affairs, and the property loaned by the Navy Department for the arming and equipping of the Naval Militia shall be, and hereby are, made available for training and equipping the Naval Reserve Force and for the purchase, rental, and maintenance of suitable armories therefor.

That the clerical force and office expenses provided for the Division of Naval Militia Affairs shall be transferred to the Bureau of Navigation.

Enrolled members of the Naval Reserve Force when in active service shall be subject to the laws, regulations, and orders for the government of the Regular Navy, and the Secretary of the Navy may, in his discretion, permit the members of the Naval Reserve Force to wear the uniform of their respective ranks, grades, or ratings while not in active service, and such members shall, for any act committed by them while wearing the uniform of their respective ranks, grades, or ratings, be subject to the laws, regulations, and orders for the government of the Regular Navy.

That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PADGETT. Mr. Chairman, on page 11, line 22, after the word "reserve," I want to strike out the quotation marks.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. And on line 24, page 11, after the word "law," reinsert the quotation marks.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. On page 13, line 6, beginning with the word "until" and ending with the word "force," in line 8, I want to strike out these words: "until he has completed at least two continuous enrollments in the Naval Reserve Force."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 6, after the word "duty," strike out the following language: "until he has completed at least two continuous enrollments in the Naval Reserve Force."

Mr. PADGETT. Mr. Chairman, the purpose of that amendment, I want to state, is this: You will notice that the proviso

is that "No member of the Naval Reserve Force shall be eligible for retirement other than for physical disability incurred in line of duty until he has completed at least two continuous enrollments in the Naval Reserve Force." Now, a man might enroll from civil life in the Naval Reserve Force and serve eight years and be eligible for retirement. Now, the striking out of those words will limit the right of retirement for disability incurred in the line of duty, and that language is adding to what they have under existing law, and I do not think that a man by enrolling for eight years——

Mr. BUTLER. Ought to be retired.

Mr. PADGETT. Should go on the retired list when in time of peace he has served two months a year for training purposes.

Mr. BUTLER. Let us strike it out.

Mr. PADGETT. I think it ought to be stricken out.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Now, then, on page 13, line 23, I want to strike out the words "enlisted men." I will send it up.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 23, strike out the words "enlisted men", and insert in lieu thereof the words "members other than officers."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. On page 14, line 2, I offer the following amendment. It is the same as the other one.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 14, line 2, strike out the words "enlisted men" and insert in lieu thereof the words "members other than officers."

Mr. WALSH. Mr. Chairman, will the gentleman state why he uses that particular language?

Mr. PADGETT. Yes; I will state it. Heretofore we have had no persons serving in the Navy except men, persons of the masculine gender. Under the exigencies of this war they have taken some women into the service as "yeowomen." If this language is left "enlisted men" there might be a quibble as to the interpretation, and to avoid that, so that there will be no question as to the women to be paid for doing yeomen's clerical work, we change this language.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. I offer another amendment, Mr. Chairman, on page 14, line 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 6, strike out the word "permanently" and insert after the word "duty" the words "for purposes other than training."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. On page 16, line 3, I offer another amendment about enlisted men. Strike out "enlisted men" and substitute the word "members."

Mr. BUTLER. We are amending this in some particulars so that no exception can be taken of this by members of the Naval Militia?

Mr. PADGETT. No. It is only taking out the words "enlisted men" and inserting "members other than officers" in order to care for the women who have been taken into the service.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FOSS. How many women have been taken into the service?

Mr. PADGETT. Well, doing clerical work in the Navy, there have been two or three hundred.

Mr. BUTLER. "Yeoettes" they call them.

Mr. FOSS. They are doing work here in Washington?

Mr. PADGETT. Yes; they are doing work here in Washington and in other places.

Mr. BUTLER. Another question. On page 14 you make an amendment "for purposes," and so forth?

Mr. PADGETT. Yes. Instead of the word "permanently," which might be construed the permanent Navy, this is "for purposes other than training," so that when they are serving simply for purposes of training they get the two months, as the gentleman will remember.

Mr. BUTLER. Yes.

Mr. PADGETT. When they are called into the general service, as in an emergency, they are to get the benefit provided by law.

Mr. BUTLER. I only asked the question because we all remember that this part of the bill is the result of much conference among the men in the service and the men in the Naval Militia. We are not changing it in any way against their interests.

Mr. PADGETT. There is one change that changes the substance, and that is where we strike out the language authorizing retirement after two enlistments, but they do not have that under existing law. That was incorporated here, and I do not think it should be. I do not take the responsibility for that, because it was not proper.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. The substitution of "other than officers" for "enlisted men" is made only in this new part of the law?

Mr. PADGETT. That is all. It is here because they are taking into the Naval Reserve, not into the Navy, these "yeoettes," as they are called, or women.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, referring to page 17, I note that the Secretary of the Navy is given discretion to permit members of the Naval Reserve Force to wear the uniform of the Navy when not on active duty. I would like to ask why that is left in the discretion of the Secretary of the Navy? I assume that under that provision he could grant permission to one individual and deny it to others.

Mr. PADGETT. No. It is under regulations prescribed for classes, not individuals.

Mr. HUSTED. Why is it left to the discretion of the Secretary? If it is a good thing to wear the uniform, why not give it to them outright?

Mr. PADGETT. They might want to wear it on special occasions, for instance, in celebrations. It might not be desirable in time of peace that they should wear their uniforms on all occasions and be confused with the men who are regularly in the service, but upon special occasions, under general regulations, for instance, a reunion, or something of that kind, then it could be done.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. WALSH. Will the gentleman permit me to direct his attention to a typographical error on line 6 of page 17? In the spelling of the word "respective" it is spelled "fecpective."

Mr. PADGETT. I am glad that the gentleman calls attention to that, because in the print I have it is spelled correctly.

The CHAIRMAN. Is it not spelled correctly in the print that the Clerk has?

Mr. PADGETT. Mr. Chairman, I ask that it be corrected.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. PADGETT. Yes.

Mr. GREEN of Iowa. With reference to this matter of members of the reserve force wearing the uniform when not in service, why is this permitted at all? It is not done in the Army, is it?

Mr. PADGETT. I do not know.

Mr. GREEN of Iowa. I understand that the members of the reserve force of the Army when not in service are not permitted to wear the uniform.

Mr. PADGETT. I can not say about the Army, because I do not know.

Mr. GREEN of Iowa. Was there any special reason for this provision?

Mr. PADGETT. I can see where, under regulations that apply generally, there might be occasions when these men would come to celebrate some public day or some event, or something of that kind, when they should come as the naval reserve in their uniforms. I do not see any harm in it.

Mr. GREEN of Iowa. Was this asked for by the department or by the members of the reserve?

Mr. PADGETT. It is asked for by both. This bill was framed by the department and by the Naval Reserve people, the Naval Militia and the Naval Volunteers working together. It is a coordinated bill.

The Clerk read as follows:

Naval training station, California: Maintenance of naval training station, Yerba Buena Island, Cal.: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferriage, and street car fare; purchase and maintenance of live stock and attendance on same; wagons, carts,

implements, and tools, and repairs to same, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire engines and extinguishers; gymnastic implements, models, and other articles needed in instruction of apprentice seamen; printing outfit and materials and maintenance of same; heating and lighting; stationery, books, schoolbooks, and periodicals; fresh water, and washing; packing boxes and materials; and all other contingent expenses; maintenance of dispensary building; lectures and suitable entertainments for apprentice seamen; in all, $225,000.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

Nothing can be grander in this world than to fight the battles of liberty. Nothing can be more glorious than to fight in defense of one's country, especially when that country is America—America of proud history and historic origin. Born in a struggle, nurtured in an atmosphere of independence, our forefathers wrung from the hands of British tyranny the unhindered right to be free. All of our national life we have been an independent people, but that independence had to be won on the field of carnage by warriors grim, and having been won it must be maintained, even at the point of the bayonet. No liberty has ever been won by an indifferent people, and no liberty will ever be maintained by an indifferent people. All progress comes through struggle, and in this way only may we achieve.

We are engaged in a contest in which autocracy, avarice, and brutality are pitted against democracy, liberty, and humanity. The Kaiser has sought to place a helmet of despair upon the free peoples of earth, but the mask has been torn away, and his sinister purposes have been revealed. The President has stated our unselfish aims, and the pathway is clear. The issues are unclouded. No American wants to turn back. The course, with all its tremendous issues, leads forward, not backward, upward, not downward, to the rising and not to the setting sun. All other issues must and will be subordinated to the one great task of winning the war in the shortest possible time. All of these matters have been fully discussed in this body, and it would be useless for me to enter into a discussion of the causes of our enforced entry into a conflict that was not of our own choosing.

But I would call your attention to another and newer, though not less important, problem of this war; that is, to the reeducation and retraining of those who are injured in this great struggle. For the first time in all our glorious history we are beginning to think in concrete terms of the returned soldier in the aftermath. Picture in your mind the soldier who goes to the front. Lifting up his eyes he has caught a larger vision of justice for the oppressed peoples of earth and has woven this dream into a conviction. Clinging to this ideal, he bids good-by to his native land with its rocks and hills, its vales and its mountains, its springs, its rivulets, and its rivers. Its pleasant associations and its old home ties he leaves behind. He bids good-by to mother, to wife, to sweetheart, and with a wave of the hand he joins his fellow soldiers, crosses the sea, and proves his devotion to that ideal. Inspired by that hope he cheerfully faces the machine gun, endures the weariness, and undergoes the hardships indescribable. He hears the roar of the cannon, the sharp crack of the rifle, the thundering tread of horsemen. He faces death in a thousand forms, fighting for the greatest Republic that was ever fashioned by human intelligence on this or any other continent since time's auspicious beginning—aye, more, struggling for the triumph of justice for all time and which shall be to all peoples. Finally, in going over the top he loses an arm or leg or a fragment of shell crashes into his body. He would fight on. The spirit is unbroken, but the body falters. He is taken to the rear, and others carry on the struggle to victory. With a thrill of joy he hears of the final triumph.

The foe has been crushed. The Army returns with bands playing and colors flying, and with the world freed from militarism. The country applauds. The citizens turn out en masse to do the soldiers honor, and to crown them with cheers. After the wild music of the parade, the crowds disperse and return to their respective vocations. The soldiers disband. Sad to say, many of them are crippled for life. They are unable to fill their accustomed stations. They face a future of enforced inactivity. If neglected they will become morose, melancholy, and despondent. Man can not live by cheers alone. Used to active life, their spirits long for a place of usefulness. Having fought the world's greatest battle in the conflict of war, they want a real part in the warfare of peace.

To meet this great problem and to lighten in a measure the burdens of those who have willingly suffered that liberty might live, France, England, Canada, and other countries have established vocational schools for the reeducation and retraining of the crippled soldier.

In many instances the returned soldier can no longer do the character of work in which he was engaged when his country called. The purpose of these schools is to refit him for any character of work which in his changed circumstances he is capable, or may be made capable, of performing. I can conceive of no greater sorrow that could come to a man than to be deprived of his accustomed vocation, and yet be unequipped for any other calling. A pension, compensation, insurance money—none of these will satisfy the human longing of an active man to be a real part of life. These are all good. These are all necessary. But the greatest joy that can be brought into a life of this kind is the conscious knowledge of being able to do some useful work, of having a part, though it be a small part, in the commercial fabric and onward progress of this country.

Perhaps Canada has done more than any other country for her injured soldiers, at least she was the first to establish these institutions on a national scale. The success has been marvelous. She has a central authority, a military-hospitals commission, which operates a group of hospitals. The retraining is supervised by what is known as the vocational branch of this commission in connection with departments of education in the different Provinces, thus forming an elastic system. There is a district officer in each Province or group of Provinces who examines the disabled soldier, and if he is unable to return to his work refers him to a training board, of which such district officer, a medical officer, and a vocational committeeman are the constituent members. This board submits a report and recommendation to the military-hospitals commission at Ottawa for approval. If approved the ex-soldier is entered for a course of training and is given a monthly cash allowance.

The length of this training depends upon his condition, mental and physical, his nationality, previous education or training, his adaptability, temperament, desire, and the industrial needs of the country. During this training period single men are furnished board, lodging, laundry, and $8 per month. If a man has a wife or children he is given an extra allowance; all of this in addition to his pension, or compensation as it would be called in this country.

The Province of Alberta has perhaps surpassed all others. A great many have been trained there and hundreds are now in school. Dr. James Miller, district vocational officer, declares that 5 per cent of the total assigned to these schools will ultimately be sent to permanent soldiers' homes, but that the remaining 95 per cent can be rendered capable of some character of useful work. This percentage is based upon those accepted after a survey. However, a noted authority, who has long made a study of this problem—for it must be remembered that there are a few magnificent spirits in this world who have devoted their lives to this problem—declares that of the wounded who take training 40 per cent may be restored with proper training to as great a degree of efficiency in different lines of occupation as they possessed in their chosen calling prior to their injury; that 25 per cent may be measurably restored so that their work will be of considerable value both to themselves and to the community, and so that in many instances they may be made self-supporting; that approximately 20 per cent may be assisted in such a way as to enable them to be of some useful service, and thus not be a complete burden to themselves. Thus 85 per cent, according to this authority, of those who are unfortunate enough to be injured in the struggle in which we are engaged may be helped by a process of training. It would be criminal to neglect or delay a work of this character. It must be remembered, however, that of the wounded only about 20 per cent need vocational training, the remaining ones being able, after treatment, to return to their former work.

In the Province of Alberta there are several schools, about one-half of which are in connection with the military hospital. The men are trained to be masters in their trades. Temporary trades are discouraged, and those are encouraged that will probably be most useful in the aftermath of civilian life. About one-tenth are taking to farming or to some form of agricultural work.

Of course, the first treatment is given in the base hospitals in France, but if his injury is such as to prevent his entering war service again, the injured soldier is transported as soon as possible to his native land for a period of recuperation. Those engaged in the work declare that it is very important that the period of training begin as soon as the patient begins to recuperate; that the zest of learning and of doing something to occupy his mind produces a physical reaction that is very beneficial to the disabled soldier and is a very material aid to his recovery. The preliminary training is all important, as otherwise during the months of enforced idleness mental deterioration affects the physical being and hinders and retards recovery. The mind gradually loses its alertness and activity, until it is almost impossible for the injured person to do either mental or physical work of any appreciable kind or character. On the other hand, it is said that those who take the training become

very enthusiastic over their work and over their accomplishments, and in one Province have adopted a bit of doggerel expressive of their attitude, as follows:

Its a long trench that has no turning,
A piffling wage that takes no earning,
And a lazy loon that wants no learning.

Many men who have gone through this process of reeducation and vocational training are holding more lucrative positions than they held prior to their entering military life.

A lumberman, 42 years of age, had his right leg crushed, took training, passed the civil-service examination, and now draws $2,000 in a position with the Canadian customs.

A locomotive fireman returned without his left arm, studied telegraphy, and now has charge of the Canadian Pacific Railway station at $125 per month.

A youth without previous business experience has become principal of a western school.

An Alberta bulletin announces that of 17 West Indians who took training, 9 of whom had both legs off and 8 of whom had lost a foot, several became shoemakers, three garment makers, one a tinsmith, one a chauffeur, and one a stenographer, and all of them are self-supporting.

The military hospitals commission in one of its bulletins states that it—

Will not rest content until every soldier disabled in his country's service has recovered the utmost possible degree of power and energy for success in civilian life. Every man must be enabled to serve his country still in a position profitable both to it and to him—a position, too, in which his restored capacity will be fully employed.

In England, St. Dustin's Hospital for blind soldiers and sailors teaches typewriting, leather work, basket work, rug work, and poultry keeping. Those who have more than one limb gone may secure industrial training at Queen Mary's, at Brighton, and at Queen Mary's Auxiliary Hospital, at Roehampton. There is a similar institution at Kelso, Scotland. The convalescent period is spent at Brighton, and the artificial limbs, their fitting and use, are to be had at Roehampton. At first there was a disposition to want to establish colonies of cripples, but it was soon found that it was better both for the disabled soldiers and the community that they should mix and mingle with the other men and be woven into the fabric of the business community. England, with her 600,000 crippled soldiers at the beginning of this year, would have been in a sad plight but for her forethought in the work of rehabilitation.

In France the Zander methods of treatment of stiff limbs and deformities and the substitution of machine for hand manipulation has for some time been used. This system has now been modified so that a curative treatment is applied with a definite view to the physical effort required in the occupation the man hopes to assume. There are now more than 70 reeducational establishments in France, most of which receive a Government subsidy as well as support from municipal authorities and private subscriptions.

Grand Plais has nearly 3,000 beds, electrical treatment, whirlpool baths, massage, medicinal exercises, and other treatments incident thereto. In one month 420 men returned to active service in the Army from this institution who would otherwise probably have been disabled. St. Maurice is another important institution. At first the French work was directed by several different heads, but it was found wise to unite all, and now there is a single head officer known as the "office national." They now keep a registry of every disabled soldier. Before leaving the hospital a blank is filled showing his injury, previous training, his dependents, aptitude for retraining, and other information.

At the Anglo-Belgium Hospital, at Rowen, the apparatus required was for the most part manufactured in the workshops by the disabled soldiers themselves. They have accommodations for 1,200 men. Forty-three different trades are taught including bookkeeping, shorthand, typewriting, telegraphy, molding in clay, wood carving, drawing, designing, painting, manufacturing of motor vehicles, electrical machinery, tinsmithing, plumbing, tailoring, poultry farming, fur curing, and numerous other trades. The great institution is not only self-supporting but has paid back to the Belgium Government the entire cost of installation. The institution was so located that many of the articles needed by the countries at war could be furnished, and thus a double purpose accomplished. While in the workshops the men are still mobolized and under military discipline, and when a man has become efficient and able to earn a living he is allowed to take his discharge on condition that he first take three months' furlough and has suitable employment or work of his own to do.

The Anglo-Belgium Hospital feeds the Vernon establishment, which is an institution where real work is performed. How much better it is to make useful men out of those who are unfortunate enough to be injured in the service than to leave them to their own loneliness and suffering or to send them to soldiers' homes.

I have introduced a bill calling for the establishment of a Federal board for vocational retraining and providing a plan of cooperation between the State and National Governments in the establishment of institutions for vocational retraining in all the States of the American Union. These institutions would be useful not only for the period of the war and for the training of the soldiers who are injured in the war but if thought advisable they could then be transformed into vocational educational institutions of a permanent nature in this country, a phase of our business life that has already been neglected too long.

I am glad to say that in recognition of the need which this situation presents, Hon. William C. Gorgas, the Surgeon General, has established hospitals in a number of the different cities of this country and is undertaking to affiliate them with some of the industrial activities of the country in such a way as to give, to a degree, vocational training. This is a laudable undertaking, but the question is so extensive in its scope and so limitless in its possibilities that it should be organized on a very great and complete scale, and the Surgeon General's efforts should be supplemented in every possible way. The genius and intelligence of the best business minds of the country should cooperate in this great work. Provision should be made first for the restoration to health wherever practicable and to as great a degree as possible; second, provision should be made for the best training facilities of every kind and character; and, third, a full and complete effort should be made to secure employment for the soldier as soon as his period of training has elapsed. The discharge of the disabled soldier from military service should not occur when unfit for further military service, as has been our custom, but when made as fit as possible to resume the place and position of a civilian, and to have a part in the economy of the things that are to be.

This is a problem that is medical, educational, and industrial. It is far more than this. It embraces all those phases, and in addition thereto embodies the larger and more important question of increasing the industrial efficiency of the Nation. The question of taking care of our national life after the storm of war shall have passed and destruction shall have wrought its havoc will be a pressing one. After the war competition will be keen, and democracy will be put to another test, the taking care of all its citizens and the protecting of their legal rights throughout the world, to the end that there may be a permanent peace founded on justice. By this course of training life will be made worth living to the brave spirits that have given the full measure of devotion to the cause of human liberty.

This is not a matter of charity but a question of simple justice. We are learning to appreciate more and more in this land that a man's property, to which he has title, is not his alone, but is his subject to the rights of the Government of which he is a part, and to which he must look for protection not only for that property but for himself. In the years that are to come no man should have the right to enjoy property that has been safeguarded and protected by any man who has been disabled in the fight to protect his neighbors' rights until the Government has provided that the one making the sacrifice has the best done for him that money and training and kindly interest can procure. The kind of compensation which simply enables a man, through the medium of money, to keep the wolf from the door is but poor compensation, indeed, for the loss of an eye or the shattering of a limb, especially if by the proper course of training that man may be lifted out of a state of possible gloom and made capable of doing useful service. This transformation from a disabled condition to a state of usefulness will also help to solve an industrial problem that might become a burden upon the public.

After the war rehabilitation will not only be needed for the manhood of the country, but for the destruction wrought by the war, and the best energy and the best minds that our country can produce will be brought to bear in the solution of these great problems.

We are fighting the greatest war of all history, settling issues of terrible moment and after a terrible fashion. We are being forged in the fires of a new world relationship, whose ultimate objects shall one day be attained. To the accomplishment of our declared purposes our people are committed; they understand its sacrifices and have caught its militant spirit. From housetop to hilltop, from the factory to the farm, from the Atlantic to the Pacific this great country, cleft by flowing rivers and framed in eternal hills, is ablaze with patriotism to-day,

its one supreme purpose being to achieve a victory and to weave that victory into the fabric of a just and lasting peace. Surely those who are injured in a cause like this should be cared for regardless of cost. All they ask is an opportunity, and that much they have a right to demand. America, with the rich experience that has been crowded into the brief span of her existence, can not afford to do less. [Applause.]

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock, and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, and one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting, and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service for the fiscal year ending June 30, 1919, shall not exceed $6,000; in all, naval training station, Great Lakes, $725,000.

Mr. BRITTEN. Mr. Chairman, I should like to ask the chairman of the Committee on Naval Affairs if it is not his intention to insert certain committee amendments that apply to the Great Lakes Training Station or if it is his intention to take them up later?

Mr. PADGETT. They come under the head of public works.

The Clerk read as follows:

Naval War College, Rhode Island: For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle, to be used only for official purposes; and care of grounds for same, $35,250; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $300; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $1,300: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1919, shall not exceed $22,500; in all, Naval War College, Rhode Island, $38,850.

Mr. FESS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee concerning the provision in line 19, page 20, of $2,000 for the services of a professor of international law. How much time does the professor give—evidently not all of his time?

Mr. PADGETT. Not all of it. That appropriation has been carried in the bill for a long time. Heretofore this professor delivered lectures at the War College to the officers upon international law. Now, under war conditions the officers are not there, but he is doing the same work by correspondence with the officers on duty elsewhere.

Mr. FESS. That is satisfactory. Of course, $2,000 would not get a very high-class man if he gave all of his time.

Mr. PADGETT. This has been carried for years at that amount. He does not devote all of his time to it.

Mr. FOSS. I wish to ask a question about the preceding paragraph, about schools and camps of instruction. Is that a new proposition?

Mr. PADGETT. No, sir.

Mr. FOSS. It has been in the bill before?

Mr. PADGETT. Oh, yes. With the war going on and the number of recruits and reserves, and so forth, this is for their training and development.

Mr. FOSS. How many schools and camps for instruction have we now?

Mr. PADGETT. I do not know. We have the regular ones at the Great Lakes, and at San Francisco, and at Newport News, and at Newport, R. I.

Mr. FOSS. And at Jamestown?

Mr. PADGETT. Jamestown, Norfolk, Charleston, Pelham Bay, N. Y., Philadelphia, and every place where they can get men together and train them.

Mr. FOSS. They have been increasing the number of them during the last year, have they?

Mr. PADGETT. Since the war broke out?

Mr. FOSS. But prior to that?

Mr. PADGETT. Prior to that we appropriated only $30,000 a year for summer training. Now we are appropriating nearly two million and three-quarter dollars for the training of all these thousands of men who are coming in.

Mr. FESS. You are utilizing a good many institutions that are not purely governmental also, like the Dunwoodie Institution?

Mr. PADGETT. Yes; they are contributing very generously, by making available their grounds and resources.

Mr. FESS. Such as the School of Technology at Boston, the Dunwoodie Institution at Minneapolis, and others. I notice that those are being used.

Mr. PADGETT. The University of Chicago has been very generous, and the State University of Ohio, and various places of that kind.

Mr. BRITTEN. According to the testimony of Admiral Palmer when he was before the committee, we have also students at Hawaii, at the Asiatic station, and in the West Indies, and wherever we have a patrol station.

Mr. PADGETT. Yes; wherever we have them they are training the men and developing them.

The Clerk read as follows:

The rank and title of major general of the Marine Corps is hereby created, and the President is authorized to nominate, and by and with the advice and consent of the Senate, to appoint one major general of the Marine Corps.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that we may finish the reading of all this proposed amendment of the act, and then that I may offer several amendments, without interrupting the reading.

Mr. BRITTEN. I wanted to ask the chairman of the committee a question. This is perfectly agreeable to me.

Mr. BUTLER. What pages is it proposed to read?

Mr. PADGETT. Beginning on page 22 and ending with line 10, on page 29.

The CHAIRMAN. The gentleman from Tennessee, chairman of the committee, asks unanimous consent that all the bill, from page 23, line 25, down to line 10, page 29, be read without interruption, after which time amendments may be offered to any part of the bill so read. Is there objection?

There was no objection.

The Clerk read as follows:

That the said act of May 22, 1917, Statutes at Large, volume 40, page 85, be, and the same is hereby, amended by striking out the word "lieutenant" in lines 5 and 14 of section 4 thereof, and substituting therefor the words "lieutenant commander" and adding at the end of section 4 the following proviso: *Provided further*, That based on the temporary increase of enlisted men of the Navy and Marine Corps herein authorized, the President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint not exceeding 4 captains and 7 commanders in the Navy selected for promotion under provisions of existing law; and 3 brigadier generals, 12 colonels, and 12 lieutenant colonels in the Marine Corps; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same and not later than six months after the termination of the present war; by striking out the words "commissioned warrant officers, warrant officers, and" in lines 14 and 15 of section 5 thereof; and by inserting after the semicolon in line 31 of section 5, the following: "*Provided further*, That temporary appointments as chief warrant officers may be made by the President, with the consent of the Senate," so that said sections, as amended, will read as follows:

"SEC. 4. Additional commissioned officers in the Navy and Marine Corps, based upon the temporary increases herein authorized in the number of enlisted men, shall be temporarily appointed by the President, in his discretion, with the advice and consent of the Senate, not above the grades and ranks of lieutenant commander in the line and staff of the Navy and major in the Marine Corps, the distribution in said grades and ranks to be made in accordance with the provisions of the act of August 29, 1916: *Provided*, That all temporary original appointments shall be made in the lowest commissioned grades of the line and staff of the Navy and Marine Corps, exclusive of commissioned warrant officers, and that there shall be no permanent or temporary appointments in or permanent or temporary promotions to any grade or rank above that of lieutenant commander in the Navy or major in the Marine Corps by reason of the temporary appointment of officers authorized by this act in excess of the total number of officers authorized by existing law or on account of the increase of enlisted men herein authorized: *Provided further*, That, during the period of the present war, the deficiency existing prior to the passage of this act in the total number of commissioned officers of the Navy and Marine Corps authorized by the act of August 29, 1916, may also be supplied by temporary appointments in the lowest grades and by temporary promotions to all other grades until a sufficient number of officers shall be available for regular appointment or promotion in accordance with existing law: *Provided further*, That nothing herein shall be held or construed to limit or abridge the use or service of the officers of the Navy and Marine Corps on the retired list or of the officers of the Naval Militia and National Naval Volunteers, Naval Reserve Force, and Marine Corps Reserve, as provided and authorized under existing law: *Provided further*, That temporary chaplains and temporary acting chaplains in the Navy may be appointed for service during the period of the war in the promotion of the personnel of the Navy as now prescribed by existing law: *Provided further*, That, based on the temporary increase of enlisted men of the Navy and Marine Corps herein authorized, the President, by and with the advice and consent of the Senate, is authorized, in his discretion, temporarily to appoint not exceeding 4 captains and 7 commanders in the Navy selected for promotion under provisions of existing law; and 3 brigadier generals, 12 colonels, and 12 lieutenant colonels in the Marine Corps; said temporary appointments shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the same and not later than six months after the termination of the present war.

"SEC. 5. That the additional temporary officers authorized in the various grades and ranks of the Navy and Marine Corps in accordance with the next preceding section may be temporarily appointed to serve in the grades or ranks to which appointed or promoted by the temporary advancement of officers holding permanent and probationary commissions, by temporary appointment of commissioned warrant officers, warrant officers, and enlisted men of the Navy, and warrant officers, noncommissioned officers, and clerks to assistant paymasters of

the Marine Corps, commissioned and warrant officers of the United States Coast Guard, citizens of the United States who have had previous naval or military service or training, and other citizens of the United States specially qualified: *Provided*, That in making appointments authorized herein the maximum age limit shall be 50 years for enlisted men to ensign, enlisted men of the Navy to warrant rank, candidates for assistant surgeon, noncommissioned officers of the Marine Corps to commissioned rank, members of the Marine Corps branch of the Naval Militia and National Naval Volunteers, Marine Corps Reserve, and civilians specially qualified to commissioned rank, and warrant officers of the active list of the Marine Corps appointed to commissioned rank, and temporary chaplains and temporary acting chaplains: *Provided further*, That graduates of the Naval Academy and warrant officers duly commissioned in the Navy or Marine Corps in accordance with existing law shall not, by virtue of this act, be required to receive temporary appointments; and the class of midshipmen graduated from the Naval Academy on March 29, 1917, and the classes to be graduated hereby may be commissioned effective from date of graduation: *Provided further*, That temporary appointments as warrant officers of the Navy may be made by the Secretary of the Navy: *Provided further*, That temporary appointments as chief warrant officers may be made by the President with the consent of the Senate: *Provided further*, That lieutenants (junior grade) and ensigns may be considered eligible for temporary promotions to the grades of lieutenant and lieutenant (junior grade), respectively, without regard to length of service in grade."

That hereafter the Chief of Naval Operations shall receive the allowances which are now or may hereafter be prescribed by or in pursuance of law for the grade of general in the Army, and the officers of the Navy holding the rank and title of admiral and vice admiral in the Navy while holding such rank and title shall receive the allowances of a general and lieutenant general of the Army, respectively. And hereafter chiefs of bureaus of the Navy Department, including the Judge Advocate General of the Navy, shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus of the War Department and the Judge Advocate General of the Army.

That nothing contained in this section shall be construed to reduce the pay or allowances now authorized by law for any commissioned, warrant, or appointed officer or any enlisted man of the active or retired lists of the Navy, and all laws inconsistent with the provisions of this section are hereby repealed.

Mr. ELSTON. Mr. Chairman, I will not consume the five minutes, but I ask unanimous consent to extend my remarks in the RECORD by inserting a few short remarks made by Food Commissioner Hoover to the Hotel Men's Association in response to their pledging their whole-hearted support to the maintenance of a wheatless program until the end of the war.

The CHAIRMAN. The gentleman from California asks to extend his remarks in the RECORD. Is there objection?

Mr. JOHNSON of Kentucky. I could not understand what the remarks were.

Mr. ELSTON. Short remarks made by Mr. Hoover, who met the National Hotel Men's Association, in response to the chairman of that association pledging their whole-hearted support to the maintenance of a wheatless program until the end of the war.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I want to offer several amendments. First, I want to offer one on page 22, line 18, to strike out the word "section" and in lieu thereof to insert the words "and second section."

The Clerk read as follows:

Page 22, line 18, strike out the word "section" and insert in lieu thereof "and second section."

Mr. PADGETT. I want to insert "first and second sections," because we are amending both the first and the second sections.

The amendment was considered and agreed to.

Mr. PADGETT. On page 23, line 12, at the beginning of the line, insert "Section 2."

The Clerk read as follows:

Page 23, line 12, before the word "that" insert "Section 2."

The amendment was agreed to.

Mr. PADGETT. In line 14, page 23, strike out the words "thirty thousand to fifty thousand" and insert in lieu thereof the words "seventeen thousand four hundred to seventy-five thousand five hundred."

I want to state to the committee that the effect of that amendment is to increase the enlisted personnel of the Marine Corps from 30,000 to 75,500, on account of the word we have received from abroad and the request of Gen. Pershing and the Secretary of War that additional marines be sent abroad. As we have a number of highly trained marines ready to send, it is the purpose and intention of the Navy Department to comply with that request, and it becomes necessary to grant an additional increase. This is a committee amendment that was agreed to unanimously without any opposition.

The CHAIRMAN. Will the gentleman state his amendment again?

Mr. PADGETT. In line 14 strike out the words "thirty thousand to fifty thousand" and insert in lieu thereof the words "seventeen thousand four hundred to seventy-five thousand five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 23, line 14, strike out the words "thirty thousand to fifty thousand" and insert in lieu thereof the words "seventeen thousand four hundred to seventy-five thousand five hundred.

Mr. FOSS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman why he inserts "17,400"?

Mr. PADGETT. Seventeen thousand four hundred is the permanent strength of the Marine Corps.

Mr. FOSS. That is, the Marine Corps will go back to that after the war?

Mr. PADGETT. Yes; that is what we will go back to after the war, unless there is subsequent legislation changing it.

Mr. FOSS. What is the temporary increase at the present time?

Mr. PADGETT. Thirty thousand; and those are the words used here. But as it is a temporary increase, that temporary increase should be made from the basis of the permanent increase, and as it was phrased in the bill as reported it was increasing it from a temporary increase, and that increase should be based on the permanent strength.

Mr. FOSS. So that at the present time we have really a temporary increase of 12,600?

Mr. PADGETT. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, this is one of the parts of the bill to which I called the attention of the House when I urged expedition this forenoon. It will not be out of place, perhaps, to say here that we hope within 30 days the marines may be increased on the fighting line in France to a division of men. [Applause.] Therefore it becomes necessary to ask for this increase in order that the wastage may be taken care of. A division, as I understand, will mean about 28,000 men. We will have to have replacements, so that when casualties occur we will have a supply to draw from immediately. When the marines go, let me say to the House—and I am willing to have this appear in the RECORD—they will go thoroughly equipped. They will take men who have been trained for months under the cannon fire, what is known as barrage. These men will leave America directly for the front, with no other training, and, as my friend from Illinois [Mr. Foss] suggests, there is a lot of them over there now.

Mr. BRITTEN. Right on the firing line.

Mr. BUTLER. Right on the fighting line. Therefore I think that the Naval Affairs Committee of the House was justified, in view of what the chairman of our committee has said and what I am now saying, in asking for expedition in the passage of this bill. These men must be supplied and supplied at once. Let me further say to this committee that during the month of May they will have no trouble whatever in enlisting 10,000 marines. Let me say further, for the information of the committee, that thousands and thousands of men are standing waiting to be enlisted in the Marine Corps, men of the highest order and character to be found in America. Unless we can have this legislation and authorize headquarters to take these men we will be at a disadvantage.

When these marines go to Europe they will take with them 2,000 expert riflemen; they will take with them a class of men 92 per cent of whom are sharpshooters. Furthermore, when they go they will take their own flying machines. We want to see this body of expert soldiers in Europe immediately, and that is the reason why I ask for expedition. [Applause.]

I want this committee to know the reason why I asked for expedition, and I have now given it. You may expect good results from these men who have been trained, some of them one year, some six, and some eight.

Mr. COX. I think the gentleman ought to be commended.

Mr. BUTLER. And following up what my young friend from Illinois [Mr. BRITTEN] said the other day, it all appears now plain why they have not gone. They were waiting for Gen. Pershing to make the statement that he desired them to put among his own men, and they will all be soldiers, when they reach there, in Pershing's Army. The chairman of this committee has stated that Gen. Pershing has asked for them. He has asked for many more, and now let me say to you that they will fully sustain the reputation that the American people have given to this corps for 140 years and more. [Applause.]

The CHAIRMAN. The gentleman asks unanimous consent to revise his remarks, and that will give him authority to cut out such parts as he desires. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I think this is an opportune time to say just a few words about some of the officers of the

Marine Corps and the corps generally. My good friend and colleague on the committee, Mr. BUTLER, has always stood for that which the Marine Corps desired, morning, noon, and night. The committee, generally, I think, is almost unanimously for anything the Marine Corps wants.

I want to call to the attention of the House a little incident that occurred the other day when I left Chicago. A young man stepped up to me in one of the big garages, where I was getting my car out to send down here, and he said, "Mr. BRITTEN, I think I shall go back into the Marine Corps." He was a young mechanic about the garage. And I said, "Back into the Marine Corps?" He said, "Yes; I think I shall go back into the Marine Corps, and if I go back, will you help me get under Col. Butler?"

I said, "Do you know Col. Butler?" He said, "Yes; I have fought under him, and there is not a man in the country I would rather go to Europe under than Col. Butler." Mr. Chairman, that same Col. Smedley Butler is none other than the distinguished son of a distinguished father, my colleague on the committee, the gentleman from Pennsylvania, Mr. BUTLER. [Applause.]

Mr. DILLON. Mr. Chairman, I move to strike out the last two words. The fourth precinct in the city of Yankton, S. Dak., which is the city in which I live, has 240 voters. To show how they have subscribed to the third liberty loan, I send to the desk the following telegram and ask that it be read in my time.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

YANKTON, S. DAK., *April 19, 1918.*

Hon. C. H. DILLON,
Washington, D. C.:

Fourth precinct, city of Yankton, voting population 240 individuals. Subscribers to third liberty loan, 313; total subscription, $70,400; allotment, $35,000. We challenge any precinct in the United States to beat the number of subscribers for precinct population.

WM. J. FANTLE.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, strike out all of lines 21, 22, 23, and 24 and in lieu thereof insert the following: "The rank and title of major general is hereby created in the Marine Corps, and the President is authorized to nominate and by and with the advice and consent of the Senate to appoint one major general, who shall at all times be junior in rank to the major general commandant; and also one temporary major general in the Marine Corps who shall at all times be junior to the permanent major general."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to offer another amendment. I will have to give it to the Clerk. Page 24, line 11, strike out the word "three" and substitute "six." That gives six temporary brigadiers general instead of three.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 11, strike out the word "three" and insert in lieu thereof the word "six."

The question was taken, and the amendment was agreed to.

Mr. BUTLER. This is only temporary?

Mr. PADGETT. It is temporary for the war and six months thereafter. The existing law provides that all of these temporary officers must go out not exceeding six months after the termination of the war.

Mr. BUTLER. I just wanted to hear the gentleman say it again, that is all.

Mr. PADGETT. I have put it in here time and again.

Mr. BUTLER. I like to hear it.

Mr. PADGETT. I offer the following amendment: Page 24, line 12, strike out the word "twelve," before the word "colonels," and insert "twenty-two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 12, before the word "colonels," strike out the word "twelve" and insert in lieu thereof the word "twenty-two."

Mr. BUTLER. I would like to ask the gentleman from Tennessee whether he thinks we have not plenty of colonels?

Mr. PADGETT. I do not with the increased——

Mr. BUTLER. My question was this: Does the gentleman think we have plenty of colonels? and the answer was, "No; we have not."

Mr. PADGETT. No; I said we had not, authorized by existing law. I took up this matter yesterday with Gen. Barnett, and this is not one-third of what they would be if they were operating under the law of August 29, 1916.

Mr. BUTLER. I want to say to the gentleman I am going to be as good as I know how in these troublesome times, but if this was in peace times you could not get it through without dragging it around the House several times.

Mr. PADGETT. I would not ask for it.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer the following amendment: Page 24, line 12, before the word "lieutenants," strike out "twelve" and insert "twenty-two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 12, before the word "lieutenants," strike out the word "twelve" and insert in lieu thereof "twenty-two."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Now, in line 13, after the word "corps," I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 13, after the word "corps" and before the semicolon, insert the following: "in addition to the number permanently allowed by law in these grades."

Mr. PADGETT. Showing they are temporary and in addition to the permanent colonels, that is all.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Now, page 26, line 19, it is the same amendment I offered a while ago, in line 19, strike out the word "three" and insert "six."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 19, strike out the word "three" and insert in lieu thereof "six."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. In the same line 12, same page, strike out the word "twelve" before the semicolon and insert "twenty-two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 19, before the word "colonels," strike out the word "twelve" and insert in lieu thereof "twenty-two."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. In the same line, before the word "lieu," strike out the word "twelve" and insert "twenty-two."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 19, before the word "lieu," strike out the word "twelve" and insert in lieu thereof "twenty-two."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Page 26, line 20, after the words "Marine Corps," and before the semicolon, insert the words I sent up a while ago, "in addition to the number permanently allowed by law in those grades."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 20, after the word "Corps," and before the semicolon, insert the following: "in addition to the number permanently allowed by law in those grades."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. On page 26, line 11, there is an error there of a misprint. I move to strike out the word "promotion" and insert "proportion."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 11, strike out the word "promotion" and insert in lieu thereof the word "proportion."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Page 27, lines 22 and 23, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 27, lines 22 and 23, strike out the words "and warrant officers of the active list of the Marine Corps appointed to commissioned rank."

Mr. PADGETT. This strikes out the words "and warrant officers of the active list of the Marine Corps appointed to commissioned rank." Under the act of August 29, 1916, there was a limitation on the promotion or the appointment of men to the rank of ensign before the age of 50. Now the age of retirement in the Navy is 64. There is 14 years of service. Now, these warrant officers that have been serving and possessed capacity and character and have served up to 50 years under the existing law could not be promoted to ensign. This simply exempts them from that limitation.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Has the chairman of the committee any other amendment?

Mr. PADGETT. Yes. I offer another amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Mr. PADGETT moves to insert the following, on page 27, line 14, after the word "*Provided*": "That such chief warrant officers as are given a temporary appointment provided herein shall take rank and precedence with the other chief warrant officers temporarily appointed as of July 1, 1917, and according to their seniority as chief warrant officers in the permanent service: *Provided further.*"

Mr. BUTLER. The chairman will understand that this affects the very desirable personnel of this Marine Corps, and therefore I understand from his amendment that the chief warrant officers that are taken into the service temporarily will rank along with those who are in permanently, not taking precedence over them?

Mr. PADGETT. It fixes the date as of July 1, and among the officers according to their precedence it is to establish military uniformity.

Mr. BUTLER. I would not want these men who have been taken in temporarily to have precedence over the old fellows who have done good work for the Government for many years.

Mr. PADGETT. It is not intended that that should be done.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. Has the chairman any other amendment?

Mr. PADGETT. Yes. On page 28, line 6, change the word "hereby" to "hereafter." It is a misprint. It is the classes to be graduated hereafter.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 28, line 6, strike out "hereby" and insert "hereafter."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Now, on page 28, line 11, after the word "Senate," I wish to offer an additional proviso.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 28, line 11, after the word "Senate," insert the following additional proviso: "*Provided further*, That the temporary appointment for the war of 76 additional marine gunners, 76 additional quartermaster clerks, and 29 additional clerks for assistant paymasters in the Marine Corps is authorized."

Mr. PADGETT. This is the temporary appointment of these additional marine gunners and quartermaster clerks and assistant pay clerks on account of the increase in the Marine Corps from 30,000 to 75,000.

Mr. BUTLER. All temporary?

Mr. PADGETT. All temporary.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Now, Mr. Chairman, on page 28, line 24, after the word "Navy," I move to insert the words "and the heads of existing staff corps of the Marine Corps." That places them on the same basis.

Mr. BUTLER. That I am going to object to. You will have to have a full House to get it through.

Mr. PADGETT. I will leave it out, then.

Mr. BRITTEN. That is a very important question, Mr. Chairman. If the question has merit in it, it should be considered whether it requires the entire House or not.

Mr. BUTLER. That means to appoint three major generals in the staff corps of the Marine Corps?

Mr. PADGETT. It means to give the heads of three bureaus in the staff corps the same temporary grade—that is, while they are serving in that capacity, the same rank—that they would have in the Navy and in the Army.

Mr. BUTLER. I will say right now that I will not play any longer. [Laughter.]

Mr. PADGETT. Then, Mr. Chairman, I will withdraw the amendment.

Mr. BRITTEN. Mr. Chairman, will my colleague on the committee allow me a minute to change his views on this subject?

Mr. BUTLER. If the gentleman should talk three years I would listen to him, because I like him, but he could not change my opinion, because it is not right to take advantage of the condition we are in to have three major generals of the staff and when this war is over the line will have only one, the fighting men one, and the staff three. Never; if you want to, I will fight it out along that line.

Mr. BRITTEN. Mr. Chairman, I would like to know what the status of the amendment would be if it is withdrawn now? I would like to know from the chairman of the committee if it is going to be reintroduced?

Mr. PADGETT. Not by myself. I can withdraw it at any time.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that in the House the proposer of an amendment has the right to withdraw it at any time, but in Committee of the Whole, under the practice, it takes unanimous consent to withdraw it.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Chairman, I hate awfully to disagree with my pleasant friend [Mr. BUTLER] on the Committee on Naval Affairs, but here is the situation with reference to these staff officers: They are occupying the same relative positions in the Marine Corps that are occupied by officers in the Army and officers in the Navy doing their character of duty, and we now are going to single out these three officers, and we are going to say to them, "You stay where you are as brigadier generals. We are going to keep major generals in the Army doing the same character of work that you are doing; we are going to keep officers of corresponding rank in the Navy, rear admirals, doing the same work you are doing, but we are going to keep you down to brigadier generals, because the corps is small and because after the war is over we may have only one major general in the Marine Corps, and he will be a fighting man and you gentlemen are not fighting men."

Now, let us see if that is fair. I know every Member now on the floor of the House wants to be fair, and particularly so with the Marine Corps. Let us see if that is fair. The gentleman from Pennsylvania [Mr. BUTLER] a few moments ago remarked about these glorious troops going over to France, thoroughly equipped with machine guns, supplies, and fully officered. They have acquired their own aeroplanes, and they are a corps to be proud of. Yet these very three officers, the paymaster of the Marine Corps, the adjutant and inspector of the Marine Corps, and the quartermaster of the Marine Corps are directly responsible, under Gen. Barnett, for this wonderful state of affairs. But we are going to say to them, "You are responsible for this great efficiency. You have supplied these troops with the guns and with the uniforms and everything that is necessary for them to go immediately into the battle field, but now we are going to keep you down to brigadier generals, because we do not think it is quite fair for you three to go up. We are not going to raise you to the level of the officers in the Army who are doing the work that you are doing or to the level of the officers in the Navy who are doing the work that you are doing." Is there any reason, in all justice, why these three particular men, who are doing the same duty that others are doing, should be so embarrassed in the eyes of the country?

If you are going to keep them down, then reduce all of the others to a corresponding rank. Then I will say there is some justice in this thing.

If the Marine Corps were not thoroughly supplied right up to the minute, I would say yes, that it would be a rebuke from Congress to these men for not keeping the corps up to what it ought to be. You gentlemen all know Rear Admiral McGowan, of the Navy, and there is no better supply officer living than McGowan. Yet I will say to you that Laurie McCauley in the Marine Corps is his equal in every particular. The most wonderful efficiency possible is demonstrated in the Marine Corps; but we are going to say to McCauley, "You are doing the same work that McGowan is doing, you are doing the same work that major generals in the Army are doing, supplying troops, but we are going to keep you down to a brigadier general."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. May I proceed for two minutes?

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BRITTEN. Brig. Gen. Henry Lauchheimer, the corps adjutant and inspector, is on the job morning, noon, and night, and is one of the most efficient public servants in our entire Government, not excepting any branch of the Government. I know that Lauchheimer is one of the most efficient men we have. He is on the job 24 hours a day, if need be, and yet you hesitate to do him the same honor and justice you have extended to others. Brig. Gen. George Richards, paymaster of the corps, is the same kind of a man, always at his post; and we are going to say to these three men, "Your corps probably is the most efficient fighting unit on earth, but we can not recognize

your value." They talk about the efficiency of the Navy. No one loves the Navy more than I do, and yet I say to you gentlemen, in all seriousness, that the Marine Corps is better equipped for fighting to-day with any enemy of its size than the Navy itself is, and these three men are largely responsible for that state of affairs—the adjutant general, the paymaster, and the quartermaster. I called up Gen. Barnett only a few minutes ago, and I said, "General, have you heard what the committee and the House did on your increases?" He said, "No; I have not." I said, "They have given you exactly what you have asked for, 75,500 men, notwithstanding that the Secretary of the Navy recommended a lesser number to the committee." The committee unanimously gave the Marine Corps just exactly what Gen. Barnett asked for, excepting this particular item here. Gen. Barnett asked for this. He begs for it, and says the efficiency of his corps, in its equipment, in its readiness to fight, is due almost entirely to these three bureaus. We are going to say to them, "We are not going to put you on the same level with your corresponding officers in the Army and the Navy. No; we are going to keep you down." If the Marine Corps were not properly supplied and equipped, I would say, "Yes; keep them down"; but if they are properly supplied and equipped and, as my friend from Pennsylvania said a few minutes ago, ready to fight and go to Europe to-day if you have got the transportation for them, let us give these three officers the same credit, the same distinction, the same glory, and the same salary that goes to corresponding positions in the Navy and the Army. I am willing to rest the matter with the fairness and justice that the House always displays in matters of this kind. [Applause.]

Mr. BUTLER. Mr. Chairman, of course you understand what this means. All the grades that we have raised the marines to to-day are temporary except these. When this war is over the Marine Corps will again resolve itself into a force of 17,000 men. The head of the corps is a major general. One major general is provided permanently. One major general is included in this bill, to be provided temporarily. All those men lose their grades at the conclusion of the war except those now considered. And I will say now, Mr. Chairman, there are always plenty of men here in the House to stand up for the men who do not go to war. I always stand up for the fighting men. Now, do this thing if you want to, and when the war is over you will have three major generals on the staff in this little corps, and only one among the fighting men. Are you going to do it? Will you agree to the proposed amendment?

Who makes the corps? It is true that I never knew a more efficient quartermaster than McCauley. I knew him before you drew a breath. I know these men well. You can not praise them too highly but what I will try to help you. But I will not consent to giving these same men, stationed always in Washington, these grades, to the disadvantage of the fighting men of the Marine Corps.

Mr. Chairman, the chairman of the committee did not offer this amendment before the committee this morning. I heard that he had it; if he had, I would have made my protest there as I make it here.

I say now, at the risk of being called unpatriotic or disloyal, that I will fight this amendment to the last ditch. Too bad, taking advantage of the present trouble to favor friends of men in the effort to obtain increase in grades. Two years ago the heads of these departments were colonels. Now they are brigadiers, and their friends now ask them to be made major generals. For one, I will not submit to it, because it is not right.

What are you going to do with the fighting men? You give them temporary grades only. They may lose an arm or a leg, and they will go back to their permanent grades—captains, majors, and colonels. Let all of these men retain these grades and ranks. Are you going to do a thing so unfair toward the men who are to draw the blood of our enemies at the great risk of spilling their own?

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

That the President is hereby authorized to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent from duty without leave for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a State or Federal penitentiary: *Provided*, That no officer so dropped shall be eligible for reappointment.

Mr. WALSH. Mr. Chairman, I reserve a point of order.

Mr. PADGETT. Mr. Chairman, I want to move to strike out lines 23 and 24, on page 29, and lines 1 to 5, inclusive, on page 30. It has already been enacted into law.

Mr. WALSH. Then I withdraw the reservation of my point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws his point of order, and the Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 23, strike out all of the language beginning with the word "That," on line 23, to and including the word "reappointment," on line 5, page 30.

The amendment was agreed to.

The Clerk read as follows:

That hereafter, during the existence of war or of a national emergency declared by the President to exist, any commissioned or warrant officer of the Navy, Marine Corps, or Coast Guard of the United States on the retired list may, in the discretion of the Secretary of the Navy, be ordered to active duty at sea or on shore; and any retired officer performing such active duty in time of war or national emergency, declared as aforesaid, shall be entitled to promotion on the retired list to the grade or rank, not above that of lieutenant commander in the Navy or major in the Marine Corps or captain in the Coast Guard, and shall thereafter receive the pay and allowances thereof, which his total active service as an officer both prior and subsequent to retirement, in the manner rendered by him, would have enabled him to attain in due course of promotion had such service been rendered continuously on the active list during the period of time last past.

Mr. OLIVER of Alabama. Mr. Chairman, this is a section which gives permanent rank to the retired officers after the war is over.

Mr. PADGETT. Yes; there is a separate bill pending for that, and if the gentleman from Alabama objects to it I will move to strike it out and we will fight it out on a separate bill.

Mr. OLIVER of Alabama. I think that is better.

Mr. PADGETT. Mr. Chairman, I move to strike out on page 30, from line 6, page 30, to and including line 19 on page 31. There are two paragraphs.

Mr. BUTLER. This is a provision we put in in the committee on a division?

Mr. PADGETT. Yes; and I stated then if there was a fight on it I would not insist on it.

Mr. Chairman, I will ask unanimous consent to strike that out, because the two paragraphs are all the same proposition.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike out the language beginning with line 6, page 30, down to line 19, page 31. Is there objection?

There was no objection.

The Clerk read as follows:

That hereafter the allowances of officers, enlisted men, and student fliers of the naval service shall in no case be increased by reason of the performance of aviation duty.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the Chairman if the present law does not give men in the actual flying service increased compensation?

Mr. PADGETT. This does not interfere with compensation at all. Under the law student fliers get 35 per cent increased pay while engaged in actual flying and qualified fliers get 50 per cent. But the law that was passed embraced allowances also. For instance, traveling from one place to another under the general law, ordinary service, a man would get 8 cents a mile. This would give the flier 12 cents a mile. It does not cost him any more to travel than it does anybody else. If he gets commutation of rations, he would get 35 or 50 per cent more than the ordinary man. This is only as far as the allowance is concerned, and leaves his increased pay untouched.

Mr. WALSH. On what theory were the allowances increased?

Mr. PADGETT. We did not realize that they were getting an increased allowance. We intended originally to give them increased pay and the ordinary allowances. It was so framed that the increase applied not only to the pay but the allowances. That is the interpretation placed upon it by the paying officers, and this will only give them the same commutation of allowances that everybody else gets but leaves the increase of pay the same.

Mr. WALSH. I withdraw the reservation of the point of order.

The Clerk read as follows:

That hereafter all candidates for admission to the Naval Academy must be between the ages of 16 and 20 years on July 1 of the calendar year in which they enter the academy: *Provided*, That the foregoing shall not apply to candidates for midshipmen designated for entrance to the academy in 1918

Mr. WALSH. Mr. Chairman, I reserve the point of order.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment to that. I would state now, for information, what that amendment is. On line 24, page 31, I desire to strike out the words "between the ages of 16 and 20 years on July," and to

insert in lieu thereof the words "not less than 16 years of age nor more than 20 years of age on April." That makes it definite. The examinations are now held, some in February and some in April—about the middle of April. Under the law authorizing Members of the House and Senate to appoint the age depends upon the date of examination, which is a varying date. It has been held as late as July, so that there would be an age in February, an age in April, and an age if another was held later. Under the law authorizing the appointment of men from the service it provides that their age is determined upon the date of their admission to the academy, so that you have two laws on the subject. This is intended to fix a definite date of the age, and I have selected the 1st of April because it is practically under the law authorizing the Members to appoint at the present time, the examinations being held in February and in April, and this takes the 1st day of April and provides not less than 16 years of age nor more than 20 years of age on the 1st day of April.

Mr. WALSH. Mr. Chairman, the gentleman has a special bill pending, which was taken up some few days ago, but was laid aside because of an amendment that was offered.

Mr. PADGETT. Yes.

Mr. WALSH. Mr. Chairman, I think a matter of this sort ought to be given a little more consideration than is possible here. As the gentleman proposes to amend, I do not think it would be objectionable; but I think it would be better to have it considered as a separate measure. I make the point of order.

The CHAIRMAN. The Chair understands the gentleman to make a point of order to the entire paragraph?

Mr. WALSH. Yes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. PADGETT. Mr. Chairman, the matter beginning on page 32, with line 4, and embracing all the remainder of page 32, all of page 33, and on page 34 down to and including line 18, has heretofore been enacted into law. I ask unanimous consent to have it stricken from the bill without reading.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike from the bill without reading all from line 4, page 32, down to and including the word "consideration," in line 18, page 34. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, it is rather unusual to consider a bill in this way, but in view of the very large attendance here this evening, and everyone understanding the great desire to expedite the passage of the bill, I shall not object; but I trust that the chairman's desire for haste will not lead him to make similar requests too often.

Mr. PADGETT. This has all been passed as separate bills.

Mr. WALSH. Even so, I think it is bad practice.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

That section 1570 of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

"SEC. 1570. Every seaman, landsman, or marine who performs the duty of a fireman on board any vessel of war shall be entitled to receive, in addition to his compensation as seaman, landsman, or marine, a compensation at the rate of 33 cents a day for the time he is employed as fireman."

Mr. PADGETT. Mr. Chairman, the matter beginning with line 13, on page 35, down to and including line 20 on the same page, has already been enacted into law, and I ask unanimous consent that it may be stricken from the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that lines 13 to 20, on page 35, both inclusive, be stricken from the bill. Is there objection?

There was no objection.

The Clerk read as follows:

Beginning at a 4 by 4 pine post, marked "U. S. L. H. E.," at the northwest angle of the United States Life Saving Station situated in section 23, township 4 south, range 19 west, in the county of Berrien and State of Michigan; thence south 54° and 30′ east 193 feet to a 4 by 4 pine post, marked "U. S. L. H. E.," at shore line; thence north 74° and 11′ east 300 feet to a 4 by 4 pine post, marked "U. S. L. H. E.," following the line of the shore; thence north 15° and 49′ west 150 feet to a 4 by 4 pine post, marked "U. S. L. H. E."; thence north 87° and 11′ west 313 feet to a 4 by 4 pine post, marked "U. S. L. H. E."; thence south 35° and 30′ west 159 feet to the place of beginning, containing approximately 1.724 acres, more or less, together with all buildings and improvements thereon, which property is shown on drawing No. 17321, bearing the legend, "Office of the Lighthouse Inspector, Twelfth District, Milwaukee, Wis. Lighthouse Depot, St. Joseph, Mich. General plan of depot. Scale as noted. Approved July 31, 1917. N. M. Works, superintendent. Lewis M. Stoddard, inspector," on file in the Navy Department.

Mr. WALSH. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. PADGETT. I was about to move to rise.

Mr. WALSH. Mr. Chairman, I withhold that for a moment.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. KITCHIN having resumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10854 and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, on what subject?

Mr. TAYLOR of Colorado. I would state to the gentleman that I went home a few days ago and delivered a speech dedicating a public building in my home town——

Mr. WALSH. I think that is worthy of preservation in the RECORD of Congress and I have no objection.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS until April 28, to continue campaigning for liberty loan.

To Mr. DENISON (at the request of Mr. WILLIAMS), for two weeks, on account of speaking engagement on liberty loan.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4292. An act to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign Governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver; and

S. J. Res. 141. Joint resolution amending the act of July 2, 1909, governing the holding of civil-service examinations.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to the appropriate committee, as indicated below:

S. 4292. An act to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign Governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver; to the Committee on Banking and Currency.

THE BRITISH TANK BRITANNIA.

The SPEAKER pro tempore. The Chair desires to state to the House that it is invited to attend a demonstration of the British tank on Sunday at 3.30 o'clock at the Million Dollar Bridge, where the Members of the House and Senate will witness its operation.

SEVERAL MEMBERS. Where is that?

The SPEAKER pro tempore. It is at Woodley Road and Connecticut Avenue. The operation of the tank will be under the bridge, and no badge for admission is required except the face of the Member.

Mr. JOHNSON of Kentucky. Can a Member take any member of his family?

The SPEAKER pro tempore. Well, the invitation says the House and Senate, but I think I would venture mine if I had my family with me.

Mr. MADDEN. It is a very flattering prospect.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Saturday, April 20, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for rent of building, Muskegon, Mich., with the request that it

be given favorable consideration for inclusion in the sundry civil appropriation bill (H. Doc. No. 1058), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4418) to correct the military record of Alfred Rebsamen, reported the same with amendment, accompanied by a report (No. 499), which said bill and report were referred to the Private Calendar.

Mr. CLARK of Pennsylvania, from the Committee on Claims, to which was referred the bill (H. R. 3894) for the relief of Charles L. Schroeder, reported the same without amendment, accompanied by a report (No. 500), which said bill and report were referred to the Private Calendar.

Mr. IRELAND, from the Committee on Claims, to which was referred the bill (H. R. 2506) for the relief of Morris Busch, reported the same without amendment, accompanied by a report (No. 501), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RANDALL: A bill (H. R. 11548) to amend section 5 of the act approved March 3, 1917, entitled "An act making appropriations for the Post Office Department for the year ending June 30, 1918"; to the Committee on the Post Office and Post Roads.

By Mr. JONES: A bill (H. R. 11549) to provide for the promotion of vocational retraining for disabled soldiers; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure; to the Committee on Education.

By Mr. HAWLEY: A bill (H. R. 11550) to reserve as a part of the Crater National Forest, in Oregon, cetain lands formerly a part of the grant to the Oregon & California Railroad Co., but revested in the United States in accordance with a decision of the Supreme Court of the United States recorded in 238 United States Reports, page 393; to the Committee on the Public Lands.

By Mr. PRICE: A bill (H. R. 11551) granting pensions to certain members of the former Life-Saving Service; to the Committee on Pensions.

By Mr. RAGSDALE: A bill (H. R. 11552) granting the consent of Congress to Marion and Horry Counties to construct a bridge across Little Peedee River; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 11553) placing within competitive classified civil service all clerical assistants under section 12 of the act of June 29, 1906, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. MOORES of Indiana: A bill (H. R. 11554) to assure to persons within the jurisdiction of every State the equal protection of the laws; and to punish the crime of lynching; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 11555) to authorize leasing deposits of oil shale, and for other purposes; to the Committee on the Public Lands.

By Mr. CURRIE of Michigan: A bill (H. R. 11556) to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States, and for other purposes; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial of the legislature of the State of New York favoring the retention and extension of pneumatic-tube mail service in New York City; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of the legislature of the State of New York favoring the retention and extension of pneumatic-tube mail service in New York City; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11557) granting a pension to Arthur Gross; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 11558) granting an increase of pension to James K. Monroe; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11559) granting an increase of pension to Herbert S. Coheley; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 11560) for the relief of Warren V. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 11561) granting an increase of pension to Patrick M. Droney; to the Committee on Pensions.

Also, a bill (H. R. 11562) granting an increase of pension to Mary Foster; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 11563) granting an increase of pension to Elbert N. Cowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11564) granting an increase of pension to Ada J. Schwatka; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11565) granting an increase of pension to John W. Woods; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 11566) granting an increase of pension to James Harrold; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11567) granting an increase of pension to Francis M. Frazier; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11568) granting an increase of pension to George Burks; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11569) granting a pension to John Ream; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 11570) granting an increase of pension to James C. Burwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11571) granting an increase of pension to Rollin T. Waller; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 11572) granting an increase of pension to Christian Harr; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11573) granting an increase of pension to Reuben T. Hewitt; to the Committee on Invalid Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 11574) granting a pension to Carrie S. Warner; to the Committee on Pensions.

By Mr. STEAGALL: A bill (H. R. 11575) granting an increase of pension to James B. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11576) granting an increase of pension to Charles H. McCafferty; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11577) granting a pension to Louise B. Rice; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

The SPEAKER (by request): Petition of members of the Farmers' Club of Montrose, Mo., protesting against the proposed reduction in the price of corn; also a letter from a delegate of the United States, International Institute of Agriculture, Rome, Italy, proposing measures to raise a great liberty crop; to the Committee on Agriculture.

Also (by request), resolutions of the Washington Chamber of Commerce, urging a minimum salary to teachers in the District of Columbia of $1,200 per annum; also resolution of the Maryland State and District of Columbia, urging the two-platoon system for the firemen of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALE of New York: Petitions and resolutions, urging the repeal of the second-class postage provision of the war-revenue act from the following: The Mansfield Tire & Rubber Co., Mansfield, Ohio; the El Paso County Medical Society, El Paso, Tex.; Trenton Chamber of Commerce, Trenton, N. J.; Second Church, Disciples of Christ, New York City; and the executive committee of the Society of Illustrators of America; to the Committee on Ways and Means.

Also, memorial of the Merchants' Association of New York, advocating the retention and extension of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Memorial of the La Crosse (Wis.) Trades and Labor Council, asking that the price of all substitute grains be fixed; to the Committee on Agriculture.

By Mr. GRAHAM of Illinois: Petition of the United Presbyterian Church, of Alexis, Ill., for the passage of proper legislation prohibiting the use of all food products in the manufacture

of alcoholic beverages for the period of the war; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of various citizens of Tacoma, Wash., and resolutions of Tacoma Central Labor Council, Tacoma, Wash., opposing universal military training; to the Committee on Military Affairs.

By Mr. LUNDEEN: Resolution of the City Council of the City of Minneapolis, relating to the fixing of the price of cereals by the Congress of the United States, asking that prices for cereals other than wheat should be made and based upon the present established price of wheat; to the Committee on Agriculture.

Also, memorial of Fifteenth Minnesota Volunteer Infantry, Spanish-American War Veterans, in convention assembled, pledging allegiance to our country and tendering their services, condemning any influence tending to weaken our cause, and asking that no compromise peace be made; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of Keystone Division No. 16, Sons of Temperance, of Pennsylvania, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Philadelphia Bourse, favoring free zones in the ports of the United States; to the Committee on Ways and Means.

By Mr. RAKER: Resolution by the Boot and Shoe Travelers' Association of New York, protesting against the zone system and demanding its repeal; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Department of Rhode Island, Grand Army of the Republic, favoring passage of the Smoot pension bill; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 20, 1918.*

The House was called to order by Mr. KITCHIN as Speaker pro tempore at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Great Spirit, in whose all-encircling love we dwell, which reflects itself in splendor from all the works of Thy hands, and which poured itself out in humble submission, in a sublime sacrifice, on the Hill of Calvary, we thank Thee that we were born and reared under the divine influences of the Christian religion; that we are citizens of the United States of America; both of which are calculated to bring out all that is purest, noblest, best, in man. The world is facing a great crisis. We are involved in it, and we most earnestly pray that we may reflect our loyalty to Thee and to the principles embodied in the Constitution of the United States, in a patriotism sublime in its sacrifices; that righteousness, liberty, truth, justice, may live, to the glory and honor of Thy holy name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 131. Joint resolution authorizing the Secretary of the Interior to extend the time for the payment of annual installments on the purchase price for land in the Standing Rock Indian Reservations.

THE LATE REPRESENTATIVE JONES, OF VIRGINIA.

The SPEAKER pro tempore. The Chair lays before the House a communication, which the Clerk will report.

The Clerk read as follows:

SAN JUAN, P. R., *April 19.*

SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C.:

Porto Rico House takes part in mourning of Congress and Nation for death of illustrious Representative WILLIAM A. JONES, who devoted such noble thoughts and continuous labor to this country, where his memory will be always kept with gratitude.

JOS. E. DE DIEGO, *Speaker.*

THE LATE REPRESENTATIVE SULLOWAY, OF NEW HAMPSHIRE.

Mr. WASON rose.

The SPEAKER pro tempore. For what purpose does the gentleman from New Hampshire rise?

Mr. WASON. For the purpose of offering a resolution setting aside Sunday, April 28, for memorial exercises in honor of the late Representative SULLOWAY, of New Hampshire. I move the adoption of the following order.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Ordered, That Sunday, the 28th day of April, 1918, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. CYRUS ADAMS SULLOWAY, late a Representative from the State of New Hampshire.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

REPORT OF SPECIAL COMMITTEE.

Mr. CARAWAY. Mr. Speaker, I present a privileged report.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

REPORT OF THE SPECIAL COMMITTEE TO INQUIRE INTO THE CHARACTER OF A STATEMENT CONTAINED IN A LETTER FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC INFORMATION AND TRANSMITTED TO THE HOUSE OF REPRESENTATIVES IN A REPORT MADE BY THE POSTMASTER GENERAL.

Mr. CARAWAY, from the special committee appointed by the Speaker on the 11th day of April, 1918, in response to a resolution adopted by the House of Representatives to inquire into certain remarks alleged to have been included in a letter addressed to the Postmaster General by the chairman of the Committee on Public Information and by the Postmaster General transmitted to the House of Representatives on April 10, 1918, which language so complained of is as follows: "When Mr. TREADWAY stated in the House that he was 'reliably informed that there has been a very large amount of that class of mail matter sent over, and 'it is a well-known fact that great quantities of that class of matter have been placed in their hands overseas,' he made assertions the absolute baselessness of which could have been ascertained by a telephone inquiry," begs leave to make the following report:

After a careful search of the precedents, the committee finds that the House of Representatives has uniformly refused to receive and make a part of its records communications reflecting upon the House as a whole or any Member thereof.

December 14, 1842, the Speaker laid before the House a communication from S. Pleasonton, Fifth Auditor of the Treasury Department, which was as follows:

"TREASURY DEPARTMENT,
"FIFTH AUDITOR'S OFFICE,
"*December 14, 1842.*

"SIR: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligencer of yesterday, it is stated that Mr. Sprigg, among other things, observed: 'He remembered, too, that the House at this instance had made a call upon the department (Treasury) for full and detailed information as to the whole system of managing the lighthouses of the United States, the contracts for buildings, for supplying oil, paying inspectors, etc., but no answer had ever been obtained, notwithstanding the clerks which the House had voted them and notwithstanding numerous and repeated promises made to him personally.'

"It was with extreme surprise I read this statement, as I had a perfect recollection that it was wholly erroneous; and as it is calculated, uncorrected, to injure the Treasury Department unjustly in the public estimation, I hope you and the House will excuse me for setting the Member right.

"It is sufficient to state that the whole of the information called for by the House in relation to lighthouses on Mr. Sprigg's motion was transmitted, as required by the resolution, partly to the Committee on Commerce on the 8th of March last and is contained in their printed report, No. 811, and partly to the House of Representatives direct by the Secretary of the Treasury on the 11th of March last, and by the House ordered to be printed, and will be found in Document No. 140 of the last session. These two documents contain all the information which was called for by the House.

"Mr. Sprigg individually called for the cessions of jurisdiction by the States over all the lighthouse sites, from the adoption of the Constitution; and, although so much labor and time as it required might have been declined on his individual call, yet, as I was desirous of furnishing all the information in my power to every person who sought it, the information was prepared and furnished as far as it was to be found in the office.

"I have the honor to be, very respectfully, your obedient servant,

"S. PLEASONTON.

"Hon. JOHN WHITE,
"*Speaker of the House of Representatives.*"

The communication was by the House, after full consideration, adjudged objectionable and a resolution adopted as follows:

"*Resolved*, That the communication addressed to the Speaker of this House by S. Pleasonton on the 14th instant in relation to some remarks made in the House before that time by Mr. Sprigg, a Member from Kentucky, which paper was received by the Speaker and laid before the House without knowledge of its contents, was not such a communication as ought to have been received and presented to the House; that the same be withheld from the Journal and files of the House and the original be returned to the writer." (See Congressional Globe, 3d sess. 27th Cong., p. 101.)

In 1848 Mr. Medill, the Commissioner of Indian Affairs, addressed the following communication to the House of Representatives:

"*To the honorable the House of Representatives of the United States:*

"During the debate which took place in the House of Representatives on an amendment made by the Senate to the civil and diplomatic bill allowing to David Taylor the sum of $12,800 for a certain reservation claimed by him under the treaties of 1817 and 1835 with the Cherokees, as reported in the National Intelligencer of this morning, I find the following, viz:

"'Mr. Clingman supported the claim and took occasion to warn the committee against any opposition which might have been made to it by Mr. Medill, the Commissioner of Indian Affairs, who, he understood, had endeavored to prejudice the claim because the agents of the claimant peremptorily refused to make an allowance for his favoring the claim. Mr. C. denounced the Indian Bureau as thoroughly corrupt. He had been credibly informed that the books in that bureau had been altered and falsified for corrupt purposes (though this, he believed, had been done during the incumbency of Mr. Crawford, the predecessor of the present commissioner). He had no confidence in Mr. Medill, nor would he believe any statement he should make. An application had been made to the department to have the books taken out of his office and deposited in some place where they would be safe from alterations.'

"It is seldom that a public officer is justified in noticing attacks of this kind, but the above charges are of so grave and specific a character and so seriously reflect not only upon myself, personally and officially, but upon the administration of the whole of that branch of the public service intrusted to my charge that a different course on this occasion seems to be called for."

The House on the same day it was read adopted the following resolution:

"*Resolved*, That the communication of the Commissioner of Indian Affairs be returned to that officer, and that he be informed that this House considers the language thereof as offensive and indecorous."

This appears in a report of the second session of the Thirtieth Congress, date August 12, 1848, page 1070 of the Congressional Globe.

On the 3d day of February, 1865, the Senate adopted a resolution requesting the Secretary of the Navy for certain information. In answer to the resolution the Secretary of the Navy transmitted a letter from the Assistant Secretary of the Navy in which the Assistant Secretary undertook to reply to a speech that had before that time been made by Senator Hale on the floor of the Senate. This communication from the Secretary of the Navy was referred to the Committee on the Judiciary of the Senate for its consideration. On March 4, 1865, the committee reported as follows:

"The only information that the Secretary was instructed to give was in relation to the particular matters mentioned in the resolution. What may have been said by Senators, while it was under consideration, was not submitted to him either for approval or censure, nor was he called upon or authorized to vindicate himself or any person in his department from allegations made or supposed to have been made in the Senate. However, the person supposing himself assailed is not without redress; he may appeal to the public judgment through the press or request the Senate to constitute a committee of inquiry as to the truth of the charges; but there exists no right in an officer of the Government, in answer to specific inquiries, to comment on the debates of the body nor to vindicate his conduct, either individually or officially, in any matters not called for in the inquiries of the Senate. If differences exist between any member of the Senate and a citizen not a member, it is not the proper province of the body to settle them. Their duties are limited to matters proper for legislation or to such as refer to the public good and require investigation.

"With these views it is the opinion of your committee that the letter of the Assistant Secretary of the Navy, as accompanying the communication of the Secretary, should not have been sent to the Senate by the latter officer:

"1. Because the first part of it does not profess to relate to the Senate resolution but to be in response to the allegations of Hon. John P. Hale against the writer.

"2. Because the remainder of it merely gives a history of his conduct in attempting to relieve the garrison of Fort Sumter in 1861, an attempt worthy of praise, but which has not the most remote connection with a single inquiry embraced by the resolution.

"The committee therefore recommend the adoption of this resolution:

"'*Resolved*, That the letter to the Secretary of the Navy from the Assistant Secretary should not have been communicated in answer to the Senate resolution of February 3, 1865, and that the Secretary of the Senate be directed to return the same to the Secretary of the Navy.'"

The resolution was adopted and the communication returned to the Secretary of the Navy.

These proceedings are reported in the second session of the Thirty-eighth Congress on page 1365 of the Congressional Globe.

The House likewise refused to receive a message of Mr. Roosevelt, then President of the United States, in which there were statements calculated to reflect upon Members of Congress, and adopted the following resolution:

"*Resolved*, That the House in the exercise of its constitutional prerogatives declines to consider any communication from any source which is not in its own judgment respectful; and be it further

"*Resolved*, That the special committee and the Committee of the Whole House on the state of the Union be discharged from any consideration of so much of the President's annual message as relates to the Secret Service and is above set forth, and that the said portion of the message be laid on the table."

The language contained in the communication to the Postmaster General and attributed to the chairman of the Committee on Public Information is, in the opinion of the committee, impertinent and not respectful. In the language of the report of the Committee on the Judiciary in the Hale case, "there exists no right in an employee of the Government in answer to specific inquiries to comment on the debates of the body nor to vindicate his conduct, either individually or officially, in any matters not called for in the inquiries."

With these views it is the opinion of this committee that the letter of the chairman of the Committee on Public Information should not be received by the House. Therefore be it

Resolved, That the Clerk of the House is hereby directed to respectfully return the communication containing the same to the Postmaster General.

Mr. CARAWAY. Mr. Speaker, in view of the fact that the report is unanimous and full, and the members of the committee are desirous this morning not to interfere with the present consideration of the naval appropriation bill, unless some member of the special committee wants to be heard, I want to move the previous question on the adoption of the resolution.

The SPEAKER pro tempore. The gentleman from Arkansas moves the previous question on the resolution.

Mr. MILLER of Minnesota. Mr. Speaker, if the gentleman will permit, I notice a slight typographical error in the reading by the Clerk of a citation, and inasmuch as the Members may want to look at this some time, I want to call the attention of the Clerk to it. The Congressional Globe citation was given as on page 1070. That citation, as I recall distinctly, is page 1170. I have just sent for the Globe to verify that, but I am certain that is correct.

Mr. CARAWAY. If it is an error, it can be corrected. I ask unanimous consent, Mr. Speaker, that if it turns out to be an error it may be corrected by the Clerk.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

Mr. CARAWAY. I move the previous question on the adoption of the report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the report.

The question was taken, and the report was unanimously adopted.

SABOTAGE.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. CURRIE of Michigan. Mr. Speaker, in addressing the House last Monday on the so-called sabotage bill reference was made to a letter from the Attorney General of the United States. This letter sought, among other things, to justify the Department of Justice upon its conduct in handling cases of sabotage, sedition, and other acts of disloyalty. The letter was quite lengthy, and was given by the Department of Justice to the press, and at my request was also inserted in the CONGRESSIONAL RECORD.

The Attorney General contended mainly that the fault did not lie with the Department of Justice, but rather that it was handicapped by reason of needed legislation. I have a letter from the American Defense Society, which has among its officers and upon its board of trustees some of the most prominent people in the country and has as its honorary president a former President of the United States, Theodore Roosevelt; and in this letter a pointed criticism is made of some statements of the Attorney General, and several of them are challenged. The subject matter is of such vast interest and importance to the American people that the country should know what this letter contains. I therefore ask unanimous consent to extend my remarks so that that letter may be incorporated in the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter is as follows:

AMERICAN DEFENSE SOCIETY, INC.,
New York, April 17, 1918.

Hon. GILBERT A. CURRIE,
House of Representatives, Washington, D. C.

DEAR SIR: The public press contains to-day what purports to be the full text of a letter to yourself from the Attorney General of the United States, in answer to a letter of yours to the Department of Justice under date of the 2d instant. The Attorney General's letter, treated at large, appears to be a defense of the procedure during war of the Department of Justice in the performance of its duties and a plea for further legislation. You will, of course, not misunderstand this letter as opposing in any wise any legislation aimed at the suppression of treason, sedition, insurrection, or disloyalty in any form. On the contrary, this society has unqualifiedly taken the position that whatever legislation may be necessary to strengthen the hands of the Government in relation to all such matters should be passed with the utmost promptness. The particular statutes which may be proposed to Congress for its consideration and action must, of course, be scrutinized, lest through the language employed and the detailed recital of particular acts (which is always an error in all criminal legislation) they should be capable of some other application than their intended loyal purpose; lest they be made a vehicle of partisanship; lest they be deturned from the defense of the land to the defense of some Governmental underling; lest they be utilized to suppress the pitiless publicity intended in the phrase denominating eternal vigilance to be the price of liberty.

The object of this letter is to call to your attention and freely and openly to criticize certain of the expressions contained in the letter referred to; and since full publicity has been given to that letter, it is requested that equal publicity be given hereto. The letter says that if a strong feeling exists throughout the country that the Government authorities (meaning the Department of Justice) are dealing too leniently with spies and dangerous enemies within the United States, that feeling is mainly caused by the lack of Federal statutes. This is error. The general public feeling which the letter recognizes as existing has been caused in part by the action which has been taken and in part by lack of action by the Department of Justice. The letter is also in error in saying that the Department of Justice has vigorously prosecuted every case of enemy activity of which it has acquired information, for the phrase vigorously prosecuted implies an attempt to enforce the full vigor of existing law, and, so far as known, there have been no prosecutions under the constitutional provision and the Federal statute defining treason, except in the cases of the prosecution of the editors of a German newspaper for editorial articles and an apparently unwarranted prosecution here in New York, both of which cases failed through the court declining to send them to the jury on the ground that the proofs were not sufficient to constitute the crime charged.

Action intended to impede and pro tanto prevent the raising of armies to defend the land are acts of treason if done by one who, for any reason whatsoever, desires that the enemy should prevail, and the question whether such desire be or be not present on the part of the given individual is a question for the jury. So, also, acts done with the intent to diminish the warlike resources of the land—blowing up munition factories, destroying vessels or food supplies—though in such

cases the intent with which the act was done and the desire that the enemy should prevail practically demonstrate themselves by the mere commission of the act. The department has not prosecuted for treason, though the whole world (rightly or wrongly) estimates that treason has been committed here abundantly. Continuing, the letter says: "The stories that dangerous spies have been paroled by this department from internment camps are unqualifiedly false in every particular." This is not ingenuous. So far as known no responsible statement to that effect has been made. Statement, however, has been made that dangerous alien enemies have been paroled from internment camps, and this is not denied.

It will be noted that in that paragraph of the letter there is a "juggling" of the two phrases. First, it is denied that "spies" have been paroled, and the letter then states that "as rapidly as really dangerous alien enemies have come to the attention of Government officers they have been apprehended and interned." The impression created on the mind of the hasty reader is that statements made as to the release from internment of dangerous "alien enemies" have been false, whereas in fact those statements are really not denied. Under public clamor those powerful "dangerous anemy aliens" who were released have now been reinterned. But that was only brought about by great and publicly expressed criticism and disapproval of the acts of the department in that respect.

The letter also says that "as a matter of policy the action by the department in interning enemy aliens has also been done, so far as possible, without publicity."

If this be true, it is a grave mistake of policy. Internment of a "dangerous" alien enemy (to adopt the Attorney General's erroneous limitation) can have but two objects—to restrain the individual's activities and to deter others—for if internment be only for "dangerous" alien enemies, it falls within the category of punishment, and those are the recognized reasons for all punishment; are, indeed, its only justification. Why, then, should the mistaken policy be pursued of suppressing publicity as to such internments? The mistake is such an one as to raise a doubt of the equipment of the department to perform its functions. It is time that an official statement be made detailing the total number of dangerous enemy aliens who have been interned; the total number of those who have at any time been released; the total number of those who having been released have been reinterned; the total number of those who have been a second time released; and the total number of those who are now in the internment camps.

Similar criticisms apply to the succeeding phrase of the letter: "It is stated that on the night of the declaration of war all the German agents then known to it (the department) were immediately transferred to war prison camps—the number of enemies for obvious reasons being kept secret."

The only obvious reason for such suppression would be that so few German agents were known to the department that it would be an encouragement to the others to continue if the facts were made public.

Later in the letter it is said that the department has "carried out successfully a registration of all male German alien enemies." Without undertaking to vouch for the number, your attention is called to the fact that it has been repeatedly openly stated by the public press that in the city of New York from 20,000 to 32,000 male German alien enemies remain to-day unregistered.

The letter also contains the following phrase "there is as yet no Federal statute except the treason statute (which is unworkable for this purpose) under which the Government can prosecute men who attempt to destroy factories, munitions, and other stores necessary for our armies." No reason is given to sustain the proposition that the treason statute is unworkable for the purpose of punishing those who attempt to destroy factories, munitions, and stores necessary for the Army, and the bald statement in this respect is not correct. The treason statute applies, and since the punishment provided by the treason statute is left to the discretion of the court, to be placed at from 10 years imprisonment and $10,000 fine up to death, there is every reason why the treason statute should be enforced. There would appear to be a fear lest a jury having convicted, the court would in some case or cases assess the penalty at death. If so, it represents a curious frame of mind where the officers of the law fail to recognize that the destruction of munition factories will cause the loss of the lives of loyal American citizens on the battle field, or if they do recognize this fact hesitate to attempt to prevent such destruction by the condemning of some few "traitors" to death. The human weakness, that what is unseen or not right at hand can not be visualized, would seem to be here apparent. The indirect effect—the death of loyal American soldiers on the battle field—does not impress the mind sufficiently to prevent its shrinking in horror from the idea of inflicting the death penalty on the person who has treacherously caused the deaths of the soldiers. As has been recently said in the public prints, "It is impossible to say that John Smith was killed in France because of some particular act in the United States, yet nevertheless the harvest of sedition is reaped on the battle field." The treason statute applies to all these cases. As to the demand for further legislation, it will be noted that so far as reasonable facts are recited therein, the effect of such legislation is that on the passage of statutes which recite treasonable acts and then award for them penalties excluding any possibility of the application of the death penalty, individuals committing treason will be prosecuted not under the treason statute but under the statute reciting the particular offense. If convicted they will be condemned to terms of imprisonment and after peace is declared these murderers may at least reasonably hope to be released. The letter near its close states that "the Federal Government is impotent to suppress industrial treason." That statement should be immediately refuted. It is quite incorrect. That it should be publicly proclaimed is not to be commended if it were correct. Appearing on the authority of its source it calls for a clear statement of its not only being incorrect but also of how it comes to appear. A virile department does not need the reinforcement of statutes reciting specific acts as constituting crimes, where such acts fall within the definition of an already existing general class. These would appear to be the reasons for the appearance of that unwarranted statement.

The complaint of the United States of America against the Department of Justice is that it seems to be inherently weak.

Yours, respectfully,

AMERICAN DEFENSE SOCIETY,
By CHAS. STEWART DAVISON,
Member, Board of Trustees.

LEAVE OF ABSENCE.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that my colleague, Mr. SUMNERS, be excused indefinitely, on account of illness in his family.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

EXTENSION OF REMARKS.

Mr. LONERGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending naval appropriation bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. HUMPHREYS rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Mississippi rise?

Mr. HUMPHREYS. I ask unanimous consent to extend my remarks in the RECORD by printing, at the request of the petitioners, a petition relating to second-class mail matter.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing a petition concerning second-class mail matter. Is there objection?

Mr. GILLETT. I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10854, the naval appropriation bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. CRISP] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10854, the naval appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10854, making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes. The Clerk will proceed with the reading of the bill.

Mr. PADGETT. Mr. Chairman, before that is done I want to offer an amendment following line 17 on page 38. It is a committee amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 38, after line 17, insert:

"(a) That the word 'person' as used in paragraphs (b), (c), next hereafter shall include any individual, trustee, firm, association, company, or corporation. The word 'ship' shall include any boat, vessel, submarine, or any form of aircraft, and the parts thereof. The words 'war material' shall include arms, armament, ammunition, stores, supplies, and equipment for ships and airplanes, and everything required for or in connection with the production thereof. The word 'factory' shall include any factory, workshop, engine works, building used for manufacture, assembling, construction, or any process, and any shipyard or dock yard. The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"(b) The President is hereby authorized and empowered, within the limits of the amounts appropriated therefor:

"First. To place an order with any person for such ships or war material as the necessities of the Government, to be determined by the President, may require and which are of the nature, kind, and quantity usually produced or capable of being produced by such person. Compliance with all such orders shall be obligatory on any person to whom such order is given, and such order shall take precedence over all other orders and contracts theretofore placed with such person. If any person owning, leasing, or operating any factory equipped for the building or production of ships or war material for the Navy shall refuse or fail to give to the United States such preference in the execution of such an order, or shall refuse to build, supply, furnish, or manufacture the kind, quantity, or quality of ships or war material so ordered at such reasonable price as shall be determined by the President, the President may take immediate possession of any factory of such person, or of any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Second. Within the limit of the amounts appropriated therefor, to modify or cancel any existing contract for the building, production, or purchase of ships or war material; and if any contractor shall refuse or fail to comply with the contract as so modified, the President may take immediate possession of any factory of such contractor, or any part thereof without taking possession of the entire factory, and may use the same at such times and in such manner as he may consider necessary or expedient.

"Third. To require the owner or occupier of any factory in which ships or war material are built or produced to place at the disposal of the United States the whole or any part of the output of such factory, and within the limit of the amounts appropriated therefor, to deliver such output or parts thereof in such quantities and at such times as may be specified in the order at such reasonable price as shall be determined by the President.

"Fourth. To requisition and take over for use or operation by the Government any factory, or any part thereof without taking possession of the entire factory, whether the United States has or has not any contract with the owner or occupier of such factory.

"That all authority granted to the President herein or by him delegated shall cease six months after a final treaty of peace shall be proclaimed between this Government and the German Empire.

"(d) That whenever the United States shall cancel or modify any contract, make use of, assume, occupy, requisition, or take over any factory or part thereof, or any ships or war material, in accordance with the provisions of paragraph (b), it shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 50 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said 50 per cent shall make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code."

Mr. BUTLER. Mr. Chairman, I reserve a point of order against that amendment.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order. The gentleman from Tennessee is recognized.

Mr. PADGETT. Mr. Speaker, this is a committee amendment and is identical with what I think is existing law. In the act of March 3, 1917, the naval appropriation bill, this legislation was enacted, but there was this provision, that in time of war or of national emergency arising prior to March 1, 1918, to be determined by the President by proclamation, the President is hereby authorized and empowered, in addition to all other existing provisions of law, to do certain things, which is just the very language used there. Now, there was this amendment that was put on, that all authority granted to the President in this paragraph to be exercised in time of national emergency shall cease on March 1, 1918.

Mr. BUTLER. That is what is known as the Lenroot amendment?

Mr. PADGETT. That is the Lenroot amendment.

Mr. BUTLER. Perhaps I may be able to avoid the necessity of asking for a long explanation, if the gentleman will tell me just wherein the change is to be made.

Mr. PADGETT. That will take only a moment. It says here in time of war or national emergency arising prior to March 1, 1918.

Now, that language is changed so it says the President is authorized to do these things. The language is identical. Then this part of it here, that all authority granted to the President in this paragraph be exercised in time of national emergency shall cease on March 1, 1918, is stricken out, and in lieu of it is inserted that all authority granted herein shall cease within six months after the termination of the war. The other is the identical language.

Mr. BUTLER. That is the only change proposed?

Mr. PADGETT. Yes.

Mr. BUTLER. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment proposed by the committee.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer another committee amendment, giving the President authority to take over the Cape May air station site without having to wait for the purchase of it.

Mr. BUTLER. Is this offered as an amendment to the former amendment, or is it a separate paragraph on a separate subject entirely?

Mr. PADGETT. This is a separate paragraph, following the other. It is an amendment to the bill.

The CHAIRMAN. The Clerk will report the amendment proposed by the committee.

The Clerk read as follows:

Committee amendment to follow the amendment just adopted: "That the act approved October 6, 1917, to provide for the acquisition of an air-station site for the United States Navy at Cape May, N. J., be, and the same is hereby, amended by adding the following at the end thereof:

"*And provided further*, That in the event the Secretary of the Navy is unable to satisfactorily consummate the negotiations for the purchase thereof under the provisions of said act approved October 6, 1917, the President is hereby authorized and empowered to take over for and in behalf of the United States the immediate possession of and title to such land, including all easements, rights of way, riparian and other rights appurtenant or appertaining thereto deemed by him to be necessary for the purposes aforesaid, and to make compensation therefor under the terms and provisions of the legislation contained in this act; and the appropriation of $150,000 appropriated in said act approved October 6, 1917, or so much thereof as may be necessary is hereby made available for the payment of compensation for said property so taken over by the President."

Mr. BUTLER. I reserve a point of order on that amendment.

Mr. PADGETT. It is a committee amendment and was unanimous. On October 6 last an act was passed authorizing the Secretary of the Navy to purchase certain land at Cape May, N. J., and an appropriation was made of $150,000 to pay for it under the purchase. The Secretary of the Navy has not been able to negotiate a satisfactory purchase, believing that the owners are asking more for the land than it is worth. Not being able satisfactorily to arrange a purchase, this is simply to give the President power to take it over for the United States under the same provision that Congress has passed time and again, and as we have just adopted in this bill, and pay for it out of the appropriation that was made for its purchase. That is all the amendment does.

Mr. BUTLER. Mr. Chairman, I would like to ask the chairman of the committee a question. Has the chairman any further amendment to offer to this amendment?

Mr. PADGETT. No.

Mr. BUTLER. This amendment will stand alone so far as the chairman is concerned?

Mr. PADGETT. Yes.

Mr. BUTLER. Let me see if I am right. This is purely legislation and would be out of order if any one made the point of order. If it should remain in the bill, it might be amended by another amendment out of order, might it not?

The CHAIRMAN. The Chair ordinarily would not cross a bridge until he gets to it, but if there is a proposition in an appropriation bill which is out of order, and it is allowed to remain without the point of order being made against it, any germane amendment to that would be in order, but no affirmative new legislation would be in order upon it.

Mr. BUTLER. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. WALSH. Mr. Chairman, I renew the reservation of the point of order.

Mr. BROWNING. Mr. Chairman, did we not give the President in that bill power to condemn that land?

Mr. PADGETT. No. That was the bill that authorized the purchase and made an appropriation of $150,000 for its purchase. The owners are asking more for it than it is thought to be worth, and, in order to get a fair price for it, this is simply to authorize the President to take it over in the event they can not arrange a satisfactory purchase. There is no additional money appropriated. It only authorizes the use of the $150,000 appropriated for its purchase for the payment for it under this condemnation.

Mr. BROWNING. Mr. Chairman, I trust no one will object to this amendment. It is my impression that when we gave the right to purchase that land we also gave the right to condemn it in case they would not arrange upon a price. I trust the gentleman from Massachusetts [Mr. WALSH] will not make the point of order. It is necessary legislation.

Mr. FOSS. Mr. Chairman, will the gentleman yield for a moment? I think we have a general law which provides for the condemnation of property.

Mr. PADGETT. No.

Mr. FOSS. Where they can not come to a reasonable price agreement.

Mr. PADGETT. I do not know of any such general law. The law generally authorizes the President to take certain things "herein" or "hereby" authorized, or limitations of that kind.

Mr. FOSS. I may be mistaken, but I thought we had a general law upon the subject.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. Does the amendment simply proceed to exercise the principle of eminent domain?

Mr. PADGETT. That is all.

Mr. FESS. So that the owner will get what is a reasonable price for his property under the condemnation proceedings?

Mr. PADGETT. It is not a condemnation.

Mr. FESS. It operates in the same way.

Mr. PADGETT. Yes. It is simply giving the President power to condemn it under the legislation we have enacted time and again, and pay for it out of the appropriation that was made for its purchase.

Mr. FESS. In the gentleman's opinion, would the Government suffer if this proceeding could not be consummated?

Mr. PADGETT. Yes. It was represented at the time as being a very urgent and necessary matter, and the Congress passed it with that idea and for that purpose. It was then understood that we should purchase, but after Congress authorized the purchase of it, the owner wanted to raise the price, and this is simply to authorize the President to take it over and pay for it as we have done in other things, and make available the money that was appropriated for its purchase to pay for it under the condemnation.

Mr. FESS. Then the gentleman's opinion is that when the owner understood that the Government needed it and was ready to buy it he simply put his price up?

Mr. PADGETT. Yes.

Mr. FESS. I should think we will be justified in this proceeding.

Mr. PADGETT. The Secretary says that he can not get a reasonable purchase price.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KELLEY of Michigan. I would like to inquire of the chairman whether or not the Government is now occupying this land under lease?

Mr. PADGETT. I think so; that is my recollection.

Mr. KELLEY of Michigan. And whether or not we have a good many thousand dollars of investment there?

Mr. PADGETT. I do not remember the amount, but there was some investment put there. We had that matter up under discussion in October.

Mr. KELLEY of Michigan. So that it becomes necessary to purchase this at a reasonable figure, or else lose the investment the Government already has?

Mr. PADGETT. Yes; and the Government needs it. This is simply allowing the Government to take it over under condemnation, because the owners will not offer it at a reasonable price.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. WALSH. This permits the President to pay to the owners 75 per centum of what is thought to be a reasonable price?

Mr. PADGETT. Yes; and allows the owner to go into court and sue for whatever he may think is the balance due of the purchase price.

Mr. WALSH. And the $150,000 which is appropriated, as carried in the amendment, of course, does not limit the total price of the property to that sum?

Mr. PADGETT. It does not, and Congress has no authority to limit it; it could not limit it.

Mr. WALSH. What I mean is the gentleman does not mean to contend that, because the people who own the property want more than the Government is willing to pay, if this amendment is adopted, the amount which the owners will eventually get will not be in excess of the sum carried in the amendment?

Mr. PADGETT. Not at all; because the Congress has not the power to do that. The owner has the right to go into court and have his property valued.

Mr. WALSH. Is not this the same property that was stated here in discussion of the amendment or the bill providing for its purchase that it was thought that arrangements had been made for its purchase at a price agreed upon?

Mr. PADGETT. It was understood and represented to us that it could be purchased within the $150,000.

Mr. WALSH. And the increase in what the owners want, of course, is not due to any fault on the part of the Government?

Mr. PADGETT. None of which I know.

Mr. WALSH. It is simply——

Mr. PADGETT. I think it is one of those cases where they think that the Government needs a thing and has arranged to get it and it is like improving armed live stock by running a mogul engine over one of them.

Mr. BROWNING. I will state to the gentleman there were two owners at that time, but since we have made the agreement for $150,000 it has passed back to the original owner, and it is the original owner now that is holding us up.

Mr. TALBOTT. And he has the idea that the whole $150,000 was appropriated to buy the land.

Mr. WALSH. He is apparently stricken with the profiteering fever in its most fatal form. I am going to withdraw the point of order, and I hope this matter will be pressed to its speedy conclusion under condemnation proceedings.

The CHAIRMAN. The gentleman withdraws the point of order.

The question was taken and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph after the word "department," line 17, page 38, "hereafter when dismissed from the service every enlisted man in the Navy shall be given an honorable discharge, except in cases where punishment has been inflicted by order of a court-martial."

Mr. PADGETT. Mr. Chairman, I make the point of order against that.

Mr. MADDEN. Is the gentleman going to make a point of order against it? I think this ought to be given consideration.

Mr. PADGETT. For instance, it says that every man shall be given an honorable discharge.

Mr. MADDEN. Yes.

Mr. PADGETT. There are honorable discharges and there are ordinary discharges. A man may not be entitled to an honorable discharge, but might be entitled to an ordinary discharge or a good discharge, or maybe a bad discharge.

Mr. JOHNSON of Washington. Or to a discharge as being undesirable.

Mr. PADGETT. Yes.

Mr. MADDEN. I hope the gentleman from Tennessee will reserve the point of order for 15 minutes.

Mr. PADGETT. I will reserve the point of order for discussion.

Mr. JOHNSON of Washington. I would like to have five minutes.

Mr. MADDEN. Mr. Chairman, the purpose of the introduction of this amendment, which I concede to be subject to the point of order under the rule, is that recently there has come to my attention action on the part of the Navy Department which is unjustified by one man as against another, and especially unjustified by the Government against one of its citizens, and particularly unjustified by the Government against any man who is enlisted in its service to defend the flag. In the case of a young man named Kennedy, whose mother lives at 58 East Thirty-sixth Place, Chicago, a widow, by the way, whose only support was this son, this boy was discharged from the Navy after having given considerable of his time to the service of his country in trips across the water into the war zone, and his discharge was entitled a discharge of inaptitude. Now, I do not know what they mean by "inaptitude," except that a man may not be able to function in connection with the work he is called upon to discharge. The fact that he is not able to function on account of ill health or for some other reasons ought not, in my judgment, to justify the Navy Department in discharging him from the service and turning him loose upon the streets, as if he had no country. In the case of this particular boy, he was ill and needed medical service, and I appealed to Admiral Benson, who is in command of the Bureau of Navigation——

Mr. PADGETT. Naval Operations.

Mr. MADDEN. Well, Naval Operations; and I asked for his admission to a hospital, at the request of his mother, and I was told that because he was discharged for inaptitude he was not eligible for admission to the hospital. Now, I think that is inhumane on the part of the Government. The boy is still sick, sick almost unto death. He was left to find his way back from the port of discharge as best he knew how.

No one in the Government paid any attention to the fact that he was sick. No one gave any consideration to the fact that he was the son of a widowed mother. No one paid any attention to the fact that he had volunteered to serve his country and that in the service of the country he had lost his health, and because he lost his health the man in command of the ship, who gave no consideration whatever to the boy from a humanitarian side of the case, turned him loose to die, if need be, without friends a thousand miles away from home, and the purpose of the introduction of this amendment to this bill at this time is further to emphasize my objection to the attitude of the commanders of American ships of the Navy toward the men. The time has come when every American should insist that the American boy who offers his life to his country should be treated as an American and not as an outcast. [Applause.]

Mr. VENABLE. Will the gentleman yield?

Mr. MADDEN. I will yield.

Mr. VENABLE. The gentleman stated this boy was discharged because of inaptitude?

Mr. MADDEN. That is what they said; I do not know.

Mr. VENABLE. Has the gentleman any information or has he sought to get any information as to what this inaptitude is?

Mr. MADDEN. No; except that he was nervous and could not function, which was caused entirely from his sickness, as I learned from his mother, and because a man happens to be sick and could not function——

Mr. VENABLE. Has the gentleman taken——

Mr. MADDEN. Wait a minute until I answer this question. There is no reason why the Government should turn him adrift. He would function if he could. He committed no crime. He is an honest boy. He has a clean record. His moral character is as high as that of any other boy in America. I protest against this kind of treatment toward the boys of America who enlist in the Navy.

Mr. SLAYDEN and Mr. VENABLE rose.

Mr. MADDEN. I yield to the gentleman.

Mr. VENABLE. Has the gentleman inquired of the Navy Department as to what they have to say about it?

Mr. MADDEN. Yes. That is why I am talking. I can get no satisfaction there. They say he is not eligible to admission to a hospital because the charge against him is inaptitude.

Mr. VENABLE. Does the gentleman say that was all they had to say about it?

Mr. MADDEN. Yes. They said he was sick and could not function, and because he was sick and could not function they turned him adrift and did not consider him as worth anything but driftwood.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Chairman, I am very much interested in the remarks just made by the gentleman from Illinois [Mr. MADDEN] and was also interested in his statement made yesterday, which will be found on pages 5347 and 5348 of the RECORD, and the statement in which the chairman of the Committee on Naval Affairs offered to investigate and look after these cases.

I desire to call the attention of Members to a distressing case of a discharged boy. I ask you to put yourselves in the position of an 18-year-old boy discharged from a ship 4,000 miles away from home, without a cent, without car fare, without proper clothing. The discharge papers given in this case state that he is discharged for undesirability. His letter is dated June, 1917, and soon after that I inquired into his case at the department, have continued to inquire, and am still waiting for information. I read:

PENSACOLA RED CROSS FOR ARMY AND NAVY,
Pensacola, Fla., June 30, 1917.

DEAR MOTHER: I drop you a line to tell you I am in the Navy no longer. I was given an undesirable discharge for some reason, which they will not tell me. They put me on shore without a cent and did not give me car fare. I had been doing as I was told, and was obeying all orders the best I knew how. There were eight of us, and none of us knew why we were being discharged. I will work here to get enough money to take me to New Orleans, and from there I shall ship on a steamer to San Francisco, and will try to work my way to Portland, Oreg., and home.

With lots of love,
GEO. MEDLOCK.

Now, that boy was left as a tramp 4,000 miles away from home, 18 years old, without a car ticket. Let me tell you a little more about it. When I received the letter of protest I sent a letter down to the Personnel Division of the Navy and received a form letter, to which had been added the words that this boy was discharged because he was "undesirable and dirty." That is what gave him the undesirable discharge—dirty.

Mr. CARTER of Oklahoma. Then he was not sick?

Mr. JOHNSON of Washington. The statement was that he was discharged because he was "undesirable and dirty." I was ashamed to send that letter to the boy's mother, who has another boy now in Uncle Sam's service. I went down personally to the department, and I am glad to say, for the honor of the department, that they all denied responsibility for that letter. The officer signing it said he did not read it. An investigation of the use of the word "dirty" showed that this boy had been sent all the way down the Pacific coast, through the Panama Canal, and up to Pensacola; that he had developed an extreme case of dysentery, in consequence of which he had lost 40 pounds. He was unable to keep his clothes clean.

I do not want to make any charges against any commander in this time of distress, but such cases must not be. I have a letter here, under date of September 24, from Capt. Senn, Acting Chief of the Bureau of Navigation, as follows:

NAVY DEPARTMENT, BUREAU OF NAVIGATION,
Washington, September 24, 1917.

Hon. ALBERT JOHNSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR JOHNSON: I have received your letter of September 19, 1917, referring further to the discharge as undesirable of George C. Medlock.

In the stress of current work it was not noted that the commanding officer of the ——— has not made reply to the bureau's inquiry in connection with the discharge of Medlock and certain others. The ——— has been engaged in very important work, and it may be possible that the commanding officer has had no opportunity to make the full investigation on the report requested by the bureau.

I believe it was stated when you called in person at the bureau that it was evident the commanding officer had erred; and when the bureau learned of all the facts it did the best it could under the circumstances in endeavoring to find Medlock in New Orleans with a view to his reenlistment and transfer to the west coast with a view to bringing him near his home. As you may recall, however, Medlock had already left New Orleans.

You ask in your communication if it will be necessary to secure certificates from physicians as to his condition. The bureau sees no good which could result from securing evidence of this kind, as the fact remains he was discharged, and physicians' statements would do no good unless possibly the parents have in mind a claim for pension, which should, however, be addressed to the Commissioner of Pensions at Washington, D. C.

As soon as the report is received from the commanding officer of the ——— you will be advised.

Very respectfully,
THOS. J. SENN,
Captain, United States Navy, Acting Chief of Bureau.

They admit a mistake, but the correction is slow in forthcoming. A little later I was asked to take no further steps, and as soon as the bureau was able to communicate with the commanding officer I was promised that I would be informed. I then took no steps until in March of this year, when I called attention to the matter, and I addressed a letter to the Secretary of the Navy, to which I have had no reply as yet. I feel justified in calling upon the distinguished chairman of this committee and all the members of the committee to insist on finding out if the United States proposes, at the very time it hangs posters on billboards all over the country appealing to the boys to join the Navy, through the failure of action on the part of its Congress, its House of Representatives and its Senate, to permit officers to set boys ashore, either because they are undesirable or for any other reason for discharge except crime, and leave them as tramps far away from home. It is unjust.

Mr. MADDEN. And especially when they are sick.

Mr. JOHNSON of Washington. Yes; especially when they are sick. This boy when he got home had lost 70 pounds. We found him through the aid of the police of New Orleans and took him home as a sick boy, and he is now anxious to enlist again in the Navy.

Now, I appeal to Members of this House that that can not go on. If an amendment to the law is needed, we should have it, or a special law, perhaps.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MADDEN. In the case of the boy I referred to, I begged them to admit him to a hospital for treatment, and they said he was not admissible because he had an inaptitude discharge.

Mr. JOHNSON of Washington. Yes; and in addition to inhumanity of the act, I submit that it was unfair to the community at Pensacola to turn these boys loose—seven or eight penniless boys—as tramps, and start them possibly on careers as tramps or hoboes or even I. W. W.'s. It is not fair to the community. It is an outrage against patriotic boys who in good faith joined the Navy in order to serve their country. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. PADGETT. Mr. Chairman, I know nothing whatever of the merits of these matters or the demerits of them. Yesterday, when the gentleman from Illinois [Mr. MADDEN] was addressing the House, I tried as earnestly as I could and as politely as I knew how to ascertain from him such information as would enable me to investigate the matter.

Mr. MADDEN. Will the gentleman yield for a moment?

Mr. PADGETT. Certainly.

Mr. MADDEN. Of course, I have no complaint to make about the gentleman from Tennessee. I was not complaining about him, I was complaining about the Navy Department, and it was to them that I was addressing my remarks.

Mr. PADGETT. Yes. This morning I went to see Admiral Benson, Chief of Operations, and I called attention to the statement in the RECORD of the gentleman from Illinois [Mr. MADDEN]. The admiral said to me that he could not understand why there should be any such treatment or how such a thing as that had happened; that if it had happened it was wrong; and that it would be taken up for investigation, and if the officers had violated their duty they would be called to account.

Mr. MADDEN. Will the gentleman yield to me for one more interruption?

Mr. PADGETT. In just a moment. The law provides that upon discharge a man shall be given a ticket to the place of original enlistment, and they also furnish him a civilian suit of clothes; and the admiral stated that he did not know anything about this, but that he would have it fully and thoroughly investigated, and stated that the letter of the gentleman from Illinois [Mr. MADDEN] with the papers had been forwarded for the purpose of getting the facts, and that he would report as soon as he could get them.

Mr. MADDEN. I want to say to the gentleman that there have been two sets of letters sent to the department, but only one reply; and if they are so solicitous about doing the right thing, why did they not do it when I called their attention to the facts, instead of waiting for the chairman of the Naval Committee?

Mr. PADGETT. They had already sent the gentleman's letter on for investigation, and stated that they could not show me the papers this morning because they had sent them on to the place to get reports as to the matter.

I knew nothing and heard nothing of the matter mentioned by the gentleman from Washington [Mr. JOHNSON] until he mentioned it to me this morning, and I said to him that I would try to do all I could to investigate the matter, and if there was any such practice or any such omission that it should be called to the attention of the department and proper redress made.

Mr. MADDEN. Will the gentleman allow me to say that they must have known the facts, because they answered the first letter which I wrote, saying that the boy was discharged for inaptitude, so that he could not be admitted to the hospital because of that character of discharge.

Mr. PADGETT. He could not be admitted to the hospital, because a man who is not in the service can not be admitted; and whenever he was discharged from the service he lost that right, whether he had an honorable discharge, a dishonorable discharge, or any other kind of a discharge. He could not be admitted to the hospital after his discharge, because the hospital is for the men in the service. That answers the question about not getting into the hospital.

Mr. MADDEN. That was not the tenor of the answer that they made to me, however.

Mr. PADGETT. That is it, that he was discharged, and therefore could not be admitted to the hospital.

Mr. MADDEN. That he was discharged for inaptitude, and that made him ineligible.

Mr. PADGETT. "Inaptitude" was the cause of his discharge.

Mr. JOHNSON of Washington. I want it understood that I am making no assault upon the Navy or upon this committee. I do ask for an investigation. I ask that officers who are setting these boys ashore without money be punished. I have waited in the case of Medlock many months—as long as anyone could reasonably expect me to wait—in the hope of action by the Navy Department. The chairman says clothing is given to these boys discharged as undesirable. Well, this Medlock boy seems to have been given one shirt and a pair of overalls and set ashore.

Mr. PADGETT. I know the gentleman stated that, and I want to say——

Mr. JOHNSON of Washington. Let me get this into the RECORD. This is the statement of the banker who sent the money to New Orleans from Kelso, Wash., for the purpose of finding him and paying his railroad fare on the rest of his long trip to the north Pacific coast. I read:

KELSO STATE BANK,
Kelso, Wash., July 17, 1917.

Hon. ALBERT JOHNSON,
Washington, D. C.:

I have your letter of July 12 in reference to the little Medlock boy. We have apparently located him and are wiring him funds and a ticket to come home from New Orleans. We will get the details from him promptly upon his return. It seems incomprehensible to us here that our Army and naval officers would take young boys like this into the Army or Navy, taking them away from their homes and as far away as Pensacola, Fla., is from Kelso, and then turn them loose on some petty excuse absolutely without even car fare to get to the city. This boy is a good boy here. He writes that he obeyed all orders given him, was doing the best he could, and supposed he was giving complete satisfaction, and without any notice of any kind he and seven others were dumped ashore with a paper stating that they were undesirable and discharged from the Navy, having no money and no clothing, except, I believe, he said in his letter, an old shirt and pair of overalls, and turned loose. This community is very patriotic, and we have sent in the neighborhood of 60 boys to the Army, Navy, and into the marines, and it has been a great consolation to the parents to feel that they would be properly treated by their officers. * * *

Respectfully, yours,
F. L. STEWART.

Mr. Stewart also writes, under date of July 30, 1917, as follows:

Again referring to the matter of the discharge of George Medlock, I am inclosing his discharge herewith, which he desires to have returned to me for him. Medlock tells me that he obeyed all orders and did everything required of him; that he bathed three times a week and went swimming off the ship every day, kept his uniform and equipment in perfect order, and was up until the morning of June 30, so far as he knew, giving perfect satisfaction. At that time an officer picked him out from amongst other boys and ordered him to go to the office, and there were seven other boys picked out and given the same instructions. At one office on the ship they were sent to another, and when they were sent through they were equipped with discharges like the one we are sending to you. The stripes were ripped off their uniforms and they were put ashore without any money, even being told that they could not get their money. Little George himself, for instance, was drawing $34 per month, receiving same twice a month, and sending part of it back to his parents, who are very poor. He tells us that every two weeks a board was put up where all could see it, showing exactly the amount due each one, and that he could draw it or leave it over to his credit, as he wished. In his case he generally drew his money and sent it home. He figures he has $17 coming to him, but the discharge shows that he owes the Government $33.46.

I think I reflect the sentiment of everyone in Kelso in saying that we would like to have the matter looked up. Patriotism is strong here, but the people want justice also. * * *

Mr. PADGETT. I do not know about the facts, but if any wrong has been done it ought to be corrected, and they said they would look into it.

Mr. JOHNSON of Washington. In March of this year I made a statement on the floor about this case, which was printed in several western daily newspapers, particularly in California, and I beg to say to the gentleman from Tennessee that that publication brought to me, from writers unknown to me, dozens of letters telling of other similar cases, showing that this practice has been going on. I wrote a personal letter to the Secretary of the Navy in March, to which there has been no reply, but I am sure one will be forthcoming. I know the Secretary to be a man with a great heart and a just man. If the distinguished chairman of the Committee on Naval Affairs can assist in straightening this out and in stopping the practice, even if he has to introduce and pass a special act, he will be doing justice to the boys of this country, to their parents, to the country, and for the honor and dignity of the Navy. [Applause.]

Mr. PADGETT. Now, Mr. Chairman, I insist on my point of order.

The CHAIRMAN. As the point of order is conceded, that disposes of the amendment. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for furniture at naval ammunition depots, torpedo stations, and proving grounds; for necessary improvements at and maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and armor and projectile plant, and for target practice; for the maintenance, repair, or operation of horse-drawn and motor-propelled passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, and naval torpedo stations, and for pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, and naval ammunition depots: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for chemists, clerical, drafting, inspection, watchmen, and messenger service in navy yards, naval stations, and naval ammunition depots for the fiscal year ending June 30, 1919, shall not exceed $2,950,000; in all, $24,194,045: *Provided*, That ordnance materials procured under the various ordnance appropriations shall hereafter be available for issue, to meet the general needs of the naval service, under the appropriation from which procured.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word.

Mr. PADGETT. First, I want to offer a slight amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized, after which the Chair will recognize the gentleman from Texas [Mr. SLAYDEN].

Mr. PADGETT. On page 39, at the end of line 14, in the second proviso, the word "*further*" should be inserted after the word "*Provided*."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 39, line 14, after the word "*Provided*," insert the word "*further*."

The amendment was agreed to.

Mr. SLAYDEN. Mr. Chairman, when I first heard of the so-called British tank I was very much interested, and it set me to thinking. There was something familiar about the machine. When I saw it yesterday afternoon for the first time it set me to thinking again, and I recalled a bit of history in the legislation of this House that I was present at the making of when I had service on the Committee on Military Affairs. It was in the year 1912, six years ago, that an American citizen came before the Committee on Military Affairs and strongly urged the construction of about 8,000 armored cars. He was slightly extravagant in his expectations of what we should do, although at that time it was not contemplated that they should be so big as they are now. He recommended the construction of 8,000 armored cars, which were the British tank of to-day, except not grown to such huge proportions as this hideous monster that we saw here yesterday. Now, a prophet is not without honor save in his own country, but I shall endeavor to do that man a little bit of justice by putting into the RECORD, with the consent of the House, a brief document, only two pages of print, which shows that in 1912 this precise instrument of destruction that has caused such a sensation in military circles in the last two of three years was forecasted and requested as an effective instrument of war.

Mr. Chairman, I shall not take up the time to read any part of this now, because I want to use my five minutes otherwise, but with the privilege of putting it into the RECORD. There is one other bit of work that was suggested by that man in connection with the use of those armored cars, to which I specially invite the attention of the House.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. I have not the time.

Mr. SLOAN. I just wanted to know whether the caterpillar tractor was in his scheme of affairs.

Mr. SLAYDEN. I do not remember about that, but it was the armored car with everything, perhaps, except the truck on which it runs. I read now from what he said:

It is recognized that such cars would be destroyed by a 3-inch or larger unexploded shell penetrating their armor, the same as field guns would be destroyed; but the probabilities of being damaged in this way would be very small, because when discovered they could be changed to new positions, while cloth targets of the same size and colors could be left to exhaust the enemy's supply of ammunition and discourage him from continuing such attacks.

I believe that that is the first re ference that I have ever heard, I believe it is the first reference made, to what we now commonly call camouflage, with variations as to pronunciation. This reference to camouflage was made by this same American citizen, Mr. Willard S. Isham, who also suggested the armored car that has been developed into the British tank of to-day.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. ANTHONY. Will the gentleman also permit the suggestion there that this same man, Isham, who has appeared before the Committee on Military Affairs a number of times——

Mr. SLAYDEN. For several years.

Mr. ANTHONY. For several years has been battling with both departments of the Navy and War, to my knowledge, for the last 10 years, in order to secure the adoption of the principle of the high-explosive shell as against the armor-piercing shell.

Mr. SLAYDEN. That is true.

Mr. ANTHONY. And has been designated by those departments as a crank, but the present war has demonstrated that he was absolutely right on the principle of the high-explosive shell.

Mr. PADGETT. Mr. Chairman, will the gentleman from Texas permit me to suggest something there?

Mr. SLAYDEN. I want to use a little of my own time. I yield on the condition that I can get an extension.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I have nothing to do with this controversy as to the relative merits of the armor-piercing shells and the high-explosive shells. I only wish that the British Navy could get an opportunity oftener and under better circumstances to test the relative value of the two shells, either one of which I hope will be effective; but undoubtedly Mr. Isham, during those years I refer to, when my distinguished friend from Kansas [Mr. ANTHONY] and I were colleagues on the committee, was advocating the high-explosive shell, which I believe has demonstrated its value in war.

There is one other thing that that man was doing during those times. He had also discovered a plan for making what he called a diving shell or projectile. It was a projectile that would go down into the water and then explode. That was the ancestor, direct and immediate, not so very remote, of the depth bomb that is now used, the same principle precisely. He has patents on it, I believe. Anyway, he invented and recommended and urged on the attention of the committee of Congress the procurement of a depth shell.

Mr. PADGETT. Mr. Chairman, will the gentleman yield for a moment?

Mr. SLAYDEN. Just a moment.

Mr. PADGETT. The depth bomb is entirely different from the diving shell. The diving shell is intended to be shot out of a gun and ricochet, and the depth bomb is just rolled off the side of the ship and the ship runs away from it.

Mr. SLAYDEN. In one case you shoot at the bird and in the other you try to get on top of him and drop salt on his tail. That is the distinction. The way the harm is done to the enemy is by the explosion of the shell after you get it in the water. How you deliver it against the sides of the ship or in the vicinity of the enemy's ship I think is not of so very great importance. The most important thing is to get it there. This man did urge that thing at that time, and I believe, Mr. Chairman, that as a simple act of justice to an American inventor, who was something of a prophet, who had a vision, this statement ought to be made. The fact that he has been classed as a crank by the people whom my friend from Kansas quoted is not against him. He is in good company. Mr. S. F. B. Morse, Mr. Ends, Ericsson, Langley, Edison, and other men who have made great epoch-making discoveries were also cranks, and I congratulate any man who gets into that class. He has certainly secured a place in the hall of fame.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing this pamphlet.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

ARMORED CARS.

To the House Committee on Military Affairs.

GENTLEMEN: Your attention is respectfully directed to the urgency of greatly strengthening our mobile Army and also to the ease with which this can be accomplished by means of armored cars capable of containing and protecting behind armor plate the highly trained men composing the Army while still further increasing their offensive power and mobility.

It is recognized that the functions of this committee are limited primarily to matters pertaining to the mobile Army, but it is also recognized that if our Navy can prevent a hostile army from entering our borders there is little need for an Army, while if it can not do this the necessity for a powerful Army is imminent. Hence a few facts relative to the weakness of our Navy as a deterrent to foreign invasion are considered germane and are introduced as a necessary part of this presentation.

A glance at the statistical records of the development in the navies of the leading great powers show that all countries save the United States possess and are rapidly constructing fast battleships of about 28 knots speed armed with the most powerful guns. These ships are constructed, as stated in tactical journals, to sweep the seas of slower vessels possessing lighter armament. That they can do this is universally admitted. Hence, it is evident that were we forced into war with any foreign power our scouts, cruisers, and torpedo fleets could not fulfill their most important function, that of finding and watching an enemy, without incurring the risk of almost certain destruction. It is therefore obvious that these ships must remain between the lines of our slower battleships; meanwhile an enemy's fast scout ships employing wireless telegraphy could direct the movement of a fleet of transports to its destination without risk of discovery. Hence, our Navy to-day does not afford any obstacle to the movement of foreign transports. A landing effected on our borders would force us to an aggressive warfare, to meet which a glance at the statistical records of the armies of different countries is even less reassuring to us than a comparison by navies, and compel us to admit that in the number of men and guns our Army is woefully behind that of any foreign power and hence we could not hope for it as now equipped to protect this country from an invasion which our Navy is powerless to prevent. Hence the necessity for a great increase in the strength of our mobile Army if it and our other lines of defense are being maintained for the purpose of either affording us or convincing other powers of our security against foreign attack.

This brings us to the practical consideration of the means to be employed to secure the required increase in strength. The cost of maintaining soldiers in the field in the United States is greater than in any other country. Therefore to enable us to meet the military competition of these countries as we do their industrial competition, we should increase the efficiency of our soldiers by giving them a superiority of equipment and machinery as is done in the shops and factories of this country. This can be accomplished by placing the men, or a portion of them who use the military rifle, in bullet-proof armored cars capable of operating on any terrain. These cars will be provided with telescopes and range finders to discover an enemy and determine his range. Without this equipment, which soldiers can not carry, ammunition will be wasted and the results will be a minimum, since in war there are no target men to signal that a shot is low or high and without which, even on the target range, no results could be secured. The weight of such cars, with a crew of five men, should not exceed 5,000 pounds to enable them to easily pass over bad roads. These should be provided with at least 25-horsepower motors geared down to truck speed and should be provided with a winch head and cable to enable them to pull themselves or other cars or material across an otherwise impassable slough or stream or up even the steepest and most impassable of slopes. By means of such cars covered on all sides by one-fourth inch armor plate a zone of fire might be safely entered and the advance of an enemy checked, and field material might be advanced or retired to secure better results or to save it from capture, a tactical move proven to be impossible with horses by the Russo-Japanese War. Acting as fire-control and observation stations, the fire of artillery and the movement of forces could be directed, and the operations of an enemy could be watched with safety. At night the automatic guns in these cars could be set to sweep roads and rake the barbed-wire entanglements. If surrounded by an enemy, they could be fired on with impunity by friends, since their armor would be impervious on all sides. Hence the danger of being crushed by a night attack, the bugbear of raw troops, would be absolutely eliminated by such cars.

It is recognized that such cars would be destroyed by a 3-inch or larger unexploded shell penetrating their armor, the same as field guns would be destroyed; but the probabilities of being damaged in this way would be very small, because when discovered they could be changed to new positions, while cloth targets of the same size and color could be left to exhaust the enemy's supply of ammunition and discourage him from continuing such attacks. If the argument of vulnerability is of any value against these cars, it applies with overwhelming force against the use of artillery, which can not be moved from its position and saved when its location has been determined and artillery has begun its destruction. It may be argued that these cars would become stalled in sloughs and time would be lost. If this were true and was an objection to their use, in view of their advantages each battery of five cars working together and forming a unit should be accompanied by a 6-horse team to pull them across such places until they enter the zones of fire, after which they would be compelled to select passable routes. Hence, lack of mobility is not a valid argument against the use of armored cars of this description, since they can move with horses anywhere that artillery can move and, moreover, and what is infinitely more important, can leave a sheltered position and move to attack at a critical moment or change to a new position under fire when artillery could not move.

Scattered and concealed along the line of battle, perhaps sheltered behind natural or artificial protection from which they could rush out and overwhelm any advance, they become a guaranty against the

advance of any enemy however strong or well trained. If our Army is now able to do this without such means, what would be the unnecessary cost to us in our best blood and what would be the subsequent cost in treasure to properly recompense for such unnecessary sacrifice. The records of all modern wars show that about 95 per cent of the casualties of battle have resulted from the rifle bullet. Can any consideration of cost be brought against the use of armored cars that would prevent this 95 per cent of casualties, especially when the efficiency of the men in the cars would be correspondingly increased? These are a few of the reasons why such cars should be purchased at once. The cost of 8,000 of these cars, enough to contain our entire Infantry and Cavalry forces in this country, would be less than a single battleship and would make this country impregnable against the attack of any nation or combination of nations. These cars possess no untried elements that need to be tested to determine their practicability. Hence, at least two batteries of five cars each should be purchased at once and their operations observed in the maneuvers of the Army during the present year to determine whether horses will be required with them and to establish their tactical uses in order that the number required for the service may be determined and appropriated for at an early date. It is therefore requested that this committee authorize the expenditure by the Secretary of War of $50,000 for the purchase of 10 cars fulfilling the requirements herein described and forming part of their specifications.

I am, respectfully,

WILLARD S. ISHAM.

Mr. PADGETT. Mr. Chairman, I simply want to state the Committee on Naval Affairs in the several years past has appropriated and the department has expended more than $300,000 in testing the high-explosive shell. There is no lack of trying to develop it. We have appropriated and expended more than that amount of money on that shell.

Mr. BRITTEN. Mr. Chairman, I would like to substantiate in part what the chairman of the committee has just said. I think that Congress has been very liberal with the gentleman whose name was just mentioned by my good friend from Texas [Mr. SLAYDEN] as being the originator of an idea. He did have an idea for a retarded-action fuse. They are calling it a diving shell to-day. He had a good idea, which has since been very largely developed by the Navy Department, and because the Navy Department has developed it he believes that the Government should pay him for what the department has done.

Mr. SLAYDEN. I just want to say to the gentleman that I know nothing about the controversy or contention on the part of Isham that the Government owes him anything for infringing on his idea, but my object was only to establish one or two interesting facts of history.

Mr. BRITTEN. Mr. Isham called at my office this morning and said that certain Members were going to talk about his shell to-day. I believe he is contending for some money from the Navy Department——

Mr. SLAYDEN. I desire to explain to the gentleman the point I am trying to make. I know nothing about that; I have not talked with Mr. Isham about that; I would refuse to talk with him or anybody else on that subject. I know nothing about the contention between him and the Government as to payment for any infringement of his patent, but my reason for speaking here was to establish the fact that years ago, before there was any dispute between him and the Government, Mr. Isham was contending for the same thing, and at the same time he suggested what we now call as camouflage——

Mr. BRITTEN. I am willing to agree with my good friend from Texas that Mr. Isham has a wonderful brain and the greatest imagination possible.

Mr. SLAYDEN. And the gentleman says the Navy Department developed his ideas?

Mr. BRITTEN. His ideas on the retarded-action fuse are all right, but he never developed anything, and he is complaining now because the Navy Department may have developed his ideas and should pay him a bonus for having done so.

Mr. SLAYDEN. I thought the gentleman said they had developed them.

Mr. BRITTEN. Not fully.

Mr. SLAYDEN. I thought the gentleman stated as a fact that they had developed them.

Mr. BRITTEN. Yes; they have to a very great degree.

Mr. ANTHONY. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. ANTHONY. I do not want to deny the gentleman's knowledge of technical matters connected with the Navy of which he knows a great deal more than I do, but it has been brought to my attention by a man who claims to know what he is talking about that the reason for German domination of many of the battle fields of Europe has been by reason of their advanced use of the high-explosive shell.

Mr. BRITTEN. I think the gentleman is entirely correct, but he is talking about land battles. This retarded-action fuse for which Mr. Isham claimed so much applied to a high-explosive shell that was to be used in the Navy.

Mr. ANTHONY. Will the gentleman permit me to say in justice to this man Isham that years ago, four or six years ago, when he was appearing before committees pleading for adoption of the high-explosive shell, the experts of the Ordnance Department were contending that they were unable to use the high-explosive shell for big guns for fear of the charge bursting; that it could not be used safely at certain temperatures. Now, the Germans have accepted the principle of that same explosive shell. In all the armies on the battle fields of Europe they are using the high-explosive shell.

The effect on ships of all classes of underwater explosion, whether of shells, torpedoes, or mines, during this war has been uniformly of a most serious nature. If they have not been sunk immediately, in every case the effect has been such as to destroy their fighting efficiency, and since the diving shell and fuse invented by Mr. Isham has been available for years, and merely required the cooperation of the department to have had it in use in the navies of our allies as well as our own, it is interesting to think what might have been the results in this war and especially in a certain indecisive naval engagement had such fuses been employed, which would also have made all the shells striking short of the ships veritable mines. The same is true of the armored car, and it is likewise true that Germany had prepared herself by storing up high-explosive shells and big guns to shoot them while other countries declared such shells and guns to be useless.

Mr. BRITTEN. What the gentleman says merely demonstrates once more the fact that the Navy always goes ahead of the Army. When the gentleman's committee or the Chief of the Bureau of Ordnance of the Army refused to consider these important ideas the Navy Department was spending money to demonstrate the value of the Isham idea.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Naval proving ground: For increasing facilities for the proof and test of ordnance material, including necessary buildings, construction, equipment, railroad facilities, land, and damages and losses to persons, firms, and corporations, resulting from the procurement of the land for this purpose, and also all necessary expenses incident to the procurement of said land, $1,000,000.

Mr. PADGETT. Mr. Chairman, I move to strike out that paragraph. It has already been enacted into law.

The CHAIRMAN (Mr. MAYS). The gentleman from Tennessee offers an amendment to strike out the paragraph.

The amendment was agreed to.

The Clerk read as follows:

Contingent, Bureau of Ordnance: For miscellaneous items, namely, cartage, expenses of light and water at ammunition depots and stations, tolls, ferriage, technical books, and incidental expenses attending inspection of ordnance material, $9,500.

Mr. BRITTEN. Before we leave the paragraph I would like to say just a few words about the care that was given by the Navy to some of the German merchant ships that were recently taken over by our Government. The one I have particularly in mind is the former steamer *Vaterland*, now called the *Leviathan*. I think the House may be interested to know that when one of the big German ships steamed past Governors Island some months ago on her way with our troops to Europe, a German who was interned there rubbed his eyes in amazement and said, "Is not that the German ship So-and-so?" When he was told that it was, he said, "Why, I was on that ship, and it can not be possible that the American Government has repaired it in this short time. I myself broke certain flanges that I was sure could not be repaired within 8 or 10 months." He said, "That ship is now going out under an American flag."

When I was in New York last year I went over the *Vaterland* and saw some of the destruction that had been wrought by the Germans before they left the ship. Apparently irreparable damage had been done, but with our usual ingenuity we developed new processes with great success. Electrical welding was used, and that enormous ship was put into commission at less than 50 per cent of the cost estimated by a committee of expert engineers, who had determined that the damage on this single ship would cost in the neighborhood of $850,000.

It is interesting to know that the *Vaterland* was a ship of 56,000 tons, was 944 feet long—in other words, almost twice as long as the Washington Monument is high. If stood on her stern she would overtop the Woolworth Building, in New York, by 200 feet. Because of the height of her smokestacks she could not get under the Brooklyn Bridge, and she had to be docked at Hoboken. Her speed was 26 knots, and she cost the German Government $30,000,000. She had 14 separate decks. In other words, the steamer was 14 stories high; 46 boilers required a crew of 350 men in the engine room; and she carried 9,000 tons of coal—think of it, 9,000 tons of coal fuel. Her operation required four captains and one commodore. She had made only two trips as a passenger ship when the European war broke out.

She had 18 different sets of elevators, 530 electrically equipped clocks, all of them wound and set by a master clock in the commodore's office. She contained a great wonderful Venetian swimming pool of marble, one of the most wonderful pools to be found anywhere on earth, much less on a ship. The ceiling of the dining room was not quite so high as the Hall of this House but it was an enormous room that resembled very much the largest dining room in the largest and finest hotels of our country. There were no great columns in the center of the room. The ceiling was finely arched.

The principal repair work on this ship was done under Commander E. P. Jessop, for whose ability I have a very high regard and who should have been attached to that ship as its first commander. He was ably assisted by Lieut. Commander McWhorter. I want to call the attention of the House to the fact, and it applies to all of the German ships, that these repairs were made within from 10 to 15 per cent of the time it was ordinarily expected it would take, and the ships were put on the high seas and are now in the transport service.

Mr. SMITH of Michigan. Were those damages done to those ships before the declaration of war?

Mr. BRITTEN. Yes.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLOAN. I was very much interested in the gentleman's several statements of fact, but the first was of main importance and significance. That was the surprise in the heart of the interned German at what America was able to accomplish. Does the gentleman not think that he made on a small scale the same mistake as to the capacity of America and Americans that his Kaiser has been making up to this time?

Mr. BRITTEN. I sincerely hope so.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

Maintenance, Bureau of Yards and Docks: For general maintenance of yards and docks, namely, for books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery, operation or repair, purchase; maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled and horse-drawn passenger-carrying vehicles to be used only for official purposes, and including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $7,000,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, messenger, and other classified work in the navy yards and naval stations for the fiscal year ending June 30, 1919, shall not exceed $2,000,000.

Mr. PADGETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. PADGETT offers the following committee amendment: Page 42, at the end of line 18, add the following: "*Provided*, That no part of any appropriation contained in this act shall be used for the purchase of more than 75 passenger-carrying automobiles for official use within the United States and its insular possessions: *And provided further*, That no part of any appropriation contained in this act shall be used for the purchase of such passenger-carrying automobiles at a greater cost than $500 each: *And provided further*, That the Secretary of the Navy is authorized to distribute the high-powered automobiles now owned and in use in the United States and its insular possessions to such places and service as they may be required."

Mr. PADGETT. Mr. Chairman, I want to suggest a modification of the amendment. The first "*Provided*" ought to be "*Provided further.*"

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. BUTLER. Mr. Chairman, I would like to have a division on this amendment, so that I may have an opportunity of voting against it. I would like very much to have it appear in the RECORD, so that I can use it hereafter, so that no question may arise as to my position. I want to vote against the amendment.

Mr. HAMILTON of Michigan. Would the gentleman object to telling us why?

Mr. BUTLER. Yes; I do, because it would take a lot of time.

Mr. HAMILTON of Michigan. But we want some information.

Mr. BUTLER. Oh, I can give the gentleman the information while walking out in the corridor and not take up the time now. There will be no use of objecting to it. I did object to it, and I am the only one.

Mr. BRITTEN. Oh, no. The gentleman is mistaken there.

Mr. BUTLER. I am wrong about that, but the gentleman was not there when the thing happened.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BRITTEN. Mr. Chairman, I desire to oppose the amendment. My good friend from Pennsylvania [Mr. BUTLER] has just called attention to the fact that he is opposed to the amendment, but he does not desire to take the time of the House to explain his position. I think it is only fair, if a vote is to be taken, that we know what this amendment contemplates.

Mr. PADGETT. Mr. Chairman, if the gentleman will yield to me for a moment I shall make a statement that I think will clarify the situation.

Mr. BRITTEN. Very well, I yield.

Mr. PADGETT. Mr. Chairman, under various appropriations in the bill they can purchase automobiles. We had an investigation of the matter, and we found there had been purchased heretofore a number of automobiles for which they were paying from $1,500 to more than $3,000 each. They have on hand a number of automobiles. They need more for the war, but the committee felt there should be a limitation on the number that should be purchased, and after investigation we fixed the number at 75, but we also put in a limitation that they shall not purchase an automobile at a higher cost than $500. They were purchasing some at $3,000, some above $3,000, and some at $2,500. We think they have enough of the high-priced machines, and we asked the Chief of the Bureau of Yards and Docks, Admiral Parks, if it would hinder or interfere with the operations if they were limited to the purchase of machines not to cost above $500, and to use the high-powered machines they have now by redistributing them where they needed the high-powered machines, and he said it would not.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. What automobile can they get in the United States for $500 or less?

Mr. PADGETT. The Ford.

Mr. COOPER of Wisconsin. And this means then that they are ordered to purchase 75 Ford machines?

Mr. PADGETT. Not more than 75. They have a great many, and they estimated for about 100 Ford machines. They are using them, and they say to us in the beginning they were ordering high-powered machines from abroad, but now they are asking for Fords.

Mr. COX. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. COX. Who is to use these machines; the officers, or are they to be used in the transportation of enlisted men?

Mr. PADGETT. No, sir; they are to be used in work between the yards and stations.

Mr. HAMILTON of Michigan. Does the gentleman know how many machines there are in use?

Mr. PADGETT. Yes, sir; we have that here; we have a statement here. I believe there are 234.

Mr. HAMILTON of Michigan. And this will add how many to that number?

Mr. PADGETT. Seventy-five. They made an estimate for four more. There are 232.

Mr. BUTLER. During what period have they been purchased?

Mr. PADGETT. A great many have been purchased since the war began.

Mr. BUTLER. Out of the lump appropriation?

Mr. PADGETT. Yes; and they had a number of them before the war began; but the committee felt that there should be a limitation placed upon the price to be paid for these machines, and we asked Admiral Parks upon two different occasions if a limitation on the purchase of these machines be put at $500 would it embarrass the service, and he said it would not; that they could distribute the ones they have—the high-powered, faster machines—to places where they are actually needed.

Mr. HAMILTON of Michigan. Are those all passenger automobiles?

Mr. PADGETT. Yes.

Mr. HAMILTON of Michigan. What possible use can they have for so many passenger machines?

Mr. PADGETT. If the gentleman will bear in mind that we have in this country something like 400 navy yards and air stations, and some big ones, like New York, Philadelphia, and other places where there are yards and docks, steam engineering, and construction and repair, and all those various activities

going on, they require 7, 8, or 10 machines at some of those places.

Mr. MADDEN. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. MADDEN. Do they apportion the number of automobiles according to the number of ships, or use the automobiles on the ships or some place else?

Mr. PADGETT. They use them at the navy yards and the naval stations.

Mr. MADDEN. Why did the committee designate some particular make of automobile?

Mr. PADGETT. We did not designate any particular make.

Mr. MADDEN. It is the same thing; you might as well as to make specifications that would not apply to anything else in the world.

Mr. PADGETT. But it is an impossibility to put a limitation without including somebody and excluding somebody else.

Mr. BUTLER. There are several makes of machines that sell for less than $500.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRITTEN. Mr. Chairman, I desire to offer an amendment to the amendment pending—substitute $1,500 for $500 in the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the amendment: Strike out "$500" and insert in lieu thereof "$1,500."

Mr. BRITTEN. Now, here is the situation, gentlemen: The Chief of the Bureau of Yards and Docks provides automobiles where they are deemed necessary in the interest of the service. We have established aviation bases along the Atlantic coast. There are a great many of them. Some of you would be surprised to know how many aviation bases and patrol stations we have established along the Atlantic coast and where the use of automobiles is necessary. Every big navy yard requires automobiles; many of them for inspection purposes and to go into the country where mechanical parts are being manufactured for seaplanes and for ships, and to-day we are going to say to commandants, who have at their disposal millions of dollars of Government money—men on whose honesty we are depending to expend that money judiciously in the interests of the Government—we are going to say, "Here, Capt. So-and-So, here are several million dollars; go and take an option on land adjoining a navy yard, as we have in Washington; buy this land as cheaply as you can and save the Government every dollar you can, but when it is necessary to go away from your yard and the Government provides an automobile, we can not give you anything but a Ford—a 'tin Lizzie.'" And that is not all.

Mr. COX. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. COX. That will take them there and bring them back.

Mr. MADDEN. Will my colleague yield?

Mr. BRITTEN. In a moment. On the front door of that car you must have in great big letters, in complete contrast with the color of the car, according to an order issued by the Secretary of the Navy, the words "For official use only." That is on the front door.

On the second door you must have a great big coat of arms about so high, almost as big as the door itself, and the words "United States Government," for fear that this man who has charge of the investment of millions and millions of dollars might use that car to go down to attend to some little personal business, such as buying a collar or a pair of shoes. We expect that man to be honest, we expect him to spend millions of dollars of Government money just as if it were his own and trust him to do so, and then we turn around and say that we are too poor to furnish for official use anything but a little Ford.

Mr. COX. Will the gentleman yield?

Mr. BRITTEN. Let me talk for a moment on the amendment, if you please, and then I will yield.

Mr. MADDEN. Will the gentleman yield?

Mr. BRITTEN. In a moment.

Mr. MADDEN. I think that a very proper place to put the question I want to propound.

Mr. BRITTEN. Go ahead.

Mr. MADDEN. I was wondering whether my colleague was afraid that when an officer was compelled to ride in a Ford that there would not be room enough to prevent his braid from being soiled, whereas if he got a palatial car costing $1,500 it might be possible for him to sit back to have some shade, so he could keep his uniform from being hurt. [Laughter.]

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. BRITTEN. I am so abashed that I can not even reply to my handsome colleague from Illinois. [Laughter.] Why does he not ride in one of these $1,500 "palatial" cars instead of having one made especially for his use at a price of $5,000 or $6,000?

Mr. MADDEN. But I pay for mine.

Mr. BRITTEN. I will yield now to the gentleman from Indiana.

Mr. COX. Could they not ride as quickly in a Ford as in a $1,500 car?

Mr. BRITTEN. Probably; but not so reliably.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WALSH. The gentleman does not mean to contend that the only people who ride in these cars are commanding officers? The gentleman knows that at these naval stations the men ride in them, and in the case of the reserve the boys have joy rides in them occasionally.

Mr. BRITTEN. Can the gentleman recite an instance of that kind for the benefit of the House? I will give the gentleman the time in which to do it.

Mr. WALSH. I do not know that the gentleman can yield me in five minutes sufficient time to do that. I know that at one Naval Reserve station a man enlisted in the Naval Reserve took with him a splendid car, and his entire duty was to sit in that car from morning until night——

Mr. BRITTEN. To keep somebody from stealing it?

Mr. WALSH. Sitting by himself until the officer above him wanted to go somewhere; and when on a Sunday that car was not needed it was turned over to the officers or to the men for use in pleasure rides.

Mr. BRITTEN. Was it a Government car?

Mr. WALSH. It was his own car

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. PADGETT. Mr. Chairman, I wish to dispose of this bill this afternoon.

Mr. BRITTEN. I wish to proceed, Mr. Chairman, for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BRITTEN. My object in establishing a $1,500 price is to give some leeway to the Navy Department in the purchase of these cars. There may be cases where a good car can be had for $1,500 or less. There should be a certain amount of dignity to go with an office that carries a big salary and is of very great importance, and I think we ought to accommodate the office with a car commensurate with its dignity. One thousand five hundred dollars will permit that; $500 will not.

Mr. HAMILTON of Michigan. I have actually seen Members of Congress riding in a Ford.

Mr. EMERSON. I walk.

Mr. BUTLER. Mr. Chairman, before the chairman of the Committee on Naval Affairs finishes his argument I want it to appear in this RECORD why I vote against this sort of thing. It is because of the manner of treatment of enlisted men of the service. I do not think we should use the enlisted men on these machines, either as chauffeurs or footmen. We have no real right to employ these men, who enlisted to fight and to soldier, for such a purpose as this, and therefore I will not vote for any automobile that is operated and cared for by honorably enlisted men.

Mr. HAMILTON of Michigan. How are you going to get along with the 232 that are now in use?

Mr. BUTLER. I did not know they were purchased. I will not vote to maintain them. I want it to be perfectly plain in the RECORD, so that hereafter, if I am here, I may have an opportunity to cut this thing up from the bottom. I can not do it now. I might just as well stay out of the committee room. I am useless. I am opposed to spending $1,200 every year in the maintenance of each of these automobiles.

Mr. PADGETT. Mr. Chairman, I confess that I am at an utter loss to understand the remarks of the distinguished gentleman from Pennsylvania, that he might as well stay out of the committee room and that he is powerless, because I think that everybody in the committee is consulted, and things are decided by the majority.

Mr. BUTLER. There is no question about that. I have not the slightest criticism. I want to say to the chairman that I only regret that my advice has not been accepted by anybody. [Laughter.]

Mr. PADGETT. I stated that we had on hand 232 automobiles in the various yards in the United States.

Mr. JUUL. How many?

Mr. PADGETT. Two hundred and thirty-two. We have about 400 stations of various kinds. Some of them use auto-

mobiles, some not. At some of the larger stations, like New York, using a number of machines, or Philadelphia and Norfolk, all places of that kind that require the use of seven or eight machines, that is proper. Now, they have been purchasing these machines out of lump-sum appropriations. A large number of them have been purchased since the war began. They will need more machines. They have got to have some abroad for use at these air stations. This limitation only applies to the United States. We do not contemplate—and I think the gentleman from Pennsylvania [Mr. BUTLER] agrees with me fully as to that——

Mr. BUTLER. Absolutely; the best that can be had.

Mr. PADGETT. We do not contemplate purchasing the large number of machines for use at home, so that this limitation is drawn to limit the purchase to the United States, leaving the number abroad in the various stations there unlimited.

Mr. COX. If the limitation is not agreed to, how high could they pay for automobiles?

Mr. PADGETT. They have been paying as high as $3,500, and the price has now gone up to $4,000, as I understand.

Mr. GREEN of Iowa. I can understand the necessity of having these automobiles around at our naval stations, covering several hundred acres, where a lot of time would be lost in walking around, but what do they want them abroad for? What use can they make of them abroad?

Mr. PADGETT. We have air stations there, and we have got to go up and down and preserve the service over there. We will not overstep the limit.

Mr. GREEN of Iowa. My friend from Michigan [Mr. HAMILTON] remarks that automobiles do not go up and down.

Mr. PADGETT. They go up and down the coast, looking after the air service. I have asked Admiral Park, the chief of the bureau which has general supervision, if this limitation limiting the purchase to these cheaper cars and allowing them to distribute a large number of high-priced cars to those places where they need higher-powered cars would impair the service, and he said that it would not. Later on in the examination I took the matter up again with him and said, "Now, after you have had time to think it over, do you still adhere to the statement that you gave me a while ago, that it will not hamper the service or interfere with it?" He said, "I do." Now, the idea was they wanted 50 cars at $2,500 each. I do not think they ought to purchase 50 cars at $2,500 each. I think the official service can be performed by the use of cars not exceeding $500 each, and that is why I have put in this limitation upon the purchase.

Mr. JUUL. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. JUUL. I should like to ask the chairman of the committee, who has been here for a great many years, how these naval officers managed to get around to the department and navy yards before the automobile was invented?

Mr. FARR. In the same way that all the rest of us did.

Mr. PADGETT. Before the automobile came into use our Navy was very small, the yards were limited in their activities, and the comparison of activities then to now would be almost as 1 to 25 or 30.

Mr. BRITTEN. And the Government provided horses and carriages?

Mr. SMITH of Michigan. Yes.

Mr. PADGETT. That is correct.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment to the amendment.

Mr. FESS. Mr. Chairman, I rise in opposition to the amendment. Some time ago a visitor in the galleries made this very searching observation: "I notice that when a small appropriation is discussed it takes a good deal of time, but when there is a $10,000,000 appropriation discussed, it is done very briefly." He wanted to know why that was. I wish he might be here to-day.

On page 39 of this bill is an appropriation of $26,500,000; another one on the same page of $2,400,000; one on page 40, with reference to the new batteries for ships of the Navy, $48,000,000; on the same page, ammunition for vessels, $39,000,000; on the same page, torpedoes and appliances, $1,000,000; also reserve ordnance supplies, $50,000,000; totaling probably $170,000,000. All these appropriations required very little discussion. But here is a case of a Ford automobile that has required discussion something like 30 minutes. If I were to undertake to answer his query, why we spend so much time on the small appropriations and so little time on the large ones, I would be at a loss, unless it would be that we all know something about the Ford and would like to give the public our valuable contribution on the Ford, while on these larger items we do not know enough about them to give any information of value. Whether that be true or not, it is a comment, it seems to me, upon the legislative body becoming so enthusiastic and taking so much time on matters of whether, for example, the Secretary of State should have an automobile or whether the Speaker of the House should have a Ford, or this kind or that kind of a car—items of prior appropriation bills which have held this House for hours in heated debate in other days. While it is not my habit to inject anything in the form of a lecture, which I would not be guilty of, that observation was made by a visitor in the gallery not long ago. He is not here to-day, and I am not making this observation for that purpose, but just to call attention of the House to the fact that an appropriation of $170,000,000 has been adopted without debate and little observation. It does not take much time to decide on items of mammoth drains on the Treasury, while an appropriation for a Ford automobile takes a great deal of time, in which the entire membership of the House becomes absorbed.

Mr. BRITTEN. Did the gentleman ever buy a Ford automobile?

Mr. EMERSON. Mr. Speaker, I demand the regular order. Let us vote.

The CHAIRMAN. The regular order is called for. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

Public works, Bureau of Yards and Docks.

Mr. PADGETT. I wish to offer an amendment just after the caption "Public works, Bureau of Yards and Docks."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 43, after line 1, insert the following as a separate paragraph:

"Hospital construction: For additional temporary hospital construction and repairs as may be necessary at the points named herein and to provide same with suitable hospital facilities, Chelsea, Mass., $350,000; Newport, R. I., $500,000; New London, Conn., $150,000; Brooklyn, N. Y., $1,400,000; Wards Island, N. Y., $1,250,000; Pelham, N. Y., $900,000; Philadelphia, Pa., $355,000; League Island, Pa., $800,000; Norfolk, Va., $1,250,000; Hampton Roads, Va., $500,000; Charleston, S. C., $850,000; Paris Island, S. C., $175,000; Great Lakes, Ill., $65,000; Pearl Harbor, Hawaii, $150,000; overseas, $1,000,000; contingent, $600,000; in all, $10,295,000."

Mr. WALSH. Mr. Chairman, will the gentleman answer a question?

Mr. PADGETT. Yes; I shall be very glad to.

Mr. WALSH. I want to ask if any of the appropriation proposed in this amendment is to be available for the establishment of naval hospitals at points other than those mentioned.

Mr. PADGETT. They are mentioned in the amendment.

Mr. WALSH. There is a large contingent appropriation.

Mr. PADGETT. That contingent is to take care of general unknown and undeveloped things that may come up at these places.

Mr. WALSH. At these various places?

Mr. PADGETT. Yes.

Mr. WALSH. Heretofore there have been appropriations made for these various points, have there?

Mr. PADGETT. Yes; they have activities going on there now. A great deal of it was under lump-sum appropriations, and much of it was under appropriations carried in the deficiency bills heretofore.

Mr. WALSH. There was nothing carried in the last naval appropriation bill by way of specific appropriations?

Mr. PADGETT. Not for this particular purpose at that time. There was something given for this in the deficiency bill.

Mr. WALSH. Could any part of the moneys appropriated here be utilized for enlargement of the buildings?

Mr. PADGETT. Some of it is for new buildings, some of it for improvement and enlargement and additions, so as to put more beds in these hospitals, and other facilities to take care of the larger number of patients.

Mr. WALSH. And it includes the maintenance appropriation as well?

Mr. PADGETT. Yes.

Mr. JUUL. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. JUUL. Has the gentleman any explanation to offer why only $65,000 is contained in the amendment for hospital facilities for the Great Lakes, while over $2,000,000 is carried for hospital facilities in the State of New York?

Mr. PADGETT. Because at the Great Lakes the hospitals there have been developed, and we have spent in hospitals there between two and three million dollars already, and this was simply a little additional work. I want to say that the committee

gave a special hearing to Dr. Braisted, the Surgeon General, and we have printed the hearings. He went into this very carefully, and I think he has administered the medical department and hospital service with extraordinary and very commendable economy and efficiency. I believe every member of the committee will cheerfully bear me out in that statement.

Mr. JUUL. And the gentleman thinks the hospital facilities at the Great Lakes are quite ample?

Mr. PADGETT. They have tremendous ones there. I might state at this point that we have a provision to come in later on, an amendment, to authorize the taking over the purchase of the land on which we have spent two or three million dollars at the Great Lakes.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. As I heard the amendment read, it proposes an aggregate expenditure of $10,000,000 or more?

Mr. PADGETT. About that; but it is distributed in different places.

Mr. COOPER of Wisconsin. And the items are of very great importance, some of them?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. When was the hearing had upon this amendment?

Mr. BROWNING. On April 11. Here it is.

Mr. COOPER of Wisconsin. The bill was reported March 10?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. How came it that during all these weeks of investigation as to what appropriations would be necessary for the Navy Department, an item which is to involve the expenditure of $10,000,000 was not inquired into, at least to the extent of having any hearing before the committee, until almost a month after the bill was reported?

Mr. PADGETT. The matter is very easy to explain. The estimate was sent, first, to the Appropriations Committee for inclusion in the deficiency appropriation bill. They did include a small amount of it, and Mr. SHERLEY, the chairman of that committee, came to me and said that these matters did not belong properly as deficiencies, that they were original items and should be stricken out, and he disallowed them in the deficiency appropriation bill.

Mr. COOPER of Wisconsin. When was this matter referred to the Appropriations Committee?

Mr. PADGETT. Early in the session, I think. I do not remember. The Senate added an amendment increasing it by $5,000,000 and something, and in the conference the House conferees, as Mr. SHERLEY informs me, disagreed to the Senate amendment because they said it was a matter to go before the Naval Committee for inclusion in the naval bill.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. This is $5,000,000 of the $10,000,000?

Mr. PADGETT. Yes; something about $5,000,000, and the demands and the developments of the war, the proposed increase in this bill, which has already passed in the committee, adding $78,000 to the Navy and $45,500 to the Marine Corps, necessitate a provision for larger care.

Mr. COOPER of Wisconsin. So that Surg. Gen. Braisted could not know until after Congress had required these increases what the necessities would demand?

Mr. PADGETT. He could not tell beforehand.

Mr. BRITTEN. Answering the gentleman from Wisconsin [Mr. COOPER], it is a fact that the Surgeon General of the Army and the Surgeon General of the Navy have just made an agreement for establishing a uniform number of cubic feet of air space for each man in the Army and the Navy. That has been done only recently and because of that agreement greater quarters were required, and a lot of this money will go into the construction of hospitals because of the increase in the number of cubic feet per man.

Mr. COOPER of Wisconsin. Money of the public could not be expended for a better purpose.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. McKENZIE. I would like to ask a question. I understand that this appropriation is intended for the construction of permanent buildings and improvements. Is that true?

Mr. PADGETT. No; it is specified as temporary, but the character of the building, I want to say, will be such that it will be available for use, if cared for, for 25 or 30 years or more, depending upon climatic conditions and the upkeep, the painting, keeping it in the proper state of repair.

Mr. McKENZIE. My purpose in asking that question is this: Of course we all understand now that the Navy is a very large institution, and a great many men are to be taken care of. The permanent structures, of course, will be intended to take care of the Navy in time of peace.

Mr. PADGETT. Yes. This is wood construction, but the material selected is of a good class, so that it will not be ramshackle and fall down, and they stated that while it is of this temporary character in that sense of the word, it will be permanent in the sense that it will serve for a number of years.

Mr. McKENZIE. And to a large extent the purpose of it is to take care of the emergency now existing.

Mr. PADGETT. The necessity of the present demands it; yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

Navy yard, Portsmouth, N. H.: Addition to machine shop, $200,000; addition to foundry, $130,000; power-plant improvements, $150,000; in all, $480,000.

The committee amendment was read, as follows:

Page 43, between lines 5 and 6, insert the following as a separate paragraph:

"Submarine base, New London, Conn.: For the further development of the submarine base at New London, Conn., including erection and equipment of repair shops, the provision of additional berthing space, and the erection of quarters and barracks for officers and men, $750,000."

Mr. BUTLER. That is what we considered yesterday morning?

Mr. PADGETT. Yes, sir.

Mr. WALSH. I do not believe that it makes any difference where the item goes in, but in accordance with the order maintained throughout the bill I submit that it ought to come between lines 7 and 8, following the coast on down.

Mr. PADGETT. There are no items of that character, and it could be inserted at any point, so far as the geographical situation is concerned.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy yard, Boston, Mass.: Improvement of central power plant, $75,000.

Mr. PADGETT. I offer an amendment on line 7, page 43.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 7, strike out "$75,000" and insert in lieu thereof "$425,000."

Mr. BUTLER. Is that a committee amendment?

Mr. PADGETT. Yes; it was agreed to yesterday. It is for enlargement of the power plant and capacities at the Boston Navy Yard.

Mr. BUTLER. The thing went through so fast yesterday I did not catch on.

Mr. BRITTEN. Is not it necessary that that power plant be improved?

Mr. PADGETT. It is for the activities going on at that yard. I submitted it to the committee yesterday.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Navy yard, Philadelphia, Pa.: Dry dock, to complete, $2,000,000; central power-plant improvements, $300,000; tracks, streets, and sewers, $100,000; in all, $2,400,000.

Mr. PADGETT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 43, line 15, at the beginning of the paragraph, before the word "for," insert the following: "depot of supplies, Philadelphia, Pa."

Mr. BUTLER. What is that?

Mr. PADGETT. It is just simply to give a title to the paragraph; that is all. There is a depot of supplies, Philadelphia, Pa., and that should be inserted before the word "for." It is just an official designation.

Mr. BUTLER. This is the beginning of something for the future. We start in with a subject in this bill known as a depot of supplies.

Mr. PADGETT. Col. Radford has been at the head of it——

Mr. BUTLER. I know, and there is no better man living than Col. Radford, but I am looking ahead for 5, 10, or 15 years.

Mr. PADGETT. In drafting the bill, that designation was left out.

Mr. BUTLER. It never did have any, I do not think. I do not recall it, if it had.

Mr. PADGETT. The gentleman is mistaken.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The unexpended balance of $40,434.23 of appropriation of $200,000 in the act approved June 15, 1917, making appropriations to supply deficiencies for the purchase of additional land, Depot of Supplies, Marine Corps, Philadelphia, Pa., is hereby made available for the purchase of a lot of land lying on the south side of Alter Street and beginning about 60 feet west of Broad Street in the city of Philadelphia, extending about 210 feet and 6 inches on Alter Street and extending south about 40 feet, including all buildings thereon and for adapting said buildings for uses connected with said depot.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

Mr. BUTLER. Is it a committee amendment?

Mr. PADGETT. No, sir; it is in answer to a communication from Col. Radford and seeks to correct a description given in the text. It is to strike out that and insert the correct description. It does not add anything to it or take anything from it, except it properly describes the land.

Mr. BUTLER. We had read that paragraph and had gone some distance on the next one. I have no objection, if the chairman wants to ask permission.

Mr. PADGETT. No; we had only got down to the top of page 44, and this is to strike out that paragraph and insert.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, on page 33, lines 18 to 27, both inclusive, and lines 1 and 2 on page 44, and in lieu thereof insert the following:

"The unexpended balance of $40,434.23 of appropriation of $200,000 in the act approved June 15, 1917, making appropriations to supply deficiencies for the purchase of additional land, Depot of Supplies, Marine Corps, Philadelphia, Pa., is hereby made available for the purchase of all necessary land lying between Alter Street, Elsworth Street, and Fifteenth Street in the city of Philadelphia, including all buildings thereon and for adapting such buildings for uses connected with said depot."

Mr. WALSH. The purpose of this amendment is not to buy additional land than that designated?

Mr. PADGETT. No; it is to correct the boundaries and descriptions in the text that is in the bill.

Mr. WALSH. The gentleman does not get my question. The purpose of this paragraph in the bill, as originally reported, is not to buy for the Government tracts of land other than that which was intended at the time the deficiency appropriation was made.

Mr. PADGETT. Yes; there are some little additional lands to straighten out the boundaries, rather, and to enlarge their activities.

Mr. WALSH. How much of the suburbs of this great city will be taken over?

Mr. PADGETT. It takes over very little; it runs by feet.

Mr. WALSH. Not very many houses?

Mr. PADGETT. It is a little triangle that runs in between streets there, and this is to strike that out and give some additional frontage.

Mr. BUTLER. So as to disabuse the mind of my good friend, I desire to state it is not in my district.

Mr. EMERSON. Regular order, Mr. Chairman.

Mr. JUUL. Mr. Chairman, I desire to ask the chairman a question. Coming from a State where one has to hew rigidly to the line in the matter of appropriations, I ask is not this just a little bit loose? On lines 15, 16, and 17 of page 43 is the item—

For the erection of a lumber shed and necessary railroad sidings on land now owned by the Government and occupied as a portion of the depot of supplies, $35,000.

I want to ask this question of the gentleman: Can the men charged by law with the expenditure of this money use $34,000 out of the $35,000 for a shed and $1,000 for a siding? Or is there some definition of authority somewhere telling how much you can spend for the shed and how much for the siding? You can get an awfully big shed out in my country for $35,000.

Mr. PADGETT. The hearings had before our committee showed that they needed certain land there and certain sheds and sidings in connection with the big marine clothing factory that they have there, which is manufacturing clothing for the Marine Corps and saving the Government hundreds of thousands of dollars a year.

Mr. JUUL. If the gentleman will pardon me, I have no objection to the appropriation, but it seems to me that the language does not read right, "For lumber shed, $35,000, and some sidings." Would it not be better for us, in voting on a proposition like that, to know how much we are spending for the shed and how much for the siding?

Mr. PADGETT. It is impossible to go into all those details. They send the estimates down here, and the hearings disclose fully what they are for.

Mr. JUUL. I would not like to go home and explain that a shed was to cost $35,000.

Mr. PADGETT. The gentleman will not have to. Nobody will ever ask him about it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Navy yard, Washington, D. C.: Fuse and primer loading house, Bellevue magazine, $25,000; boundary fence, Bellevue magazine, $15,000; for the acquisition of additional land on the east side of the Naval Gun Factory lying south of M Street and west of Eleventh Street and for the removal of buildings thereon and the grading of the ground and construction of walls inclosing said land and equipping same for use, $488,000: *Provided*, That upon the acquisition of the land hereby authorized, all portions of public streets on which any squares so taken over shall abut and lying between the same, and all public alleys within said squares, together with such portions of streets and public alleys as lie between the present navy yard and the land so acquired, are hereby abandoned and closed and said portions of said streets and public alleys shall be regarded as set apart and reserved for naval purposes; in all, $533,600.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment to correct a typographical error—a misprint.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Mr. PADGETT offers the following amendment: Page 44, line 5, strike out "$15,000" and in lieu thereof insert "$20,600."

Mr. PADGETT. That does not add to the total and does not change it. It is just a misprint. The amount of money is the same. The error should be corrected, though.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, I desire a division of the paragraph so that I can vote against a part of it.

Mr. BLACK. Mr. Chairman, I would like to move to strike out the last word, if the gentleman from Pennsylvania will allow me.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. BLACK. I did not understand that the gentleman wanted to speak.

Mr. BUTLER. I have not anything to yield.

The CHAIRMAN. The gentleman does not desire the floor?

Mr. BUTLER. No.

Mr. BLACK. Mr. Chairman, I would like to ask how much land is contemplated to be purchased?

Mr. PADGETT. It is out here on the east side of the navy yard. It embraces that portion of the land that is south of M Street, I believe, and east of Eleventh Street. There are, I think, either three or four blocks, and the Government owns already various lots scattered all through that region. This is purchasing the remainder of the lots, and then is to extend the wall along M Street to Eleventh Street and down Eleventh Street to the river, and to take in that. It is about 6 or 7 acres, I should say. It is given as 7 acres.

Mr. BLACK. Have contracts been made for the purchase of this land?

Mr. PADGETT. No, sir. The authority is given to the President here to take it over and to pay for it under this general provision that we have provided for all these matters.

Mr. BLACK. The President would have the right to condemn the land if voluntary contracts could not be made? That is the point I wish to bring out.

Mr. PADGETT. Yes.

The CHAIRMAN. If the gentleman from Pennsylvania offers an amendment, the Chair will entertain it. There is no provision whereby the Chair can submit the paragraph unless an amendment is offered.

Mr. BUTLER. Have we not the right to move an amendment to separate the paragraph?

The CHAIRMAN. No part of the appropriation in the bill is read or voted on unless some amendment is proposed. If the gentleman proposes an amendment to strike out a portion of the paragraph, the Chair will entertain the motion.

Mr. BUTLER. I move to strike out the whole paragraph in order to get a vote.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the paragraph. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That portion of Eleventh Street SE. lying south of the south line of O Street SE. and west of the west face of the new Anacostia Bridge is hereby abandoned and closed, and said portion of said street, together with such land owned by the United States as is bounded on the north by the south line of O Street; on the east by the west face of the new Anacostia Bridge; on the south by the waters of the Anacostia River; and on the west by the west line of Eleventh Street, extending in a southerly direction from its point of intersection with the south line of O Street and prolonged to its intersection with the

waters of the Anacostia River, is hereby set apart and reserved for naval purposes and placed under the control and jurisdiction of the Secretary of the Navy: *Provided*, That at all times the proper authorities of the District of Columbia shall be permitted to have access to the area above described for the purpose of making examinations of, and repairs to, the said bridge: *And provided further*, That all leases heretofore granted by the Commissioners of the District of Columbia to parties occupying said above-described area are hereby, in accordance with the terms of such leases, terminated.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order on the paragraph.

Mr. PADGETT. Mr. Chairman, I can state to the gentleman that it is not to purchase any land in the District of Columbia. There is a little triangle that is formed by the streets mentioned there and the river, embracing, I suppose, about a third of an acre. That is right next to the bridge; the street that goes to the bridge, and the navy yard that comes up, belongs to the District of Columbia. The authorities of the District of Columbia agree that it may be turned over to the navy yard in order to secure the safety and the protection of the navy yard and to straighten their fence and bring it out to the bridge, which is about a third of an acre. It is the water front, and the District of Columbia has been renting it out to persons as a boat landing. It is very objectionable to have anything of that kind right there at the navy yard, where we have all these activities going on in the yard. There is no purchase; just a transfer of the jurisdiction under the Navy Department.

Mr. WALSH. Is this tract to be inclosed by this fence and wall?

Mr. PADGETT. It is a different part from that. It connects with the lower part of the navy yard on the river.

Mr. WALSH. It is not to be inclosed, then?

Mr. PADGETT. Yes; it is to be inclosed.

Mr. WALSH. Why is the right reserved to the authorities of the District of Columbia to enter there for the purpose of examining and repairing the bridge?

Mr. PADGETT. This land goes right up to the abutment of the bridge. The bridge rests on the abutment on the bank of the river, and this land goes right up to the abutment.

Mr. WALSH. That is the Anacostia Bridge?

Mr. PADGETT. Yes; and it is to allow the District of Columbia, through its workmen and officials, to go upon the land to make examinations as to the state of the abutment and to make any repairs. If the bridge should get out of repair, they would need to have some place to get around under the abutment, next to the water's edge, and to do things of that kind.

Mr. WALSH. The leases referred to in the last proviso are leases to parties to utilize that property?

Mr. PADGETT. Yes; and I understand they have all expired. It does not interfere with them. Those leases were revocable at any time that it suited the District of Columbia. When we went out there to look at it they told us that as a matter of fact the leases had all terminated. If anyone will go out there and look at it, he will see that it is really a little nuisance that is stuck right in there, with boats and every sort of little craft coming in there and tying up, right at the corner of the navy yard.

Mr. WALSH. Now, one further question, Mr. Chairman.

Mr. PADGETT. I yield to the gentleman.

Mr. WALSH. How much of Eleventh Street will be closed and discontinued by the adoption of this provision?

Mr. PADGETT. None whatever.

Mr. WALSH. It says, "That portion of Eleventh Street SE. is hereby abandoned and closed."

Mr. PADGETT. That is theoretically a part of Eleventh Street, but there is already a fence around this lot. Eleventh Street, theoretically runs to the water's edge, but practically does not.

Mr. WALSH. And this is the theoretical portion?

Mr. PADGETT. As a matter of fact, there is a little fence across that theoretical extension of Eleventh Street now, which cuts off the portion going down to the water's edge. It is closed by the fence and is not being used as a public street.

Mr. WALSH. The portion that will be legally abandoned will be from the water's edge——

Mr. PADGETT. Up to the feuce.

Mr. WALSH. That is what I wanted to understand.

Mr. PADGETT. As I have the picture in my mind, it is a distance about as far as from here to the door from the water up to that fence.

The CHAIRMAN. Does the gentleman from Massachusetts withdraw his point of order?

Mr. WALSH. Yes.

Mr. GRAHAM of Illinois. I would like to ask the chairman of the committee a question about the preceding paragraph.

Mr. PADGETT. I yield to the gentleman from Illinois.

Mr. GRAHAM of Illinois. About how much land is being acquired there?

Mr. PADGETT. About seven acres.

Mr. GRAHAM of Illinois. Does the gentleman know who owns it now?

Mr. PADGETT. It is owned by a number of people.

Mr. GRAHAM of Illinois. How many buildings are on it now?

Mr. PADGETT. There are some cheap buildings, both of frame and brick, little storehouses, and so forth, on these streets.

Mr. TALBOTT. The Government already owns some of them?

Mr. PADGETT. Yes; I have stated that. I should suppose that there are from 20 to 40 owners.

Mr. GRAHAM of Illinois. Does the gentleman have any idea about how much that land is going to cost by the acre, or lot, or foot?

Mr. PADGETT. There were some hearings on it. I do not recall it just now, but this $488,000 is estimated not only to purchase that land but to take down the buildings.

Mr. GRAHAM of Illinois. To build a wall?

Mr. BROWNING. And level the ground.

Mr. PADGETT. To build a wall and level the ground, and put it on a level with the navy yard proper, and fix it all up.

Mr. GRAHAM of Illinois. I have no doubt of the wisdom of it, but I was trying to find out what the committee thought was the value of that land that was being taken.

Mr. CONNELLY of Kansas. About $70,000 an acre.

Mr. GRAHAM of Illinois. That is not a large amount in a city.

Mr. PADGETT. It is not as much as that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Navy yard, Norfolk, Va.: Dry dock, to complete, $2,000,000; waterfront improvements, $500,000; improvements central power plant and distributing systems, $300,000; tracks, streets, and sewers, $150,000; galvanizing shop, $100,000; toward steel and lumber storage (limit of cost, $850,000), $400,000; in all, $3,450,000.

Mr. FESS. I move to strike out the last word, for the purpose of asking the chairman of the committee a question.

Mr. PADGETT. Certainly.

Mr. FESS. At this navy yard down in Virginia is there any disturbance by the placing of the Army there? Is there an Army cantonment there?

Mr. PADGETT. The Army has a cantonment there, but it is a number of miles away from the navy yard.

Mr. FESS. How far?

Mr. BRITTEN. At least 8 miles.

Mr. PADGETT. It is a number of miles away. The Army cantonment is down at Newport News, and is about 12 or 15 miles from Norfolk.

Mr. FESS. There was a gentleman here yesterday, and he remarked that the work down at Newport News had been greatly increased because of the Army activities at that place.

Mr. PADGETT. Newport News is 12 or 15 miles from Norfolk, and the Newport News Co. is a private shipbuilding company and not a Government activity, although they do build Government ships there. It is a private corporation.

Mr. FESS. It was suggested to me that we had not acted with very great wisdom in placing so near together the activities of the Navy and the activities of the Army.

Mr. PADGETT. The activities of the Navy, I expect, that he had reference to were not at Norfolk, but at what is known as the naval training base over at Hampton Roads.

Mr. FESS. That is what he had in mind; yes.

Mr. PADGETT. They are about 8 miles apart, on opposite sides of the water.

The Clerk read as follows:

Buildings and grounds, Naval Academy: Extension of Bancroft Hall, to complete, $1,850,000; and the limit of cost is increased to $2,850,000; improvements central power plant and distributing systems, $325,000; general store building, $100,000; in all, $2,275,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee how nearly completed are the improvements and central power plant and distributing system. I notice last year we appropriated $300,000 for improvements, and we carry $325,000 this year.

Mr. PADGETT. This is for enlargement, really. The power plant was established there a number of years ago, when each Member of Congress had one appointee. Later on the number of appointees was doubled. Later on the appointments were added to and we had three, and now we have five. Instead of having,

as originally, an average attendance of something like 500, they are now expecting this approaching term 1,800, and the succeeding term they are expecting to have 2,200. The power plant and distributing system is for the power and the heat of those buildings, and the gentleman will notice there that we are adding to Bancroft Hall for the accommodation of 600 young men in that one building. This is for the heat and light and general care of that additional building. That is going to cost something like two and three-quarter million dollars. With the expenditure of the $325,000 it is expected that the central power plant and distributing system will be sufficient for the extension to Bancroft Hall and the other increased facilities there.

Mr. WALSH. That is our necessity at the present time?

Mr. PADGETT. Yes.

Mr. WALSH. But, of course, if further extensions are made there will be needed further increase in the power plant.

Mr. PADGETT. That might be so. Of course, they have a margin or factor of safety over and above what is actually required at the time, but not a large one.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I would like to have the attention of the chairman of the committee if I can. This provides an addition of $1,850,000 for Bancroft Hall, an increase of the limit of cost to $2,850,000. Can the gentleman inform the committee how much Bancroft Hall has cost up to date; that is, the entire building?

Mr. PADGETT. I do not know. Twenty years ago, before I came to Congress, the construction of the new Naval Academy was authorized, and, if I remember correctly, it was $10,000,000 or $14,000,000. I see on the floor a former distinguished chairman of this committee. I will here ask the gentleman from Illinois [Mr. Foss] whether he remembers it was $10,000,000 or $12,000,000.

Mr. FOSS. I think it was in the neighborhood of $10,000,000.

Mr. PADGETT. I do not remember exactly; it was before I came to Congress.

Mr. MILLER of Minnesota. That was for a number of buildings.

Mr. PADGETT. Yes; and this was one of the buildings constructed out of that lump-sum appropriation.

Mr. MILLER of Minnesota. Can the gentleman inform the committee who was the architect of Bancroft Hall?

Mr. PADGETT. I expect the gentleman from Pennsylvania [Mr. BUTLER] can tell the gentleman. I am very poor at remembering names. He was a civilian architect.

Mr. BUTLER. I remember it very well. I know all about it. It cost $14,000,000. Flagg was the name of the architect. He agreed to have it done for $10,000,000 and it cost $14,000,000. We asked the House to be patient and wait, and they started in the House a rumor that the North intended to steal the Naval Academy away from the South, and everybody voted for it, and they got the $14,000,000; and now you have the whole story.

Mr. PADGETT. I did not remember that.

Mr. BUTLER. I can not prevent these things, but I can see them as they pass by. [Laughter.]

Mr. MILLER of Minnesota. Apparently it is not the intention to construct separate buildings, but merely keep on enlarging Bancroft Hall. How long is Bancroft Hall at the present time?

Mr. PADGETT. About 800 or 900 feet.

Mr. MILLER of Minnesota. Is that all?

Mr. PADGETT. It is four stories high, I believe, and they are adding two wings on the rear, at a cost of two and three-quarter million dollars.

Mr. MILLER of Minnesota. Of course, this undoubtedly is needed, and it is not in the mind of any of us to oppose it; but I do want to say this, which I have thought for many years: The architecture of the Naval Academy is a monstrous failure. The buildings are not adapted in the slightest degree, according to my judgment, to an academy of this character. Bancroft Hall looks like a swell apartment house on Riverside Drive in New York City.

Mr. MADDEN. The gentleman does not want to put his judgment up against the judgment of all of these statesmen on the Naval Committee, does he?

Mr. BUTLER. Oh, we are neither builders nor fakes.

Mr. MILLER of Minnesota. I am reminded at this time of one occasion when I visited Annapolis and had with me a very distinguished military officer from Europe. After we were permitted, with the aid of an old, decrepit soldier, to look at some of the buildings on the outside and others on the inside, we entered the august chamber of Bancroft Hall, and there, standing in the center, was a gentleman dressed and having the appearance of a head page at a showy hotel or a very austere porter. My friend said to me, "Is not this a naval academy?" I said, "Certainly; is not this a fine building?" "Yes; it is magnificent; but do you have your young men living here?" "Yes; is not this a splendid place for them?" "Yes; it is a nice home for them, a beautiful home, a great pile, but it does not appear to be adapted for a naval academy." Now, that was several years ago, and in conversation with naval officers I have found they are pretty well agreed with my friend's estimate. I wish humbly to suggest, and with the most profound interest, if it is possible to build new buildings at Annapolis instead of continually enlarging Bancroft Hall. I do not wish to make any disparagement by comparison, but no person can visit West Point and then visit Annapolis without a feeling that one is a triumph, and that is West Point, in architecture that is adapted to the needs of that sort of an institution. To my mind West Point presents in appearance, architecture, and adaptation to existing needs the most perfect and splendid institution in America. No person can visit Annapolis and see this great endless pile and feel that it is a kind of building that should be there for this purpose. Is not it possible, instead of keeping enlarging and extending this pile indefinitely and infinitely, to erect other buildings for the same purpose that will be a little more appropriate?

Mr. BUTLER. Will the gentleman permit——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I would like to have a moment more to answer the gentleman's question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BUTLER. But we have expended $14,000,000 in that property, let me say to my friend, and what will we do?

Mr. MILLER of Minnesota. I am willing to let the $14,000,000 stay in this building, but let us not keep extending it until it covers the whole of Maryland. Let us build another building or two that is somewhat better adapted to the needs of the institution. [Applause.]

Mr. CONNELLY of Kansas. That will probably be attended to after this year; as soon as they finish that they will take up the others.

The Clerk read as follows:

The President is authorized to acquire under the authority and provisions of this act all of the remaining portion of Paris Island for the enlargement of the marine recruiting station, Port Royal, S. C.

Mr. WALSH. Mr. Chairman, I reserve the point of order. How much is intended to be acquired?

Mr. PADGETT. About 3,000 acres.

Mr. WALSH. How much has been already acquired?

Mr. PADGETT. A small amount; I do not know. I should say about 200 acres, or something like that. We have something like seven or eight thousand men there. Nearly every man who goes into the Marine Corps goes through that place as an advanced training point.

Mr. WALSH. There is a lump sum, I assume, somewhere in this act——

Mr. PADGETT. I think it is only about 70 acres.

Mr. WALSH. We have only 70 acres at Parris Island?

Mr. PADGETT. And they need drill-ground extension; and another thing I want to call to the attention of the gentleman and the committee, and that is the conditions there. There are a number of undesirable people there, who have little holdings around there, which is calculated to bring about bootlegging and gambling and other matters that every man can readily see without my mentioning them, and it is very necessary to have an enlargement of the activities of the recruiting station.

Mr. WALSH. Does this take in the entire island?

Mr. PADGETT. It takes in the entire island.

Mr. WALSH. Is this going to be taken for a marine recruiting station?

Mr. PADGETT. Yes.

Mr. WALSH. How far is it from the mainland?

Mr. PADGETT. It is rather in the river that comes up there, and a great deal of that is marshland.

Mr. BRITTEN. It is a training station.

Mr. WALSH. It does not say so; it says marine recruiting station.

Mr. PADGETT. It is called a recruiting station, but nearly every man of the Marine Corps goes through there for his last training.

Mr. BRITTEN. A course of about 12 weeks. He has his initial training at Parris Island and then goes to Quantico, where they give him the finishing course. It is very important to the Marine Corps that the Parris Island purchase be left in the bill.

Mr. WALSH. I assume that somewhere in the bill there is a lump-sum appropriation to cover these various authorizations for the acquisition of property.

Mr. PADGETT. That is correct. This was calculated at $160,000, not to exceed $160,000.

Mr. WALSH. For 3,000 acres?

Mr. PADGETT. Yes, sir.

Mr. BRITTEN. I would like to remind the chairman of the committee there are some very objectionable elements at Parris Island now.

Mr. PADGETT. It should be $150,000 instead of $160,000, I find on refreshing my memory.

Mr. WALSH. How much will be required to make this island habitable to live on after these 3,000 acres are acquired?

Mr. PADGETT. I understand the conditions there are healthy now. One of the things is to remove some of the moral conditions that are there.

Mr. WALSH. Does the gentleman contend that under the law which we have heretofore passed that the Secretary of the Navy can not clean up Parris Island?

Mr. PADGETT. Yes; he can clean up the island during war, but we are taking care of it now for peace as well as for war. Under the war power we can keep them away, but the people living on the island we can not keep away from there. And there are these little huts scattered all around there consisting of a very undesirable population, one that is pretty hard to handle and deal with.

Mr. McKENZIE. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. McKENZIE. I would like to ask the chairman of the committee whether or not the department has an option on this land which the $150,000 will cover?

Mr. PADGETT. No, sir; there is no option. It is put under the general provision, and the President will take it over and value it and pay for it under that proceeding. The title situation is very complicated. There are some contested claims that would have to be adjudicated and would have to be taken over by the President under these condemnation proceedings.

Mr. McKENZIE. Is the chairman ready to state to the members of the committee that, in his judgment, the purchase of it will not cost to exceed $150,000?

Mr. PADGETT. That is the information we get. We had a telegram sent to Gen. Cole, who is in command there, and he investigated it, and I saw him personally, and he stated that he thought that would cover it; but, of course, under a condemnation proceeding the gentleman recognizes that there is no way to limit the price. That has to be fixed by judicial proceedings.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FAIRFIELD. Is this land owned largely by these undesirable people in small allotments?

Mr. PADGETT. A good deal of it is.

Mr. FAIRFIELD. Is a considerable portion of it owned by one man?

Mr. PADGETT. Yes; and a good deal of it is swamp land that has nothing on it at all.

Mr. MADDEN. What equipment has the Government on the island now?

Mr. PADGETT. It has a good deal. On the 70 acres that the Government owns they have two main buildings, and they have leases, I think, on some 700 or 800 acres of it for drill grounds, on which they have the equipment necessary for the drilling and training of these men.

Mr. MADDEN. What water surrounds the island?

Mr. PADGETT. The gentleman means what river that is?

Mr. MADDEN. Yes. Is it navigable?

Mr. PADGETT. Yes. It is Port Royal Harbor. At one time it was a naval station. Ships went up there.

Mr. MADDEN. What has to be done with the river now to make it capable of meeting the situation that is required to be met?

Mr. PADGETT. Nothing whatever to the river.

Mr. MADDEN. Any docks to be built?

Mr. PADGETT. No.

Mr. MADDEN. Any swamps to be filled?

Mr. PADGETT. They have some swamp land that they mean to fill in for their purposes later on, but not at the present time.

Mr. MADDEN. The present proposed expenditure is to be $150,000.

Mr. PADGETT. Yes, sir.

Mr. MADDEN. What is the ultimate expenditure contemplated to be?

Mr. PADGETT. I do not know of anything beyond what is provided here.

Mr. MADDEN. All the equipment is on the island that is necessary for the training of men now?

Mr. PADGETT. Yes. Some is here provided for the training of the additional men.

Mr. MADDEN. How much?

Mr. PADGETT. For 12 additional barracks and 4 lavatories and mess halls, $6,000.

Mr. MADDEN. Here is a provision for reclaiming swamps. How much is that?

Mr. PADGETT. Thirty-five thousand dollars.

Mr. MADDEN. How much of the marsh land will that reclaim?

Mr. PADGETT. I do not know just how much.

Mr. MADDEN. How about the sea wall?

Mr. PADGETT. That is to keep it from running back into the river. The dredging runs behind that.

Mr. MADDEN. I suppose before we get through it will cost a million dollars.

Mr. PADGETT. Oh, no. The gentleman has his sights too high.

Mr. MADDEN. I know that everything we do costs about ten times as much as the gentleman says it will cost.

Mr. WALSH. Mr. Chairman, I make a point of order on that item.

Mr. PADGETT. I hope the gentleman will not do that.

Mr. WALSH. There are several authorizations for the acquisition of land in very general language, and it seems to me that they are of sufficient importance to be made a subject of special legislation.

Mr. PADGETT. I will tell the gentleman frankly why we did not put the amount there. If the gentleman insists upon it, we will put the amount there, but the committee discussed the question. There are several places where it is authorized to acquire land. If we put the amount specified there, that goes as a sort of notice of the amount that is expected to be expended there; but if we authorize the acquisition of it without specifying in connection with the acquisition any definite amount, there is no notice to those people as to what Congress had set aside specially for that purpose. We have several places here where we have pursued that course, and put the amount, the aggregate, $680,000, I think, in appropriations for the President to pay for these several tracts that are to be acquired. One is at Newport, R. I., and another is at Lake Denmark.

Mr. BRITTEN. Will the gentleman from Massachusetts withhold his point of order a moment, please?

Mr. WALSH. If the gentleman will permit me to ask a question, possibly I may withdraw it. It says "the President is authorized to acquire under the provisions of this act." He has the authority here to acquire it by condemnation proceedings and pay over 75 per cent of what it is thought to be?

Mr. PADGETT. Exactly. That is the reason we put it in that form.

Mr. WALSH. That is on page 74.

Mr. PADGETT. Yes. The gentleman will see that it reads:

> The President is hereby authorized and empowered, within the amounts herein appropriated therefor, to take over immediately for the United States possession of and title to each and all of the parcels of land, including appurtenances and improvements for the acquisition of which authority is herein granted and for which appropriations are herein made: *Provided*, That if said lands and appurtenances and improvements shall be taken over as aforesaid, the United States shall make just compensation therefor, to be determined by the President, and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States to recover such further sum as added to said 75 per cent will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, section 145, of the Judicial Code: *Provided further*, That upon the taking over of said property by the President as aforesaid the title to all property so taken over shall immediately vest in the United States.

That is the standardized form.

Mr. WALSH. Is it not somewhat unusual to make a blanket of authorization without fixing any limit of cost in the authorization?

Mr. PADGETT. I stated to the gentleman why we left that out.

Mr. WALSH. I know; and I can see the undesirability of including it in some specific instances; but I question whether it has been done heretofore, and whether it is the proper policy to give a blanket power to acquire land without a specific appropriation for the parcel sought to be acquired, and I doubt the wisdom of embarking upon a policy of making separate authorizations and covering them all with a blanket appropriation.

Mr. PADGETT. The limitation of it is contained in the amount of money that is appropriated for that purpose.

Mr. WALSH. There is no specific amount appropriated for this particular tract.

Mr. PADGETT. There is an amount appropriated for that and the others, three or four of them, including Lake Denmark.

Mr. WALSH. Yes; $680,000 is the blanket sum covering all these authorizations?

Mr. PADGETT. Yes. If it is insisted upon, and if it is thought wiser, we can add right here the words "not to exceed $150,000."

Mr. BRITTEN. The committee considered that very carefully, and it was left out principally because we felt that if we specified $150,000 for this land to be purchased, the Government never in the world would pay less than $150,000, so that the land owners would hold the Government up and govern themselves accordingly. We took out the $150,000 and put in a blanket amount for that reason. I believe it is a protection to the Government, although I agree with the gentleman from Massachusetts that generally it is a bad practice.

Mr. WALSH. It has not been done before.

Mr. PADGETT. The committee considered that.

Mr. OLIVER of Alabama. It has been done with reference to other appropriations.

Mr. WALSH. For the condemnation of land? Does the gentleman from Alabama state that this has ever been done before with a blanket sum?

Mr. OLIVER of Alabama. I think that lump sums of money have been placed in the hands of the President to expend for certain purposes, as in this case. He has recently bought a tract of land in the city of Washington out of a lump-sum appropriation.

Mr. WALSH. Oh, he bought the Arlington Hotel out of an emergency fund which we gave him of $100,000,000, without any limitation or specific authorization, because that was appropriated as an emergency fund; but I doubt whether we have ever given the President authority to acquire property under the provisions of an act without fixing some amount of money to be applied to the land desired to be acquired, and I doubt if it is wise to embark upon that policy at the present time and to establish that precedent.

Mr. MADDEN. Let me say, if the gentleman will permit me right there, that the character of construction going on at the Arlington Hotel site is the cheapest of its type that I have ever seen anywhere in the history of all my experience.

Mr. WALSH. Probably that was why it was purchased.

Mr. BRITTEN. I hope the gentleman will withdraw his point of order. On yesterday the Marine Corps was increased 150 per cent, and most of the recruits will go to Parris Island first. If you want to do something for the Marine Corps, withdraw your point of order, because this amendment will go in in the Senate if it is not put in here. It is very highly necessary. The committee considered very thoroughly the gentleman's particular objection to the paragraph, and decided that the interests of the Government would be the better conserved by doing it in the way we have.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. GREEN of Iowa. I think the objection of my friend from Illinois is not well taken under the circumstances, for this reason: If this land was all held by one party, undoubtedly fixing the price at $150,000 would insure the Government paying that. But as I understand the gentleman from Tennessee [Mr. PADGETT] this is held by a number of different parties. They can not get together and fix their prices——

Mr. BRITTEN. But they do.

Mr. GREEN of Iowa. The President will undoubtedly do the best he can, and I think the limit ought to be fixed here.

Mr. PADGETT. If the gentleman from Massachusetts insists on it, I will offer an amendment to limit the appropriation.

Mr. WALSH. With that fact in mind, that the limit is to be fixed by an amendment, and because it is rather hard to resist the appeals and the propositions of the chairman of the committee and the other members in behalf of the Marine Corps, and the service which they represent and the rights which they so ably safeguard, I will withdraw the point of order.

Mr. BUTLER. Let me state for the benefit of the gentleman from Massachusetts that if the House puts in a limitation of $1 it will not control the price, and an appropriation of $1,000,000 will not do it. Do you remember how this House, after two days discussion, limited the price of Jamestown to $1,200,000?

Mr. PADGETT. Under condemnation, of course, we can not limit the price.

Mr. BUTLER. Did we not provide an appropriation of $1,200,000 for Jamestown, and did they not pay over $1,400,000, under the method employed by the present administration for the purpose of condemning land?

Mr. WALSH. That is because we gave them authority to condemn it and to pay 75 per cent and let them go into court for the rest.

Mr. BUTLER. But you appoint commissioners, and the commissioners fix the price, and the Government then pays the price so fixed.

Mr. WALSH. I trust the gentleman is not blaming me.

Mr. BUTLER. Of course I am not blaming the gentleman.

Mr. MADDEN. The gentleman from Pennsylvania says "You appoint the commissioners." Whom does the gentleman mean by that?

Mr. BUTLER. I do not mean that the gentleman from Massachusetts appoints the commissioners. I mean that when that method is adopted commissioners are appointed, and they fix the price, and then the Government may and usually does pay that price.

Mr. PADGETT. Does the gentleman from Massachusetts desire that I offer an amendment? If so, I am going to keep perfect good faith with him.

Mr. WALSH. I think the amendment ought to be offered.

Mr. PADGETT. All right. I will ask to add at the end of line 8, page 46, the words "and the sum of $150,000 is hereby appropriated for this purpose."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 46, at the end of line 8, add the words: "And the sum of $150,000 is hereby appropriated for this purpose."

Mr. PADGETT. Or so much thereof as may be necessary.

The CHAIRMAN. Without objection, the amendment as read will be modified by adding the words stated by the gentleman from Tennessee. Without objection, the amendment as modified is agreed to.

Mr. OLIVER of Alabama. The Chair did not put the negative side.

The CHAIRMAN. The Chair said "Without objection, the amendment as modified is agreed to," and there was no objection.

Accordingly the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer an amendment to correct the spelling of a word.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 7, correct the spelling of the word "Paris" so as to read "Parris."

The amendment was agreed to.

Mr. BUTLER. Of course, there are not two r's in Paris.

Mr. PADGETT. There may be when it is the name of a man. This is the name of the owner, and he spells it Parris, and it is known in the local history as Parris Island.

Mr. FOSS. Mr. Chairman, the question came up a few moments ago as to the cost of the reconstruction of the Naval Academy, and I sent for the Navy Yearbook. This work of reconstruction was begun under my predecessor, Hon. Charles A. Boutelle, of Maine, who was chairman of the Naval Affairs Committee. The limit of cost fixed in the act of June 7, 1900, was $8,000,000, and that was increased in the act of July 1, 1902, to $10,000,000 for the reconstruction of the Naval Academy. I may say that for myself I was not in sympathy with the style of architecture for that institution which was decided upon. I was favorable to the rebuilding of the Naval Academy in brick and stone with a colonial style of architecture.

Mr. BUTLER. Mr. Chairman, let me add this, that it is commonly understood that the original contract, with the extensions and improvements that have been made up to the last six or eight years, have cost the Government between $13,000,000 and $14,000,000.

Mr. PADGETT. Mr. Chairman, on page 46, line 4, I desire to have the spelling of the word "shrubbery" corrected. An "r" was left out.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word.

There was no objection.

The Clerk read as follows:

Navy yard, Charleston, S. C.: For the dredging of the basin at the navy yard and the dredging of a channel from the navy yard to deep water beyond the jetties of a depth of 40 mean low tide and a width of 1,000 feet to provide a sufficient depth of water for proper use of the large dry dock herein authorized (limit of cost $5,000,000), $1,000,000, and for the construction of a large dry dock (limit of cost $4,000,000), $1,150,000; dredging, to continue, $25,000; railroad system extension, $15,000; toward water-front improvements, $200,000; boat storage, $10,000; in all, $2,400,000.

Mr. PADGETT. Mr. Chairman, I desire to offer the following amendment.

Mr. GREEN of Iowa. Mr. Chairman, I desire to make a point of order against the paragraph.

The CHAIRMAN. That is a preferential matter to an amendment.

Mr. GREEN of Iowa. Mr. Chairman, I make the point of order against that portion of the paragraph from the begin-

ning down to the comma after the figures "$1,000,000," in line 15.

Mr. PADGETT. Mr. Chairman, I was just about to move to strike that out. The gentleman can make the point of order and it will be the same thing.

The CHAIRMAN. The gentleman from Tennessee concedes the point of order?

Mr. PADGETT. Yes.

The CHAIRMAN. The Chair sustains the point of order, and it is stricken from the bill.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I was somewhat at a loss as to how this provision struck out got in this paragraph, as it evidently comes under the jurisdiction of the Rivers and Harbors Committee. It was all gone over at the time that bill was under consideration. A moment ago my friend from Ohio was speaking of the fact that when we had small appropriations under consideration there was apt to be a considerable discussion and a very large attendance, a fact to which I have called attention myself on previous occasions. I do not know whether my friend was present at the time this provision for Charleston Harbor was gone over when the rivers and harbors appropriation bill was under consideration. If he was, he noted the attendance in the House at that time. Far be it from me to intimate that there was any combination between the Members from New York who wanted to have New York Harbor deepened and the Members from the Southern States who wanted to have the channel at Charleston deepened and extended and those that wanted also to have the harbor at Key West extended, but for some reason, by a most remarkable coincidence, there was at that time a large and full attendance of the gentlemen from those sections, both North and South, and also by a further remarkable coincidence they hung together very strongly when this matter came up for a vote on the passage of the amendments.

Mr. FOSS. And they are here now?

Mr. GREEN of Iowa. Some of them are here now. Not many, because we have reached a stage where they have this provision strongly intrenched in the rivers and harbors appropriation bill. I hope the body at the other end of the Capitol will do something with it, for, although it seems to be abandoned for the present, I think it will be necessary to keep watch upon it. This provision ought not to be in any bill, in this or any other, because it is not a war measure.

Mr. JUUL. Mr. Chairman, will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. JUUL. Did the gentleman express the hope that the Senate would do something with it or to it?

Mr. GREEN of Iowa. I accept the gentleman's amendment—something to it. That is what ought to be done, in my opinion. At a time like this, when we are at war, it seems to me we ought not to have any ground for suspicion that there are any combinations for the purpose of logrolling or ship getting or harbor deepening. The time for that ought to have passed long ago. If we are ever to do away with it, we ought to do away with it now, in this extremity of war, when all other considerations ought to be dropped and local matters entirely forgotten.

Mr. PADGETT. Mr. Chairman, I understood the point of order was made down to and including the figures "$1,000,000" in line 15, leaving the word "and" in the bill.

The CHAIRMAN. That is the way the Chair understands it.

Mr. PADGETT. Then, I move to strike out the word "and" and also the comma before that word.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 15, strike out the comma and the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, also the word "for" ought to be spelled with a capital letter, and I ask that the Clerk be authorized to make that change.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

Mr. PADGETT. Mr. Chairman, also I desire to correct the total. In line 19, page 46, I move to strike out the figures "$2,400,000" and insert in lieu thereof the figures "$1,400,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 19, strike out the figures "$2,400,000" and insert "$1,400,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee whether the improvements authorized in this paragraph were included within the recommendations of any one of the reports of the Helm Commission?

Mr. PADGETT. Yes; the Helm Commission recommended that the yard should be made a first-class yard, and they stated that there were various improvements needed there, and suggested that the details of them be worked out by the offices in the proper bureaus, but these are not submitted in any part of the Helm Board report. They come as the recommendations of the department, independent of the Helm Board.

Mr. ELSTON. Will the gentleman further state when these improvements are expected to be completed and the yard to be in condition to be used?

Mr. PADGETT. Oh, the yard is being used now, very largely and very actively, and this is just as it is at various other yards where we are making improvements for water-front, boat storage, railroad systems, extensions, and things of that kind. The gentleman will notice just below in the bill there is the Key West station improvement, $25,000, and the naval station at New Orleans, for a floating crane and the improvements in the central power plant and distributing system, water-front improvements, etc. All those matters are recommendations that come from the department, customarily, from year to year, as the developments are needed, just as we had up a few moments ago in respect to the power plant at Annapolis. These are not parts of the Helm Board report. The committee has not taken up for consideration the Helm Board report, because they have not completed their work.

Mr. ELSTON. That is what I wanted to get at.

Mr. PADGETT. And the department has not taken up consideration of the Helm Board report.

Mr. ELSTON. What I want to get at from the chairman is that the improvements authorized in this paragraph are not in contravention of the statement made by the Secretary of the Navy and intimations made to me by the chairman of this committee that none of the recommendations of the Helm Commission covering either the Atlantic, Gulf, or Pacific coasts are to be taken up for legislation during the present session.

Mr. PADGETT. Not at all, sir. These are the ones that come customarily in the class and character and type of improvements along the line of natural development of the yard and would have been made if there had never been a Helm Board report or if there had never been a Helm Board created, and it has nothing to do and is not dependent upon and is not brought in because of the Helm Board report.

Mr. ELSTON. Can the gentleman state, if he knows, when it is expected to take up any of the projects covered by any of the reports of the Helm Commission?

Mr. PADGETT. Not this session of Congress; and whether they will next session is a matter that I do not care to prophesy about so far in advance. The Helm Board has not yet completed its investigation. My idea is that the Helm Board recommendations, as recommendations of that board, will not be taken up until after the conclusion of this war.

Mr. ELSTON. The Helm Commission reported that the present navy-yard facilities on the Pacific coast should be trebled. They show that the Pacific coast yards have only one-fourth the capacity of the Atlantic coast yards. If major fleet operations should occur on the Pacific coast the present yards could take care of only one-fourth of the necessary requirement for berthing and dry docks and for repair and supply. Does not the gentleman believe that a large project, like the proposed naval base on San Francisco Bay, involving at least six years for completion, should be commenced soon?

Mr. PADGETT. That might be over there and that might come through the department as departmental recommendations independent of the Helm report or a report.

Mr. ELSTON. Using the Helm report as a basis for details or for advisory purposes?

Mr. PADGETT. For advisory purposes; yes, sir.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Naval Affairs a question or two. Is this the first time this item has been ever carried with regard to the dry dock at Charleston, S. C.?

Mr. PADGETT. Yes, sir. In the bill two years ago, I believe it was, or last year, there was an amendment inserted by the Senate to enlarge the existing dock that is there and make it a thousand feet long. The conferees on the part of the House would not stand for that, because that would not have been a usable dock; the depth was not sufficient. That dock is about 30 or 31 feet over the sills. This one will be 42 feet over the sills. This is the first time a dock of this kind has been pro-

posed there, but there is an amendment in the former bill to lengthen the dock and make it a thousand feet, but not to deepen it, and it would not have been usable for the purpose for which it was intended.

Mr. LONGWORTH. This is intended to accompany the provision passed in the river and harbor bill the other day?

Mr. PADGETT. Yes, sir.

Mr. LONGWORTH. Is there any limit on the cost of this dock?

Mr. PADGETT. Yes, sir; $4,000,000.

Mr. LONGWORTH. How is that limit provided; simply provided by the brackets here?

Mr. PADGETT. It is provided like it is always provided; like every limit of cost that is inserted in the naval bill or the other bill, it says the limit of cost shall be $4,000,000.

Mr. LONGWORTH. I ask the gentleman, frankly, does that mean anything at all?

Mr. PADGETT. Yes, sir; it means they can not exceed it without authority of Congress. They have to come to Congress to exceed it.

Mr. BUTLER. But they have often come?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. And we have never denied them?

Mr. PADGETT. No, sir.

Mr. LONGWORTH. In this case they will come?

Mr. PADGETT. I do not know. We authorized two similar docks, one at Philadelphia and one at Norfolk, and they are being built under contract and within the limit of three and a half million dollars. This is $500,000 more than the limit of cost at Philadelphia or at Norfolk. Those two are being built under the limit of cost, and I am not prepared to say that this one will exceed the $4,000,000 provided here; but the gentleman knows, as well as anybody knows, what the state of public sentiment is about wages, about the labor situation, the material situation, and so forth.

Mr. LONGWORTH. Well, I may not remember correctly, but I do not think I ever remember an original proposition involving such a large amount as this with the limit of cost being fixed merely by brackets.

Mr. PADGETT. Always fixed that way.

Mr. LONGWORTH. And by no other provision.

Mr. PADGETT. We fixed it exactly as we did in reference to Norfolk, and just exactly that way for Philadelphia, and just exactly that way for Pearl Harbor.

Mr. LONGWORTH. As an original proposition?

Mr. PADGETT. Yes, sir; as an original proposition.

Mr. LONGWORTH. How large a ship is it expected the dock will care for?

Mr. PADGETT. Any ship that will go through the Panama Canal.

Mr. AUSTIN. Mr. Chairman, I do not arise to seek information about any of the provisions of this bill, but only for the purpose of expressing my earnest hope that we will be able to pass this important and needed legislation before we adjourn to-day. I was greatly impressed this morning by the receipt of a postal card containing a statement made by the late Ambassador Joseph H. Choate, one of the most eminent lawyers in the United States, three days before he died, a parting appeal to us all, containing these words, "For God's sake, hurry up!" I have not sought to consume any of the valuable time of this House in a discussion of the provisions of the pending bill, but I wish now to earnestly appeal to every Member on both sides of the House to bear in mind the far-reaching importance of immediate and favorable action upon every one of these war measures. Such a course upon our part will have a splendid effect throughout America, and it will reach beyond the seas. If there ever was a time since the declaration of war when all the American people, led by the example of their chosen Representatives in Congress, should hurry, should speed up, that time is now of all times.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question?

Mr. AUSTIN. Yes.

Mr. LONGWORTH. I want to ask my friend whether, in view of the record of this Congress at the extra session and so far at this session in the granting of money and power in every case where it was asked, that message had not been more properly sent to another branch of this Government rather than to the legislative branch?

Mr. AUSTIN. I am not here to criticize another branch of Congress.

Mr. LONGWORTH. I said another than the legislative branch.

Mr. AUSTIN. I will not, during the period of the war, in a public manner seek to embarrass or to criticize the war administration while our boys are on the battle line fighting the Kaiser. [Applause.]

If I have a complaint from any constituent, I take it to the head of the proper department and submit it; and I have never failed to have the complaint promptly and satisfactorily attended to. Even the appearance of a division in sentiment in or out of Congress deserves criticism, and general faultfinding will not strengthen the American cause, and will not aid us either at home or abroad. It will not encourage our boys in France, but will give comfort to the enemy.

I believe it is the duty of every Senator and every Member of the House of Representatives to first take his grievances or complaints to the proper department of the Government and insist upon a remedy, a correction, or a satisfactory explanation first before there shall be any public criticism. [Applause.]

If the present administration were Republican and a President of that political faith Commander in Chief and both branches of Congress in sympathy with him, I know as a Republican that I would condemn a criticism here before the complaints were submitted to the heads of the departments for explanation or correction. I believe this the correct and proper course to pursue when the country is at war fighting for its very existence, for its life.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Iowa?

Mr. AUSTIN. Yes.

Mr. GREEN of Iowa. My friend is thoroughly aware of the fact that this is an appropriation for the year beginning the 30th of next June and ending one year from that time, and therefore I am at a loss to understand the application of the gentleman's remarks to this bill.

Mr. AUSTIN. I call the gentleman's attention to the fact that there are many, many items within the covers of this bill that are made immediately available, calling for the expenditure of thousands and millions of dollars.

Mr. WALSH. Only as deficiency items.

Mr. AUSTIN. They are made immediately available. The money is needed now.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I ask for an extension of five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. AUSTIN. In this bill there are numerous provisions requiring the immediate use of money, and the closing paragraph says, "All appropriations contained in this act are hereby made immediately available." The members of the Naval Committee, who have the absolute confidence and respect of every Member of this House, have brought in a unanimous report, and there is not to-day a better nor a more efficient administration in this Government than that of the Navy Department. The highest type of men are directing its affairs, and up to this good hour no man here or elsewhere has dared, during this war, to criticize the administration of the Navy Department. The officials of that department have asked for these sums of money to be made immediately available to carry forward the great work of the Navy to achieve victory. Let us speed up and hasten action. Let us do it to-day, and not carry this important bill over another week to permit an unnecessary debate to continue here, when every particle of the information desired can be obtained personally from the members of the Naval Committee or from reading the printed report or the exhaustive hearings.

Do we not believe in the honor, the ability, the fidelity, and the loyalty of the members of the Naval Committee? Have they ever done anything to forfeit our high opinion and our complete confidence in them? They know the great burden of responsibility upon them is equal almost to that placed upon the membership of the Committee on Military Affairs; and those of us not upon this committee, charged with the duty of examining and passing upon these numerous items can trust them, and our trust will not be abused or betrayed.

Mr. FESS. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. FESS. Would my friend be willing to suspend the rules and pass the bill without reading? If the committee is to give all the information without anyone asking questions here on the floor of the House, why not suspend the rules and pass the bill at once?

Mr. AUSTIN. If the Navy Department and this great committee should say that the imperative interests of America demanded such a course, I would cheerfully do it.

Mr. FESS. The gentleman differs from most of the Members of the House, who feel responsibility for this legislation.

Mr. AUSTIN. We ask thousands of questions, we offer many amendments, valuable time is consumed, and never a change of a line in the bill, not the dotting of an "i" nor the crossing of a "t."

Mr. KEATING. We put two "r's" in Parris.

Mr. FESS. Will the gentleman yield?

Mr. AUSTIN. I yield to the gentleman from Ohio.

Mr. FESS. Does the gentleman recall that the bill was not discussed at all under general debate? We began it yesterday, and have gone pretty nearly two-thirds of the way through it. I do not think I have heard a single word of discussion on the floor that was not pertinent to the items of the bill.

Mr. AUSTIN. Yes; and nothing has been accomplished except to delay the passage of the bill. It was a fortunate thing that we dispensed with the general discussion, but we have practically had the general debate under the five-minute rule. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MILLER of Minnesota. I move to strike out the paragraph as it now stands.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the paragraph, and is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, I do not expect that my motion will prevail, but I want the record made, and if no one else feels inclined to support it, I am going to vote for it.

When this same matter was up the other day, while the House was considering the rivers and harbors bill, quite a full discussion was had of the merits of this proposition. It is not necessary to rehash the matter again, especially after the very bitter arraignment of the membership of the House to which we have just listened. In that connection I am fully justified in saying—for the facts bear out the statement—that the House of Representatives will pass this bill appropriating more money in the same length of time than any legislative body has ever appropriated on a similar proposition before in the history of the world. [Applause.] I do not believe this committee merits quite the castigation to which it has just listened. But I want to refer to this just for a moment, notwithstanding the words of the gentleman from Tennessee [Mr. AUSTIN]. I can not find out that this proposed improvement has any possible bearing on the war program. The earliest date to which we can look for the completion of the project so that it may be used at all is 30 months, and very likely the time will be very much greater than that. If the war is not over in 30 months, it will hardly ever end. It can not be justified on the ground that this is a war emergency. There is absolutely nothing on earth to justify it.

In that connection I want to call attention to the letter that was sent here and read to the House, which said that this project would not be completed within 30 months, and ended by saying that it is a war emergency and therefore ought to be passed. When advice comes to us in that language and in that contradictory fashion our faith in the sources of that advice is very apt to be somewhat shaken. I believe this is a proposition that never ought to have been considered in the river and harbor bill and never ought to be considered here now. If this proposition has merit it should be taken up and considered in connection with the general improvements to be provided for when the House acts on the various items in the report of the Helm committee.

I make no claim to any great knowledge of naval affairs, but I have had opportunity to journey somewhat over the world and I have conversed many times with the leading thinkers in our Navy, and I have never yet found one—I have talked with several on the subject—whose judgment approved this scheme. They do say that an important naval base should be completed in the West Indies. Then, if we are going to build a naval base anywhere, why should we not take up the proposition of building one there? They tell me that the greatest need of the American Navy, outside of the immediate exigencies of this war, is the construction of a great naval base at Guam. I am surprised that the great Naval Committee of this House has never taken up the proposition of the improvement at Guam as an item in the great naval program; but that has never been done. Nor have they taken up the proposition of building a great naval base in the West Indies. The only thing that has been brought up here is this scheme for first digging a river into a part of South Carolina and then at the end of it constructing a great dry dock and a base for certain naval purposes. Frankly, that does not commend itself to my judgment, nor does it commend itself strongly to my enthusiasm for the naval program. But as I said in the beginning, the game is all but won, and there is no doubt as to which is the winning side. Several years ago, when I had an opportunity personally to see this situation there, I was amazed to think that it had ever been started. But it has been started, and has progressed to a point where now it is to be enormously enlarged. But for my own satisfaction I want the opportunity of making the motion to strike this out and to vote for that motion.

The CHAIRMAN. The time of the gentleman has expired. The question is on the motion of the gentleman from Minnesota [Mr. MILLER].

Mr. COOPER of Wisconsin. What is this motion?

The CHAIRMAN. It is a motion to strike out the paragraph.

The question was taken, and the motion was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire to ask the chairman of the committee a question. I notice, in line 18, page 46, there is proposed an appropriation of $200,000 toward—I call attention to the word "toward"—water-front improvements. How far toward these improvements would $200,000 go?

Mr. PADGETT. My recollection is that it is estimated that it would take more than $1,000,000.

Mr. COOPER of Wisconsin. What is the nature of the improvement?

Mr. PADGETT. It is a sea wall—holding walls and berthing walls.

Mr. BUTLER. Mr. Chairman, the question asked by the gentleman from Wisconsin [Mr. COOPER] moves me to say this: The item is passed. It is going to stay in the bill. I make the prediction that we have begun at this point a program which will cost this Government $25,000,000 before it is completed. Now, mark my words. The gentleman just now developed $1,000,000, and it is not a war item. The history of the construction of dry docks in the United States shows they require from five to seven years in which to complete them. This is not in any sense whatever a war measure. It has nothing to do with the war. I did not even vote against it myself, but I want Congress and the country to understand what it is doing.

Mr. COOPER of Wisconsin. Mr. Chairman, I am astonished that, after listening to the admonition of the gentleman from Tennessee [Mr. AUSTIN], the gentleman from Pennsylvania [Mr. BUTLER], who is himself a member of the Committee on Naval Affairs, should have arisen here and questioned the wisdom of so much as a single provision of the bill. It is deeply to be regretted that the eminent patriot and lecturer from Tennessee failed to convince the gentleman from Pennsylvania [Mr. BUTLER] that the Committee on Naval Affairs is infallible and entitled to bring in a bill which includes a multitude of items and appropriates almost one and one-half billions of dollars and to have it passed without a question. Mr. Chairman, I never have heard—and this I say with entire respect for my friend from Tennessee—I never in debate here have heard a more utterly ridiculous, indefensible proposition advanced by any man, no matter what his condition [laughter], than was the proposition of the gentleman from Tennessee, who, pointing his finger at you and me, demanded not only that we pass this bill carrying this vast sum, but also that we pass it without stopping to ask any question as to any item.

The proposition is nothing short of amazing. Can we honestly, under our oaths, thus surrender our votes to committee dictation when we legislate on great subjects for the people of the United States? No. We take oath to do our duty as we see it, not as any committee may see it. I have great respect for the members of the Committee on Naval Affairs; but any man who so absolutely surrenders to a committee that he is willing, without having a question asked, to vote a billion and a half of taxes upon the people of the United States does, in my judgment, forget his oath and his duty to his constituents and the country; for I have seen committees make serious mistakes. I have seen great committees strongly recommend important bills which, after earnest, thorough debate, were defeated, and I have seen subsequent events vindicate the judgment of the House in repudiating the judgment of the committee.

But the gentleman from Tennessee insists, in effect, that this tremendous sum should be voted without a word of inquiry. What sort of a proposition is this which he makes? Why, only two pages further on in this bill is a matter that ought to be very thoroughly debated and defeated. Look on page 48. It occupies the entire page. It is a proposition to give to the Secretary of the Navy complete authority to permit an unnamed railroad company to build a railroad into this city and to have its terminus at an unmentioned place anywhere in Washington or the District that he or the unnamed railroad company may decide to locate it. Did the gentleman from Tennessee know about that? Did he purposely reserve his admonition, his eloquence, until just before we reach that proposition, and then say rush this bill through without inquiring further about it?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. PADGETT. Mr. Chairman, let us make some progress. I want simply to say that the committee is not courting or inviting encomium, neither is it asking to avoid criticisms. Let us get ahead with the bill. That is all the committee is asking.

Mr. LONGWORTH. "For God's sake, hurry up!"

Mr. BUTLER. I would like to get through with the bill and go after a couple of Huns to-morrow or next day. Nobody here wants to be shot.

Mr. AUSTIN. Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] is uneasy for fear I may forget my oath of office. I want to make this public acknowledgment that the only time since I have been a Member of this House, in 10 years, that I forgot my country's interests was when I followed him on the McLemore resolution.

Mr. BUTLER. Oh, that is going to open a wide discussion and may involve some of the rest of us. [Laughter.]

Mr. COOPER of Wisconsin. Yes; many of us.

Mr. AUSTIN. The gentleman from Wisconsin [Mr. COOPER] led many of us on this side into a trap.

Mr. BUTLER. Why does the gentleman follow him or any one else? I do not follow anybody.

Mr. AUSTIN. I was led into a trap by the gentleman from Wisconsin [Mr. COOPER], and I shall never follow him again, or anybody.

Mr. BRITTEN. Mr. Chairman, I demand the regular order.

Mr. PADGETT. Let us read.

Mr. COOPER of Wisconsin. I wish it were the regular order to reply to the gentleman from Tennessee.

The CHAIRMAN. The Chair thinks that debate on this paragraph has long since expired.

Mr. WHALEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, in order to expedite the passage of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Naval Proving Ground, Indianhead, Md.: Improvements to powder factory, $140,000; pyro storage, $20,000; in all, $160,000.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to strike from the bill without reading the provision on page 48.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman please state why he does that?

Mr. PADGETT. I understand that other arrangements have been made to build the railroad. I understand the Pennsylvania Railroad Co. is going to build a road on its own account down there.

Mr. BUTLER. That is the railroad proposition.

Mr. PADGETT. Yes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to strike from the bill, without reading it, all of page 48. Is there objection?

There was no objection.

The Clerk read as follows:

Naval magazine, Fort Mifflin, Pa.: The President is authorized to acquire under the authority and provisions of this act additional land for increasing ordnance facilities in the vicinity of the naval magazine, Fort Mifflin, Pa.

Mr. WALSH. Mr. Chairman, I reserve the point of order.

Mr. PADGETT. Mr. Chairman, the same thing applies here. The estimate of that is $360,000, and if the gentleman wants I will insert that by amendment.

The CHAIRMAN. The gentleman from Massachusetts withdraws his point of order, and the gentleman from Tennessee offers an amendment.

Mr. PADGETT. After the end of the paragraph insert "and for this purpose $360,000 is hereby appropriated, or so much thereof as may be necessary."

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Did the motion of the gentleman from Tennessee [Mr. PADGETT] to strike out include all of the paragraph on page 48?

The CHAIRMAN. The entire page.

Mr. COOPER of Wisconsin. That is the one to which I called attention.

Mr. PADGETT. That is it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 49, line 5, after the word "Pennsylvania," insert the following: "and for this purpose $360,000 is hereby appropriated, or so much thereof as may be necessary."

Mr. CANNON. Mr. Chairman, just a question. What is proposed to be done?

Mr. PADGETT. It is to acquire land there for the storage of high explosives, to enlarge the magazine. We are getting a tremendous amount of powder and high explosives on hand, and we have to have somewhere to store them, and when the war is over they will be taken off in large quantities from the ships in commerce and also from our fighting ships, and we have not any place to store them; and this is for the purpose of enlarging the magazine at Fort Mifflin.

Mr. CANNON. Well, the gentleman has investigated it and he thinks that the appropriation ought to be made. Of course we now are constructing under other bills storage facilities in New York?

Mr. PADGETT. They are for merchandise, for food, clothing, and so forth.

Mr. CANNON. And also at Philadelphia.

Mr. PADGETT. We are providing for acquiring additional land at Philadelphia, next to Fort Mifflin, which comes right next down below there. We want land there. I have a statement here that is strictly confidential, because gentlemen can see the necessity of not publishing how much we have stored at different places.

Mr. CANNON. Undoubtedly.

Mr. PADGETT. I would be willing to show it to any Member of the House as a confidential statement showing the enormous amount stored and being manufactured at a greater speed than ever before.

Mr. CANNON. Many bills have carried similar appropriations?

Mr. PADGETT. Yes, sir; it is quite common.

Mr. CANNON. I think perhaps in the sundry civil bill, and certainly in two deficiency bills, we carried very large amounts for storage.

Mr. PADGETT. Not for the Navy, I think.

Mr. CANNON. Probably the gentleman is correct, but for the Army.

Mr. PADGETT. I think so; yes, sir.

Mr. CANNON. Well, the gentleman knows more about it than I do. I merely asked for information.

Mr. BUTLER. May I ask the gentleman from Tennessee two or three questions?

Mr. PADGETT. Yes, sir.

Mr. BUTLER. He will recall this is one of the items in the bill that gave the Committee on Naval Affairs a good deal of concern lest we might be held up for exorbitant and extravagant prices. Before this land shall be acquired by the Government will the gentleman ask the authorities in the Navy Department to examine with care the eastern end of that island, which is known as League Island, to see whether it will be possible to put these magazines at that end of the island and avoid being held up, which I believe may be the fate of the Government.

Mr. PADGETT. I have a statement of the Secretary of the Navy in relation to that, and I have a letter here from him in which he states that it would not do, that it would not be possible to store the high explosives in large quantities upon the navy yard where we have millions and millions invested in manufacture, and with six, eight, or ten thousand men working every day and night in the year.

Mr. BUTLER. Mr. Chairman, that is all very handsome and very pretty as the Secretary of the Navy sends it, but I know something about this. If these magazines can be located at the eastern end of the island, they will be further away from humanity than where it is proposed to locate them, which is just across the Schuylkill River, a short distance from the shops of the League Island Navy Yard, while the other end of the tract must be a mile or a mile and a half away. I propose to walk over the island and propose to have that measured. I intend to know whether or not that is the proper place to put these magazines. It may put the naval officers to a little more trouble in reference to hauling, but I intend to see. I agree with the gentleman from Tennessee; it is absolutely necessary to have some place where those high explosives can be stored and not endanger every life in the city of Philadelphia, as I contend it would from the location as I understand it. I may change my mind about it after I walk over it in a few days, but from all I can see we will have less danger from explosions, less danger to human life, by putting these magazines at the other end of the island.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. WALSH. I have no desire to enter into any controversy with the gentleman from Tennessee [Mr. AUSTIN], but his re-

marks lead me to observe that if he is the character of statesman that he would have us believe, from the argument that he has advanced here he is lacking in that degree of courage and sound judgment which I, for one, heretofore had attributed to him, because I have never seen anything in his career here in the House—and it has been somewhat long, and during all that time it has been honorable—to indicate that he stood in fear of postal cards.

However much we might agree with the statement expressed upon the postal cards, I doubt if it would be wise for Congress to discontinue its labors and return to our homes and allow the Government to be conducted by postal-card edicts, sent out by people who utterly lack intelligent information or intimate knowledge upon the tremendous problems that are being legislated upon here in this Congress by reason of the war emergency.

It is easy to adopt or reiterate a phrase that was uttered some 11 or 12 months ago, the dying words of a former distinguished ambassador, the Hon. Joseph H. Choate, and to seek to apply it to the conditions that exist to-day. But let me direct the attention of the gentleman from Tennessee and the attention of the writers of those cards to the fact that since those words were uttered May 11, 1917, this Congress has hurried up, it has speeded up, and we have met every test, and there is nobody among those who are writing these messages who can point out a single project or proposition of legislation that is at the present time held up by Congress or being purposely delayed, or that is crippling the arm of this Government in the prosecution of this great war.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield right there?

Mr. WALSH. I yield for a question.

Mr. GREEN of Iowa. Does not the gentleman know, and every Member of the House know, that it will not make a particle of difference whether this bill is passed to-day or passed some time next week, so far as any operations of the Government are concerned?

Mr. WALSH. I think that is true, although there may be one or two appropriations which are to be made immediately available, which the department may require in the near future. But a day or two, I assure the gentleman, would make no great difference.

Mr. GREEN of Iowa. There is not any of them that has not money now.

Mr. WALSH. I think so. Another thing, Mr. Chairman, I think my colleague from Tennessee has become somewhat famous, if I may use the term, for looking with favor upon any measure carrying an appropriation, and the larger the appropriation the greater is his glee in voting for it. And so here we have a bill of $1,350,000,000 or more, which he seeks to jam through without question or discussion, because of his confidence in the Committee on Naval Affairs. If that be the standard to be followed, where would the draft law have been when it was taken up?

I deny that I sought to hinder or delay. I have asked questions, as have others, including members of the Committee on Naval Affairs, because I believe I have the right to know, before voting on these projects, as has every Member of the House. Fortunately I know I am not responsible to the distinguished gentleman from Tennessee for my acts here upon the floor, nor need I answer to the great constituency which he represents so well and faithfully. I have listened to him in the past, and I think he is a master at bestowing verbal tributes and encomiums upon committees and chairmen for the faithful performance of their work, and I have joined him heretofore, and I join him now, in thinking that this great committee deserves praise for its work.

But neither the chairman of the committee nor any member of the committee, so far as I have been able to ascertain, has intimated or asked that Members sit silent and allow this bill to be read through from the first to the last line without asking questions or seeking information or debating the merits of proposed changes in legislation. I have made points of order against legislation upon this bill because it is contrary to the rules of the House, and in several, if not all, instances, upon the urgency being explained, upon information being given. I have withdrawn those points of order; and I have no apology to make to my colleagues nor to the writers of these postal cards from here and yon throughout the country for anything that I have said or done or failed to say or do upon this measure, nor do I believe such a course is disloyal. I believe the country will be better satisfied if we see to it that this legislation is carefully considered and passed than it would be if we see to it that it is carelessly and hurriedly passed, because we have all seen very often the result of hurried legislation. It requires, later on, remedial legislation, and only results in protracting the session sometimes which it is sought to shorten.

I feel that mayhap some of the desires of some gentlemen to hurry this session and adjourn may be inspired by the fact that in the weeks to come, or in the not very far distant future, there is to be an election or a primary and that possibly some campaigning may be required. I do not think that emergency, even together with the postal cards, ought to frighten us into haste and ill-considered legislation, and I challenge the assertion that Congress is deserving of these contemptuous appeals.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The Clerk will read.

The Clerk read as follows:

Navy yard, Puget Sound, Wash.: Improvements, central power plant and distributing systems, $200,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Massachusetts reserves a point of order.

Mr. PADGETT. That is the same as the other. The amount is $18,000. I will offer an amendment.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Naval magazine, Lake Denmark, N. J.: The President is authorized to acquire under the authority and provisions of this act additional land for increasing ordnance facilities in the vicinity of the naval magazine, Lake Denmark, N. J.

Mr. PADGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee proposes an amendment, which the Clerk will report.

Mr. PADGETT. Page 49, at the end of line 14, add "and for this purpose there is appropriated $18,000, or so much thereof as may be necessary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 49, line 14, after the words "New Jersey," insert the following: "and for this purpose $18,000 is hereby appropriated, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Torpedo station, Newport, R. I., buildings: Boathouse and diving school, $100,000; emergency torpedo repair shop, $100,000; extension of industrial roads, $20,000; extension of sea wall, $5,000; rebuilding carpenter shop, $25,000; in all, $250,000.

The President is authorized to acquire under the authority and provisions of this act additional land for increasing ordnance facilities in the vicinity of the naval torpedo station, Newport, R. I.

Mr. WALSH. Mr. Chairman, I reserve a point of order on that—the same point.

Mr. BUTLER. Is that the island item?

Mr. PADGETT. Yes; the island at Newport.

Mr. COOPER of Wisconsin. May I ask the gentleman a question?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. I notice that part of this appropriation is for a diving school. Does that mean anything more than a swimming pool?

Mr. PADGETT. It is where the deep-sea divers are educated. We had some divers who went from there who broke the world's record in raising the F-boat in Pearl Harbor.

Mr. COOPER of Wisconsin. With diving apparatus?

Mr. PADGETT. With diving apparatus; and this is for the training of the divers.

Mr. WALSH. I withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws his point of order.

Mr. PADGETT. I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 49, line 23, after the words "Rhode Island," insert the following: "And for this purpose "$100,000 is hereby appropriated, or so much thereof as may be necessary."

The CHAIRMAN. Without objection, the amendment will be agreed to. The Chair hears no objection. The Clerk will read.

The Clerk read as follows:

Naval training station (Illinois) buildings: Dredging harbor, $35,000.

Mr. PADGETT. I offer an amendment after line 18.

The CHAIRMAN. The Clerk will report the committee amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

Committee amendment: Page 50, line 18, insert a new paragraph as follows:

"The President is authorized to acquire, under the authority and provisions of this act, additional land for the enlargement of the naval training station, Great Lakes, Ill.; and for this purpose $887,500 is hereby appropriated, or so much thereof as may be necessary."

Mr. COOPER of Wisconsin. Mr. Chairman, I notice that the language "is authorized to acquire, under the authority and provisions of this act," appears several times in this bill.

Mr. PADGETT. Yes; there is a general authority given in a paragraph on page 74.

Mr. COOPER of Wisconsin. That is what I wished to ask about.

Mr. PADGETT. It is to standardize language used in a number of bills that Congress has passed, authorizing the President to take over the title and the possession, to place a value upon the property and pay 75 per cent, or pay all of it, if they are satisfied with that price.

Mr. SABATH. Will the gentleman yield?

Mr. PADGETT. I yield to the gentleman from Illinois.

Mr. SABATH. This amendment calls for $887,000 to acquire land at the Great Lakes training station near Chicago?

Mr. PADGETT. Yes.

Mr. SABATH. Can the gentleman inform me whether this land is situated south or north of the Great Lakes station, and what the acreage of the same is, and whether a price has been agreed upon, and by whom?

Mr. PADGETT. No price has been agreed upon. It is to be taken over by the President under the authority of condemnation given him.

Mr. SABATH. How has the price of $880,000 been fixed on this land?

Mr. PADGETT. That is the estimate that has been put upon it as to the value of the land.

Mr. SABATH. Can the gentleman inform me by whom the estimate has been made?

Mr. PADGETT. By the officer in charge at the Great Lakes station and by inquiry and investigation at the department. They say that will cover it. I think there are something like 700 or 800 acres.

Mr. BRITTEN. There are 709½ acres.

Mr. SABATH. Has the gentleman a statement prepared showing the different prices that have been recommended?

Mr. PADGETT. I have a plat here that shows the acreage.

Mr. SABATH. Does it show the prices recommended for the various parcels of the property?

Mr. PADGETT. I have a plat here that shows the acreage and the estimated cost of each parcel.

Mr. BRITTEN. The plat very clearly shows the number of acres of the various parcels. It designates the owners and also shows the estimated prices at which these various pieces can be had. It indicates Foss Park, named after the distinguished gentleman from Illinois [Mr. Foss], who was formerly chairman of the Committee on Naval Affairs.

This park, owned by the city of North Chicago, is to be contributed to the Navy for its use indefinitely for a training station. I will say to my colleague [Mr. SABATH] that all of the land on which the present semipermanent buildings are located is to be purchased under this $887,000 appropriation, at prices varying from a little less than $1,000 an acre to a little less than $2,000 an acre, depending upon the location of the land, its proximity to Lake Michigan and the Bluff.

Mr. SABATH. I desire this information because I have been informed that certain prices for some of these parcels have been agreed upon that have been in excess of the actual value of the property.

Mr. PADGETT. I understand from the Secretary that no prices have been agreed upon.

Mr. SABATH. I am willing to concede that the Secretary of the Navy and the Navy Department have been at all times very careful in expending any money which we have appropriated. Nevertheless this matter coming as it did come to me, I thought it my duty to secure all the information that I possibly could, so that I can intelligently answer the inquiries that have been made of me.

If the gentleman has the statement here, and also the plat, the chances are that it will in a great measure aid me in satisfying some of these people.

Mr. PADGETT. I will be very glad to give the gentleman one of these plats. I have several of them. I will give the gentleman a blue print showing the land, the prices, and the acreage in the different parcels.

Mr. BRITTEN. And the owners.

Mr. SABATH. The owners, and the prices recommended so far?

Mr. PADGETT. The prices estimated.

Mr. SABATH. This appropriation will not authorize the immediate purchase at the prices estimated on this plat?

Mr. PADGETT. It does not fix any prices. It authorizes the President to take over the land. Congress has no authority to fix the price. The owners have the right to go into court if they are dissatisfied with the prices fixed by the President.

Mr. SABATH. That is what I desire to know, whether they are going to take the land without condemnation, notwithstanding the fact that it should be ascertained that the prices submitted were altogether too high.

Mr. PADGETT. The President is given the power to fix the price himself, and if it is agreeable to them and they take it, he pays for it in full.

Mr. SABATH. Of course, the gentleman realizes that the President himself can not look after the values, but that somebody else does.

Mr. PADGETT. Oh, he does it through a commission or a board, of course; but he must approve the finding of that commission.

Mr. FESS. Mr. Chairman, the bill, on page 19, carries an item of $725,000 for this Great Lakes training station.

Mr. BRITTEN. That is for the maintenance of the present station.

Mr. PADGETT. That is for the training—the personnel.

Mr. FESS. This amount is for the increase?

Mr. BRITTEN. For the purchase of land now being used for training purposes?

Mr. PADGETT. Yes.

Mr. FESS. Does this mean that the Great Lakes station is going to increase largely in the personnel later on?

Mr. PADGETT. They have between 25,000 and 30,000 there now. They have already turned out and sent into the service more than 30,000 men since the war began, and we are using these grounds now under a permissive license or a nominal lease. We have erected many millions of dollars' worth of buildings on the lands, and they need them. It is a station for the great Central West, where all of that section of the country send their men, and it is recommended that instead of scrapping the buildings and things when we need the ground that we go ahead and buy now and preserve the three or four million dollars that we have already expended.

Mr. BRITTEN. It is a fact that some seven or eight million dollars has already been expended on the land this appropriation is intended to purchase.

Mr SABATH. I understand that a great deal of work has been done there and that a great deal of good has been accomplished, and that a wonderful amount of work is being done now, and that this land is absolutely necessary. What I am interested in is that the price should be reasonable and that we should pay no more for the land than it is actually worth.

Mr. PADGETT. That will be safeguarded as far as possible to safeguard it under the Constitution.

Mr. SABATH. I have the utmost confidence in the gentleman who has charge and in a great majority of the men under him. Nevertheless, I want to know.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

For the payment of land herein authorized to be acquired by the President for the use of the Navy and Marine Corps and not herein specifically appropriated for, $628,000.

Mr. PADGETT. Mr. Chairman, I move to strike out the paragraph, because we have already carried those appropriations under various items.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 51, strike out all of lines 1, 2, and 3.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, at this time I ask unanimous consent to change the totals, and I will hand the correct amount to the Clerk when we ascertain it.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the Clerk be authorized to change the total when the chairman has determined the amount it should be. Is there objection?

There was no objection.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For tolls and ferriages; care, transportation, and burial of the dead, including officers and enlisted men who die within the United States; purchase of books and stationery, binding of medical records, unbound books, and pamphlets; hygienic and sanitary investigation and illustration; sanitary and

hygienic instruction; purchase and repairs of nonpassenger-carrying wagons, automobile ambulances, and harness; purchase of and feed for horses and cows; purchase, maintenance, repair, and operation of two passenger-carrying motor vehicles for naval dispensary, Washington, D. C., and of one motor-propelled vehicle for official use only for the medical officer on out-patient medical service at the Naval Academy, and of a motor omnibus for the transportation of convalescent patients and attendants at the Naval Hospital at Las Animas, Colo., to be used only for official purposes; trees, plants, care of grounds, garden tools, and seeds; incidental articles for the Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks; washing for medical department at Naval Medical School and naval dispensary, Washington, naval medical supply depots, sick quarters at Naval Academy and marine barracks, dispensaries at navy yards and naval stations, and ships; and for minor repairs on buildings and grounds of the United States Naval Medical School and naval medical supply depots; rent of rooms for naval dispensary, Washington, D. C., not to exceed $1,200; for the care, maintenance, and treatment of the insane of the Navy and Marine Corps on the Pacific coast, including supernumeraries held for transfer to the Government Hospital for the Insane; for dental outfits and dental material, and all other necessary contingent expenses; in all, $1,500,000.

Mr. BRITTEN. Mr. Chairman, I think at this time it might be interesting to say to the House that the Bureau of Medicine and Surgery of the Navy has practically fully equipped for medical purposes some 22 of the Army transports. That constitutes one of the important works of this bureau. I want to call the attention of the House to the fact that up to the present time neither the Navy nor the Army has a single hospital ship.

Mr. PADGETT. The Navy has two.

Mr. BRITTEN. The Navy has purchased two steamers that are now being equipped as hospital ships.

Mr. PADGETT. The Navy had two before that.

Mr. BRITTEN. The Navy had the *Solace*, which was not a hospital ship but a makeshift. I am talking about a real hospital ship, such as the service has been demanding for 17 years, and finally by act of Congress more than a year ago we appropriated two and a half million dollars for a hospital ship, which is now being constructed at the Philadelphia Navy Yard. After a year from the date of authorization I find that it is 10 per cent completed. At that rate of progress it will take us 10 years to finish it. I agree that the construction has been set aside for work of greater importance.

I call attention to the fact that Congress authorized two and a half million dollars to build a real hospital ship, with a capacity for taking care of some 800 men; that is, 800 wounded, disabled, or sick soldiers. In the absence of that ship we have purchased two liners, at $2,240,000 each—practically what the other ship would have cost had it been completed—and these ships have a combined capacity of but 700 men, at a total cost of about $5,000,000.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. McKENZIE. Is it not a fact that about the only real use for a hospital ship in the Navy, or even in the Army, is to transport the sick and wounded to a place where we have permanent marine or military hospitals?

Mr. BRITTEN. That is true.

Mr. McKENZIE. And is it not also a fact that the Surgeon General of the United States Army has testified that these great ocean liners, with but very little changes made in them, make first-class hospital ships for transporting our wounded?

Mr. BRITTEN. No; that is not the fact, because they can never afford proper facilities for amputating a leg or an arm. You might as well say——

Mr. McKENZIE. They have to have surgeons to do that.

Mr. BRITTEN. That you can remodel an old barn into a first-class hospital, and for that reason you will not provide a hospital until somebody gets sick or has his leg shot off——

Mr. McKENZIE. But is it not a fact that some of these great liners are actual floating palaces, far superior in equipment to any hospital?

Mr. BRITTEN. Superior in luxury, but the gentleman will agree that a perfectly plain sanitary operating room is more necessary.

Mr. McKENZIE. That can be easily put in.

Mr. PADGETT. Very easily put in.

Mr. BRITTEN. Not easily, adequately, or properly. What I am complaining about is this——

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. COOPER of Wisconsin. Speaking of transports, is it not the gentleman's understanding that we need these large liners for transport service instead of hospital ships?

Mr. BRITTEN. There is no question about it. The transport will be sunk at sight, whether there are sick men on it or not, and the hospital ship is protected by treaty.

Mr. PADGETT. That has not been our experience in this war.

Mr. BRITTEN. There is a military difference between the two characters of ships. Transports will be sunk at sight, while hospital ships should be free from attack.

A MEMBER. They do not seem to think so.

Mr. BRITTEN. We have an agreement to that effect, and until the central powers do not live up to it I will assume our hospital ships will not be sunk.

Mr. BUTLER. Will the Hun ever live up to any agreement?

Mr. BRITTEN. All right; then let us agree that he will not live up to any agreement, but let us build a hospital ship as quickly as possible. If we do not need them, why are paying this $5,000,000?

Mr. BUTLER. The Huns would sink it.

Mr. BRITTEN. We should have had one long ago, but certain members of the committee and certain Members of the House who have been continually calling for an increase of the Naval Establishment have been voted down in their desires; and the present administration, until a year ago, although it had been in power four years or more and the great European war had been going on for three years, made no attempt whatever to provide proper hospital ships. That is what I am complaining of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, on page 52, line 7, reference is made to a naval dispensary, Washington, D. C. On the same page, line 15, reference is made to a naval dispensary, Washington. Is that the State of Washington?

Mr. PADGETT. Where is it?

Mr. JOHNSON of Kentucky. Line 15. Now in line 7 it refers to the naval dispensary, Washington, D. C.

Mr. PADGETT. The other is the State of Washington.

Mr. JOHNSON of Kentucky. That is the inquiry.

Mr. PADGETT. Yes, sir.

Mr. JOHNSON of Kentucky. And in line 18 it refers to the State of Washington?

Mr. PADGETT. Naval medical school and naval dispensary, Washington. Yes, sir. They have one there and there is one out at Bremerton. They have a little dispensary at the navy yard and at Bremerton, that is part of the State of Washington; it is an island out there.

Mr. JOHNSON of Kentucky. I wanted to know where they were. The bill directly refers to Washington, in the District of Columbia, and there is no Washington in the District of Columbia.

Mr. PADGETT. They designate this, Washington, D. C., like they say, Washington Gun Factory, District of Columbia.

Mr. SABATH. Mr. Chairman, my colleague, the gentleman from Illinois [Mr. BRITTEN], has stated that we have purchased two ships for which we have paid four and a half million dollars and that these ships are constructed so as to provide hospital ships and fitted——

Mr. PADGETT. And fitted up for that.

Mr. SABATH. And fitted for that purpose because we could not build any ships and get them ready in the short space of time, but by acquiring these two ships they give us two hospital ships immediately without waiting for 10 years, as the gentleman tried to convey it would take to build new ones.

Mr. PADGETT. It would not have taken that long a time, but the Shipping Board requested that the building of hospital ships be postponed for more essential work and we purchased the two to meet the immediate necessities and fitted them out.

Mr. SABATH. And they are being fitted up for that purpose and have been recommended by experts that they can be used to good advantage as hospital ships?

Mr. PADGETT. Yes, sir.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word, as I would like to reply to my colleague from Chicago [Mr. SABATH].

Mr. PADGETT. Let us make progress.

Mr. BRITTEN. Yes; after I use one minute. I think I ought to reply to my colleague from Chicago who says that I am complaining about the time it takes to construct ships. I wonder if my good friend realizes—and he is a very good friend of mine and a very good Democrat—I wonder if he realizes that this administration now in power has only authorized and commissioned one first-line fighting ship for the Navy as long as it has been in power. Does the gentleman know that?

Mr. SABATH. I realize one thing, that the Navy and this administration are doing everything under the sun to win the war——

Mr. BRITTEN. Yes; but they had many days of rain when there was no sun——

Mr. SABATH. And without the assistance of the gentleman from Illinois.

Mr. BRITTEN. Of all the ships authorized since the present administration came into office more than five years ago, only one first-line fighting ship has been put into active commission. Does the gentleman know that, and does he think that is making progress when the world is surrounded by fire and a great war is going on?

Mr. SABATH. This is the first complaint I have heard from anyone about the Navy Department that it is not making progress.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FESS rose.

The CHAIRMAN. Does the gentleman from Ohio desire to make a motion?

Mr. FESS. Yes. I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I would like to ask the gentleman from Tennessee whether the Bureau of Medicine and Surgery connected with the Navy Department is acting in unison with that connected with the Army?

Mr. PADGETT. They are working together, and working harmoniously together. They have their conferences. They are, of course, under different organizations and under different authorities, but they are coordinating all of their work. They are consulting with each other, and they are working out their plans in conjunction, and the Army is turning over to the Navy the transportation of its wounded from the battlefields to this country.

Mr. FESS. This museum down on the Mall, the Physicians' and Surgeons' Museum, which is rather an Army institution, is said to have one of the finest libraries, one of the finest collections, that can be found anywhere in the world. Is that a part of the Navy as well as of the Army?

Mr. PADGETT. I do not know, sir. I do not know as to that. I saw a little controversy about that in a paper the other day. I have never looked into it. There has never been any complaint from the officers as to whether they have a joint library or not. I do not know about that.

Mr. FESS. It was a matter of information that I was trying to get as to what was the resource of the Navy in this particular line.

Mr. PADGETT. They are working harmoniously and coordinating their work.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Transportation of remains: To enable the Secretary of the Navy, in his discretion, to cause to be transferred to their homes the remains of officers and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, of civilian officers and crews of naval auxiliaries, and of officers and enlisted men of the Naval Militia and National Naval Volunteers and the Naval Reserve Force when on active service with the Navy, who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees who die outside of the continental limits of the United States, $350,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898, and shall be available until June 30, 1920.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. I simply wanted to ask the chairman of the committee whether the men who are killed die or whether there is a separate case against the man who dies and the man who is killed?

Mr. PADGETT. How is that?

Mr. MADDEN. I see the language in this paragraph relates to the man who dies and the man who is killed, and I was wondering whether the man who is killed dies or whether the man who dies is killed, and whether there was a different case in each instance.

Mr. PADGETT. They both die, I will say to the gentleman, but in two different aspects. If you said "died" and said he was not killed, some fellow would raise a verbal technicality on it.

Mr. MADDEN. When a man is killed he is dead, and it does not make any difference whether he dies from a bullet wound or from natural causes. The same condition ought to apply.

Mr. PADGETT. The same conditions do apply, and that language has been used ever since I have been a member of the committee.

Mr. MADDEN. That does not seem to make it any more binding, if I may use the term, and it does not seem to make it any more necessary. It ought not to be in. Certainly that language ought not to be employed.

Mr. JOHNSON of Kentucky. Would it make any of them "deader"?

Mr. MADDEN. No; it makes no difference whether they die after being killed or die without being killed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Care of hospital patients: For the care, maintenance, and treatment of patients in naval and in other than naval hospitals, for the rental and purchase of land, at Key West, Fla., and at the naval training station, Great Lakes, $4,000,000.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

Mr. BUTLER. We would get along better if the chairman did not offer to amend the bill so much.

Mr. PADGETT. We are offering committee amendments. In these times conditions change very fast, and the committee must keep up with its work. I do not want to bring in an incomplete bill here and have it filled up with amendments made elsewhere.

Mr. MADDEN. Mr. Chairman, is this a committee amendment or an amendment offered by the committee?

The CHAIRMAN. It is a committee amendment. The Chair thinks it would be a proper way to have it read and then discuss it afterwards.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania [Mr. BUTLER] keeps inquiring about these committee amendments. He does not know, apparently, that they were adopted by the committee.

The CHAIRMAN. The Chair thinks that is not a parliamentary inquiry. The Chair does not know what has happened in the committee. The Clerk will read.

The Clerk read as follows:

Mr. PADGETT offers the following committee amendment: Page 53, after line 24, insert as a separate paragraph the following:

"United States Naval Hospital, Fort Lyons, Colo.: For the purchase of about 420 acres of land for the enlargement and development of the naval hospital, Fort Lyons, Colo., $19,600."

Mr. BUTLER. That is in regard to the tuberculosis hospital?

Mr. PADGETT. Yes.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS.

Pay of the Navy: Pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, $33,234,498; officers on the retired list, $3,374,391; commutation of quarters for officers on shore not occupying public quarters, including boatswains, gunners, carpenters, sailmakers, machinists, pharmacists, pay clerks, and mates, naval constructors, and assistant naval constructors, $2,821,248, and also members of Nurse Corps (female), $44,200; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government and where there are not sufficient quarters possessed by the United States to accommodate them, or commutation of quarters not to exceed the amount which an officer would receive were he not serving with troops, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $25,000; pay of enlisted men on the retired list, $540,255; extra pay to men reenlisting under honorable discharge, $1,400,000; interest on deposit by men, $15,000; pay of petty officers, seamen, landsmen, and apprentice seamen, including men in the engineers' force and men detailed for duty with the Fish Commission, 180,000 men, plus 24,000 apprentice seamen, plus 10,000 men for Aviation Service, plus 14,000 men in trade schools, and pay of enlisted men of the Hospital Corps, and for the pay of enlisted men detailed for duty with the Naval Militia, $121,630,172; pay of enlisted men undergoing sentence of court-martial, $540,000, and as many machinists as the President may from time to time deem necessary to appoint; and 24,000 apprentice seamen under training at training stations and on board training ships, at the pay prescribed by law, $8,019,600; pay of the Nurse Corps, $670,800; rent of quarters for members of the Nurse Corps, $55,800; retainer pay and active-service pay of members of the Naval Reserve Force, $55,091,982; in all, $227,372,946; and the money herein specifically appropriated for "Pay of the Navy" shall be disbursed and accounted for in accordance with existing law as "Pay of the Navy," and for that purpose shall constitute one fund.

Mr. PADGETT. Mr. Chairman, on page 54, lines 22 and 23, I wish to offer an amendment to strike out the language that is duplicated in two places.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Mr. PADGETT offers the following amendment: Page 54, lines 22 and 23, strike out the words "plus 24,000 apprentice seamen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes. The language appears on that appropriation, and then it is on page 55, on lines 4 and 5. There is no use in having it in both places.

Mr. BUTLER. That is right.

Mr. FESS. On page 55, line 2, following the figures "$540,000," is the language "and as many machinists as the President may from time to time deem necessary to appoint." Has the gentleman an amendment of that?

Mr. PADGETT. That has always been the provision, and is an indefinite number that the President appoints for the Navy.

Mr. FESS. I do not understand the language "pay of enlisted men undergoing sentence of court-martial, $540,000, and as many machinists as the President may from time to time deem necessary to appoint." What is the meaning of that?

Mr. PADGETT. We have machinists who are enlisted men in the Navy, and there is no limitation upon the number.

Mr. FESS. There is no figure in the appropriation.

Mr. PADGETT. All of that is one fund, for all purposes embraced in it.

Mr. FESS. Including the $500,000?

Mr. PADGETT. Yes; it is all one fund.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited at the rate of 50 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of officers and men of the Coast Guard and Lighthouse Services while cooperating with the Navy in so far as the regular appropriations for these services are insufficient therefor; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required; in all, $75,520,216, to be available until the close of the fiscal year ending June 30, 1920.

Mr. COOPER of Wisconsin. Mr. Chairman, will the chairman of the committee please explain what is meant by "including rations for general courts-martial prisoners"?

Mr. PADGETT. Whenever a prisoner is court-martialed and he is put in prison, he is allowed so much per day for rations in the prison.

Mr. MADDEN. Is he allowed to buy his own rations there?

Mr. PADGETT. He could do it if he wanted to.

Mr. MADDEN. In the prison?

Mr. PADGETT. Yes; or he could have it transferred to the prison, if he is in a naval prison; but if he is in another prison that ration is commuted. He may lose his pay and allowances under the court-martial sentence, and all of those fines and losses of pay and commutation of rations go to the naval pension fund.

Mr. COOPER of Wisconsin. Does "commutation of rations" mean to give him the option of taking it in cash?

Mr. PADGETT. Yes. The law fixes the price at 40 cents a day for his support.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Maintenance, Bureau of Supplies and Accounts: For fuel; the removal and transportation of ashes and garbage from ships of war; books, blanks, and stationery, including stationery for commanding and navigating officers of ships, chaplains on shore and afloat, and for the use of courts-martial on board ships; purchase, repair, and exchange of typewriters for ships; packing boxes and materials; interior fittings for general storehouses, pay offices, and accounting offices in navy yards; expenses of disbursing officers; coffee mills and repairs thereto; expenses of naval clothing factory and machinery for the same; laboratory equipment; purchase of articles of equipage at home and abroad under the cognizance of the Bureau of Supplies and Accounts, and for the payment of labor in equipping vessels therewith, and the manufacture of such articles in the several navy yards; musical instruments and music; mess outfits; soap on board naval vessels; athletic outfits; tolls, ferriages, yeomen's stores, safes, and other incidental expenses; labor in general storehouses, paymasters' offices, and accounting offices in navy yards and naval stations, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased and manufactured under "General account of advances"; and reimbursement to appropriations of the Department of Agriculture of cost of inspection of meats and meat food products for the Navy Department: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for chemists and for clerical, inspection, storeman, store laborer, and messenger service in the supply and accounting departments of the navy yards and naval stations and disbursing offices for the fiscal year ending June 30, 1918, shall not exceed $4,000,000; in all, $17,836,625.

Mr. PADGETT. Mr. Chairman, on page 58, line 3, there is a misprint. I want to strike out the word "eighteen" and insert in lieu thereof the word "nineteen."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. PADGETT: Page 58, line 3, strike out the word "eighteen" and insert in lieu thereof the word "nineteen."

The amendment was agreed to.

Mr. FESS. On page 56, in line 25, the word "transportation" is misspelled. It ought to be corrected.

Mr. PADGETT. It is correct in the print I have.

The CHAIRMAN. The Clerk says it is incorrect in the copy of the bill which he is reading.

Mr. PADGETT. Then I ask that that be corrected.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Fuel and transportation: Coal and other fuel for steamers' and ships' use, including expenses of transportation, storage, and handling the same; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels; and ice for the cooling of water, including the expense of transportation and storage of both, $48,400,000: *Provided*, That when, in the opinion of the President, the prices asked for the charter of vessels for the transportation of fuel are excessive, he is authorized to purchase vessels suitable for the purpose, and, if money is not otherwise available, to pay for them from the appropriation "Fuel and transportation."

Mr. MADDEN. Mr. Chairman, it is five minutes after 5 o'clock.

Mr. PADGETT. It is only 4 o'clock by sun time.

Mr. MADDEN. We are not running by the sun. We are running by the clock. It has been a strenuous day, and it is likely that if we undertake to finish this bill to-night it will take until 9 or 10 o'clock.

Mr. PADGETT. I think we can read it in an hour.

Mr. BRITTEN. I should like to say to my colleague from Illinois that there is nothing in this bill from now on excepting steam engineering, construction and repair, and other items that should require no time whatever except the reading.

Mr. MADDEN. Gentlemen who are members of the Naval Affairs Committee have been talking all the afternoon, wasting time, when we could have had the bill completed and passed. There is no quorum present——

Mr. WALSH. I notice that the gentleman from Tennessee [Mr. AUSTIN] is here.

Mr. MADDEN. Yes; and he has taken a part of the time this afternoon. I think we ought to have a quorum here.

Mr. PADGETT. I will agree that the committee may rise at half past five, if we may proceed with the reading of the bill.

Mr. BRITTEN. That is, the agreement will be conditioned upon the progress we make?

Mr. PADGETT. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, Naval Academy, exclusive of public works, $1,242,271.20.

Mr. PADGETT. Mr. Chairman, I wish to make a request for unanimous consent. It will be borne in mind that we increased the Marine Corps by 45,500 men. That necessitated the increase of appropriation here, and it is a matter of mathematical calculation as to how much the various increases must be. I have them here. I want to ask that the Clerk may read without interruption all of the provisions with reference to the Marine Corps, and that I may then offer the amendments to correct the amounts by the additions made necessary on account of this increase in the force.

Mr. BUTLER. Why does not the gentleman ask permission simply to insert them?

Mr. PADGETT. It will take only a few minutes, and I can then offer one right after the other.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all provisions in the bill relating to the Marine Corps may be read without interruption, and that after the reading of that portion of the bill is concluded, the committee may recur to different paragraphs and offer amendments. Is there objection?

There was no objection.

The Clerk read as follows:

Total Marine Corps, exclusive of public works, $95,673,512.64.

Mr. PADGETT. I have a number of amendments correcting these totals. I will send them all up and let the Clerk read them one by one.

The CHAIRMAN. Under the unanimous-consent agreement the Chair will direct the Clerk to report the amendments one

at a time, beginning with the first one offered by the gentleman from Tennessee. The Clerk will report the first amendment.

The Clerk read as follows:

Page 67, line 7, strike out "twenty-six" and insert in lieu thereof "fifty-five." Strike out "$6,575,437" and insert "$9,891,624.50."

The amendment was agreed to.

The Clerk read as follows:

Page 68, line 5, strike out "$26,766,879" and insert "$38,877,795."

The amendment was agreed to.

The Clerk read as follows:

Page 68, line 17, strike out "$250,000" and insert "$377,500."

The amendment was agreed to.

The Clerk read as follows:

Page 68, line 19, strike out "$300,000" and insert "$427,500."

The amendment was agreed to.

The Clerk read as follows:

Page 69, line 19, strike out "$34,453,370.64" and insert "$50,135,474.14."

The amendment was agreed to.

The Clerk read as follows:

Page 70, line 9, strike out "$10,285,000" and insert "$15,053,500."

The amendment was agreed to.

The Clerk read as follows:

Page 70, line 11, strike out "$32,184,800" and insert "$32,470,480."

The amendment was agreed to.

The Clerk read as follows:

Page 70, line 16, strike out "$1,041,000" and insert "$1,523,715."

The amendment was agreed to.

The Clerk read as follows:

Page 71, line 11, strike out "$16,470,700" and insert "$25,277,750."

The amendment was agreed to.

The Clerk read as follows:

Page 71, line 17, strike out "$1,729,881" and insert "$2,531,859."

The amendment was agreed to.

The Clerk read as follows:

Page 72, line 2, strike out "$1,524,929" and insert "$4,258,204."

The amendment was agreed to.

The Clerk read as follows:

Page 72, line 5, strike out "$201,600" and insert "$294,930."

The amendment was agreed to.

The Clerk read as follows:

Page 72, line 17, strike out "$557,152" and insert "$815,467."

The amendment was agreed to.

The Clerk read as follows:

Page 74, line 9, strike out "$7,227,080" and insert "$10,577,780."

The amendment was agreed to.

The Clerk read as follows:

Page 74, line 11, strike out "$61,220,142" and insert "$92,803,682."

The amendment was agreed to.

The Clerk read as follows:

Page 74, line 18, strike out "$95,673,512.64" and insert "$142,939,156.14."

The amendment was agreed to.

The Clerk read as follows:

To enable the President to secure the more economical and expeditious delivery of materials, equipment, and munitions and secure the more expeditious construction of ships authorized and for the purchase or construction of such additional torpedo-boat destroyers, submarine chasers, and such other naval small craft, and for each and every purpose connected therewith, as the President may direct, to be expended at the direction and in the discretion of the President, $100,000,000.

Mr. MADDEN. Mr. Chairman, I would like to ask a question here. I did not know that we gave the President of the United States $100,000,000 in each of these war bills. I thought we gave him only $100,000,000 all told.

Mr. PADGETT. We gave him already $100,000,000.

Mr. MADDEN. And is it now proposed to give him another $100,000,000? Do we give him $100,000,000 in each bill that is passed?

Mr. PADGETT. Oh, no. We gave him $100,000,000, and that was for construction and the building of boats and various things of that kind, which have come out of that fund, but which have not been published to the world, in respect to the numbers. This is to complete and carry on that work.

Mr. MADDEN. I thought we only gave him $100,000,000 in all.

Mr. PADGETT. We did in that first bill, but we are giving him now another $100,000,000 to finish that work.

Mr. MADDEN. The gentleman means that we gave him $100,000,000 in the Navy bill?

Mr. PADGETT. A year ago; yes.

Mr. MADDEN. And $100,000,000 in addition to that outside of the Navy bill?

Mr. PADGETT. I do not remember that.

Mr. MADDEN. Why, certainly.

Mr. PADGETT. This was for the Navy, the other may have been for outside purposes, for war purposes; but this is given for the construction of ships, without advertising to the world the number we were obtaining.

Mr. MADDEN. Very well.

The Clerk read as follows:

That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Mr. BROWNE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 77, line 8, after the figures "$4,000,000," strike out lines 9 to 22, inclusive.

Mr. BROWNE. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Wisconsin to strike out the paragraph.

The question was taken; and the chairman announced that the noes seemed to have it.

Mr. BROWNE. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Wisconsin asks for a division.

The committee divided; and there were—ayes 19, noes 26.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All unexpended balances made for the Naval Establishment for the fiscal year 1918 in the naval appropriation act and the several acts making deficiency appropriations are hereby continued and made available for the fiscal year 1919.

Mr. PLATT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. PLATT. Mr. Chairman, I make this motion simply to call attention to the fact that when the last naval appropriation bill was passed in this House, in February, 1917, there was a great discussion over submarines and battleships, many Members expressing the opinion that we ought to build submarines only, and nothing else; that all other types of fighting ships were out of date and practically useless. I took the floor in opposition to these ideas and declared that we ought to build more aeroplanes and more destroyers. In the course of my remarks on that occasion, February 10, 1917 (Cong. Rec., 64th Cong., 2d sess., p. 3046), I said:

It seems to me that the proper balance of different classes of vessels in the Navy—battleships, destroyers, cruisers, and submarines—is something we must leave to the naval experts. I believe they are all valuable. If I were going to go on my own ideas I should be inclined to build more destroyers, believing the destroyer a much more valuable ship than any of the others in proportion to its cost. It is fast, and if we should get involved in the present unpleasantness on the other side of the ocean, or if we are going to try to protect our merchant vessels, the destroyer is the ship that we want to do it with. The submarine always runs from a destroyer. The destroyers hunt out and destroy the submarines.

That was two months before we entered the war, though we had already broken diplomatic relations with the Imperial German Government. How entirely right I was subsequent events have shown. The destroyers for which we made appropriations in that bill, which became the act of March 4, 1917, have only recently been completed. I believe that some of them were launched in April, and some are not yet completed. My recollection is that the appropriations of that act provided for the construction of 20 destroyers. Some three months or more later, when war had been declared, we provided for the construction of a hundred destroyers, and later still for a very much larger number. Most of those later authorized have not yet been started, or construction of them has but recently begun. Had we in that bill of the winter of 1917, when there was every reason to believe that we could not long avoid war, made appropriations for five or ten times as many destroyers we should be in a very much safer position to-day, and should have little further fear of submarines in transporting our troops and supplies.

Mr. BUTLER. Mr. Chairman, have we finished the reading?

The CHAIRMAN. But one paragraph remains. The Clerk will read.

The Clerk read as follows:

All appropriations contained in this act are hereby made immediately available, but no appropriation in this act shall be used for payment of deficiencies.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent, before we rise, for permission to insert in the RECORD some very handsome remarks made upon our esteemed colleague in this House, Mr. GEORGE S. GRAHAM, of Philadelphia. They were delivered at a time when his picture or painting was being hung in the law association in the City Hall in Philadelphia on March 5, 1918. Can I do this in committee? It has been done heretofore, I believe.

The CHAIRMAN. The Chair understands that the committee can grant to one individual leave to extend remarks but not general leave.

Mr. BUTLER. That is what I ask. Without consuming time I would like to extend my remarks in the RECORD by inserting this handsome tribute to a friend and to a very learned and distinguished man, a Member of this House.

Mr. WALSH. What was the occasion of this well-deserved tribute?

Mr. BUTLER. His portrait was being presented to the law library in the city of Philadelphia.

Mr. GORDON. Who made the remarks?

Mr. BUTLER. Mr. Hampton L. Carson, ex-Attorney General of Pennsylvania.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

By unanimous consent, Mr. FESS, Mr. WALDOW, Mr. MUDD, Mr. MCARTHUR, Mr. PETERS, Mr. COOPER of Wisconsin, and Mr. OLIVER of Alabama were given leave to extend their remarks in the RECORD.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 10, line 23, strike out line 23 and insert the following: "grades, rank, and seniority: *And provided further*, That the dental officers herein and heretofore authorized for service in the Naval Reserve Force and the Naval Dental Corps shall share alike and proportionately with medical officers the several grades of rank provided for the Naval Reserve Force and the Naval Medical Corps, respectively, and the officers of the Naval Dental Corps shall earn and acquire like promotions under like mental, moral, physical, and age requirements, and be finally apportioned to like grades of rank on the same percentage basis as provided by law for the promotion and the grade apportionment of officers of the Naval Medical Corps."

Mr. WALSH. I reserve a point of order on that.

Mr. PADGETT. I do not think it is subject to a point of order, but we can vote it down in two minutes.

The CHAIRMAN. The gentleman from Iowa is entitled to recognition.

Mr. GOOD. I understand the temper of the House, and I am not going to take any time. The amendment I have offered will do only simple justice to the dentists in the service and place them in the same rank with the Medical Corps.

Mr. BUTLER. There is a bill pending in the committee to cover this subject.

Mr. PADGETT. There is not only a bill pending in the committee, but this relates only to the Dental Corps in the reserves and the Medical Corps in the reserves. Under the existing law all ranks and grades are limited to lieutenant commander, which is equivalent to a major in the Army. Under this amendment they would have the higher ranks as well.

Mr. GORDON. In the Dental Corps?

Mr. PADGETT. In the Medical Corps and Dental Reserve Corps.

Mr. GOOD. The gentleman will be fair about that. I did not propose to take any time, but the amendment I offer does not enlarge in the least the men in the Medical Corps, nor does it place any rank in the Dental Corps above the rank in the Medical Corps.

Mr. PADGETT. I know; but in the regular Medical Corps they have admirals and all the others, and this proposes to put the same rank into the Reserves as in the Medical Corps.

Mr. GOOD. The same as is done in the Army?

Mr. PADGETT. No.

Mr. GORDON. They have not done it in the Army yet.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question being taken, the amendment was rejected.

Mr. GOOD. Mr. Chairman, I move to strike out line 23, page 10, and insert in lieu thereof the following:

grade, rank, and seniority.

Mr. PADGETT. That is all right. I have no objection to that.

Mr. BUTLER. What is the effect of it?

Mr. PADGETT. They take their seniority with them in the transfer anyway. It does not affect anything.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOOD: On page 10, in line 23, strike out the words "rank and grade" and insert "grade, rank, and seniority."

Mr. BUTLER. I reserve a point of order on that amendment.

Mr. PADGETT. They would get that anyway.

Mr. BUTLER. I think they would, but I want to know what we are doing.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw the point of order?

Mr. PADGETT. The amendment is not subject to a point of order.

Mr. BUTLER. I do not know whether it is or not.

Mr. PADGETT. It is amending the language in the bill.

Mr. GOOD. This just adds "seniority."

Mr. BUTLER. They would have that anyway.

Mr. PADGETT. Certainly they would; but it is easier to pass it and go on than it is to have a dispute about it.

Mr. BUTLER. I am always a little suspicious of anything as easy as this.

Mr. WALSH. Mr. Chairman, what became of the reservation of the point of order to the paragraph which I made when the gentleman offered his first amendment?

The CHAIRMAN. The Chair understood the gentleman to withdraw the point of order. Of course if a point of order is reserved, it is not in order to offer an amendment.

Mr. WALSH. The first amendment of the gentleman from Iowa was voted down, but I understood the entire paragraph was up for consideration.

Mr. MADDEN. I gave notice a little while ago that I would ask for a quorum at 5.30. I have been waiting to see whether we could complete the bill.

Mr. PADGETT. We can go ahead now.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. WALSH] make any point of order?

Mr. WALSH. In view of the emphatic statement of the gentleman from Illinois [Mr. MADDEN] I do not dare to insist upon it. I withdraw it.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Iowa [Mr. GOOD].

The amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I want to make one statement to the House. It will take only a minute, and the House will be interested to know it.

Mr. Chairman, we have increased the Navy in this bill by 78,000 men and the Marine Corps by 45,500 men. We have provided for these other enlarged activities, and at the same time the bill as it is now carries $265,481,251 less than the appropriations for the Navy for the current year.

I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill be passed.

The motion was agreed to.

Accordingly the committee rose; and Mr. KITCHIN having resumed the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10854, the naval appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en bloc. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BRITTEN. Mr. Speaker, I should like to serve notice on the House that the Committee on Naval Affairs, with the assistance of this House, passed this bill at the rate of $140,000,000 per hour, and we are going to expect future committees to do the same thing.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker pro tempore (Mr. KITCHIN) signed the same:

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KING for 15 days, on account of pressing business.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until Monday, April 22, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Director of the Federal Board for Vocational Education submitting a supplemental estimate of appropriation for rental of offices in the District of Columbia for the fiscal year 1919 (H. Doc. No. 1059); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency estimates of appropriations required by the Bureau of Education for medical relief and education of natives of Alaska for the fiscal year 1918 (H. Doc. No. 1060); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Public Printer submitting supplemental estimates of appropriation for the fiscal year 1919 (H. Doc. No. 1061); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce submitting a supplemental estimate of appropriation required by the Lighthouse Service for the fiscal year 1919 (H. Doc. No. 1062); to the Committee on appropriations and ordered to be printed

5. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for completion of the Treasury Building Annex, in Washington, D. C. (H. Doc. No. 1063); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SABATH, from the Committee on Immigration and Naturalization, to which was referred the bill (H. R. 11518) to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes, reported the same without amendment, accompanied by a report (No. 502), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9762) granting an increase of pension to Leon P. Chesley, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EMERSON (by request): A bill (H. R. 11578) providing for transportation of our soldiers and sailors who are on furlough for a visit home with at least half-fare rates; to the Committee on Military Affairs.

By Mr. WELTY: A bill (H. R. 11579) to authorize the appointment of a board of engineers to make a preliminary location, survey, and plans for a canal connecting the waters of Lake Erie and the Ohio River on the line of the Miami and Erie Canal, from Toledo to Cincinnati, Ohio, and from a point near Defiance, Ohio, to a point in the southerly end of Lake Michigan, and to estimate the cost thereof; to the Committee on Railways and Canals.

By Mr. MONDELL: A bill (H. R. 11580) to provide a new mine-rescue car for the mine-rescue station at Rock Springs, Wyo.; to the Committee on Mines and Mining.

Also, a bill (H. R. 11581) providing for a mining station at Sheridan, Wyo., for investigation and demonstration in the utilization of lignite coal; to the Committee on Appropriations.

Also, a bill (H. R. 11582) to suspend until the close of the present war the operation of the sections of the war-revenue act, approved October 3, 1917, relating to and providing for a zone system for second-class mail matter; to the Committee on Ways and Means.

By Mr. McCULLOCH: Resolution (H. Res. 316) requesting the State Department to furnish to the House of Representatives full information regarding aliens liable to military service; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 11583) granting an increase of pension to John C. Dawson; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11584) for the relief of Jerome May; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 11585) granting a pension to Arthur A. Roberts; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 11586) granting an increase of pension to Thomas Griffith; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11587) granting an increase of pension to Belle R. Reid; to the Committee on Pensions.

By Mr. LONDON: A bill (H. R. 11588) for the relief of Marcus Broderick; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 11589) granting an increase of pension to James B. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11590) granting an increase of pension to Charles H. McCafferty; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 11591) granting an increase of pension to James A. Wood; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 11592) granting an increase of pension to William H. Purdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11593) granting a pension to Peter L. Johnson; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11594) granting a pension to Jasper Williamson; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 11595) granting an increase of pension to John G. Aarons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11596) granting an increase of pension to Caleb Taylor; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11597) granting an increase of pension to Robert W. Pemberton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the South Dakota Woman's Christian Temperance Union, urging war emergency prohibition; to the Committee on the Judiciary.

By Mr. CARY: Petition of John O'Leary and 22 other citizens of Hudson, Wis., urging the immediate passage of the Overman bill; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the national research council, Council of National Defense, urging the passage of the law to encourage the production of vitally important mineral products; to the Committee on Mines and Mining.

Also, petition of Charles A. Carlso, Philadelphia, Pa., requesting support of S. 31 and H. R. 6107; to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Printing Trades Council of Greater New York, protesting against the second-class postage provisions of the war-revenue act; also, the petition of Smith & Hemenway Co., urging the passage of the Pomerene bill, providing for partial payment of income and excess-profits taxes; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the National Council of the Boy Scouts of America, expressing 100 per cent patriotism and energetic support of the Government; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Resolution in opposition to the zone system as applied to second-class mail matter, by the executive committee of the Authors' League of America; to the Committee on Ways and Means.

By Mr. MILLER of Minnesota: Resolutions of the Slovenian Republican Alliance, pledging heartiest support of the Government in the war and absolute loyalty to their adopted country; to the Committee on the Judiciary.

SENATE.

MONDAY, *April 22, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy hands is the destiny of nations. Thou art moving forward in the accomplishment of Thy great purpose in the earth. Thou dost call us to the sphere of our personal responsibility that we may act according to the will of God and accomplish Thy divine purpose in us and through us. We pray Thee to fit us to-day for the divine obligations of the high and holy calling to which Thou hast called us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE (S. DOC. NO. 218).

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Secretary of State, transmitting a copy of a dispatch from the American Ambassador at Paris stating that the Fourth General Assembly of the International Parliamentary Conference on Commerce has been postponed from the first days of May until the 2d, 3d, 4th, and 5th days of July next, which was referred to the Committee on Foreign Relations and ordered to be printed.

CENTRAL CONTROL OF GOVERNMENT WAR BUYING.

The PRESIDENT pro tempore laid before the Senate a communication from the Chamber of Commerce of the United States of America, transmitting a resolution unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of America, held in Chicago, Ill., on April 10, 11, and 12, 1918, upon the subject of "Central control of Government war buying," which was referred to the Committee on Military Affairs.

INSTALLMENT PAYMENT OF TAXES.

The PRESIDENT pro tempore laid before the Senate a communication from the Chamber of Commerce of the United States of America, transmitting a resolution unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of American, held in Chicago, Ill., on April 10, 11, and 12, 1918, upon the subject of "Installment payment of taxes," which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

The message also announced that the House had passed a bill (H. R. 10854) making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10783) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, and it was thereupon signed by the President pro tempore.

NONUSE OF WHEAT FLOUR IN TEXAS.

Mr. SHEPPARD. Mr. President, I send to the desk a short letter from the Federal food administrator for the State of Texas, which I ask to have read. It announces the voluntary determination of the people of Texas to abstain from the use of wheat flour for 45 days.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

UNITED STATES FOOD ADMINISTRATION,
Houston, Tex., April 15, 1918.

Hon. MORRIS SHEPPARD,
United States Senate, Washington, D. C.

DEAR MR. SHEPPARD: I feel sure you will be proud of your State in connection with its voluntary offer to abstain from the use of wheat flour for a period of 45 days, effective to-day, until June 1, and longer if necessary. I telegraphed this information to Mr. Hoover Saturday afternoon, and requested him to cable same to Gen. Pershing, whom I had the honor of knowing when he was stationed in Texas. I thought this good news would be encouraging and give renewed vigor to our boys in the trenches in France.

This was not a hysterical movement, but one which the people of Texas were anxious to undertake. I did not make the request. The offers kept coming in unsolicited. Now, I feel that the Lone Star State has done a great thing and is setting a wonderful example to the balance of our Nation. Surely this ought to make Mr. Hoover's work in reference to flour conservation considerably easier.

With best wishes, I am,
Yours, sincerely,

E. A. PEDAN,
Federal Food Administrator for Texas.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. I present several memorials protesting against universal military service. I simply wish to state, in connection with their presentation, that I am receiving a great many letters favoring universal military service, but as these are simply personal letters I am not filing them with the Senate.

The PRESIDENT pro tempore. The memorials will be referred to the Committee on Military Affairs.

Mr. JONES of Washington presented a petition of Tacoma Lodge, No. 102, of South Tacoma, Wash., praying for the adoption of an amendment to the Constitution providing for the election of all Federal judges with short terms of office, and placing the power in the people to recall Federal judges, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Department of Massachusetts, Grand Army of the Republic, of Boston, Mass., praying for an increase in pensions of veterans of the Civil War, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Hudson, Mass., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the City Council of Minneapolis, Minn., favoring the fixing of prices on cereals other than wheat, such prices to be based upon the present price of wheat, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of St. Paul, Minn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. SMITH of Arizona presented resolutions adopted by the Arizona Division of the National Association for Universal Military Training, of Tucson, Ariz., favoring universal military training, which was referred to the Committee on Military Affairs.

Mr. FERNALD presented petitions of sundry citizens of Bangor, Augusta, Belfast, and Greenville, all in the State of Maine, praying for the enactment of legislation to impose punishment on persons or organizations responsible for pro-German activities, or who in any way interfere with the successful prosecution of the war, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4409) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A bill (S. 4410) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; to the Committee on the District of Columbia.

By Mr. JOHNSON of California:

A bill (S. 4411) granting an increase of pension to John Clark; and

A bill (S. 4412) granting a pension to George E. Lawrence; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 4413) for the division of general or special taxes assessed against any parcel or parcels of land in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 4414) granting an increase of pension to Charles Chandler (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4415) granting a pension to John S. Dodge; to the Committee on Pensions.

THIRD LIBERTY LOAN.

Mr. SMOOT. Mr. President, I send to the desk a telegram received from Herber J. Grant, chairman of the third liberty loan committee of Salt Lake, Utah, and ask that it be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

SALT LAKE, UTAH, *April 20, 1918.*

Senator REED SMOOT,
Washington, D. C.:

Have to-day wired William G. McAdoo as follows: "I have the honor of advising you that Utah to-day oversubscribed allotment in third liberty loan, and makes official request for place near top on national honor flag."

HERBER J. GRANT, *Chairman.*

LOYALTY OF AGRICULTURAL COMMUNITIES.

Mr. BORAH. Mr. President, I observed through the press last week that there were a number of people appearing before one of the important committees of the Senate testifying with regard to disloyalty in different parts of the United States. One reading the report of the hearings would conclude that the agricultural sections of the country were saturated with disloyalty. I do not know just how accurately these witnesses were reported, but the inference to be drawn from their statements was that entire communities—indeed, if not entire States—particularly agricultural or rural districts or communities were, as I said, saturated with disloyalty.

It seems, while these gentlemen were here advertising the disloyalty of the farmers and farmers' organizations throughout the country, the farmers at home were engaged in putting in their crops and subscribing for liberty bonds.

In order that the two sides of the question may go to the country and that the people in other parts of the world may understand that our farmers are no less loyal and no less devoted to this cause than any other class of people, I call attention to this item, which appears this morning in the Post:

All the States which have gone over the top and won honor flags are largely rural. Montana, whose quota was $9,000,000, has reported subscriptions of $14,741,000. North Dakota, with a quota of $6,500,000, has reported more than $10,000,000.

And North Dakota was particularly subjected to attack by some of these witnesses. You would suppose that the farmers, and it is almost entirely an agricultural State, were practically all out of sympathy with this Republic in its hour of peril. I regard it as a libel respecting those people.

Indications are that South Dakota has also subscribed its quota of $22,000,000. Minnesota has contributed $38,900,000, exclusive of subscriptions from Minneapolis, St. Paul, and Duluth, whose pledges amount to $37,500,000. Northern Wisconsin and northern Michigan, which report to the Minneapolis Federal reserve bank, have about $8,000,000 each.

Mr. President, a state of war not only calls out the great virtues of the people, but it calls out other characteristics less admirable. I trust that these political Pharisees who come here with the American flag wrapped around them to exploit their own virtues and to decry the virtues of entire communities and entire States will not be regarded as voicing the real sentiments of the American people in this war. I trust also that this wholesale denunciation of entire classes and communities will receive the condemnation at the hands of all sane and patriotic citizens which it deserves.

Mr. CUMMINS. Mr. President, I think I ought to say, if I may be permitted, in connection with and support of the observations of the Senator from Idaho [Mr. BORAH], that Iowa, a purely agricultural State, a State in which the agricultural interests overshadow every other interest, was the first State in the Union to subscribe its quota to the third liberty loan. There has been some contest between Iowa and Oregon in that respect, which I shall not attempt to settle, but I think the evidence now shows rather clearly that my State was the first to complete its subscription.

I do not mention this for the purpose of promoting that Commonwealth above others, but only to indicate that the suggestions which have been made from time to time with regard to the attitude of the farmers toward the war and their unwillingness to bear their fair share of the burdens of the war are not well founded.

Mr. KELLOGG. Mr. President, I do not understand that the Senator from Idaho indicated that the farmers of the Northwest, including Minnesota and other States, are disloyal, but rather dissented from that view. I have lived in that country for 53 years and my associate, I guess, many more years, and we know intimately the farming communities of the Northwest. There is absolutely no foundation for any claim that the farmers are lukewarm in the war or disloyal. Their loyalty is beyond doubt. The way they have subscribed to the last liberty bonds is a strong indication of that. I did not understand the Senator from Idaho to indicate anything to the contrary, but I may have misunderstood him.

REHABILITATION OF WOUNDED SOLDIERS.

Mr. SMITH of Georgia. Mr. President, I have a letter which I would be glad to have printed in the RECORD. It relates to a bill that is pending, and I ask unanimous consent that it may be printed.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

Mr. SMITH of Arizona. I object.

The PRESIDENT pro tempore. The printing is objected to.

Mr. SMITH of Georgia. It is a short letter from a very thoroughly informed man upon the rehabilitation of wounded soldiers and what has been accomplished along that line. I think it is valuable information for the Senate, and by simply printing it in the RECORD I felt that I could give it to the Senate and to the House also without taking the time of the Senate to read it.

Mr. TILLMAN. The Senator can read it.

Mr. SMITH of Georgia. I can read it, but I move that it be printed.

Mr. SMITH of Arizona. Mr. President, it is peculiarly unpleasant to me to object to the publication of the letter in the RECORD. There is no one in the Senate I would sooner please than the Senator from Georgia, but the truth is that we are absolutely short of paper in the great Printing Office. The RECORD is already burdened with an enormous expense, and nobody reads the fine print that you find in the RECORD as it is circulated in the country. A Senator may occasionally refer to it, but I think those cases are extremely rare.

I am not doing this of my own accord particularly, but it is the desire of the Committee on Printing, and I have been requested by them to stop the practice if I could possibly do it. I hope the Senate will decline to print in the RECORD matter that ought not to be printed in the RECORD. I am not referring to this particular letter, and I know my friend from Georgia will understand my position. I am acting largely under the direction of the Committee on Printing in trying to stop the practice as much as I can.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia to print the communication in the RECORD.

On a division, the motion was agreed to.

The matter referred to is as follows:

INTERNATIONAL PAPER CO.,
New York, April 18, 1918.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

DEAR SIR: Having been identified for years in America and abroad with manufacturing interests employing many thousand men, and being familiar with labor conditions abroad and at home, I am intensely interested in your Senate bill No. 4284. It is one of the most important pieces of legislation that has been proposed. It deals with a subject of national importance which will require early attention.

At an early day our splendid young men will be returning to us, thousands of them unable to follow their own vocations and great numbers untrained in any craft.

The greatest weakness in America to-day is the lack of universal and thorough training for our young men in the various vocations. Much is being done in the agricultural colleges. The technical and industrial fields outside of agriculture almost universally fail to properly educate our young men. As a rule Americans refuse to give the time necessary for thorough training in any craft or trade.

The majority of the men in our penitentiaries are without a trade or vocation. It is this fact and the fact that they have been brought up in a vicious atmosphere that leads most of them behind the bars.

There are few large industrial concerns which have any extensive or complete system of apprenticeship.

Through your legislation or otherwise the men coming back from the front can be made efficient, can be made self-supporting, and can be put into the decimated ranks of industry, where there will always be a shortage. If you should accomplish this, the Nation would be forever indebted to you.

Now, to the point of my letter. In Europe training such as you propose is being carried on systematically and thoroughly, and they have already had the advantage of experience which has taught them what to do and, what is more important, what not to do.

If your law is put on the books and the usual red-tape methods of the departments are followed, it will be a long time before you have any reliable information on which to act. Would it not be possible for you in some way to have a very small commission—the smaller the

better—sent abroad immediately to study and report on the conditions there, on the methods they pursue, etc., so that after your legislation is on the books the Government will be in position to act very promptly?

In European countries the governments are fostering combinations in the different industries and the training of men in the different industries, so that each industry may act unitedly in attacking the outside markets of the world. It is these combinations we will have to meet when the war is over. We can not act too promptly or prepare too thoroughly.

Pardon this intrusion on your time, but I am as deeply interested in this subject as you are.

Yours, very truly, P. T. DODGE.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. POINDEXTER. Mr. President, I send to the Secretary's desk a letter from the secretary of the Central Labor Council of the City of Seattle, with resolutions attached. I ask that the letter and resolutions be read, and I shall ask the consent of the Senate to make some remarks upon the letter and the resolutions and call attention to some rather remarkable features of the matter.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Arizona. I object.

The PRESIDENT pro tempore. The Senator from Arizona objects to the reading of the letter and resolutions.

Mr. SMITH of Arizona. Mr. President, I can only repeat what I have said before. As long as the present condition of print paper is as it is I shall object to printing anything in the RECORD except what is absolutely essential to the regular proceedings of the body.

Mr. POINDEXTER. Of course, I will not insist upon the Senator withdrawing his objection, but I would like to call attention to the character of the matter that is really a statement of the subject upon which I wish to make some remarks in the Senate. It is a matter which I regard as of vital importance.

Mr. SMITH of Arizona. Does the Senator propose now to take the floor?

Mr. POINDEXTER. Yes.

Mr. SMITH of Arizona. I have no objection if it is preceding a speech and the speech is to be based on it. I should not like to object in such a case.

The PRESIDENT pro tempore. The objection is withdrawn, and the Secretary will read the letter and the resolution.

The Secretary read as follows:

CENTRAL LABOR COUNCIL,
AMERICAN FEDERATION OF LABOR,
Seattle, Wash., April 13, 1918.

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR. Please find inclosed resolutions which only in a very mild way indicate a strong undercurrent of dissatisfaction and unrest caused by what the workers have grown to look upon as unwarranted persecution of their fellow unionists in California.

At this time an appeal has gone to all local unions in this city requesting that a referendum vote be taken upon the question of declaring a strike on May 1, to continue in effect until the victimized Mooney case defendants are unconditionally freed.

Trusting that you will realize the seriousness of this acute situation and that you will be successful in precipitating action such as will make any move that will result in diminishing the productivity of the workers of the Pacific coast at this time unnecessary, I am,

Yours, very respectfully,

JAMES A. DUNCAN, *Secretary.*

Resolution.

Whereas a widespread suspicion exists among the workers of the Pacific coast that the bomb explosion during the preparedness parade at San Francisco and other bomb plantings in the State of California are the result of a conspiracy on the part of big business interests and some public officials in the State of California in an effort to discredit organized labor; and

Whereas the belief is general that these crimes were committed with the full intention of fastening the guilt upon working men active in labor's interests, thereby creating a false public sentiment against the organized workers, thus hindering them in their efforts to improve conditions; and

Whereas this suspicion is causing a great deal of dissatisfaction and strife at a time when there should be the utmost harmony and cooperation: Therefore be it

Resolved, That Hod Carriers, Building, and Common Laborers' Union, Local No. 242, request the Government to make a thorough investigation into these various cases and prosecute the guilty parties, whoever they may be; and be it further

Resolved, That we request the Central Labor Council of Seattle and vicinity to indorse this resolution and forward copies to the President and the Washington congressional delegation.

Mr. POINDEXTER. Mr. President, I have made some investigation of the evidence that was introduced upon the trial of the State of California against Thomas Mooney. I am familiar with the ground and the landmarks in the State of California where this heinous crime was committed. I do not claim to know as much about the evidence in the case as did the jury which convicted Mooney, but I do claim to know more about it than the writer of this letter or the authors of the resolutions which the Secretary has read. There were some seven witnesses—at least seven—who testified to personal observation of Mooney at and about the time these people were murdered. If the jury believed the testimony of any three of them, in my judgment there was sufficient evidence, connected with the circumstances of the case, to convict the defendant.

As I understand the defense in that case, it did not claim that this testimony, if true, was not sufficient to sustain the verdict in the case; but the defense was based upon an attempt to impeach the credibility of the witnesses. The theory of Mooney's counsel was, or at least that which they presented to the court was, that these seven witnesses were all perjurers.

I am not going in what I have to say about this remarkable threat from a certain labor union in Seattle to go into an analysis of the evidence in the trial of Mooney. I want to call attention, however, to a circumstance of that trial which has a great deal of cogency in my mind in convincing me that the verdict in that case was a just one. I do not think that the circumstance to which I refer has ever been called attention to. It was a very slight circumstance. It might very well have passed unnoticed.

There was a woman who testified in the trial of Billings, who was first tried, who was convicted, and who was sentenced to life imprisonment, by the name of Edeau, a woman who lived in Oakland. Later on, when Mooney was put upon trial, she testified in Mooney's case. Mooney had testified in the trial of Billings, the first defendant who was tried, and was present at his trial; he was charged to be his accomplice and was the principal defendant in the group of defendants who had been apprehended and charged with this wicked murder. When the Edeau woman testified in the Mooney case that at half past 1 o'clock on the 22d day of July—which was about 36 minutes before the bomb exploded, killing 10 people, and wounding 36 others—that she saw Mooney, Mrs. Mooney, and Billings get into an automobile, driven by a man by the name of Weinberg, in front of 721 Market Street, and proceed on Market Street toward Steuart Street, seven blocks away, at the corner of which the explosion occurred 36 minutes later, she was asked why, when she previously testified in the case of Billings, in the first trial, that she saw Billings get into the automobile in front of 721 Market Street and go toward Steuart Street she had not said at that time that she saw Mooney and Mrs. Mooney get into the same automobile which Billings got into. She said the reason she had not mentioned Mrs. Mooney and Mooney was because no one had asked her if anyone else got in with him. Mooney knew whether he got into that automobile or did not; he was sitting present at the trial of Billings and testified in that trial; and I believe that the reason that Mrs. Edeau was not asked the question of who else got into the automobile with Billings was because Mooney knew that she would say, "You got into it with him," and the failure to ask that question of that witness by his counsel when that trial was on has a great deal of weight in my mind. It demonstrated the fact that Mooney did get into the automobile and did not want to have that fact disclosed in the trial of Billings, and that that was the reason that question was not asked and that the testimony of this witness—this Edeau woman—was true. Her testimony for that reason bears the marks of truth.

Mr. President, having made that preliminary remark about the testimony in the case, I want to speak about this rather remarkable production which was addressed to me and, I understand, was addressed to my colleague [Mr. JONES] and perhaps other Members of the delegation from the State of Washington, which has been read at the Secretary's desk.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. Yes.

Mr. BORAH. Before the Senator takes up the discussion of the resolution, will he give an answer to a question with regard to the witness whose testimony has been discussed in the public prints more than any other one witness, and upon which the defense relied more apparently than upon anyone else, and they relied on that for a new trial? I ask this question because I see the Senator has studied the case, and I know that this particular point is one which has been accentuated throughout the country.

Mr. POINDEXTER. I think I know what the Senator from Idaho has in mind.

Mr. BORAH. I have reference to a man who testified, and who was the main witness—so designated by the public prints—and who afterwards in a letter seemed to confess that he had testified falsely, and asked a friend of his to join with him in corroborating his testimony, and so forth, and stating to him—I can not use the exact language, but in substance—that he would be taken care of. That man was a farmer, who had formerly lived in Illinois and who wrote back to his friend in Illinois with reference to that. I confess that that letter had considerable effect upon me when I read it. I have not studied the evidence of the trial, but for a man, upon whose testimony they

mainly relied for conviction, to have written a letter practically admitting that he testified falsely and asking a witness to come in and to corroborate him because he was being attacked, would have an effect upon any man who believed in the integrity of the courts. I know the Senator's capacity for judging evidence and his experience in that matter, and I should like to know if he has reviewed that branch of the case at all?

Mr. POINDEXTER. I have.

Mr. BORAH. What is the Senator's opinion of that?

Mr. POINDEXTER. There is nothing in that circumstance which would change my opinion as to the guilt of the defendant upon the entire evidence that was introduced in the case. There has been a great deal of false impression—I had that myself—in regard to the conduct of this man Oxman, who is the witness to whom the Senator from Idaho refers. Oxman was a cattleman in Oregon. He was visiting in San Francisco on the day of the parade; he stopped at one of the hotels about two blocks from the ferryhouse where the parade started. He testified that he saw Mooney and his associates in and about the scene of the murder. After the trial it was disclosed—and a great sensation was made of that—that this man Oxman had written letters to an acquaintance of his by the name of Rigall in Illinois, asking Rigall to come out and corroborate his testimony, stating that he needed some corroboration, having been attacked as having testified falsely in the case. I read those letters very carefully, and I got a different impression about the matter from reading the letters themselves than that which I had received from reading certain magazine accounts of them. While the letters of Oxman to Rigall are the letters of a very ignorant man, being badly spelled, poorly expressed, and very foolish, there is nothing in them that I saw that could necessarily be construed as an effort upon Oxman's part to get Rigall to testify falsely or offering him any bribe or anything of that kind. There is no admission whatever in the letters that he himself had testified falsely and no intimation of any such admission on Oxman's part.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield.

Mr. THOMAS. May I ask the Senator if Oxman was not afterwards tried on a charge of perjury and acquitted?

Mr. POINDEXTER. The grand jury declined to indict him.

Mr. JOHNSON of California. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. I yield to the Senator.

Mr. JOHNSON of California. Not for the discussion of the Mooney case, which I think will be appropriately taken care of, but in the interest of historical accuracy, may I ask the Senator if he recalls that after Oxman had written to Indiana to a man whom he knew was not present, asking that individual to come to California and testify he was present, and after the man whom Oxman knew was not there had come in pursuance of Oxman's letter, Oxman took that particular individual, Rigall, to the authorities in San Francisco and said substantially: "This is the man who was with me at the particular time and saw just exactly what I did." Does the Senator recall that as part of the testimony?

Mr. POINDEXTER. No; I am not aware that there was testimony of that kind. I was speaking of the letters that Oxman had written to Rigall.

Mr. JOHNSON of California. In pursuance of which——

Mr. POINDEXTER. If the Senator will allow me just at this point to complete what I was about to say, then I will yield to him. There is nothing, so far as one can see from the letters, to indicate whether Rigall was in California or not at the time of the tragedy. Oxman testified that he added a postscript to the letter upon a separate sheet, in which he stated that if Rigall did not see him there, of course he would not be expected to testify; but what he held out as the inducement was not a bribe, or anything of that kind, but simply a rather glowing account of the fine trip he would have and the amount of mileage to which he would be entitled as a witness.

Mr. BORAH. Mr. President——

Mr. POINDEXTER. I am not defending the witness Oxman at all.

Mr. BORAH. I was going to say that I take it the Senator relies upon the testimony as being sufficient outside of the Oxman testimony.

Mr. POINDEXTER. I do.

Mr. BORAH I certainly do not think anybody would want to convict a man upon Oxman's testimony after that statement.

Mr. POINDEXTER. I would not, I will say, if the case depended solely upon Oxman's testimony; but the Senator will recognize that bad witnesses often tell the truth. Whether or not Oxman saw these people at the time he said he did, I do not know, but whether he did or not, my opinion as to the guilt of Mooney is not changed.

Mr. JOHNSON of California. Mr. President, just one further circumstance. As I have indicated, this is a case which I have declined to discuss here and shall decline to discuss in the future, because of obvious reasons—obvious to me at least—but I wanted to call to the Senator's attention the further fact that Weinberg, the driver of the jitney bus, subsequently was tried, and Oxman after his letters were developed did not testify at the trial of Weinberg.

Mr. POINDEXTER. I am aware of that.

Mr. JOHNSON of California. And Weinberg was acquitted. I am not speaking merely of Oxman's testimony——

Mr. POINDEXTER. If I may ask, inasmuch as the Senator has interrupted me on the subject, what is the opinion of the Senator from California as to the guilt or innocence of Thomas Mooney?

Mr. JOHNSON of California. I have no opinion. The difficulty with the case, since the Senator asks me, I will state to him is this: The defendant is an unworthy man, capable of the crime; a man who has indulged in the past in practices in which he should not have indulged.

Mr. POINDEXTER. Who?

Mr. JOHNSON of California. Mooney.

Mr. POINDEXTER. What practices?

Mr. JOHNSON of California. I think that he was engaged in transporting on various occasions dynamite, and, in my opinion, he was capable of this offense. My opinion of Mooney is a prejudiced opinion; but, in my opinion, too, the testimony that contributed most to his conviction was the testimony of Oxman; and Oxman was not ascertained to be what he was until after the trial of Mooney. Mooney perhaps would not have been convicted but for Oxman's testimony. There you have the situation from my standpoint.

Mr. POINDEXTER. Of course, Mr. President, that is an opinion, and there might be an infinite variety of opinions from different people even among jurors. Oxman was one out of some seven witnesses who testified as to the presence of Mooney and the conduct of Mooney in connection with the explosion.

Mr. JOHNSON of California. Oh, yes; but he was the witness who testified with greatest particularity, and his testimony, according to many of those who were present at the trial, was the convincing testimony in the Mooney case.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator takes up the discussion I should like to ask him a question. I will first state that I have had a number of communications on this subject from various labor unions, some in my State and some elsewhere. Some suggest the calling of a general sympathetic labor strike on May day throughout the United States, one of which, I think, is now called in the State of Rhode Island. Most of them recite their conviction of the innocence of the defendant. The Board of Mediation, of which John H. Walker, president of the Illinois Federation, is a member, by the President, was dispatched some time ago to the Pacific coast to investigate labor conditions. The commission not only investigated labor difficulties but undertook to pass upon Mr. Mooney's case, and did so.

Mr. POINDEXTER. I have some quotations from their report, to which I will call attention later.

Mr. SHERMAN. They recommended to the President that he communicate with Gov. Stephens, of California; and the President, as I remember, did so, asking executive clemency. I was going to ask the Senator if he intends to take up that matter?

Mr. POINDEXTER. Oh, yes.

Mr. SHERMAN. I am glad of that, because I am interested in the matter, as it relates to my own section of the country, as well as to California.

Mr. POINDEXTER. I am very glad the Senator has made that statement, because it corroborates my opinion as to the importance of the question and the widespread movement which has grown out of it. It is a matter of paramount importance, in my judgment.

The letter and resolutions which have just been read by the Secretary of the Senate exemplify and illustrate a movement of certain lawless elements in the United States and in other countries, particularly in Russia, which if not arrested will plunge the world into anarchy and bloodshed. This letter and these resolutions, coming from the Central Labor Council of the important industrial city of Seattle, Wash., and from certain local labor unions affiliated with that council, are noth-

ing more or less than an attempt at blackmail of the Government, both State and National. It is a threat on the part of these false representatives of labor to take advantage of the desperate emergency of war in which this country is now involved, by shutting off production of needed equipment and supplies from our soldiers in the field, to coerce the authorities of the law into setting free Thomas Mooney and an accomplice, who have been convicted by due process of law, upon the unanimous verdict of a jury of 12 men, of the crime of murder.

Mr. FLETCHER. Mr. President——

Mr. POINDEXTER. I will yield just a little later, if the Senator please. I would rather make this connected statement, and then I shall be glad to yield to any question that the Senator cares to ask.

Mr. FLETCHER. I simply wanted to ask the Senator if it is not a fact that this was a prosecution entirely under State law, not in a United States court, no Federal question at all being involved, but entirely a matter of State jurisdiction?

Mr. POINDEXTER. That is one of the main points to which I want to call attention.

The murders of which these men were convicted were out of the ordinary. The patriotic citizens of San Francisco, responding to the noblest emotion which civilized man has developed—patriotic love of country and of their fellowman—were marching in a so-called preparedness parade on the 22d day of July, 1916. Men, women, and children were taking this means of expressing their sympathy with the work of preparing their country to protect the rights, liberties, and lives of its citizens. They had committed no offense against the perpetrators of this crime.

Innocent and unsuspecting, they were engaged in a demonstration of loyalty to their country. While they were walking peacefully on the street in this parade a fiend, uniting the malice of the devil with the intelligence of the human mind which was given to him for a better purpose, exploded among these peaceful and innocent citizens a bomb which destroyed the lives of 10 people and wounded 36 others.

Thomas Mooney, the man mentioned in the letter and the resolutions which have been read, was put upon trial for this offense. He was defended by the ablest counsel that influence and money could procure. Every protection which our most liberal and considerate judicial system casts around the person of a prisoner was given him. A judge, sworn to enforce the law and subject to the review of a higher court, ruled upon the evidence that was introduced and kept it within those humane lines which the Anglo-Saxon people have devised for the ascertainment of the truth and the protection of the rights and liberties of the individual. A jury of 12 men of the vicinity, ascertained under oath to be without prejudice or preconceived opinion or interest in the case, were sworn to render a true verdict. The defendant, through his counsel, introduced his evidence, cross-examined the witnesses of the State, had a full hearing upon every clue, phase, and argument which the ingenuity of brilliant lawyers employed in his defense could devise. The jury of 12 returned a unanimous verdict that the defendant, Thomas Mooney, was guilty of the cowardly and infamous crime.

The writer of the letter which has just been read and those who are responsible for the passage of the resolutions attached did not hear this evidence nor the arguments in the case and, of necessity, under the circumstances in which they are situated, can not possibly be in a position to render judgment upon it. The jury and the court which tried the case concentrated their attention upon every minutia and detail to which their own minds or those of the lawyers engaged could direct their consideration. Mr. Duncan and the so-called labor leaders who induced the membership of the organizations named to pass these resolutions can not possibly know as much about the case as the jury which heard the evidence. Furthermore, they are partisans of the defendant, and for that reason not in a position to render an unbiased judgment. The resolutions on the face of them do not purport to recite facts. On the contrary, they are based expressly, by their own terms, merely upon "suspicion" and "general belief." Upon this suspicion and general belief, so stated, certain leaders of these organizations have induced their membership, or a certain portion of the same, to make the astounding charge that these murders in the State of California were committed as "the result of a conspiracy on the part of big business interests and some public officials in the State of California in an effort to discredit organized labor." As stated above, it is not claimed in putting out this scandalous, blasphemous, and wicked charge that it is based upon any information or facts, but is stated, on the contrary, to be suspicion and general belief. Such a charge in itself is a crime against decency and all proprieties of organized society. The suggestion is unreasonable and preposterous on the face of it, suggesting a repulsive crime committed without sane motive or rational purpose.

There is no doubt that in California particularly, as well as in other States in times past, so-called "big business interests" have committed crimes of violence as well as of corruption; but always with an understandable motive, and under circumstances capable of proof. If such a suggestion as that which is boldly promulgated in this resolution were founded upon facts, a small part of the energy and resources which have been expended by the advocates of dynamite and "direct action" in the defense of Thomas Mooney would have discovered the proofs and presented them to the court. The absence of any intimation even that such proof exists shows conclusively that none does exist.

When these interests referred to were guilty of such crimes they were likewise subjected to due process of law through the courage and ability of public-spirited lawyers, such as the distinguished gentleman [Mr. JOHNSON], now junior Senator from that great State, and the fearless lawyer, Francis J. Heney. Some of the defendants were subjected to the penalties of the law. Some of them may have escaped the hands of justice, just as many others in our times have so escaped.

The business of government is to wield the sword of justice with impartiality against the offenders of the law and the enemies of society, whether they come from the ranks of big business or from corrupt and vicious so-called leaders of labor.

What is it that labor, whether it was the serf bound to the soil in the Dark Ages or the struggling mass of mankind of an industrial day, groped and struggled for but the protection of law against the hand of the tyrant? What other refuge can the oppressed have? The only other recourse is to the discretion, the humanity, the charity of a ruler; and, sad to say, the tragedies of mankind are proof that this dependence, when subjected to the temptations of self-interest, of ambition, or of hatred, is utterly in vain. The shield and protection of the weak, the poor, the man who labors with his hands, the employee of every kind, against the oppressor, the employer, the rich, the powerful, the ambitious, the wicked, is the law. The attack which the writer of the letter and the author of the resolutions introduced just now are making upon the law and upon the courts is an attack upon their own temple of safety. If the authority of the courts should be destroyed, if their carefully determined decrees are arbitrarily and without investigation, merely upon "suspicion" and "general belief," set aside; if recourse is to be had to such blackmail as that that is proposed in this communication or to terrorism, to sabotage, to dynamite and murder, to the doctrines of "direct action" of the bolsheviki and the I. W. W., the weak are the ones who will suffer in any such decision.

I venture to say that with all of the imperfections of human nature, from which we can not escape under any system that the wit of man ever devised, and with all of the mistakes which the mind of man, however well intentioned, may sometimes make, there is not a State nor a city between the two oceans in this great Republic where an honest laborer seeking protection or justice can not find a judge somewhere who will zealously guard his rights, his liberties, his property, his life, with the ægis of the law against the hand of the despoiler.

Take this away, and, more than all the rest, the weak will suffer; the strong and the powerful can find means of protecting themselves; those who are vicious among them—and there are always such—will gratify their desires upon the helplessness of those who are weaker than they. Tear down the courts and the law, and there is left the spectacle of a bloody tyranny; of ignorance, avarice, and cruelty imposing its brute will upon all who differ with it or stand in its way. We see that spectacle in Russia to-day, and those who are rioting there in the gratification of their lawless desire for power are the counterparts and coworkers against law and established government of the authors of these resolutions and of the propaganda of murder, assassination, revolution, direct action, sabotage, and anarchy which is stalking through the land. The greatest issue that confronts not only the American people, but the western world, is the suppression of this arrogant, insolent, and tyrannical movement. Its leaders need to be subjected to the power of the Government.

The threat contained in these letters, to gratify their defiance of the law at the expense of our youth who are fighting for the liberty which these men enjoy, needs to be put down by the strong hand of the Government.

No one but a coward would commit such a crime as Mooney was convicted of. Those who are putting forward this propaganda are cowards in their hearts. They attempt to gain their

purpose by blackmail and stealthy secret attack. They are afraid to submit their cause to reason and the just judgment of their fellow men. They attempt by innuendo and concealment to avoid the law. They need to be dragged out of their cover and subjected to the light of public scrutiny and of judicial inquiry and to that punishment which blackmail and murder deserve.

These men do not represent labor. There is no element of our population which has more of human sympathy, more sense of justice, more love of country than the rank and file of labor and many of its true leaders. There is a vicious element in their ranks, largely composed of aliens, who are not only disloyal and seditious but enemies of the country and enemies of mankind. They preach so-called "internationalism," which is getting to be a very familiar word. They claim no country; they have and desire no fixed dwelling place; the institution of home, which is at the foundation of our social structure, has no sacredness to them; they blaspheme God and religion and set their ignorant and insolent judgment against the teachings of civilization. There are a few so-called labor leaders who take advantage of this element to advocate what they call "direct action," which means accomplishment of their ends by lawless violence. They propose to use violence upon others, and yet they cry out to heaven at any invasion of their so-called constitutional rights. They seem to have a one-sided and one-eyed philosophy. They propose sabotage and direct action against others, but claim that others have no right to use sabotage and direct action or force against them. They do not condemn, by whomsoever it was committed, the heinous crime by which the innocent citizens of San Francisco, marching in a preparedness parade, were hurled into eternity without the slightest cause, and yet even when a known advocate of such methods, like Thomas Mooney, has been given a trial in court—represented by counsel, cross-examined the witnesses for the State, given the right to testify himself, presented his own evidence—they object to his conviction and punishment. This philosophy is the same as that which lies back of the doctrine of force from whatever source it comes. The bolsheviki of Russia, the I. W. W., or direct-action Socialists of the United States are the brothers of the militarism of Prussia. All advocate and justify the doctrine that might is right, but all attach this condition—that the might must be exercised by themselves. They all object to the application of force by anyone else against them. The German tyrant contends that the submarine boat shall sink passenger ships and drown innocent women and children without notice, but objects to complying with the law of war because, as he expressly states, the submarine boats are thin and might be destroyed if they complied with the law. He believes that it is correct and proper to send a trunkful of bombs to Sweden but violently protests against the violation of diplomatic etiquette and ethics by the Swedish Government in seizing this trunkful of bombs.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator if he noticed, when the late industrial commission was conducting an investigation in the city of New York, that a Mr. St. John—a member, I think, of the I. W. W. cult—gave direct testimony to this effect: That sabotage is right, because the end justifies the means; that violence is right, because the end justifies the means; that murder is right, because the end justifies the means. Yet that man, after that testimony—the Senator will find it in the record—was allowed to march out from the room where the hearing was held, and join his compatriots in continuing the kind of thing that the Senator is so ably and properly presenting to the Senate to-day.

Mr. POINDEXTER. I thank the Senator for calling attention to that evidence, and the fact that this man was allowed to walk out and is still walking about and carrying on his propaganda is the reason why I feel justified in making these remarks this morning and calling attention to this movement of certain so-called false representatives of labor. I did not see the testimony which the Senator from New Hampshire refers to, but it corroborates, and I suppose that was the reason why the Senator interjected it at that point, the comparison which I was making between the philosophy of the I. W. W. and that of the Kaiser as to the doctrine of the end justifying the means, force being right whenever it is necessary to accomplish their ends. There is no difference whatever between them.

Now, the Prussian Government plots with Mexico, or its representative in Argentina, to seize and partition the territory of the United States, or to sink ships without notice, but vehemently protests against the impropriety of the United States in exposing its correspondence on these subjects. The I. W. W. and their principal conspirators among the small percentage of so-called labor leaders, who misrepresent labor, advocate such murders as that of which Mooney was convicted. They have committed or procured the commitment of many such murders, yet when, as a natural consequence of these acts, an outraged citizenry hang a few of them, they protest violently against the lawlessness of the acts. That is the worst consequence of their doctrines—namely, that it leads to lawlessness—though they themselves will be the victims of it. The prime essential for any state of human existence which those who are bred to American principles can conceive of, under whatever form of government may be evolved in the experience of mankind, is order and law—the government of lives and property by a settled rule, and not by the whims, caprices, and desires of individuals. The war which these men are making against the law is a war against organized society. The consequences of it, if it is not suppressed, will be general disorder, social anarchy, poverty, and distress, hunger, and cold, ignorance and vice—a return, in short, to a condition of primeval bestiality. Out of this, if every spark of human learning and virtue shall not be extinguished in the ordeal, will ultimately come the arbitrary and tyrannical rule by the will of strong men, subject to no law. In it all there will be no such thing as even the opportunity for decent labor, at decent wages, under decent conditions; no possibility of a home, however small it may be, with its unspeakable joys. In it all there will be no possibility of enjoying the fruits of one's labors, whether it be of the artist, of the plowman, of the mechanic, of the scientist, of the discoverer, of the inventor, of the soldier, of the patriot, of the statesman, or of the author, who have all contributed to the sum total of human civilization and of what we call the wealth of the world. This is contrary to the doctrines of these people I am talking about. They claim that the accumulated wealth of the world was the result of common laborers' work; still, as everyone knows, all the vocations which I have just mentioned have contributed to what we have and what we are to-day.

If the law and the courts are to be overthrown, there will be no security in the enjoyment of the fruits of labor, nothing but slavery and woe. That is the inevitable outcome ultimately of persistence in the doctrines of force that are promulgated by the authors of these papers which the Secretary has just read. They ought to be put down, in the interest of labor, whether organized or unorganized, so that a man shall be free from their tyranny and oppression; that a laboring man may join a union if he sees fit or stay out if he sees fit, exercising his own reason and intelligence in the matter; that he shall not be coerced by a lot of soft-handed, misnamed labor leaders into giving up his position or the wages of his toil at their dictation. Labor is to be protected in the right to organize, if it sees fit, with the same obedience and compliance with the laws of the land that is required of every citizen great and small. These men are to be subjected to the law. The writers of this threat to hold up the Government, to cut off supplies from those deathless heroes who stand between us and the German horror, should be visited not only with the just indignation of an outraged public but with the punishment prescribed for blackmail, disloyalty, sedition, and treason. Any such act as that threatened in these communications should be punishable by the most severe penalties. It combines in itself elements of not only blackmail and coercion of government but of threats against all organized authority and the courts, and indicates an utter lack of human brotherhood and a cruelty beyond conception. It is in itself a conspiracy to foment sedition and insurrection both by peaceful and violent methods, express or implied. It would be giving aid and comfort to the enemy, and hence would be moral treason. The act itself would be an unspeakable crime. It is aggravated by the motives which are here insolently set forth for it, the act itself being worse than murder, deserving the extreme penalty of death, if it should result in the death of our soldiers. The threat to commit it contained in these papers is a crime against the State and the Government and should be punished.

These men should be arrested and dealt with as disloyal traitors to the land which has given them more than they could have obtained from any other Government in the world. They are false to the land which has befriended them and given them their opportunities. They have perverted liberty into license, and should be regarded as what they proclaim themselves to be in this letter and these resolutions, namely, the enemies of organized society. I say that because it is expressly proposed here, by attacking the productive power of the Government to equip and feed its soldiers and the judicial decree of California, to not only oppose but defeat the processes of the law and the vital purposes of the State and Federal Governments. That makes the authors of this proposal enemies of the people, and it is my purpose to so designate and proclaim them. I repudiate their claim that they represent labor, whether organized or unorganized. They do not know what labor is.

Their hands are soft in the luxury which they secure by preying upon their dupes. This country is a country of labor. It is a new land, without caste or privilege, where labor stands upon an equal footing and enjoys equal rights with every other element of society. In our short history we have reclaimed a continental wilderness by labor. We honor labor. However poor a man may be in this country, however hard he may work, if he joins us as a brother in such support as he is able within his power to give to our Commonwealth in this experiment which we have launched amid the tribulations of the world, he will receive the warm hand of friendship and respect of every man worthy of the blessings of freedom. There can be no greater sacrilege or blasphemy than for red-handed criminals to be fattening themselves on the fruits of honest labor and carrying on their propaganda in its name. The sooner the lines are drawn against such threats as that contained in these papers which have been read and in countless circulars, books, and documents which have been circulated by this element, the sooner the country realizes that lawlessness and revolution are threatening our institutions, the more apt we will be to escape their awful curse.

It is my purpose to-day, in this place where one speaks with a sense of responsibility and where words uttered are heard by the great American people, to proclaim my belief that the greatest responsibility which rests upon the Government to-day, both that of this Federal Union and of the several States in fulfilling their sovereign responsibilities, as a vital and component part of the issues of the war which we are waging against the doctrine of lawlessness and blood abroad, is to put down with the strong hand of lawful authority the doctrine of unbridled force and lawlessness at home.

In the report of the labor commission appointed by the President to investigate labor conditions in the West, including a report upon the Mooney case made on January 16, 1918, there are some remarkable side lights upon the connection of Mooney and his prosecution with the revolutionary agitation now demanding the attention of the world. In the eleventh and twelfth paragraphs of the report it is stated:

It is well known that the attention of the situation—

This is quoting from the report—

It is well known that the attention of the situation in the East—

Meaning in the eastern part of the United States. I have interpolated that in order to explain it—

was first aroused through meetings of protest against the Mooney conviction in Russia.

I should like the Senate to note that. Continuing the quotation from the report:

From Russia and the Western States protests spread to the entire country, until it has gathered momentum from many sources. * * * However strange or however unexpected it may be—

Says this report—

the just disposition of the Mooney case thus affects influences far beyond the confines of California.

I might transpose that and say the attempt is made to direct the disposition of the Mooney case by influences far beyond the confines of California. It is not so much a question of the Mooney case having its influence beyond the confines of California as it is a question of a band of anarchists in Petrograd undertaking to hold up the Government of the United States.

The world now knows the true character of the Russian Maximalism. We know now from actual test and demonstration all of the sincerity there is in their claim as to liberty of opinion, in view of their massacre or suppression of all who dare to differ with them. We now see from the ruin of that great country, upon which they have gotten their clutches, the true extent of their genius for government and the practical good sense of their ideas for conducting the affairs of men. They have given a living demonstration, or rather a dying one, with the unfortunate Russian people as the subject of their experiment, of their conception of justice. Seizure and confiscation of property, murder of officers, denial of God and religion, and the substitution for the fundamental principles of morality—learned and adopted through centuries of experience, even before Moses formulated them for the children of Israel in the wilderness—the emanations of the wonderful brain of Trotsky, alias Braunstein.

And so it is from the anarchists and bolsheviki of Russia that this movement has originated, culminating in an organized threat at Seattle, Wash., to tie up the war industries of the United States on the 1st day of May, 1918. And so it is from Petrograd, with its profound knowledge of the principles of American justice and of Anglo-Saxon law and liberty, and with its intimate familiarity with the proof and the proceedings in the trial of Thomas Mooney at San Francisco, that has originated the demand, accompanied by a threat, that the decrees of the courts of the sovereign State of California must be unconditionally set aside under the pains and penalty of bolsheviki terrorism.

It is well to note, Mr. President, that this labor commission, reporting officially upon the Mooney case, officially state that it did not undertake to pass upon the guilt or innocence of this man. In the eighth paragraph they use this language in addressing the President [quoting]:

But it was not deemed the province of your commission to establish the guilt or innocence of Mooney and his associates. We conceived it to be our duty merely to determine whether a solid basis exists for a feeling that an injustice has been done.

Mr. President, of course the most important question involved in this whole matter is the security of the judgments of the law and the authority of the courts.

Everyone who is familiar with criminal proceedings in American courts knows the difficulties under which the State labors in enforcing justice against a criminal defendant. The cooperation of everyone of a host of officials is essential to the success of the prosecution, however guilty the defendant may be. Weakness or corruption on the part of a grand juror, a prosecuting attorney, the judge, any one of the trial jury, or even on the part of a clerk or a bailiff of the court may, and in some cases inevitably will, result in the acquittal of a guilty person; whereas, on the other hand, the defendant is surrounded by an almost fantastic series of defenses developed through the extreme jealousy of the Anglo-Saxon people for the rights and liberty of the individual. It is necessary for the State to secure the interest and efficient cooperation of every one of a host of officials, while the complicity or corruption of any one of them will result in the freeing of the defendant. That Mooney had the benefit of all of this is recognized by the official commission referred to in the following statement in the eighth paragraph of their report:

The convictions—

Quoting from the report—

of Billings and Mooney followed trials in accordance with the established course of American procedure. It is familiar to students of jurisprudence that no system of criminal administration in the world hedges such safeguards around a case as does an American trial. The conviction, in other words, was based on evidence narrowly confined to the specific issues. Furthermore, proof of guilt had to be established beyond a reasonable doubt and established to the unanimous satisfaction of a jury of 12 persons selected from among the people. Conviction by an American jury is guilt determined by a very democratic institution. There is no question but that the jury acted in good faith upon the evidence as it was submitted.

That is the end of the quotation from the official report.

Nevertheless the commission proceeds to say that on account of subsequent developments, and notwithstanding the fact that it has not undertaken to investigate the question of whether or not Mooney was actually guilty, the President of the United States should step outside of the functions of his Federal office and use the enormous power and influence of his position to interfere with the judicial decrees of the State of California.

It is well to bear in mind the character of this defendant, as officially reported by this labor commission. To say the least, the membership of this commission, in view of their report and their association with labor organizations, could not have been charged with a hostile bias against Mooney. This is what they say of him in paragraph 4 of their report:

Mooney at the time of his arrest was a well-known labor radical on the Pacific coast. He associated with anarchists. He was a believer in "direct action" in labor controversies. He had once been indicted for attempted dynamiting of property of a San Francisco utility, but after three trials was acquitted.

As to Billings, an accomplice of Mooney, who was convicted and sentenced to life imprisonment, this same report states as follows:

Billings, a youth touched by radical propaganda, was one of Mooney's friends. He, too, was a believer in "direct action." He had been previously convicted of carrying explosives on a passenger car.

What is the meaning of these statements? It is simply that these men were propagandists of murder and destruction of property by dynamite; that they taught and believed in as a principle of their lives just such murders as that with which they were charged and of which the jury convicted them. It seems that these men were a part of that organized army typified by the bolsheviki, the anarchists, the Industrial Workers of the World, and direct-action socialists, who at this moment are attacking by every means at their command the very foundations of the American Republic. And it is in the face of this menace which is stalking through the land and in behalf of self-confessed advocates of murder and rapine that this movement, originating with the anarchists of Petrograd and taken up in Seattle by the authors of the letter and the resolutions which have been read, is seeking, by the threat of curting off supplies from our soldiers engaged in a desperate battle for the liberties of mankind, to coerce the Government of the United

States to invade the sovereign rights of the State of California and set these convicted murderers "unconditionally free."

This insolent threat to tie up the war industries of the United States is an outgrowth of a conspiracy which has its agents in every country and whose object is the terrorism of the world. It is time for the people of the United States to be advised. Liberty and civilization are at stake. While this propaganda is in partnership with the Prussian military autocracy, it goes further and is more deep-rooted even than that. It is a peculiar circumstance that a certain type of pacifists, who claim they are opposed to all war and for peace at any price, preach the doctrine and practice of the dynamiting of innocent people as a protest against preparedness of the United States to protect itself against foreign aggression. Others of the same type sell themselves for money to the most ruthless military tyrants and slave drivers in history, to preach peace at any price to the peasants of Russia. So works the devil in Petrograd and in San Francisco. In one form or another the same partnership between the war party of Berlin and the peace party of Lenine is at work to-day in every country in the world. Ruthless military power for Germany and helpless disarmament, anarchy, and disorder for the rest of the world is their plan.

The German militarists hired the syndicalists and bolsheviki of the United States, just as they did those of Russia. In the Literary Digest of April 20, 1918, on page 23, will be found the details of the intimate partnership and employment of the anarchists and bolsheviki of Spain by the German Embassy to carry on a secret war against the Government of that friendly neutral country whose hospitality and protection the embassy was at that time enjoying. Such is the false and traitorous heart of these people.

As showing the partnership existing between the Prussian advocates of lawless force and the dynamiters of the Mooney and the Industrial Workers of the World type, notice the detailed account of their joint labors in Russia and Spain, and bear in mind that a large part of the bolsheviki and Maximalist agitators and criminals that delivered Russia, bound in slave chains to Germany, and who are now working for Germany and putting into effect in that country their syndicalist doctrines, went there from the United States, and many of them from San Francisco—and I will produce evidence to that effect whenever it is called for—and that a part of their equipment consisted of a large quantity of copies of a pacifist speech delivered in the United States Senate. Through these anarchists, syndicalists, pacifists, dynamiters, and murderers the German Embassy in Spain, wearing the mask of friendship, made secret war on the country to which it had been accredited. Von Bernstorff carried on the same Machiavellian tactics here, flourished under our protection, and stabbed us in the back. He hired men to commit arson—and there has been a great deal of proof of that published in the last day or two, in addition to what was already well known—murder, and rapine, and sardonically laughed at our innocent and rather stupid toleration. I have that from personal associates of his.

Men of the Mooney type were his tools and agents. Von Bernstorff should have been arrested here and put on trial for his crimes as any common criminal or enemy spy. When he openly advertised in advance that the *Lusitania* would be sunk without notice or opportunity for its passengers to escape he should have been held responsible as an accomplice in the murder of the women and children on board. Von Bernstorff has gone, let us hope, never to return, but his fellow spies are still plotting murder and sabotage in the United States. Every center of pacificism and bolshevikism is fertile soil for their propaganda. The draft riots in Quebec were the result of their work and that of their Industrial Workers of the World and other dupes taking advantage of a situation preexisting.

If the author of this threat of a blackmail strike on May 1 and those like him are not satisfied with the principles of American justice, with the high wages that any man who works can receive in America, with the security which this country gives him in his freedom of lawful action, and in the possession of the wages of his labor, then they should look around the world and find a better place to live in. One of the blessings of American institutions is that these men are free to leave the United States if they do not like it. If they are so enamored of German autocracy as to work in its interest, they perhaps could find happiness by taking up their abode in that country, or possibly they would find more enjoyment in life in Turkey, or in Austria, or in Armenia—by contrast with the hardships which they have to endure in the United States. Especially in Russia it would seem that they could find happiness, as those who are in control advocate the same principles as theirs—of a government composed exclusively of "working men" and an army composed entirely of private soldiers.

In opening the argument for the defense in the trial in San Francisco on Friday last of Hindus and Germans charged with a conspiracy to overthrow British rule in India, Theodore J. Roche said to the jury that Capt. Fritz von Papen, military attaché of the German embassy in Washington, was the conceiving mind of this conspiracy, which, he stated, was world wide and world important. Quite a significant statement, coming from the attorney for the defense!

The attempted revolution and massacre in India; the riots and mob killings in Quebec; the tie-up of copper production in Butte; the sabotage in the wheat fields of Dakota and Washington—and I will pause at this point to say that after going to the labor and the expense of cultivating the ground and seeding the wheat, the farmers of eastern Washington last year had to organize themselves, to employ secret agents, and establish a system of rapid communication in order to protect the fruits of their labor from being burned up by Industrial Workers of the World; the "mysterious influence" which has blighted our aeroplane production; the anarchist attack upon Prime Minister Count Romanones in Spain; the colossal treason of Russia, in which—and this is one of the most remarkable things in history—a German agent, a spy, became prime minister of the country, disbanded the army, and surrendered a hundred million souls to a foreign tyrant; the burning and blowing up of factories in New Jersey and Pennsylvania; the anticonscription insurrection in Oklahoma; the murder in San Francisco of marchers in the preparedness parade; the propaganda of American bolsheviki in Petrograd to defy the judgment of the court by which the perpetrators of that crime were convicted; and the threat from Seattle to call a general strike on May 1 unless these convicts were "unconditionally freed," are all a part of one connected movement to overturn the foundations of society and set up a hobo government in its place. First, destruction; then loot and rapine; then military autocracy are the incentives and the objects of this insane program.

The intellectual vagaries of benign but irrational visionaries, the abysmal ignorance of masses of its innocent human tools, and the murderous instincts of the avowed criminal enemies of social order are the material with which it works. Many of its parts are not conscious of their connection with each other, but it all moves as a cohesive and coordinate whole from a lever which is worked by the master criminals of mankind. Their proposed prey is the human and material accumulated wealth of the world. It is an astounding occurrence, and to us, awakened from our long dream of peace, seems difficult of conception. These conspirators against the peace and happiness of mankind have taken the gifts of God—the intelligence that has come with civilization, the inventions of science, the products of modern art—and, turning them into instruments of destruction, have made war on their own Creator. Those good gifts, which were put into the hands of these men for good, have been perverted to evil purposes. It is as though they had eaten of the forbidden fruit of the tree of knowledge of good and evil, and that they will hear "the voice of God walking in the garden in the cool of the day" and saying unto this Adam, "Cursed is the ground for thy sake; in toil shalt thou eat of it all the days of thy life." It is as though again the man be "driven out" and again be "placed at the east of the Garden of Eden cherubim, and the flame of a sword" which shall turn "every way to keep the way of the tree of life."

But strange as it may seem to us that such a madness should seize the world, it is not new. Many times before have tyrants and criminals conspired to subject the world to their lust. And many times have they succeeded. Civilization as we know it is but a recent acquirement and rests upon no immovable foundations. After all, its roots go no deeper than human nature itself. And it is with the foibles and follies, the mutations and vices, of men's characters that this war for its preservation must be waged. H. Rider Haggard says that an ancient civilization once flourished in the heart of Africa and left vast monuments as proof of its power and science, but that it has disappeared so completely that no man knows whence it came or whither it went; and he remarks that our civilization, so far from being permanent, hangs upon such delicate balances that their dislocation might easily destroy it and utterly blot it from the face of the earth.

I will not tax the patience of the Senate to pursue that thought, but influences that are at work to-day easily demonstrate its truth. Careful and responsible statesmen have recently pointed out that a world famine is by no means a remote possibility. Some of the fairest regions which in 1914 smiled in the comfort and beauty of art and plenty are to-day but the abode of desolation. The most beautiful monuments of religion and art are but crumbling ruins. The fields are but barren craters of chalk and clay, and their forests but shattered stumps,

their people gone, victims of starvation, lust, mutilation, and slaughter. Whole races of men—as in Armenia, Poland, Serbia—have been literally wiped from the face of the earth.

Machinery, scientific instruments, libraries, architectural examples, every appliance and muniment of learning have been consumed in the tempest of hate. Already in large areas has supervened that aftermath of regular and organized warfare—an unorganized and ruthless anarchy, as in Russia, where roving bands of human brutes are exhausting themselves in the destruction of everything that stands for modern civilization and enlightenment. Means of transportation have been paralyzed, the material with which it can be replaced has disappeared, and the inevitable result of general hunger and poverty, of the removal of all security of property and life, is a quick relapse into a primitive mode of life.

The light of the world is not a continuous or permanent one. It has gained brilliancy at various times and places, as in ancient Egypt or Assyria, and then gone out as completely as though it had never been. These same Vandals who are attempting once again to destroy the world ravaged Gaul and pillaged Rome. They extinguished a more brilliant intellectual civilization than our own, and plunged the world into utter darkness, from whose Dark Ages the light of the Renaissance did not emerge for 1,000 years.

They extinguished the light of the world, and their very name became a byword for ruthless and senseless destruction even unto this day. Their present Emperor, speaking to his troops at Aix-la-Chapelle in 1896, adjured his soldiers to imitate the example of Attila and his Huns, and if his brutal hand is not stayed by the allied forces, if the devastation he has wrought should be continued, if his partnership with the dark forces of treason, anarchy, dynamite, and revolution should prevail it may well be that the light of the world, the light of liberty and of learning, will be again extinguished, and our race be even now in the penumbra of another approaching darker age of misery and ignorance. There is only one thing with which this threat can be averted and that is force. Some have believed that the armed forces of evil could be met and combated by an appeal to their better natures. They have no better natures. Some pacifists have deceived themselves into believing that by disarming and arguing with the enemy for peace we could better preserve our ideals. It would be just as effective to repeat the Beatitudes to a Bengal tiger crouched to spring—better, in fact, because a Bengal tiger might be so surprised at such a proceeding as to be frightened away. I heard a great orator among our pacifists, in arguing against preparedness, say that "we should take the money which war costs and build macadam roads, and that if the Kaiser made war on us we should say to him we had no time for war, that we had priceless ideals to preserve for the benefit of mankind." As a matter of fact, that is what France, England, and America, in substance, did say to him, with the consequences that we have seen.

Such is the issue of mankind to-day, and such are the stakes. There is a homely old saying of "fighting the devil with fire." If Mooney advocates force, give him force. If the writer of this letter, threatening a blackmail strike against our soldiers, wants coercion, give him coercion. Only let it be lawful force administered by established authority. They and all their kind from the Kaiser down understand and respect that argument. They neither understand nor respect any other.

Liberty is at stake, and the capacity of a free Republic to save itself from being destroyed by its own freedom is on trial. More than that is at stake, and more than that is on trial. It is whether this people, the coheirs of civilization, which we have received in common with our British, French, Italian, and Japanese brethren as a priceless heritage from all the mighty labors of those who have gone before—when it is attacked from within and from without by the mightiest forces of evil ever gathered together for the destruction of mankind—will bear our share of the burden of its defense.

The time has come for our people after a long era of ease and peace in the enjoyment of the blessings of liberty and the rich fruits of a great new land to realize the vision which Milton had of them: "Methinks I see a mighty and a puissant people rousing itself as a strong man after sleep, as a young eagle mewing his immortal wing and lighting his undazzled eye in the full midday sun."

Those who have seen the glory in the faces of our young men leaving for the front, and know the love in the hearts of our women working for them at home, know that our race has not deteriorated, as some have said, and that in spite of the treason and anarchy of a few—barring some fatal blunder or weakness of our leaders in dealing with the national assassins in our midst or in marshaling our resources—these soldiers, with their heroic comrades of other lands, will return, carrying in safety, in triumph, and in honor the ark of the covenant of liberty and civilization.

There can be no holier obligation than that which this Government owes to these men who are giving their lives to this cause, to put down at once with an iron hand this propaganda of revolution at home and to strike dead as though with the thunderbolts of Jove every traitor who seeks to cut off supplies from our armies in the field.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I move that the Senate proceed to the consideration of the housing bill, H. R. 10265.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	New	Smith, Ariz.
Bankhead	Harding	Norris	Smith, Ga.
Beckham	Hollis	Nugent	Smith, Md.
Brandegee	Johnson, Cal.	Overman	Smoot
Calder	Jones, N. Mex.	Page	Sterling
Chamberlain	Jones, Wash.	Phelan	Swanson
Colt	Kellogg	Pittman	Thomas
Culberson	King	Poindexter	Tillman
Cummins	Lenroot	Pomerene	Trammell
Curtis	McCumber	Ransdell	Underwood
Fall	McKellar	Saulsbury	Watson
Fletcher	McLean	Shafroth	Williams
France	McNary	Sheppard	Wolcott
Frelinghuysen	Martin	Sherman	
Gallinger	Nelson	Shields	

Mr. PITTMAN. I desire to announce that my colleague [Mr. HENDERSON] is necessarily detained on official business.

Mr. GERRY. I wish to announce that the Senator from Missouri [Mr. REED] and the Senator from Kansas [Mr. THOMPSON] are detained on official business of the Senate.

Mr. BECKHAM. I wish to announce for the day that my colleague [Mr. JAMES] is absent on account of sickness.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum of the Senate is present.

TRIAL BY COURT-MARTIAL.

Mr. BRANDEGEE. Mr. President, I have been off the floor for a few minutes. The morning business has been closed?

The PRESIDING OFFICER. Yes; it has been declared closed. The Senator is recognized, however.

Mr. BRANDEGEE. I wish the Senate would allow me, then, by unanimous consent, to offer a resolution about which I spoke to the Chair before I left the floor.

The PRESIDING OFFICER. Is there any objection to the offering of the resolution at this time? There being none, the same will be offered.

Mr. BRANDEGEE. I send the resolution to the desk and ask that the Secretary read it.

The resolution (S. Res. 228) was read, as follows:

Whereas there is pending before the Senate Committee on Military Affairs a bill (S. 4364) to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes: Now, therefore, be it

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to report to the Senate whether or not in its opinion any of the provisions of said bill are in violation of any provision of the Constitution of the United States.

Mr. SWANSON. What is the request?

Mr. BRANDEGEE. The resolution is a resolution instructing the Judiciary Committee of the Senate to report to the Senate whether any of the provisions of Senate bill 4364, providing for the trial of people accused of the violation of the espionage act and some other acts Congress has passed, by court-martial instead of in the civil courts, are violative of the Constitution of the United States.

Mr. SWANSON. I have no objection to the consideration of the resolution if it does not interfere with the few minutes I have for the consideration of the housing bill.

Mr. BRANDEGEE. If there is any objection, I will let it go over until to-morrow.

Mr. NELSON. I would suggest to the Senator from Connecticut that a far better way would be to have the bill referred to the Judiciary Committee. It is in charge of the Committee on Military Affairs, and to have that committee discharged from the consideration of it and have it referred to the Judiciary Committee, I think, would be more appropriate.

Mr. BRANDEGEE. I agree entirely with the Senator that the bill ought to have gone to the Judiciary Committee origi-

nally. It simply bristles with constitutional questions and in my opinion is absolutely violative of every guaranty contained in the Constitution as to trial by jury and individual liberty.

The PRESIDING OFFICER. Will the Senator from Connecticut permit an interruption by the Chair?

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SWANSON. Permit me to make an inquiry of the Senator from North Carolina

Mr. BRANDEGEE. If the Senator will allow me to finish a sentence in response to the Senator from Minnesota [Mr. NELSON], then I will yield to the Senator. The only reason why I took this method was because the bill was introduced by the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs. It is his own bill and was referred to his own committee and I felt that it might be a little disrespectful to him to ask that it be taken away from his committee and sent to the Judiciary Committee. I am perfectly willing that that should be done, but the Senator from Oregon is not on the floor.

Mr. THOMAS and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. I have requested a page to find the chairman of the Committee on Military Affairs and I think he will be here very soon.

Mr. McKELLAR. Will the Senator yield to me?

Mr. BRANDEGEE. Certainly.

Mr. McKELLAR. In view of the absence of the chairman of the Military Affairs Committee, will the Senator permit the resolution to go over until to-morrow at any rate, so that he can be here?

Mr. BRANDEGEE. I think he is in his committee room. I saw him a few minutes ago.

Mr. McKELLAR. I have been trying to find him and could not.

Mr. BRANDEGEE. I think he will be here before I complete my remarks. If not, I will be glad to comply with the request of the Senator from Tennessee.

The Senate Committee on Military Affairs has already had hearings on this bill to some extent. I went there by invitation of one of the members of the committee on Saturday afternoon hoping to hear some of the testimony which was being given in favor of the bill, but there were no witnesses there. There was an informal discussion among members of the committee, and I was permitted to remain. There seemed to be some members of the committee who were earnestly in favor of the bill. It seemed to me that if we got the judgment of the Judiciary Committee as to its constitutionality and the Senate Committee on Military Affairs would defer action upon it until after the opinion of the Judiciary Committee could be had, the same result would be accomplished; but I am perfectly willing that any Senator should substitute another motion for this resolution or make an amendment to it, if he wants to do so.

Mr. McKELLAR. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. McKELLAR. I suppose the Senator knows from having heard some remarks I made in committee on this very subject that I am inclined to agree with him. I do not think the bill will have to be referred to any other committee to ascertain whether it is constitutional or not. It seems to me it is perfectly patent and plain that it is unconstitutional. However, it seems to me under the wording of the bill it was entirely proper that the bill should have been sent to the Military Affairs Committee, and I would prefer not to have its jurisdiction ousted until the chairman is here, at any rate. I hope the Senator will let the resolution go over.

Mr. BRANDEGEE. Of course, the reference was proper enough in a certain way; it has to do with military affairs, because it provides for the trial of civilians by courts-martial, a thing that has never been tolerated in a civilized community that I am aware of. With the country calm and the courts wide open and no invasion and not the foot of an enemy on the continent of America anywhere, to ignore the courts and pass a bill which will allow a file of soldiers to march into your library where you are reading in the evening and drag you out to a military camp and stand you up against a stone wall and shoot you or hang you because you may have said something disrespectful of the administration or the form of government is a proposition so heinous and abhorrent to any Anglo-Saxon at least that I could not entertain it for a minute.

Mr. CHAMBERLAIN entered the Chamber.

Mr. BRANDEGEE. I see the Senator from Oregon is now here. I am offering a resolution to ask the opinion of the Judiciary Committee as to the constitutionality of the so-called Chamberlain bill. If the Senator has any objection to it, of course I will let it go over.

Mr. CHAMBERLAIN. Mr. President, the bill that the resolution refers to has already been submitted to the Military Affairs Committee, and I do not see why the legal aspect of it should now be referred to some other committee. Without questioning the ability of any member of the Judiciary Committee, we have some very distinguished lawyers on the Military Affairs Committee. We have the benefit of the advice, if we want it, of the Attorney General of the United States, as well as the benefit of any opinion that we might want to call upon the Judge Advocate General for.

I think it would be rather a poor compliment to the Military Affairs Committee to have some other committee pass upon the constitutionality of an act that it has under consideration. I assume that the Military Affairs Committee would not knowingly report a bill that it thought was unconstitutional after hearings had upon it any more than the Judiciary Committee would report out such a bill, and I assume that in the discharge of its duty it would satisfy itself about that before it made any report at all.

I think, Mr. President, I shall have to object to the resolution.

Mr. BRANDEGEE. I am surprised, very much surprised, that the Senator would object to obtaining the opinion of the Judiciary Committee, which contains 18 of the lawyers of the Senate, upon a bill which proposes to revise the system of jurisprudence in this country, which changes the whole court system of the country. But if the Senator objects, of course, I can not control that, and the resolution will have to go over until the following day. I give notice that I shall call it up to-morrow morning and ask the Senate to act upon it.

The PRESIDING OFFICER. The resolution will go over.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator from North Carolina [Mr. OVERMAN], who has charge of the pending unfinished business, if he will give way to take up what is commonly known as the housing bill?

Mr. OVERMAN. I would be glad to oblige the Senator, but I made a promise that if the Senate would give unanimous consent to limit debate on and after Wednesday I would keep the unfinished business before the Senate, and I feel compelled to keep that promise.

Mr. SWANSON. I should like to give notice that as soon as the regular morning business is concluded to-morrow I shall move to proceed with the further consideration of the housing measure.

Mr. BRANDEGEE. I yielded to the Senator from Virginia——

Mr. OVERMAN. Will the Senator from Connecticut allow me?

Mr. BRANDEGEE. Certainly.

Mr. OVERMAN. I merely wish to say, in view of what the Senator from Virginia [Mr. SWANSON] said, that I shall insist on taking a recess in lieu of an adjournment to-day. I made the motion for an adjournment on Friday so that the Senator from Virginia could bring up his bill in the morning hour to-day, but, of course, the morning hour was taken up with speeches.

Mr. SWANSON. The Senator will move an adjournment this afternoon?

Mr. OVERMAN. No; I could not do that.

Mr. SWANSON. Does the agreement require the Senate to take a recess?

Mr. OVERMAN. I did agree that if the Senate would give the unanimous consent I requested, I would keep the bill constantly before the Senate.

Mr. SWANSON. I can not consent that the bill I have in charge shall have no chance of passing at an early day. I consider it to be one of the most important measures demanding action. It will increase the production of munitions by 25 to 50 per cent, and prevent delay in the whole business of fulfilling contracts for munitions of all kinds. Do I understand that until the Overman bill is disposed of it is to be kept constantly before the Senate?

Mr. OVERMAN. Unless there is some objection, I shall have to do it. If there is any objection——

Mr. SWANSON. I shall object, and there will have to be a quorum to vote on the question if the Senator insists upon a recess rather than an adjournment.

Mr. OVERMAN. The Senator has that right.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. BRANDEGEE] has the floor.

WAR AGAINST BULGARIA AND TURKEY.

Mr. BRANDEGEE. Before we become further involved in a dispute between the two bills, I ask the consent of the Senate to offer a resolution, which I ask the Secretary to read. I will let it go over until to-morrow morning, when I give notice that I shall call it up.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 229), as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BRANDEGEE. I will let the resolution go over until to-morrow morning.

The PRESIDING OFFICER. The resolution will go over under the rule, without prejudice, until to-morrow.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the act (S. 383) to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes.

HOUSE BILL REFERRED.

H. R. 10854. An act making appropriations for the naval service for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

REPORT OF ALASKAN ENGINEERING COMMISSION.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the report of the Alaskan Engineering Commission for the year ended December 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *April 22, 1918.*

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SHIELDS. Mr. President, the present Congress has made a record in the multiplicity, variety, and importance of legislation enacted never before accomplished in threefold the same time. The work it has done has not been equaled by any preceding Congress and will not be surpassed by any future Congress in volume and importance. The laws imposing taxes and providing for revenue and the appropriations for the current expenses of the Government, civil and military, not only exceed those heretofore imposed and made by the United States but those of any nation in the world within the same limited time. The laws for raising, equipping, and arming an army and providing a navy, for constructing a large merchant marine and fleets of airplanes are without a parallel in military affairs. In addition to these, many important bills concerning and affecting the personal conduct and property rights of the 110,000,000 of American citizens and of vital importance to good government in peace and war and necessary for the perpetuity and maintenance of our free institutions and the independence of our country, have been carefully considered and placed upon the statute books. The splendid manner in which the President and executive departments have met the responsibilities imposed by this legislation and discharged the numerous, varied, and important duties required of them can not be too highly commended.

Mr. President, when we consider the magnitude of the work of transforming a great Nation, engaged in agricultural, manufacturing, commercial, and other industrial pursuits, developing the great natural resources of their country, fostering education, advancing civilization, the cause of humanity, religious and political liberty, with their hearts filled with the love of their fellow men and the fear of God, from the paths of profound peace to a state of war, full of personal and financial sacrifice, and impending loss of the health, limbs, and lives of hundreds of thousands, and even more, of their best and noblest young men, we wonder how it has been within the power of men to accomplish it within so short a time and with the marvelous efficiency it has been done.

History will record this wonderful achievement as the greatest and most important ever accomplished by any nation so thoroughly and successfully within the compass of a year.

I will not go into the details of this stupendous work of the President and Congress, for the facts are known to all well-informed Americans.

Mr. President, while this great transformation of our country from peace to war has been in the main successful, there have been some serious mistakes and delays and some want of efficient management that have unhappily occurred in the preparation of our country for national defense and carrying on the war against Germany, and extraordinary legislation is required to meet the situation.

The Committee on Military Affairs of the Senate, after examining many civil and military officers and advising with a number of distinguished citizens, members of the advisory board of the Council of National Defense, framed and reported to the Senate a bill commonly known as the war-cabinet bill, which they believed would prevent the delays and the inefficiencies found to exist and afford relief from those conditions.

The bill under consideration, commonly known as the Overman bill, as I understand the Senator from North Carolina [Mr. OVERMAN], in charge of it, to state, was prepared under the direction of the President and introduced by that Senator for the same purpose.

The war-cabinet bill has been recommitted, and the other is now before the Senate for final action.

These bills propose extraordinary legislation demanded by extraordinary and crucial conditions confronting the country. They seek to accomplish the same ends, differing chiefly in the repository of the powers to be conferred for those purposes.

It will be somewhat tedious to the Senate, but I believe the importance of this legislation will justify a brief analysis of these bills and a comparison of their respective provisions.

I will first call attention to the provisions of these bills separately and discuss some general objections that have been made to their constitutionality and the policy and necessity for such legislation.

THE WAR-CABINET BILL.

Mr. President, I think that the provisions of the war-cabinet bill violate the fundamental law by encroaching upon the constitutional powers of the President as Commander in Chief of the Army and Navy.

I will read so much of the bill as bears upon the questions I will discuss:

Be it enacted, etc., That there is hereby created a war cabinet, to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred upon him by the Constitution and the laws of the United States, as are hereinafter mentioned and described.

SEC. 2. That said war cabinet shall have jurisdiction and authority as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

(b) To supervise, coordinate, direct, and control the functions and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from and utilize the services of any or all executive departments and executives, officers, and agents of the United States and of the several States and Territories, and of the District of Columbia, or helpful in the proper performance of the duties of said war cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such departments, bureau, official, or agency of the Government, and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure; and said war cabinet shall, upon completion of its membership, immediately organize and thereupon and thereafter proceed to an expeditious disposition of all matters coming before it.

The first section provides for the creation of a war cabinet, through which "the President may exercise such of the powers conferred on him by the Constitution and laws of the United States, as are mentioned and described in the bill."

The word "may," as the context and subsequent provisions of the bill clearly show, is used in the sense of "shall," and the powers of the President referred to are those conferred upon him by the Constitution in general as Chief Executive and specifically as Commander in Chief of the Army and Navy.

The second section provides that the war cabinet shall have jurisdiction and authority to consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the war, and to direct and procure the execution of the same; and to supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary and advisable so to do for the effectual conduct and vigorous prosecution of the war.

The powers here conferred are absolute, without reference to the views or will of the President, and would entirely supersede him in the conduct of the war.

The war cabinet could take absolute charge of the conduct and prosecution of the war. The President would not have the authority to initiate or formulate any plans or policies for its prosecution. His power as Commander in Chief would be destroyed. He would be subject to the orders of the war cabinet.

The Constitution declares that "all legislative powers herein granted shall be vested in a Congress of the United States"; that "all executive powers shall be vested in the President"; and that "judicial powers of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish," and it is familiar law that these three departments are separate, coordinate, and independent and their respective powers can not be exercised or limited by the others.

The Constitution does not define legislative, executive, and judicial powers, and they must be determined by their inherent nature and the principles of our institutions. Certain powers are also specifically mentioned and conferred upon each of the departments, although they would have them under the general terms used, thus emphasizing the intention of the framers of the Constitution that the particular department should have those powers.

Among these specific powers expressly conferred is that contained in Article II, providing that the "President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States."

It will not be out of place to read in this connection from a commentator whose opinions on American constitutional law are accepted as authority by all branches of our Government.

In Black's Constitutional Law (sec. 69) it is said:

> In time of peace the President has two sets of duties to discharge with reference to the Army and Navy. First, he is the Commander in Chief, and as such must exercise supreme and unhindered control. Secondly, he "shall take care that the laws be faithfully executed," and in pursuance of this duty he must give due effect to the acts of Congress which concern the Military and Naval Establishments. Congress has power to raise and support armies, to provide and maintain the Navy, and to make rules for the government and regulations of the land and naval forces. Under these grants of authority it may clearly regulate the enlistment of soldiers and sailors, prescribe the number, rank, and pay of officers, provide for and regulate arms, ships, forts, arsenals, the organization of the land and naval forces, courts-martial, military offenses, and their punishment, and the like. And all these laws and regulations the President is to carry into effect not in his character as Commander in Chief but as a part of his general executive duty, and with as great or as little choice of means and methods as Congress may see fit to confide in him. But, again, in virtue of his rank, as head of the force, he has certain powers and duties with which Congress can not interfere. For instance, he may regulate the movements of the armies and the stationing of them at various posts. So also he may direct the movements of the vessels of the Navy, sending them wherever, in his judgment, it is expedient. Neither here nor in a state of war is there any necessary conflict. The President has no power to declare war. That belongs exclusively to Congress. But when war has been declared, or when it is recognized as actually existing, then his functions as Commander in Chief become of the highest importance, and his operation in that character are entirely beyond the control of the Legislature. It is true that Congress must still "raise and support" the Army and provide and maintain a Navy, and it is true that the power of furnishing or withholding the necessary means and supplies may give it an indirect influence on the conduct of the war. But the supreme command belongs to the President alone. In theory he plans all campaigns, establishes all blockades and sieges, directs all marches, fights all battles.

Mr. McKELLAR. Will my colleague yield to me for a moment?

Mr. SHIELDS. Certainly.

Mr. McKELLAR. I want to ask my colleague whether he considers that the powers granted to the President under this bill are powers that pertain to him in his executive capacity or powers that pertain to him in his capacity as Commander in Chief of the Army and Navy?

Mr. SHIELDS. I understand the powers proposed to be confided to the President under the Overman bill are chiefly executive powers and not those which he has as Commander in Chief of the Army and Navy. What I am now especially discussing are the provisions of the war-cabinet bill, which cover the authority of the President as Chief Executive and as Commander in Chief of the Army and Navy.

The authorities conclusively show that while Congress has the power to declare war, raise and support armies, provide and maintain a navy, and to enact laws for the organization and discipline of these forces and of the militia, the power to command, control, and direct them is executive and is by the Constitution specifically vested in the President as Commander in Chief, and, further, that this power is plenary, absolute, and supreme, and can not be taken from him and conferred upon others or in any way limited or controlled.

It has been said that the provisions of the first section, that the President "may" exercise such of the powers conferred upon him by the Constitution and the laws of the United States, through the war cabinet, applies to all subsequent sections of the bill, and therefore the war cabinet acts merely as his agent, and he is not limited or superseded in the exercise of his constitutional powers.

I do not think this construction can be sustained, because subsections (a) and (b) expressly confer upon the war cabinet the authority to initiate as well as to supervise, direct, control, and execute all plans and policies for the vigorous prosecution of the war.

The word "may," as here used, must be construed to mean "shall," because the clear intent of the language of the bill is that the war cabinet created shall exercise the functions and activities therein outlined. The President is left no discretion concerning the conduct of the war or the instrumentalities he shall use or the plans he shall pursue. He must act through the cabinet upon plans and policies initiated and to be executed by it. Clearly this would allow the war cabinet to share with the President the executive powers conferred upon him by the Constitution.

But if the construction placed upon the bill by its authors be conceded to be true, or if amended so as to provide that the President shall exercise all the powers proposed to be conferred upon the war cabinet through that body, the infirmities I have pointed out will not be cured. The powers conferred by the Constitution upon the President as Chief Executive and as Commander in Chief of the Army and Navy are, as I have stated, plenary and absolute, and he can not be limited or restricted in the execution of them; but he has the right to determine the manner and instrumentalities through which he will discharge the duties of his high office.

This is eminently true concerning his powers as Commander in Chief, because the very nature of this office imperatively requires that in the exercise of the powers conferred and the discharge of duties to be performed he shall have unlimited discretion and supreme power. The framers of the Constitution clearly intended to centralize all the power over our armed forces in the Chief Executive by expressly providing that he should be Commander in Chief, thus recognizing the experience of all nations that war can not be conducted without absolute, if not despotic, power being concentrated in one single head.

If Congress had the power to create a war cabinet to initiate and formulate plans and policies for the President and Commander in Chief of the Army and Navy in the discharge of his duties it could do so itself and thus assume all of his functions and powers and exercise absolute control of the Army and Navy and the conduct of the war. There can be no distinction between partial limitations either as to the means and instrumentalities used by the Chief Executive in the discharge of his duties and the absolute control of them.

The absolute power of the President as Commander in Chief is vital to the very existence of the Nation and must not be interfered with in any manner.

But it may be said that the powers proposed to be conferred upon the council or cabinet are not directly over the President, but the heads of the departments and subordinate officers. This position is not tenable. The provisions of section 1 and subsections (a) and (b) of section 2 directly affect the powers of the President and supersede them.

The other sections of the bill do directly authorize the war cabinet to adjust all differences that may arise between the departments, officials, and agencies of the Government and utilize the services of any and all executive departments, executive officers, and agents of the United States and the several States, and to make and issue orders for the control of

all of the departments of the Government, subject only to review by the President. In other words, the President is deprived of the power to control the executive officers and departments and to initiate plans and policies for the prosecution of the war, and can do nothing more than approve or disapprove those formulated by the war cabinet. What sort of a Commander in Chief would he be with such limited powers?

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Tennessee yield to the Senator from Minnesota?

Mr. SHIELDS. I do.

Mr. KELLOGG. I do not suppose the Senator contends that Congress has not power to create Cabinet officials and to define their duties?

Mr. SHIELDS. Certainly not.

Mr. KELLOGG. Then, if this war-cabinet bill should be construed to be simply permissive—in other words, if the word "may" is given its natural meaning—the bill would be constitutional, would it not?

Mr. SHIELDS. That would relieve to some extent the encroachment upon the powers and prerogatives of the President, but not entirely, because there can be no restriction and no limitation and no embarrassment of the absolute powers vested in him.

Mr. KELLOGG. But if the President is left free to exercise his powers as the Executive, and simply to use a war cabinet the same as he uses any other members of the Cabinet, there can not be any doubt about the power of Congress to create such a Cabinet official.

Mr. SHIELDS. Certainly not. That is the question the Senator from Minnesota asked me a few moments ago, and to which I made the same answer; but such are not the provisions of this bill.

Mr. KELLOGG. Very well. The Senator from Tennessee is aware of the rule of construction, that such a construction will be placed upon a law as to make it constitutional if it is possible to so construe the language. If the construction is placed upon this bill simply that it is permissive, so far as the President is concerned, to exercise his powers through this cabinet, then the bill would be constitutional. I say nothing about the wisdom of it, but simply speak of its constitutionality.

Mr. SHIELDS. The Senator is correct in his statement of the rule of construction. The rule announced by him is well established, but still his suggestion does not meet the infirmities of this bill.

Mr. WOLCOTT. Will the Senator from Tennessee yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. SHIELDS. I do.

Mr. WOLCOTT. By the expression "this bill" I take it the Senator from Tennessee does not refer to the so-called Overman bill, but to the war-cabinet bill?

Mr. SHIELDS. I have so expressly stated. I am now discussing the war-cabinet bill.

There can be no doubt but that these sections of the bill also directly affect and limit the powers of the President. The broad language of the provisions conferring powers on the war cabinet cover both civil and military establishments, and include the Secretaries of all the departments, all generals and admirals, and other officers of the Army and Navy. These are all the agents of the President and through whom he must exercise his authority.

As said by Judge Miller in his lectures upon the Constitution:

> The Secretaries of the War Department and the heads of all other departments are the executive managers and agents discharging the function of the executive office under the control and with the consent of the President.

The control of these agents would be the control of the President, for the control of the agent necessarily is the control of the principal.

The President was clearly right in objecting to this bill. While chosen by the people to exercise the powers and perform the duties of the highest office in their gift, and charged with the faithful and efficient execution of them, he would, under its provisions, be unable to do so in this great emergency confronting the country, and would have no part of consequence in conducting the war for national defense. The creation of a commission with such high and sweeping powers would, in effect, abolish the office of Chief Executive and Commander in Chief, change our form of government, and create intolerable conditions.

THE OVERMAN BILL.

Now, let us examine the provisions of the bill under consideration which are intended to concentrate all administrative powers into a single executive head to secure unity of plan and promptness of decision and execution.

Its effective and operative sections are much the same as those of the war cabinet bill, and are as follows:

> That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.
>
> SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof, or any part of it, either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.
>
> SEC. 3. That for the purpose of carrying out the provisions of this act any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

Mr. President, the first question I will consider is whether legislation is necessary to accomplish the purposes of this bill. There are distinguished Senators who think it is not, but, as I understand them, their conclusions are based on widely different views of the source of the power of the President in such matters. There are those who believe that the President has the right to exercise all the powers proposed to be conferred in the bill and much more under what they call "the war power" supposed to be vested in him as Commander in Chief of the Army and Navy; and there are others who, I understand, think he has these powers as the depository of all executive power under article 2 of the Constitution and perhaps some existing statutes.

I can not agree with any of these views, and believe that the purposes and objects for which the bill was introduced can not be effected without its enactment into law.

I can not agree with the distinguished Senators who, in substance, express the opinion that the President, by virtue of his constitutional position as Commander in Chief of the Army and Navy, in time of war is vested with all the powers of government to enable him to successfully prosecute the war. The Senators interpret the provision that "the President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into active service of the United States," to confer these extraordinary and absolute powers. They seem, in reading the clause of the Constitution ordaining that "the President shall be Commander in Chief," to have stopped with these words and not observed that such authority is confined to the Army and Navy and the militia when in Federal service. The President is not made Commander in Chief of any department of the Government.

Mr. President, that President Lincoln exercised powers for which he, as Chief Executive of the Republic or as Commander in Chief of the Army and Navy, had no warrant under the Constitution, as stated during the progress of this debate, in the conduct of the Civil War, does not justify his successors in doing the same thing. President Wilson will follow no such precedent; he will usurp no power. When he finds that he has no authority to do things which conditions and the vigorous prosecution of the war require to be done, he comes to Congress, as in this case, and asks for the authority, and I believe that in every instance it has been granted.

Mr. President, I do not agree with those who are of the opinion that republics are not so constituted that they can successfully make war and certainly that is not the case with our form of government. History, past and current, has proven and is now demonstrating that we can successfully wage war upon a large scale and with efficiency never excelled by any nation in any age. I believe this can be done within constitutional limitations and with due regard to the separation of governmental powers into three distinct and independent departments.

The Constitution was made for peace and war. The Colonies or States had just emerged from eight years of bloody and exhaustive war when it was formulated, and those who gathered together to do this great work were familiar with all the difficulties the Continental Congress and our military commanders had encountered in the conduct of that war and had in mind future wars with which they were threatened, and years of peace which they hoped for, as well as the development of the commerce and great natural resources of this great country. They provided a Government for the contingencies and necessities of peace and war, combining the necessary powers for both conditions in the same instrument. The provisions for government in peace and those for command in war come from the

same high source. They are of equal dignity, of equal authority, and are equally sacred and independent in their respective spheres and jurisdictions and must all be construed together, harmonized, and executed without encroachment on each other.

There is no question in my mind that the President, as Commander in Chief of the Army and Navy, under the Constitution and statutory authority given him by Congress, and that which should and can be given him, will have all the powers necessary to enable him to conduct this great war to a victorious conclusion without the violation of any principle of the Constitution. If he has not now sufficient authority to prosecute the war with that speed and efficiency necessary to victory, Congress has the power to give it to him and should do so ungrudgingly and promptly.

There are other Senators, who, I understand, are of the opinion that the President as the Chief Executive of the Republic and by statute has power to do the things provided in the pending bill, but so far they have not given any definite statement of their views nor pointed out the statutes which they think confer this power.

The President has very large powers over the heads of several executive departments, as the Chief Executive of the Nation, whether in war or in peace, and they and their subordinates where not otherwise provided by law are subject to his direction and control.

But the executive heads of departments have other powers than those which they obtain as the representatives and agents of the Chief Executive. Congress has, from time to time, conferred upon them and, in many instances, their subordinates or chiefs of bureaus powers which the Secretaries must execute independent and free from the control of the President, and which the chiefs of bureaus are bound to perform independent of the will of the head of the department, and are responsible only to the law for their action.

In the case of the United States *v.* Symonds (120 U. S., p. 30, L. Ed., p. 558) it is said:

> The authority of the Secretary to issue orders, regulations, and instructions, with the approval of the President, in reference to matters connected with the Naval Establishment, is subject to the condition, necessarily implied, that they must be consistent with the statutes which have been enacted by Congress in reference to the Navy. He may, with the approval of the President, establish regulations in execution of, or supplementary to, but not in conflict with, the statutes defining his powers or conferring rights upon others. The contrary has never been held by this court.

And in the case of Kendall *v.* The United States (12 Pet., 610), where the direct questions arose in a mandamus proceeding against the Postmaster General to compel him to exercise a power and perform a duty imposed upon him by Congress, it was said:

> The executive power is vested in a President, and as far as his powers are derived from the Constitution he is beyond the reach of any other department, except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not, and certainly can not be, claimed by the President.
>
> There are certain political duties imposed upon many officers in the executive department, the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress can not impose upon any executive officer any duty they may think proper, which is not repugnant to any rights secured and protected by the Constitution; and in such cases the duty and responsibility grow out of and are subject to the control of the law and not to the direction of the President. And this is emphatically the case where the duty enjoined is of a mere ministerial character.

Now, let us briefly examine the statutes creating the several executive departments, their officers, subordinates, and employees and conferring upon them general and special powers and duties, and see how far these departments and their officers are subject to the direction and control of the President and how far they are controlled by statutory law which neither they nor the President can ignore or violate.

The original statute creating the War Department was enacted August 7, 1789. It was provided in that statute:

> The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

Thus absolute power was by the original statute given the President over the Secretary of War and the War Department, but subsequently, by express statutes amending it, much of the power of the Secretary of War has been conferred directly upon him and, in some instances, upon his subordinates, so that in these matters these officers are not subject to the control or direction of the President. One of these was passed in 1814, and is found as section 219 of the Revised Statutes. It reads:

> SEC. 219. The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store rent and storage necessary for the safe-keeping of all military stores and supplies.
>
> SEC. 220. The transportation of troops, munitions of war, equipments, military property, and stores throughout the United States shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.

The statutes creating and fixing the duties of the Secretary of the Navy closely follow the same lines as those creating the War Department. I will not consume time to read them.

The validity of these statutes and their force and effect have come before the courts in a number of cases in mandamus proceedings instituted against the Secretaries or some subordinate to compel them to perform some duty imposed, and the proceedings were sustained over the contention that it was an executive power or function of the President and could not be controlled by the judiciary, because it was a duty fixed by statute which Congress had the power to enact.

It will be found upon examination of the statutes that the heads of all the executive departments have their duties fixed by statute, and in order for the President to control them there must be some legislation of the character proposed by the present bill.

CONSTITUTIONALITY OF THE BILL.

But the able Senator from Iowa [Mr. CUMMINS] says that the blanket power proposed by the bill to authorize the President to coordinate the powers and duties and transfer the functions of officers and agents in the several departments of the Government can not be legally conferred; that it would be a delegation of legislative power to the Executive.

The Senator is a very able lawyer and his opinions are always entitled to the greatest respect and most serious consideration, but I think he has fallen into error upon this question.

I agree with the Senator that the powers of the Federal Government are by the Constitution divided into three great coordinate and independent departments, and that no one of these departments can be given or can exercise those powers solely confided to either of the other departments.

Theoretically, the legislative power is that to make, amend, and repeal; the executive, that to administer and enforce; and the judicial, that to interpret and apply laws.

In the writings of Montesquieu and other political scientists much consulted when the first American constitutions were framed and adopted, it is said, in substance, that the absolute separation of the legislative, executive, and judicial departments are essential to a republican form of government and necessary for the perpetuation and maintenance of the political liberties of the people. But the framers of the Federal Constitution and those of a great majority, if not all, of the States departed from this theoretical division of the powers of government, and in many important matters vested in each of them powers and authority that in strictness would belong exclusively to the others; and in some instances all departments are vested with the same power to be exercised concerning different matters, and this is especially noticeable in the vestiture of political and administrative powers. This is obvious from an examination of those several instruments, and has been frequently referred to in judicial decisions.

There are also powers which partake of the nature of both the legislative and executive, and may be conferred upon and exercised by either of these departments with equal propriety and equal safety to the rights of the people.

Judge Cooley, in his Constitutional Limitations, page 157, says:

> If it is difficult to point out the precise boundary which separates legislative from judicial duties, it is still more difficult to discriminate, in particular cases, between what is properly legislative and what is properly executive duty. The authority that makes the law has large discretion in determining the means through which they shall be executed, and the performance of many duties which they may provide for by the law they may refer either to the chief executive of the State, or, at their option, to any other executive or ministerial officer, or even to a person specially named for the duty. What can be definitely said on this subject is this: That such powers as are specially conferred by the constitution upon the governor, or upon any other specified officer, the legislature can not require or authorize to be performed by any other officer or authority, and from these duties which the constitution requires of him he can not be excused by law. But other powers or duties the executive can not exercise or assume to except by legislative authority, and the power which in its discretion it confers it may also, in its discretion, withhold or confide to other hands.

In Hovey *v.* State (119 Ind., 395, 21 N. E., 21), it is said:

> The boundaries which separate the functions of the different departments are broad, clear, and distinct, as applied to matters affecting property rights or private concern, or the execution or enforcement of existing law; but it is not easy, where the Constitution is silent, to discriminate or formulate definitions as to what constitutes legislative,

executive, and judicial authority when questions of public policy, or which relate to the best means and agencies for accomplishing a governmental end, or of executing the law, are involved.

While the Congress has the sole power to legislate, and can not delegate it, it has other powers in their nature administrative and political which it may confer upon the Executive or the judiciary, or upon commissions or other agencies created by it.

POWERS CONFERRED ARE ADMINISTRATIVE.

The constitutional principle which the Senator from Iowa relies upon does not refer to administrative powers. These may be delegated to whomsoever and in such form as the Congress may deem wise and proper. Whether the power is legislative or administrative depends upon its nature and substance and not upon the manner and form in which it is conferred. The Congress acts in the form of joint and concurrent resolutions and bills, but these are not always legislative acts.

The powers proposed to be conferred upon the Chief Executive by the provisions of the pending bill are not legislative in their character and effect, but clearly administrative. They are very similar to the authority conferred upon the Secretary of Agriculture to make rules and regulations for the government of the forest reserves, which was attacked upon the ground that it was a delegation of the legislative power. The validity of the legislation as an administrative measure was upheld in the case of The United States *v.* Grimald (220 U. S., 563), from which I will read briefly:

Congress was merely conferring administrative functions upon an agent and not delegating to him legislative power. The authority actually given was much less than what has been granted to municipalities by virtue of which they make by-laws, ordinances, and regulations for the government of towns and cities. Such ordinances do not declare general rules with reference to rights of persons and property, nor do they create or regulate obligations and liabilities, nor declare what shall be crimes nor fix penalties therefor.

By whatever name they are called, they refer to matters of local management and local police. They are "not of a legislative character in the highest sense of the term, and as an owner may delegate to his principal agents the right to employ subordinates, giving to them a limited discretion, so it would seem that Congress might rightfully intrust to the local legislature (authorities) the determination of minor matters."

It must be admitted that it is difficult to define the line which separates legislative power to make laws from administrative authority to make regulations. This difficulty has often been recognized, and was referred to by Chief Justice Marshall in Wayman *v.* Southard (10 Wheat., 42; 6 L. Ed., 262), where he was considering the authority of courts to make rules. He there said: "It will not be contended that Congress can delegate to the courts or to any other tribunals powers which are strictly and exclusively legislative. But Congress may certainly delegate to others powers which the legislature may rightfully exercise itself." What were these nonlegislative powers which Congress could exercise but which might also be delegated to others was not determined, for he said: "The line has not been exactly drawn which separates those important subjects, which must be entirely regulated by the legislature itself, from those of less interest, in which a general provision may be made, and power given to those who are to act under such general provisions to fill up the details."

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations—not for the government of their departments but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or penalties fixed by Congress, or measured by the injury done.

The bill does not propose to empower the President to create new functions or do other things than are now provided for by law, but merely to provide agents, agencies, and methods for the performance of functions, the discharge of duties, and the execution of things already authorized and provided for. No rights are created, no liabilities are imposed, and no penalties denounced. Every element of authority proposed to be vested is absolutely administrative and within the power of Congress either to exercise directly or indirectly, through any agent or agency it may select or create.

The powers here proposed to be conferred on the President are not as broad or as important as those conferred upon the Interstate Commerce Commission and upon the Federal Trade Commission, which are a combination of the legislative, judicial, and executive, and materially affect the conduct and the property rights of thousands of people. They are no broader than the powers which were conferred upon the President over the State, War, and Navy Departments when they were first created, for in these departments he was authorized to do the very things proposed in this bill. Indeed, this bill merely restores to the President the power over these departments which was originally conferred upon him when they were first organized.

I will read from the Revised Statutes. Concerning the State Department:

SEC. 202. The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign States or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the department, and he shall conduct the business of the department in such manner as the President shall direct.

Concerning the War Department, it was provided:

SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

And concerning the Navy Department, we find:

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment.

The powers which the bill proposes to confer upon the President are no broader than those given to the Secretaries of State, War, and Navy over their departmental affairs and agencies by the statutes creating these offices in 1789, shortly after the Constitution was ratified by the States. I will read from the Revised Statutes sections Nos. 161 and 166, applicable to all departments:

SEC. 161. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

* * * * * * *

SEC. 166. Each head of a department may from time to time alter the distribution among the various bureaus and offices of his department, of the clerks allowed by law, as he may find it necessary and proper to do.

Again, the authority proposed to be given is more of the nature of the appointive power, which is peculiarly executive, than the legislative power, for the substance and effect of the bill is to authorize the President to appoint agents or agencies already existing, to perform certain functions and duties now provided by law.

The power to transfer functions of one department or bureau to another department or bureau is nothing more than the appointment of the head of the department or chief of the bureau to which the same are transferred to perform those functions.

The Senator from Iowa [Mr. CUMMINS] is clearly mistaken in his conception that this bill delegates legislative powers and for that reason would be violative of the fundamental law. This bill creates no rights, it creates no offenses or penalties, but merely provides for the appointment of officers to discharge certain administrative duties already created and fully defined.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Delaware?

Mr. SHIELDS. I do.

Mr. WOLCOTT. I have listened with great interest to the very able argument that the Senator from Tennessee has just made touching the constitutionality of this bill. Anything that the Senator has to say upon a constitutional question always invites my very studious attention. I should like to ask the Senator if he does not think the constitutionality of this bill rests—I think he perhaps indicated this—more strongly upon the last point he has just made in arguing the question than upon the first; that is to say, it rests more strongly upon the power of the President to appoint to office than upon the power of the President to confer administrative powers in the way of making rules, and so forth? My thought, as I have considered this bill, was about as follows: That when we speak of transferring a function from one officer to another it is tantamount to saying that, conversely, instead of taking the function to the officer the President is directed to take the officer to the function, namely, to appoint the officer to do that particular thing, and under the Constitution, of course, the President may be vested with authority to appoint without the concurrence of the Senate.

Mr. SHIELDS. Mr. President, I think the legislation can be sustained upon either ground—that they are merely administrative powers or that the power is that of appointment.

Mr. President, I have read the war-cabinet bill and the Overman bill, and to some extent compared and explained their provisions. I do not deem it necessary to make any elaborate comparison of the powers proposed to be conferred by these bills, respectively, nor to point out in detail wherein those provided for in the war-cabinet bill exceed in importance, force, and effect those found in the Overman bill, for they are obvious to all Senators. I will direct attention to only some of the points of similarity and difference.

The war-cabinet bill proposes to vest great and extraordinary powers in three distinguished citizens to be appointed by the

President, by and with the advice and consent of the Senate, who are now unknown to anyone and yet to be selected, while the powers proposed to be conferred by the Overman bill are confided to the Chief Executive of the Nation, in peace and in war, charged with the responsibility and duty of the faithful execution of all the laws of the Federal Government, chosen by the expressed will of all the people, the personnel of the present incumbent being well known and trusted by everyone.

The war-cabinet bill authorizes the members of the cabinet to consider, devise, and formulate plans and policies for the conduct and prosecution of the war and procure the execution of the same. No similar provision is found in the Overman bill, because the Constitution vests these powers in the Commander in Chief of the Army and Navy.

The war-cabinet bill empowers the members of the cabinet to supervise, coordinate, direct, and control the functions and agencies of the Government as in their judgment may be necessary or advisable for the conduct of the war, which is practically the same power proposed to be given the President in the Overman bill.

The war-cabinet bill authorizes the members of this council to consider and determine, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between the departments, officials, and agencies of the Government, to utilize the services of executive departments, officers, and agents of the United States, and even of the several States, and to issue orders to any such department, bureau, official, or agency of the Government necessary to enforce their decisions, which is far more comprehensive and drastic than the power given the President in regard to the same things in the Overman bill.

The war-cabinet bill, in section 3, requires the Secretaries of War and of the Navy to assign to duty with the war cabinet such commissioned officers as it may request, and authorizes the war cabinet to also employ all clerical and other employees required for its services—powers not given to the President in the Overman bill.

Mr. President, when the powers conferred in the Overman bill are reduced to the concrete it will be found that the President is merely authorized to coordinate and redistribute the functions and duties of the various executive departments, bureaus, commissions, and other agencies of the Government, and to transfer them and their officers and employees from and to departments, bureaus, commissions, and other agencies of the Government as he may deem best to promote expedition, economy, and efficiency, all of which and more is conferred upon the war cabinet in the bill providing for it.

Mr. President, those Senators who favored the war-cabinet bill, unless they wish to press it further, can not fail to support the Overman bill upon the ground that it confers too much power without being subject to the charge of inconsistency. The Overman bill confers less power and provides for fewer changes in the organization of the executive departments, bureaus, commissions, and other governmental agencies than the war-cabinet bill, and will afford relief from the conditions now existing.

Mr. President, the plan for a division of the control and direction of the conduct of the war as proposed in the war-cabinet bill is also unsound in policy. Combining the authority of a cabinet or commission with the Executive in control of armies divides the responsibilities, produces division of counsel, indecision, and almost invariably disaster. There is not found such a system in any well-organized government of the world, and for us to now change the policy which we have so long pursued would be a dangerous experiment and fraught with most disastrous consequences.

I believe that legislation of the character contained in the bill under consideration is necessary to authorize the President to coordinate and redistribute the functions of the executive department and administrative agents and agencies of the Government, and that it will aid materially in centralizing these powers into a single head, demonstrated by experience in all ages and in all countries to be necessary for the vigorous and successful prosecution of war.

I can do no better than quote from one of the greatest jurists this country has produced upon this subject. In Story on the Constitution, volume 2, section 1491, it is said:

> The command and application of the public force to execute the laws, to maintain peace, and to resist foreign invasion are powers so obviously of an executive nature and require the exercise of qualities so peculiarly adapted to this department that a well-organized government can scarcely exist when they are taken away from it. Of all the cases and concerns of the Government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. Unity of plan, promptitude, activity, and decision are indispensable to success, and these can scarcely exist except when a single magistrate is intrusted exclusively with the power. Even the coupling of the authority of an executive council with him, in the exercise of such powers, enfeebles the system, divides the responsibility, and not infrequently defeats every energetic measure. Timidity, indecision, obstinacy, and pride of opinion must mingle in all such councils and infuse a torpor and sluggishness destructive of all military operations.

CONFIDENCE IN THE PRESIDENT.

Mr. President, there has been much said about the possibility of the abuse of the powers proposed to be conferred upon the President by the Overman bill. Woodrow Wilson needs no defense from Senators in this Chamber, and no eulogy of him or his public record as Chief Executive of the Nation is necessary. The people of the United States expressed their confidence in his integrity and ability when they called him to the greatest executive office not only in their gift but in the world, and, after four years' service, reaffirmed their confidence and approved his administration by reelecting him to a second term. I hardly need recall to Senators that during these four years more constructive legislation was enacted and more reforms successfully inaugurated than in any period of our national existence.

When we were compelled to enter this fearful war we are waging with Germany our people were contented, happy, and prosperous beyond all reasonable expectations. Our farmers and manufacturers were realizing higher prices for their products than before known; our laborers were earning the most remunerative wages of any in the world, and our domestic and foreign commerce had doubled and trebled and was increasing by great leaps and bounds.

President Wilson's administration of the affairs of the country during that period can not be successfully assailed and there are none who deny his patriotism and devotion to the interests of the people. He is recognized as one of the greatest Chief Executives that ever adorned the great office he so ably fills, and by his countrymen and all civilized peoples as one of the ablest statesmen and rulers of the world. If the personality of the present Chief Executive is to be decisive of the wisdom of the proposed legislation, there is no reason why it should not be enacted.

But, Mr. President, we should take a broader view of the question and be governed by a higher principle in determining the wisdom of conferring these great governmental powers and should ask ourselves whether we can trust the integrity, patriotism, and ability of the Chief Executive of the Nation, whoever he may be, for no man knows, in the uncertainty of human events, who may occupy that high office and administer the law. We must trust some one in all relations of life—social, business, political, and official—and there are comparatively few cases where confidence has been misplaced. God so constituted men that when they are called to positions of great power and responsibility they seldom fail to rise to the occasion and exercise those powers honestly and faithfully.

The powers proposed to be here conferred are large and vital to the interest of the public; they must vest somewhere and in some officer. Where, Mr. President, I ask, can they be placed with more confidence and with more safety to the interest of the people than in the hands of the President of the United States? Will we in this great crisis, when the freedom and happiness of our people, the perpetuity of our free institutions, the lives of our soldiers, and civilization itself are at stake and trembling in the balance, dependent upon the uncertain fortunes of war on the battle fields of France, say to the world that we are not willing to trust the integrity and ability of our Chief Executive?

Chief Justice Taney, in the great case of Luther versus Borden, which practically involved the form of government of the State of Rhode Island, concerning the act of Congress empowering the President to call out the militia of the States in cases of insurrection, said:

> "It is said that this power in the President is dangerous to liberty and may be abused. All power may be abused if placed in unworthy hands. But it would be difficult, we think, to point out any other hands in which this power would be more safe and at the same time equally effectual. * * * And the elevated office of the President, chosen as he is by the people of the United States, and the high responsibility he could not fail to feel when acting in a case of so much moment, appear to furnish as strong safeguards against a willful abuse of power as human prudence and foresight could well provide."

Another great American, a profound student of history and political science and a constructive statesman, with no thought of the application I am making of it, wrote of the confidence and trust to be reposed in high officials as follows:

> "If there be one principle clearer than another, it is this: That in any business, whether of government or of mere merchandising, somebody must be trusted in order that when things go wrong it may be quite plain who should be punished. In order to drive trade at the speed and with the success you desire, you must confide without suspicion in your chief clerk,

giving him power to ruin you, because you thereby furnish him with a motive for serving you. His reputation, his own honor or disgrace, all his own commercial prospects, hang upon your success. And human nature is much the same in government as in the dry-goods trade. Power and strict accountability for its use are the essential constituents of good government. A sense of highest responsibility, a dignifying and elevating sense of being trusted, together with a consciousness of being in an official station so conspicuous that no faithful discharge of duty can go unacknowledged and unrewarded, and no breach of trust undiscovered and unpunished—these are the influences, the only influences, which foster practical, energetic, and trustworthy statesmanship. The best rulers are always those to whom great power is intrusted in such a manner as to make them feel that they will surely be abundantly honored and recompensed for a just and patriotic use of it, and to make them know that nothing can shield them from full retribution for every abuse of it."

Mr. President, while I believe in constitutional government and strict observance of constitutional limitations, this is a time when we must liberally resolve all doubts concerning the validity of measures and legislation intended to strengthen the executive branch of our Government in the performance of the great, responsible, and solemn duties which it is called upon to discharge. I do not fear that the President of the United States will abuse the great powers proposed to be conferred by this bill. We are involved in the greatest war of all history, with the best prepared, most efficient, and powerful nation of the world, and we must use all our resources and devote all of our energies to bring it to a successful and victorious conclusion. There is no middle ground and no compromise—it is war to the knife and knife to the hilt; it is victory or subjugation. The indomitable spirit and unchangeable determination of the American people are aroused and fixed. We will fight to the end and we will conquer. There can be no safe and enduring peace but one made in Berlin and dictated by the President and the Congress of the United States.

Mr. FLETCHER. Mr. President, before the vote is taken on the proposed committee amendment to insert the words "or administrative" after the word "executive" in line 23, page 2 of the bill, I desire to submit some rather general observations upon it.

As to how long this war will last, no one who cares for confidence in his judgment dares prophesy. Recent developments indicate a prolonged struggle. The fact that the conflict will be long drawn out is no reason for taking our own time in furnishing men, munitions, and transportation, the three prime factors in the achievement of success. Every means for hastening the work of getting ready these essential agencies consistent with reasonable thoroughness should be employed. Every diligence should be practiced in every sphere of preparation. Everything should be done by public officials and by private citizens "for the successful prosecution of the war." At the same time we should look ahead and plan for the future on the assumption that there will be no let up for years to come in the task before us, which calls for meeting force by force to the limit.

There is nothing in the history of our enemy that would encourage us to believe that after being driven back across the Rhine he would be inclined to sue for peace. The record of Germany is 30 years in one continuous war. The loss of 40 per cent of the population is none too great for those in power. The making of war has been the business of our enemy. It has not been without profit. Denmark will testify to that when reminded of Schleswig-Holstein. France knows it full well, and by daily symbol of mourning placed on the Strasburg monument she kept her people aware of it. Alsace-Loraine and a billion of gold were the profits of 1870 to her then and now unrelenting enemy. That enemy will be slow to acknowledge defeat. All the more necessity for making that defeat so complete that it will be impossible for that enemy who typifies the Iliad, with the Goddess of Discord brandishing torch and spear, to ever again jeopardize the peace of the world and imperil civilization.

It must be determined now whether selfishness and hate shall be the rule among nations or justice and good will. It must be settled whether the policy of aggression shall be recognized as the sound one or the policy of equality and self-development shall prevail among nations. It must be established once and for all whether a nation's greatness and strength shall hereafter depend upon its mobilizing the most terrible force and employing it in the most savage way or on intelligence, enlightenment, love of liberty, due regard for the rights of others, progress in science, art, and industry, and setting free every man to be his best and do his best. It is to be decided now and finally whether the world is to be dominated by an autocracy, under some pretense of Divine right, sustained by military power, or whether peoples may continue to have a voice in the Government under which they live and which they support, and which is to exist for the benefit of the people at large rather than for a chosen class—whether the people are to be vassals or freemen. In brief, the issue is whether might shall conquer and control right, and that question must be settled before this war can end. It will not be settled until it is settled right, and that, we may expect, will take time and call for supreme effort.

We take one side of these questions and we realize that the cost will be stupendous, but we have always known that the price of freedom is sacrifice. Not merely giving up surplus, but giving of energy, money, and resources to the extent of all we have, if need be, is the call. We realize the undertaking is a difficult one, and therefore we are reconciled to the difficulties. If we can remove any difficulty, that helps. If we can smooth the way by displacing a single obstacle and substituting an improvement, we render real service.

No matter what the cost, irrespective of the sacrifice, without regard to the time required, we are driven to match force by force to the bitter end, that our institutions, our national life, may be preserved and the world be assured that hereafter—

> Nation shall not lift up a sword against nation, neither shall they learn war any more.

If disaster follows disaster in this mighty enterprise to our arms, who will be held primarily responsible before the people of this country and before the world? Who will go down in history as having failed in the greatest war of all time in which was involved the welfare of the human race?

In case of conclusive victory, which we confidently expect and are determined to gain, who, with others associated with him in similar positions, will receive and deserve the confidence and commendation of mankind?

Plainly, the answer is, the President of the United States.

Since the responsibilities, therefore, rest on his shoulders, can there be any justification for withholding from him any power or any authority which may strengthen his arm, relieve his difficulties, or open his pathway? Why withhold from him any assistance that may be serviceable in meeting his unequaled responsibilities?

That assistance we can render, and I am sure we ought to do all we can in that direction.

I am therefore in favor of the speedy passage of this measure.

It is plain, not ambiguous or lengthy, and will accomplish these results:

First. It will enable the President to proceed at once to the very heart of the matter in hand and conclude it without any circumlocution.

Second. It will make it possible for him to make the direct and best use of all material at hand.

Third. It will facilitate the elimination of delay, duplication, and lost motion.

Fourth. It will give undoubted authority to use each and all the departments, bureaus, commissions, created by law, and all officers in the most advantageous and effective way for the successful prosecution of the war.

Fifth. If a thing should be done by the process provided in this bill to count in winning the war, he can proceed to do it on the instant, without stopping to investigate whether some statute does not project across his pathway.

Sixth. It centralizes authority where chief responsibility rests, which in war times is essential.

Objection has been raised, not, I am moved to believe, because of any lack of confidence in the President, but rather in apprehension that the authority granted may be delegated, will have to be delegated by reason of the multitudinous demands on the President, and thereby duties may be assigned to some incompetent or unfaithful hands.

It is contended by the Senator from Iowa [Mr. CUMMINS], for instance, that—

> The extreme authority in the bill is to take every function of the Government, save the legislative branch and the judicial branch, and to consolidate all powers, all duties, all responsibilities, in one man, unknown, unnamed, without the consent of the Senate.

This construction is most extraordinary. The express language of the bill is, "the President is hereby authorized" to do the things set forth.

It can not be said that the President is either "unnamed" or "unknown." All the authority expressed or implied in the bill is given directly and solely to the President. He is to utilize the existing agencies. He is not empowered to create a single new agency.

The authority covered by the bill is centered solely in the President, who is named and who is known.

Arguments have been made here by members of the Committee on Military Affairs, beginning with its distinguished

chairman [Mr. CHAMBERLAIN] and including the Senator from New York [Mr. WADSWORTH] and the Senator from Nebraska [Mr. HITCHCOCK], in favor of coordinating and consolidating authority. They favored a single director of munitions and a war council of "three distinguished citizens of demonstrated ability."

We know of one possessing these qualifications in full measure. The people of the whole country have twice so declared. We might miss it as to the other two. We appeal for vesting that authority in that one—the President of the United States. This bill will accomplish that. If it is to be opposed, let it be done frankly on that ground.

In the meantime let it be remembered that we are just pulling ourselves together to play our part in the mighty struggle, just moving into action, while anxious eyes the world over are looking to us, and while Danubes of blood are being poured out in Europe, the air resounds with the roar of guns and the earth shakes "under the swiftly passing feet of men."

Mr. President, I raise no objection to criticism when it is intended to be constructive and helpful.

Criticism just for the sake of finding fault, just because it can be sustained in whole or in part, just for the reason that grounds for it exist, will not help us and is inexcusable. The effect of that sort of criticism is to discourage and demoralize. It is destructive criticism and ought to cease.

Pointing out blunders in order that they may be cured, calling attention to mistakes and shortcomings in order that they may be corrected, I make no complaint against, since, stated in good faith, that may lead to stimulating diligence and bring about changes which would result in more efficient service.

But the changes or reforms recommended I do not, in some instances, believe would result in the benefits their advocates suppose. That there have been some mistakes made in almost every department of the Government during the past year in the solution of the new problems which confronted us, under the most terrific pressure and with the untested means at hand, we may freely admit.

We may fairly claim, however, that such mistakes were comparatively negligible in quantity and in seriousness of consequences. We can fairly assert that where they were serious they were corrected, and none of them have been repeated.

I do not expect that we can hope to avoid completely mistakes in the future. We are not infallible; we can not achieve the impossible.

Every country, including "efficient" Germany, has made many mistakes. They continue to make them. They learn by experience—and we have been able to profit by their experience. The Government cabinets of England have changed twice, radically, and just avoided others. Those of France, four times; Italy, several times. They had labor troubles, too, and suffered from "profiteering" as well.

There has been no occasion for a single Cabinet change here. There are united, earnest, capable heads of departments in cordial cooperation with the President, without a break, and a Congress which has ever been ready to do its patriotic part.

We may differ among ourselves as to how best to do that part, but whatever conclusion is reached it becomes the conclusion of all.

I do not agree with some of my brother members on the Military Affairs Committee that there is or has been the need of successful business men, captains of industry, to have charge of the Ordnance Department, or, in fact, any section, bureau, or division of the War Department.

I make no reflection on business men. Many of them have been of great assistance in mobilizing the industries of the country. Others have hindered and hurt.

This getting ready for a war on a gigantic scale and conducting that war is not a business man's job. This is the people's war and the soldier's fight.

It is the trained soldier's work to get ready to fight as well as actually engage in the battles.

Our need was in the outset for soldiers in command—not business men. When a country's business becomes that of waging war, the soldiers must take charge.

The business man's training and experience have been along different lines. He is accustomed, in a manufacturing enterprise, for illustration, to consider, first, what amount of capital is invested; second, what are to be the overhead expenses; third, what is the output to be and its value; fourth, what can be reasonably expected as profit.

I do not agree with the criticism that West Point makes a good soldier but a poor business man. In the sense that "business" plays any part in the work of preparation for war, the West Point soldier is fully equipped. He does not have to trouble with profits—there is to be none. He need not consider overhead expenses as against requirements; he must not delay while entering into refined calculations as to expense.

He knows that no fixed amount in dollars and cents is involved—something vastly more important than that must be considered.

The soldier lays all these "business" items to one side. He risks all—fortune, reputation, life—to win.

Like the Stoic of old, he does not jubilate, he does not whine—he fights. The battle begins with him when the war is declared. He knows what he wants—leave it to him and he will get it. He knows how to use it when it is ready.

In my judgment, the criticisms would more justly lie against calling in too many "business men" and giving them too much latitude to interfere after the flag was raised and the sword unsheathed.

It then became a military matter, and trained military men should have been left free to plan, direct, and manage the assembling, equipment, and training of the military forces, under the supreme command of the President and his aids, the Secretary of War and the Secretary of the Navy, both having demonstrated preeminent abilities.

The report respecting the Aviation Section of the Signal Corps, submitted recently to the Senate, supports this view and condemns, in effect, the idea of civil control of important branches of the military operations. Here was a splendid illustration of the folly of placing civilians in practical control of the air service. I did not favor either the majority or the minority report, although both together may be held to fairly give the facts, allowing conclusions to take care of themselves.

The facts condemn civil or "business men's" control of that service which experience abroad has shown to be highly important.

The chairman of the Aircraft Board and civilian associate members have been in control of recommendations for production; and there is where humiliating disappointment has resulted. The training operations under military control have been all that could be asked.

Your "captains of industry," your successful "business men," have failed in that unforgiving delays have resulted from their conduct of affairs. No finer body of courageous and fit young men can be found than those enlisted in that service; and all they need are the machines which will enable them to "fight out the issue of right and wrong far beyond our vision."

They are ready to join what Mr. Lloyd-George describes as the "cavalry of the clouds." They are worthy to be classed as the "knighthood of this war"; they are fit to constitute the "chivalry of the air," whose "every flight shall be a romance and every report an epic."

Your civilian control makes them wait. It is claimed, I know, that the Aircraft Board has no power other than advisory. I do not so read the act of October 1, 1917. It is possible that some confusion of services, some overlapping of authority, some lack of more definite modification of the act of July 24, 1917, gave trouble in operation under the two acts.

There is need for exercise of just such powers in this connection as the pending measure contemplates. Civilians in direct charge of the work of production and a separation of production from operation—and both from the work of engineers and designers—all under one general head, would doubtless greatly improve the aircraft situation. Liberty motors have been tested in France as well as here, and are found to do all that has been claimed for them. They are coming out in satisfactory quantities. Raw materials should go forward to the factories of England and France as well as be supplied to our own factories. Our motors should be shipped abroad as well as used at home. Production will shortly meet the demands. There have been most unfortunate delays, and the causes therefor should be removed and a recurrence avoided. It must be remembered that the industry is new and those connected with it have had less than one year's experience, except that Gen. Squier has been a student of the subject and has had practical experience extending over some years. A very great deal has been accomplished, it is but fair to state.

With other branches of the service we should be fair, when disposed to criticize, by calling to mind the tremendous and important achievements to their credit.

Take the Army. Much of the criticism is about as reasonable as the Irishman's comment that the British Army was being ruined by taking in so many civilians. No country ever treated its soldiers better at any time than has the United States as directed by the Secretary of War. At the camps and cantonments the officers and men have been provided with excellent food, good accommodations, the most modern laundries, refrigerators, cooking utensils, light, fuel, recreation facilities, reading rooms, athletic field, entertainment, and the very best in-

fluences for the promotion of their physical, mental, and spiritual welfare.

The camps and cantonments have been arranged in accordance with scientific sanitary requirements and have been extraordinarily healthy and wholesome.

The details of the "First year of America's participation, reviewed by department officials," will be found in the Official Bulletin of April 8, beginning with page 9 and ending with page 16.

Just for illustration and as examples of such proof I am tempted to quote from a letter, sent to me by a valued correspondent in Chicago, from a soldier "in active service with the American Expeditionary Forces" in France to his home folks. He says:

You will note that I am somewhere in France. This is not as definite as it might be, but inasmuch as I have to be in France anyway, it doesn't make a great deal of difference just where I am. There is nothing much to be said about the Army, except that we are remarkably well treated—so much better than I ever imagined that I am agreeably surprised. The food is excellent, and our officers are continually looking out for our welfare, not only physically but morally. There are going to be a good many more real men made in the Army and by the Army than have ever been made by one institution before, and if a good percentage of us come back you are going to see a changed code for young men, I really believe. Another thing, coming down from more or less fancy salaries to the Army pay has a tendency to teach one the value of a dollar in a way peculiarly impressive.

* * * * * * *

Am enjoying the best of health, and considering that I am about 5,000 miles away from everyone who is near and dear to me, might be considered contented. Some day the Kaiser is going to get his, and we are going to help do it; and then I hope it is written that I may return to my own, perhaps a little older—but I'm still pretty young, at that—doubtless a little wiser, but surely more appreciative of the things with which we are blessed in our own land, and perhaps a little proud if I may have helped to preserve that which we now realize is so dear to us—our liberty.

Also one from a Florida boy to his father from a training camp last March:

DEAR FATHER: Please excuse me for not writing sooner, but, as you know, moving is no small job. We arrived here Monday, and everything is very nice. Wednesday I was given a pass and called on Cousin Tommy. He took me out to supper, but as I had to be back in camp at 11, we could not take in a show or anything else.

Our section of the division is now doubly anxious to get "over there" since the sinking of the *Tuscania*, and our boys will surely avenge the cowardly murder of our comrades. When we leave no one knows, as orders come when we least expect them, but we are always ready; our training is perfect.

I had the pleasure of stretching my limbs on Florida soil, and I am sure I could have walked home if I could have obtained permission to go. Gee, being so close to home and my dear ones and not able to see them certainly gave me the blues until our train got out of Florida.

I am glad you, mother and Ide don't write any doleful letters like some of our boys get; it does no good. What the boys like to receive from home are cheerful letters, letters that tell them that all is well at home, etc.

This may be my last letter until I get "over there." Remember me to all my friends and give them my best wishes. Tell them we soldiers all like to receive letters, even "P. C.'s" are prized.

You want to let everybody know that Uncle Sam takes good care of his soldiers and none of us can find any cause for complaint—plenty to eat, good and warm clothing, and the best medical care in case of sickness.

Don't forget to tell everybody of the great and noble work of the Red Cross.

I am well and happy, and I hope this will find you and all in like condition. With best love, etc.

Your devoted son.

These letters are illustrative of conditions which may be said to be characteristic in the Army.

The expansion of the Army has been a huge undertaking, admirably executed.

Just a brief reference to the figures will show that in April 1917, there were in the Regular Army, 5,791 officers and 121,737 men. In April, 1918, there were 10,698 officers and 503,142 men.

The National Guard, April, 1917, had 3,733 officers and 76,713 men, and in April, 1918, 10,893 officers and 431,503 men.

The Reserve Corps—in service—in April, 1917, had no officers and 4,000 men; in April, 1918, there were 96,210 officers and 77,360 men.

The National Army had no officers or men in April, 1917, and in April, 1918, it had 516,839 men.

Total, April, 1917, 9,524 officers and 202,510 men, and in April, 1918, 123,801 officers and 1,528,924 men.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. If the Senator is in possession of the information and it is proper to divulge it, can he tell me approximately how many men we have now in France?

Mr. FLETCHER. I could not attempt to be absolutely accurate.

Mr. GALLINGER. I ask the question for the reason that I have been asked to-day by a letter from a valued constituent to give that information if obtainable. I have not applied to the War Department. As the Senator was discussing the matter I did not know but that he or the chairman of the committee might possibly be able to give me approximately the number.

Mr. FLETCHER. I would be very glad to give it to the Senator, but I could not do it with absolute accuracy; and even if I could I would hesitate to name the figure.

Mr. GALLINGER. I thought likely there might be an objection to doing that.

Mr. FLETCHER. I would prefer that the chairman of the committee should make a statement on the subject.

Mr. CHAMBERLAIN. I can not answer the question definitely at this time, but I agree with the Senator from Florida. I question the propriety of answering it just at this moment. I will say, however, that in discussing the matter with the Secretary of War a few days ago he said, "I know you will be agreeably surprised at the rapidity with which we are getting men to France." I am sure he would advise the Senator confidentially just what the status is.

Mr. FLETCHER. I think it would be more satisfactory for the Senator to get the information direct from the Secretary of War.

Mr. GALLINGER. I quite agree that that would be the proper procedure.

Mr. FLETCHER. Referring now to what I was saying, the first thing to be done was to get the men; the second was to provide for munitions, and then transportation.

I will not go through the various activities which are set forth in the Official Bulletin mentioned; and a most interesting and creditable showing is there made.

The absence of scandals, which make their appearance in all wars, big or little, is marked.

The mobilization of the military and naval forces within a year has been wonderfully successful.

The personnel of the Navy has grown from 4,792 officers to 20,664, and from 77,946 men to 329,333.

The increase in the Army has been 700 per cent, and in the Navy 400 per cent.

We have safely landed in France, beginning July 3, 1917, 88 days after war was declared, an American Army exceeding in strength greatly that which existed when we entered the war. Actually engaged on the front are more American soldiers than we had a year ago. That Army is fully equipped and has supplies sufficient to sustain it for six months of fighting.

The Medical Corps has increased its personnel from 8,000 to 106,000; officers from 900 to 18,000; Army nurses (women) from 375 to 7,000; ambulance service (in training) from nothing to 6,000; hospitals have been constructed and equipped; behind the lines in France the Medical Service has constructed hospitals for 200,000 sick and wounded.

The Marine Corps has grown from 426 officers and 13,266 enlisted men to 1,389 officers and 38,629 men.

Every department of the Government was confronted with new problems and new duties requiring enormous expansion of force and vast responsibilities. There has been a clear conception of these responsibilities and a spirit of patriotic fervor and absence of discord which ought to be reassuring in the highest degree.

There is no cause, so far as the administration of national affairs is concerned, for pessimism. Considering what is happening on the other side, we can not feel that there is reason for optimism. Our attitude should be one of consecration and determination.

I desire to insert in the RECORD an editorial from the Florida Times-Union of April 6, entitled "New conditions of the war," as a part of my remarks and at the close thereof without reading; also an editorial from the Christian Science Monitor of April 1, entitled "The lesson of the iron ramrods," with the same request.

The PRESIDING OFFICER (Mr. LENROOT in the chair). It is so ordered, without objection.

GERMAN EFFICIENCY.

Mr. FLETCHER. Sometimes we hear comparisons drawn between the efficiency of government under a democracy and that of a military autocracy, to the disparagement of the former.

Taking Germany as typical of the latter, let us get a glimpse of what it means.

In 1912 the greater portion of the farm work in Germany was done by women. A woman farm laborer was paid from 38 to 48 cents a day. Children over 12 years of age earned 24 cents a day. Male farm laborers were paid 72 cents a day. Engineers and conductors on State railroads were paid 70 cents a day. The State paid skilled railway shop workers about $1 a day.

Gustavus A. Myers characterized the German industrial system as marked by these characteristics:

Oppression of the farmers, underpaid labor, industrial enslavement of women and children, shocking housing conditions, growing pauperism,

This was the price the German people paid for militarism, and it was against these that they revolted in 1848. Prussia put down that revolt when it threatened the old conditions, and thus Prussia made herself acceptable as the leading State of the Empire instead of Austria. As a result, a great emigration began led by Carl Schurz.

Here we have an indication as to the cost the people of Germany have paid for the military efficiency of which they boast. We can understand when the bottom stratum bears so large a proportion of the burden what opportunity is given to the surface for a display which so long deceived the world. How would the American people like the German system as an economic foundation for an American structure?

Mirabeau said 125 years ago:

War is the national industry of Prussia.

Later Napoleon said that Prussia "was hatched from a cannon ball."

The French military attaché, shortly before the Franco-Prussian War of 1870, wrote:

Other countries possessed an army, but in Prussia the army possessed the country.

Waging war has been the chief industry of Germany. The people have been made to believe it paid. The policy of aggression has been maintained, and in 1914 undoubtedly the plan was to acquire new territory and unlimited treasure.

Former Ambassador Gerard tells us in his book, My Four Years in Germany, page 76, that there have been many instances in Germany where officers having a slight dispute with civilians have instantly cut the civilian down. Witness the so-called Zabern affair.

Lieut. von Forstner had an altercation with a lame shoemaker and cut him down. He was tried by court-martial for striking and wounding an unarmed civilian and sentenced by the lower court to one year's imprisonment, but was acquitted by the higher court as having acted in "supposed self-defense" (p. 86).

The matter was a subject of debate in the Reichstag December 4, 5, and 6, 1913. The war minister in a bitter speech before the Reichstag justified and defended the lieutenant, who was only 20 years of age.

This Zabern affair and the consequent attitude of the whole nation, as well as the extraordinary vote in the Reichstag, greatly alarmed the military party. It was perhaps the final factor which decided the advocates of the old military system of Germany in favor of a European war.

The Social Democrats remained in their seats and refused to rise and cheer the Emperor when the Reichstag adjourned. It seems they have that custom in Germany, and that the Social Democrats had previous to that time retired from the Chamber, but on this occasion, notwithstanding they remained in their seats, they refused to cheer the Emperor.

Mr. Gerard says (p. 91):

This occurrence I know greatly incensed the Emperor and did much, I believe, to win his consent to the war.

This system results in raising up murderers of innocent women and children, breakers of solemn treaties, bombers of occupied hospitals and churches, and a monster capable of planting his tyrannical heel in the face of fair Belgium.

Against that sort of savagery, against that kind of brutal disregard of every civilized impulse, against that inhuman machine, we are forced to contend with all our might.

The people of the United States have given us the leader in that vital undertaking. He is the people's chosen commander of the land and naval forces of the country, and they trust him and they will follow him. Will Congress do less?

Will the Senate deny to him full and unquestioned authority to make the best possible use of the agencies created by law and the resources at hand "for the successful prosecution of the war?"

I hope and believe you will not.

Let us come to a decision on the measure. Delay is dangerous. Senators are unstinted in their criticism of delays holding up the work in various governmental activities, overlooking the fact that they appear to take their own time when it comes to enacting needed legislation.

For days bills reported by committees as urgent have been debated and opposed, as if Senators were perfectly willing to sacrifice liberty in re for liberty in verbis.

The Constitution is invoked as if the country was made for the Constitution rather than the Constitution for the country.

The "all highest war lord" is not halting or hesitating in his operations.

The experiences at Saloniki, Gallipoli, and in Mesopotamia must not be repeated, and the tragic cry, "Too late," must not go up in France!

There can be no justification for marking time or killing time here when guns and gas bombs and bayonets are settling the world's future on the battle lines.

It is claimed by some that the President has all the power given by this bill under his constitutional prerogatives.

Mr. President, I do not understand that the Senator from Tennessee [Mr. SHIELDS] observed that it is claimed that the President has the power under some statute, but it is claimed that he has such power under his constitutional prerogative. If so, why object to repeating the authority and having it specifically delegated by Congress instead of asserted with some chance of contest? Except where statutes, regulations, or court interpretations stand in the way, the claim may be admitted. The trouble is there are such obstacles.

Quick decision and quick action are often important and situations arise when there is no time to examine statutes and regulations or to ask and secure their modification when found.

The President should have this delegation of the power to coordinate the executive and administrative agencies of the Government whenever and wherever he finds it advantageous for the uses of war on the instant.

Many existing executive and administrative processes of the Government are complicated and cumbersome. The necessary readjustments to meet war conditions can only be effectively obtained by a blanket authority to the President such as the bill provides.

It is contended that the bill creates an autocracy, but it is well said that "an autocracy is defined by the source, not by the extent, of power. No authority which is given and can be taken away by the people is autocratic."

There is full recognition of the power of Congress by the very proposals of this bill.

Congress has not hesitated to grant arbitrary power to executive departments. For instance, the power to issue fraud orders and deny citizens the use of the mails and the censorship given the Post Office Department. March 3, 1863, Congress passed an act (12 Stat., 775) which provided as follows:

That any order of the President or under his authority made at any time during the existence of the present rebellion shall be a defense in all courts to any action, civil or criminal, pending or to be commenced for any search, seizure, arrest, or imprisonment made, done, or committed, or acts omitted to be done under and by virtue of such order or under color of any law of Congress, and such defense may be made by special plea or under the general issue.

The Supreme Court upheld this statute in the case of Mitchell *v.* Clark (110 U. S., 633).

Any order for "search, seizure, arrest, or imprisonment" would seem to be fully as comprehensive and drastic as any action that would be possible under the provisions of the pending bill.

The bill expressly provides the normal peace status of affairs shall be resumed at the close of the war.

It is strictly a war measure, and there ought to be no hesitation about its enactment. No authority heretofore given the President has been abused and it is absurd to assume that the authority here granted would be. We are warranted—indeed, obliged—to do things in abnormal times which would not be considered under ordinary conditions. No more argument is required to sustain this bill than is needed to sustain that proposition.

APPENDIX I.

[From the Florida Times-Union, Jacksonville, Fla., Saturday, Apr. 6, 1918.]

NEW CONDITIONS OF THE WAR.

After three years of a war whose issue will shape the destinies of humanity for many years of the future, the enemies of Germany now present a front which has changed in many respects from the one that had grown familiar. Heretofore Germany defended herself in a large degree by the mobility of her forces, and this was made possible by the fact that all her strength could be directed by one mind. If that mind be capable, it is always possible for such a body to present a superior or effective force at the vital point chosen for action. Mr. Lloyd-George says the attack now wearing itself out employed "overwhelming numbers" against the British trenches. This does not mean that Germany had a superiority in men or guns in France, but that she collected her strength at the point of contact while no such concentration had been accomplished by her enemies.

At last the enemies of Germany have now taken a like measure, and Gen. Foch can direct without hindrance the movements of 5,000,000 men to secure an effect proposed. This change in conditions implies a radical change in the plans of campaign. Concentration can now be met by concentration, or a proposed attack may be diverted by an attack in another quarter so strongly pushed as to compel an abandonment of the proposed action of the enemy; when the tactics of Ludendorff can be met by the tactics of Foch, it will be a meeting of two minds as well as two bodies.

Now, let us apply the lesson to our own country. The resources of the American people are boundless as the word is generally used, and their whole strength has been loyally devoted to this war; so was the strength of France and of England and of Italy and of Belgium. But we have seen how the greater strength of one body could be attacked alternately with more or less success by the weaker body whose forces

were more easily handled, capable of swifter motion and quicker concentration. This activity of the German forces was possible because the organization had been carefully perfected by years of drill and the constant enforcement of rigid discipline for many years. It is the absence of such training that has made it impossible to collect all the force of Germany's enemies into one effective blow which, striking a vital organ, would paralyze the whole machinery of her life.

This inability to handle her power effectively on the spur of the moment forced France to abandon some of her most valuable Provinces to the enemy; it entailed the loss of England's expeditionary force, one of the finest armies ever sent to battle; even after a year's diligent preparation Italy felt the need of it in the successful raid of the enemy, which held a portion of the Lombary plain for a time. But these, our friends, could mobilize their strength faster than we for many reasons. In the first place, they had lived for years in the constant anticipation of such a need as now comes to them; their plans had gone much further than their preparedness, although their preparation had progressed far beyond ours.

Moreover, their strength was concentrated within a comparatively small area, thickly inhabited and served by a better developed and better planned system of highways. Their highways were built with an eye to military uses, while the projectors of our roads had no thought or comprehension of military needs. Upon a war basis their Governments reach individuals immediately; ours must pass to the citizen through an infinity of laws, political organizations, and popular opinions as to what might be desired or permitted.

Let us now consider results. Attacked at her heart, the first year of the war showed France still unprepared because she had not provided effectively against a strike of railroad employees whose refusal to perform their appointed duties would isolate her armies and starve them into retreat or surrender. Her Government was republican, like ours, but she was compelled to place all the employees of her public-service plants under military law; after this to proclaim a strike was to propose a mutiny, and the individual became in law a deserter from the ranks. One year after a foreign enemy struck boldly at the gates of her capital the strength of France was still unorganized.

Two years after she had declared she was fighting for her life England found her power of attack threatened with dissolution by the danger of a strike from the coal mines and the munition factories. It was the organization of the fighting forces of industry that made Lloyd-George the directing mind of his country. If England did not reach this stage until two years after she declared war, she can not claim that her progress has been faster than ours.

Italy began to mobilize her forces when the German armies crossed the frontiers of Belgium in August, 1914. Perhaps she did not decide for some months on which side she would fight, and certainly others were in doubt, but she knew she must fight and devoted all her energies to the work of preparing for taking part in the war. She had achieved her preparedness in great measure when she cast in her lot with the entente powers, but more than a year after reaching that decision the Bolosists nearly broke down her strength in the trenches and her troops were compelled to abandon positions won at great cost of blood and treasure because she regarded them as threatening to her national life while they remained in the hands of the enemy.

Can it be said that, with all their advantages of propinquity to the war and of a greater concentration of population and political powers, our allies have done more in a year than we have accomplished? In a like period they had not prepared adequately for their defense—we speak not of a military defense exclusively, but of all the forces that make defense effective—their credit was largely exhausted, their supplies of food and munitions had become inadequate. That this was true of the enemy nations also should not conceal from us the fact that it was equally applicable to our friends, who had every advantage they could derive from that command of the sea which had been supposed to exert a commanding influence on such a struggle. Even without the interposition of the submarine, the entente powers were in danger of defeat for lack of supplies which could not be secured from neutrals without the money or credit which was rapidly failing them because the financial burden must be carried in great part by one of them.

Now, what has the United States accomplished within a year? We who would be glad to find she has done the impossible need not be ashamed to declare the result in plain language. It is objected that our Army at the front is small, that our guns are few, and our air service in embryo—allowing the weight of these facts, what have we on the credit side of the ledger?

We have been in the war for a year. We found our friends asking for money, first of all; we have given it ungrudgingly, in full measure, and running over. The resources at the command of the enemies of the central Empires now embrace the wealth of the world subject only to the dangers of transportation across an ocean which a friend proposes to command, to protect, and to police. It was supposed that Britain would provide the navy and the shipping to make our aid effective.

We found our allies in immediate need of food and raw materials for the manufacture of munitions. In large measure we have provided these in unprecedented quantities for a year; from the lack of these defeat was imminent when we entered the war.

Britain, France, and Italy together have a force of 10,000,000 soldiers; unaided and alone we have a like number subject to call and nearly 2,000,000 already in the service or in preparation. Does it encourage Germany to know that when she has wiped from the face of the earth all the soldiers now in arms against her, she must meet an American Army of like numbers, as good in every sense, on the same ground? The soldier is the power that comes next after the provision of supplies that can alone make his bravery and skill effective; we have provided the money, the food, and the raw materials for this war, and we have the men in evidence.

Now, when we were asked for billions in money and millions of tons of provisions as the immediate necessities of our friends, we could not perform every service at the same moment. But the plans were then laid for the contracts under which we have secured the machinery for the production of shipping of aeroplanes; all this machinery was nonexistent when the demand for their use was made. The reports from the Departments of the War and Navy show notable progress; show the confident expectation that within another year we shall provide as much of all these as our three friends produce after their third year, we shall show our grand total with a whole year saved. Is this an achievement in which we can take no pride?

Let us recapitulate. Within a year we have organized the military resources of a population of 100,000,000 of people on a war basis—of a people trained only to peace—which had never been so organized before, since the demand made upon it during our Civil War was on a smaller scale, was immediately released and had been completely forgotten except as ancient history. To do this every existing industry must be put upon a new footing—our highways, our finances, our manufacturing industries, and our occupations must all be made over. The new demands were so heavy that every element of strength broke down under the strain as truly as these had broken down in England, France, and Italy, whose resistance met the original demands. Now we find that what they have done in three years we have done in one, because we have taken up their crushing burdens of money and food under which they were falling down so as to relieve their fighting strength of this incubus, and we are prepared, within a less time than they needed, to duplicate their production of men and fighting machinery.

Criticism that shows defects in the working of this vast machine may prove of service and is justified in so far as they are intended to correct faults, relieve undue strain at particular points, and show the possibility of even greater efficiency for the whole; but those who say America has done less than her duty in the common cause lack the vision which takes in the whole plan covered and must have failed to study the fruit already maturing to the harvest. It is for the American to take pride in his country instead of apologizing; it is for our friends to see what is behind America at war rather than to confine their consideration to the trench war only.

APPENDIX II.

[From the Christian Science Monitor.]

BOSTON, U. S. A., *Monday, April 1, 1918.*

THE LESSON OF THE IRON RAMRODS.

It is a regrettable fact that just at the present moment there should have sprung up in the United States a controversy, indeed, a heated controversy, over the war. Some controversy there has always been, a controversy which has at times threatened the national unity. But it has generally calmed down as those engaged in it have had time to think again, and have recognized the vital necessity of unity in the present crisis. No doubt there have been faults on both sides, but equally no doubt in any great war it is easy to criticize the party in power. Everybody knows that in spite of determined efforts to maintain harmony, dissatisfaction grew so violent at one time that a change of government took place in the United Kingdom, whilst there have been certain other individual resignations arising out of individual differences. In France, again, there has been a perfect succession of premiers, whilst in Italy also there has been change. It is not curious, then, that there should be considerable difference of opinion in the United States, but there is this excuse to be advanced for Mr. Wilson's government, which can scarcely be advanced for that of any other country, the excuse that the United States was not merely unprepared for war but that it did not possess any of the machinery by which wars are made.

It had not, that is to say, any great dockyards like the United Kingdom or any great arsenals like France and Italy. It was so unaccustomed to making munitions that when, as a neutral, its firms tendered to the allied Governments for munitions they found in numerous cases that they were unable to obtain the machinery to fulfill their contracts. Then, again, the American mercantile marine had been for half a century permitted to decay. Therefore when the demand for ships was made, not only was it necessary to increase the existing plants but it was absolutely necessary to build new plants and convert ordinary mechanics into shipwrights. These were difficulties that other countries had not experienced in at all the same degree, because other countries possessed numbers of trained mechanics, used to making munitions, and capable of quickly training others to increase the output. For this reason the Government of the United States was entitled to claim special consideration. But unfortunately what has taken place has been something more than an ordinary delay and has to be accounted for by some other means than a national inaptitude for specific work.

The old shipyards have not done badly. They have doubled their plants and set to work to turn out a considerable amount of shipping. This is largely true of the Great Lakes, for instance, where a considerable output is still locked up by frozen waterways. It is true in even a greater degree of certain large steel works. Nevertheless, on the whole, the Nation is distinctly disappointed with its own achievement and is asking how it is that a country which has done such marvelous feats of engineering and has been capable of such vast business organizations should be found so largely failing to justify its own reputation in so tremendous a crisis.

Now, curiously enough, the explanation largely is in the crisis. The people of the United States have lived so cut off from the world outside their own borders that when the war broke out they entirely failed to grasp not only what it meant but what it amounted to. It has taken the country years to begin to grasp something of the intricate political inerlacings which made the incidents of the month of July, in 1914, inevitable. But there was something else that the country failed to understand even more, and that was the tremendous forces which had been unchained and the colossal preparations which had been heaped up against what Germany has always described as "der tag." The ordinary citizen of the United States scarcely understood, in the faintest degree, what the British Navy meant or what the German Army really amounted to. He had hardly begun to comprehend, when the war seized upon his own country, what it means to build a fleet or to muster, equip, and train an army. And it is perfectly safe to say that he had not the faintest idea of the amount of munitions which could be expended in a single day's fighting. When, consequently, the war came he imagined that he could proceed largely in the leisurely method of the old days. But just as Frederick, or perhaps one should say old Dessauer, taught Austria the lesson of iron ramrods, and just as Napoleon taught Prussia the obsoleteness of the oblique formation, so the United States, in its turn, had to discover that it could not do in a year what it had taken the European nations centuries to acquire a mastery of.

That is the real secret of the failure of the United States, and it is not a failure to be altogether ashamed of. It would have been better no doubt if, when the cloud burst, the country had realized a little more quickly that it knew nothing of the game of war. Then there would have been no time wasted over trying to improve on mechanical masterpieces, like the 75-millimeter French gun or the Lee-Enfield rifle. After all, when a nation is at war, the great thing is to get into the war, and not to set to work to make experiment which, if they were going to made, should have been made before he war. The people of the United Kingdom, like the people of the United States, are rather proud than otherwise that they were not ready for the war, and they hold their unreadiness the greatest proof of their love of and desire for peace. But when the war broke on them they knew enough about fighting to know what war meant, and to be aware that in war time counts for more than most

things. In the United States the Government officers imagined that they could settle down to perfecting aeroplane engines and quick firers with the same deliberateness as if they were plows and farm tractors. The United Kingdom and France, with their centuries of experience, knew otherwise.

Now, it is just here that the President's mistake developed. He showed, it is to be suspected, too much loyalty to his assistants. Everyone who knows the President knows one thing, that he gives his confidence slowly but that when he has given it, it is hard to destroy it. Loyalty is a magnificent quality, but there are moments in the history of nations when even loyalty may be strained too far. And some of the warmest of Mr. Wilson's supporters labor under the impression that in more than one instance his loyalty to his supporters has passed the bounds of wisdom. It is a peculiarly difficult thing to fathom the rights and wrongs of any complicated case, and this does not become less difficult when party feeling has entered into the discussion of it. But, brushing aside the details and the innumerable specific instances of failure which have been so largely in evidence in the debates of Congress, the fact remains that the output of the country has not been equal to what it should have been. It is, of course, equally true that swapping horses in crossing a stream is undesirable, and that even when the swapping is effected without disaster the new horse often does not exhibit a greater pace than the old one. Nevertheless, there are certain offices in the United States held to-day by gentlemen whose removal would not exactly destroy the confidence of the Nation in the President's ability to see the war through.

Mr. SHERMAN addressed the Senate. After having spoken for three-quarters of an hour,

Mr. OVERMAN. Mr. President——

Mr. SHERMAN. I yield.

Mr. OVERMAN. I understand the Senator would prefer to finish in the morning.

Mr. SHERMAN. Yes; I can finish in the morning, and very expeditiously, too.

Mr. OVERMAN. If the Senator prefers that course, I will move an executive session.

Mr. SHERMAN. I prefer it, if it is agreeable to the Senator.

Mr. OVERMAN. Very well.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

Mr. OVERMAN. I submit a conference report on House bill 8753, known as the bill to amend section 3, title 1, of the espionage act, which I ask may lie on the table and be printed.

The PRESIDING OFFICER. The conference report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or attempt to obstruct"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That section 1 of Title XII and all other provisions of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

"That Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"'SEC. 4. When the United States is at war the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
WARREN GARD,
DICK T. MORGAN,
Managers on the part of the House.

ADJOURNMENT.

Mr. OVERMAN. I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 23, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 22, 1918.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

The following-named persons to be secretaries of embassy or legation of class 4 of the United States of America:

Williamson S. Howell, jr., of Texas, formerly a secretary of embassy or legation of class 4, assigned to San Jose, Costa Rica.

G. Howland Shaw, of Boston, Mass.

Cornelius Van H. Engert, of Berkeley, Cal.

Curtis C. Williams, jr., of Columbus, Ohio.

Joseph W. Carroll, of New York City.
Walter C. Thurston, of Phoenix, Ariz.
Sam S. Dickson, of Gallup, N. Mex.
Nathan P. Stedman, of Aurora, Ind.

UNITED STATES DISTRICT JUDGE.

George W. English, of Centralia, Ill., to be United States district judge, eastern district of Illinois, vice Francis M. Wright, deceased.

UNITED STATES MARSHALS.

Joseph McEachin, of Reno, Nev., to be United States marshal, district of Nevada, vice A. B. Gray, whose term has expired.

Stephen J. Doyle, of Fargo, N. Dak., to be United States marshal, district of North Dakota. A reappointment, his term having expired.

RECEIVER OF PUBLIC MONEYS.

Charles E. Harris, of Idaho, to be receiver of public moneys at Blackfoot, Idaho, his present term expiring April 26, 1918. (Reappointment.)

REGISTER OF THE LAND OFFICE.

Henry Heitfeld, of Idaho, to be register of the land office at Lewiston, Idaho, his present term expiring April 26, 1918. (Reappointment.)

APPOINTMENT IN THE NATIONAL ARMY.

GENERAL OFFICER.

To be brigadier general with rank from April 18, 1918.

Col. Frank T. Hines, General Staff, National Army, to be brigadier general.

CONFIRMATION.

Executive nomination confirmed by the Senate April 22, 1918.

UNITED STATES MARSHAL.

Joseph McEachin to be United States marshal for the district of Nevada.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 22, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, on earth, and in the hearts of men, we approach Thee with profound gratitude for life, liberty, truth, justice, mercy, and all that makes life dear.

Eternal vigilance is the price of liberty; a lesson which we are learning anew in the world's present crisis. Help us to realize that eternal vigilance is not only the price of liberty, but it is the price of all that makes for righteousness in the soul.

Make us, therefore, we beseech Thee, zealous in all good works, that we may be strong to resist evil and to defend our rights against all intruders; and bring us in Thine own good time unto the measure of the stature of the fullness of Christ, and we will ascribe all praise to Thee, in His Name. Amen.

The Journal of the proceedings of Saturday was read and approved.

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE (S. DOC. NO. 218).

The SPEAKER laid before the House the following communication from the Secretary of State.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, April 20, 1918.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: I have the honor to inclose herewith, for the information of the House of Representatives, a copy of a dispatch from the American ambassador at Paris, covering a copy and a translation of a letter from the secretary general of the International Parliamentary Conference on Commerce, whose permanent bureau is ordinarily at Brussels, requesting the ambassador to bring to the attention of the Members of the Congress of the United States the fact that the fourth general assembly of the conference has been postponed from the first days of May until the 2d, 3d, 4th, and 5th days of July next.

It appears from the ambassador's dispatch that Members of the Senate and House of Representatives have already been invited to attend by the executive committee of the conference.

A letter similar to this has been addressed to the President of the Senate.

I have the honor to be, sir,
Your obedient servant,
FRANK L. POLK,
Acting Secretary of State.

(Three inclosures: From France, No. 6100, Mar. 20, 1918, with two inclosures.)

PARIS, *March 20, 1918.*

The honorable the SECRETARY OF STATE,
Washington.

SIR: I have the honor to inclose herewith a copy and translation of a letter from the secretary general of the International Parliamentary Conference on Commerce, whose permanent bureau is ordinarily at Brussels, requesting me to bring to the information of the Members of Congress that the fourth general assembly of the conference is postponed from the first days of May to be held on the 2d, 3d, 4th, and 5th of July.

It seems from this letter that the Members of the Senate and House of Representatives have already been invited by the executive committee of the conference.

I have the honor to be, sir,
Your obedient servant,
WM. G. SHARP.

(Inclosures: 1. From the International Parliamentary Conference on Commerce, postponing fourth general assembly. 2. Translation of inclosure 1.)

CONFERENCE PARLEMENTAIRE INTERNATIONALE DU COMMERCE.

BUREAU PERMANENT DE BRUXELLES.
Secrétariat Général.

BUREAUX 18, RUE GRANGE BATELIÈRE,
Paris, 13 mars 1918.

Monsieur l'Ambassadeur: J'ai l'honneur de porter à votre connaissance qu'à la requête du Comité parlementaire italien d'accord avec le Gouvernement italien, la quatrième Assemblée plénière de notre Conférence qui devait avoir lieu à la Chambre des Communes, les 7, 8, 9, et 10 mai, est retardée. Elle aura irrévocablement lieu les 2, 3, 4, et 5 juillet. Notre Conseil a invité à ces réunions officieuses les membres de la Commission du Commerce de la Chambre et du Sénat des Etats-Unis. Tous les Parlements alliés, et même le Japon, y prendront part officieusement. Notre Conseil devrait beaucoup de gratitude à Votre Excellence s'il lui plaisait de porter cette information à la connaissance des parlementaires Américains.

Veuillez agréer, Monsieur l'Ambassadeur, l'hommage de mon profond respect.

Pour le Conseil Général: le Secrétaire-Général:
EUGÈNE BAIE.

[Translation.]

INTERNATIONAL PARLIAMENTARY CONFERENCE ON COMMERCE.

PERMANENT BUREAU OF BRUSSELS.
General Secretariat.

OFFICES: 18 RUE GRANGE BATELIÈRE.
Paris, March 13, 1918.

MR. AMBASSADOR: I have the honor to inform you that at the request of the Italian parliamentary committee, in agreement with the Italian Government, the fourth general assembly of our conference, which was to have taken place at the House of Commons on the 7th, 8th, 9th, and 10th May, has been postponed. It will be held, irrevocably, on the 2d, 3d, 4th, and 5th July. Our executive committee has invited to these unofficial meetings the members of Commission on Commerce of the House of Representatives and of the Senate of the United States. All the allied Parliaments, and even Japan will take part therein unofficially. Our executive committee would be very grateful if it would please your excellency to bring this information to the knowledge of the American Parliamentaries.

Kindly accept, Mr. Ambassador, etc.

For the executive committee, the Secretary-General.
EUGÈNE BAIE.

The SPEAKER. Referred to the Committee on Foreign Affairs.

LEAVE OF ABSENCE.

By unanimous consent, Mr. JONES was granted leave of absence for two weeks.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 19, 1918:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes.

On April 20, 1918:

S. 383. An act to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes;

H. R. 9163. An act to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; and

H. R. 9902. An act to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917.

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation which is on the Union Calendar.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, pending that I would like to ask unanimous consent to insert in the RECORD a letter from the Attorney General of the United States on the subject of this bill to try everybody by a military court.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks by inserting a communication. Is there objection?

Mr. McARTHUR. Mr. Speaker, reserving the right to object——

The SPEAKER. For what purpose does the gentleman rise?

Mr. McARTHUR. To reserve the right to object, and I would like to ask the gentleman from Kentucky whether there will be any agreement as to time for discussion to-day?

The SPEAKER. The gentleman from Ohio had the floor and he asked unanimous consent to insert a communication from the Attorney General. Is there objection? [After a pause.] The Chair hears none.

DISTRICT BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, pending the motion which I just made I would like very much to come to some agreement as to general debate. It has been some time since we have had a District day and we have some little bills here which we ought to pass and should pass without much discussion unless we get into what might be called strictly a talkfest. There has been something said about the gentleman from Connecticut [Mr. TILSON] wanting 45 minutes. I would not object to agreeing that Mr. TILSON have 45 minutes providing we can agree on a short time for general debate.

Mr. CARY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. CARY. I would like to ask the gentleman from Kentucky if he could suggest about how much time would be necessary?

Mr. JOHNSON of Kentucky. I would suggest not exceeding an hour and a quarter. That would give the gentleman from Connecticut 45 minutes and would give half an hour for general debate, and the bills I think can be discussed amply under the five-minute rule.

Mr. LONGWORTH. What are the bills?

Mr. JOHNSON of Kentucky. There are several little bills and, I might say for the information of the House, there are some minor bills which ought to be passed before we reach the more serious one. There are two bills on the calendar coming from the District Committee which will provoke much discussion, and they are the telephone bill and the bill for municipal ownership of street railways. The gentleman from Colorado [Mr. HILLIARD] has charge of the telephone bill, and I am informed by him that he is not quite ready to take it up to-day, and I have no disposition to call up the street-railroad bill until we can have more time for it than we can give to-day, and I would say to the House those two bills which will make trouble, or at least provoke discussion, will not be called up to-day.

Mr. CARY. Mr. Speaker, I would like to ask the gentleman from Kentucky which two bills he is going to call up?

Mr. JOHNSON of Kentucky. I have seven here. One is known as the patrol drivers' bill, another is concerning the collection of garbage, another about the purchase of supplies by Government employees, and another changing the law relative to the establishment of the probate court, which is the creation of stenographers' places. One is to regulate the hours of the fire department, known as the double-platoon bill.

Mr. MILLER of Minnesota. May I make an inquiry of the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MILLER of Minnesota. Can the gentleman advise the House whether or not it is likely that the so-called rent-profiteering bill will be returned to the House in one form or another at an early date or a relatively early date?

Mr. JOHNSON of Kentucky. I have no information except what I see in the newspapers, which I do not regard generally as very reliable.

Mr. MILLER of Minnesota. I congratulate the gentleman on his perspicacity. I have been very much in hopes, and I think the Members of the House have been in hopes, that that bill may become a law before the 30th of June. I may say, if I may be permitted, without any voluntary investigation on my part many facts have come to my attention, and doubtless to the attention of the other Members of the House, in the last 60 days in regard to the strained situation in the District of Columbia, and it is not unlikely when Congress convenes on December 1, unless this Congress takes appropriate action by legislation, the membership of this body and the Senate will find no place in which to live. That seems like a strong statement, but——

Mr. JOHNSON of Kentucky. The landlords of the District seem to be more than hopeful that the Senate will not pass a bill with teeth in it. I do not share that with them, and I shall not believe such will be the case until the Senate actually passes a bill which will not meet the situation.

Mr. MILLER of Minnesota. If I may be permitted to make one further statement in this same connection, a great many officers have been brought here on duty, who must come under the mandate of the Commander in Chief, of their superior officer, and are likely to be put in a still more serious condition that will greatly handicap this Government in carrying out its military work. I consider that any bill which the District Committee brings in or considers is worthy of attention, of course, and of early attention if possible; but nothing should be allowed to intervene to the extent of preventing early action on the profiteering bill, that will have all the teeth in it that anybody can desire, and then some.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To ask the gentleman from Kentucky to yield. Is it his intention to call up as many bills as he can get considered to-day on the Union Calendar relating to the District of Columbia and restrict general debate on all the measures to half an hour in addition to the 45 minutes?

Mr. JOHNSON of Kentucky. I desire that.

Mr. WALSH. And permit liberal debate on the measures?

Mr. JOHNSON of Kentucky. Under the five-minute rule?

Mr. WALSH. Under the five-minute rule. Does the gentleman intend to restrict debate under the five-minute rule to the bills pending at the time?

Mr. JOHNSON of Kentucky. Yes; I would be anxious to do that.

Mr. WALSH. The gentleman might be anxious to do that——

Mr. JOHNSON of Kentucky. And I would say to the gentleman that I would do the other most reluctantly.

Mr. CARY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. CARY. Mr. Speaker, I wish to state that an hour and a half will be sufficient, from my information, on the first proposition and that the gentleman from Connecticut [Mr. TILSON] be allowed one-half of the time in which to address the House.

Mr. JOHNSON of Kentucky. That is all right, Mr. Speaker; I will not object to that.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] will state his request.

Mr. JOHNSON of Kentucky. That the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District bills which are on the Union Calendar, and that general debate be limited to an hour and a half, and that the gentleman from Connecticut [Mr. TILSON] have 45 minutes of that time, and that the remainder of the time be divided between myself and the gentleman from Wisconsin [Mr. CARY].

Mr. HILLIARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HILLIARD. To ask the gentleman from Kentucky [Mr. JOHNSON] to yield to me two minutes. I simply want to emphasize what the chairman of the committee has said, that there is an important measure, known as the telephone bill, looking to the governmental operation of the telephone system in the District of Columbia, to be considered by the House soon. It has been reported favorably by our committee. The chairman of the committee has assured me that we may have the next District day in which to consider that matter. It has been voluminously reported on in Report No. 379, Parts I and II. If the Members are sufficiently interested to look at those reports, they will find much useful information. In Part II of the report there is an exhaustive study which was made by the engineers of the Bureau of Standards. The situation is fully set forth there and explained in correspondence by the Postmaster General and others.

Mr. EMERSON. Mr. Speaker, reserving the right to object, does any of this legislation coming up to-day have anything to do with the prosecution of the war?

Mr. JOHNSON of Kentucky. None whatever. I believe, however, I will qualify that by the statement that the gentleman from Illinois [Mr. MASON] may make.

Mr. MASON. Mr. Speaker, I wish to call attention, with the consent of the gentleman, to a bill which has passed the Senate and which has been asked by the Surgeon General, giving them the right to extend, during the period of war, a spur track into the medical distributing depot and for which they asked some time ago. The Senate has passed the bill, and the committee recommends that the bill be passed with an amendment which limits the time of the use of this track to 30 days after the declaration of peace. It is an emergency matter, because it is costing the

Government hundreds of dollars a day and, more than that, it interferes, under the present plan, with a distribution of medical supplies. They are all shipped into this large depot and distributed to the different hospitals. I had hoped that the chairman would make that his first bill, because it is a war measure, recommended by the Surgeon General, who appeared before the committee. It has passed the Senate and has been recommended by the House committee unanimously.

Mr. EMERSON. Does the gentleman from Kentucky [Mr. JOHNSON] intend to bring that measure up?

Mr. JOHNSON of Kentucky. It is my purpose to bring it up, or at least give the gentleman from Illinois [Mr. MASON] an opportunity to get it up, but I did not contemplate bringing it up to-day. I wanted to get out of the way some bills to which I thought there would be no objection.

Mr. EMERSON. Mr. Speaker and gentlemen of the House, I am in receipt of many postals with the following heading, "For God's sake, hurry up!" I expect the other Members of this House are in receipt of many of these postals. The great Committee on Naval Affairs, with the aid of the Members of this House, gave an example of hurrying up by passing the naval appropriation bill in two days. I think that committee deserves much credit for hurrying up. Now, if the other committees having important war legislation will follow the example set by the Naval Affairs Committee, this Congress can not be criticized for not doing its duty. It is our patriotic duty to expedite legislation as much as possible, especially war legislation. We have thousands of our brave boys in France, and we will have thousands more there before the summer is over, and it is our duty to stand right back of them and not waste our time here in talking. I hope the different committees of this House will heed the warning on the postal, "For God's sake, hurry up!"

And while I am not going to object at this time, I shall object in the future to anything but war legislation.

Mr. GARNER. Mr. Speaker, in order to facilitate matters, suppose we have the regular order.

ALASKAN ENGINEERING COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on the Territories:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the report of the Alaskan Engineering Commission for the year ended December 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *April 22, 1918.*

DISTRICT BUSINESS.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. I desire to make the point of order on the motion of the gentleman from Kentucky [Mr. JOHNSON], that it is not in order for him to make the motion to go into the Committee of the Whole to consider District bills on the Union Calendar; that he must specify the measure which he desires to consider in the Committee of the Whole; that that motion would apply to bills on the Private Calendar.

The SPEAKER. The gentleman's motion was to go into the Committee of the Whole House on the state of the Union to consider such bills as are on the Union Calendar reported from that committee.

Mr. WALSH. Yes; and I make the point of order that that motion is not in order.

Mr. JOHNSON of Kentucky. That is the customary motion.

The SPEAKER. That has been the practice ever since I have been here. The Chair will answer the gentleman further. The gentleman from Kentucky did state what bills he wanted to consider.

Mr. WALSH. A further parliamentary inquiry, pending the point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Will it be in order for the Committee of the Whole to consider the bills which the chairman of the District Committee should call up in order without the committee rising and reporting each bill as it is completed?

The SPEAKER. That is exactly the reason for the motion.

Mr. JOHNSON of Kentucky. That is the customary procedure.

The SPEAKER. The committee itself disposes of one bill and lays it aside. Then the gentleman calls up another bill under this, and then the committee considers that and lays that aside, and when they get through with the whole batch——

Mr. WALSH. I submit that that is contrary to the rules.

The SPEAKER. That is in accordance with the practice of the House. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider such bills as are on the Union Calendar reported from the District Committee, and pending that motion he asks that the general debate be limited to an hour and a half; that the gentleman from Connecticut [Mr. TILSON] shall have 45 minutes of it, and the other 45 minutes shall be equally divided between himself and the gentleman from Wisconsin [Mr. CARY]. Is there objection to that request?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar relating to the District of Columbia, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar relating to the District of Columbia. Which bill does the gentleman from Kentucky wish to call up?

Mr. JOHNSON of Kentucky. Mr. Chairman, under the arrangement I now yield the first 45 minutes to the gentleman from Connecticut [Mr. TILSON].

The CHAIRMAN. Should not the gentleman from Kentucky first call up some bill before the committee goes into general debate?

PURCHASE OF SUPPLIES FROM ARMY AND NAVY COMMISSARIES.

Mr. JOHNSON of Kentucky. I call up the bill H. R. 10894.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10894) permitting certain persons to purchase supplies from the commissary stores of the Army and Navy.

Mr. JOHNSON of Kentucky. Mr. Chairman, under the arrangement entered into I now yield 45 minutes to the gentleman from Connecticut [Mr. TILSON].

The CHAIRMAN. The gentleman from Connecticut is recognized for 45 minutes.

Mr. TILSON. Mr. Chairman, I wish to thank the Members of the House for their very generous grant of this time in which to present some facts and some exhibits in connection with our gas-defense service. It is a most appropriate day for such a presentation, it being the third anniversary of that day of the Battle of Ypres in which gas was first used in the present war.

Prior to April 22, 1915, it was necessary to go at least as far back as the middle of the fourteenth century to find instances of the use of noxious gases in warfare. The Spartans used something of the kind against the Athenians in the wars between these two cities somewhere between 431 and 404 B. C. The method of using it was to saturate wood with pitch and sulphur and burn it under the walls of the defenders. Sometimes the fumes were blown over the lines of the enemy by means of huge bellows.

The Byzantine Greeks under Constantine Pogonatus, about the year 673 A. D., used against the Saracens what is known in military history as "Greek fire." For 400 years the secret of producing this substance is said to have been preserved in Constantinople as the palladium of that city's liberty. There must have been something wrong with the Saracen spy system. Finally the secret became known to the Saracens, who in their turn used it against the Christians during the Crusades, until the discovery of gunpowder made it obsolete. For centuries, however, the use of such means in war had fallen into disrepute among so-called civilized nations.

The first Hague conference pronounced against the use of such means, and Germany acceded to it.

On April 22, 1915, opposite the Ypres salient, near where the heaviest fighting has been going on for the last two weeks, the Germans liberated great clouds of chlorine gas, which by a favorable wind was carried over the British lines, causing most horrible casualties and considerable consternation. Being much heavier than air, it went down into the trenches and dugouts and was difficult of removal.

Crude means of combating the deadly effects of the gas were soon improvised, and before very long each soldier in the front-line trenches was supplied with some sort of a gas mask.

The next stage of gas offense saw shells filled with the deadly stuff and projected from guns and mortars far back of the front line of trenches, making it necessary for all as far back as the

artillery positions to be protected by gas masks.

The mad race between the offensive and defensive in the use of noxious gases has kept up incessantly, and there is no indication of there being an end to it. The frequent and effective use made of deadly gases by the Germans in the present great offensive on the western front has been referred to quite frequently in the dispatches, especially the vicious mustard gas. This wicked concoction is projected in shells in a liquid or semi-liquid state and often in the nighttime. Being practically colorless, it adheres to branches, grass, or other objects until the sun comes up, when it volatilizes and becomes deadly. One of the worst features of it is that it is delayed in its action and is not felt for some time afterwards.

Mr. SLAYDEN. Nor seen and recognized?

Mr. TILSON. It is practically colorless and is not observed. I had a very interesting hour on last Saturday with a young man who was near the Ypres salient in August, 1917, about the time of the earliest use of this particular gas. He had been well trained in the use of the mask against chlorine and phosgene gases, but when it came to the use of the so-called mustard gas he could not tell me much about it, except that he got it. He could tell me only the effect it had on him, which was a very unfortunate one.

For the best of reasons I deem it best not to attempt to discuss the matter of our own use of noxious gases. While adhering to the opinion expressed at the first Hague conference that no such means should be employed in warfare, nevertheless by the act of the enemy the adoption of such means has been forced upon us, and I feel sure that those immediately responsible for the vigorous prosecution of the war are not neglecting the duty of making adequate preparation in this direction. I hope that we may not only meet fire with fire, but that our fire may prove the hotter.

On the other hand, it is altogether proper to discuss fully the subject of defense against gas attacks. In my judgment, no part of our preparation for this war is to-day in a more satisfactory state than our gas-defense service. The last three months have witnessed greater strides in this direction than the preceding nine months of the year since we entered the war, and those responsible for it are deserving of the highest credit.

On May 16, 1917, the Secretary of War directed that the Surgeon General should supply to the Army gas masks. The gas-defense service was organized as a part of the Sanitary Corps, and the first officer formally commissioned as major on June 26, 1917. From this small beginning the gas-defense service has expanded until at the present time it is an organization of 150 officers and a thousand enlisted men.

On June 27, 1917, the day the Belgian commission was received, I brought into the House samples of some of the gas masks that had been used up to that time by the French and British and one of the type we had just made to send to France for Pershing's first division. I gave the House the best information then obtainable to the effect that the mask then exhibited was effective against any gas theretofore used. Within 10 days from that day 20,000 of those masks were on the ocean going over. Before they reached the other side a new gas had been used, requiring a change of the hood fabric material as well as the chemicals in our mask, so that those 20,000 masks came back to us without having been opened.

No one can be sure that the masks we are now making, perfect as they are, effective as they are, against any known gas, no one can be certain, I say, that they will not be obsolete before midsummer. All we can say is that they are the best that can be produced now and that they serve the present purpose well. All we can do and the best that can be done is to see that our boys "over there" are well supplied with them, and this is now being done in a most satisfactory way.

It is well known to you all that the diffusion of gas by means of shells has become so general and so far behind the front lines that it is necessary for the horses to wear masks.

Mr. McKENZIE. Mr. Chairman, will my colleague yield for a question?

Mr. TILSON. I will yield for a question.

Mr. McKENZIE. Can the gentleman give the committee any information as to the number of horses that have lost their lives on account of gas? Is there any available information on that subject?

Mr. TILSON. I have no absolute data on that subject, except to state to the gentleman that the number is considerable It was considered by Gen. Pershing of sufficient importance to warrant him in asking for masks for the horses, not only on account of the loss of the horses themselves, but on account of the disarrangement of the transportation and the blocking of the roads in case a gas shell should drop near and a horse should fall down from the effects of it.

The French use dogs also for war purposes, such as carrying messages, and have made masks for their dogs. We have not yet started the manufacture of dog masks. Pigeons also are used for carrying messages, and I am told that gas masks have been made for them.

We now have in operation two large factories for the manufacture of masks for men, and one complete plant for making horse masks. The rapidity with which these plants and the organizations to run them have been built up is little less than marvelous. Recently I went through one of the plants where men's masks are being made, examined carefully all the various operations, including the numerous inspections made after almost every distinct operation, and came away more than delighted with what I had seen. The completeness and thoroughness of the organization running this plant was especially pleasing.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. TILSON. I will yield for a question.

Mr. MADDEN. Does the gentleman know anything about a million or more masks that were made and rejected by Gen. Pershing—that had to be thrown in the wastebasket, so to speak—and that the people in charge came here and asked for appropriations to make more masks, without submitting the specifications to Gen. Pershing?

Mr. TILSON. I think the gentleman is referring to the very thing that I adverted to a moment ago.

Mr. MADDEN. I am asking if the gentleman knows whether any such thing as that happened?

Mr. TILSON. Not on the scale that the gentleman has indicated. The fact is that we made a considerable number of masks, the best we knew how to make up to that time, the best that Gen. Pershing or anybody else on the other side had indicated to us that we should make. We paid for them, and I guess they were expensive enough, and then we sent a part of them over. When they arrived they could not be used, and they were sent back. Those that were here had either to be changed so as to conform to the new requirements or else to be thrown away. That is the fact.

Mr. MADDEN. What happened? Were they thrown away?

Mr. TILSON. There was considerable salvage, as I understand, especially in the knapsack, which is practically the same as that now used. Doubtless the greater part of the entire mask was utilized.

Mr. MADDEN. Will the gentleman answer one more question? Did the parties having charge of the manufacture of the gas masks in the War Department submit the new masks to Gen. Pershing for his approval before they spent the money in making them?

Mr. TILSON. I can not tell the gentleman as to that. I know there has been some delay. There was plenty of time to go back and forth across the ocean a time or two, because this mustard gas was first used about the first of August of last year, and the preparation for the manufacture of our masks on a large scale was begun about the middle of January, 1918. It has proceeded since that time very rapidly.

Mr. MADDEN. If they have all been thrown away, what does the rapidity amount to?

Mr. TILSON. I can not tell the gentleman in actual figures, but I have no reason to believe that any great mistake has been made in this matter, beyond the natural mistake of making at first masks which were inadequate to protect against the newly discovered mustard gas.

Mr. MADDEN. The making of a million or two and throwing them away seems to have been a rather serious mistake.

Mr. TILSON. I am sure the gentleman is not accurate as to the number.

Mr. GARNER. The gentleman from Connecticut said 20,000. There is a good deal of difference between 20,000 and a million.

Mr. TILSON. I said 20,000 were sent over. But I prefer not to digress into a discussion of what is comparatively an insignificant matter when considered in connection with saving of the lives of our soldiers.

Mr. GORDON. Will the gentleman yield?

Mr. TILSON. I decline to yield further.

Mr. GORDON. I think the gentleman ought to make plain his answer to the gentleman from Illinois [Mr. MADDEN].

Mr. TILSON. I am unable to answer the figures given by the gentleman from Illinois by giving the exact number of the old type of mask that was manufactured, but I feel confident that the number stated by him is altogether too large. Otherwise, I think my answer is plain.

Just a few words as to how the organization of the plant visited was brought together will serve as typical of all. A very able business executive was found, and two other men of large business affairs, who were thoroughly skilled in two lines of

business most nearly analogous to the work required in making gas masks. Of course, no one could be found who was experienced in making gas masks, for there were no such. You might not be able to guess the two lines of industry chosen as the most nearly analogous, but the gas-defense service guessed right the very first time.

One of the two men drafted for this most important work was a large manufacturer of corsets, thoroughly skilled in the use of the sewing machine, with all its accessories and possibilities. His resourcefulness as an office manager and planner soon demonstrated the wisdom of his selection. The other was a packer from Chicago who knows more about tin cans and how to handle them expeditiously and economically than any other man I ever saw. You see there is a tin canister containing the chemicals in each mask, and an extra one for each mask is provided.

Under these men are a number of able organization assistants, selected in many cases from among the business lieutenants of one of the three. The employees are carefully selected, those having immediate members of their families in the war being given preference.

Some of the signs displayed throughout the plant were interesting and impressive. They were for the most part superimposed upon appropriate liberty-loan posters, usually pictures of soldiers, and calculated to impress upon the workers the importance of dispatch and care in making the masks. One sign read, "Your loved one may not return unless he has a mask." Another read, "The mask you make may save his life."

The inspection throughout the many different operations impressed me as most thorough. I shall refer to only two specific instances. The first is of the rubber making the face piece. In a sheet about 30 inches wide on a roll, it is run between two steel rollers charged with high-voltage electricity. If there be the most minute pin prick the electric charge arcs through it, making it quite obvious to the eye of the inspector. The other is the final inspection, made by carefully selected enlisted men in a room which other persons are not permitted to enter. The masks are then placed in sealed packages and packed in heavy wooden boxes, ready for shipment to the battle front.

I have here a well-arranged exhibit, showing every part and operation in the manufacture of the mask. I shall not attempt to describe in detail the various parts which go into it, but you will readily see that it is no simple matter to make one of them.

There are 12 different types of masks here in my collection—10 for man and 2 for beast. I shall take them up one at a time.

First, let me show you the one now being turned out in large quantities for our troops. My friend, the gentleman from New York [Mr. FRANCIS], has volunteered to be the victim. He will put it on so that you may see it at close range as it is used in and near the front-line trenches. [Mr. FRANCIS puts on the mask.] It is known as the box respirator type, and is almost identical in outward design with the one shown here by me last June. It differs in the hood material and in the chemical used. The hood is now made of a rubber fabric that the gas can not penetrate. The eyes are of glass instead of celluloid, but the glass is made in layers, with celluloid between, so that it will crack but not shatter. The nose pincers are here to prevent breathing through the nose. The rubber mouthpiece goes in the mouth between the lips and the teeth. The breath comes out through this one-way flutter valve. This flexible tube extends from the opening connecting with the mouthpiece to the canister here in this knapsack affair, containing the neutralizing chemicals. The gas-charged air enters through the bottom of the canister, where it is filtered and purified, and reaches the mouth through this tube. After aerating the lungs it passes out through this flutter valve.

This is the way soldiers are equipped in order to fight or live at all when they are under gas. It is said that with their masks on the soldiers can live for at least 10 hours. I should like to ask the gentleman from New York how long he would like to live in it.

Mr. FRANCIS. About 10 minutes.

Mr. TILSON. It is in fact very uncomfortable to wear. When shells containing gas fall unexpectedly, as they often do, it is necessary to put on the mask very quickly. The soldier is trained to do it very expeditiously. Three soldiers, brave and true, now in the south gallery, will show just how it is done. They are Sergts. Day, Kirkham, and Emmons, of the gas-defense service. "Squad, attention." [The soldiers stood at attention.] The knapsack is now at the slung position in which it is carried from the time soldiers come within 10 or 12 miles of the front. Even at this distance gas shells may fall. In that case the command is given, "Gas."

At the command of Mr. TILSON the soldiers in the gallery put on their masks.

[Applause.]

Mr. TILSON. There being gas in the neighborhood to cause the alarm they would undoubtedly get some gas inside the mask, so it is necessary for them to empty the mask. Before I give that command I should, however, give another command, as it is very uncomfortable to carry the mask in that position. I shall now give the command, "Complete the adjustment." That is in order to make it more comfortable. Otherwise they must carry the weight of the mask from the mouthpiece in the mouth between the teeth and the lips, and it is a very heavy pull on the mouth unless the knapsack is strung up. Having completed the adjustment, the position which the men are now in is what is known as the "alert" position. I omitted giving one command, "Take off masks." [Soldiers removed masks.]

When they come within a distance of 2 miles of the front line they must carry their masks all the time in the alert position, which these men are now doing, the flaps of the knapsack open, so that they can get at the mask easily. Being already at the alert position, which they always take within 2 miles of the front line, from this position they are supposed to put on the masks in less time than before. They are supposed to do it in six seconds, and gentlemen can take the time if they wish. I shall now give the usual commands: "Gas." [The soldiers quickly put on masks. Applause.] "Empty masks." [The soldiers execute the command.] The gas soon dims the eyepiece and it must be cleaned. "Clean right eyepiece." "Clean left eyepiece." [The soldiers execute the commands as given.] No more gas shells having fallen, the commander comes to the conclusion there is no more gas, but he wishes to be sure of it, so by having them slightly release the nose clamps and raise the hood a little they can ascertain whether there is any gas still in the neighborhood. I shall give the command and the squad will illustrate it: "Test for gas." [The soldiers execute the command.] Having now ascertained that there is no more gas in the neighborhood, I shall give the last command: "Take off masks." [The soldiers remove masks. Prolonged applause.]

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. How can the commanding officer give the order that the gentleman has just given with these masks on?

Mr. TILSON. He can do it. It is a very mumbling sort of order, but it can be understood by seeing what the commander himself is doing about this time. Then they also have signals, and along the line they have regular automobile horns.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MILLER of Washington. We have all heard of the form of gas that blisters not only the face but the body. What protection, if any, has been taken against that?

Mr. TILSON. They are making a sort of sou'wester suit that incloses the soldier all over, from head to foot, with straps under the boots, with a hood that goes over the head—in fact, a complete suit. It seems to me it would be very uncomfortable in hot weather. Certain men who have to handle the guns or anything where that substance is will have to wear that suit. It seems to me that soon there will be so many things necessary to be carried in order to protect a man's life that they are going to finally reach an impasse.

Mr. MILLER of Washington. And we are manufacturing those?

Mr. TILSON. A limited number of the oil suits, but we are manufacturing the masks in great numbers. It is the belief that we shall be able to manufacture without difficulty all that we need for ourselves and all that our allies may need.

Mr. GARNER. That is, the gas masks?

Mr. TILSON. The gas masks.

Mr. GARNER. The gentleman says they are manufacturing the improvement of the mouthpiece, the second one to which he pointed?

Mr. TILSON. Yes.

Mr. GARNER. And they are experimenting with the other?

Mr. TILSON. Yes; the hard rubber.

Mr. GARNER. And if they fail to manufacture the second in order to get the third, we would criticize. If they failed to get the third and throw the others away, we would still criticize.

Mr. TILSON. I shall not criticize if they go on making the second till the third is ready to make. If the third is better, I

shall not criticize if they throw away a few of the second when they get the third.

Mr. GARNER. I just want to mention that to show what an awful fix they are in.

Mr. TILSON. As I said on another occasion, in accordance with the scriptures, we ought "to prove all things," and improve everything we can, but we should not neglect to "hold fast that which is good," and which we have tried and know to be good. I think that has been one of our difficulties. We have been trying to get the absolutely ideal, and meanwhile we have not gotten anything at all, always looking forward to the time when we could have the very best.

Mr. GARNER. Then, the gentleman is not inclined to criticize if they go on and manufacture something they have, but afterward throw it away?

Mr. TILSON. To a reasonable degree; no. I do not think anybody is subject to that criticism. They would be subject to criticism if they did not take every precaution to have enough masks and to be sure they did have enough masks to protect all of the men they are going to send within the danger zone.

The gas is heavier than air, so it goes down into the dugout or trench. It is so heavy that it stays there on the bottom, so they have invented this tool which I show you to take up the gas. It takes quite a little knack to use it. The idea is to bring the tool up flat, so as to bring the gas up with it.

I wish to spend the rest of the time allotted to me in a description of these masks. This one which I show you now is a French mask, the same as I presented to you almost a year ago, except that the face piece has better material in it, to keep out the new gas, and it has been impregnated with the new kind of chemicals, to take care of the new gas. I am informed that the French are also making some of the box-respirator type.

Mr. HARDY. Mr. Chairman, I would ask the gentleman one question. Do our people understand the component elements of the "mustard" gas?

Mr. TILSON. I could not inform the gentleman as to that. I suppose they are studying it. Perhaps the gentleman from Illinois, Dr. FOSTER, could tell the gentleman.

Mr. FOSTER. I think so. They have analyzed it here.

Mr. HARDY I shall not ask whether they use it against the enemy, but I hope they do.

Mr. TILSON. Here is the Italian mask, which is much like the French mask, except that they carry it in a tin box. Upon it in large letters in Italian is a warning to the effect that he who leaves off this mask dies, and that he should always keep it with him.

Mr. SNYDER. Will the gentleman yield?

Mr. TILSON. I will.

Mr. SNYDER. Will the gentleman tell us what mask our men are now using?

Mr. TILSON. Our men are now using the middle one on the board, the same one the gentleman from New York wore. It is the middle one on the board here [pointing].

Mr. SNYDER. That is of our own manufacture?

Mr. TILSON. Oh, yes.

Mr. SNYDER. And they are not using masks other than our own manufacture?

Mr. TILSON. Well, I can not tell the gentleman, but I know that January last marked the beginning of a large manufacture of these masks.

Mr. SNYDER. But just previous to that they were using masks made also by France?

Mr. TILSON. I am not quite sure as to that, but I think we had some from Great Britain.

Mr. SNYDER. They are as well fixed for masks as any of the other armies at this time?

Mr. TILSON. Yes.

Mr. SNYDER. So they are not without proper protection as far as masks are concerned?

Mr. TILSON Probably what the gentleman has in mind is that they were not masks of our manufacture.

Mr. SNYDER. What I had in mind was to be sure our men did have protection of masks, notwithstanding the fact they did not have those of our manufacture.

Mr. LOBECK. Is the mask the soldiers in the gallery used the one our soldiers are using now?

Mr. TILSON. Yes. The mask the soldiers used in the gallery is the same one I have in my collection. It is the one the gentleman from New York put on. The third one on the board has only a very slight improvement, making it fit the head better, but it is really the same thing.

Mr. HARDY. Was the masks used by the soldiers made in America?

Mr. TILSON. Oh, yes; they were made in America.

Unfortunately for the rest and comfort of the soldiers, the gas shells are about as apt to fall in the night as in the day, so that it often becomes necessary for men to sleep in their masks, if they sleep at all. I believe the gentleman from New York will testify that it would be very difficult for anyone to sleep in that mask. In fact, no one could sleep with those clasps on his nose; therefore this mask [indicating] has been devised for that purpose. You will note the air ducts leading to the eyes and the breathing arrangement here. This is known as the Tissot mask. It is made out of very soft, pliable rubber, and has ventilation to the eyes so that the eyepiece will not dim and the breathing arrangement here so that nothing has to go into the mouth. It is so soft that a man, if he is sufficiently exhausted, can lie down and sleep in it.

This one is known as the P. H. helmet, which the British were using as a secondary mask and which I showed here last June. It is not considered now as proof against gas for a very long time and is rapidly going out of use.

Mr. SLAYDEN. What does the enemy use?

Mr. TILSON. I am going to show that in a moment. Here is something which will throw a little light on an international matter of considerable interest in this country. We all wondered why the Russians completely broke down. I have wondered if it were not, when they discovered that they had to wear such things as this [illustrating] in order to live at all, that the Bolsheviki decided they had better quit. This is a Russian mask.

Here is a mask taken from a captured German a very short time ago. The receptacle which contains the chemicals is very much smaller than ours and lasts a shorter time. Therefore each man has to carry an extra one of these lamp-body affairs with him. You will note that the face piece is made of leather instead of rubber. The German mask that I saw last year had rubber of a rather poor quality, but the masks they have been taking from the Germans recently have no rubber at all. They use leather for the face of the mask. The elastic bands that hold the mask to the face and make it conform to the shape of the head instead of being rubber are made of wire spring sewed up in cloth. That would indicate that there is a shortage of rubber in Germany. I am glad to see a shortage of something over there. [Applause.]

As I told you a few moments ago, horses also must have masks, and we have one complete factory in this country now turning out horse masks. I have one here, fully impregnated, that will protect a horse. It is the one now on this horse's head. Unless you were close to detect the odor you would not realize a great difference between the mask we are now making for our horses and the British horse mask. Here is the British mask. It is sewed instead of riveted. It must be entirely impregnated, including the elastic band, which soon puts the elastic band out of business. Our mask is riveted, so that this part which goes around the bridle is not impregnated, neither is the elastic band, which I think is an improvement. You will notice that the upper part of the horse's nose is all that is necessary to be covered.

A MEMBER. What about the eyes?

Mr. TILSON. You have often heard of a horse laugh, but never of a horse cry. The eyes of a normal horse do not lachrymate. A horse has the good sense to breathe through his nose. There is no necessity of putting a mask over his mouth, which materially simplifies the problem.

The captain in charge of this particular work is as proud of it as a pair of newlyweds of their first baby; and well he may be, for it is a necessary as well as humane work, being done most efficiently and in the finest possible spirit.

Mr. FESS. Would the gentleman care to say anything about what we are doing offensively, as to the character of the gas?

Mr. TILSON. As I said earlier in my remarks, I thought we had better not discuss that at all, because even the dropping of a hint might be of advantage to the enemy if communicated to him. I feel that we are doing the work properly, and owing to the peculiar nature of the work I think we ought not to talk about it. [Applause.]

It is a great satisfaction to be able to speak so favorably, so enthusiastically, of the progress being made in this highly important field of defensive preparation. Fortunately, the gas mask is not made of metal, except to a minor degree, and does not require the special tools, dies, jigs, and gauges necessary to make arms, ammunitions, and airplanes. This fact detracts in no way from the credit due to those who have had this work in charge. In my judgment, the gas-defense service is now justifying its name. [Applause.]

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the wolf still yelps at my heels. Two years ago, using the fable of the Wolf and the Lamb as an illustration, I spoke of the real cause of the opposition to me. As I then said, I am the Representative of the whole people of my district, but I wear the collar of none; I refuse to submit to the dictation of selfish interests or to be the tool of big business; I am too much interested in the cause of labor and the oppressed, too much the friend of the common man, to be acceptable to those in my district who consider themselves as belonging to a superior class. In the words of Mirabeau, "In all countries, in all times, the aristocracies have implacably pursued every friend of the people." The shoddy American aristocracy of riches is the most vindictive of them all.

Two years ago the people of my district passed judgment upon me in an election in which I was opposed by two popular men, with the result that I received 76 per cent of the total vote, while my opponents together received 24 per cent. I carried every voting box in Jefferson County.

Confronted with this evidence of the people's approval, the wolves slunk away temporarily, but soon returned to snarl at my heels. They have hounded me persistently since my first election. They have criticized me; they have nagged me; I could do nothing to please them. They have sought to distract my attention from my duties. I have had to stop from time to time to kick them away. Now, confronted with the prospect that I will again be reelected, they gnash their fangs in desperation and would tear me limb from limb. They fear that it is now or never; that I will soon become so well entrenched that it will be hopeless to drag me down. They are making a last desperate effort, sparing no pains nor trouble, regarding neither honor nor truth in their attacks.

I proved that I did not muddy their water and that neither I nor my brother insulted them, and now they say that I am not a real lamb. These wolves in sheep's clothing with lamb's wool in their teeth—they claim that I am not a real lamb, and that therefore they should devour me.

They say that I am not good enough American for them—not a patriot. The News and Age-Herald say that I am not patriot enough for them and the mammon worshippers for whom they speak—not good enough for Editor Glass and Editor Barrett, twin pickles, one in conceit and alcohol, the other in his own venom—Glass and Barrett, neither of whom ever had a patriotic thought or ever did a patriotic deed—Glass and Barrett, who hate each other with all the bitterness of their small souls, who feel for each other merited and measureless contempt. Heaven help me if I be not good enough for such as they!

And little "Me, Too," the Ledger, peeps out of its hole to squeak at me. The weakest of the lot—but I pause, "Brave spirits war not with the dead."

PAYING FOR THE WAR.

Next to soldiers, money is the most needed thing to win the war. Lloyd-George said that the war will be won with silver bullets, and this is nearly true. Our brave soldiers will die in France in vain if by unwise financiering we bankrupt our country and become unable to supply them with munitions of war. Every true patriot is concerned in seeing that proper financial measures for the support of the war are adopted. The Congressman who does not interest himself in this question is lacking in a proper sense of responsibility.

The question of financing the war was one of the first to which President Wilson gave consideration. In his war message of April 2, 1917, after advising a declaration of war against Germany he proceeded to discuss what the war would involve. He said:

> It will involve also, of course, the granting of adequate credits to the Government, sustained, I hope, so far as they can equitably be sustained by the present generation, by well-conceived taxation. I say sustained so far as may be equitable by taxation because it seems to me that it would be unwise to base the credits which will now be necessary entirely on money borrowed. It is our duty, I most respectfully urge, to protect our people so far as we may against the very serious hardships and evils which would be likely to arise out of the inflation which would be produced by vast loans.

President Wilson warned Congress against "the inflation which would be produced by vast loans." He held that the financial burden of the war should be sustained so far as equitable "by the present generation, by well-conceived taxation."

I approved the President's reasoning. Though not always willing to go blindly where he points, I respect his master intellect. And as the financial view which he expressed agreed with my own I was glad to support his plan for financing the war. The war-revenue bill presented by Secretary McAdoo was framed on the plan to pay half of the war cost by bonds and half by taxation. This bill had the President's approval, passed with my support, and is the law now in effect.

However, the cost of the war began to run higher than had been calculated. An additional bond issue was authorized by Congress last fall, and recently the third liberty loan was authorized. This brings the total bond issues up to the stupendous sum of $14,000,000,000, or $140 for every man, woman, and child in the United States. But notwithstanding the repeated bond issues and the many billions increase of the public debt no increase in taxes on profits has been made. Congress did not adhere to the President's plan of paying half the war cost from bonds and half from taxation. Whether the President changed his mind I do not know. I do not think that he did change. I rather think that the big business and financial interests who are making millions out of the war and who would have been compelled to pay the increased taxes are so powerful that Congress has been unable to carry out the President's plan.

Our present rate of taxation on war profits is much lower than the British rate. On concerns earning as much as $500,000,000 our rate is roughly 32 per cent, the British rate is 25 per cent on profits up to the three prewar-year average, and 80 per cent upon war profits. Under our rates we will collect for 1917 $3,500,000,000, which is less than one-fourth of our expenditures. Had we adopted the British rate our collections for the same period would have been from $2,500,000,000 to $3,000,000,000 more, or a total of not less than $5,000,000,000. For instance, the United States Steel Corporation will pay for 1917 taxes $233,000,000. Had that corporation been located in Great Britain it would pay on the same earnings $387,000,000, so that the Steel Corporation by paying the American rate instead of the British rate saves $154,000,000, and is able to pay its stockholders 49 cents on the dollar for 1917 alone.

I have viewed the repeated bond issues with great apprehension. I see the evils which the President predicted transpiring before my own eyes. Prices of all commodities have increased 21 per cent since we entered the war. This is the direct result of repeated bond issues. A great inflation of circulation has resulted, gold money has disappeared. The American dollar is now below par in foreign countries. Mr. McAdoo advises that we melt our silver money into bars as the silver in the dollar is worth more than 100 cents. The country's financial situation is rapidly growing worse.

Recently in voting for the third liberty loan I felt it my duty to call attention to the situation and to urge that taxes be laid upon the war profiteers. I supported the President's position as given in his war message. I was met by the assertion that greater taxes would cripple business, that business could not afford to pay more than was now being paid. I subsequently answered this by calling attention to the enormous profits that are being made by the great industrial concerns. I took up particularly the case of the Steel Corporation and showed that by its own admission it had made for 1917, after paying all taxes and charges of every kind, 49 cents on every dollar of the par value of its common stock; and pointed out that if the true facts were known it had earned perhaps 100 per cent on its common stock.

My exposure of the profiteering of the Steel Trust was in good faith. Perhaps I forgot for the moment that it controlled the press and powerful political influences in my district; perhaps I forgot or maybe I had courage enough to tell the truth in behalf of the public welfare, even though it meant my own ruin.

However that may be, I make no apology to the Steel Trust or to its hirelings, its editors, its sycophants, its parasites, its bootlickers, or its deluded friends, who can see no wrong in anything it may do. I did my duty as I saw it, and whether I shall sink or swim, it was a patriotic action and will redound to the Nation's welfare.

PATRIOTS AND PROFITEERS.

But it seems that I laid my hand upon the "Ark of the Covenant"; that is, the only ark of the covenant that a certain element in my district care about. I raised my hand against their idol, and I must be punished. There was scurrying to and fro, mines were laid, plans formed, and a plot concocted for my quick undoing.

My speech was made on April 6. On April 9 a notable gathering was held in the Tutwiler Hotel in Birmingham—that splendid hostelry, the center of extravagance and display of the swagger and fashion in my city. But this occasion was a worthy one. The object of the meeting was to promote the sale of liberty bonds. Numerous wealthy business men had gathered around the well-loaded board. It was a congenial and prosperous company, and soon speeches were declared in order. The occasion was a patriotic one, in which men's nobler and self-sacrificing instincts were to be appealed to. But always there are those who are willing to pervert a patriotic occasion to base

political ends. The Tutwiler luncheon was no exception. There were those present who were willing to endanger the bond campaign in order to do me an injury. When patriotic fervor had reached its height up rose the pastor of a fashionable Episcopal Church in my city and proceeded to climb the ladder of eloquent praise for America and denunciation of her foes. Evidently this gentleman of the cloth classed me as one of the latter, for he said:

> We ought to conscript every man who is capable of working in the industrial plants or in the offices, at the lathe in the munition plants, or in the factory, or at the typewriter—every man in his place, taking everyone that is needed to win this war; and while we are at it we might conscript a Congressman who is in sympathy with the sentiment in this community and who will represent this people and that great sentiment in Congress.

And having paid me this tribute, he proceeded to demolish the Germans by saying:

> America was buffeted on one cheek by Germany and she turned the other one. She was buffeted on that one, and then all scriptural law was fulfilled. And now, by God we are going to lick Germany.

The quotations are taken from the News's report of the speech. Still, I presume they are correct.

Evidently there were a number of conscriptionists at the meeting, for the News says that the pastor's reference to conscription, including the conscription of a Congressman, was cheered mightily. And so we have the key to the sentiments of the speaker and his cheerers and the platform of the candidate for Congress whom they will conscript. Conscription not only for the Army but for industry—dragging men from their homes to serve in the ranks and also to toil in the factories and on the farm. Conscription of men and women, too, not only for war service but for the service of the great profit-making corporations, so that millionaires may be multiplied and our Nation's resources monopolized. Conscription not only for times of war but to maintain vast standing armies even after peace has come, for that is what the Birmingham papers preach and the speaker and his cheerers want. They would not allow the humble workers of America to put aside the yoke of military service with the coming of peace, but would keep them trained for future wars and future opportunities for profiteering and plundering.

These conscriptionists believe in conscripting our boys for soldiers and men and women to toil in the factories and on the farm, but always they have in mind the conscription of the humble and the poor. They do not favor conscription for themselves. If it should be proposed to conscript one of them to follow a plow or roll a wheelbarrow or beat hot iron—to take him away from his luxurious home and to put him to doing some useful work for the country—he would resent it to the death. These conscriptionists believe in conscription of human beings, but not of dollars. They consider that they are making a sacrifice equal to that of the soldiers who do the fighting when they lend money to the Government at a good rate of interest in nontaxable bonds. If it should be proposed to conscript money and big industrial plants to carry on the war they would howl that the pillars of civilization were being pulled down. Human beings may be conscripted, they say, but property is sacred.

But the speaker went too far. There at least is no need to conscript a candidate for Congress to oppose me. Dozens of ambitious men want my job, dozens of them have had their lightning rods up for months, but they have been afraid. If only the small but powerful influences which were at work at the Tutwiler will give the word these would-be candidates will spring to the task. It is an intolerable evil of political conscription that the selection is made by the elect few, and the candidate when chosen knows well the source of the honor. The favored one will be the candidate not of the people but of his conscriptors. He will not stand on his own merit, but upon the support and money of the few who select him. The "hand-picked one," if he should succeed me, will be the Representative not of the people as a whole but of a few big corporations and their puppets. Oh, unhappy the day when the people of my district are thus mistreated, and when their Congressman is merely the tool of the selfish and avaricious.

THE PLOT THICKENS.

It is obvious that the attack on me was prearranged. Taking it as a text, the News followed with a column of coarse editorial abuse and dishonest criticism. Then the Age-Herald took the matter up with a report which deliberately misrepresented my speech exposing the Steel Trust, and at the next liberty loan luncheon a cut-and-dried resolution was sprung, condemning my speech and charging that I did not faithfully represent my constituents in my position. And on Sunday morning the Age-Herald cartooned me on its front page as a Bolshevik, and the News reiterated its false criticisms.

The whole "flare-up" was obviously a conspiracy. Birmingham had been worked to a fever heat of patriotism in the sale of liberty bonds and was responding nobly to the call, but these narrow and venomous partisans had no respect for that. They would ruin the sale of the bonds if thereby they could injure me. I attacked their god—the Steel Trust. I questioned the good faith of the great war contractors. I criticized the profiteers and money worshipers. I said that no man has the right to come out of this war richer than he went into it. I sought to make the people who are making money out of this war devote their profits to paying for it. I tried to protect coming generations and babes yet for a hundred years unborn. Therefore I am unpatriotic, I must be politically sandbagged. The resolution condemning my speech was passed by men few or none of whom had read it.

MY RECORD.

The Birmingham papers from the very first have sought to discredit me. They have misrepresented and criticized whenever that course was possible. They have belittled and ridiculed whenever they could, and for the rest have ignored me altogether. During the trying times of last spring and summer they nagged and hectored me in nearly every issue. Whatever I did they criticized as wrong. They commanded me with threats what to do and scolded and misrepresented what I did. The pitiable Ledger, after remaining on the fence for weeks on conscription, came out just before the vote was taken with a bluster as to what would happen to me if I did not vote for it, and later ridiculed my speech against it and called it a "tirade." I sent out the speech to show my constituents the reasons for my vote, and now the Ledger and the News quarrel with me for sending out the speech. Had I had these papers' principles I would have waited to see which way the crowd went and then been the loudest shouter of them all.

The News and Age-Herald have steadily misrepresented me. Of the two perhaps the News has been the least despicable, for its editor has done his own lying, while the Age-Herald has set its hired slanderers to sandbag me. These papers have tried to create an atmosphere of disloyalty about me. They have reiterated that I was opposing the administration and had set myself up in antagonism to the President. There are honest people among my constituents who have been misled into actually believing such things. The assassin of political reputation is as despicable as the slanderer of private character.

The real fact is that in all respects necessary to stand the acid test of loyalty as described by the President in his recent letter on the Wisconsin situation, I have proven 100 per cent pure. Of the dozens of measures relating to the war, either directly or indirectly, in only three have I voted against what was reported as the judgment of officers of the administration. Those three are the conscription bill, the espionage bill, and the explosives bill. I challenge my critics to show to the contrary. I have been willing to vote for every soldier, every ship, and ever dollar needed to carry on the war.

I will be frank. I have voted for the measures proposed, not because some officer of the administration advised it but because they met the approval of my judgment. I have not been a rubber-stamp Congressman, but have tried to weigh patriotically every measure presented and to vote for the best interest of my country. It is I who am Congressman. It is I who took the oath of office. It is I who must face my conscience and my Maker. And always I have felt that I must make the final decision for myself. For this frame of mind I offer no man an apology.

The Age-Herald libels me in a cartoon as a "Bolshevik." Poor dolt. He does not see that it is he and those for whom he speaks and the propaganda that he carries on that makes the Industrial Workers of the World possible. I am standing for old-fashioned Americanism, for the America of our fathers, and for American liberties, for freedom of speech, of conscience, and for real democracy. He would have all the vast wealth of this great young Republic collected into the coffers of a superior class and used by them with a free hand to oppress the great masses. He and his kind are driving for the same conditions in America that produced the Bolsheviki in Russia—he the bourgeois—while I would stay the rapacity of exploitation and strive toward conditions where there would be few millionaires and no anarchists, but reasonable plenty for all.

I pass by the coarse abuse of the News so far as it relates to my personal qualities. Such piffling and contemptible criticism is not to be dignified by notice. Glass criticizes me for having obtained the discharge from service of a number of soldiers. In every case the soldiers were boys of 16 and 17 or were physi-

cally unfit for service. The military laws required that they be discharged. As the servant of my constituents I merely presented the facts to the authorities. No favoritism was shown nor political pull exerted. These boys were unfit for service; they should never have been recruited. Glass's criticism is as dishonest as it is petty.

Glass says I am a Socialist. This is false, and he knew it was false when he wrote it. He says that consciously or unconsciously I have cooperated with German propagandism. There is only one answer appropriate to be made to such a statement. He lied. Lied deliberately and maliciously, not in heat, but cold-bloodedly and basely, to do me an injury.

I realize what power the press has; how it may mold public opinion; how, by base innuendoes, it may destroy the proudest reputation; how it may create around the noblest character an atmosphere of hatred and disgust. I realize what a load I carry in the united opposition of the Birmingham dailies; how I am cut off from my people and can not reach them except through an occasional speech, which my foul-hitting critics would deny me the poor privilege of sending. I realize how impossible is the task of my sending the truth to overtake their misrepresentations. But I am undismayed. I confront the plot against me with calm and untroubled faith that God is in heaven and justice will triumph.

The fight on me is not one in which I alone am interested. It is a fight against me because I am the people's Representative. It is a fight against the people and would deprive them of the right to choose their own spokesman. It is the fight of the selfish, the insincere, the false patriot, the money worshiper, the parasites of big business against the toiling masses. I have been selected as a victim because I have dared to criticize the profiteers and war contractors. I have dared to stand for the rights of men above the interests of property. I have dared to have humanity as my watchword instead of greed.

Let no man be deceived as to the issue. There is no question of my patriotism by any honest man who knows the facts. I have served my country as a private soldier in time of war, which not one of my critics has done. My life is an open book of service to my fellow man, and I appeal to that. The real question is whether the Steel Trust and the selfish interests and their hirelings shall have them a little Congressman of their own in the Birmingham district or will the whole people be represented.

The daily papers, except for the spleen of their editors, do not attack me because of any principles or convictions of their own, for they have none. They are merely the tools of those higher up, of the big business interests who are their masters.

THE BIRMINGHAM DAILIES.

How sweet it is for brethren to dwell together in unity. Hating each other as only the jealous can, cutting each other's throats at every chance, feeling for each other the deepest contempt—the Birmingham dailies are united for the first time in opposition to me. Oh, happy I, that have enabled the rabbit, the monkey, and the serpent to sing in sweet harmony.

Barrett and Glass, what a fine pair they are to teach patriotism and high-mindedness to a community! And now they are united in libeling their Congressman. Happy they must be in such a genial association. Lately they were caterwauling at each other, and Barrett published his opinion of Glass in a double column, from which I quote these chaste extracts:

Frank P. Glass, the editor of the Birmingham News, whose principal object in life is to criticize others in the columns of his newspaper, who has always been the puppet of some politician, and who has always sought to be a political leader without achieving an iota of success, is out in a long diatribe in his newspaper yesterday afternoon criticizing an article over the signature of Ned Brace in Sunday's Age-Herald.

Again:

This man Glass, of the Birmingham News, has been dirty and sneaking so long that both the editor of the Age-Herald and the respectable public are disgusted with him.

Again:

The mighty Ned Brace to whom he refers was not in the Montgomery conference. There were some splendid gentlemen in that conference, into which that pirate of journalism, Frank P. Glass, injected himself. There were men in that conference who were fighting for a principle. Would that the editor of the Birmingham News had been doing likewise, rather than possibly watching for the shekels that might be strewn in this State by those with an ax to grind.

Frank Glass in his newspaper career has always had such a keen scent for campaign funds that it is difficult for him to distinguish the difference between the editor of principle and patriotism and the editor who merely follows the train of the dollar.

Again referring to the way in which Glass treated the administration's coal-saving order, he said:

Yet this man Glass, this venal editor of the Birmingham News, saw fit to criticize his administration vigorously when it endeavored to conserve coal by closing on Mondays industries and department stores which advertise on Sundays. This editor was looking to the dollar in the advertising columns of his Sunday newspaper. When the dollar and patriotism were placed side by side—when the dollar and the support of the boys at the front were in parallel columns—he chose the dollar.

I have not at hand what Glass said about Barrett. I remember that he charged Barrett with having betrayed the whisky cause, which he had long championed. What each really thinks of the other would be unfit to print. God pity and save them both—if He consistently can.

From the very first the Birmingham dailies tried to bludgeon me into submitting to their dictation. They want a humble, servile Congressman whom they can dictate to and when I ignored their hectoring they split their lungs with criticism. The attack on me has been carefully planned for months. The papers suspended their criticisms last fall. They saw that the people were getting tired of their scolding me. I then predicted that they were waiting until the opening of the congressional campaign. The "flare-up" is merely the enemy's great spring offensive long planned and carefully prepared. They are dishonest in assigning my speech as the reason. It is merely a false excuse which they give for what they had intended to do had I not made the speech. I will send the speech they criticized to my constituents. I challenge any honest man after reading it to point out where I made any criticism of the President or of any officer of the Government. To the contrary, that speech advocated carrying out the financial policy favored by the President in his war message.

The Birmingham dailies evidently think the people are fools. I do not think so. To the contrary, I know that they are not fools and I know that the instinct for a square deal and fair play is strong in the hearts of my constituents. I know that they will resent the unprincipled attacks on me. I know that they will not allow my dishonest critics to intimidate them. The great mass of the people in my district look on me as their friend and champion. They will accept as an attack on themselves the efforts for my political assassination. I am receiving dozens of letters with promises of support. The people are with me.

My answer to the false criticisms of my opposition is my announcement for Congress. There will be no backdown on my part. We will put this thing up to the people and let them decide. I give fair warning to all if I should be again chosen as Congressman from the ninth district I will continue as I have in the past to do my duty as He gives me light to see it. I will be no rubber stamp. I will wear no man's collar. I will listen to advice from all and consider it carefully, but I will make the decision myself. I will not submit to dictation from any interest, no matter how rich or powerful, but prayerfully and humbly as a patriot should and with a just sense of responsibility in this hour of the Nation's peril I will serve my country and my people with the best that in me lies.

I have no support from the daily press, no way to reach my constituents except through my speeches. Therefore in order to answer my critics I am forced to use this method. I shall send this address to my constituents. The papers, of course, will criticize, villify, and ridicule it and me, but I am willing to endure this for my convictions. If by making this fight for the people I may be of benefit to them and to my country, I am willing to suffer.

Mr. JOHNSON of Kentucky. Mr. Chairman, the committee will have to rise about 3 o'clock for a most important matter, and for that reason I suggest to the gentleman from Wisconsin [Mr. CARY] that the remainder of the general debate be reserved until after that time, so that we may go ahead with the consideration of the bill now under the five-minute rule. I might say that when the committee does rise at 3 o'clock an important bill will be considered in the House, and after that I expect to go back into the Committee of the Whole House on the state of the Union for the further consideration of District legislation. If the gentleman has somebody that is anxious for time just now, I have no serious objection.

Mr. ROGERS. Mr. Chairman, I want one minute of the time, if the chairman has no objection.

Mr. WHEELER. Mr. Chairman, are we considering now the bill H. R. 10894?

Mr. JOHNSON of Kentucky. We are under general debate.

Mr. WHEELER. Why does the gentleman from Wisconsin [Mr. CARY] control the time on this side, when he is for the bill, and we have a minority report here against the bill?

Mr. JOHNSON of Kentucky. The gentleman was recognized because he is the ranking member on the committee.

Mr. WHEELER. He is not entitled to the division of time over here. He is for the bill. I do not want any time myself, but——

Mr. JOHNSON of Kentucky. If the gentleman from Illinois [Mr. WHEELER] wants time, he can have mine.

Mr. WHEELER. I do not want any time myself. I do not know whether the other Members who signed this report do or not.

Mr. JOHNSON of Kentucky. So far as I am concerned, the gentleman can have all the time.

The CHAIRMAN. The Chair would like to state that there was a unanimous consent conferring the control of half of the time on the gentleman from Kentucky [Mr. JOHNSON] and half on the gentleman from Wisconsin [Mr. CARY]. The Chair is given no alternative in the premises.

Mr. WHEELER. The chairman of the committee and the gentleman from Wisconsin are both for the measure.

Mr. JOHNSON of Kentucky. I can only say to the gentleman from Illinois that we are operating under the unanimous-consent rule.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. CARY] desire recognition or does the gentleman from Wisconsin agree to accede to the request of the gentleman from Kentucky [Mr. JOHNSON]?

Mr. JOHNSON of Kentucky. The gentleman from Wisconsin [Mr. CARY] might use some of his time now.

Mr. DOWELL. Mr. Chairman, will the chairman of the committee yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. DOWELL. Under the present regulations, as I understand it, all officers of the Army and Navy are permitted to purchase supplies at the departments suggested in this bill?

Mr. JOHNSON of Kentucky. That is my information.

Mr. DOWELL. This bill then is intended to cover officers outside of the Army and Navy?

Mr. JOHNSON of Kentucky. It is intended to cover Government employees who are not in the Army or Navy.

Mr. DOWELL. Is there any reason, so far as the gentleman knows, why that will in any way assist in expediting the work in these departments?

Mr. JOHNSON of Kentucky. I can say, in my opinion it will expedite the business very materially if the clerks who are working for the Government here in time of war can buy their groceries and supplies more cheaply in one place than in another. It will mean that more of them will be willing to work for the Government than otherwise would. I will say to the gentleman that we are not now discussing the bill under the five-minute rule.

Mr. DOWELL. Can the gentleman suggest any reason why Members of Congress should be included in this list, as provided in section 2?

Mr. JOHNSON of Kentucky. There may not be any reason for the gentleman to be included in it, but there is for me and others that I know, and that is that I can buy my groceries 33⅓ per cent cheaper than from a grocery without charging the taxpayers anything, and I want to do it because I need the money. [Laughter.]

Is it not correct that the gentleman is a bachelor and lives at a hotel?

Mr. DOWELL. That is immaterial. The question is whether Members of Congress shall do what other citizens of the United States shall not do. They ought not to be preferred. I am opposed to giving them any privilege that is not extended to all American citizens.

Mr. JOHNSON of Kentucky. We will come to that a little later.

Mr. CARY. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for one minute.

Mr. ROGERS. Mr. Chairman, I am sure that the Members of the House have been very much interested in the remarks that the gentleman from Connecticut [Mr. TILSON] has made this morning on the subject of gas and gas masks. Most of the Members here will probably recall his speech on the same subject last June. I wonder if they remembered, as they heard the speech to-day, that the man whom the colonel used a year ago to exhibit the method of wearing the masks was the gentleman from Ohio [Mr. HEINTZ], whom we all love and who is now with the colors. I wonder if Members of the House have reflected that perhaps at this very moment he is putting to practical use, the most practical use possible, the lessons which we had together here in the House a year ago.

I rose simply to express the hope that the gentleman from Ohio [Mr. HEINTZ] in camp might read these words in the CONGRESSIONAL RECORD and might know that his colleagues are still thinking of him and are still wishing him every success. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The gentleman from Wisconsin [Mr. CARY] is recognized.

Mr. JOHNSON of Kentucky. Mr. Chairman, if there is nobody who desires to use time under general debate I ask that the bill be read for amendment under the five-minute rule, and then if there is time we can resume the general debate.

Mr. CARY. I have the name of one Member who wishes some time on this side in general debate.

Mr. JOHNSON of Kentucky. Let that be deferred until later.

The CHAIRMAN. The gentleman from Kentucky requests that the general debate be now suspended, and that the bill be read for amendment under the five-minute rule, the general debate to be resumed on the completion of the bill under the five-minute rule. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That all officers and employees of the United States who reside in the District of Columbia shall be permitted to purchase supplies from such commissary stores as may be operated by either the Subsistence Division of the Quartermaster Department of the United States Army or by the Bureau of Supplies and Accounts of the United States Navy.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer an amendment. I wish to say that I do not offer it as a committee amendment, but one on my own initiative.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Strike out the words "who reside in the District of Columbia" in lines 3 and 4.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 19, noes 14.

Mr. CANNON. Mr. Chairman, I think we had better have tellers. The amendment has not been deb ted, and it is not understood. I did not understand it, and I ask unanimous consent to ask the gentleman from Kentucky a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent, pending his demand for tellers, to ask the gentleman from Kentucky a question. Is there objection?

There was no objection.

Mr. CANNON. This would make the United States purchaser for all of its employees, if this amendment were agreed to, everywhere, of every kind, in the United States?

Mr. JOHNSON of Kentucky. It would.

Mr. CANNON. If this is not voted down, I am willing to move to strike out the whole thing. [Laughter.]

Mr. SNYDER. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois demands tellers, and the gentleman from New York makes the point that there is no quorum present. The Chair will count. [After counting.] Sixty Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Dyer	James	Norton
Anthony	Eagan	Johnson, S. Dak.	Oliver, N. Y.
Bacharach	Estopinal	Jones	Osborne
Barkley	Fairchild, B. L.	Kahn	Parker, N. J.
Beshlin	Fisher	Kearns	Parker, N. Y.
Blackmon	Flynn	Kelley, Mich.	Porter
Bowers	Fordney	Kennedy, R. I.	Powers
Brodbeck	Freeman	Kettner	Price
Burnett	Fuller, Mass.	King	Ragsdale
Byrnes, S. C.	Gallagher	Kinkaid	Rainey, H. T.
Caldwell	Gallivan	Kreider	Ramsey
Campbell, Kans.	Glynn	LaGuardia	Rankin
Campbell, Pa.	Goodwin, Ark.	Larsen	Rayburn
Carew	Gould	Lesher	Riordan
Carter, Mass.	Graham, Pa.	Lobeck	Rodenberg
Cleary	Gray, Ala.	Lunn	Romjue
Coady	Gray, N. J.	McClintic	Rowe
Copley	Gregg	McCormick	Rowland
Costello	Griest	McCulloch	Rubey
Cox	Griffin	McLaughlin, Pa.	Rucker
Crago	Hamilton, N. Y.	McLemore	Russell
Curry, Cal.	Hamlin	Magee	Sabath
Dale, N. Y.	Haskell	Maher	Sanders, La.
Dallinger	Haugen	Mann	Scott, Iowa
Darrow	Hayes	Martin	Scott, Pa.
Dempsey	Heintz	Meeker	Scully
Denison	Hensley	Mondell	Shackleford
Dewalt	Hicks	Moore, Pa.	Sherwood
Dickinson	Hood	Moores, Ind.	Shouse
Donovan	Houston	Morin	Siegel
Dooling	Howard	Mudd	Slemp
Doremus	Humphreys	Neely	Small
Drukker	Hutchinson	Nelson	Smith, Idaho
Dupré	Igoe	Nichols, Mich.	Smith, T. F.

Snell	Sumners	Thompson	Weaver
Stafford	Swift	Tinkham	Webb
Steagall	Switzer	Vare	Winslow
Steele	Tague	Vestal	Wright
Stephens, Nebr.	Tay or, Colo.	Voigt	
Strong	Templeton	Volstead	
Sullivan	Thomas	Watson, Pa.	

The committee rose; and Mr. GARNER having taken the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration H. R. 10894, found itself without a quorum, whereupon he caused the roll to be called, when 286 Members, a quorum, answered to their names, and he presented the names of the absentees to be entered in the Journal and RECORD.

The SPEAKER pro tempore. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. CRISP in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to withdraw the amendment proposed by him. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause of the bill. Does the gentleman desire to debate his motion?

Mr. MADDEN. Yes, Mr. Chairman, I should like to be heard on my motion. There is not one-thousandth part as much reason or justice in permitting the employees of the Government to purchase their food and other supplies from the quartermaster stores of the Army as there would be to permit the men who dig the sewers and pave the streets and do the common labor of the United States to do that. They are the men who furnish the facilities, the transportation, everything that goes to make up the health of every community in the land, and they toil for not to exceed one-half the compensation that the Government employees receive. Why should we make the Government employees a preferred class?

Mr. JOHNSON of Kentucky. Will the gentleman permit an interruption?

Mr. MADDEN. Surely.

Mr. JOHNSON of Kentucky. I will say to the gentleman that there are 9,000 men working in the navy yard here, and there will be more, who will need the provisions of this bill.

Mr. MADDEN. That may be true; but there are 110,000,000 people in the United States, and they ought to be given consideration, and there ought not to be any law passed giving to any preferred class rights that do not go to every other class in the country.

Mr. LONGWORTH. I take it this bill is, of course, a war measure. I will ask the gentleman if he has any information as to whether or not the Quartermaster General of the Army or the Chief of the Bureau of Supplies and Accounts of the Navy has been consulted as to whether this is proper legislation or not?

Mr. MADDEN. I have no information, and I doubt if anybody else has.

Mr. McKENZIE. I wish to say to my colleague, for the information of gentlemen of the House, that no such proposition as this has been submitted to the Committee on Military Affairs.

Mr. MADDEN. I do not know all the facts in the case, but I do know this, that we ought to maintain the War Department for those who are engaged in war, and we should in no instance pamper the civil employees of the Government and discriminate against every man, woman, and child in the United States who happens by some unfortunate chance not to be on the Government pay roll.

Mr. LANGLEY. Will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Kentucky.

Mr. LANGLEY. Does not the gentleman think the Quartermaster's Department and the Supply Division of the Navy Department would be unable to meet this increased demand?

Mr. MADDEN. I have no information on that. Whether they are able or not, it is not right, it is not fair, it is not just, to the rest of the American people, and we ought not under any circumstances to enact such a law.

Mr. LANGLEY. I think the gentleman is entirely correct about that. I think the Government clerks ought to have better salaries, and I have voted for that. We have also appropriated $10,000,000 to build them houses to live in here in Washington. I think that is enough. This proposition is to go still further and give them grub at cut rates—and Congressmen, too. This will, of course, increase the expenses of the Government, and I am opposed to any such socialistic proposition.

Mr. ROSE. I want to ask the gentleman from Illinois if he does not think that the second section of this bill is infinitely worse than the charge that was made that Congressmen had attempted to exempt themselves from taxation?

Mr. MADDEN. I am not going to criticize what Congress did with respect to taxation. I do not believe any Member of Congress ever thought he was voting for a law that did not tax him the same as every other man in the United States was taxed.

Mr. ROSE. They did not; and that is the point I want to bring out.

Mr. MADDEN. But whatever we do here, it ought to be universal. This law ought not to be enacted to give special favors to a special class. The men and women who are on the Government pay roll are receiving high compensation, much higher than the men and women who are working in other lines of industry throughout the United States, and I am against this special legislation.

Mr. GARRETT of Texas. I suggest to the gentleman from Illinois that while Members of Congress did not any of them knowingly vote to exempt themselves from taxation, if we vote for this we do it with our eyes open.

Mr. MADDEN. Of course. You can not make any excuse at all that you did not know about it. And anyway, regardless of whether you vote for this or not, or whether you know about it or not, every man who is interested in the welfare of the Army of the United States, and who is anxious to promote the successful conduct of the war, and is anxious also to supply the needs of the men who have gone to the front would resent the enactment of any law to place the civil employees of the Government on a par with the soldiers. [Applause.]

Mr. RAKER. Mr. Chairman and gentlemen of the House, I am opposed to that provision in section 2 which permits Members of Congress to avail themselves of the privilege accorded by this bill. I hope that the motion to strike out the enacting clause will not be adopted, but that when we get to section 2 we may strike out line 10 in so far as it relates to Members of Congress.

It is all right to talk about the employees of the Government being a favored class. They are employees of the Government. They are here from all over the United States. This House has recently raised their salaries for the very purpose that they might live. The House has considered the question with regard to rents, so that profiteers might not take the rest of the money these employees earn.

This bill means nothing else than that the Government has these supplies, has the buildings, can get the extra assistance if it is necessary, and that these men and women who are here, who are as necessary as any other branch of the Government to assist in winning this war, may not be harassed, may not be driven from their homes, may have sufficient things to eat and to wear, and so that all the money you have provided for them may not be taken from them by the profiteer, not only in rents but in clothing, in groceries, and things that they live upon. Can there be any reason why the Government should not supply these things, when it will not cost the Government a cent? They will pay enough in addition to the cost of these things to pay the expense of the extra help; and instead of raising salaries in the Capital of this Nation, and instead of raising more money, you will simply say that these men and women, these girls and young men from all over the United States, may be recognized in their own Capital, and that they may get their money's worth here instead of being simply fleeced.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. I can not yield now. There can be no argument, except the one that we are treating one class different from the other. These are Government employees. You furnish certain men in the Navy, do you not? You furnish certain men in the Army this right, do you not? Can there be any reason why you should not extend it to the rest of the Government employees in the District of Columbia in order that you may give them the same recognition and consideration?

Mr. LONGWORTH. Will the gentleman yield?

Mr. RAKER. I can not yield.

Mr. LONGWORTH. The gentleman has asked the question himself.

Mr. RAKER. I will yield to the gentleman from Ohio.

Mr. LONGWORTH. Would the gentleman from California favor this bill if he knew that the War Department had stated that it was not advisable?

Mr. RAKER. Sure I would.

A MEMBER. Is it a war measure?

Mr. RAKER. No.

Mr. MONTAGUE. Would the gentleman favor it as a war measure?

Mr. RAKER. Yes. That is simple and easy. The trouble is that some gentlemen only look at one side of this. The War Department looks at one side of it, forgetting that there are 20,000 young men and women here whose help must be had, and there seems to me there can be no objection to it.

Mr. WHEELER. Will the gentleman yield?

Mr. RAKER. I will.

Mr. WHEELER. Does the gentleman think for a minute that the Commissary Department could supply all the employees of the Government at this time?

Mr. RAKER. Of course it could.

Mr. WHEELER. Does not the gentleman think that it has all it can possibly do now?

Mr. RAKER. No.

Mr. DOWELL. Mr. Chairman, I will not occupy your time a minute. I merely want to say that Members of Congress should not be given privileges not extended to everybody else. Surely this provision in the bill should be eliminated.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is a gross misconception as to how this bill will work out. It is for the benefit of the employees of the Government in the District of Columbia, whereby they will be permitted to purchase supplies of the commissary, and exactly the same quantity of goods will come into the District of Columbia, but less of it will come into the hands of the local grocers. More of it will go to the commissary. The Government employees can go to the commissary and purchase at a lesser price than they can purchase of the local grocer. God knows they ought to have the right to do it. I wish the House would remember this one thing, that exactly the same quantity of supplies will come into the District of Columbia to be dealt out among the various employees here. They are now buying from the local grocer, and under this they will purchase of the commissary. The officers of the Army and the Navy who are getting big salaries can buy from the commissary at cost. The United States does not lose one penny by this, and I ask why in the name of common sense a man who is paid less for his work should not have the same privilege?

Mr. CANNON. Mr. Chairman, my friend from Kentucky [Mr. JOHNSON] showed his temper a little while ago about this legislation and what it results in by moving to strike out the following words, "Who reside in the District of Columbia," so that it would read, if that had been done—

That all officers and employees of the United States shall be permitted to purchase supplies from such commissary stores.

That is what the gentleman desires, but he saw as soon as the House understood it that there was trouble in the air, and he had unanimous consent to withdraw it.

Now, let us see. We are having trouble drafting people to go into the Army. We are commissioning men for the commissary service in the Army and the Navy and appropriating one billion, two billions, and it is said five billions toward financing our allies. We are increasing the salaries of the clerks and others that ought to have been increased in the District of Columbia. Do not you think that it is well enough, with our advances to the allies, with our friend Hoover and his followers and everybody else making regulations, saying what we shall eat and what we shall sell and what we shall produce, issuing licenses—do not you think it is well for us to go a little slower? Good God, let us do the necessary things to win this war and let these employees, who will never smell gunpowder and who are having their salaries increased, in the Postal Service and elsewhere—let us increase the salaries again, if necessary, but let us keep away from socialism in time of war. [Applause.]

Mr. BORLAND. Mr. Chairman——

Mr. WALSH. Mr. Chairman, I make the point of order that debate on the motion has been exhausted.

The CHAIRMAN. The Chair will read the rule:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

Mr. BORLAND. Mr. Chairman, I make the point of order that the debate has been almost entirely confined to those opposing the bill, except the gentleman from Kentucky [Mr. JOHNSON].

The CHAIRMAN. The Chair has alternated in recognition, and the Chair recalls distinctly that there were two gentlemen recognized who favored the amendment.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. WALSH. Mr. Chairman, I make the point of order that that motion is not in order on a motion to strike out the enacting clause.

The CHAIRMAN. What does the gentleman from Missouri say to that point of order?

Mr. BORLAND. I move that the motion to strike out the enacting clause be laid on the table.

Mr. WALSH. Mr. Chairman, I make the point of order that that motion can not be made in Committee of the Whole.

The CHAIRMAN. That motion is not in order in Committee of the Whole. The Chair thinks if the point of order is made and insisted upon, clearly under the rule debate has been exhausted.

Mr. BORLAND. I think the point of order is well taken, but I hope the gentleman will not insist upon it. [Cries of "Regular order!"]

The CHAIRMAN. The point of order is sustained. The question is on the motion of the gentleman from Illinois [Mr. MADDEN] that the committee recommend that the enacting clause be stricken out.

The question was taken, and the motion was agreed to.

PATROL DRIVERS, METROPOLITAN POLICE.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (H. R. 9784) incorporating patrol drivers into the Metropolitan Police Department of the District of Columbia.

The CHAIRMAN. The gentleman calls up the bill H. R. 9784, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the patrol drivers in the employment of the Metropolitan Police Department of the District of Columbia are hereby declared to be members of the Metropolitan Police Department force of the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield to the gentleman from Illinois [Mr. WHEELER].

The CHAIRMAN. How much time?

Mr. JOHNSON of Kentucky. All of the rest of the time, except that reserved by the gentleman from Wisconsin [Mr. CARY], so that that would leave the gentleman nine minutes.

Mr. WHEELER. Mr. Chairman, I do not desire to take up any time of the House. It is a very simple bill, and simply classifies the patrol drivers as patrolmen. Patrol drivers today are not entitled to any of the benefits of the pension act which was passed in the last Congress. If they are classified as patrolmen they will come under the benefits of that act. There are about 22 patrol drivers, and they are sworn officers when called upon to do duties of a patrolman. They work a great many hours more than the patrolmen do. Some of them have been in the service for over 25 years, and all of them for the past 15 years, at least. If they should become crippled or in any way disqualified on account of physical disability they will not be able, as the law now stands, to obtain any of the benefits of the pension act.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. WHEELER. Yes.

Mr. COX. Will this increase their salaries?

Mr. WHEELER. Probably $10 a month.

Mr. COX. I am glad of that.

Mr. WHEELER. I think their salary is about $90, and this will increase it about $10. But that is not the object of the bill. It is to bring them under the provisions of the pension act which was passed at the last session of the last Congress.

Mr. McKENZIE. And this gives the patrol drivers the same status as other members of the police force?

Mr. WHEELER. Yes.

Mr. McKENZIE. Does this bill meet with the approval of the police organization in the city?

Mr. WHEELER. Yes; as I understand it. It is unanimously reported favorably from the committee. If these men should become disqualified by physical disabilities, as I said before, so that they could not perform their duties, they would receive none of the benefits of this pension act.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. WHEELER. Yes.

Mr. SISSON. Of course the gentleman understands that when patrol drivers get the status of policemen they get the longevity pay, which they do not get now, which would vastly increase after a few years the compensation given them. The gentleman also knows that the examination which must be taken by a policeman to be able to become a member of the police force is perhaps the most rigid of all the examinations as to physical qualifications, and that is especially interesting to the police on account of the distribution of the fund which is in the nature of a pension to them. Have the policemen themselves, who have contributed for a number of years to this fund,

been consulted about putting all of the patrol drivers on the same basis as they?

Mr. WHEELER. I can not say as to that. I know that some of the employees of the fire department have said that this was a just measure and should be passed; and I also know, and so does the gentleman, that the patrol drivers put in far more time than do the patrolmen themselves. For example, every other Sunday they are on duty 24 hours. They have two shifts, while the patrolmen have three shifts.

Mr. SISSON. I understand; but the other feature of the matter was one that I was anxious to know about—whether the committee had thrashed out the matter. The benefits to which they will be entitled under the law, if it passes, have for a number of years been contributed by the policemen and firemen out of their salaries. The Government finally took charge of it, and it has charge now of the administration of that fund. Since we take the fund, it is in the nature of a trust fund for the benefit of the policemen and the firemen.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. COOPER of Ohio. Is it not a fact that these patrol drivers are sworn in as officers and have the power to make arrests?

Mr. SISSON. That is true.

Mr. COOPER of Ohio. In other words, they can be called upon by the chief at any time to go out and make an arrest?

Mr. SISSON. I am not raising that question. I am raising this question, that the physical qualifications of a man to be a patrol driver are entirely different from the requirements for a patrolman, as to health, and so forth, and if he should become a pensioner on that fund you may put a burden upon these policemen which they ought not to bear. I was simply asking if the policemen themselves and the firemen themselves, who have to stand also an examination, are agreed to this.

Mr. WHEELER. There are a number of patrol drivers that have been in the service longer than the patrolmen have to-day.

Mr. SISSON. That is true, that may be true.

Mr. WHEELER. And on account of old age, they will be displaced in a few years.

Mr. SISSON. I do not think the gentleman understood the point of my inquiry. It was for the purpose of ascertaining whether as a matter of equity you are putting a burden upon the policemen and firemen——

Mr. WHEELER. I think not.

Mr. SISSON. That they ought not to bear.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the patrol drivers in the employment of the Metropolitan Police Department of the District of Columbia are hereby declared to be members of the Metropolitan Police Department force of the District of Columbia.

Mr. SISSON. Does the gentleman from Illinois know what additional expense that will place upon the Treasury—how much additional salary will be the total amount?

Mr. WHEELER. I should say $10 a month for the patrol drivers—and I think there are about 22—that will be $220 a month.

Mr. SISSON. I am inclined to believe the gentleman perhaps states a little too low what the expense will be. I thought perhaps he had the information.

Mr. WHEELER. I think that is correct.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

DISTRICT OF COLUMBIA FIRE DEPARTMENT—TWO-PLATOON SYSTEM.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill.

Mr. SISSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. I understand this bill is to be taken up under the five-minute rule and will be discussed by sections. There are several sections in the bill.

The CHAIRMAN. The Chair takes that for granted, but he has not looked at it.

Mr. SISSON. It is not a very long bill, and I addressed the Chair at the close of the first section.

Mr. Chairman, I want to state I have absolutely no objection to the two-platoon system——

The CHAIRMAN. For what purpose does the gentleman rise? The bill has not reached consideration under the five-minute rule.

Mr. SISSON. Have not we dispensed with the first reading of the bill?

The CHAIRMAN. It has not been done.

Mr. SISSON. Then I ask unanimous consent, to save time, to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SISSON. Now, Mr. Chairman, as I have said, I have absolutely no objection to the two-platoon system, but I do have objection to arbitrarily in the law divide the firemen into two classes. I think it ought to be left as a matter of administration. Nor do I have any objection to its becoming permanent law, but the two-platoon system ought to be so liberal that the city officials administering the law would not be bound ironclad to two platoons. For instance, some cities have shifts of 8, 12, and 16 hours each. Now, the matter was before a subcommittee of the Committee on Appropriations, but I do not think really that the law is absolutely necessary, because I think it can be accomplished by increasing the number of firemen, and I will state the subcommittee, of which I am chairman, has reported and the full committee will report favorably an increase in the number of firemen to install the two-platoon system. Now, that can be done in several ways. In some cities they have 8, 10, and 16. The District Commissioners want to try out the 10 and 14 so that under this provision a fireman will be on duty 10 hours and off duty 14 hours. Then the other half of the time firemen would be on duty 14 hours and off 10 hours. Now, if this system does not work well the administration ought to have latitude enough to adopt, if they desire to do so, some different hours, for example, 8, 12, or 16. Any time that does not keep the fireman on duty a shorter time than 8 hours or longer than 16 has been the general rule that has prevailed throughout the country. I will say that the subcommittee went into this matter with some degree of care. For that reason I do object to that clause; I do not object to the law, but I would rather leave that more largely to the administration——

Mr. MADDEN. In other words, the gentleman from Mississippi, if I may be allowed, wishes to leave it discretionary with the chief of the fire department as to the hours of duty which the men should work, 8, 10, or what not?

Mr. SISSON. Absolutely.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I would ask for five minutes more, because I shall say all I want to say during that time, and I perhaps will not consume all of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none.

Mr. SISSON. I do seriously object at the very outset to tying the hands of the District Commissioners so that they will be compelled arbitrarily to adopt the 10 and 14 hour system. Now, the words "two-platoon" system would perhaps carry or convey the idea that that is what it means, but it does not necessarily mean that.

Mr. VAN DYKE. In the first section of the bill it says, "which shall be designated as a day force and a night force."

Mr. SISSON. That is all right, I do not object to that in the shifting of the day force and the night force if we were to leave it discretionally with the administration to determine whether they should have them divided into three divisions——

Mr. VAN DYKE. Two divisions.

Mr. SISSON. That is generally what is meant by the two-platoon system, and we went into the matter with some degree of care in the Committee on Appropriations. I do not believe the law is necessary to install it at all. I think the only thing necessary to do is to give the District Commissioners the number of firemen necessary to install that system. Now, you talk to some firemen about it and they will tell you that frequently they would rather have an eight-hour shift to-day so that they might have 16 hours at some other time, therefore the details of it can be worked out by administration. They never let a man work less than 8 hours except for special reasons and never force him to stay at the engine house longer than 16 hours, so some cities have 8, 12, and 16, so it is suggested by the addition of about a third, or 33⅓ per cent, to the number of firemen the fireman has an opportunity to remain with his family at least 8 hours a day.

Mr. VAN DYKE. Would you have any objection to so changing the first section that it would provide for two platoons,

but that the two platoons should either be in the 16 or 8, 14 and 10, or 12 and 12? What I object to is three shifts during the day. That brings one man 16 hours a day.

Mr. SISSON. If you go far enough into it it may be that this man, for a certain time, through the chief of the fire department, might for a special reason desire to have 16 hours off. It simply gives more latitude, and I think makes it more serviceable to the men and more serviceable to good administration. I have no objection to the two-platoon system being installed, because you are always going to have practically the same number of men on duty all the time.

Mr. VAN DYKE. Providing for a day and night force?

Mr. SISSON. I do not object to that at all. I think our committee agreed unanimously that the so-called two-platoon system was a matter of humanity as well as of getting more efficient service out of the fire department.

Mr. MASON. Will the gentleman yield?

Mr. SISSON. I will.

Mr. MASON. The two-platoon system is the system which has worked so successfully in the city of Chicago, and I can not yet gather from what the gentleman has said—and perhaps it is my fault and probably is—in what way we could improve this.

Mr. SISSON. Because the law arbitrarily says there shall be only two divisions of them—the day and night shifts—working 10 hours and 14 hours. You see you absolutely crystallize it, and take from the commissioners and the fire department all discretion as to any other change in the hours that the men shall work.

Mr. MASON. I will say to the gentleman that, as I understand it, this two-platoon system, as applied in the cities of Minneapolis, St. Paul, and Chicago, has worked very satisfactorily.

Mr. SISSON. I do not believe the gentleman was here when I began my remarks. The subcommittee on appropriations——

Mr. MASON. Yes; I heard them.

Mr. SISSON (continuing). Having charge of appropriating money, were convinced, as is the District Committee, that the two-platoon system is right and ought to be installed in the District of Columbia. But the only difference between my position and that taken by the committee is that I thought, as a matter of administration, they ought to have more leeway in fixing hours.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr. SISSON] has again expired. The Clerk will read:

The Clerk read as follows:

SEC. 2. That the hours of duty of the day force shall be 10 hours; the hours of the night force shall be 14 hours: *Provided*, That once or more every two weeks, for the purpose of alternating the day force with the night force, and vice versa, the number of hours of duty herein stated may be exceeded: *Provided further*, That one force shall be at liberty at all times except as otherwise provided in section 4 of this act.

Mr. SISSON. Now, Mr. Chairman, I think we can perhaps agree so as to leave it in the discretion of the District Commissioners to fix the hours, provided they have the two shifts—the day shift and the night shift. I think we can perhaps agree on an amendment that might cure the condition. And I will say to the Chair that this morning is the first time I have seen the bill——

Mr. MASON. Mr. Chairman, while the gentleman is taking that up, may I ask unanimous consent to extend my remarks in the RECORD upon the subject of the two-platoon system?

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD on the subject indicated. Is there objection?

There was no objection.

Mr. SISSON. Now, as to section 2, on the first page of the bill, I think if you will strike out the whole section it will leave it then absolutely within the discretion of the District Commissioners to fix those hours. You see the day force and the night force will alternate.

Mr. VAN DYKE. I wish to bring the gentleman's attention to line 4, where it says "that one force shall be at liberty at all times." That is an important part of the bill.

Mr. SISSON. My attention had not been called to that. I have no objection to that clause, except that in the event of a disastrous fire——

Mr. VAN DYKE. That is provided for in section 4.

Mr. MASON. That is provided for.

Mr. SISSON. Mr. Chairman, I move we amend by striking out all of section 2, beginning on line 10, page 1, with the words "That the hours of duty," down to and including the words "*Provided further*," which occur on line 4, page 2, so that section 2 shall read:

That one force shall be at liberty at all times, except as otherwise provided in section 4 of this act.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SISSON: On page 1, line 10, after the figure "2," strike out all the language down to and including the word "further," on page 2, line 4, so that section 2 will read:

"That one force shall be at liberty at all times, except as otherwise provided in section 4 of this act."

Mr. VAN DYKE. Mr. Chairman, I agree to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That the Commissioners of the District of Columbia are directed to appoint a sufficient number of men and officers in addition to the existing force to carry out the objects of this act.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. ROBBINS. I want to ask the gentleman in charge of this bill a question. How many additional firemen will this two-platoon organization require to be employed in the District of Columbia?

Mr. VAN DYKE. About 30 per cent.

Mr. SISSON. I can give you the exact figures. It will take 144 additional firemen and two additional officers. You understand that they have got all the force now on two shifts; that is, the officers; so by adding, practically, as the gentleman says, 30 per cent it will be 144 new firemen. It may seem strange to gentlemen that——

Mr. ROBBINS. Does not that seem like an enormous increase in the number of firemen?

Mr. SISSON. Not when you remember that you have in the neighborhood of 400 firemen in the service now. Every fireman has 3 hours off each day and is on duty 21 hours. He then has every fifth day and a half off. Therefore by catching up the three hours a day on each fireman, catching up the 24 hours and a little more each day in the week, and catching up half a day, it will amount to such a number of hours as that when you divide it into two forces it is only necessary that you keep one less fireman on duty than under the present system, and that fireman can be placed in the day shift instead of the night shift. In other words, I was very much surprised when I worked it out to find out that you can get two forces, one at night and one in the day, by adding 30 per cent.

Mr. ROBBINS. Right along that line, I do not see in the report of the committee any indication of how the firemen regard this and how the Commissioners of the District of Columbia regard this bill. Has it been submitted to them?

Mr. SISSON. They favor it.

Mr. VAN DYKE. It should be remembered that we are building millions of dollars' worth of additional buildings in the District of Columbia, and it will take more firemen to protect those buildings.

Mr. ROBBINS. I am simply seeking information, not being on the District Committee. But it strikes me that the first persons to be consulted about this would be the Commissioners of the District of Columbia and the firemen. They have not expressed any approval, have they?

Mr. SISSON. The Commissioners of the District of Columbia were heard before our committee, and they were a unit in favor of it, and all the firemen were a unit on it. I was surprised at the situation when it was presented in the committee. Nearly all cities that have an up-to-date system have the two-platoon system. I was amazed when I found that many of these firemen for practically a week would never be able to see their families. They would live at some distance from the fire-engine house and be away for practically five days without being home.

Mr. ROBBINS. I am not opposed to this bill, but there is one other question that I would like to ask. How much additional cost to the District of Columbia will this be, either by the month or by the year, if this is put in force?

Mr. SISSON. I could tell exactly if I had before me the hearings of the Committee on Appropriations. It will cost in a year $150,000. My recollection is that it will cost about $158,400.

Mr. CARY. Mr. Chairman, I want to say that the commissioners are all in favor of this bill. They are in favor of the two-platoon system.

Mr. ROBBINS. I withdraw the pro forma amendment, Mr. Chairman. I have obtained the information I desired.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the provisions of this act shall not act as a repeal of any act or acts, or part or parts of any act or acts, and shall not annul, modify, or affect any city ordinance, or part or parts thereof, relating to the salaries, annual leave or vacation, sick or disability leave of absence of the officers and members of the fire-fighting force of the District of Columbia.

Mr. CROSSER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. CROSSER. Just for one minute, to urge the passage of the bill. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CARY. I make the same request, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 17, after the word "that," insert the words "except as herein provided."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VAN DYKE. Mr. Chairman, I move that the bill as amended be laid aside with favorable recommendation.

The CHAIRMAN. The gentleman from Minnesota moves that the bill as amended be laid aside with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

PROBATION SYSTEM IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Chairman, I now call up the bill H. R. 10891.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 10891) to amend and reenact an act for the establishment of a probation system for the District of Columbia.

Be it enacted, etc., That an act for the establishment of a probation system for the District of Columbia, approved June 25, 1910, be amended and reenacted by striking out of section 1 of said act the following words: "and one assistant probation officer at a salary of $1,200 per annum," and in lieu thereof insert the following: "and two assistant probation officers at a salary of $1,200 each, and one stenographer and typist at a salary of $1,200 per annum," so that said section 1 of said act when so amended shall read:

"That the Supreme Court of the District of Columbia in general term may appoint one probation officer, at a salary of $1,800 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require; and that the police court of the District of Columbia may appoint one chief probation officer, at a salary of $1,500 per annum, and two assistant probation officers, at a salary of $1,200 each, and one stenographer and typist, at a salary of $1,200 per annum, and as many volunteer assistant probation officers, male or female, as occasion may require.

"All such probation officers and assistants shall be appointed for a term of two years, and may be removed by the respective courts appointing them. All such volunteer probation officers shall serve without compensation, and shall have such powers and perform such duties as may be assigned to them by said courts."

That section 5 of said act be amended by striking out of said section the words "five thousand dollars" and by inserting in lieu thereof the words "eight thousand dollars," so that said section when so amended shall read:

"SEC. 5. That the chief probation officer of each court shall be entitled, for himself and his assistants, to a room in the building occupied by that court, and all necessary stationery and supplies for the transaction of the business of his office; and all the probation officers except volunteer officers shall be entitled to their necessary expenses in performing the duties of their office, under the direction of the court, the amount of the expense for such stationery, supplies, and expenses to be fixed and allowed by the court upon proper vouchers submitted to it by the probation officers, and accounts duly verified by their oaths; and for the purpose of this act there is hereby appropriated the sum of $8,000, one half to be paid out of any money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

Mr. HILLIARD. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN (Mr. CRISP). The gentleman from Colorado moves that the bill be laid aside with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

SPUR TRACK ACROSS FIRST STREET NE.

Mr. JOHNSON of Kentucky. Mr. Chairman, I call up the bill S. 3476.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army.

Be it enacted, etc., That authority is hereby granted the Surgeon General of the United States Army to construct, maintain, and operate a temporary single-track overhead siding across First Street NE., between L and M Streets, to the building or buildings in square 675, occupied by the field medical supply depot of the Army: *Provided*, That the siding herein authorized shall not extend westwardly beyond a point 569 feet and 9 inches east of the present site of Sibley Hospital or any of its buildings, and shall be limited to the use of the Medical Department of the United States Army; and within six months following the declaration of peace the Surgeon General shall cause said side track to be entirely removed from the limits of said street and shall cause the aforesaid street to be restored to its condition prior to the construction of the siding without cost to the District of Columbia.

The Surgeon General of the Army shall provide for the construction, maintenance, and removal of this siding as herein authorized and prescribed, and the costs thereof shall be defrayed from the appropriations for the Medical and Hospital Department of the United States Army: *Provided further*, That said track shall be used only between the hours of 6 o'clock a. m. and 9 o'clock p. m. except in cases of extreme emergency, and trains shall be operated with the least possible noise.

Mr. MASON. Mr. Chairman, this is the Senate bill that has been asked for, as stated before by me, by the Surgeon General, for the purpose of extending a spur track to the medical supply depot. Hearings were had in the Senate, and the bill was reported and passed unanimously.

The objection made to it was made by some officers of a very worthy institution known as a hospital, because they feared it would be a permanent fixture there; and so the House committee, in order to remove any question as to permanency, recommended the amendment, as shown in the report, that it should be used simply during the war and 30 days thereafter.

Now, this amendment offered by the gentleman from Colorado [Mr. HILLIARD] was recommended in the House committee and should be offered as a committee amendment, as I understand it.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes.

Mr. GREEN of Iowa. I just came in. It may be that the necessity of the bill was explained before, but I did not hear it.

Mr. MASON. Yes. It is an urgent necessity. It really ought to have been passed at once. The Government of the United States has a supply depot for all of the medical and surgical supplies that are received here for distribution throughout the country. The estimated loss is several hundred dollars a day to the Government. They are paying $300 for drayage a day, and that could be saved if this track were extended over the street. In addition to that, in addition to the saving of the money, there is a necessity of having quick distribution of the medical supplies that are sent here. Then they are divided up and distributed among the different hospitals and cantonments.

Mr. GREEN of Iowa. How close does it go to this hospital?

Mr. MASON. The committee were unanimous in the opinion that it did not injure the hospital at all. We had hearings upon that, and there was no evidence either before the Senate committee or before the House committee that it would in any way interfere with the hospital.

Mr. COOPER of Ohio. I will ask the gentleman if this is a proposition to lay a spur track so that they can run the supplies right to the supply depot without having to cart them at all?

Mr. MASON. Yes.

Mr. COOPER of Ohio. So that they can run them there in the railroad cars?

Mr. MASON. Yes.

Mr. WHEELER. This supply depot is sending carloads of supplies every week to European hospitals, is it not?

Mr. MASON. Yes; the Surgeon General himself came and urged the immediate passage of this bill.

Mr. LONGWORTH. I will ask the gentleman whether or not subsequent to these hearings the governors of this hospital withdrew their objection?

Mr. MASON. I do not understand that they have formally withdrawn their objection.

Mr. LONGWORTH. But the committee are satisfied that it will be of no real injury to the hospital?

Mr. MASON. Yes; it is clearly of no possible damage to the hospital; but for fear it might be we provided that it should continue only during the war.

Mr. FESS. As I understand there has been an investigation made, very largely in the interest of the hospital, to ascertain

whether it would interfere with the hospital, and that a report has been made that it will not seriously interfere.

Mr. MASON. That is right.

Mr. FESS. However, I understand that the governors of the hospital have not withdrawn their objection.

Mr. MASON. I do not understand that they have withdrawn their objection. I did understand that their main objection was for fear that it might be a permanent improvement there.

Mr. FESS. I will say that I have had an unusual number of protests, coming, as is usually the case, from persons who have been written to, and who have been asked to protest against this particular movement, and I was interested to ascertain the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. FESS. If the gentleman will permit me, I want to say to him that from my own investigation I am satisfied in my own mind that we ought to offer this measure of relief, and I shall therefore vote for the bill, although I would have hesitated to do so if you had not put this limitation in the bill, because I am greatly interested in seeing that property retain its value.

Mr. ROBBINS. Will the gentleman yield?

Mr. MASON. Yes.

Mr. ROBBINS. I have received a great many protests against this proposed siding in by this hospital, stating that the hospital has been an institution there for 30 years, and that there is no necessity of the Government establishing a warehouse right up near to it and then running a railroad siding in by the hospital to the warehouse.

Mr. MASON. It does not run by it. If the gentleman had visited the location, or had seen a photograph as we have, he would not pay one moment's attention to that. It can not possibly interfere with the hospital, and we want to distribute the medicines promptly to the soldiers here and elsewhere.

Mr. ROBBINS. Was it necessary to establish the warehouse in that particular place?

Mr. MASON. The warehouse depot was rented, and it was stated before the committee that it is the only available place which the Surgeon General could secure for it at that time.

Mr. ROBBINS. These protests have come to me, and I am seeking information. The protests came to me in this form, that this Lucy Webb Hayes Hospital, established as a memorial to Mrs. Hayes, wife of a former President, some 30 years ago, was in a suitable neighborhood, properly located, properly cared for, and the United States came in and without any very great reason established a supply depot right alongside of it.

Mr. MASON. Oh, no; it is not.

Mr. ROBBINS. And now seeks to run this railroad right in by it.

Mr. MASON. I wish I had the photograph. If the gentleman would take the time to read the report which I have made——

Mr. ROBBINS. I have read the report on this bill.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield to me? I think I may be able——

Mr. ROBBINS. I merely want to be sure about this. Many of my constituents have protested earnestly against this proposition.

Mr. CRAMTON. Will the gentleman yield?

Mr. MASON. Yes.

Mr. CRAMTON. I would like to say that I have also had a number of protests, among them one from a prominent Methodist minister of my district, and to him I made a full statement of the conditions, of the bill in its present form, and of the existing circumstances. He submitted that statement to a board of his church, and thereupon he wrote to me stating that in view of present conditions they did not press further opposition. I ask unanimous consent to incorporate his letter in my remarks.

The CHAIRMAN. The gentleman from Michigan asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

FIRST METHODIST EPISCOPAL CHURCH,
EAST DETROIT DISTRICT,
Romeo, Mich., April 3, 1918.

Representative L. C. CRAMTON,
Washington, D. C.

MY DEAR SIR: I am in receipt of your communications regarding the matter of extension of the railroad approaching the Sibley Hospital.

I submitted the correspondence to the conference board of the Woman's Home Missionary Society, who are especially interested in the case. They went carefully over the whole matter and are satisfied that the best that can be done has been done, and they direct me to convey to you their sincere and hearty appreciation and thanks for your interest in the matter.

To this permit me to add my personal thanks.

* * * * * * *

Cordially,

W. M. WARD.

Mr. LITTLE. May I have the attention of the gentleman from Michigan?

Mr. CRAMTON. Certainly.

Mr. LITTLE. Can the gentleman indicate what change has been made in this bill that would make a change in the opinion of the gentleman to whom he refers? A very distinguished Methodist bishop has written me in accordance with the objections which have been expressed here. Now, if there has been some change made in the bill, I would like to know what it is.

Mr. MASON. The Senate bill provided that the track could be used only during the period of the war and for six months after, and that then the track should be taken up. In order to satisfy the wish of the reverend gentlemen who appeared before us the committee reduced that time by putting in an amendment saying that it could only be used for 30 days after the war. We supposed that was satisfactory; that they were patriotic and wanted to help us get the medicine to the soldiers; and we have heard nothing further from it. All of this propaganda of protest was made before the Senate passed the bill. As soon as it came to us we had the facts investigated. We had before the committee the health officers and prominent physicians and the heads of medical institutions of the city of Washington, and they said that it could not in any possible way injure this hospital.

Mr. LITTLE. Do I understand that some of the preachers interested in this have been satisfied by the committee that the present bill contains nothing for them to criticize?

Mr. MASON. I do not make such a statement, because I do not know. One stated that if they could be assured that it would not be a permanent thing, but simply a war measure to help the Government to distribute medical supplies, they would not object. Ever since the amendment known as the Hilliard amendment has been agreed to I have heard nothing further.

Mr. KNUTSON. Will the gentleman yield?

Mr. MASON. Yes.

Mr. KNUTSON. I understood the gentleman to say that this is only a war measure.

Mr. MASON. Yes.

Mr. KNUTSON. And the track will be taken up in 30 days after peace is declared.

Mr. MASON. No one can use it after peace is declared, and the tracks will be taken up in 30 days.

Mr. KNUTSON. Will the putting in of these tracks constitute a nuisance to the patients in the hospital?

Mr. MASON. No; if it would, I would ask that the Government move its warehouses. There has not been a single member of the committee who has visited the place or a single health officer from the city of Washington but what says that it would not interfere with the hospital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. GARRETT of Tennessee. Will the gentleman permit? There are important reasons why this bill should be laid aside at this time, and I will ask the gentleman to withhold that request for the time being.

Mr. MASON. I would like to have this amendment adopted, and then the committee can order a favorable report upon the bill and we will be through.

Mr. Chairman, I offer the following amendment. On page 2, line 3, after the word "Army," insert the words "and for the period preceding the declaration of peace and 30 days thereafter." This is a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "Army," insert the following: "and for the period preceding the declaration of peace and 30 days thereafter."

Mr. GARRETT of Tennessee. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. If the committee should now rise and the House should proceed with other business, requiring probably 30 or 40 minutes, and the House should again resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District matters, would this be the first business taken up?

The CHAIRMAN. When the District of Columbia business is again resumed this would be the unfinished business and the first in order.

Mr. MASON. Mr. Chairman, I do not think this will take two minutes.

Mr. MAPES. Mr. Chairman, in my opinion the word "and" in the amendment of the gentleman from Illinois should be stricken from his amendment.

Mr. MASON. That is correct, and I ask unanimous consent to modify my amendment by striking out the first word, "and."

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

The CHAIRMAN. The Clerk will now report the amendment as modified.

The Clerk read as follows:

Page 2, line 3, after the word "Army," insert the following: "for the period preceding the declaration of peace and 30 days thereafter."

The CHAIRMAN. The question is on the amendment as modified.

The question was taken, and the amendment was agreed to.

Mr. MASON. Now, Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bills under consideration to which amendments have been adopted, and those without amendments, with the recommendation that the amendments be agreed to and that the bills do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills, and had directed him to report back bill H. R. 10894, with the recommendation that the enacting clause be stricken from the bill; that bills H. R. 9784 and 10891 be passed without amendment; that the bill H. R. 11231 be passed with an amendment, and the bill S. 3476 be passed with an amendment.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bills and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The first question is on the bill (H. R. 10894) permitting certain persons to purchase supplies from the commissary stores of the Army and Navy, striking out the enacting clause.

The question was taken, and the enacting clause was stricken out.

The SPEAKER. The question now is on the engrossment and third reading of the bill (H. R. 9784) incorporating patrol drivers into the Metropolitan Police Department of the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHEELER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The next question is on the amendment to the bill (H. R. 11231) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The next question is on the engrossment and third reading of the bill (H. R. 10891) to amend and reenact an act for the establishment of a probation system for the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The next question is on the amendment to the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the Field Medical Supply Depot of the Army.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. JOHNSON of Kentucky. My Speaker, I move that the several votes by which the bills were passed be reconsidered and that that motion lie on the table.

The motion was agreed to.

SILVER COINAGE (H. REPT. NO. 505).

Mr. POU. Mr. Speaker, I present a privileged resolution from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 317.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration in the House as in Committee of the Whole of Senate bill 4292 as the same passed the Senate. The Clerk shall read the said bill as the same passed the Senate, and at the conclusion of such reading the previous question shall be considered as ordered upon the same to final passage, without intervening motion, except one motion to recommit.

Mr. POU. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

An act (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized from time to time to melt or break up and to sell as bullion not in excess of 350,000,000 standard silver dollars now or hereafter held in the Treasury of the United States. Any silver certificates which may be outstanding against such standard silver dollars so melted or broken up shall be retired at the rate of $1 face amount of such certificates for each standard silver dollar so melted or broken up. Sales of such bullion shall be made at such prices not less than $1 per ounce of silver 1,000 fine and upon such terms as shall be established from time to time by the Secretary of the Treasury.

SEC. 2. That upon every such sale of bullion from time to time the Secretary of the Treasury shall immediately direct the Director of the Mint to purchase in the United States, of the product of mines situated in the United States, and of reduction works so located, an amount of silver equal to 371.25 grains of pure silver in respect of every standard silver dollar so melted or broken up and sold as bullion. Such purchases shall be made in accordance with the then existing regulations of the mint and at the fixed price of $1 per ounce of silver 1,000 fine, delivered at the option of the Director of the Mint at New York, Philadelphia, Denver, or San Francisco. Such silver so purchased may be resold for any of the purposes hereinafter specified in section 3 of this act, under rules and regulations to be established by the Secretary of the Treasury, and any excess of such silver so purchased over and above the requirements for such purposes shall be coined into standard silver dollars or held for the purpose of such coinage, and silver certificates shall be issued to the amount of such coinage. The net amount of silver so purchased, after making allowance for all resales, shall not exceed at any one time the amount needed to coin an aggregate number of standard silver dollars equal to the aggregate number of standard silver dollars theretofore melted or broken up and sold as bullion under the provisions of this act, but such purchases of silver shall continue until the net amount of silver so purchased, after making allowance for all resales, shall be sufficient to coin therefrom an aggregate number of standard silver dollars equal to the aggregate number of standard silver dollars theretofore so melted or broken up and sold as bullion.

SEC. 3. That sales of silver bullion under authority of this act may be made for the purpose of conserving the existing stock of gold in the United States, of facilitating the settlement in silver of trade balances adverse to the United States, of providing silver for subsidiary coinage and for commercial use, and of assisting foreign governments at war with the enemies of the United States. The allocation of any silver to the Director of the Mint for subsidiary coinage shall, for the purposes of this act, be regarded as a sale or resale.

SEC. 4. That the Secretary of the Treasury is authorized, from any moneys in the Treasury not otherwise appropriated, to reimburse the Treasurer of the United States for the difference between the nominal or face value of all standard silver dollars so melted or broken up and the value of the silver bullion, at $1 per ounce of silver 1,000 fine, resulting from the melting or breaking up of such standard silver dollars.

SEC. 5. That in order to prevent contraction of the currency, the Federal reserve banks may be either permitted or required by the Federal Reserve Board, at the request of the Secretary of the Treasury, to issue Federal reserve bank notes, in any denominations (including denominations of $1 and $2) authorized by the Federal Reserve Board, in an aggregate amount not exceeding the amount of standard silver dollars melted or broken up and sold as bullion under authority of this act, upon deposit as provided by law with the Treasurer of the United States as security therefor, of United States certificates of indebtedness, or of United States one-year gold notes. The Secretary of the Treasury may, at his option, extend the time of payment of any maturing United States certificates of indebtedness deposited as security for such Federal reserve bank notes for any period not exceeding one year at any one extension and may, at his option, pay such certificates of indebtedness prior to maturity, whether or not so extended. The deposit of United States certificates of indebtedness by Federal reserve banks as security for Federal reserve bank notes under authority of this act shall be deemed to constitute an agreement on the part of the Federal reserve bank making such deposit that the Secretary of the Treasury may so extend the time of payment of such certificates of indebtedness beyond the original maturity date or beyond any maturity date to which such certificates of indebtedness may have been extended, and that the Secretary of the Treasury may pay such certificates in advance of maturity, whether or not so extended.

SEC. 6. That as and when standard silver dollars shall be coined out of bullion purchased under authority of this act, the Federal reserve banks shall be required by the Federal Reserve Board to retire Federal reserve bank notes issued under authority of section 5 of this act, if then outstanding, in an amount equal to the amount of standard silver dollars so coined, and the Secretary of the Treasury shall pay off and cancel any United States certificates of indebtedness deposited as security for Federal reserve bank notes so retired.

SEC. 7. That the tax on any Federal reserve bank notes issued under authority of this act, secured by the deposit of United States certificates of indebtedness or United States one-year gold notes, shall be so adjusted that the net return on such certificates of indebtedness, or such one-year gold notes, calculated on the face value thereof, shall be equal to the net return on United States 2 per cent bonds, used to secure Federal reserve bank notes, after deducting the amount of the tax upon such Federal reserve bank notes so secured.

SEC. 8. That except as herein provided, Federal reserve bank notes issued under authority of this act shall be subject to all existing provisions of law relating to Federal reserve bank notes.

SEC. 9. That the provisions of Title VII of an act approved June 15, 1917, entitled "An act to punish acts of interference with the foreign relations, the neutrality and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the powers conferred upon the President by subsection (b) of section 5 of an act approved October 6, 1917, known as the "trading-with-the-enemy act," shall, in so far as applicable to the exportation from or shipment from or taking out of the United States of silver coin or silver bullion, continue until the net amount of silver required by section 2 of this act shall have been purchased as therein provided.

At the conclusion of the reading of the first section of the bill,

Mr. MADDEN (interrupting the reading). Mr. Speaker, I move to strike out the last word. I would like to ask the gentleman from Virginia [Mr. GLASS] whether it is intended——

The SPEAKER. The rule provides that the bill shall be read.

Mr. POU. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia [Mr. GLASS] have 10 minutes and that some gentleman upon the other side have 10 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, I suggest that the gentleman from North Carolina [Mr. POU] ask unanimous consent that the gentleman from Virginia [Mr. GLASS] have 15 minutes and that the gentleman from California [Mr. HAYES] have 15 minutes.

Mr. POU. I accept the modification.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the gentleman from Virginia [Mr. GLASS] have 15 minutes and the gentleman from California [Mr. HAYES] have 15 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I suppose the motion that I made to strike out the last word, in view of the provisions of the rule, would not now be in order?

The SPEAKER. It would not.

Mr. MADDEN. I was simply going to ask the gentleman from Virginia to explain certain things in the bill.

Mr. GLASS. That is what I shall try to do.

The SPEAKER. The Chair thinks the bill ought to be read through under the rule.

Mr. MADDEN. Mr. Speaker, after the bill is read through is it subject to amendment in any section?

Mr. CAMPBELL of Kansas. Not under the rule.

The SPEAKER. The Clerk will conclude the reading of the bill.

The Clerk concluded the reading of the bill.

The SPEAKER. The Chair wishes to state his opinion about this rule. It is all clear except the provision that we shall proceed in the House as in Committee of the Whole. That means, undoubtedly, it would have to be read under the five-minute rule. The House has already granted 15 minutes to the gentleman from Virginia [Mr. GLASS] and 15 minutes to the gentleman from California [Mr. HAYES]. That seems to be in the nature of general debate. The Chair thinks it is the duty under the rule, after these gentlemen have used 30 minutes, to have the bill read for amendment under the five-minute rule.

Mr. GLASS. Mr. Speaker, that was altogether foreign to the purpose of the Committee on Rules and to the understanding that I had with the committee when I asked for the rule.

Mr. WALSH. Mr. Speaker, may I direct the Chair's attention to the fact that upon the completion of the reading of the bill, under the rule, the previous question shall be considered as ordered? If that be the effect of the rule, certainly amendments would not be in order after the previous question is ordered under the five-minute rule, because the rule further goes on to say that there shall be only one motion in order, and that a motion to recommit.

The SPEAKER. That is correct.

Mr. GARRETT of Tennessee. Mr. Speaker, I was called from the Chamber temporarily for a moment, but do I understand the Speaker to hold that under the rule the bill would have to be read for amendment under the five-minute rule?

Th SPEAKER. That is the rule that applies to proceedings in the House as in Committee of the Whole.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the rules of the House be waived in this instance.

Mr. GARRETT of Tennessee. Mr. Speaker, I may be in error about it, but I think that rule applies in Committee of the Whole House on the state of the Union but not when we are considering a bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] makes a suggestion that will clear it all up, and that is that consideration of the bill under the five-minute rule be waived. Is there objection? There was no objection.

Mr. SCOTT of Michigan. Mr. Speaker, I think the Chair is mistaken as to unanimous consent having been granted to the gentleman from Virginia and the gentleman from California to speak. I do not think the RECORD will show that the matter was actually submitted and allowed.

The SPEAKER. If there be an oversight in that respect the Chair will put the request again.

Mr. CAMPBELL of Kansas. Mr. Speaker, it was the intention of the Committee on Rules when this rule was agreed to that the Chairman would move the previous question. That would leave 20 minutes on a side, to be divided among those who desired to discuss the bill, and upon the conclusion of that discussion the bill should be read and passed, the previous question being considered as ordered, thus avoiding the reading of the bill under the five-minute rule as suggested by the Speaker. After the rule was agreed to, and the bill taken up by direction of the Speaker and ordered read, it occurred to me that the debate agreed upon should be had, and it was for that reason that I suggested to the gentleman from North Carolina, the chairman of the Committee on Rules, that a request be preferred for unanimous consent for 30 minutes of debate, as indicated.

The SPEAKER. The way the matter stands, then, is that the gentleman from Illinois suggested, and the House adopted his suggestion, that debate under the five-minute rule be waived. Now, the Chair is reasonably certain that he put this 15-minute request, but in order to be certain he will put it again. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Speaker, I find that there is no report accompanying this bill. I do not know how gentlemen in the House are informed about the bill——

Mr. GLASS. I will say to the gentleman from Illinois there is a report, the original of which is at the desk, and a copy of which has been furnished the Public Printer, and he promised to have the printed report here by 3 o'clock.

Mr. CANNON. I am just taking for granted this bill is all right, having been passed by the Senate and being reported by the Committee on Banking and Currency of the House, and I have great confidence in the chairman and in that committee; but frankly I expect I have been busy about something else, and I declare I have not even read the bill.

Mr. GLASS. I will say to the gentleman——

Mr. CANNON. I would like for a full explanation to be made, and if the 15 minutes is not enough let the gentleman proceed until he has fully explained the bill.

Mr. GLASS. I think perhaps I shall be able to explain it in less than 15 minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. To ask if the gentleman objects to having the report read. He says it is at the Speaker's desk. It is a short report.

The SPEAKER. The printer has it.

Mr. MOORE of Pennsylvania. I understood the report was here. If it is available, why not have it read. It may save a great deal of concern about the bill.

Mr. CANNON. I understand it has gone to the printer.

The SPEAKER. The report is in the hands of the printer and will be here in 10 minutes—the printed copy.

Mr. MOORE of Pennsylvania. It is such an unusual proceeding and such an unusual bill——

Mr. GLASS. I think I can explain the bill in less time than it would require to read the report.

The SPEAKER. The Chair suggests to the gentleman from Virginia and the gentleman from California [Mr. HAYES] that they come in front of the Speaker's stand and explain what they have got to explain, so that Members can hear them, and if in the meantime the report arrives and it is desired to have it read it can be read.

Mr. KNUTSON. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman suggests the absence of a quorum. The Chair will count.

Mr. KNUTSON. Mr. Speaker, I withdraw it.

The SPEAKER. The gentleman withdraws the point of no quorum, and the gentleman from Virginia is recognized for 15 minutes.

Mr. GLASS. Mr. Speaker, when this measure was originally drawn some months ago it was designed to meet and overcome the difficulty that had arisen in our foreign-trade relations, involving a rather serious discrimination against this country in the matter of foreign exchange. Importers of many necessary articles were subject to great loss by reason of the depreciation of the American dollar in neutral countries in Europe and Asia, particularly in Spain and the Scandinavian nations as to Europe, and in the Orient, India and China. In that view it was not an emergency measure. It was confidently expected that the

committee would have ample time to examine the questions involved, should it be thought desirable to consider the bill at all, and discuss them thoroughly. But within the last 10 days circumstances, of which I am not at liberty to speak in detail, have arisen which make action by Congress imperative. For that reason the bill, by unanimous action of the Committee on Banking and Currency of the other body, was presented to the Senate and, without division, passed. It was taken up for consideration on Friday and Saturday of last week by the House Committee on Banking and Currency and, at an exceptionally largely attended meeting, unanimously ordered to be reported to the House.

In our trade relations with the Orient, and particularly with India, we are put to the necessity of paying our balances in metal, and, on account of the large importations of jute, burlap, and other materials used in the handling and distribution of our crops, we are obliged to meet a large exchange balance, to our very great disadvantage. It shall be necessary for this country to ship to India, for the next ensuing 16 months at least, about $100,000,000 of gold to meet our importations, or otherwise to do what this bill proposes to do, borrow from the Treasury the only available stock of silver in the world at this time and ship it to India to meet trade balances. It is not necessary to say to the House that, gold being our primary money, every dollar of it that we shall export circumscribes our ability to meet the extraordinary commercial requirements of our own country at this time.

In short, if we do not pass this bill immediately we may be put to the necessity of shipping gold rather than silver to India. I transgress no propriety and reveal nothing that should not be disclosed to the House when I say that the governor of the Federal Reserve Board stated to the committee that the board had already felt obliged to give the large importers of jute, burlap, and other materials, which we are obliged to have, the assurance that if something of this sort should not be done immediately by Congress the Federal reserve banks would assure them the gold necessary to meet trade balances. The bill provides that there shall be a retirement, gradual or immediate, as circumstances may require, of $350,000,000 of outstanding silver certificates; and as those silver certificates are retired a like amount of the silver coin in the Treasury held as a cover for the silver certificates will be broken up and melted into silver bullion and sold by the Secretary of the Treasury to meet foreign exchange exigencies and to avert serious trouble in India. The Congress knows that India uses not exclusively, but almost exclusively, silver as its metallic currency. Any deficiency, if any, in the circulating medium that may be occasioned by the gradual or speedy retirement of $350,000,000 of silver certificates is to be met by the issuance, under authority of the Secretary of the Treasury and the Federal Reserve Board, of what is known as Federal reserve bank notes, based on short-time gold certificates and notes of the United States.

When the emergency shall have passed or the war ended, the Secretary of the Treasury is authorized to purchase an equivalent amount of silver to that which may be utilized in this transaction to replace the silver thus loaned to the British Government and used for foreign exchange purposes by the recoinage of a like amount of silver dollars, upon which may be issued a like amount of silver certificates.

Mr. MADDEN. Will the gentleman have any objection to my asking a question right there?

Mr. GLASS. Not at all.

Mr. MADDEN. Would the interest rate charged on the rediscounts based on these certificates be sufficiently high to compensate the Government for the cost of recoinage?

Mr. GLASS. We think so. It is upon that theory that the bill is drawn.

Mr. MADDEN. And it is a higher rate than is usually charged on what we rediscount.

Mr. GLASS. That is true. There will be no trouble about the retirement of these Federal reserve bank notes when the emergency shall have passed.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. GLASS. I will.

Mr. LA FOLLETTE. The gentleman stated that there would be a trade balance of $100,000,000 in the next 16 months between this country and India. That accounts for $100,000,000. Why the other $250,000,000?

Mr. GLASS. The other $250,000,000 is to meet foreign exchange accounts with other countries and especially is to be used to counter an exigency that vitally affects our allies in the conduct of this war. Just in the degree that it vitally affects them it vitally affects us. I will read to the House a telegram that was sent to me from Deming, N. Mex., while I was absent from the city attending the funeral of my late colleague, Mr. JONES, by Secretary McAdoo, in which he says:

"A war emergency of the utmost urgency makes the prompt passage of the Pittman bill imperative. I commend this subject earnestly to the consideration of yourself and your associates on your committee. Will you please permit Assistant Secretary Leffingwell to lay before you my views about this matter?

"WILLIAM G. MCADOO,
"*Secretary of the Treasury.*"

Upon my return I——

Mr. MOORE of Pennsylvania. Will the gentleman yield before he leaves that point?

Mr. GLASS. I will.

Mr. MOORE of Pennsylvania. I think it is just as well to be frank with the House. We are considering the bill under a rule, as it comes from another body. During the discussion over there this was said:

I know that the situation in India is critical and that this bill is to relieve that situation. England must have more silver to meet her obligations to India, and India wants silver. There is only one great reserve of silver in the world to-day, and it is found in the Treasury of the United States, and that reservoir of silver must be opened and hastened to India in order to relieve the existing conditions.

Is that statement correct?

Mr. GLASS. That states the case in a nutshell. That statement, or a statement similar to that, was made by the distinguished senior Senator from Massachusetts, who spoke briefly to the bill.

Mr. MOORE of Pennsylvania. It is a situation affecting our allies at least equally with the United States?

Mr. GLASS. It is a situation we are obliged to meet. It is rather distressing to the chairman of the Committee on Banking and Currency to feel compelled to bring to the House a measure all of the details of which he is not at liberty to discuss fully and to ask the House upon its faith in him and his associates of the committee, acting as a unit, to accept the bill, but that is precisely the situation.

Upon my return to Washington on Saturday I found that the Committee on Banking and Currency had had a meeting and such hearings as were possible. In addition I personally made inquiry in every responsible quarter and satisfied myself that there was nothing else to do but to pass the Senate bill if we would avert trouble. To reassure the House even more fully, if I can, I present this letter, sent to me by the President under date of April 21:

THE WHITE HOUSE,
Washington, April 21, 1918.

Hon. CARTER GLASS,
Washington, D. C.

MY DEAR MR. GLASS: I am taking the liberty of writing you to ask if the early report and passage of the silver bill will be possible. Circumstances have arisen which make the passage of this bill a genuine war emergency; otherwise I would not suggest so immediate action upon it. The circumstances, however, are pressing, and, I beg you to believe, justify me in making this request. I believe that you have been informed from the Treasury Department just what the exigency is.

Cordially and sincerely, yours,

WOODROW WILSON.

The SPEAKER pro tempore (Mr. FOSTER). The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I ask that the gentleman may have such further time as he and the House may desire in order to complete his remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Virginia may have such time as he may desire in order to complete his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GLASS. I will say to the House that I have no desire to proceed further. If I have not made the matter clear, I will be glad to answer any question that I can answer. But I do not desire to proceed any further with any general statement.

Mr. FOCHT. Before the gentleman retires, I would like to ask this question: It occurred to me when he was addressing the House and when he stated that this was for the relief of an ally, whether, rather than to deplete the Treasury of the silver reserve, it would not be possible for England to commandeer the jute in India, just as we commandeer any commodity in this country?

Mr. GLASS. My inquiry into the subject in all its aspects leads me to believe that this proposal is the only immediate remedy that may be applied to the situation.

Mr. HAYES. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from California is recognized for 15 minutes.

Mr. HAYES. Mr. Speaker, under ordinary circumstances I should be opposing this bill very strenuously on several grounds. If the country were not in this war and the present emergency were not upon us, I should regard this bill as a piece of economic and financial folly.

There are several things in it that, if it were in my power, I would change. I would amend it radically, but from the information that has been conveyed to the members of the com-

mittee by the President, the Secretary of the Treasury, and the Federal Reserve Board, some of which information has been stated already by the gentleman from Virginia [Mr. GLASS], I conclude that this is not only an emergency measure but a matter of the greatest urgency. I therefore feel it to be my bounden duty to support it as it is, since under the rule just adopted it can not be amended.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. HAYES. I will.

Mr. WOOD of Indiana. It comes to us rather suddenly here. I want to inquire if there is any evidence before your committee as to whether or not England knew of this exigency for some time and considered it before this was sprung on the United States?

Mr. HAYES. England has known for some time that she had out obligations, of course, but she was not familiar, and the world has not been made familiar, and is not now familiar, and it is not desirable that it should become familiar, with the dangers that lurk in the immediate future.

Mr. WOOD of Indiana. Did England take any steps to relieve this situation?

Mr. HAYES. Certainly; all the steps that were possible. As the gentleman from Virginia [Mr. GLASS] has stated, the United States has the only great supply of silver that is in the world.

Mr. WOOD of Indiana. I saw a statement in the paper this morning, and I think it would be fair that the gentleman should know of it, to the effect that in this transaction there is a speculation of over $70,000,000 by bankers of England. Does the gentleman know anything about that?

Mr. HAYES. I know nothing about that. I want to say that under ordinary circumstances I should insist upon acting upon my own judgment and experience, after many years of study of financial questions; but under the present circumstances, when the Commander in Chief of the Army and Navy of the United States comes to me and says, "The passage of this bill is a most vital war necessity," I sink my own judgment and my own feeling in the matter and yield to his urgent request as if it were a command. [Applause.] Although the circumstances surrounding this emergency have been quite fully explained to the members of the committee, many other things are doubtless known to the President that he is not at liberty to explain to the members of the committee; necessarily information must be open to him that he could not disclose to us.

I do not know that I care to discuss at any length the provisions of the bill. The gentleman from Virginia has explained them perhaps sufficiently. It is not intended by this measure to contract the currency at all. As fast as the silver is disposed of and the silver certificates withdrawn from circulation, other forms of currency will take their place. As fast as the Secretary of the Treasury can purchase the silver, he is not only authorized, but he is directed, to purchase and recoin and replace the silver which for the time being is taken out of the Treasury and sent abroad, so that this bill will not affect the volume of the currency nor the silver element in our currency permanently at all.

Mr. WOOD of Indiana. Will the gentleman yield further?

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. HAYES. I yield.

Mr. FORDNEY. The gentleman says it will not affect the currency, the amount of money in circulation. What is to be placed back of the Federal reserve notes that are to be issued in place of the silver certificates when the silver is gone?

Mr. HAYES. United States certificates of indebtedness with a 5 per cent gold redemption fund, like the national bank currency.

Mr. GLASS. I may say to my colleague just at this point that we regard it as very much better to place United States gold certificates behind these Federal reserve banks than to place United States bonds behind them, because we wanted to avoid going back to the old system of a bond-secured currency.

Mr. HAYES. Of course, it amounts to the same thing.

Mr. GLASS. It does.

Mr. HAYES. But it is only a temporary expedient.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. MADDEN. Did the gentleman state that the certificates may become due in one year?

Mr. HAYES. Yes; they are due in one year, but they may be extended under the terms of the bill.

Mr. WOOD of Indiana. Is all this amount to be placed to the credit of the United States?

Mr. HAYES. Is this amount to be placed to the credit of the United States? I do not know that I understand what the gentleman means.

Mr. WOOD of Indiana. The bill is advancing a credit of $350,000,000?

Mr. HAYES. Yes. The Government will own the silver, of course, as soon as the silver certificates are retired. The silver in the Treasury now is in the nature of a trust fund, owned by the owners of the certificates.

Mr. WOOD of Indiana. When we ship this silver out how shall we get it back again?

Mr. HAYES. We shall not get it back.

Mr. WOOD of Indiana. We must get a credit. Are we getting an equal amount of credit for the silver?

Mr. HAYES. Yes.

Mr. MADDEN. We sell the silver bullion?

Mr. HAYES. Yes. We sell the silver and use it largely to pay our debts. We are in the same condition as a man who owes Tom, Dick, and Harry, and has his chest full of silver and gold. He takes his choice as to whether he will pay in silver or gold. In this case we may pay either in silver or gold, and we prefer to pay in the former coin. Because it will enable us to hold on to our gold is one reason why I am willing to support this bill. If we do not use the silver we have in this emergency, we must part with some of our gold.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. HUSTED. I notice that the purchases of silver are to be made according to existing regulations at the Mint and at the fixed price of $1 per ounce of silver. How is that price of $1 per ounce arrived at?

Mr. HAYES. Silver was worth in New York City on Saturday 96 cents and a fraction, and for some time it has fluctuated between 85 cents and $1 an ounce. We are selling it at the market price or a trifle above. Of course, the United States having put an embargo on the exportation of silver, the price will be determined by the Secretary of the Treasury so long as the embargo lasts, as he is the only large purchaser of silver in this country.

Mr. HUSTED. Your price remains absolutely fixed. But assume that the market value changes; you sell it at $1 an ounce, in spite of the market price?

Mr. HAYES. But the market price can not change in view of the situation created by the bill.

Mr. PHELAN. Mr. Speaker, will the gentleman permit an interruption right there?

Mr. HAYES. Yes.

Mr. PHELAN. I will remind my colleague that we sell it at least for a dollar, and that we buy it at a dollar, and so we lose nothing. And there is a provision in the export law so that no silver can be exported unless the President says so, so that we absolutely control the output of the mines of the United States.

Mr. LA FOLLETTE. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. LA FOLLETTE. I would like to ask a question about this bill. It is a very important matter. Silver is scarce. I see we are limited to the purchase of silver produced only in the United States. Why should we not purchase in South America, where we have large trade balances, and in Central America, and in Mexico, and British Columbia?

Mr. HAYES. Our silver mines produced 77,000,000 ounces last year. That is about one-half of the product of the world. We do not need to go outside this country, even if we dispose of all this $350,000,000. You can see readily that in a few years it can be all back again in the Treasury from the product of our own mines, and we want it to come from our own people.

Mr. MILLER of Washington. Will the gentleman yield for a question?

Mr. HAYES. I ought not to take any more time.

Mr. MILLER of Washington. In buying silver the merchantable price is 96?

Mr. HAYES. Yes.

Mr. MILLER of Washington. Has the committee made any investigation of the amount of silver bullion in the individual ownership of citizens—speculators in silver bullion?

Mr. HAYES. We are advised that there is no considerable amount of that.

Mr. MILLER of Washington. None in private ownership?

Mr. HAYES. None to amount to anything. The demand has been great and the price unusually high for some time, and all these holdings are unloaded.

Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, this is a very extraordinary as well as a very grave and serious situation. We all of us in the House have become accustomed on both sides of the House to vote for the passage of bills which we totally disapproved of, because we were assured that they were necessary for the war.

But in nearly all cases until now we have at least had put before us some of the reasons of their necessity, and we have often surrendered our own judgment to the judgment of the Executive. But now a measure has come before us for which we are asked to vote because it is essential as a war measure, and yet the reasons are entirely withheld from us, so that this is a larger draft upon our confidence than has heretofore been made. But I feel for myself that despite that, inasmuch as this is an international question, we can not insist upon knowing the reasons, which we are told it is wise to withhold. Therefore, for one, I am content to ask no further questions and to accept the statement that there are reasons which can not be divulged to us which make it exigent and compulsory that this legislation pass, and so I am willing to vote for it. But I wish to say that one of the motives that constrains me to vote for a measure which seems to me fundamentally unsound, and which probably hardly anyone in this House approves of or wishes to vote for, is that I have great confidence in the Committee on Banking and Currency, and I suppose the chairman of that committee [Mr. GLASS] has been consulted by the President and facts have been imparted to him which it is not thought prudent to confide to the rest of us, and I believe that when the momentary exigency is past, and when it is possible to remedy the serious danger into which this legislation might plunge our whole banking system, the Banking and Currency Committee, under the leadership of the distinguished gentleman from Virginia [Mr. GLASS], will, as far as possible, make amends for this extraordinary step and bring us back into the path of safe banking. Therefore, for one, with much reluctance, but feeling that here as in previous cases we must yield to the wishes of the Executive and accepting the statement that it is unsafe to make public the information on which this legislation is based, regretting the necessity, I shall yet vote for the passage of the bill. [Applause.]

Mr. HAYES. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. HAYES. I yield two minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, I should be glad at any time to support sections 1, 3, and 4 of this bill, which I think are absolutely sound and could as well be passed in time of peace as in time of war. This silver that is piled up in the Treasury back of the silver certificates is not real basic money. It is about 20 per cent water, or fiat money, or paper money, or whatever you have in mind to call it. The silver certificates circulate on a gold basis by fiat of law, and so do the silver dollars themselves whenever anyone will take them. It is a good thing to be able to get rid of the silver, and get rid of it at a good price. We are selling it at a price which is larger than the price that silver has reached for a good while except in the case of fluctuations of the past year, and we are making it take the place of gold in foreign trade. We are selling it at a price that involves no loss to the country.

Now, the proposition that we have got to buy it back again and pile it up all over again is vicious and wrong, as is also the proposition to issue Federal reserve bank notes to take the place of the silver certificates as they are retired. The ostensible purpose of this is to prevent contraction; but there is no harm in a little contraction. I think it is pretty well understood, and I am going to say it plainly, that we are agreeing to these sections of the bill because it is necessary to act speedily and we have every reason to believe that we could not get the bill through the Senate, past the objections of the silverites in that body, without having them talk a couple of months, if we should cut out these objectionable sections. [Applause.]

I am willing to agree to speedy action on the assurance of the President that speedy action is necessary, but I want it made plain just why it is that such assurance needs to be given. This is a Senate bill and we are told to pass it just as it came from the Senate, because to amend it so as to make it sound would cause a dangerous delay. It is a plain case of holdup by the silverites, and I expect to do what I can, when the present emergency has passed, to see that the objectionable features shall be repealed.

Mr. HAYES. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. MCFADDEN].

The SPEAKER. The gentleman from Pennsylvania [Mr. MCFADDEN] is recognized for two minutes.

Mr. MCFADDEN. Mr. Speaker, in two minutes I can not go very far in a discussion of this measure. I do feel, however, that as a member of the Banking and Currency Committee some explanation should be made by me as well as by the other members of that committee. The facts have been pretty well stated in connection with this bill. I do not believe there is a member of this committee here who, under ordinary circumstances, would support this bill or who would support it now except for the fact of the extreme necessity for this special legislation, as pointed out by the President, the Secretary of the Treasury, the Director of the Mint, and the Governor of the Federal Reserve Board, all pleading for the immediate passage of this bill. In connection with this argument there is one point that has not been covered. I should like to mention that, and it is this, that this $350,000,000 of silver, which is now held by the Treasury of the United States, is a trust fund; that silver certificates are outstanding against that fund, and they must be redeemed before this coin can be released. There are now about $39,000,000 of these silver certificates held by the Treasury Department at this time, which, when this authority is given, will permit the cancellation of and the melting up of these silver dollars held as security for this amount. I hope the Treasury Department, in the administration of this law when it is passed, will be careful to see that none of the trust obligations are violated in the handling of this transaction. This sacred trust must not be violated under any circumstances.

In connection with the issuance of Federal reserve bank notes, a whole lot might be said that can not now be said in connection with this debate. When we passed the Federal reserve act we practically repudiated the bond-secured note-circulation proposition. In this instance we are going back to that in practically the same form by providing for the issue of Federal reserve notes by the 12 Federal reserve banks, secured by one-year temporary Treasury certificates, which are nothing more or less, in this instance, than a double promise to pay on the part of the United States. Why not issue United States notes direct and be honest with the people and not deceive them? In supporting this measure I am relying entirely upon the representations made by the administration officials that this is of the most pressing necessity to aid our allies to win the war. [Applause.]

The SPEAKER. The time has expired. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. GLASS, a motion to reconsider the vote by which the bill was passed was laid on the table.

By unanimous consent Mr. RAKER was given leave to revise and extend his remarks on House bill 10894.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for 20 minutes. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I would not occupy the time of the House now except for the fact that the matter to which I wish to call attention is, to my mind, a matter of very great importance to the people of the country. That is the question of the Federal farm-loan bank and the manner in which the people's money, collected under the guise of war taxes, is being loaned throughout the country. I believe it is a matter of greater importance than the average citizen has any good conception of.

I have given this question considerable thought, and I am not a crank on this subject. At this time, when the people of the country are being called upon to contribute to the Federal Government in aid of carrying on this great war, I believe that it is a great mistake to squander money so collected from the people in loaning money in a manner entirely, in my opinion, different from that expected when the Congress of the United States passed that law. I am in receipt of a letter from a member of the Farm Loan Commission, Mr. George W. Norris. I made a statement on the floor of the House not long ago and said that I knew of a piece of land that had been sold less than five years ago at $3 an acre. To make it clear to you, I sold the land myself. I own the adjoining 80 acres, that I now offer for sale at $5 an acre, and get no purchaser. Not long ago the man to whom I had contracted that land wrote me and wanted a deed for the land, and stated that he was getting a loan from the Federal Government at $15 an acre, no improvements on the land, and he wanted me to recommend the loan. I declined to do so.

Commissioner Norris wrote and asked me to give him the particulars. I answered Mr. Norris, saying I sold the land in question, but that I had rather not give the information requested, and asked the gentleman's pardon for declining to give the information. It is not my place to look after the Federal farm loans. I am not a member of any board that has control of those loans. I do not know whether the man succeeded in getting the loan or not, but he wrote me saying he was getting it and wanted me to recommend it. If the loan was made the land has been sold to the Federal Government, for nobody will pay that price—$15 per acre—for it.

Mr. MADDEN. Will the gentleman yield?

Mr. FORDNEY. If the gentleman will be brief, for my time is limited and I have much to say.

Mr. MADDEN. What was the amount of the loan that the gentleman says the Farm Loan Board made on the land?

Mr. FORDNEY. The man wrote me that he was obtaining a loan of $15 an acre.

Mr. MADDEN. How much did he pay?

Mr. FORDNEY. Three dollars per acre.

Mr. MADDEN. What is the idea of the gentleman as to what this land is worth?

Mr. FORDNEY. I am offering the adjoining 80 acres at $5 an acre, with no purchaser.

Mr. MADDEN. Why does not the gentleman offer it to the Farm Loan Board for $15 an acre?

Mr. FORDNEY. I have nothing to offer the Farm Loan Board but criticism. [Laughter.]

Mr. WINGO. Will the gentleman yield?

Mr. FORDNEY. If the gentleman will be brief.

Mr. WINGO. The gentleman knows that the application of $15 an acre was not approved by the farm-loan bank.

Mr. FORDNEY. I do not; the owner said he was getting the money, and asked me to give him a recommendation.

Mr. WINGO. Does not the gentleman know that the farm-loan bank does not undertake to pass on an application until the perfected title papers come in, and, as the gentleman says, he refused to make the recommendation, no perfect-title papers have been presented to the bank.

Mr. FORDNEY. When I gave the man a deed to the land he had a perfect title. Let me call the gentleman's attention to something that I have in the way of proof of what I am going to say. Here is a statement of the loans made in the State of Kansas from the bank at Wichita, Kans., up to January 1, 1918, reported by the register of deeds or bonded abstractor. I have a list of each party's name to whom loans have been made. The description of the land, the section, town, and range, and the amount of money loaned with the assessed valuation of the land given. I made inquiry of some Members of the House from the State of Kansas, and I am told by them that the assessors in making their returns must make oath that the land has been assessed at its actual value.

The loans made in the State of Kansas up to January 1, 1918, amount to $3,801,900. The total valuation is $5,162,958; the loans amount to 73½ per cent of the valuation, when the law provides that the Government can only loan 50 per cent of the value of the land and not in excess of 20 per cent of the permanent insured value of the buildings thereon.

In the assessment of real estate the buildings are included with the land, so that in these valuations the land and buildings are included, and on both, which the law provides that the Federal farm-loan banks can not loan more than 50 per cent, the record shows they have loaned 73½ per cent of the total valuations.

I have not time to go into all the details of the loans, but they have loaned in one instance $10,000 on property valued at $7,000.

Mr. WINGO. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WINGO. The gentleman does not want the House to believe that the law limits loans to the assessed value, but it is the actual appraised value.

Mr. FORDNEY. What is the difference between the actual value and your candid opinion as to its real value when you make oath that you have assessed it at the real value?

Mr. WINGO. In my State it would be 50 per cent.

Mr. FORDNEY. Oh, you can not make oath that you assessed it at its actual value when you know you fixed the assessment at but 50 per cent of its actual value; that would not be honest, would it?

Mr. WINGO. In regard to the law——

Mr. FORDNEY. The law provides that it shall be assessed at the actual value.

Mr. WINGO. I am talking about the Federal law, which will not permit them to loan upon the assessed value, but to put it on the actual value.

Mr. FORDNEY. Mr. Speaker, I am willing to hear what the gentleman has to say, because I have a high regard for him and his opinion, but I have information here that leads me to believe that the managers of those banks are disposing of that money in a loose manner. I have here a letter from one gentleman that writes me that loans were made on a piece of property in the State of Kansas, and that immediately upon receiving the loan the man left the property and said that it was the best sale he ever hoped to make of his property. He also points out a piece of property on which the Government loaned $1,000, which has been for sale at $600 for some time. Here is a statement from another man, who says that his neighbor, one of the loan board, borrowed $2,000 on his farm, and the adjoining farm, just as valuable, is offered to him to-day for $1,700.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes; but I will ask the gentleman to be brief.

Mr. COOPER of Wisconsin. Has the gentleman the description of the land, so that it could be located?

Mr. FORDNEY. Yes; and I am going to put into the RECORD, if the House will permit me to do so—I shall put in the RECORD each and every loan made in the State of Kansas up to the 1st of January last, and the description of the land, together with the owner's name, to whom the loan has been made, the amount of the loan, and the assessed valuation.

Mr. COOPER of Wisconsin. I asked the question because the gentleman is charging gross maladministration, and he ought to be specific.

Mr. FORDNEY. I do not want to mislead anybody.

Mr. COOPER of Wisconsin. I think the gentleman ought to ask permission to have that all put in.

Mr. FORDNEY. I shall do so. A gentleman named Smith—Capt. William S. A. Smith—who made a speech at St. Paul a few days ago, said "There will be only two of those banks that will show red ink." That is to say, they have all made a profit except two—the New England institution at Springfield, Mass., and the bank at Columbia, S. C. I have here a statement coming from a gentleman—Mr. R. Ingalls, of 307 East Seventeenth Street, New York—who made an investigation of this matter and writes me and says that he has taken these figures from the report of the Comptroller of the Currency. He states that according to the Comptroller of the Currency, on October 31, 1917, the 12 Federal land banks had no reserve or surplus and that their liabilities for funds received were $34,984,029.89; their assets, after deducting salaries and expenses, $34,273,843.84.

This apparent deficit of $709,186.05 and an indebtedness not itemized of $3,650,306.37 do not make a satisfactory showing. He says that the deficits apparent at each of the land banks at that date were as follows:

At Springfield, $49,058.11; Baltimore, $44,219.77; Columbus, $57,362.64; Louisville, $42,105.33; New Orleans, $71,387.09; St. Louis, $61,084.99; St. Paul, $86,655.70; Omaha, $46,273.95; Wichita, $79,784.74; Houston, $51,771.18; Berkeley, $66,035.24; Spokane, $52,537.20.

In other words, in the entire 12 banks the smallest deficit is $42,000, according to the records, whereas Mr. Smith says that they are all on the right side of the ledger except two. I made inquiry of some gentleman from the State of Kansas as to the loans made in the western part of Kansas, and was told that the banks in that State will make practically no loans at all in some counties because of the condition and the value of the land, it being poor. Yet the Federal Government has made loans there far above the assessed valuation as shown by the records as given me by Mr. Ingalls.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that the gentleman proceed for 10 minutes more.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to say that there is another very important District measure relative to the disposal of garbage that I desire to have disposed of. I shall not object to the gentleman having his 10 minutes, but I shall have to object to any more than that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MEEKER. Mr. Speaker, I would like to ask the gentleman if he knows whether the farmers of Kansas who a few years ago borrowed $50,000,000 from the railroads have ever paid them back?

Mr. FORDNEY. No; I do not know that.

Mr. CAMPBELL of Kansas. What is that?

Mr. MEEKER. Whether or not the loan of $50,000,000 by the farmers three or four years ago in Kansas has been paid back to the railroads?

Mr. CAMPBELL of Kansas. The farmers of Kansas do not owe a cent to the railroads.

Mr. MEEKER. When was it paid back?

Mr. CAMPBELL of Kansas. It never was borrowed.

Mr. MEEKER. Begging the gentleman's pardon, the railroads hauled their wheat free, thus advancing them $50,000,000.

Mr. CAMPBELL of Kansas. The gentleman has been reading fiction.

Mr. MEEKER. Will the gentleman let his statement stand as to that?

Mr. CAMPBELL of Kansas. Yes.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. STEVENSON. The gentleman speaks of a deficit shown by those banks in their reports. The gentleman intends to be entirely fair, I suppose; but does not the gentleman know that their books are not kept as they are in other banks, who charge up the discount when they make the loan, but they wait until the end of the year to collect the interest? Therefore the first year they had to run on their capital, charge up as if it were a deficit all expenses, and it will come out of the earnings at the end of the year.

Is not that the reason for the deficit? Does not the gentleman know that is the reason for the large deficit?

Mr. FORDNEY. If I did know I would have said it.

Mr. STEVENSON. I will say that is the way their books are kept and therefore they have charged them with a deficit without giving them credit for the earnings of the loans they have made. They get no credit in bookkeeping until the end of the year. In other words, you loan a man a thousand dollars and he has to pay interest on it and then credit up yourself with the interest for one year, and you wait until the end of the year——

Mr. FORDNEY. Oh, the gentleman is making a speech. I do not know whether he is right or wrong, but I do not think he is right.

Mr. STEVENSON. I know I am right.

Mr. FORDNEY. I would like to see some other proof than the gentleman's mere statement. Here is a gentleman's statement whose figures I take as being correct. He says the banks have lost money. I would like to have the gentleman present his figures, because I want to be corrected if I am in error.

Mr. STEVENSON. I will take time to present them when I have an opportunity.

Mr. FORDNEY. I want to be right on this matter if I am wrong, but my candid opinion is that the Congress of the United States, gentlemen, where we authorized $200,000,000 of the people's money, collected for war purposes, placed at the disposal of these banks, there ought to be an investigation by Congress so that we may know whether or not these statements are correct or incorrect, for if the people's money has been thrown away, as indicated by these loans, we should know it. I have been and am loyal to this administration.

Mr. STEVENSON. Will the gentleman yield?

Mr. FORDNEY. I am loyal to this administration, and I am going to continue to be loyal in reference to carrying on this war; but I tell you, gentlemen, when you come in here with pretended war measures that prove to be political, then my loyalty to your party ceases. I am going to watch this enterprise as closely as I can and be loyal to the good people that I have the honor to represent here, sir, but I will draw the line when men here use these war measures for political purposes; and if this money is being loaned in an extravagant manner, as my information gives me reason to believe it has been, I am going to enter my most earnest protest. I say it is time that the Congress of the United States appointed a committee of Members of this House to investigate these loans and to see whether or not the loans as published, a list of which I will put in the RECORD, with the permission of the House, are correct or incorrect. I am not opposed to this system, but I am opposed to the squandering of the people's money on bad loans, poor property——

Mr. CARAWAY. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. CARAWAY. I did not hear the first of the gentleman's statement. Is it charged that the banks were loaning money to farmers who are Democrats whether they have got ample security or not?

Mr. FORDNEY. No; I did not say that, but I do say this——

Mr. CARAWAY. Well——

Mr. FORDNEY. Wait a minute; let me answer my good friend. I do say this: That I am informed by some Members of Congress from the State of Kansas that the majority portion of those loans mentioned in this list are from counties in Democratic districts.

Mr. CARAWAY. Let me ask the gentleman, maybe it is like it is down home, that nobody but Democrats own land.

Mr. FORDNEY. I did not catch the gentleman's question.

Mr. CARAWAY. I said maybe nobody but Democrats ever owned land out there.

Mr. FORDNEY. Oh, well, I do not believe the gentleman is correct in that statement.

Mr. STEENERSON. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. STEENERSON. On that theory how do you account for the fact that North Dakota and Minnesota are two of the largest States where the largest sums have been loaned? And as to those two States I did not know that they were Democratic.

Mr. FORDNEY. I do not want to charge positively that this money is being loaned to Democrats in discrimination against Republicans, but the gentleman in his question prompted me to say that——

Mr. STEVENSON. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. STEVENSON. I believe the gentleman has there a statement of the different banks. Does not it show that the smallest number of loans and the smallest volume of loans, with the exception probably of the Massachusetts district, is in Columbia, S. C., a district in which there is no Republican congressional district in the whole layout? Is not that so?

Mr. FORDNEY. Whether it is so or not, this man, Mr. Smith——

Mr. STEVENSON. Does it not say that the Columbia district is the smallest?

Mr. FORDNEY. Whether it is true or not, this man Smith——

Mr. STEVENSON. Who is a Republican, by the way.

Mr. FORDNEY. Wait a minute, let me answer you.

I want to say to the gentleman that the one bank mentioned as having a deficit is in Columbia, S. C., and I do not think you could find a Republican in that district with a fine-tooth comb.

Mr. STEVENSON. And you will see that there has only been about $2,000 of loans, I believe it is, made there. It is the smallest loan there. Therefore we are not loaning it to the Democrats, at least.

Mr. FORDNEY. Whether that is true or whether it is not, Mr. Smith states that there is a deficit at that bank. Therefore if at Columbia, S. C., they are only small borrowers, they undoubtedly are small landowners.

Mr. WINGO. Mr. Speaker, reserving the right to object, as I understand the gentleman is going to put in the statistical data to which he has referred.

Mr. FORDNEY. Yes, sir. The printed lists of loans in the State of Kansas.

Mr. WINGO. How much will that take up in the RECORD?

Mr. FORDNEY. I do not know. This is the amount, sir [indicating]. A list of the loans made by the Federal bank at Wichita, Kans.

Mr. WINGO. And you will specify the name of the borrower and the descriptions of the land, so that they can be located easily?

Mr. FORDNEY. Yes. The owner's name, the amount of rural credit, the assessed valuation of lands and buildings, the number of acres; for instance, John Henning obtained a loan of $1,500 on the assessed valuation of his land and buildings—$2,400. 160 acres, on the northwest quarter of section 26, township 26, range 24.

Mr. WINGO. Reserving further the right to object, I do not believe the gentleman would make a charge unless he believes it; but he has charged criminal maladministration. Has the gentleman introduced a resolution?

Mr. FORDNEY. No; I have not. And I want to say to you I do not accuse anybody of being dishonest; but I do claim that there has been less caution used than should have been in making these loans

Mr. WINGO. I have no brief for the board. If they have done all that the gentleman has charged, he ought to file an appropriate resolution here. If they have done what the gentleman has charged, I will join with him in investigating; but I do dislike to see a gentleman of his standing make an attack on this system at a time when its enemies are trying to break it down.

Mr. FORDNEY. I am not an enemy of this system. I only criticize the parties in charge of the loans—if my information is correct bad loans have been made.

Mr. WINGO. If the gentleman has evidence that will justify that charge, they are guilty of maladministration and in justice to the House he ought to file a proper resolution to see whether it is true or not.

Mr. FORDNEY. In justice to Mr. R. Ingalls, who gave me much of the information I have in this matter, I wish to insert in the RECORD some of the correspondence I received from him.

But first, for example, suppose a party asks a loan on his farm, valued as follows: Land valued at $2,000 and the permanent, insured value of buildings, $2,000; total value, $4,000. The Farm Loan Board by law is authorized to loan 50 per cent of the land value, or $1,000, and 20 per cent of the permanent insured value of buildings, or $400; or a total of $1,400; or 35 per cent of the assessed valuation, provided the same is its actual value. An examination of list of loans given below will reveal the fact that the loans described are far in excess of the percentage authorized by law.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors.

Owner's name.	Amount of rural-credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
BOURBON COUNTY.				
John Benning	$1,500	$2,400	160	NW. ¼ sec. 21, T. 25, R. 24.
Wm. J. Killion	1,000	4,580	155	NE. ¼ (fractional) sec. 4, T. 25, R. 24.
Katherine R. Owen	1,500	2,400	80	W. ½ NW. ¼ sec. 22, T. 27, R. 22.
Andrew Nelson	1,500	2,625	157	S. ½ SE. ¼, SE. ¼ SW. ¼ sec. 18 and NW. ¼ NE. ¼ (less 3 a.) of sec. 21, all in T. 24, R. 21.
Edgar T. Shull	3,200	4,400	148.51	NW. ¼ (fractional) sec. 6, T. 25, R. 23.
Ella H. Todd	7,000	9,750	250	SE. ¼ and 1 pt. NE. ¼ of 31 and S. 85 a. in NW. ¼ of 35, all in 24-25.
John Benning	4,200	4,160	240	NW. ¼ 18-25-24 and E. ½ NE. ¼, 13-26-23.
N. J. Judah et al	7,000	7,800	283	E. ½, NW. ¼ and W. ½ NE. ¼ and W. ½ SE. ¼ and E. ½ E. ½ SW. ¼ of 21-27-21.
D. E. Walrod	3,000	4,300	117	12½ a. NW. ¼, SE. ¼ and 104½ a. NE. ¼, 19-23-24.
Berton E. Marsh	1,500	7,800	160	NW. ¼, 15-25-25.
Pert E. Beth	4,500	3,330	128	S. ½ S. ½ SW. ¼ of 23 and pt. NW. ¼ of 26, all in 23-24.
P. M. Orr	2,000	4,670	90	Pt. SW. ¼, 29-24-25.
Charley L. Beck	2,400	3,900	115	W. ½, NE. ¼ and W. ½ NE. ¼, NE. ¼ of 8 and 15 a. in SE. ¼ of 5, all in 25-21.
Benjamin H. Elder	500	1,000	40	SW. ¼, SW. ¼, 11-26-23.
Herbert Ely	2,100	5,540	240	W. ½, SW. ¼ of 26 and 1 SE. ¼ of 27, all in 26-24.
Albert R. Peterman	500	2,700	90	Pt. SW. ¼, 8-25-25.
Jordon E. Johnson	2,500	2,900	75	55 a. in E. ½ NW. ¼ of 29 and 20 a. in E. ½ SW. ¼ of 20-23-24.
Milton E. Richard	1,200	5,120	160	NE. ¼, 6-25-23.
Smith B. Crane	2,400	2,900	75	Pt. E. ½, NE. ¼, 34-23-25.
Total	49,500	81,600	.....	
BUTLER COUNTY.				
Anderson Holladay	7,000	12,155	207.75	S. ½ NE. ¼, and N. ½ SE. ¼, 24-27-4 and SW. ¼ NW. ¼, 19-27-5, and other land.
James Belford	800	1,355	40	E. ½ E. ½, NW. ¼, 31-23-31.
Total	7,800	13,510	.....	
BARBER COUNTY.				
Arch Rankin	3,000	5,500	160	W. ½ NE. ¼ E. ½ NW. ¼ sec. 12, T. 31, R. 10.
W. E. Keener	2,700	4,300	161	SE. ¼ NE. ¼ sec. 7, N. ½ NW. ¼, SW. ¼, NW. ¼, 8-33-10, and 3 acres in NW. ¼ SW. ¼ 21-32-10.
C. E. Appel	3,000	7,500	151	SE. ¼ (less 1 acre for school) sec. 6, T. 32, R. 12.
Jacob S. Warnstaff	4,000	3,600	160	NE. ¼ sec. 15, T. 30, R. 14.
John T. White	1,000	1,700	280	W. ½ SE. ¼ S. ½ SW. ¼ 28, N. ½ NW. ¼ NW. ¼ NE. ¼ 33, T. 32, R. 12.
Scott Circle	6,000	9,700	320	N. ½ sec. 4, T. 34, R. 10.
Elmer N. Angell	1,500	1,800	240.75	Lot 3, SE. ¼ NW. ¼ W. ½ SE. ¼ E. ½ SW. ¼ sec. 2, T. 33, R. 13.
Mathew P. De Witt	10,000	15,660	640	Lots 3, 4, 5, SE. ¼ NW. ¼ sec. 6, T. 33, R. 10; lots 1, 2 and S. ½ NE. ¼ sec. 1, T. 33, R. 11; lots 3, 4, E. ½ SW. ¼ sec. 31, T. 32, R. 10; SE. ¼ sec. 36, T. 32, R. 11.
Walter Jackson	3,500	2,700	240	W. ½ SW. ¼ 21, T. 30, R. 12; lots 3, 4 sec. 2, T. 31; S. ½ SE. ¼ 35, T. 30, R. 12.
R. S. Cavin	3,000	3,600	120	SE. ¼ NE. ¼ NE. ¼ SE. ¼ sec. 11, NW. ¼ SW. ¼ 12, T. 32, 10.
Isaac N. Copley	2,500	3,100	160	SE. ¼ SE. ¼ 6, N. ½ NE. ¼ SW. ¼ NE. ¼ 7-33-10.
J. M. Hall	10,000	12,250	2,023.45	SE. ¼ NW. ¼ E. ½ SW. ¼ W. ½ SE. ¼ SW. ¼ NE. ¼ sec. 31-30-13; lot 2, SW. NE. ¼ W. ½, SE. ¼, and W. ½ sec. 4-31-13, NW. ¼ W. ½ SW. ¼ W. ½ NE. ¼ E. ½ SE. ¼ W. ½ SE. ¼ of NE. ¼ 9-31-13, SW. ¼ NW. ¼ NW. ¼ SW. ¼ 15-31-13, NE. ¼ 16, E. ½ sec. 5, E. ½ sec. 8-31-13.
Fred Betz	1,100	1,600	80	W. ½ SW. ¼ 28, T. 31-13.
Wm. C. Aubley	4,800	5,000	156.45	SW. ¼ 7-32-12.
Horace E. Stout	5,500	4,000	368	N. ½ SW. ¼ SW. ¼ SW. ¼ S. ½ NW. ¼ 20, SE. ¼ NE. ¼ and E. 10 acres of NE. ¼ SE. ¼ 30, S. ½ NW. ¼ NW. NW. ¼ 32, T. 31, R. 12.
C. E. Adams	4,600	3,500	200	NW. ¼ 14, and part NE. ¼ 15, east of public road, T. 32, R. 12.
Albert G. De'at	3,000	4,800	160	W. ½ NE. ¼, E. ½ NW. ¼, 20-32-19.
D. H. Axtell	1,000	1,000	120	SW. ¼ SE. ¼, 27, W. ½ NE. ¼, 34, T. 30-12.
Charles Palmer	800	3,000	160	S. ½ NE. ¼ 4, S. ½ NW. ¼ 3, T. 33, R. 10.
H. J. Parker	10,000	9,220	1,280	S. ½ SW. ¼, S. ½ SE. ¼ 13, all of sec. 24, N. ½ and SE. ¼ 25, T. 32-13.
J. E. Thomas	5,000	4,880	142	SW. ¼ NE. ¼, NW. ¼ SE. ¼ NE. ¼, SE. ¼ SE. ¼ NE. ¼ (except 18 acres of cemetery and except lots 21-22-23-24, Blk. 3, Cook's Add. of Med. Lodge), all in sec. 2, T. 32, R. 12.
Thomas F. Gallagher	3,000	1,700	160	NW. ¼ sec. 1, T. 31, R. 12.
Alice Hamilton	4,600	3,700	160	S. ½ NW. ¼, N. ½ SW. ¼, 33, T. 31, R. 11.
H. W. Stevens	2,000	2,000	80	S. ½ SW. ¼ sec. 32, T. 31, R. 11.
J. H. Landwehr	4,000	6,400	160	NW. ¼ sec. 16-32-10.
Peter J. Dohn	1,600	2,200	90	Lot 1, sec. 18, T. 32, R. 10, NE. ¼ NE. ¼ 13-32-11.
C. A. Marsham	4,000	5,020	680	Lots 2 3 4, SW. NE. ¼, S. ½ NW. ¼ and S. ½, sec. 5, SE. ¼ NE. ¼ and E. ½ SE. ¼ 6, T. 34, R. 13.
Total	105,200	129,430	.....	
COWLEY COUNTY.				
Charles T. Wahlenmaier and wife.	3,000	.....	160	E. ½ SW. ¼ of E. ½ NW. ¼ 24-34-4.
Sarah I. Mayhill and husband	4,400	.....	160	SW. ¼ sec. 24-34-5.
Alonzo C. Messner and wife	8,000	.....	360	SE. ¼ sec. 14, SW. ¼ sec. 13, E. ½ of NE. ¼, sec. 23, W. ½ NW. ¼, W. ½ SW. ¼, sec. 24-34-4.
Fred Gillock and wife	1,000	.....	40	NW. ¼ NW. ¼ 24-34-3.
Elbert D. Foudray and wife	2,000	.....	159	NE. ¼ sec. 24-34-4.
Orville C. Jones and wife	2,000	.....	40	40 rds. W. SW. ¼ sec. 15-34-4.
Sidney W. Keely and wife	2,000	.....	80	W. ½ NE. ¼ sec. 31-30-4.
Louis A. Dickinson and wife	5,300	.....	160½	SE. ¼ portion SW. ¼ sec. 32-31-4.
George E. Birdzell and wife	1,600	.....	80	S. ½ SE. ¼ sec. 16-34-4.
Total	29,300	.....	.....	
CHEROKEE COUNTY.				
Maud Landin Stiles	3,000	10,820	320	N. ½ 2-31-23.
William E. Smith	3,200	3,960	120	N. ½ NE. ¼ and SE. ¼ NE. ¼ 13-32-21.
E. O. Stevens	4,000	4,755	160	NE. ¼ 31-31-23.
Dowthard Scott	2,000	2,930	80	N. ½ NE. ¼ 13-32-24.
Laura A. Cammack	2,600	3,555	110.60	N. ½ SE. ¼ sec. 6 and fr. SW. 5-32-22.
Alex Brown	1,300	2,430	80	E. ½ SE. ¼ 28-31-23.
Total	16,100	28,480	.....	
CLAY COUNTY.				
George Sparrowhawk and Alice G. Sparrowhawk, his wife.	1,800	3,270	80	N. ½ of SW. ¼ 6-10-4.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
COMANCHE COUNTY.				
Nick Pepperd	$3,000	$2,300	240	SE. ¼ of SE. ¼ sec. 34, W. ½ of SE. ¼ and S. ½ SW. ¼ and NE. ¼ of SW. ¼ sec. 35-32-18.
Laura May Simkins	3,500	2,925	147	SW. ¼ sec. 35, T. 32, R. 20 less 100 ft. of R. of W. of A. T. and S. F. R. R.
Oscar M. Maris	2,500	3,450	160	SW. ¼ 6-31-18.
John F. Windus	7,000	5,680	240	W. ½ SE. ¼ and E. ½ NW. ¼ and E. ½ SW. ¼ sec. 31-33-20.
John M. Jones	2,000	3,830	160	NE. ¼ NE. ¼ sec. 28 and E. ½ SE. ¼ and SE. ¼ NE. ¼ sec. 21-32-20.
Willis Banks	3,700	5,250	240	NE. ¼ and N. ½ SE. ¼ sec. 31-32-19.
Oliver S. Riney	2,100	2,720	160	SE. ¼ sec. 30-33-20.
Oliver Jones	5,000	5,825	480	S. ½ sec. 2, SE. ¼ sec. 3, 32-20.
William G. Deubler	5,000	6,780	800	S. ½ SE. ¼ NE. ¼ SE. ¼ and SE. ¼ NE. ¼ sec. 9, all sec. 13-31-14.
Jesse H. Williams	3,800	2,815	160	NW. ¼ sec. 8-32-20.
William E. Baldridge	3,800	4,000	160	NE. ¼ sec. 8-33-20.
Benjiman H. Bird	3,500	3,420	240	Lots 1, 2, 3, and 4 and S. ½ NE. ¼ sec. 3-33-19.
James L. Alley	2,500	2,720	160	W. ½ SW. ¼ sec. 17, E. ½ SE. ¼ sec. 18-33-15.
Marvin T. Downing	8,500	6,525	520	W. ½ sec. 6-33-17, NE. ¼ SE. ¼ sec. 1-33-18, S. ½ NW. ¼ sec. 5-33-17 and W. ½ SW. ¼ sec. 30-32-17.
Oral O. Darnell	1,500	2,410	160	NE. ¼ sec. 24-34-18.
James L. Williams	2,000	1,230	160	NE. ¼ sec. 24-32-18.
Total	59,400	61,870	.....	
DICKINSON COUNTY.				
J. N. Taylor	8,000	8,770	160	NW. ¼ sec. 8, T. 14, R. 4 E., 6 p. m.
Byron J. Taylor	8,000	13,700 ½ sec.	160	SW. ¼ sec. 34, T. 13, R. 4 E., 6 p. m.
Leon W. Taylor	8,000	9,330	160	NW. ¼ sec. 23, T. 13, R. 4 E., 6 p. m.
Ira S. Taylor	2,900	4,000	80	N. ½ NE. ¼ sec. 31, T. 13, R. 4 E., 6 p. m.
Clarence Taylor	10,000	18,070	320	S. ½ sec. 32, T. 13, R. 4 E., 6 p. m.
John Fiedler	2,800	.....	80	W. ½ of E. ½ of SW. ¼, E. ½ and W. ½ SW. ¼ sec. 2, T. 14, R. 3 E., 6 p. m.
Total	39,700	53,870	.....	
DOUGLAS COUNTY.				
Jos. C. McCaules and wife	7,500	9,690	160	N. W. ¼ of sec. 9-13-19, 160 acres.
Eugene T. McFarland and wife.	2,500	4,180	80	W. ½ of NE. ¼ of sec. 9-13-19, 80 acres.
Joseph C. Walter and wife	1,500	2,650	80	E. ½ of NW. ¼ of sec. 8-12-18, 80 acres.
Wm. Sulzen and wife	5,000	6,455	160	SE. ¼ of sec. 8-12-18, 160 acres.
Al. Delbert Armstrong and wife.	1,500	2,810	80	S. ½ of NW. ¼ of sec. 1-12-17, 80 acres.
Carie E. Cox, et al	6,000	14,525	233.39	E. ½ of NW. ¼ of sec. 8-13-19, also SW. ¼ of sec. 8-13-19, also E. ½ of NW. ¼ of sec. 17-13-19 less 21.91 acres; in all 233.39 acres.
I. T. Herd and wife	7,400	8,910	85	N. ½ of SE. ¼ of sec. 18-12-20, also 5 acres in SE. corner of sec. 18-12-20, 85 acres.
Total	31,400	49,220	.....	
ELLSWORTH COUNTY.				
W. Lorenzo Reed	4,000	.....	160	SE. ¼ 16-16-7.
Thomas F. Mullen	1,500	.....	160	SE. ¼ 15-15-6.
John F. Hubka	3,000	.....	160	W. ½ NW. ¼ 25 and S. ½ SE. ¼ 28-14-10.
Patrick E. Mullen	600	.....	160	NE. ¼ 22-15-6.
Total	9,100	.....	.....	
ELLIS COUNTY.				
James B. Shutts	3,000	5,300	320	SW. ¼ and S. ½ of SE. ¼ and SE. ¼ of NW. ¼ SW. ¼ of NE. ¼ 2-13-18.
Bertrue Berry	1,000	2,785	160	NW. ¼ 1-12-19.
James Ross	5,500	7,490	320	E. ½ 27-12-19.
Walter M. Stanton	1,700	2,770	160	NE. ¼ 14-12-19.
George Bellman	6,000	16,045	320	N. ½ 29-13-18.
Edward Kraus	3,200	5,050	320	W. ½ 20-14-19.
William J. Bellman	6,000	11,280	320	W. ½ 7-13-18 and SE. ¼ 6-13-18.
Frank B. Pfeifer	2,000	2,560	160	E. ½ of SW. ¼ and W. ½ of SE. ¼ 34-13-19.
J. E. Haddock	2,500	4,250	160	W. ½ of NW. ¼ and NW. ¼ of NE. ¼ and NE. ¼ of NW. ¼ 2-33-18.
John Brumit	1,800	3,910	160	NE. ¼ 11-13-19.
John R. Chittenden	6,500	32,605	640	Sec. 27-13-18.
William H. Shutts	8,000	12,460	960	All sec. 5-12-17, E. ½ 32-11-17.
Joseph Bahl	6,000	16,840	480	E. ½ and SW. ¼ 29-13-18.
Peter J. Walter	1,300	3,870	155	NW. ¼ 18-12-17.
John O'Loughlin	8,100	13,090	620	Sec. 12-13-19 except a 20 a. tract.
Edward Blender	8,000	17,560	320	NW. ¼ 28-13-18 SE. ¼ 20-13-18.
Jacob F. Schoendaller	3,500	7,500	320	N. ½ 26-12-19.
Total	74,100	165,145	.....	
GEARY COUNTY.				
Alfred H. Christenson	3,000	3,380	141½	NW. ¼ sec. 16-12-7, ex. 15½ out of N. side.
Edward C. Liston	3,500	4,590	70	That part lt. 11, spl. sec. 13-11-5 lying south of county road.
Louis Ascher	10,000	11,000	200	S. ½ NE. ¼; N. ½ SE. ¼ sec. 35 and NW. ¼ SW. ¼ sec. 36-11-6.
John H. Johnston	2,600	4,480	194.58	NW. ¼ SW. ¼, S. ½ SW. ¼, NE. ¼, SW. ¼, and NW. ¼ SE. ¼ sec. 6-12-7.
John C. Ramsour	1,000	1,500	40	NW. ¼ NW. ¼ sec. 16-12-5.
Dan G. Younkin	10,000	17,750	560	SE. ¼ and E. ½ of W. ½ and SW. ¼ SW. ¼, sec. 2, W. ½ NE. ¼ and NW. ¼ SE. ¼, SE. ¼ SE. ¼ and lot 5 in sec. 11-10-4.
Louis J. Settgast	6,000	6,300	150	SE. ¼ NE. ¼, NE. ¼ SE. ¼ of sec. 34 and N. ½, SW. ¼ sec. 35 (ex. 10 a.) T. 11, R. 6.
Fred J. Settgast	2,000	6,500	155	NW. ¼ sec. 35-11-6, ex. 5.6 a.
Richard Settgast	3,500	9,650	250.40	S. ½ SW. ¼ sec. 35, T. 11, R. 6 and lots 3 and 4, SE. ¼ NW. ¼ sec. 3-12-6, SW. ¼ SE. ¼ and lot 4 sec. 34-11-6.
Edward Baresel	8,000	7,000	160	SW. ¼ sec. 27-12-6.
Reuben Nickelson	8,000	12,885	235	W. ½ SE. ¼ and E. ½ SW. ¼ sec. 28; NW. ¼ NE. ¼ and NE. ¼ NW. ¼ sec. 33-11-5, ex. 4 a. in NW. ¼ 33.
John D. Cameron	10,000	8,830	200	SW. ¼ and SE. ¼ NW. ¼ sec. 1-12-7.
Total	67,600	98,865	.....	
HARPER COUNTY.				
C. E. Warren	4,500	5,100	160	NW. ¼ of sec. 32-31-8.
E. H. Burgess	3,200	4,500	240	E. ½ of NW. ¼ and W. ½ of the SE. ¼ of sec. 21, and the E. ½ of SE. ¼ of sec. 20-31-8.
C. M. Wyrick	8,400	15,600	640	S. ½ of sec. 35-31-9, and N. ½ of sec. 2-32-9.
D. H. Hoyt	5,200	9,900	280	E. ½ of NE. ¼ and NW. ¼ of NE. ¼ of sec. 21, and NW. ¼ of sec. 22-32-9.
Mary E. Campbell	10,000	20,600	560	E. ½ of sec. 30-31-9, lots 3 and 4, and E. ½ of SW. ¼ and W. ½ of SE. ¼ of sec. 31-31-8.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstracters—Continued.

Owner's name.	Amount of rural-credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
HARPER COUNTY—Contd.				
Harry H. Burress	$3,200	$2,850	160	E. ½ of the E. ½ of sec. 21-31-8.
Mott H. White	1,400	1,600	80	W. ½ of SE. ¼ of sec. 7-32-9.
Asa E. Burress	3,200	3,300	160	W. ½ of SE. ¼ and E. ½ of SW. ¼ of sec. 20-31-8.
J. H. Hadsall	10,000	13,100	400	N. ½ of sec. 8 and W. ½ of NW ¼ of sec. 9-32-8.
Phebe J. Warren	4,000	4,809	160	NE. ¼ of sec. 35-31-9.
Jessie Campbell	10,000	21,000	720	All of sec. 25, SE. ¼ of SE. ¼ of sec. 26-31-9, NW. ¼ of NW. ¼ of sec. 30-31-8
Total	63,100	102,350		
HARVEY COUNTY.				
Edward Evans	2,500	14,036	201	E. ½ of SE. ¼ and part of NE. ¼ 10-23-1 E.
David K. Wilson	4,600	10,675	240	S. ½ of NW. ¼ and SW. ¼ 28-22-2 E.
Willis J. Reffner	6,700	11,790	240	NE. ¼ and E. ½ of SE. ¼ 9-24-2 E.
A. B. Gilchrist	7,400	15,760	320	SW. ¼ and NE. ¼ 21-22-2 E.
W. S. Gilchrist	4,500	8,150	160	SE. ¼ 21-22-2 E.
Darl D. Miller	1,600	6,045	80	E. ½ of SE. ¼ 5-24-1 E.
W. J. Moulds	7,000	8,920	160	NW. ¼ 28-23-1 W.
Alpha Gates et al	2,400	3,355	80	W. ½ of NW. ¼ 10-24-2 E.
R. J. Chellans	3,700	5,280	80	W. ½ of SW. ¼ 10-23-1 W.
N. K. Broadway	3,500	4,595	80	E. ½ of SE. ¼ 15-24-2 E.
C. C. Heidebrecht	3,000	3,985	80	E. ½ of NE. ¼ 30-22-3 W.
Jacob Vogt	5,000	8,195	160	NE. ¼ 21-22-3 W.
Henry F. Friesen	3,000	5,995	160	SE. ¼ 21-22-3 W.
J. R. & J. C. Smith	7,000	9,220	160	NW. ¼ 25-22-1 W.
J. G. Ewert	7,000	7,980	160	NW. ¼ 2-23-2 E.
Nannie J. McBride	4,000	5,765	80	N. ½ of NE. ¼ 32-23-1 E.
Eli M. Hoover	6,300	8,165	160	NE. ¼ 17-24-2 W.
A. W. Rogers	6,300	15,980	320	E. ½ 21-21-1 E.
L. E. Rose	1,600	4,865	80	N. ½ of SE. ¼ 32-23-2 E.
Harrison M. Bowman	2,800	5,315	75	Part of E. ½ of SW. ¼ 12-24-1 W.
William R. Peacock	3,000	7,220	80	N. ½ of NE. ¼ 34-24-1 W.
Clark J. Duff	6,000	9,430	154	NW. ¼ 36-23-1 E.
A. D. Brush	4,200	4,455	87	Part of SE. ¼ 19-22-2 E.
R. A. Moore et al	4,300	8,605	160	SW. ¼ 23-22-1 E.
Ida H. Soth	3,240	3,770	80	W. ½ of NE. ¼ 28-24-1 E.
H. C. Utz	3,000	5,935	80	W. ½ of SW. ¼ 26-24-1 W.
F. A. McBurney	5,000	9,550	100	S. ½ of NE. ¼ and part of SE. ¼ 2-23-2 W.
N. K. Broadway	4,000	4,595	80	E. ½ of SE. ¼ 15-24-2 E.
William E. Jones	4,000	7,845	140	Part of SW. ¼ 26-22-1 E.
C. C. Lindamood	3,200	3,730	80	N. ½ of SE. ¼ 24-22-1 E.
H. M. Lowmen	3,600	5,315	75	E. ½ of SW. ¼ 12-24-1 W.
Gred B. Filberts	5,500	7,925	154	Part of SW. ¼ 35-24-2 E.
Moss P. Prather	4,000	5,950	100	W. 100 acres of SW. ¼ 2-24-1 W.
William Patton	4,000	6,975	160	W. ½ of NW. ¼ 18-24-2 E. and S. ½ of NE. ¼ 13-24-1 E.
F. A. McBurney	3,000	4,325	60	Part of SE. ¼ 2-23-2 W.
Henry H. Reier	3,000	4,305	80	S. ½ of NW. ¼ 14-22-3 W.
Daniel G. Miller	2,500	6,045	80	E. ½ of SE. ¼ 5-24-1 E.
Cornelius F. Friesen	2,000	2,040	40	NE. ¼ of NE. ¼ 31-22-2 W.
Ed A. Kramer	7,000	9,760	160	SE. ¼ 4-23-1 W
Arthur A. Schanbacher	4,200	5,575	93	Part of SE. ¼ 21-23-2 W.
Edward J. Stucky	6,500	9,435	160	NE. ¼ 5-22-2 W.
W. C. Cummings	8,000	10,760	160	SW. ¼ 11-22-1 W.
H. P. Harms	5,300	9,295	160	SW. ¼ 25-23-2 E.
Frank M. Wetschensky	3,600	5,870	128	S. ½ of NE. ¼ 4 and part of SW. ¼ 3-23-2 E.
H. A. Heatwole	3,500	.....	68	Part of S. ½ of SW. ¼ 25-22-1 W.
Total	195,500	322,251	.....	
JEWELL COUNTY.				
A. L. Clark	3,000	4,375	80	N. ½ NE. ¼ 36-2-6.
C. G. Shellhase	3,500	5,765	80	S. ½ NW. ¼ 24-1-6.
J. C. Shellhase	3,500	5,365	80	N. ½ NW. ¼ 24-1-6.
Total	10,000	15,505	.....	
JOHNSON COUNTY.				
Geo. W. Bacon and Mary E. Bacon (wife).	1,000	1,300	10	10 acres of SE. ¼ 17-13-24.
Alexander E. Frame, Nellie Frame (wife).	3,000	6,160	80	E. ½ of NW. ¼ of 7-14-23.
Frank Edinger, Dollie M. Edinger (wife).	3,000	6,741	81.15	W. ½ of SW. ¼ of 6-14-23.
Joseph Goode, Mary Goode, (wife).	3,500	11,330	81	S. ½ of SW. ¼ of NE. ¼, S. 10 acres of SE. ¼ of NE. ¼, N. 10 acres of NW. ¼ of SE. ¼, and NE. ¼ of SE. ¼, all in 6-13-23.
Julius M. Moll and P. K. Moll (wife)	4,000	.....	80	(Not divided in records, SE. ¼ of, 155 acres, $12,800 assessed) N. ½ of SE. ¼ of 23-13-23 ex. right of way.
Edward Shaw and Emma Shaw (wife).	4,600	5,200	80	N½ of NE. ¼ 25-13-22.
Henry J. Barthol, Josephine Barthol (wife).	5,000	5,800	160	SE. ¼ of 14-13-22.
Earl L. Timms (single)	2,000	3,650	25	Lot 3 of N. ½ of NE. ¼ of 31-13-23.
Morton Y. Greeley, Lillian Greeley (wife).	3,000	4,880	80	E. ½ of NE. ¼ of 9-15-23.
Mabel S. Myers, Harry E. Myers (husband).	4,000	5,900	80	E. ½ of NW. ¼ of 20-14-22.
Chas. G. Bowling, Eva M. Bowling (wife).	2,300	3,800	78	Part of SE. ¼ of 36-12-21.
Carl Albin Holmquist and Rebecca G. (wife).	300	3,008	10	Part of NW. ¼ of 17-12-23.
Edward Moody and Eliza Moody (wife).	10,000	14,600	200	S. ½ of SE. ¼ and NE. ¼ of SE. ¼ of 35, W. ½ of SW. ¼ of 36-12-24.
Joseph W. Davidson, Minnie (wife).	2,300	3,000	40	NE. ¼ of SE. ¼ of 9-12-23.
Turner Park, Minnie P. (wife).	3,700	3,770	80	NE. ¼ of NE. ¼ of 17 and SW. ¼ of SW. ¼ of 9, all in T. 12, R. 23.
Chas. Delahunt (single)	2,000	9,600	160	SE. ¼ of 13-13-22.
Total	51,100	88,798	.....	

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
KINGMAN COUNTY.				
R. E. Smith	$7,500	$9,513	230	NE. ¼ and E. ½ of SE. ¼ 23-27-7.
I. E. Dodson	4,000	8,093	240	SE. ¼ and S. ½ of NE. 35-29-7.
A. E. Woolridge	4,000	5,954	160	NW. ¼ 27-27-8.
H. O. Riley	1,500	2,760	80	E. ½ of NW. ¼ 34-27-6.
M. Heatherman	8,000	6,240		S. ½ NE. ¼ and N. ½ SE. ¼ 12-28-9.
Do		3,868		E. ½ SE. ¼ 1-28-9.
Do		1,702		S. ½ SW. ¼ 6-28-8.
Do		2,050	400	N. ½ NW. ¼ 7-28-8.
M. M. Yeoman	10,000	4,305	400	NW. ¼ 2-29-7.
Do		10,640		NE. ¼ and E. ½ NW. ¼ 3-29-7.
W. J. Sheahan	7,000	5,830	240	SW. and NW. and N. ½ SW. ¼ 12-28-9.
Do		2,870		S. ½ NE. ¼ 11-28-9.
Noah Cheatum	5,000	6,204	240	NE. 26-27-8.
Do		2,952		W. ½ SW. ¼ 24-27-8.
F. W. Millard	4,000	4,700	160	SE. 19-29-6.
W. S. Van Doston	2,000	4,000	120	S. ½ SW. ¼ and NW. ¼ SW. ¼ 4-30-7.
Mike Sheahan	4,000	5,740	160	NW. ¼ 16-28-9.
H. E. Bett	3,000	2,408	80	N. ½ of SE. ¼ 22-29-7.
Do		2,563	80	S. ½ of NE. ¼ 27-29-7.
P. W. Gillin	8,000	9,962	320	E. ½ 8-29-9.
R. R. Matlock	4,000	4,712	160	SE. ¼ 21-29-7.
Nick Gillen	8,000	5,139	160	NW. ¼ 6-29-9.
Nick Gillen		6,888	160	NE. ¼ 1-29-10.
J. Heatherman	5,000	6,340	160	S. ½ NE. ¼ and S. ½ NW. ¼ 13-28-9.
B. A. DeWeise	4,800	2,920	200	N. ½ of NE. ¼ and NE. ¼ of NW. ¼ 35-29-7.
Do		1,537		W. ½ of SW. ¼ 25-29-7.
A. A. Gerber	10,000	6,888	560	E. ½ of SW. ¼ and SE. ¼ 28-27-7.
Do		15,915		S. ½ 27-27-7.
Isabelle Lyford	2,500	3,280	160	E. ½ NE. ¼ and E. ½ SW. ¼ 30-28-6.
J. A. McMahan	5,500	7,675	160	NE. ¼ 4-29-7.
G. M. Cheatum	5,000	7,057	240	NW. ¼ and W. ½ NE. ¼ 7-27-7.
E. B. Baber	3,500	3,808	160	SW. ¼ 24-27-10.
Frank Pro	8,000	6,665	373	W. ½ of NW. ¼ and W. ½ of SE. ¼ 3-29-7.
Do		4,949		W. ½ of NE. ¼ and NW. ¼ 27-29-8 less 27 ac.
W. L. Brown	3,500	6,986	200	S. ½ of NW. ¼, N. ½ of SW. ¼ 11-28-8.
Do				SE. ¼ of SW. ¼ 11-28-8.
P. J. Egan	2,500	2,671	80	E. ½ of NE. ¼ 7-27-7.
A. Weniger	7,000	11,297	240	SE. ¼ and S. ½ of NE. 9-29-7.
Claud Brand	3,000	3,722	80	N. ½ NE. ¼ 9-27-7.
G. C. Fredick	10,000	11,793	400	In Sections 4 and 5-28-7.
R. R. Griem	4,000	2,658	160	NE. ¼ of NW. ¼ and N. ½ of NE. ¼ 12-30-9 and SE. ¼ of NE. ¼ 12-30-9.
Chas. A. Kuszmaul	3,000	5,320	160	SE. ¼ 16-28-9.
E. W. Vim Lundingham	4,500	6,620	160	NW. ¼ 25-29-8.
Anna L. Roehr	4,500	4,600	160	NW. ¼ 33-29-5.
Hugh Martin	6,000	5,125	280	N. ½ of S ½ of Sec. 32-29-6 and SW. ¼ of SW. ¼ 32-29-6.
Do		3,060		E. ½ of SE. ¼ 31-29-5.
Gussie Viney	2,000	6,077	160	NE. ¼ 21-28-5.
Oliver E. Cox	2,000	5,491	160	NW. ¼ 29-27-8.
G. E. Bruch	2,700	5,840	160	NE. ¼ 13-27-8.
W. R. Blakey	10,000	8,388	360	SE. ¼ 1-27-5 and W. ½ of SW. ¼ 6 and E. ½ and NW. ¼ of NW. ¼ 7-27-4.
Alva Dutton	4,000	6,204	160	NW. ¼ 10-27-8.
Willard Fancler	1,500	6,768	160	NE. ¼ 28-27-5.
Chas. Sponenberg	4,500	6,163	200	S. ½ of NW. ¼ and N. ½ of SW. ¼ and SW. ¼ of SW. ¼ 5-30-9.
Wm. Leslie	2,100	1,980	120	E. ½ of SE. ¼ and SW. ¼ of SE. ¼ 33-30-9.
E. M. Fly	1,500	1,745		Part of NE. ¼ of SE. ¼ 1-29-8.
L. C. Lecklider	1,600	2,480	80	W. ½ of SW. ¼ 28-28-7.
Katie Scoville	1,800	3,060	80	E. ½ of NE. ¼ 3-29-6.
Noah Cheatuam	4,100	6,122	160	SE. ¼ 23-27-8.
J. F. Birkenbaugh	4,200	3,050	160	W. ½ of W. ½ 21-29-7.
F. W. Millard	2,500		75	SW. ¼ of NE. ¼ and 35 acres off west side of NW. ¼ of NE. ¼ 25-29-7.
W. S. De Weise	4,200	7,022	271	Lot 5 and SE. ¼ of NE. ¼ 4-30-10, also SW. ¼ and SW. ¼ of NW. ¼ 3-30-10.
J. W. Ehinke	2,400	3,200	40	SW. ¼ of SW. ¼ 24-27-7.
L. L. Seiley	7,800	5,528	520	SE. ¼ 10-30-8.
Do		5,535		NE. ¼ and E. ½ of SE. ¼ and NW. ¼ of SE. ¼ 15-30-8.
Do		2,050		E. ½ of NE. ¼ 22-30-8.
Total	231,200	335,765		
LINN COUNTY.				
S. J. Campbell	2,000	3,030	80	W. ½ of SE. ¼ 10-23-25.
Orville W. Simpson	1,300	6,775	160	E. ½ of SW. ¼ and W. ½ of SE. ¼ 9-22-24.
George Wyatt	2,100	2,695	100	NE. ¼ of SE. ¼, SW. ¼ of NE. ¼, and S. ½ of SE. ¼ of NE. ¼ 25-22-23.
Total	5,400	12,500		
LABETTE COUNTY.				
William T. Swope	3,000	3,130	140	N. ½ NW. ¼ sec. 1, and N. ½ N. ½ sec. 2, ex. fraction lying west of railway, T. 31, R. 17.
C. E. Smalley	1,500	2,460	80	N. ½ NE. ¼ 11-31-17.
Total	4,500	5,590		
LEAVENWORTH COUNTY.				
Archibald Wright Jaggard, Min G. Jaggard.	10,000	14,790	240	SW. ¼ sec. 25, E. ½ of SW. ¼ of sec. 26, T. 11, R. 22.
Carl Brueckmann and Martha Brueckmann.	2,400	2,600	40	NE. ¼ of NE. ¼ sec. 12, T. 12, R. 22.
Total	12,400	17,390		
M'PHERSON COUNTY.				
J. T. Brown	4,000	3,500	160	NE. ¼ 23-19-3.
Melvin A. Frisbie	3,000		160	SW. ¼ 6-18-1.
Svante Lundun	4,500	10,800	160	SW. ¼ 16-19-3.
Charles H. Shaw	4,000	4,800	74.8	N. ½ NE. ¼ 22-12-3.
G. A. Reese	4,900	4,220	160	W. ½ NW. ¼ 19-17-1 and N. ½ NE. ¼ 24-17-2.
Total	19,900	23,320		

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of farm credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
MONTGOMERY COUNTY.				
Estell E. and H. C. Dauffenbach	$2,700	$2,870	83	Lots 3 and 4 in 3-31 S. 17 E. 6th principal meridian.
MORRIS COUNTY.				
Ralph B. Felton	6,000	10,100	303	S. ½ 15-14-7.
Ray B. Felton	6,100	6,470	240	S. ½ of N.E. ¼ 27 and NW. ¼ 23-14-7.
Harry J. Wood	1,500	2,670	80	Lots 15 and 1 22 8-14-8.
Robert E. Simmons	3,000	2,300	80	Lots 3 and 1 10 N.W. ¼ 6-14-8.
J. H. Burton	2,000	4,070	292.70	Lots 7, 8, 9, 10, 11, 12, S.W. ¼ 31-14-8.
George Dasher	2,500	4,850	121	S.W. ¼ N.E. ¼ pt. N.W. ¼ N.E. ¼, lots 1 and 13 18 15-8
Daniel E. Morris	9,000	7,050	276.13	N.W. ¼, N. ½ N.E. ¼, N. ½, S. ½ N.E. ¼ 31-14-7.
J. O. Rochat	2,500	4,280	160	S.W. ¼ 25-15-7.
A. G. Leiter	6,400	7,600	320	S.E. ¼ 6, E. ½ E. ½ 7-15-7.
C. C. Iams	2,400	2,350	80	N. ½ N.E. ¼ 21-14-7.
Ira E. Hosier	5,400	5,000	160	S.E. ¼ 33-14-7.
Jane Baird	1,800	2,050	40	N.E. ¼ S.E. ¼ 8-15-7.
Lydia F. Reeves	7,600	9,830	400	N.E. ¼ 19, E. ½ S.W. ¼, NW. ¼ 20-15-7.
M. D. Peters	3,500	3,900	160	N.W. ¼ 25-14-7.
Alfred Walter	2,000	3,900	208	Lots 1-2-3-4-5, sec. 6-15-8.
Walter L. Buck	2,800	3,120	115	W. ½ N.E. ¼, pt. N.W. ¼ S.E. ¼ 10-15-7.
Olof H. Nelson	4,500	4,880	160	N.W. ¼ 7-14-7.
Total	60,000	84,720	.....	
NEMAHA COUNTY				
Ray Wickliff	7,000	8,280	145	NW. ¼ 6-3-12, except ½ acres deeded for road purposes.
Frank H. Drier	10,000	11,740	160	S.E. ¼ 1-2-11.
Fred J. Meier	10,000	14,678	160	E. ½ SW. ¼ and W. ½ SE. ¼ 16-2-12.
Total	27,000	34,758	.....	
NEOSHO COUNTY.				
Wesley A. Spence	1,500	2,000	80	W. ½ of SW. ¼ 20-31-18.
J. V. Mullenax (wife)	2,000	2,500	80	W. ½ S.W. ¼ 30-30-18.
Samuel N. Fisher	4,000	5,200	160	SW. ¼ sec. 29-30-18, NW. ¼ NE. ¼ 32-30-18. The $1,000 mortgage covers these lands.
	.....	1,000	40	
Total	7,500	11,700	.....	
PAWNEE COUNTY.				
H. C. and Melissa J. McGrath	3,000	5,925	77.53	An irregular tract in NW. ¼ 5-22-15.
J. W. Collins	5,000	7,400	160	SE. ¼ 2-23-16.
J. W. Carlton	6,000	7,520	160	NE. ¼ 32-21-18.
William R. Hahn	1,000	7,770	161.54	Lots 3 and 4 and S. ½ NW. ¼ 4-23-16.
Ellis P. Miller	2,000	15,820	320	N. ½ 27-21-15.
Hugh Roberts	2,100	4,820	281	Lots D-5 sec. 28-23-18 and lots 7, E.-3 and 4 and E. ½ NE. ¼ and SW. ¼ of NE. ¼ 33-23-18.
E. E. French	5,000	7,300	160	Lots 1 and 2 and S. ½ NE. ¼ 2-23-16.
Blaine Roberts	3,000	6,575	312	Lots D-C-5 and 6 and SE. ¼ 33-23-18.
David E. Johnson	4,500	7,140	160	NW. ¼ 13-23-15.
J. C. Smith	5,000	9,880	320	S. ½ 8-21-19.
C. H. Dykeman	8,000	11,870	320	SE. ¼ 22 and SW. ¼ 23, all 21-18.
O. F. Wilcox	1,000	3,180	77	W. ½ SE. ¼ 19-23-16.
A. L. Stackwell	10,000	18,455	280	Lot 4 and part 3 and E. ½ SW. ¼ and part of NE. ¼ and part SE. ¼ sec. 6-22-16.
J. S. Compton	8,000	11,850	320	N. ½ 30-21-18.
Theodore B. Trees	5,000	5,840	160	SW. ¼ 28-22-18.
D. Bridge	8,000	15,180	320	W. ½ 7-23-16.
Ella A. Browne	2,000	5,670	160	SE. ¼ 21-21-20.
Orlando H. Teel	1,300	2,700	50	North 50 acres of W. ½ SE. ¼ 31-21-15.
Total	79,900	151,905	.....	
PHILLIPS COUNTY.				
Guy C. Goddard and wife	4,000	5,980	320	NE. ¼ and SE. ¼ sec. 2-2-18.
Dee F. Hall and wife	2,300	4,685	160	NE. ¼ sec. 22-3-18.
John F. Cave and wife	1,800	3,070	100	N. ½ NW. ¼ NW. ¼ sec. 21-4-18 and S. ½ SW. ¼ sec. 16-4-18.
W. W. Warner and wife	3,000	4,150	160	E. ½ SE. ¼ and W. ½ NW. ¼ sec. 16-3-17.
Dick Holze and wife	1,500	1,885	80	S. ½ NW. ¼ sec. 25-2-18.
Allen B. Dixon and wife	3,000	6,380	240	SE. 13-3-17 and 1 W. ½ NW. ¼ sec. 18-3-15 except 2½ acres.
M. L. Herman	8,000	17,015	640	E. ½ sec. 10 and W. ½ sec. 11-3-17.
W. J. Stewart and wife	3,000	4,835	160	SW. ¼ sec. 14-3-18.
Ellis T. Christensen and wife	3,000	4,050	160	W. ½ NE. ¼ and N. ½ SE. ¼ sec. 29-4-18.
J. O. Meadows and wife	2,000	3,040	160	NW. ¼ sec. 2-2-18.
Luther M. Sout and wife	2,500	4,300	70	Commencing at NE. corner of S. ½ NE. ¼ sec. 34-4-20, thence W. to ½ sec. line, thence S. 80 rods, thence E. 80 rods, thence N. 80 rods, thence E. 80 rods to sec. line, thence N. to place of beginning, less 100 ft. R. R. right of way cut diagonally through said land, and except 4 acres SE. corner, containing 70 acres, more or less.
Total	34,100	52,370	.....	
POTTAWATOMIE COUNTY.				
E. B. Homewood and Margaret Homewood (husband and wife).	3,000	5,080	80	S. ½ SW. ¼ of 24-9-10 less 10 acres S. and W. of Rock Creek and all W. ½ NW. ¼ of 25-9-10, lying E. and N. Rock Creek.
George R. Farrell and Alice Farrell (husband and wife).	6,000	7,725	89.7	NW. ¼ NW. ¼ and lot 1 and part lot 2 lying S. of right of way U. P. R. R. in sec. 6-10-11
Gottlieb Yalte (widower)	2,000	2,405	90	N. ½ NW. ¼ and W. 10 acres S. ½ NW. ¼ of 10-10-9.
Joseph Farrell and Grace Farrell (husband and wife)	2,400	3,470	70	S. ½ NE. ¼ less 10 acres of 2-10-12.
Marins Pedersen, Margrethe Pedersen (husband and wife)	1,500	1,855	40	NW. ¼ NW. ¼ 28-9-10.
Total	14,900	20,535	.....	

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
PRATT COUNTY.				
Allen McBee	$5,000	$6,800	240	NW. ¼ and N. ½ of SW. ¼ 13-28-11.
Andrew B. Snyder	1,800	6,600	160	SW. ¼ 21-28-14.
Ella B. York	3,400	2,880	160	NW. ¼ 20-28-11.
William F. Brown	7,500	12,632	278½	SW. ¼ and S. ½ of NW. ¼ and NE. ¼ of NW. ¼ 9-26-14.
Joseph W. Heaton	10,000	14,000	320	S. ½ of 2-29-14.
Martin Curran	2,000	5,850	320	E. ½ of W. ½ of sec. 33 and SW. ¼ sec. 28-27-15.
T. H. Sellon	10,000	13,500	480	W. ½ of sec. 3 and NW. ¼ sec. 4-28-11.
William H. Sellon	10,000	12,200	520	SW. ¼ sec. 22 and NE. ¼ and NW. ¼ of SE. ¼ and S. ½ of SE. ¼ sec. 27, and N. ½ of NE. ¼ 34-27-11.
Total	49,700	74,462		
RENO COUNTY.				
Geo. M. Eby	4,000	5,644	160	SW. ¼ 11-26-10.
F. H. Frank	7,000	7,980	221	Lot 1 SE. of NE. sec. 3, and lot 4, sec. 2, twp. 26, R. 10.
Jacob Schweizer	6,500	8,240	320	S. ½ 5-26-9.
Frank D. Webb	4,700	7,268	160	NW. 7-22-9.
Geo. Schweizer	4,500	5,696	158	SE. 3-26-10.
John C. Epp	3,800	8,065	205	SW. sec. 27 and part of SE. ¼ 27-22-4.
Abraham R. Schmidt	3,000	3,733	160	SW. sec. 19-22-4.
M. D. Bailey	4,000	4,674	440	SE. sec. 1 and SW. ¼ and E. ½ and SW. ¼ of NW. ¼ sec. 12-22-10.
Dedrick W. Riffel	1,100	1,745	60	NW. of NE. and W. ½ of NE. of NE. 29-22-4.
Jacob L. Hofflebrecht	3,000	4,596	115	Part of SE. of 27-22-4.
John R. Garman	7,000	10,188	320	E. ½ of 15-26-10.
Hans P. Pederson	1,200	2,722	80	N. ½ of SE. of 17-26-10.
Amiah A. Erker	3,000	2,565	142	Lot 3 and E. ½ of SW. ¼ 18-26-4.
Cornelius B. Copeland	7,000	8,317	152	Lot 3 and S. ½ of NW. of 4-26-4.
Albert L. Ostrander	4,000	5,017	142	Lot 1-2 and E. ½ of NW. of 18-26-4.
Robert C. Bargelll	3,000	6,468	160	NW. ¼ 30-25-10.
Annie Book	1,700	2,972	160	SW. 28-25-10.
William H. Fehrs	5,000	6,468	158	SW. 32-25-10.
Peter Reese	3,200	5,438	160	NW. 24-26-10.
Floyd L. Boles	3,200	4,944	160	SW. 13-26-10.
Charles E. Litchfield	4,000	7,168	320	S. ½ 5-22-10.
Geo B. Yancy	2,000	3,684	160	NW. 28-25-10.
A. T. Regier	2,000	3,120	80	N. ½ of SE. 30-22-4.
Henry T. Ediger	3,200	6,917	80	S. ½ of SE. 17-22-4.
James H. Holmes	4,000	6,468	160	SE. of 13-25-10.
Oscar E. Elliott	4,000	5,144	160	NW. of 14-26-10.
William T. Pieper	2,500	6,228	160	SE. of 14-26-10.
Cornelius H. Friesen	2,800	6,493	160	NE. of 35-22-4.
Mathias Beltz	7,500	12,726	160	SE. 27-25-4.
Charles E. Durand	10,000	17,304	320	S. ½ 3-23-5.
George M. Davis	2,200	2,901	80	E. ½ of NW. of 12-25-6.
William P. Frank	5,000	7,092	160	SW. of 35-25-10.
W. J. Elliott	9,000	15,936	640	All of sec. 9-22-10.
Joel Raines	8,000	9,084	320	E. ½ of 7-26-9.
Mary Raines	6,000	7,268	160	SE. 6-26-9.
Total	152,100	229,678		
RICE COUNTY.				
Lewis M. Harp and wife	2,100	4,390	225	SW. ¼ of 19-21-9, lot 1 and NE. ¼ of NW. ¼ 30-21-9.
William H. Caltomand wife	6,000	9,420	320	NW. ¼ 32-21-9 and SW. ¼ 29-21-9.
Henry W. Rose and wife	10,000	13,165	320	SE. ¼ 31-19-6 and NE. ¼ 6-20-6.
John D. Hemly and wife	8,000	8,000	160	NW. ¼ 29-19-6.
Millard Robert and wife	5,000	7,620	160	NW. ¼ 11-19-9.
Marion Bradger and wife	2,000	6,000	160	SW. ¼ 8-20-6.
Total	33,100	47,525		
REPUBLIC COUNTY.				
Erick Erickson and wife	1,000		34	SW. ¼ SW. ¼ 31-1-5.
ROOKS COUNTY.				
Alexander G. Lowry	1,800	3,800	160	SE. ¼ 34-7-19.
Edward D. Haasen	3,000	5,540	167	NW. ¼ 14-8-19, tract in SW. ¼ 14-8-19.
John A. Hawe	3,500	4,000	160	NE. ¼ 31-7-19.
Frank Shutts	6,000	10,200	320	E. ½ NW. ¼ and S. ½ NE. ¼ and SE. ¼ 13-7-16.
Ray O. Grover	2,500	4,600	160	NE. ¼ 18-7-19.
C. R. Gilliha	4,000	3,800	159	E. ½ SW. ¼ S, N. ½ NW. ¼ 17-7-16.
Jesse V. Stewart	2,600	5,700	157	W. ½ E. ½ 18-7-16.
John D. Wolf	800	1,100	80	W. ½ NW. ¼ 31-7-15.
J. F. Whitford	4,500	9,000	320	W. ½ SW. ¼ 7-7-16, W. ½ NE. ¼ and SE. ¼ 12-7-15.
William J. Houston	900	2,100	120	SW. ¼ SW. ¼ 17, SE. ¼ SE. ¼ 18, NE. ¼ NE. ¼ 19-7-16.
James Webster et al	10,000	11,150	320	SE. ¼ 33, N. ½ NE. ¼ 34, N. ½ NW. ¼ 32-7-18.
Roy Brown	3,000	4,500	155.93	NW. ¼ 18-7-19.
William L. Edwards	3,200	4,500	160	W. ½ NE. ¼ and E. ½ NW. ¼ 19-7-19.
T. E. Dugan	6,000	8,900	334	NW. ¼ 2-7, SW. ¼ 35-6, S. ½ SE. ¼ 34-6-20.
Total	51,800	78,900		
STAFFORD COUNTY.				
Elton R. Nelson	10,000	10,910	320	SE. ¼ 19-25-11 and SW. ¼ 20-25-11.
Cass O. Morgan	7,500	11,005	240	SE. ¼ 25-25-11 and E. ½ SE. ¼ 35-25-11.
C. C. Gallagher	4,000	5,935	160	SW. ¼ 24-25-12.
James E. Sallee	3,200	4,320	240	SE. ¼ and S. ½ NE. ¼ 34-21-11.
William B. Smith	4,500	5,735	160	NE. ¼ 35-21-11.
Total	29,200	37,905		
SALINE COUNTY.				
John Dinkler and wife	1,100	3,000	80	W. ½ NE. ¼ 10-15-5.
SEDGWICK COUNTY.				
Nellie F. Gibbons	2,000	2,110	40	SW. ¼ of SE ¼ 24-2-1 W.
Wesley Greeson	7,000	17,400	128.86	Lots 1 and 2 and S. ½ of NE. ¼ 6-27-1 E.

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SEDGWICK COUNTY—contd.				
T. A. Boll	$3,200	$4,020	151.39	Lots 4, 5, 9, and 10, sec. 13-25-3 W.
Dave Seibert	3,000	6,240	80	S. ½ of SW. ¼ 22-24-1 W.
Mary J. F. Carlisle	5,000	8,880	320	N. ½ sec. 5-25-3 W.
N. A. Carlisle et ux	5,000	2,940	123	SW. ¼ 5-25-3 W.
Geoffry F. T. Carlisle	6,000	4,350	164.70	SE. ¼ sec. 5 and lot 1 sec. 8-25-3 W.
W. R. Blakey et ux	10,000	6,750	360	SE. ¼ sec. 1-27-5 W. Kingman County and W. ½ of SW. ¼ 6 and E. ½ and NW. ¼ of NW. ¼ 7-27-4 W. Sedg. Co.
Wm. Arthur McCormick	8,000	9,930	160	SE. ¼ 8-25-3 W.
C. E. Haskell	1,300	3,820	30	Commencing 20 rods N. of SE. cor. of SE. ¼ 31-27-1 E, W. 80 rods N. 60 rods E. 80 rods S. 60 rods to beginning.
O. W. Benner et ux	3,000	4,840	42	N. ½ of N. ½ of SW. ¼ 33-28-1 E.
Chas. C. Benner	2,000	5,040	38	S. ½ of N. ½ of SW. ¼ 33-28-1 E.
W. H. White et ux	2,500	4,730	80	N. ½ of NE. ¼ 23-25-3 W.
Harvey C. McCormick	3,500	4,540	116	Lots 2 and 3 and S. ½ of NW. ¼ 8-25-3 W.
Wesley Greeson	10,000	17,400	120.86	Lots 1 and 2 and S. ½ of NE. ¼ 6-27-1 E.
S. H. Wemple et ux	1,000	1,350	20	N. ½ of NW. ¼ of NE. ¼ 25-28-1 W.
Fred Wilbur et ux	7,000	11,540	142	Lots 3 and 4 and S. ½ of NW. ¼ 25-28-1 W.
Total	79,500	115,880	.....	
SUMNER COUNTY.				
J. M. Manahan	4,000	6,740	160	SW. ¼ 20-31-1 W.
W. E. Dole	2,000	4,950	160	NW. ¼ 27-33-2 E.
T. Max Reitz	4,000	11,030	80	E. ½ NE. ¼ 29-31-2 E. The valuation has not been divided on the NE. ¼ 20-31-2 E.
Ed Cook	4,500	4,950	160	SE. ¼ 6-33-2 W.
John C. Frankum	7,000	14,560	320	N. ½ 32-31-1 W.
A. C. Whealy	4,500	6,160	160	NW. ¼ 22-33-1 E.
Thomas Padgett	3,500	5,880	160	SW. ¼ 23-34-2 E.
Thomas A. Hubbard	10,000	6,260 / 7,080	320	SW. ¼ 23, NW. ¼ 26-33-1 W.
Total	39,500	57,610	.....	
WASHINGTON COUNTY.				
Mary Hogan	2,600	2,150 / 5,820	160	S. ½ NE. ¼ and N. ½ SE. ¼ 32-5-4.
Edmond L. McNamara	2,500	3,700	80	W. ½ SE. ¼ 8-5-4.
Albert J. Schroll	4,500	7,570	160	NE. ¼ 13-5-4.
Louis Hoover	2,500	3,570	70	W. ½ SW. ¼ 21-5-4 (except 10 acres off of south side).
Joseph D. Hogan	4,200	5,640	160	SW. ¼ 12-5-4.
John A. Hoover	3,900	5,720	160	NW. ¼ 35-5-4.
Joseph McNamara	2,800	4,190	80	E. ½ SE. ¼ 8-5-4.
John P. Hogan	4,500	3,570 / 6,360	160	E. ½ SW. ¼ and W. ½ SE. ¼ 21-5-4
Thomas J. Hogan	2,600	2,960	80	N. ½ NE. ¼ 32-5-4.
Frank Zrust	2,000	3,370	80	W. ½ SW. ¼ 33-4-4.
Thomas J. Hogan	1,900	2,960	80	W. ½ SW. ¼ 29-5-4.
Maurice F. Crimmins	2,300	3,780	80	N. ½ NW. ¼ 10-5-4.
Jacob Werner	2,500	6,020	120	E. ½ NE. ¼ and SW. ¼ NE. ¼ 23-5-4.
Patrick O'Heary	5,200	6,850	160	W. ½ NE. ¼ and E. ½ NW. ¼ 33-5-4.
Total	44,000	74,230	.....	
WILSON COUNTY.				
Jacob N. Elliott	1,800	2,000	80	S. ½ SW. ¼ 33-30-17.
Leslie D. Connell	1,000	2,800	80	E. ½ SE. ¼ 32-28-16.
Total	2,800	4,800	.....	
WYANDOTTE COUNTY.				
George C. Johnson and wife, Sarah H.	5,000	6,000	40	NE. 25-11-24.
Henry LaFountain and wife, Montana.	2,000	1,550	18.75	NW. 3-11-24.
S. D. Gratigny and wife, Lucy C.	1,500	3,050	20	SW. and NW. 25-10-24.
James O. Mooney and wife, Catherine S.	2,000	2,400	28	NE. 17-11-24.
Joseph Ricker and wife, Martha.	2,000	4,400	20	NE. and SE. 26-10-24.
J. M. Rose and wife, Mary Anna.	1,500	1,260	10⅓	NW. 25-10-24.
H. G. Randall and wife, Jessie I.	2,000	4,000	40	NE. 14-10-23.
Frank O. Taylor and wife, Katie.	1,000	1,650	10	SE. 25-10-24.
David R. Emmons and wife, Lena.	2,500	4,200	29.75	NE. 25-10-24.
Ora K. Williamson and wife, Florence.	4,000	5,000	58	NE. 35-11-23; SE. 26-11-23.
R. C. Williamson and wife, Minnie.	10,000	11,970	163	NE. and SE. 26-11-23; NE. 35-11-23.
Elizabeth Dora Treff and husband, Henry.	1,400	1,400	28	NE. 20-11-23.
Total	34,900	46,880	.....	
CLARK COUNTY.				
G. C. Ely	5,600	9,300	800	All of sec. 36 and W. ½ SW. ¼ and SE. ¼ SW. ¼ sec. 21 and NW. ¼ NE. ¼ sec. 25, T. 31, R. 21.
Herman Dahms	2,000	5,200	160	SE. ¼ sec. 1-30-25.
C. C. Tawzer	3,000	3,200	160	NE. ¼ sec. 22-30-25.
Smith S. Spainhour	5,000	6,800	320	NE. ¼ and NW. ¼ sec. 32-30-21.
W. H. Hatcher	2,700	2,400	240	NW. ¼ and W. ½ NE. ¼ sec. 21-31-24.
Paul E. Clark	5,000	8,960	480	W. ½ NE. ¼ and E. ½ NW. ¼ sec. 18 and E. ½ of W. ½ and SE. ¼ sec. 7-31-21.
J. B. Schoonover	1,500	1,600	80	S. ½ NW. ¼ 3-30-24.
Joseph Amy	1,500	3,520	128.33	Lots 1-3 and S. ½ NE. ¼ sec. 1-30-25.
Rufus N. Estes	2,000	3,600	160	NW. ¼ sec. 29-30-25.

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CLARK COUNTY—continued.				
William E. Miller	$2,500	$3,200	160	SE. ¼ sec. 19-31-25.
Ira E. Pitman	2,500	4,400	160	SE. ¼ sec. 6-30-24.
Jacob Klein	2,800	2,560	320	NW. ¼ and SW. ¼ sec. 16-31-25.
John E. Beard	3,000	2,880	320	SE. ¼ and the W. 145 acres NE. ¼ sec. 16-31-25.
Alexander T. Floyd	3,500	4,200	320	SW. ¼ sec. 25 and NE. ¼ sec. 36-33-25.
Ezra W. McConnell	2,600	3,200	160	SW. ¼ sec. 1-31-25.
W. W. Beard	2,000	1,585	95	W. ½ NW. ¼ sec. 15 and 15 acres of E. side NE. ¼ sec. 16-31-25.
Geo. P. Harvey	7,000	7,720	300	NE. ¼ sec. 17, NW. ¼ sec. 16, and S. ½ SW. ¼ sec. 9-34-21.
William Bradford Grimes	7,000	10,600	640	E. ½ sec. 17 and N. ½ sec. 16-31-21.
James I. Pitman	9,000	12,950	680	N. ½ and SE. ¼ sec. 21, E. ½ NE. ¼ sec. 20, and N. ½ SE. ¼ SE. ¼ sec. 20-30-24.
Annis M. McConnell	1,500	3,650	160	NE. ¼ sec. 2-31-25.
George A. Duval	10,000	8,840	1,120.32	In T. 32, R. 24.
William J. Workman	7,200	10,040	480	E. ½ sec. 36, SW. ¼ sec. 36-32-21.
Total	68,200	121,315	.....	
CHEYENNE COUNTY.				
Homer D. Hayward	2,100	2,400	480	NE. ¼ 33 and N. ½, 34-5-42.
Roy D. Baldwin	500	530	160	SW. ¼ 34-5-42.
R. C. Owens	1,200	1,400	320	W. ½ 16-4-42.
James W. Collins	1,000	1,320	360	NW. ¼ 10, SE. ¼ and S. ½ NE. ¼ 3-5-42.
A. E. Forsythe	2,200	2,400	480	E. ½ and NW. ¼ 22-4-42.
William J. Powell	1,500	1,570	320	S. ½ 23-4-42.
William H. Rogers	1,300	2,530	160	NW. ¼ 1-4-37.
Albert Weaver	1,600	2,000	160	SE. ¼ 22-3-38.
Phillip F. Fishback	1,300	2,530	320	SW. ¼ S and NW. ¼ 17-3-37.
William H. White	600	480	160	SE. ¼ SW. ¼, SW. ¼ SE. ¼ 34-1-38 and E. ½ NW. ¼ 3-2-38.
Alfred Dorsch	1,700	2,920	160	SW. ¼ 5-3-37.
Bernard H. Hickert	1,000	1,700	160	SW. ¼ 4-3-38.
Lewis Scheller	1,600	1,820	320	SE. ¼ 21 and NE. ¼ 28-4-42.
John T. O'Brien	2,000	1,800	160	SW. ¼ 1-1-38.
Daniel L. Ough	3,500	4,720	600	S. ½ SE. ¼, SW. ¼ 4, SE. ¼ 5, NW. ¼ and NW. ¼ NE. ¼ 9-1-38.
George W. Morris	800	960	160	Lots 1 and 2 and S. ½ NE. ¼ 2-1-39.
Gertrude M. Chimperfield	1,800	2,200	560	NW. ¼ 4, NE. ¼ and N. ½ NW. ¼ 5-2-38 and SW. ¼ 32-1-38.
Frances E. Collins	4,000	3,330	400	W. ½ 31 and E. ½ SE. ¼ 33-4-42.
William T. Case	400	400	80	S. ½ NE. ¼ 21-1-38.
Total	30,100	37,430	.....	
DECATUR COUNTY.				
O. G. Bell	4,500	3,980	440	W. ¼ SW. ¼, NE. ¼ SW. ¼, NW. ¼ SE. ¼, SE. ¼ SW. ¼ 6 and N. ½ NW. ¼ 7 and SW. ¼ 5-2-30.
Chas. L. Marquart	1,600	2,240	240	NE. ¼ and N. ½ SE. ¼ 20-3-30.
E. A. Paulen	1,200	2,900	320	N. ½ 35-3-28.
Herbert L. Hanchett	4,000	4,460	317	N. ½ 15-3-29.
Oliver C. Milleson	1,000	960	160	E. ½ SW. ¼ and E. ½ NW. ¼ 25-3-30.
Addison C. Cartheart	4,000	6,600	400	W. ½ and N. ½ NE. ¼ 32-3-29.
Charles Lamman	1,600	1,570	160	SW. ¼ 24-3-30.
S. T. Magnuson	2,700	3,300	320	SW. ¼ and S. ½ NE. ¼ and N. ½ SE. ¼ 31-4-29.
H. C. La Tourette	1,800	2,820	160	NE. ¼ 24-3-30.
Do	500	650	160	NE. ¼ 25-3-30.
Henry H. Miller	1,500	1,600	160	SW. ¼ 14-2-26.
C. L. Buswell	1,500	1,720	316	SE. ¼ and E. ½ SW. ¼ and NW. ¼ SW. ¼ 30 and NE. ¼ NW. ¼ 31-3-29.
James Petrasek	6,500	7,040	640	All sections 13-4-28.
Katherine Handwerk	2,500	7,480	720	S. ½ NE. ¼ and SE. ¼ 1, E. ½ 12 and NE. ¼ 13-4-30.
Augustus D. Litton	1,000	2,150	232	SE. ¼ and part SW. ¼ 9-3-28.
Addison L. Coulter	2,500	2,520	160	NW. ¼ 8-2-27.
Aaron Handwerk	1,500	1,640	160	NW. ¼ 35-3-30.
Total	30,900	54,680	.....	
FORD COUNTY.				
H. L. Hartshorn	4,000	3,600	160	SW. ¼ 3-28-23.
Abraham Pyles	2,000	2,600	160	SW. ¼ 28-25-25.
Martin V. Hess	2,000	2,013	160	NW. ¼ 19-25-26.
Clarence O. Haywood	6,400	5,780	320	E. ½ 22-23-24.
George J. Stauth	4,000	4,662	320	W. ½ 17-27-25.
E. Madison	4,000	4,052	160	NW. ¼ 3-28-22.
Jonathan O. Riegel	10,000	11,288	480	N. ½ and N. ½ S. ½ 2-28-22.
E. F. Wright	2,500	1,933	154.64	SW. ¼ 7-28-22.
H. L. Hartshorn	3,500	3,200	160	SE. ¼ 4-28-23.
Christian H. Wagler	3,000	3,528	160	NW. ¼ 8-29-21.
J. L. Riegel	10,000	6,870	273	NE. ¼ and E. ½ SE. ¼ 1-28-22, lots 7 and 8 in 36-27-22.
Charles H. Reifsteck	7,700	5,645	251½	NW. ¼ and 101½ by 160 rods SW. ¼ 24-28-22.
Norton E. Askew	2,300	2,280	160	NW. ¼ 16-28-25.
Lucy A. Lamb	5,000	7,284	320	NW. ¼ 9 and SW. ¼ 4-28-22.
Walter A. Cobb	7,000	6,560	400	W. ½ 25 and N. ½ NW. ¼ 35-28-23.
Robert D. Askew	4,000	6,684	320	N. ½ 14-28-24.
Norton E. Askew	2,300	2,312	160	NE. ¼ 17-28-25.
Albert Miller	7,000	6,992	480	W. ½ 13 and NW. ¼ 9-23-25.
Forrest H. McCauley	10,000	11,490	549.92	W. ½ and NE. ¼ and W. ½ SE. ¼ 31-29-24.
Minnie B. Vance	4,200	4,320	324.80	N. ½ 2-25-24.
A. L. Deniston	6,500	7,885	317.47	S. ½ 30-29-24.
A. B. Duncan	6,000	5,485	200	SW. ¼ 14 and NE. ¼ of NE. ¼ 15-23-22.
J. E. McQuillin	2,500	3,344	160	S. ½ S. ½ 25-27-24.
Perry W. Jenkins	4,000	3,700	160	SE. ¼ 11-28-22.
Erwin Streiff	4,500	5,273	318.72	W. ½ 2-27-23.
G. A. Borgensen	2,500	3,065	155½	NE. ¼ 29-27-21 ex. 4½ acres.
W. T. Middleton	8,000	7,910	320	E. ½ 35-28-22.
Hugh O. Taylor	5,000	5,453	240	NW. ¼ and N. ½ SW. ¼ 18-29-24.
John E. Wiese	3,000	3,040	160	NW. ¼ 14-25-22.
Erasmus Madison	4,000	3,360	160	NE. ¼ 3-28-22.
Russell B. Hageman	4,000	7,000	320	S. ½ 2-28-21.
R. W. Gross	5,500	5,120	280	NE. ¼ and N. ½ and SW. ¼ of SE. ¼ 30-28-22.
C. W. Hartshorn	5,000	4,488	320	SE. ¼ 4 and NE. ¼ 9-23-25.
Lawrence E. Geoffroy	3,000	3,055	320	E. ½ 6-25-24.
James M. Kimbrel	2,500	2,405	149.96	SW. ¼ 19-28-25.
Joan C. Umbach	3,500	4,136	320	NW. ¼ 25 and NE. ¼ 26-28-25.
William T. Eiland	5,800	5,788	240	SE. ¼ and E. ½ of NE. ¼ 23-29-22.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
FORD COUNTY—continued.				
Allen W. Jones	$8,400	$8,981	207.94	Part W. ½ and SE. ¼ 31-25-24.
I. D. Ainsdment	3,700	4,627	100	Part NE. ¼ 26-28-25.
Dora Faulkner	5,500	5,052	320	N. ½ 35-28-25.
Total	181,800	203,929		
FINNEY COUNTY.				
Ed. Gassman	1,000	710	97.27	Lot 2 in 4-26-32.
John H. Towles et ux	4,000	900	160	E. ½ E. ½ 16-24-31.
Gertrude S. Towles et vir	6,000	4,900	200	W. ½ of NE. ¼ and N. ½ of NW. ¼ and SW. ¼ of NW. ¼ 16-24-31.
L. M. Bland et ux	3,000	10,000	80	S. ½ SE. ¼ 11-24-31.
C. J. Stoele et ux	2,700	5,100	30	W. ½ SW. ¼ SW. ¼ and SW. ¼ NW. ¼ SW. ¼ 12-24-33.
D. C. Berlincourt	5,500	4,800	640	All 21-24-31.
Noah S. Horst	1,500	1,310	176.90	S. ½ NE. ¼ and lot 1 4-26-32.
M. R. Wilks	3,500	2,450	320	S. ½ 15-25-32.
Paul Randall Crow	2,600	2,230	240	S. ½ NW. ¼ and SW. ¼ 2-26-32.
Chas. F. Judy	2,000	2,250	319	NE. ¼ 34 and SE. ¼ 27-23-30.
Albert Drussel	3,000	1,865	400	SE. ¼ 35-25-33 and lot 1 and SE. ¼ NE. ¼ 4-26-33.
John F. Maupin	1,500	2,400	476	S. ½ 25 and NE. ¼ 35 T. 25-31.
Charles Cowgill	1,500	1,600	318.88	SW. ¼ 20 and NW. ¼ 30 T. 25 R. 32.
John Landgraf	3,600	4,200	640	W. ½ 27 and SE. ¼ 28 and NE. ¼ 34 T. 21 R. 32.
S. R. Guthrie	5,000	4,745	553.95	SE. ¼ 8-25-31 and all that part of 9-25-31 lying south of the Arkansas River.
Hans Thomsen	2,000	5,400	160	NE. ¼ 30-22-31.
O. G. Stevenson	2,400	6,400	160	SW. ¼ 32-23-33.
William H. Wilks	3,000	2,050	320	E. ½ 34-25-32.
Teddy L. Stotts	700	1,000	160	SE. ¼ 36-23-30.
Estella W. Hazle	3,000	3,700	160	NE. ¼ 18-24-31.
Frederich Ulrich	1,800	2,050	160	SW. ¼ 16-22-32.
Henry Meyer	3,000	2,450	320	S. ½ 17-25-32.
William E. Trull	800	1,000	160	NE. ¼ 26-24-31.
Melvin D. Kemp	4,000	5,140	120	NW. ¼ NW. ¼ and E. ½ NW. ¼ 36-23-33.
R. E. Stotts et al	3,500	4,000	120	W. ½ NW. ¼ 15 and SW. ¼ NE. ¼ 15 T. 21 R. 32.
Charlie O. Winget	3,000	8,600	160	SE. ¼ 36-23-33.
W. H. Guthrie	6,500	9,460	920	All 15 south of Arkansas River; all N. ½ 23 south of Arkansas River T. 25 R. 31.
Amel Landgraf	4,500	3,150	720	E. ½ 26, NE. ¼ and W. ½ SE. ¼ 35 T. 21 R. 32.
C. F. Blank	800	800	160	SW. ¼ 2-21-32.
Richard J. Churchill	2,500	2,600	480	S. ½ NE. ¼ and N. ½ SE. ¼ and S. ½ NW. ¼ and N. ½ SW. ¼ 22, N ½ SW. ¼ and S. ½ NW. ¼ 23, all in 22-30.
Alice E. Williams	3,000	2,510	320	E ½ 10-22-31.
Basil P. Shull	8,000	9,000	800	All 11, E ½ NW. ¼ 15 T. 24 R. 32.
George H. Reeve	7,000	8,750	160	E. ½ NW. ¼ and W. ½ NE. ¼ 1-21-33.
Walker B. Bidstrup	5,000	6,520	367.60	SE. ¼ and NW. ¼ and lots 2 and 3, 10-24-31.
E. B. Sears	2,000	3,500	320	NW. ¼ 32 and SE. ¼ 29-22-32.
Henry Gieseking	1,600	2,100	40	SW. ¼ NW. ¼ 35-23-33.
Clarence P. Hamilton	800	1,050	160	NE. ¼ 26-25-33, except right of way for R. R.
Eli M. Bender	1,500	1,650	48.45	Part 8-24-33.
John T. Claassen	800	1,120	160	SW. ¼ 19-26-31.
A. S. Guthrie	6,000	5,680	861.86	All 5-26-31.
Alonzo F. Rhea	1,200	1,100	160	NE. ¼ 32-26-31.
F. W. Kolbus	1,000	1,200	160	SE. ¼ 21-23-30.
Total	125,800	151,440		
GREELEY COUNTY.				
W. E. Thero and wife	1,100	950	160	NW. ¼ 29-17-39.
Malcolm McDonald and wife	800	900	160	SW. ¼ 28-16-40.
Adam Nagel and wife	800	730	160	NE. ¼ 18-16-40.
Harold C. Smith and wife	500	775	160	SW. ¼ 24-16-40.
Frank C. Woods and wife	1,000	1,600	320	NW. ¼ and SW. ¼ 34-16-40.
Irving A. Harper and wife	700	900	160	NE. ¼ 18-16-40.
Ward Lobdell, single	1,000	1,200	160	SE. ¼ 3-20-39.
John M. Smith and wife	800	1,600	320	E. ½ 36-16-40.
Lewis A. Doty and wife	700	900	160	NW. ¼ 13-17-40.
Joe Kuttler and wife	8,000	9,410	2,040	SW. ¼ 23-20-39, NE. ¼ 19-21-39, SE. ¼ 35-20-40, W. ½ 6-20-39, S. ½ and NE. ¼ 16-19-39, NE. ¼ 7-19-39, SE. ¼ 21-19-39, SE. ¼ 20-19-39, SE. ¼ 24-17-42, E. ½ and SW. ¼ of NW. ¼ 32-19-39.
David P. Jones, widower	1,500	1,750	320	NE. ¼ 15 and NE. ¼ 16 in 19-42.
Oscar C. Mayne and wife	1,100	1,000	160	SE. ¼ 34-18-41.
Erick Beigrist and wife	1,200	1,650	320	N. ½ 8-16-42.
C. F. Woods and wife	600	750	160	SE. ¼ 4-17-40.
Clint Stevens, single	1,900	1,900	230	NE. ¼ 20, except 10 acres, and E. ½ of NW. ¼ 20 in 18-40.
Katie Davison and husband	1,000	1,000	160	SE. ¼ 21-18-39.
Total	22,700	26,985		
GRANT COUNTY.				
Guy McGilvray	800	1,050	160	SE. ¼ 17-22-37.
Geo. Basler, jr.	700	900	160	SE. ¼ 23-17-36.
George Balis	700	900	160	NE. ¼ 22-27-36.
Edward A. Kepley	1,600	1,950	320	W. ½ of sec. 35-29-38.
Calvin L. Alger	700	900	160	NE. ¼ 35-29-38.
Alvin Eddie	700	895	160	NW. ¼ 1-30-37.
Ed. Swagerty	700	780	160	SW. ¼ 20-28-36.
Clarence L. Kepley	800	1,050	160	NW. ¼ 11-30-38.
Franklin W. Kepley	800	1,030	160	SE. ¼ 10-30-38.
Dave Stout	600	860	160	NE. ¼ 8-29-36.
John A. Walker	700	1,125	160	NW. ¼ 34-27-37.
James J. Fletcher	800	1,080	160	SE. ¼ 19-27-35.
William L. Bales	1,500	2,120	320	SE. ¼ 21 and SW. ¼ 22-27-33.
Aaron C. Moore	1,300	1,900	320	E. ½ of sec. 11-27-37.
Phillip A. Walker	1,500	2,035	332.80	NW. ¼ 13-27-37 and SW. ¼ 7-27-33.
Isaac Peterson	1,600	2,200	320	SW. ¼ 12 and NW. ¼ 13-30-34.
Cornelious H. Prichard	1,000	1,500	240	NE. ¼ and E. ½ NW. ¼ 14-30-35.
C. J. Priest	500	890	160	SE. ¼ 4-30-35.
William A. Moore	2,000	2,795	480	S. ½ of sec. 2-27-37 and NE. ¼ 7-27-33.
Benjamin F. Orton	1,600	1,850	320	NE. ¼ 23 and SW. ¼ 24-28-34.
Frank F. Lewis	800	1,250	160	SW. ¼ 3-27-37.
Russell R. Bechtelheimer	800	960	160	SW. ¼ 34-28-37.
George H. Brewer	900	1,380	240	E. ½ NE. ¼ and N. ½ SE. ¼ and SE. ¼ of SE. ¼ 21 and NE. ¼ of NE. ¼ 25-30-33.
Charles O. Lewis	700	1,000	160	SW. ¼ 15-27-35.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
GRANT COUNTY—continued.				
Edwin O. Stuart	$3,600	$5,900	900	E. ½ and SW. ¼ 27 and NW. ¼ and E. ½ of SW. ¼ and W. ½ SE. ¼ 34, and E. ½ of SE. ¼ 28 and E. ½ NE. ¼, all in 33-39-35.
William F. Coler	1,000	1,380	240	NW. ¼ of sec. 5 and S. ½ of NE. ¼ 2-30-33.
Edward F. Towler	5,000	7,000	1,120	W. ½ of sec. 20, all of sec. 21, and NW. ¼ 22-30-37.
Frank L. Bruce	700	985	160	SE. ¼ 13-28-35.
S. E. Hylton	1,400	1,800	320	SE. ¼ and NW. ¼ 22-28-38.
Joseph C. Findley	2,400	2,230	480	SE. ¼ 31 and NW. ¼ 34-27-33 and NE. ¼ 4-28-34.
James F. Parsons	10,000	1,920	1,523.24	N. ½ SE. ¼ 33, SW. ¼ and E. ½ SE. ¼ W. ¼ SE. ¼ 31-30-37, balance located in Stevens County.
Total	47,900	71,155		
GOVE COUNTY.				
Fred L. Bentley	1,200	1,380	320	NE. ¼ 35-15-29, NE. ¼ 17-15-28.
Christian E. Hockersmith	1,800	1,700	320	E. ½ 35-13-28 (except 1½ acres).
Reed H. Holmes	1,000	1,680	320	Lots 1 and 2 and S. ½ NE. ¼ and SE. ¼ 5-15-27.
Wynns P. Harrington	3,000	3,045	480	W. ½ 13 and NE. ¼ 14, all in 14-28.
John H. Hinchstiff	600	940	160	SE. ¼ NW. ¼ and S. ½ NE. ¼ and NE. ¼ NE. ¼ 12-15-29.
Marion E. Miller	600	800	160	NE. ¼ 29-15-29.
Arthur R. Bentley	2,000	1,880	480	NW. ¼ 11 and NE. ¼ 10 and E. ½ NE. ¼ 11 and S. ½ SW. ¼ 24-15-28.
Benjamin F. Campbell	600	720	160	N. ½ NE. ¼ and E. ½ NW. ¼ 21-15-29.
George W. Bowman	1,700	2,735	160	NE. ¼ 9-12-26.
Robert J. Abell and Mary H. Abell, husband and wife.	8,000	9,220	1,829	All 25-12-31; NE. ¼ 30-12-30 and N. ½ and SW. ¼ 36-12-31.
Marvin G. Davidson	3,000	2,440	480	S. ½ 34 and SE. ¼ 33-15-28.
Oley V. Davidson	3,000	2,680	480	SE. ¼ 27 and N. ½ 34-15-28.
Alden Nickerson	1,500	1,660	320	N. ½ NE. ¼ and SE. ¼ NE. ¼ and NE. ¼ SE. ¼ and N. ½ NW. ¼ and SW. ¼ NW. ¼ and NW. ¼ SW. ¼ 2-13-27.
John C. Bowman	2,000	2,480	160	NW. ¼ 33-11-26.
Harvey P. Ikenberry	2,400	3,560	160	SE. ¼ 31-11-26.
James W. Williams	2,400	3,120	320	N. ½ 32-12-31.
Samuel S. Long	8,000	9,360	640	N. ½ 36 and SE. ¼ 25 and NE. ¼ 35, all in 11-25.
A. W. Hendrickson	1,000	1,600	160	NE. ¼ 22-12-27.
Frank A. Rice	2,000	2,460	160	NW. ¼ 26-11-27.
Edward C. Prather	1,200	1,920	160	SW. ¼ 26-11-31.
William H. Fink	3,700	2,050	320	NE. ¼ 2-12-27 and NW. ¼ 32-12-25, this last being in Trego County and assessed value not given.
Total	50,700	57,410		
GRAY COUNTY.				
Paskel L. Spivey	5,000	4,850	320	SW. ¼ 22 and NW. ¼ 27-29-27.
John C. Latham	2,000	2,690	320	W. ½ sec. 35-24-30.
William E. McCauley	2,000	2,350	160	SW. ¼ 36-29-27.
Riley I. Montgomery	6,000	4,715	480	E. ½ 2-29-29 NW. ¼ 2-29-29.
Samuel Imhoff	3,000	3,010	320	Lots 1-2 and S. ½ of NE. ¼ and lots 3-4 and S. ½ NW. ¼ 1-29-30.
T. F. Potts	1,600	1,965	160	SE. ¼ 35-28-29.
John Sweeney	3,000	3,900	320	NE. ¼ 7-28-29, W. ½ and SE. ¼ of NW. ¼, SW. ¼ of NE. ¼, sec. 22-27-29.
E. E. McHugh et al	8,500	8,405	640	All of 32-29-28.
John B. Ferguson	1,300	1,510	160	Lots 3-4 and E. ½ of SW. ¼ 30-27-33.
Hugh Elliott	2,800	2,365	320	E. ½ 25-29-29.
John H. Miller	3,500	3,905	320	N. ½ 11-29-29.
Edward Cleghorn	1,300	1,610	159.68	NW. ¼ 30-27-30.
A. J. Elliott	5,000	5,446	633.12	E. ½ 35-29-29 and NW. ¼ and SW. ¼ 31-29-28.
Henry T. Unruh	1,600	1,510	160	NW. ¼ 23-28-30.
Christopher C. S. Sikes	1,500	1,680	160	NE. ¼ 31-28-29.
W. E. Bendley	3,600	4,045	320	E. ½ 24-27-29.
Samuel Dirks	3,200	4,350	320	W. ½ 30-28-29.
Peter S. Lubbers	2,000	2,465	160	SE. ¼ 18-28-27.
J. G. Byer	2,000	2,020	320	S. ½ 5-26-30.
J. E. Kendall	3,000	4,990	480	E. ½ and NW. ¼ 22-25-29.
J. B. Frazier	3,500	3,020	320	N. ½ 36-27-30.
J. J. Goertzen	3,000	2,995	320	S. ½ 6-25-28.
Alva E. Frazier	5,000	7,310	800	E. ½ 15 and SW. ¼ 11 and NW. ¼ 14, and SE. ¼ 10-27-30.
J. M. Henderson	1,500	1,255	160	SW. ¼ 34-26-29.
Milton H. Clothier	3,500	1,815	785	All of 13 and lots 9, 10, 11, 12 in 1-25-29.
J. F. Reinest	8,000	7,690	800	All of 29 and NE. ¼ 30-25-28.
J. D. Patterson	5,000	4,870	470	SE. ¼ 34 and S. ½ 35-28-30.
Fred P. Schmidt	4,500	4,820	320	E. ½ 19-28-28.
R. E. Israel	5,600	5,900	640	All of 9-27-29.
James W. McReynolds	19,000	12,057	1,120	W. ½ and SE. ¼ 15 and E. ½ 21 and W. ½ 22-29-29.
F. A. Williams	2,500	2,215	160	NE. ¼ 21-28-29.
Anna Josserand	1,200	1,610	160	SW. ¼ 17-28-30.
Walter W. McDonald	1,600	1,830	160	SE. ¼ 25-29-30.
Godfrey N. Gifford	900	1,190	157	Lots 1 and 2, and NE. ¼ of NW. ¼, and N. ½ of NE. ¼ 18-27-29.
Thomas W. Brumley	2,000	3,020	320	E. ½ 22-27-28.
Total	119,700	129,358		
HAMILTON COUNTY.				
Solomon Yonally, single	1,100	1,530	320	NW. ¼ 12-23-40, NW. ¼ 2-23-40.
N. M. Herbig and wife	4,000	5,365	1,276	Lots 1 and 2 and SE. ¼ of NE. ¼ 5-23-42, NE. ¼ 7-23-42, SE. ¼ 4-23-42, NW. ¼ 29-25-42, E. ½ 32-25-42, SW. ¼ 33-25-42, NW. ¼ 11-25-43.
William F. Kaesler et ux	1,400	1,150	160	SW. ¼ 12-25-42.
Guenther Westeman, widower	500	810	160	SW. ¼ 9-23-42.
Carl Kaesler, widower	1,000	1,610	320	S. ½ 11-23-42.
Alono Geiger and wife	2,000	3,305	80	S. ½ of SW. ¼ 3-21-41.
Roy J. Morrow and wife	5,400	5,230	300.70	Lots 1, 2, 3, and 4 and N. ½ of N. ½ 19-24-41.
John W. Michaels and wife	1,200	1,465	320	NE. ¼ 25-23-40, NE. ¼ 30-26-39.
Charles A. Calkins and wife	10,000	14,080	3,679.96	All section 33-24-42, all section 5-25-42, all section 11-25-42, all section 1-25-43, N. ½ and N. ½ of S. ½ 11-25-43, lots 3 and 4 and S. ½ of NW. ¼ 4-25-42, SE. ¼ 34-24-42, SE. ¼ 32-24-42.
L. W. McMasters, single, and G. W. McMasters, single.	2,000	2,450	640.72	SW. ¼ 21-21-39, SE. ¼ 21-21-39, lots 3 and 4 and S. ½ of NW. ¼ 1-22-40, lots 1 and 2 and S. ½ of NE. ¼ 1-22-40.
John F. Van Dyke and wife	1,000	1,390	320	SE. ¼ 10-23-41, SW. ¼ 16-23-41.
Byron A. Boughton and wife	1,100	1,230	320	SW. ¼ 22-22-41, NE. ¼ 22-22-41.
Albert L. Martin and wife	600	510	160	W. ½ of W. ½ 10-23-41.
Total	31,300	40,125		

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
HASKELL COUNTY.				
N. T. Yount and wife	$4,500	$5,550	800	E. ½ and SW. ¼ 8 and W. ½ 9-28-32.
Jasper Scott, et ux	2,500	2,016	320	SW. ¼ 29 and SE. ¼ 30-28-34.
Michael Waldron, et ux	1,500	1,805	160	SE. ¼ 24-29-31.
Willie Yuncker, et ux	1,500	1,244	160	NW. ¼ 14-29-34.
Bernard Rogers, et ux	1,200	1,485	160	SE. ¼ 36-29-31.
John G. Rogge, et ux	1,200	1,247	160	E. ½ of W. ½ 7-27-32.
Rufus E. Oliver, et ux	1,000	972	160	NE. ¼ 22-27-34.
J. L. Hickman, et ux	1,600	1,716	320	W. ½ 33-28-34.
Total	15,000	16,035	.....	
HODGEMAN COUNTY.				
John S. Whiteside and wife	8,000	8,525	640	All of sec. 2-24-23.
Carl Carlson and wife	7,500	5,145	480	NE. ¼ 13-24-23 and S. ½ 7-24-22.
J. F. Harris and wife	7,500	8,300	400	S. ½ 21 and W. ½ of SW. ¼ 22-24-22.
George Wesley Dixon and wife.	1,500	2,640	244	Lots 1, 2, 3, 4, and S. ½ of NE. ¼ 2-23-21.
A. L. Hull and wife	8,000	7,200	640	N. ½ of 20-24 and E. ½ 19-24-22.
Sarah E. Chisholm and husband.	3,500	3,000	320	SE. ¼ and SW. ¼ 3-22-25.
H. Gillogly and wife	4,500	4,255	480	W. ½ and N. ½ of NE. ¼ of SE. ¼ 16-24-23.
John Love and wife	5,000	6,550	958	All sec. 3-23-23 and S. ½ sec. 4-23-23.
Joseph Bishop (single)	1,000	1,600	160	S. ½ of NW. ¼ and N. ½ of SW. ¼ 20-23-22.
Walter F. Pursley and wife	1,400	2,615	160	NE. ¼ sec. 8-23-23.
John H. Mock and wife	4,000	4,140	480	NW. ¼ sec. 22 and NE. ¼ 22 SW. ¼15, all in 22-26.
Joe Boyce and wife	3,600	5,605	320	E. ½ sec. 8-24-23.
W. G. Pitts and wife	3,500	3,635	234	E. ½ of SE. ¼ sec. 31-22-23, also lots 3-4 S. ½ of NW. ¼ sec. 5-23-23.
Charles Reese (single)	1,500	2,240	160	NW. ¼ 23-22-24.
Albert Morris and wife	8,500	7,785	486	N. ½ 12-24-23 and lots 1-2 E. ½ of NE. ¼ 7-24-22.
Amaziah D. Moon and wife	1,000	1,480	160	SW. ¼ 20-21-23.
George W. Sutton and wife	2,000	2,100	160	NE. ¼ 19-22-25.
Joseph McKibben and wife	2,500	5,050	320	S. ½ sec. 15-22-24.
Samuel S. Love and wife	5,000	5,380	640	N. ½ sec. 4, S. ½ sec. 5-23-26.
N. L. Rucker and wife	2,200	3,555	157	SW. ¼ 36-21-21, except railroad right of way.
John A. Baldrey and wife	3,000	6,400	320	W. ½ sec. 3-23-22.
Orange L. Board	1,000	2,490	160	NE. ¼ sec. 7-22-23.
Joseph C. Gill and wife	1,500	2,240	160	NW. ¼ sec. 25-22-24.
Aaron E. Beck	2,000	2,300	160	SE. ¼ sec. 31-24-23.
Joseph F. Deyoe and wife	5,300	4,240	480	N. ½ sec. 28 and SE. ¼ 21-21-23.
R. Sherman Polson and wife	900	1,440	160	NE. ¼ sec. 9-23-23.
Jorgen Peterson and wife	4,000	4,080	320	S. ½ 34-24-25.
J. Frank Crawford et al	6,000	6,340	800	SE. ¼ 8, all of 17-23-26.
Thomas A. O'Keefe and wife	8,000	7,000	320	SE. ¼ of 6 and NE. ¼ of 7-24-22.
James A. Hull	1,000	1,600	80	N. ½ of SE. ¼ of 20-24-22.
A. A. Stegman and wife	6,500	7,895	503	Lots 1-2 E. ½ of NW. ¼ and SE. ¼, lots 3-4 and E. ½ of SW. ¼ of 30-24-22.
T. J. Holdridge and wife	900	7,000	800	S. ½ and NE. ¼ of 5 and N. ½ of 8-21-24.
Robert L. Hull	1,000	1,600	80	S. ½ of SE. ¼ 20-24-22.
Total	122,800	145,425	.....	
KIOWA COUNTY.				
C. A. McAnarney	7,000	7,760	480	NE. ¼ 27, SW. ¼ 23 and SE. ¼ 22-27-16.
Earle B. Carpenter	4,000	4,080	160	SE. ¼ 29-27-16.
J. M. Toadwine	4,000	7,840	160	NE. ¼ 16-28-16.
Jeremiah Evans	10,000	16,400	480	E. ½ of E. ½ 27, W. ½ 26-28-17.
Rolla V. Mapel	7,000	6,955	320	SE. ¼ 7-27-16, NE. ¼ 18-27-16.
Henry F. Bryant	6,500	5,990	320	W. ½ 7-29-16.
H. B. Amerine	5,000	8,390	160	NW. ¼ 21-28-16.
Claude C. Baulden	2,500	5,200	160	SW. ¼ 35-27-17.
J. M. Toadwine	6,000	9,780	320	E. ½ .1-28-16.
C. M. Miner	5,000	5,850	320	NE. ¼16 and NE. ¼ 22-27-16.
Total	57,000	78,245	.....	
KEARNY COUNTY.				
Samuel Jones	2,500	2,360	560	N. ½ and SW ¼ and W. ½ SE. ¼ 11-24-36.
Samuel F. Downs	500	590	160	NW. ¼ 34-24-38.
W. E. Linton	1,500	1,545	316	SE. ¼ 24-24-38and NW. ¼ 19-24-37.
O. J. Toney	2,000	1,640	320	SE. ¼ 11 andNW. ¼ 12-23-38.
Clarence H. Dale	1,000	1,020	160	SW. ¼ 12-24-38.
P. H. Palmer	2,000	1,655	320	E. ½ 8-23-38.
Joseph Kurz	2,000	2,365	480	N. ½ 22 and SE. ¼ 23-23-38.
John M. Hauck	1,600	1,350	320	SW. ¼ NE. ¼ 10-23-38.
Luther F. Hefner	1,000	830	160	SE. ¼ 4-24-37.
Claude L. Hubbard	2,000	1,760	320	S. ½ 20-24-37.
Medil M. Henderson	500	640	160	NE. ¼ 20-23-37.
Thomas H. Rosecrans	1,000	830	160	SE. ¼ 22-23-37.
John E. Dole	500	760	160	NW. ¼ 14-24-38.
Alfred White	5,000	5,200	160	SE. ¼ 35-23-35.
Don Ball	5,000	3,860	160	NW. ¼ 26-23-35.
W. H. Schoaf	4,200	4,120	158	SW. ¼ 27-23-35.
Jay S. Rishell	500	730	160	SE. ¼ 19-21-38.
Charles Bentrup	1,500	800	121.75	Lots 1-2-3-4, NW. ¼ of NW. ¼ 14-24-35.
Deroy P. Smith	800	870	160	SE. ¼ 20-23-36.
J. D. Gillack	1,000	5,100	40	SE. ¼ of NW. ¼ 35-23-35.
J. W. Gillock	5,000	4,560	160	SW. ¼ 26-23-35.
Dan G. A. Schaaf	1,800	2,455	160	NE. ¼ 2-24-35.
William A. Edson	800	950	160	SW. ¼ 28-23-38.
William H. Tebo	1,900	1,910	480	NE. ¼ and S. ½ 32-24-37.
Clara A. Chesmore	800	675	160	NE. ¼ 33-22-36.
Ora A. Young	1,300	1,350	320	E. ½ 18-22-38.
R. C. Oxelson	1,000	1,140	151.80	NW. ¼ 18-24-36.
Oscar Brown	700	675	160	SE. ¼ 8-22-38.
David D. Hamblen	4,000	3,470	800	All 17-23-36 and N. ½ 20-23-36.
Lawrence Elliott	700	710	160	SW. ¼ 12-23-38.
George B. Martin	2,500	10,040	300	S. ½ 13-24-36, less strip 35 feet wide off west side.
L. B. Shortridge	1,600	1,340	320	SE. ¼ and NE. ¼ 9-22-36.
Jacob F. Hefner	1,000	1,030	160	NW. ¼ 10-24-37.
Edward Fieldman	800	870	160	SE. ¼ 10-26-38.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstracters—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
KEARNY COUNTY—contd.				
Frederick H. Meyer	$2,500	$3,795	150.25	Lot 1 and SW. ¼ of NE. ¼ and E. ½ of NE. ¼ 22-24-35.
Daniel G. A. Schoaf	3,000	4,560	160	SE. ¼ 27-21-35.
Ernest L. Dora	1,000	1,470	160	NW. ¼ 12-24-36.
W. H. Tebo	1,000	730	160	NW. ¼ 32-21-37.
Richard Mathews	1,000	920	160	SW. ¼ 22-23-36.
Thomas H. Rosecrans	2,000	725	320	SW. ¼ 5 and NW. ¼ 5-23-37.
Thomas A. Berry	600	675	160	NW. ¼ 25-22-36.
William E. Fink	800	740	160	SE. ¼ 17-22-36.
Thomas W. Bruner	800	675	160	SE. ¼ 15-22-36.
James H. McCoy	800	775	160	SE. ¼ 11-21-37.
Eddie Wiatt	2,700	2,480	480	W. ½ of 22 ½ NE. ¼ 28-21-38.
Lloyd H. Heikes	700	720	160	SW. ¼ 20-21-36.
Ruben Daniel	900	870	160	NE. ¼ 10-23-38.
W. M. McVey	800	830	160	SW. ¼ 24-23-37.
Thurston Wayne Foster	700	730	160	NE. ¼ 24-24-37.
T. C. Thorpe	8,500	9,895	2,405	N. ½ and SW. ¼ 34, all 36, T. 24, all of 2 and 3 and S. ½ of NW. ¼ 10-25-37.
Sarah E. Ferrell	2,800	5,685	299	Lots 2 and 3 and N. ½ of NE. ¼ and lot 1 of the NW. ¼ sec. 12 and lots 1, 2, 3 of sec. 10-25-38.
Walter Decker	1,500	2,665	301.62	Lot 5 SE. ¼ of N. W. ¼ and S. ½ of NE. ¼ and lot 6 and E. ½ SW. ¼ 6-26-38.
Ezra Lyons	1,800	1,405	320	SE. ¼ 18-25-37 and NE. ¼ 24-25-37.
Total	97,900	109,535	.....	
LOGAN COUNTY.				
W. R. Haslett	2,000	2,500	320	SE. ¼ and NW. ¼ 10-13-32.
Drew Lamoreux	900	1,555	160	SW. ¼ 9-12-32.
E. C. Fulton	1,300	2,030	160	SW. ¼ 1-11-33.
James F. Pool	1,100	1,930	160	NE. ¼ 30-12-32.
E. M. Cook	2,500	3,595	320	N. ½ 14-11-33.
Elmer Baxter	1,800	2,515	320	W. ½ 34-12-32.
Ida E. Brown	700	625	160	E. ½ NE. ¼ and SW. ¼ NE. ¼ and NE. ¼ SE. ¼ 12-15-37.
Louie J. Wurst	700	1,060	160	NW. ¼ 10-14-35.
Patrick Slattery	2,000	2,420	640	All 23-14-35.
H. E. Hooper	700	905	160	NE. ¼ 20-14-35.
Joseph T. Hopper	800	1,080	160	NW. ¼ 8-14-35.
William O. Turner	800	950	160	NW. ¼ 14-14-35.
Walter B. Cassidy	1,800	2,385	240	NE. ¼ and N. ½ SE. ¼ 8-11-33.
Joseph Moore	600	660	160	SE. ¼ 14-14-36.
L. N. Sawyer	1,600	3,110	320	W. ½ 23-12-34.
Samuel W. Minteer	2,000	3,465	320	W. ½ 31-11-34.
J. D. Veal	800	1,210	320	E. ½ 17-14-35.
Frederick Uhrich	1,500	3,225	320	E. ½ 1-12-33.
Louie Blau	1,100	1,490	320	W. ½ 3-15-36.
James F. Barton	800	860	160	N. ½ SE. ¼, E. ½ SW. ¼ 10-14-36.
Anna Deaver, nee Blau	1,100	1,680	320	N. ½ 19-15-36.
H. K. Rogge	1,400	1,455	320	S. ½ 5-14-35.
Alexander Anderson	1,000	1,830	320	SE. ¼ 34-13 and NW. ¼ 2-14-32.
Total	29,000	42,535	.....	
LANE COUNTY.				
O. P. Jewett	4,500	4,853	640	Sec. 32-19-29.
Do	1,200	1,056	160	SE. ¼, 8-20-29.
O. J. Jewett	1,000	1,144	160	NW. ¼, 10-20-29.
W. A. Jewett	1,800	2,112	320	N. ½, 9-20-29.
O. W. Jewett	2,200	2,948	320	N. ½, 35-19-29.
R. H. Brown	2,600	3,014	320	W. ½, 33-17-27.
Joe Shull	3,000	3,135	320	N. ½, 23-18-30.
J. J. Woods	4,000	5,417	640	SW. ¼, 13, W. ½ 24, NW. ¼, 25-16-28.
Fred Uppendahl	2,800	3,235	320	S. ½, 23-18-30.
Fred Uppendahl, jr	800	1,408	160	NE. ¼, 3-19-30.
J. W. Beahm	1,000	1,584	160	NW. ¼, 21-19-27.
G. W. Hallbick	1,000	1,232	160	SW. ¼, 3-20-29.
F. A. Brown	5,500	6,035	977	Sec. 4, NW. ¼, W. ½ NE. ¼, and N. ½ SW. ¼, 3-16-29.
Virgil Miles	2,500	3,016	320	E. ½, 27-16-29.
John Bohm	2,500	2,294	320	W. ½, 16-19-27.
J. S. Dickinson	1,200	1,408	160	SW. ¼, 10-18-27.
Chester Shaffer	2,000	3,092	320	S. ½, 35-19-28.
W. M. Burrell	2,000	2,464	320	SW. ¼, 25, and NW. ¼, 34-16-27.
C. W. Bretz	3,000	3,216	320	N. ½, 17-17-28.
E. E. Eitel	4,000	5,585	625	Sec. 18-18-30.
W. L. Whiting	1,000	3,436	320	N. ½, 33-18-30.
J. C. Tyner	5,200	6,511	480	NE. ¼, 1-18-29, and W. ½, 6-18-27.
J. D. Settles	1,000	2,363	160	SE. ¼, 23-17-30.
Chas. Fink	4,000	2,956	308	S. ½, 24-16-27.
Sam. Reifschneider	3,500	3,616	320	SE. ¼, 22, and SW. ¼, 23-19-27.
W. H. Walker	1,500	2,840	200	NW. ¼, 17, and NW. ¼, NE. ¼, 18-18-28.
E. W. Funk	3,100	3,544	240	NW. ¼ and N. ½, SW. ¼, 3-18-28.
W. V. Young	1,000	1,408	160	NE. ¼, 17-18-29.
Grant Moyer	5,000	5,844	960	E. ½, N. ½ NW. ¼, SE. ¼ NW. ¼, NE. ¼ SW. ¼, 27, NE. ¼, 33, and S. ½, 34-20-30.
Total	73,900	90,768	.....	
MORTON COUNTY.				
Charles M. Gribble	700	880	160	NE. ¼ 31-34-43.
Clemen Butler	1,600	1,600	160	NE. ¼ 18-35-42.
John Sloan	2,500	4,310	430.5	N. ½ of SE. ¼ and SE. ¼ of SE. ¼ sec. 18 and SW. ¼ of SE. ¼ of SE. ¼ 18, lots 3 and 4, and E. ½ of SW. ¼ 18-35-42, and lots 1 and 2, 19-35-42.
Leslie E. Stephenson	800	1,530	160	NW. ¼ 1-35-43.
John R. Moore	800	1,380	160	NW. ¼ 2-35-43.
Francis H. Butt	1,500	1,610	240	E. ½ of SE. ¼, E. ½ of NE. ¼, sec. 29, NE. ¼ of NW. ¼ and NW. ¼ of NE. ¼, 28-34-42.
Francis H. and John R. Butt	800	1,080	160	SE. ¼ of NW. ¼, SW. ¼ of NE. ¼, 28-34-42.
Geordie J. Leewe	1,500	2,400	320	NE. ¼ sec. 34-34-43 and SE. ¼ 3-35-43.
Benjamin F. Roll	1,000	1,280	160	NW. ¼ 3-35-43.
Clarence A. Butts	800	1,280	160	SE. ¼ 22-33-43.
Roy A. Butts	800	880	160	SE. ¼ 29-33-43.
Burdett Johnson	600	980	160	SE. ¼ 12-33-43.
Frank E. Green	900	1,200	160	SW. ¼ 3-34-41.
Lee Roy Turner	600	1,050	160	SW. ¼ 8-34-41.
William T. Leake	1,200	1,480	160	SE. ¼ 18-34-41.

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Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
MORTON COUNTY—contd.				
Mrs. Jennie Loudner	$600	$1,000	153.22	SW. ¼ 13-34-41.
Ernest F. Strong	1,000	.....	160	NE. ¼ 1-35-42. (Was not proved up in time to be assessed, but about $1,350.)
Fred C. Welch	800	1,280	160	SE. ¼ 13-34-42.
Lee B. Wilbur	1,500	3,000	480	SE. ¼ 14-34-42 and SW. ¼ 14, NE. ¼ 14-34-42.
Andrew R. Mox	500	930	154.19	SW. ¼ 14-34-41.
I. L. Mondell	1,000	1,295	149.73	SE. ¼ 3-35-42.
Charlie E. Brown	700	1,355	160	SE. ¼ 34-34-42.
James W. Gates	900	1,035	160	SE. ¼ 31-34-41.
Roy Mellott	700	1,280	160	NW. ¼ 15-34-41.
Albert J. Gerber	3,000	3,600	480	SW. ¼, NW. ¼, NE. ¼, 5-35-41.
Robert S. Wareman	500	1,000	160	NE. ¼ 8-34-41.
Sarah D. Wareman	700	1,405	160	NW. ¼ 9-34-41.
Sherman Beery	600	1,000	160	NE. ¼ 24-34-41.
John Loudner	500	1,040	160	NW. ¼ 24-34-41.
F. May Burton	1,000	1,325	160	SE. ¼ 7-35-41.
Harry S. Shraimer	800	1,280	160	NE. ¼ 13-35-43.
Harry T. Smith	1,500	2,150	320	E. ½ of 25-34-40.
Jesse O. Tate	700	1,000	160	SE. ¼ 13-34-40.
Thomas J. Johnson	1,400	1,680	320	SW. ¼ 32 and SE. ¼ 31-32-39.
Oliver Shutt	900	1,480	160	NE. ¼ 19-34-41.
James Lewis	2,000	2,350	320	W. ½ sec. 9-33-39.
Roy A. Renshaw	800	800	160	SE. ¼ 7-32-39.
Jesse M. Turner	800	1,380	157.40	Lots 3 and 4 and E. ½ of SW. ¼ 18-34-41.
Sadie Louise Cox	1,000	1,080	240	NW. ¼ sec. 12, E ½ of NE. ¼ 11-33-40.
William O. Frazier	1,600	1,360	160	SE. ¼ 34-33-40.
Edwin A. Riley	1,700	2,600	320	SE. ¼ 15, NE. ¼ 23-34-42.
Allie J. Posey	800	1,080	160	SW. ¼ 24-33-43.
Emery L. Addington	600	880	160	NW. ¼ 10-33-43.
Total	44,700	62,555	.....	
MEADE COUNTY.				
Leo Burger	2,200	3,205	149.76	Lots 1 and 2 and E. ½ NW. 30-31-26.
Charles D. McCauley	2,000	3,710	160	SE. ¼ 5-30-26.
Francis N. Orr	5,500	5,845	514	E. ½, NW. ¼ and N. 34 A. of SW. ¼ 14-31-26.
Myron Howard Gowdy	2,500	2,220	160	SE. 9-31-29.
F. L. Tice	4,000	3,455	320	S. ½ 9-30-28.
George P. Gamble	2,000	1,715	160	NE. 19-34-28.
Allie W. Fetters	500	855	160	SE. ¼ and N. ½ of NW. ¼ and SW. ¼ of NE. ¼ 21-34-28.
Arthur R. Winter	4,000	3,465	320	N. ½ 26-31-30.
Mable C. Spratt	500	800	160	SE. 4-35-28.
Jacob K. Froese	5,500	5,360	480	SW. ¼ 5, NW. ¼ 8, and NE. ¼ 7, all in 33-27.
Geo. H. Perkins	7,000	8,105	640	SW. ¼ and N. ½ of 10, and NE. ¼ 9-31-28.
Joseph E. Lockhart	1,600	2,300	80	S. ½ of NW. ¼ 24-31-28.
H. G. Halloway	8,500	9,045	320	SE. ¼ of 18 and NE. ¼ 19-30-26.
Virgil O. Keltner	2,000	2,465	321.68	NE. ¼ and lots 1 1 and 2 and E. ½ NW. ¼ 31-34-28.
Jake Cordes	2,500	1,925	199½	NE. ¼ of 35, E. ½ of E. ½ of SE. ¼ 26-33-29.
Pearle Patten	1,000	1,045	160	NW. 34-34-28.
Walter S. Denslow	5,000	6,355	641.56	N. ½ and N. ½ of S. ½ of 2, T. 34 and SE ¼ 35-32-28.
Silas Pontius	3,200	3,150	400	SE. ¼ and W. ½, NE. ¼ 27 and SW. ¼ 26-34-28.
Johann P. Enger	1,500	2,760	160	SE. ¼ 10-33-27.
W. L. Griffin	1,500	1,940	160	NE. ¼ 35-30-29.
Jacob Bloe	1,200	705	160	SE. ¼ 10-34-30.
Geo. J. Enns	1,800	1,105	160	SW. ¼ 14-33-27.
C. E. Grover	1,000	1,035	160	W. ½ of E. ½ 8-34-26.
W. L. Rossel	6,000	6,580	240	E. ½ SW. ¼ and SE. ¼ 23-31-28.
John W. Adams	900	705	160	SW. ¼ 4-34-30.
Marion M. Way	8,500	11,915	640	All of 3-30-26.
James A. Reneau	2,500	2,110	320	SE. ¼ W. ½ and NE. ¼ SW. ¼ and SE. ¼ NW. 17-33-28.
Eli W. Kenworthy	3,500	4,265	160	NE. ¼ 7-34-23.
Verlan S. Couch	2,000	2,510	160	SW. ¼ 31-30-24.
J. I. Holderman	1,600	1,630	160	SW. ¼ 13-32-28.
John C. Wynn	4,000	3,780	320	SE. ¼ 30 and NE. ¼ 31-31-29.
Reuben Parker	2,000	1,655	160	SW. ¼ 8-31-29.
Joseph E. Lockhart	1,500	2,325	80	E. ½ NE. ¼ 21-31-28.
Fred G. Feldman et al	4,000	2,710	480	S. ½ 28 and NE. ¼ 29-33-29.
Edward G. Feldman	5,000	3,940	400	NE. ¼ and N. ½, SE. ¼ and E. ½, NW. ¼ and NE. ¼ SW. ¼ 21 and SE. ¼ SW. ¼ 13-33-29.
Wilhelm C. Cordes	3,000	3,970	640	E. ½ 35, SW. ¼ and E. ½ NW. ¼ and SW. ¼ NW. ¼ 25 and SE. ¼ SW. ¼ 24-31-28.
John P. Ballard	5,000	3,370	465.65	W. ½ 31-33-29 and NE. ¼ 36-33-30.
Elmer D. Jones	1,200	1,125	160	NE. ¼ 1-31-30.
James D. Dalgarn	3,000	3,615	320	S. ½ 4-32-29.
Henry W. Bohling	1,200	2,125	150	W. ½ SE. ¼, S. ½ SE. ¼ NW. ¼, S. ½ SW. ¼ NW. ¼ and S. 30 acres of SW. ¼ NE. ¼ 22-34-28.
Henry H. Friesen	1,500	2,240	160	SW. ¼ 6-33-27.
Merton A. Horner	10,000	6,645	1,040	NE. ¼ 13, W. ½ E. ½ and SE. ¼ NE. ¼ and NE. ¼ SE. ¼ 24, SE. ¼ 25, 33-27; S. ½ 18, NW. ¼ and N. ½ SW. ¼ and SE. ¼ SW. ¼ 19, E. ½ and NW. ¼ 30-33-25.
A. M. Horner	9,500	7,565	1,760	W. ½ 13, E. ½ 11, all of 23, S. ½ NW. ¼ and SW. ¼ 24, N. ½ NW. ¼ 25, NE. ¼ 26 in 33-27.
W. S. Armentrout	2,000	2,470	160	NW. ¼ 9-33-30.
C. M. Munger	1,400	920	160	N. ½ NE. ¼ 34 and N. ½ NW. 35-33-30.
Josie M. Rhodes	5,000	6,840	159.27	Lots 1 and 2 and E. ½ NW. 7-31-27.
G. R. Kutz	3,300	2,130	200	SE. ¼ 4, NE. ¼ NE. ¼ 9-31-26.
Henry M. Troutman	1,500	1,335	160	NW. ¼ 27-33-30.
Glen A. Wright	2,200	2,530	477.42	N. ½ 18 and SE. ¼ 7-31-30.
Enos Amerin	4,500	4,135	320	W. ½ 4-32-30.
P. P. Morrison	4,000	3,980	320	N. ½ 13-31-30.
Albert Hawley	1,100	795	160	N. ½ NW. ¼ SE. ¼ NW. ¼ and NE. ¼ SW. ¼ 10-34-30.
Fred B. Ross	3,000	3,900	560	S. ½ of 16, N. ½ NE. ¼ and SE. ¼ of NE. ¼ of 21, N. ½ NW. and N. ½ of S. ½ of NW. ¼ of 22, all in 34-28.
Frank Fox	600	1,020	160	SE. ¼ 17-31-30.
J. C. F. McCauley	10,000	7,915	583	S. ½ of 1, NE. ¼ and E. ½ NW. ¼ of 2-30-27.
William P. Hunter	1,700	2,030	320	SW. ¼ of 29, and SE. ¼ 22-34-29.
Elonzo White	700	695	157.38	Lots 3 and 4 and E. ½ SW. ¼ 7-34-30.
William B. Lee	900	800	160	NW. ¼ 14-31-30.
John L. Jones	3,000	2,750	320	SW. ¼ 5 and NW. ¼ 8-33-23.
J. S. Lawson	1,600	1,900	160	NE. 12-33-30.
Barthold John Heinson	1,100	910	160	NE. ¼ 3-31-23.
Harvey L. Elledge	1,600	1,985	320	SE. ¼ of 21, S. ½ SE. ¼ 23, SW. ¼ SW. ¼ 24 and NW. ¼ of NW. ¼ of 25-34-23.
James C. Lowry	1,200	1,235	160	SE. ¼ 24-31-28.
John F. Tatkenhorst	2,000	2,825	320	E. ½ and SW. ¼ of SW. ¼ of 3, SE. ¼ of SE. ¼ of 4 and NE. ¼ of 9, all in 33-23.
Oscar C. Latshar	6,000	9,650	800	N. ½ and SE. ¼ of 19, W. ½ of 30-33-27.
E. M. Angell	4,000	3,355	320	SE. ¼ 20 and SW. ¼ 32-32-23.
C. L. Angell	4,000	4,335	320	S. ½ 30-32-23.
Elijah D. Allen	1,000	1,730	160	NW. ¼ 10-31-23.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
MEADE COUNTY—continued.				
David J. Brownlee	$2,000	$3,030	600	E. ½ NW. ¼ and W. ½ NE. ¼, SW. ¼ and NW. ¼ of SE. ¼ of 28, NW. ¼ and N. ½ of SW. ¼ of 35-31-30.
Henry J. Rexroad	7,000	5,280	640	S. ½ of 22, and W. ½ of 27, in 33-23.
Walter A. Burford	1,200	4,105	157	SW. ¼ 2-31-27.
George W. Spain	800	905	160	SW. ¼ of NW. ¼ and W. ½ SW. ¼ of 33, T. 33, lot 4 of 2-34-33.
G. M. Stockmeyer	1,000	705	160	NE. ¼ 10-34-30.
Total	221,200	233,610		
NORTON COUNTY.				
J. A. Rife	2,500	4,020	320	S. ½ 1-1-23.
Charles W. Dowling	2,000	3,125	160	SW. ¼ 32-2-25.
Samuel Arnold	1,700	2,585	160	SW. ¼ 26-2-25.
Francis H. Roe	1,200	1,835	160.48	NW. ¼ 4-2-25.
Robert H. McCune	1,400	3,315	160	NE. ¼ 32-2-25.
William R. Dowling	2,500	3,540	158	SE. ¼ 31-2-25.
R. I. Fullerton	1,600	2,470	160	SW. ¼ 28-1-25.
Arba K. Mills	2,500	4,350	80	E. ½ SW. ¼ 2-2-21.
Arthur Saum	6,000	7,770	320	E. ½ 29-2-23.
O. D. Hershiser	1,400	2,375	160	SW. ¼ 35-3-23.
Andrew P. Wilner	2,900	3,120	320	S½. ½ sec. 4 and NW. ¼ 9-2-25.
Ira L. Robbins	2,000	2,470	160	SW. ¼ 33-1-25.
Peter C. Garrett	2,500	3,730	232	SW. ¼ 35-2-25, E. ½ NE. ¼ 3-3-25.
William Railsback	1,000	2,030	160	NE. ¼ 15-1-25.
Total	31,200	47,325		
NESS COUNTY.				
Geo. S. Stullken	2,500	2,000	160	NE. ¼ 34-18-22.
Geo. Cranston, jr	1,500	1,925	160	NE. ¼ 31-18-22.
J. A. Bondurant	3,500	3,560	320	W. ½ 24-20-22.
H. L. Mellies	3,000	5,124	480	N. ½ and N. ½ of S. ½ 11-19-24.
W. R. Cranston	4,500	4,050	480	N. ½ SW. and ½ 25-20-24.
H. F. Bruner	2,500	3,245	284	NW. ¼ 19-18-25 and SW. ¼ 25-18-26.
E. J. Ruffhead	3,500	3,213	320	W. ½ 7-19-23.
Jeremiah Hopper	4,000	5,988	320	N. ½ 33-18-23.
Wiley Clouston	5,000	8,214	640	S. ½ 1-19-23 and W. ½ 6-19-22.
C. D. Foster	500	1,944	160	SW. ¼ 9-18-23.
Guy L. Bondurant	1,600	1,710	160	NE. ¼ 19-20-21.
M. R. Irwin	4,000	5,155	480	N. ½ and SE. ¼ 6-20-22.
Emil E. Petersilie	1,000	1,840	160	SE. ¼ 12-20-24.
Miner T. Murduff	1,600	1,790	160	S. ½ of N. ½ 24-16-23.
J. B. Cook	4,000	4,075	320	E. ½ 23-18-24.
Wm. H. Answaugh	3,000	2,640	320	N. ½ 20-17-23.
Fred C. Everhart	6,000	4,500	320	S. ½ 20-17-23.
Ernest C. Misner	2,500	2,375	320	W. ½ 20-17-24.
J. H. Elting	6,000	5,035	640	N. ½ and SE. ¼ 20 and NW. ¼ 28-17-23.
J. G. Harkness	2,600	2,970	320	W. ½ 31-19-24.
James G. Harkness	1,800	2,040	160	NE. ¼ 32-16-23.
W. F. Baer	1,000	780	80	N. ½ of SE. ¼ 17-16-23.
Roy H. Baer	5,000	5,393	800	SE. ¼ 6 and E. ½ and SW. ¼ and S. ½ of NW. ¼ 5 and N. ½ of NW. ¼ 4-19-23.
Geo. L. Cook	3,000	3,323	320	S. ½ 25-18-25.
Ira Whipple	1,200	2,000	160	NW. ¼ 12-19-24.
Benton E. Willour	1,200	1,400	160	SE. ¼ 35-16-22.
Noah Johnson	2,000	1,708	280	NW. ¼ and N ½ of NE. ¼ 9 and SW. ¼ of SE. ¼ 4-20-25.
R. O. Elting	4,000	4,555	640	E. ½ and SW. ¼ 23 and NW. ¼ 33-17-23.
John Oostendorp	5,000	4,280	480	NW. ¼ and NE. ¼ 10 and SE. ¼ 3-16-24, except 4 acres in SE. ¼ 3.
Clarence E. Myler	2,800	2,950	320	N. ½ 13-17-25.
Guy Reeves	5,000	7,590	720	N. ½ and SE. ¼ and N. ½ of SW. ¼ 32 and SW. ¼ 33-18-25.
Total	94,800	107,592		
SHERMAN COUNTY.				
Robert J. Hayden	700	1,040	160	NW. ¼ 13-9-41.
Jacob Tophigh	3,100	3,500	320	S. ½ 3-9-40.
John De Witt	800	950	160	SE. ¼ 24-10-41.
Robert Barbee	1,100	1,580	160	NE. ¼ 35-7-39.
William K. Evans	1,800	1,120	160	NW. ¼ 16-7-39.
C. M. Fenno	3,200	3,160	480	NW. ¼ 12-6-39, SE. ¼ of 18 and NW. ¼ of 8 in 6-38.
C. C. Evans	4,500	3,560	640	NE. ¼ and S. ½ of 16-7-39.
Jasper Glenn Curry	800	1,040	160	NE. ¼ 32-6-40.
John Veselik	4,200	4,040	480	E. ½ and SW. ¼ of 15-9-41.
James B. Light	4,000	3,950	640	All of 27-6-41.
James A. Corkill	6,500	7,040	800	N. ½ and SE. ¼ of 8-7-41, NW. ¼ NE. ¼ and SW. ¼ of 9-7-40, except strip of land 240 rods square.
George W. Gilbert	4,200	4,100	640	All of 1-7-39.
George T. Wilson	2,700	3,800	560	SE. ¼ of 21, NW. ¼ and SW. ¼ of 27, and S. ½ of SW. ¼ of 32-6-40.
Wilfred C. Nichols	3,500	4,950	760	SE. ¼ of 31-9, N. ½ and SW. ¼, N. ½ and SW. ¼ of SE. ¼ of 6-10-39.
W. H. Been	900	1,110	160	SE. ¼ of 33-7-41.
Bert A. Wells	3,000	4,170	640	W. ½ of 1 and E. ½ of 2 in 9-41.
Belle Amanda Forney	1,000	1,000	160	SW. ¼ of 10-7-39.
Charles A. Rhoades	4,400	2,940	477	SE. ¼ of 13-7-40 and E. ½ of SW. ¼ and W. ½ of NE. ¼ of 20 in 7-39, except strip of land 22 rods square.
Fedde H. Fixen	1,200	2,240	320	W. ½ of 33-6-39.
J. O. Fralley	2,000	2,080	320	NW. ¼ of 8-9-41 and SW. ¼ of 5-9-41.
Henry C. Tagtmeyer	5,000	7,820	960	All of 16 and NW. ¼ of 10 and SE. ¼ of 9-7-40.
C. B. Albertson	2,200	2,320	320	NW. ¼ of 12, NE. ¼ of 2-7-41.
Clarence E. Morton	1,800	1,600	160	SW. ¼ of 31-6-39.
A. T. Patterson	1,300	1,485	77	S. ½ of SE. ¼ of 20-8-39, except strip of land 100 feet wide.
Charles Hartley	3,000	2,385	319	S. ½ of 6-6-37.
Guy Corkill	2,700	3,200	400	E. ½ of SW. ¼ and SE. ¼ of 4 and SW. ¼ of 3 in 7-40.
Marion S. Taylor	1,000	950	160	NW. ¼ of 15-10-41.
Edwin D. Briggs	1,100	1,280	160	NE. ¼ of 23-9-38.
Thomas J. Taylor	1,000	2,340	320	S. ½ of 10-10-41.
Charles A. Rhoads	4,400	3,529	397	SE. ¼ of 13-7-40 and E. ½ of SW. ¼ and W. ½ of NE. ¼ and W. ½ of SE. ¼ of 20-7-39, except strip of land 22 rods square.
T. J. Rhoads	2,500	1,340	163	E. ½ of E. ½ of 20-7-39 and a tract 22 rods square in the NE. corner.
Edith Taylor	2,000	1,840	320	S. ½ of 16-10-41.
E. H. Taylor	1,800	1,800	320	N. ½ of 16-10-41.
Jacob Schoch	1,000	2,045	320.70	Lots 1 and 2 and S. ½ of NE. ¼ and SE. ¼ of 3, all in 7-42.
George Cramer	10,000	13,110	1,760	NE. ¼ and S. ½ of 21 and all of 22 and W. ½ of 27 and SE. ¼ and NW. ¼ of 28, all in 8-42.
Walter Wilson	1,100	1,120	160	NW. ¼ of 15-7-39.

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
SHERMAN COUNTY—contd.				
C. E. White	$2,000	$1,980	320	N. ½ of 36-7-41.
Henry F. Gernhart	3,200	3,240	473	NW. ¼ of 18-7-41 and SE. ¼ of 12 and SE. ¼ of 13, all in 7-42.
W. L. Kail	800	1,360	160	SE. ¼ of 15-6-42.
J. Jensen	1,400	2,100	160	SE. ¼ of 2-8-40.
Thomas J. Strange	500	630	159.7	Lots 3 and 4 and E. ½ of SW. ¼ of 39-10-37.
John E. Cotter	900	1,320	160	NW. ¼ of 33-8-41.
Total	105,400	117,555	.....	
STANTON COUNTY.				
John H. Mauk	500	.....	160	NE. ¼ of 12-27-43.
Mark R. Worthington	700	.....	160.25	Lots 1 and 2 and S. ½ of NE. ¼ 1-29-42.
Robert L. Thompson	500	.....	160	SE. ¼ 6-27-42.
Jonas B. Winger	600	.....	160	SE. ¼ 20-27-40.
Robert R. Friend	1,000	.....	320	NW. ¼ 20-30-40 and NE. ¼ 20-30-40.
James Herrick	1,600	.....	480	SW. ¼ 35 and SE. ¼ 27 and NE. ¼ 34-30-40.
Wade H. Smoot	500	.....	160	NE. ¼ 11-30-41.
Finley Yinger	1,000	.....	320	E. ½ of 21-27-40.
Total	6,400	.....	.....	
STEVENS COUNTY.				
Wm. Kinzer	700	2,100	160	SW. ¼ 17-34-36.
Peter B. Wagner	1,800	1,780	160	NE. ¼ 17-33-38.
R. M. Young	1,500	1,360	160	NW. ¼ 23-34-37.
D. A. Everts	1,200	1,730	160	NW. ¼ 20-34-36.
Monroe Traner	2,000	2,100	160	SW. ¼ 14-33-36.
Paul M. Traner	1,500	2,000	160	SE. ¼ 15-33-36.
Joseph Ponder	1,000	950	160	NW. ¼ 10-32-38.
W. I. Cutter	1,500	720	160	SW. ¼ 11-34-37.
Edgar N. Stanley	1,500	2,000	160	SW. ¼ 20-34-36.
R. A. Paden	3,000	3,670	320	W. ½ 19-33-36.
Wm. Dillinger	3,000	3,200	320	N. ½ 21-34-36.
R. E. Young	1,500	1,585	160	SE. ¼ 3-34-37.
Cassius M. Graham	1,500	2,230	240	SW. ¼ and W. ½ of SE. ¼ 22-31-35.
Ed. Flummerfelt	2,500	3,455	400	S. ½ sec. 9 and W. ½ of SW. ¼ sec. 10-34-38.
C. A. Maclaskey	1,200	1,860	160	SW. ¼ 8-32-37.
S. G. Bond	9,500	9,620	1,120	Sec. 9 and NW. ¼ 28 and W. ½ 20-33-36.
Ira A. Stoner	1,000	4,000	160	NW. ¼ 9-33-37.
Chas. C. Haworth	1,000	1,645	160	Lots 3-4 and E. ½ SW. ¼ 19-34-35.
Lee S. Parker	2,000	3,440	320	SE. ¼ 19 and NW. ¼ 29-34-36.
T. O. Margan	1,500	2,450	480	E. ½ 15 and SW. ¼ of NW. ¼ and W. ½ and NE. ¼ of SW. ¼ 15-34-39.
Lee Reynolds	3,500	4,640	480	W. ½ 28 and SE. ¼ of 20-31-37.
C. E. Rittmoure	4,000	6,800	640	W. ½ and SE. ¼ 11 and NE. ¼ 10-34-35.
Walter R. Chaffin	1,000	2,000	160	NE. ¼ 3-34-35.
C. F. Lages	1,500	2,420	240	NE. ¼ and N. ½ of SE. ¼ 12-33-36.
Wm. D. Scott	3,200	5,600	320	SE. ¼ other quarter in Seward County 1-34-35.
Chas. W. Creamer	500	1,740	160	SW. ¼ 13-34-37.
Edna B. Hayward	5,000	6,024	461.92	SE. ¼ and W. ½ of sec. 18-33-37.
Geo. L. Benett	800	1,925	320	NE. ¼ 25 and SW. ¼ 24-34-39.
J. E. Flamer	2,500	3,700	320	N. ½ 22-33-36.
O. J. Wayland	4,500	4,800	480	NE. ¼ and W. ½ 23-33-36.
Robert Earl Lynch	1,000	1,115	160	SE. ¼ 23-24-37.
John E. Traner	1,600	1,740	160	NE. ¼ 10-33-36.
Monroe Traner	1,500	1,600	160	SE. ¼ 14-33-36.
Jesse L. Brownell	1,500	1,880	160	NE. ¼ 31-31-35.
Orville J. Cunningham	1,500	1,840	160	SE. ¼ 14-34-37.
Samuel I. Hoffman	1,100	1,640	320	W. ½ 29-34-38.
Ray Stalcup	1,200	2,080	160	SE. ¼ 20-34-35.
Wm. J. Davis	8,000	9,120	1,120	W. ½ and NE. ¼ 14 and E. ½ 15 and W. ½ 13-33-38.
James F. Parsons	10,000	10,325	1,526.24	N. ½ and SW. ¼ of 4 and E. ½ 5 NE. ¼ 8, NW. ¼ 9-31-37, N. ½ SE. ¼ 33 and SW. ¼ and E. ½ of the SE. ¼ 34 T. 30 R. 37.
James A. Ritter	1,300	1,560	160	SW. ¼ 31-34-35.
James W. Phillips	5,000	6,060	480	W. ½ and SE. ¼ 1-34-38.
Total	103,600	126,504	.....	
SCOTT COUNTY.				
R. E. Close et ux	1,100	1,515	160	SE. ¼ 7-18-33.
Roy A. Helfrich et ux	1,800	1,705	320	Lots 3 and 4 and E. ½ of SW. ¼ 18-16-33 and SE. ¼ 13-16-34.
John E. Crist et ux	3,200	3,865	480	E. ½ of 27 and NE. ¼ of 34-20-33.
Luther J. Cickler et ux	2,700	2,970	320	W. ½ of 15-17-32.
Jesep Novak et ux	1,100	1,100	159.49	Lots 3 and 4 and 5 and SE. ¼ of NW. ¼ of 6-19-34.
Furman A. Cook et ux	3,000	2,530	320.16	Lots 1 and 2 and S. ½ of NE. ¼ and SE. ¼ of 1-17-31.
Dana N. Meyers	900	1,030	160	SE. ¼ of 22-16-32.
John L. Eyer et ux	2,500	2,640	480	W. ½ of sec. 20 and SE. ¼ of 19-16-34.
Clay E. McMillan et ux	3,000	1,835	280	E. ½ of SE. ¼ and NW. ¼ of SE. ¼ and E. ½ of NW. ¼ and S. ½ of NE. ¼ all in 2-17-33.
John W. Ludlow et ux	2,700	3,905	480	E. ½ of 11 and SW. ¼ of 10-17-31.
Elijah E. Eitel et ux	2,000	2,200	320	SE. ¼ of 11 and SE. ¼ of 2-19-31.
H. L. Prondfoot et ux	6,000	3,510	710	N. ½ of NW. ¼, N. 20 rods of S. ½ of NW. ¼ NW. ¼ of NE. ¼ and N. 20 rods of SW. ¼ of NE. ¼ and E. ½ of NE. ¼ and E. ½ of SE. ¼ all in sec. 15, and SE. ¼ of 10, S. ½ of SW. ¼ of 11 and SW. ¼ of sec. 14, all in 17-33.
Celeste H. Wilcox et ux	800	700	160	SE. ¼ of 26-20-32.
Susan R. Gunby	1,000	795	80	W. ½ of SE. ¼ of 6-19-32.
Charles E. Wilcox et ux	1,200	1,475	320	NW. ¼ of 25 and NW. ¼ of 35-20-32.
William F. Beaton et ux	800	860	160	NW. ¼ of 5-20-31.
George Finkenhinder et ux	5,000	5,995	790.24	NW. ¼ of 19-20-32 and NE. ¼ of 24-20-33, and lots 1 and 2 and ½ of NW. ¼ 30-20-32 and NE. ¼ of 25-20-33, SW. ¼ of 21-20-33.
John E. Cain et ux	2,000	2,485	480	SW. ¼ of 4 and SE. ¼ of 5 and NE. ¼ of 8-20-34.
Charles A. Brock et ux	1,300	1,760	160	SE. ¼ of 21-17-32.
Leonard W. Sloan et ux	3,000	2,090	160	NE. ¼ of 14-18-33.
John W. Newman et ux	1,600	1,940	320	NE. ¼ of 28 and NW. ¼ of 27-16-32.
Elmer B. Barnes et ux	3,000	3,750	320	SE. ¼ of 26 and NE. ¼ of 35-18-31.
Lydia M. Whitham et ux	1,100	1,375	160	SE. ¼ of 30-16-34.
F. A. Hines et ux	1,500	1,650	160	NW. ¼ of 21-20-32.
Julia Hines et ux	1,500	2,255	320	NW. ¼ of sec. 22 and NE. ¼ of 21-20-32.
Edward Welch et ux	800	880	160	NE. ¼ of 29-16-34.
Charles E. Hawkness et ux	3,500	2,565	560	W. ½ of sec. 15 and NE. ¼ of 21 and S. ½ of SE. ¼ of 16-20-31.
William F. Beaton et ux	600	815	160	NW. ¼ of 4-20-31.

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SCOTT COUNTY—continued.				
Lemons S. Robb	$3,000	$2,980	320	N. ½ of 34-16-32.
L. D. Binns et ux	1,100	1,430	160	SW. ¼ of 10-18-34.
Frank W. Sperling et ux	1,500	1,540	160	SE. ¼ of 35-18-31.
Joseph Hess	2,000	1,045	311	SW. ¼ and lots 1 and 2 and E. ½ of NW. ¼ of 18-18-64.
Total	68,300	67,260		
SEWARD COUNTY.				
E. F. Printz	5,000	5,900	480	NE. ¼ 2-35-34 and E. ½ 35-34-34.
Charles O. Davis	4,500	5,800	480	NW. ¼ and NE. ¼ and SE. ¼, 32-33-34.
George E. Chittenden	1,500	1,700	160	SE. ¼ 13-31-32.
James H. Mammontree	1,000	1,500	160	SW. 32-34-34.
A. J. White	1,200	1,450	200	SW. of NE. and N. ½ of SE., SW. of SE. and SE. of SE. 22-34-34.
Wirt L. Flemming	3,000	2,825	314.5	Lots 1-2 and E. ½ of NW. 18, SE. 7, all in 33-34.
John L. Boles	8,000	17,200	1,280	W. ½ sec. 2; NE. and W. ½, 3; SE. 4; NE. 10; NW. 11, all in 35-34.
William Moody Wilson	4,000	4,600	320	SW. 13-34-34 and SE. 13-34-34.
Henry Berg	2,500	3,200	320	SW. sec. 32 and NE. 31, all in 32-34.
R. E. Hall	4,000	6,400	640	S. ½ 33 and SW. 27-33-34; lot 4 and SE. ¼ of SW. and S. ½ SE. ¼ 31-32-33.
Jessie Ponting	2,300	2,900	320	NE. ¼ 31 and NW. ¼ 32-34-34.
William C. Davis	4,500	3,350	720	E. ½ 15; NW. ¼ 22; SE. ¼ 10; N. ½ of SW. 10-31-34.
Ralph M. Heath	3,500	4,500	320	NE. ¼ 8; NW. ¼ 9; all in 34-34.
Charles L. Neff	1,600	1,600	160	NW. 2-34-32.
W. H. Hall	1,800	1,750	159	SW. 24-34-34.
Charles Thompson	600	1,200	160	SE. 18-33-34.
John E. Templeman	1,000	2,000	160	SW. 24-32-32.
V. M. Renner	1,000	1,600	160	NE. 24-33-34.
A. G. Morrell	1,500	1,950	160	NW. 15-35-34.
Mark D. Grossman	2,500	3,300	320	SW. 32-34-32 and NW. ¼ 5-35-33.
Calvin D. Day	1,300	2,150	323.84	Lots 1-2 and S. ½ of NE. and SE. ¼ 6-31-34.
Richard Day	800	1,600	160.82	Lots 3-4 and S. ½ of NW. ¼ 5-31-34.
Patrick Day	1,000	1,500	240	SE. ¼ 8 and E. ½ of NE. ¼ 17-31-34.
John Day	300	700	145.6	Lot 2 and SW. of NE. and N. ½ of SE. 5-31-34.
E. Birn	6,000	16,875	2,100	Very long description.
Ruby Wightman	1,000	1,300	160	NE. 1-35-32.
William D. Scott	3,200	4,000	320	Lots 3-4-5; SE. of NW. ¼ 6-31-34; SE. 1-34-35
E. D. Kelley	1,200	2,000	160	SE. 35-33-34.
Clyde Spry	2,000	2,700	160	NW. ¼ 15-31-34.
Fred W. Hasser	1,000	3,450	320	N. ½ 6-32-32.
E. J. Fitzgerald	6,000	7,100	480	N. ½ and SW. ¼ 8-34-32.
Orlev M. Nix	6,000	5,800	480	N. ½ 4-34-34 and SW. ¼ 33-33-34.
William Arbuthnot	1,000	1,300	240	Lot 1 and NW. of NE. and S. ½ of NE. 4-33-33 and S. ½ of SE. 33-32-33.
Total	85,900	104,725		
TREGO COUNTY.				
Nile Cook	3,200	2,420	320	S. ½ 27-15-24.
W. T. Cox	5,000	5,710	320	N. ½ of N. ½ and S. ½ of NW. ¼ and N. ½ of SW. ¼ 10-13-21.
William H. Fink	3,700	1,920	320	NW. ¼ 32-12-25 Trego County and NE. ¼ 2-12-27 Gove County. Assessed value Gove County land not known.
Total	11,900	10,050		
THOMAS COUNTY.				
B. W. Baird and wife	2,000	3,810	480	N. ½ 5-6-36 and NE. ¼ 2-8-34.
James A. Day and wife	1,200	1,950	160	SE. ¼ 5-8-34.
A. O. Nickolson and wife	1,000	1,650	160	SE. ¼ 7-9-35.
Henry H. Goetsch and wife	5,000	7,400	955.63	SW. ¼ 35-6-33 and W. ½ 2-7-33 and N. ½ and SE. ¼ 3-7-33.
Lemley Fulwider and wife	1,600	3,350	321	NW. ¼ 32 and SE. ¼ 30-8-35.
Thomas Johnston and wife	3,500	5,700	480	W. ½ and SE. ¼ 10-8-36.
Hans J. Hamm, single	1,000	3,080	320	W. ½ 13-10-31.
Clyde Leroy Jackson and wife	1,200	1,600	153.92	NW. ¼ 7-8-35.
Leonard C. Keck and wife	2,000	3,250	320	N. ½ 18-8-34.
Total	18,500	31,800		
WICHITA COUNTY.				
F. A. Johnson	2,200	2,475	640	S. ½ and NW. ¼ sec. 13 and NE. ¼ sec. 14, T. 16, R. 37.
John H. Scott	4,400	4,355	641	All of sec. 2, T. 18, R. 37.
William R. Kessler	1,800	2,700	480	S. ½ sec. 21 and SE. ¼ sec. 23, T. 16, R. 37.
L. G. Henry	4,000	5,075	1,120	S. ½ and NE. ¼ sec. 8, N. ½ sec. 17, SW. ¼ sec. 5-20-38, NE. ¼ sec. 1, 20-37.
E. M. Greenawalt	2,700	2,640	480	N. ½ and SE. ¼ sec. 20, T. 17, R. 37.
R. E. Ford	1,500	1,720	480	S. ½ and NE. ¼ sec. 22, T. 16, R. 39.
John Schwindt	1,500	1,440	323	SE. ¼ sec. 19 and NW. ¼ sec. 23, T. 17, R. 35.
Thomas McDermott	2,400	2,880	480	SE. ¼ sec. 27, SE. ¼ sec. 28, NE. ¼ sec. 35, all 18, R. 35.
J. B. McClintic	3,000	4,375	768	NW. ¼ sec. 5, T. 19, R. 38, S. ½ sec. 31, T. 18, R. 38, N. ½ sec. 6, T. 13, R. 39.
Dowen Parish	1,000	1,700	80	S. ½ of NW. ¼ sec. 24, T. 18, R. 37.
A. D. Knapp	900	1,080	160	SW. ¼ sec. 4-19-38.
John Eder	1,200	2,270	400	NE. ¼ sec. 2, S. and of SE. ¼ sec. 1 and N. ½ of NE. ¼ and S. ½ of NE. ¼, sec. 12, T. 19, R. 36.
George Shades	1,000	1,185	320	E. ½ sec. 2, T. 17, R. 39.
John C. Bauck	1,800	2,400	480	N. ½ of SW. ¼ and NW. ¼ and S. ½ of SW. ¼ sec. 22, SE. ¼ sec. 15, T. 17, R. 34.
A. W. Kleymann	1,800	2,920	640	S. ½ and NE. ¼ sec. 9 and NE. ¼ sec. 15, T. 17, R. 38.
William Rickford	800	1,370	320	SW. ¼ sec. 32, T. 16, R. 35, NW. ¼ sec. 6, T. 17, R. 35.
Vet Conts	1,000	1,580	160	NE. ¼ sec. 25, T. 18, R. 37.
Ralph Johnson	3,000	3,230	800	W. ½ and SE. ¼ sec. 16, ½ W. ½ sec. 22, T. 16, R. 34.
Alva A. Kreitzer	500	1,160	160	NW. ¼ sec. 24, T. 18, R. 35.
Joe Neyer	3,000	2,875	640	E. ½ sec. 33 and SW. ¼ sec. 34, T. 16, and NE. ¼ sec. 4, T. 17, R. 37.
A. H. Stiles	600	680	160	SW. ¼ sec. 32, T. 16, R. 35.
Nicholaes Schwindt	2,000	1,040	320	NW. ¼ and E. ½ of SW. ¼ and W. ½ of SE. ¼ sec. 11, T. 17, R. 38.
Hugh Glenn	2,000	2,820	320	NE. ¼ and N. ½ of NW. ¼ sec. 19 and lot 4 and SE. ¼ of SW. ¼ sec. 18, T. 18, R. 33.
John F. Younger	2,400	2,640	480	E. ½ and SW. ¼ sec. 35, T. 17, R. 35.
Clarence W. Cline	1,500	1,875	320	NW. ¼ sec. 2 and NE. ¼ sec. 3, T. 18, R. 39.
Ted Lake	1,200	1,380	320	SW. ¼ sec. 11 and NW. ¼ sec. 14, T. 16, R. 35.
Lee M. Fletcher	1,100	1,520	320	NE. ¼ sec. 24 and SW. ¼ sec. 13, T. 16, R. 37.
John E. White	1,800	2,115	504	Lots 3 and 4 and S. ½ of NW. ¼, and SW. ¼ and SE. ¼ sec. 1, T. 16, R. 33.
Frank R. Byall	1,700	1,860	320	W. ½ sec. 30, T. 17, R. 37.
Total	53,800	65,304		

List of farm loans made in Kansas by the Federal Land Bank at Wichita, Kans., up to Jan. 1, 1918, as reported by registers of deeds or bonded abstractors—Continued.

Owner's name.	Amount of rural credit loan.	Assessed value of land and buildings.	Number of acres.	Abbreviated legal description.
WALLACE COUNTY.				
Elmer Chaney	$1,800	$1,570	320	SE. ¼ sec. 22, NW. ¼ 36-14-41.
John Haas	600	950	160	NW. ¼ 12-15-41.
Wm. A. Gooch	700	660	160	SW. ¼ 20-12-42.
Arthur E. Bjorklund	700	820	160	SW. ¼ 22-14-41.
Jno. Peter Bygren	900	1,215	160	SW. ¼ 8-15-42.
Dake D. Morse	600	660	160	N. ½ of S. ½ sec. 32-12-41.
William Bjorklund	800	790	160	SE. ¼ 15-14-41.
Chas. C. Halsey	4,300	4,215	1,120	Sec. 1, W. ½ 11, SE. ¼ 12-12-41.
M. R. Baker	2,500	2,620	480	E. ½ and NW. ¼ 23-15-41.
Gust Bjorklund	4,000	4,070	800	N. ½ 22 S. ½ 14, SW. 15-14-41.
George Morse	500	660	160	S. ½ of S. ½ sec. 32-12-41.
Roy G. Thompson	600	710	156	Lot 1 and N. ½ of NE. ¼, NE. of NW. ¼ 30-12-41.
Lemuel N. Woodburn	600	615	160	S. ½ of S. ½ 34-12-41.
Wm. H. Lutz	900	910	157	Lots 1-2, E. ½ of NW. ¼ 30-14-41.
Jno. E. Sexson	700	620	160	W. ½ of SE. ¼ and E. ½ of SW. ¼ 26-13-42.
Pell Teed	2,400	2,825	480	S. ½ 32-13-42, lots 2-1 and SE. of NE. 4-14-42.
Michael J. Gauss	800	650	160	NW. ¼ 32-14-41.
Charley D. Drum	500	790	160	SW. ¼ 30-13-42.
Frederic N. Cox	2,600	2,350	478	NE. and SW. sec. 30, SE. 20-14-41.
Jonathan J. Huitt	800	1,120	160	SW. ¼ sec. 20-14-41.
Clarence J. Cox	800	820	160	SE. ¼ 30-14-41.
Frank M. Pell	800	805	160	Lots 2-3, NE. of SE. 24-13-43 and SE. of NE. ¼.
Josiah Gorsuch	1,800	2,715	312	N. ½ of sec. 30-12-39.
James A. Satterfield	800	855	160	SW. 8-14-42.
Thomas Porter	600	1,050	160	SW. 8-13-42.
Luther M. Shelley	2,100	1,950	480	E. ½ sec. 34 and SW. ¼ 35-14-42.
Vernon L. Pierce	600	575	160	NW. ¼ 8-13-42.
Geo. C. Johnson	2,000	1,585	394	Sec. 25-14-43, NW. 30-14-42.
O. T. Kimmel	2,000	2,670	645	Sec. 3-18-42.
Thomas Dobson	800	1,940	160	SW. 12-13-41.
Don T. Whitney	700	870	160	NW. ¼ 24-15-40.
Chas. C. Halsey	4,000	4,330	1,120	S. ½ 36-11-41, S. ½ of N. ½ of sec. 2, NE. sec. 11, NE. 12-12-41.
Wm. Longberg	1,500	2,300	480	N. ½ and SE. ¼ 25-12-41.
Harry B. Rockwell	1,400	1,485	320	S. ½ of 28-11-40.
Floyd Edinborough	1,400	1,685	324	W. ½ of sec. 18-15-39.
(35)	48,500	58,705	.....	

In justice to Mr. Flannagan and Mr. Ingalls, I here give some correspondence between these gentlemen:

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BOARD,
Washington, April 9, 1918.

Mr. R. INGALLS,
307 East Seventeenth Street, New York City.

DEAR MR. INGALLS: I see you quote me as saying the board had "no available figures showing the cost of business"—Letter of Secretary Flannagan, December, 1917. (CONGRESSIONAL RECORD, Apr. 6, 1918, p. 4741.)

Will you kindly advise me date of letter from which this extract is taken and to whom it was written?

I wish to ascertain the connection and circumstances under which the statement was made.

Yours, very truly,

W. W. FLANNAGAN,
Secretary Farm Loan Board.

APRIL 12, 1918.

Mr. W. W. FLANNAGAN,
Secretary Federal Farm Loan Board, Washington, D. C.

DEAR MR. FLANNAGAN: I have to acknowledge your kind reply of April 11. I have never received a list of the States that have legalized the bonds of the Federal land banks as an investment for fiduciary and public funds. I should greatly appreciate the favor if you would send me the list, and also designate those States which have also legalized bonds of joint-stock land banks for such investments.

Mr. Hammond says he can not locate any of the correspondence he had with you and Mr. Lobdell about costs of business. With a view to helping you uncover it out of the bureau's files I will give the following extract from a letter of his dated January 31, 1918:

"In addition to the question of whether the board knows just what it is about I would mention the fact that I derived great discouragement from the board's reply to my request for information as to the cost of handling farm loans. * * * I wrote the Federal Farm Loan Board stating that I presumed the spread fixed by law was based upon established figures and that the board could show why a joint-stock land bank should earn attractive dividends for its stock on a one-point spread and that I should appreciate the supporting figures. The board replied that the data I asked for was not available. To loan several hundred millions of dollars as the obligation of banks engaged in a business upon which there is no available data as to cost would seem to me courageous to say the least."

Of course the correspondence is preserved somewhere. I saw and read the board's reply. My memory is that its date was December, and that it was signed by you and not by Mr. Lobdell. I hope this extract will serve your purpose. If the quotation should be ascribed to Mr. Lobdell instead of to you, and if some other date than December should be given, I would see that the correction is made before any reprints of the RECORD are made.

Are any figures as to the cost of handling farm loans yet available? I should like very much to have them, and I wish to thank you for the amortization tables just received.

Yours, very truly,

TREASURY DEPARTMENT,
FEDERAL FARM LOAN BUREAU,
Washington, April 16, 1918.

Mr. R. INGALLS,
No. 307 East Seventeenth Street, New York City.

DEAR MR. INGALLS: Your favor of the 12th duly received. The list of the States which have legalized Federal farm-loan bonds as an investment for fiduciary funds was mailed to you on the 11th and supposedly crossed your letter in the mails. If not received it will be duplicated upon request.

Concerning the matter of your quotation "from Secretary Flannagan's letter December, 1917," as follows: The board has "no available figures showing the cost of business," it appears I never wrote such a letter. The nearest approach to it is in a letter from Judge Lobdell (a member of the board) to Mr. L. P. Hammond under date of January 10, 1918, which reads as follows:

"Replying to your letter of recent date to our Mr. Flannagan, I regret to state that the board has not in hand specific data which would be of material value to you."

This letter was written in reply to a letter from Mr. Hammond, addressed to me under date of December 27, 1917, in which Mr. Hammond sought information in order to ascertain "whether investment in the stock of joint-stock land banks and operation in the distribution of bonds of the joint-stock land banks appeared to be profitable."

You will see, therefore, that Judge Lobdell's letter had reference to an entirely different subject from which your "quotation" seeks to apply. Judge Lobdell says in effect that there is no specific data available to determine the question whether or not an investment in the stock of joint-stock land banks would be profitable.

Your "quotation" makes the impression that the Farm Loan Board was derelict in not knowing the cost of business done by the Federal land banks, these banks being the exemplars of the system you are attacking.

I submit to you that this is unfair, and also that it is not in accordance with the facts of the case; the board has always known the cost of business done by each of the Federal land banks, and kept in close touch with it from the beginning.

Yours, truly,

W. W. FLANNAGAN,
Secretary Farm Loan Board.

P. S.—You should write Mr. FORDNEY that the quotation was in error, and also have it eliminated from the CONGRESSIONAL RECORD. Will you do it?

W. W. F.

NEW YORK, *April 17, 1918.*

Hon. J. W. FORDNEY,
House of Representatives, Washington, D. C.

MY DEAR MR. FORDNEY: Inclosed is some correspondence from Mr. Flannagan, secretary of the Federal Farm Loan Board. Since Secretary Flannagan turned Mr. Hammond's letter over to Member Lobdell, Mr. Flannagan is, of course, responsible for the reply. There is very little difference in sense between the words "no specific data in hand" and "no available figures." However, I will in the reprints note this change of the paragraph objected to by Mr. Flannagan:

"The act requires that both the Federal and the joint-stock land banks shall keep expenses and profits within a one-point spread. Replying to a query as to the effect of this provision on the latter, Member Lobdell wrote, on January 10, 1918: 'The board has not in hand specific data which would be of material value to you.'"

I feel that, if you think this matter of sufficient importance for comment, this paragraph would answer your purposes. Kindly return my inclosed correspondence with Mr. Flannagan as soon as you are through with it.

Also, I should like the return of those two newspaper clippings. I await with keen interest what you are going to say this week.

Very sincerely, R. INGALLS.

The following figures or statement of appropriations for this system I obtained from the Committee on Appropriations:

Federal Farm Loan appropriations.

1917. For purchase of Federal land banks' stocks (Pub. 158, 64th Cong.) ($9,000,000 limit) expended in 1917	$8,880,315
For salaries and expenses:	
1917. (Pub. 272, 64th Cong.) Deficiency	100,000
1917. (Pub. 158, 64th Cong.) Act creating banks	100,000
1918. (Pub. 381, 64th Cong.) L. E. J. Appropriation act	260,000
1919. H. R. 10358, L. E. J. for 1919	241,620
Purchase of farm loan banks' bonds. (Pub. 95, 65th Cong.)—	
Not exceeding in 1918	100,000,000
Not exceeding in 1919	100,000,000
Total	209,581,935
In addition, the Secretary of the Treasury is authorized to make deposits, upon the request of the board, out of the Treasury a sum not exceeding $6,000,000 at any one time. (Pub. 158, 64th Cong.)	6,000,000

Gentlemen, my object in calling the attention of the House to this matter is—if my information is correct—much incompetency has been displayed by men whose duty it is to pass upon loans already made, and that the Government is not getting proper security for the money loaned.

I thank the House for their attention.

GARBAGE COLLECTION, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10613.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10613, to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10613, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

Be it enacted, etc., That in order that the service of the collection of garbage and miscellaneous refuse in the District of Columbia and the disposal of the same may be continued without further interruption, the Commissioners of the District of Columbia, if in their judgment it is deemed to be the best interest of said District, are hereby authorized to purchase or lease all or any part of the plant, equipment, buildings, and grounds used by the Washington Fertilizer Co., the present contractor, for the collection, removal, reduction, or disposal of garbage, and for the purchase or lease of all or any part of the plant, equipment, buildings and grounds used by M. R. Ready, the present contractor, for the collection, removal, and disposal of miscellaneous refuse.

SEC. 2. That in case a price can not be agreed upon between the commissioners and the parties in interest, for the purchase or lease of all or such parts of said plants, equipment, buildings, and grounds as may be required, then, and in that event, all or such parts of the said plants, equipment, buildings, and grounds, hereinafter described as may be necessary, are hereby declared to be and the same are hereby condemned and appropriated to and for the use of the United States of America, to be used, operated, and controlled by it, by and through the agency hereafter provided, and the Commissioners of the District of Columbia, as agents of the United States, be, and they are hereby authorized and directed on the 1st day of July, 1918, to take charge and possession in the name of, for, and by authority of the United States of America, of all or so much of the property, real and personal, described in section 1 paragraph 1, as may be necessary, and to use the same for the collection, removal, reduction, or disposal of garbage and miscellaneous refuse in the District of Columbia.

SEC. 3. That in the event the property hereinbefore described is not purchased or leased, and is condemned as hereinbefore provided, it shall be the duty of the Attorney General of the United States to appoint a commission of appraisal and award, consisting of three persons, to appraise the value of the properties condemned and appropriated, and to award to the respective owners just compensation therefor. The said commission of appraisal and award shall, as soon as possible, file an inventory of the physical assets in use and useful in conducting the service of the collection and removal of garbage and miscellaneous refuse, and the value of the same, proper allowance being made for depreciation. Each commissioner of the commission of appraisal and award shall make oath before a judge of a court of the United States to faithfully perform such duty. The said commission of appraisal and award shall have power, and it shall be its duty, to summon witnesses with books and papers before it for all of the parties in interest and to require such witnesses to testify, and it shall give a full hearing on the compensation to be awarded, and give notice of the filing of such award to the Commissioners of the District of Columbia and the owners of said property, and any party in interest dissatisfied with the amount of such award may appeal from the same, which appeal shall be reviewed by the Court of Appeals of the District of Columbia, which court is hereby vested with jurisdiction for such purpose; and an appeal may similarly be taken from the decision of such court of appeals to the Supreme Court of the United States for a final review of the amount of the award. Such final award shall bear interest at the rate of 4 per cent per annum from the date the Commissioners of the District of Columbia shall have taken possession of the property until the date of its final payment.

SEC. 4. That the expenses of procuring evidence of title, or expenses of appraisal and award, or both, shall be paid out of such appropriations as are, or may be provided for the collection and disposal of garbage and miscellaneous refuse.

SEC. 5. That not exceeding $85,000 of the appropriation authorized herein may be expended for the purchase of the property of the garbage contractor; and not exceeding $50,000 may be expended for the purchase of the property of the miscellaneous refuse contractor: *Provided*, That the Commissioners of the District of Columbia are authorized to acquire by lease all or any part of the plant, equipment, buildings, and grounds of either of the present contractors engaged in the collection and removal of garbage and miscellaneous refuse, or property used by them, or such other equipment, buildings, and grounds as may be necessary to carry out the provisions of this act.

SEC. 6. That should the Commissioners of the District of Columbia find that the garbage in the District can be disposed of in a sanitary manner and as economically by feeding it to pigs, live stock, and poultry on the land of the Home for the Aged and Infirm, located at Blue Plains, District of Columbia, or on the land of the workhouse and reformatory of the District of Columbia, located at Occoquan and Lorton, Va., or both, or on such other land as the said commissioners may be able to acquire by purchase or lease in the States of Virginia or Maryland, the said commissioners are authorized to use either or all of said designated lands, or to purchase or lease land in the States of Virginia or Maryland for the purpose, and to adopt the pig, live stock, or poultry feeding method of disposal.

SEC. 7. That not exceeding $200,000 of the appropriation authorized herein may be expended for the purchase of pigs, live stock, and poultry.

SEC. 8. That should the Commissioners of the District of Columbia find that under existing circumstances the methods of disposal of garbage hereinbefore authorized are inadvisable, they are authorized to secure for temporary use sufficient land, and to acquire the necessary equipment to bury the garbage collected in the District of Columbia.

SEC. 9. That every person, corporation, association, or institution in the District of Columbia, under such rules and regulations as the commissioners may prescribe, may transport in closed metal containers from the place of origin to places outside of the District of Columbia any refuse, including meat, bread, and vegetables, not in a decayed or decomposed condition, to be fed to poultry, pigs, or other live stock at any place where such feeding is not prohibited by law.

SEC. 10. That products arising from any method of disposal adopted by the commissioners under the authority of this act may be sold, and the proceeds therefrom shall be repaid to the then current appropriation for the collection and disposal of garbage and miscellaneous refuse.

SEC. 11. That in order to put into effect and operate such method of disposal as may be adopted by the commissioners under the provisions of this act, the said commissioners are authorized to secure the necessary means of transportation, including the hire or purchase of horses and horse-drawn vehicles and passenger-carrying and other motor-propelled vehicles; additional equipment, buildings and machinery; and to employ expert and other personal services and labor; and to pay traveling, maintenance, incidental, and contingent expenses.

SEC. 12. That for the purpose of carrying into effect the provisions of this act an appropriation in the sum of $620,000, or so much thereof as may be necessary, is hereby authorized, one-half to be paid out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated.

Mr. CARY. Mr. Chairman, before the motion was made to rise at 3 o'clock I had 10 minutes left for general debate, and it was the understanding that when we went back into Committee of the Whole again those 10 minutes might be used. I do not want to use the entire 10 minutes, but I promised five to the gentleman from New Hampshire [Mr. WASON], and if it is proper now I will yield to the gentleman from New Hampshire that much time.

The CHAIRMAN. The gentleman from New Hampshire is recognized for five minutes.

Mr. WASON. Mr. Chairman, last Thursday, while the conference report on the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, was being considered by the House, I read some correspondence between the United States Food Administrator, Herbert Hoover; the Department of State, signed by Robert Lansing and Frank L. Polk, Acting Secretary of State; and myself, which may be found on pages 5305, 5306 of the CONGRESSIONAL RECORD.

This correspondence was of such a character and disclosed such condition of affairs that I commented thereon briefly. I felt then that no reason existed why an order appointing Mr. Hoover Food Administrator should not be made public or a Member of Congress should be denied the right to read the same.

We enacted the law which created this office, and I believed we had a right to examine the instrument of appointment and learn the extent of authority conferred. Those letters show I was denied the right to read the order of appointment of the Food Administrator or obtain a copy of the same. Such a denial to a Member of Congress I criticized by suggesting there must be some reason therefor which would be discovered were the contents thereof made public.

Last Saturday afternoon I was called on the telephone by an official of the Food Administration and was amazed when he told me the Executive order appointing Mr. Hoover Food Administrator was a part of a public document of the House of Representatives numbered 890.

The mantle of secrecy thus raised, the private order suddenly discovered as public and had been since last January, I won-

dered how on the 18th day of last March it could have been "confidential," as stated by the Secretary of State in his letter to me refusing me my right to read the same.

Mr. Chairman, I do not care to comment upon the views which apparently govern some executive and administrative officials of our Government in dealing with Members of Congress upon public matters.

Why did the Food Administrator, Herbert Hoover, on the 25th day of February last, notify me, in writing, that my request for a copy of the Executive order of the President had been referred to the Secretary of State, in whose custody it remained, when he, Herbert Hoover, on the 31st day of January last, in his report of itemized statements of purchases and disbursements of his organization from August 11 to December 31, 1917, inclusive, had included a copy of this Executive order?

Why did Mr. Hoover neglect to notify me that it could be found in that report?

Why did the honorable Secretary of State, Robert Lansing, in writing, on February 28 last, inform me that the Executive order of August 10, 1917, appointing Mr. Hoover United States Food Administrator had not been made public, and for that reason a copy could not be forwarded to Mr. Greeley?

Why did the Acting Secretary of State, Frank L. Polk, on March 6 last, inform me, in writing, "that the Executive order of August 10, 1917, appointing Mr. Hoover has not been made public, and for that reason I regret to say that your request can not be complied with."

Why did the honorable Secretary of State, Robert Lansing, on March 18 last, in writing, inform me "that inasmuch as the order is confidential, and as I have no authority to show it to you, it is regretted that I can not comply with your request"?

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. WASON. May I have one minute more?

Mr. CARY. I had only 10 minutes altogether, and I promised the gentleman from Nebraska [Mr. SLOAN] five minutes.

Mr. SLOAN. I will yield one minute to the gentleman.

Mr. CARY. All right, then; one more minute.

The CHAIRMAN. The gentleman from New Hampshire is recognized for one minute more.

Mr. WASON. Mr. Chairman, the inaccuracy of the above statements of the several gentlemen mentioned is of little concern to me compared with the attitude of the Department of State, and at some later time, should a like situation arise between a Member of Congress and an executive or administrative official, I may attempt a protest to the extent of my ability against such denial of the inherent rights heretofore enjoyed by Members of Congress. [Applause.]

Mr. CARY. Mr. Chairman, I yield the four minutes remaining to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska is recognized for four minutes.

Mr. SLOAN. Mr. Chairman, in looking through an old book shop not long ago, I fell upon two volumes entitled the "Book of Days." Running through them, I found that every day in the year had some special history and significance. Every day in the year had been observed with some interest, joy, or solemnity by some nation, people, or community.

The book of American days would be a brief one. But as time goes on days of observance are increasing, and perhaps a century from now our days for observance or celebration will be many. Then will labor and business have more frequent relaxation, while opportunity for social enjoyment will be greatly increased.

Speaking of American days of either national or general observance, we can trace Christmas to old Judea. New Year's, celebrated by nearly all peoples, nations, and religions, is conventionally based upon the course and progress of the sun, and and is varied by latitude. Pennsylvania gave us Independence Day; New England furnished Thanksgiving; Grand Army of the Republic gave us Decoration Day; the toiling millions have set aside a day for labor; and Nebraska, treeless plain of 50 years ago, fathers Arbor Day. [Applause.]

Arbor Day is recognized in every State in the Union. The founder of Arbor Day was J. Sterling Morton, one of Nebraska's early settlers and one of its greatest builders. He was a philosopher, a scholar, and statesman. He was the first Cabinet officer Nebraska ever furnished the Nation, being Secretary of Agriculture during President Cleveland's second term. As a farmer, editor, and statesman he left his impress upon his State and Nation. But he will be known in history best as the founder of Arbor Day. He believed that a man was doing part of his duty if he caused two blades of grass to grow where only one grew before. But he believed that he was more nearly fulfilling his full duty if he caused a stately tree to rise where only the annual plant had hitherto grown. [Applause.]

In 1872 Morton induced the Nebraska State Board of Agriculture to set aside a day for tree planting, to be known as Arbor Day. Three years later legislative enactment made it a legal holiday. Since that time all the States in the Union have followed, each one, however, selecting its own date in accordance with the time for planting trees.

In the days of our great Civil War, when Nebraska was a Territory and more than 30 per cent of her inhabitants were in the Union Army or fighting Indians, the grass grew, the game fed upon it, the prairie fire consumed what remained, while fugitive seeds, wafted by the winds, were burned or the life scorched out of their young sprouts. Only along the banks of some streams were a few sprouts allowed to become shrubs and those shrubs permitted to reach the doubtful dignity of trees.

The war being over, soldiers and others came to Nebraska, taking homesteads and timber claims. They found no rock or other materials for building. There were no trees out of which the homes could be built after the manner of their fathers' log dwellings farther east. They had recourse to the dugout and sod houses, now largely memories in Nebraska.

But as it was said "Necessity is the mother of invention," so might we say "Famine is the father of plenty." Man always values most highly that which he has not. It was then Morton came from the East, settling near the present site of Nebraska City, on the banks of the Missouri. He saw Nebraska's large want and proceeded to demonstrate the feasibility of its fulfillment. So he built a home and round it set out many trees from many parts of the Union. He watered them and protected them from fire. They grew and before many years their stately forms and spreading branches were a comfort in summer, a protection in winter, and to the vision of him who since became known as the founder of Arbor Lodge presented in miniature the change which was to come over our State.

"Plant trees" was written on the head of Arbor Lodge stationery. "Plant trees" was rung in the ears of every public audience. "Plant trees" was taught in the schools in springtime. "Protect trees" was advised in the public press. Soon the trees themselves, protected from prairie fires, began to do the rest.

Now, in Nebraska you need not travel far for comforting shade or living landmark. It was estimated that in 1915 the growth of tree life in Nebraska was sufficient to furnish fuel for Nebraska homes.

In Saline County, near the city of Friend, in my congressional district, resides Josiah Miner, a veteran of the Civil War. Early after the close of the war he took a homestead and has resided upon it ever since. He has groves of varied species, deciduous and evergreen. From trees planted by himself he has sawed lumber for a large comfortable dwelling and many convenient barns, granaries, and other outbuildings. Among the trees which adorn this homestead are 10 acres of black walnut which he offers to the Government for making gunstocks. This is a type of Nebraska development.

Incidentally let me suggest that Nebraska has just gone grandly over the top in the third liberty loan. On thrift stamps Nebraska has a phenomenal statement, as the following published statement shows:

NEBRASKA BUYS TENTH OF WAR STAMPS SOLD—HER PER CAPITA IS $11.06, WITH DISTRICT OF COLUMBIA SECOND—OTHER FIGURES.

Nebraska has bought one-tenth of all the war savings and thrift stamps sold since the campaign opened nearly five months ago, according to a report issued by the national war savings committee.

Up to April 1 the total receipts from savings stamps sales were $149,361,972, of which Nebraska contributed $14,343,991. New York was second, with $12,273,783, and Missouri third, with $11,183,305. Pennsylvania has raised $10,868,034.

Nebraska has raised $11.06 for every man, woman, and child within her borders. The District of Columbia is second with $3.75 per capita, and Missouri and Kansas follow with $3.14 and $3.11, respectively.

Of the 20 leading States, all but 5 are west of the Mississippi River.

In 1895, being a member of the Nebraska State Senate, I introduced a resolution which passed, by almost unanimous vote, both branches of the legislature and was signed by the governor, Silas A. Holcomb. The resolution was as follows:

Whereas the State is preeminently a tree-planting State; and
Whereas many honorable State organizations have by resolution designated Nebraska as the "Tree Planters' State": Therefore be it

Resolved by the Legislature of the State of Nebraska, That Nebraska shall hereafter in a popular sense be known and referred to as the "Tree Planters' State."

Nebraskans would reverse the history and experience of many older cities, States, and countries. Tyre, Sidon, Carthage, Laodocea, and a hundred other cities which marked the sea coast and dotted the interior of western Asia, northern Africa, and eastern Europe are now in ruins or lie buried beneath the shifting sands, while round them lie the wind-swept barren plains once fertile, beautiful, and fair. The rapacity of man

destroyed the forests to build the town, let the soil parch under the sun, and, parching, lost its humus until it was lifted by the winds and blown hither and yon, stifling vegetation and leaving, except along the valleys, desert waste where once had been produced food enough for the millions of earth. The denuded forest tells a sad tale, the barren fields are still more pathetic, but most to be deplored is the vanished energy, fire, and patriotism of people once noted for culture, industry, and valor, but who now bow to the rule of petty tyrants and lead lives far in the rear of the world's progress. Their history is preserved only by their enemies and no worthy heritage is provided for the generations to come.

I have just received the annual proclamation for Arbor Day this day issued by acting Gov. Edgar Howard. It is as follows:

PROCLAMATION.

Obedient to the command of custom and the law of the Commonwealth, I hereby make proclamation that Monday, April 22, 1918, shall be set apart and observed as Arbor Day. To the pioneers upon the prairies the trees were only a memory of the homes from whence the settlers came, only the intrepid few among them being bold to even dream of the arboreal magnificence of our Nebraska in this present. Thanks to the intelligent endeavors of one sterling pioner, the Hon. J. Sterling Morton, by the Nation now acknowledged as the "father of Arbor Day," the dream of trees has given place to the fact of trees, and all Nebraska has been adorned by practice of the precepts proclaimed by that far-seeing lover of the beautiful in nature.

In the Arbor Day proclamations uttered by the governors of the Eastern States runs a vein of sorrow and regret because of the vanished grandeur of the mighty forests which have gone down before the resistless march of civilization, and in each is a plea for speedy restoration in some measure of the vanished wealth of woods which once adorned the landscapes. To the people of our own Commonwealth come not the pangs of regret for the loss of tree glories, but only the anticipatory joys of the arboreal glory which shall some day be ours if we be faithful in the practice of the virtues of the pioneer fathers of our Arbor Day.

In the best spirit of our Arbor Day, I, Edgar Howard, acting governor of Nebraska, call upon the people of the Commonwealth, and especially upon those in charge of all public and parochial schools, for earnest endeavor to renew the health of the tree-planting spirit by appropriate public and private observance of the day.

And may I not in this hour of the Nation's peril plead with all our people to unite with me in supplication to the Father for the speedy dawning of that glad day when the forests of France and of all lands may again bless the earth with fragrance untarnished by the taint of war?

Given under my hand at the executive office in Lincoln this 15th day of April, in the year of our Lord one thousand nine hundred and eighteen, of the independence of the United States of America the one hundred and forty-second, and of the admission of Nebraska to the Union of States the fifty-second.

By the governor:

EDGAR HOWARD.

[SEAL.] CHARLES W. POOL,
Secretary of State for the State of Nebraska.

In harmony with the sentiment and enterprise of the pioneers and those who now live in our State, and in conformity with the proclamations annually made by our governors, we have planted the cedar of pride, the pine of symmetry, the apple of abundance, the maple of beauty, the ash of endurance, the oak of strength, the acacia of remembrance, and the elm of grandeur to temper the winds, the frost, and the sun, control the rainfall, and modify the climate and season for the comfort and delight of men in the generations to come. [Applause.]

Mr. MEEKER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] Fifty-eight Members present, not a quorum.

Mr. JOHNSON of Kentucky. Call the roll.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alexander	Dallinger	Gallagher	Kahn
Anthony	Darrow	Gallivan	Kearns
Austin	Davidson	Garrett, Tenn.	Kelley, Mich.
Bacharach	Dempsey	Godwin, N. C.	Kennedy, R. I.
Barkley	Denison	Gould	Kettner
Beshlin	Dewalt	Graham, Pa.	Key, Ohio
Bland	Dickinson	Gray, Ala.	Kless, Pa.
Borland	Dies	Gray, N. J.	King
Bowers	Donovan	Gregg	Kreider
Brodbeck	Dooling	Griest	LaGuardia
Buchanan	Doremus	Griffin	Langley
Butler	Drane	Hamilton, N. Y.	Lesher
Caldwell	Drukker	Haskell	Lever
Campbell, Pa.	Dupré	Heflin	Lunn
Carew	Dyer	Heintz	McClintic
Carlin	Eagan	Hicks	McCormick
Carter, Mass.	Estopinal	Holland	McCulloch
Carter, Okla.	Fairchild, B. L.	Hood	McKeown
Chandler, N. Y.	Fairchild, G. W.	Houston	McKinley
Chandler, Okla.	Ferris	Howard	McLaughlin, Pa.
Church	Fields	Hull, Iowa	McLemore
Clark, Fla.	Fisher	Humphreys	Magee
Coady	Flynn	Huchinson	Maher
Copley	Focht	Igoe	Mann
Costello	Frear	James	Martin
Curry, Cal.	Freeman	Johnson, S. Dak.	Merritt
Dale, N. Y.	Fuller, Mass.	Jones	Morin
Mott	Rankin	Slemp	Thompson
Mudd	Riordan	Small	Tinkham
Nicholls, S. C.	Roberts	Smith, Idaho	Towner
Nichols, Mich.	Rodenberg	Smith, T. F.	Treadway
Norton	Rouse	Snell	Vare
Oliver, Ala.	Rowe	Snyder	Voigt
Oliver, N. Y.	Rowland	Stafford	Volstead
Olney	Rucker	Steagall	Walker
O'Shaunessy	Russell	Stedman	Watson, Pa.
Parker, N. Y.	Sanders, La.	Steele	Weaver
Polk	Sanford	Stephens, Nebr.	Webb
Porter	Scott, Iowa	Sterling, Pa.	Whaley
Pou	Scott, Mich.	Stiness	White, Ohio
Powers	Scott, Pa.	Strong	Wilson, Ill.
Price	Scully	Sullivan	Winslow
Purnell	Sears	Sumners	Wise
Ragsdale	Shackleford	Swift	Woodyard
Rainey, H. T.	Shallenberger	Switzer	Wright
Ramsey	Sherley	Tague	
Randall	Siegel	Templeton	

The committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration H. R. 10613, found itself without a quorum, whereupon he caused the roll to be called, when 244 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. CRISP in the chair.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not believe Members will be impatient to get away so early in the evening, in view of the importance of this bill.

The present contract for the removal of garbage expires on the 30th day of June. The Commissioners of the District of Columbia have advertised for new bids. The present contract calls for $69,000 a year for the removal of the city garbage. New bids were received by the commissioners. The lowest bid was $143,000, but when the low bidder came to comply with the terms of the contract under which he had bid he was dissatisfied with his own bid and forfeited a $3,000 check rather than comply with the terms of his own bid.

When the 1st of July comes there will be no provision whatever for the removal of garbage from the District of Columbia. This bill authorizes a program which, if authorized, the Committee on Appropriations will put into effect.

On this short statement I hope Members will forego their impatience to get away and will let us dispose of this bill before we adjourn this afternoon. [Applause.] A critical condition faces the District of Columbia, and I think everybody ought to stay here and do his duty relative to that condition which faces us if we do not a pass a bill upon which the Appropriations Committee can act when it comes up.

Mr. SISSON. Mr. Chairman, I hope there will be no prolonged discussion. Of course, there may be some features of the bill that Members may not like, but I hope that a short statement will satisfy the Members of the House as to the importance of the bill.

Mr. MAPES. Why does not the gentleman let the Clerk read a section of the bill?

Mr. GARNER. Perhaps everybody is ready to pass it.

Mr. SISSON. All right. Let the Clerk proceed with the reading of the bill.

The Clerk read as follows:

SEC. 2. That in case a price can not be agreed upon between the commissioners and the parties in interest, for the purchase or lease of all or such parts of said plants, equipment, buildings and grounds as may be required, then, and in that event, all or such parts of the said plants, equipment, buildings and grounds hereinbefore described as may be necessary, are hereby declared to be and the same are hereby condemned and appropriated to and for the use of the United States of America, to be used, operated, and controlled by it, by and through the agency hereafter provided, and the Commissioners of the District of Columbia, as agents of the United States, be, and they are hereby, authorized and directed on the 1st day of July, 1918, to take charge and possession, in the name of, for, and by the authority of the United States of America of all or so much of the property, real and personal, described in section 1, paragraph 1, as may be necessary, and to use the same for the collection, removal, reduction, or disposal of garbage and miscellaneous refuse in the District of Columbia.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask the chairman if there are at present two contracts relating to the disposition and collection of garbage; and if there are two, whether both have expired, or will in the near future?

Mr. JOHNSON of Kentucky. The contract does not expire until the 30th of June.

Mr. WALSH. Are there two?

Mr. JOHNSON of Kentucky. There is one contract for garbage and another contract for other refuse—paper, ashes, night soil, and dead animals.

Mr. WALSH. The purpose is to take over the property of the present contractors for the District in the future to take care of the collection and disposition of refuse and garbage?

Mr. JOHNSON of Kentucky. That is done only in case of the inability of the commissioners to get bids.

Mr. WALSH. Will the gentleman state where the plants are now located?

Mr. JOHNSON of Kentucky. The garbage plant is in Virginia; I do not know how far it is from here.

Mr. MAPES. The statement of the commissioners is that it is about 30 miles.

Mr. JOHNSON of Kentucky. The paper and ash plant is over on the Eastern Branch of the river.

Mr. WALSH. In the District?

Mr. JOHNSON of Kentucky. Yes.

Mr. WALSH. Are the two plants engaged in this business in any other community, or is their business simply for the District?

Mr. JOHNSON of Kentucky. I have no knowledge on the subject, but my impression is that they are engaged here solely.

Mr. WALSH. Has the gentleman any idea as to the sum of money that will be required for the acquisition of these plants?

Mr. JOHNSON of Kentucky. The garbage plant has been appraised and found to be worth about $85,000, and this bill provides that it may be taken over at not exceeding $85,000.

Mr. WALSH. What information has the gentleman with reference to the refuse plant?

Mr. JOHNSON of Kentucky. I have no information as to that. If I am correctly informed, the man has thrown up the contract and the commissioners themselves are having the work done. They are removing the ashes, paper, dead animals, night soil, and so forth.

Mr. WALSH. I understood the gentleman to say that unless some remedy is provided by Congress that after the 1st of July the District of Columbia will be without means for taking care of the garbage situation or authorizing its disposition?

Mr. JOHNSON of Kentucky. That is it exactly. When the 1st day of July comes, without the passage of this bill the garbage must go into the back yards and alleys without provision for its removal.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Kentucky, in line 5, page 1, why do you use the word "further?"

Mr. JOHNSON of Kentucky. Because there is already an interruption. There was an interruption in the ash contract. The man has quit removing ashes and the commissioners are now removing them.

Mr. LITTLE. I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 5. That not exceeding $85,000 of the appropriation authorized herein may be expended for the purchase of the property of the garbage contractor; and not exceeding $50,000 may be expended for the purchase of the property of the miscellaneous refuse contractor: *Provided*, That the Commissioners of the District of Columbia are authorized to acquire by lease all or any part of the plant, equipment, buildings, and grounds of either of the present contractors engaged in the collection and removal of garbage and miscellaneous refuse, or property used by them, or such other equipment, buildings, and grounds as may be necessary to carry out the provisions of this act.

Mr. FESS. Mr. Chairman, I move to strike out the last word. In line 13, page 4, section 5, ought that not to be "a sum not exceeding $85,000?"

Mr. JOHNSON of Kentucky. I think the gentleman from Ohio is technically correct, but I do not think it is at all necessary. It would be quite clearly understood that $85,000 means a sum of money. I do not think it is material.

Mr. FESS. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 6. That should the Commissioners of the District of Columbia find that the garbage in the District can be disposed of in a sanitary manner and as economically by feeding it to pigs, live stock, and poultry on the land of the Home for the Aged and Infirm, located at Blue Plains, D. C., or on the land of the workhouse and reformatory of the District of Columbia, located at Occoquan and Lorton, Va., or both, or on such other land as the said commissioners may be able to acquire by purchase or lease in the States of Virginia or Maryland, the said commissioners are authorized to use either or all of said designated lands, or to purchase or lease land in the States of Virginia or Maryland for the purpose, and to adopt the pig, live stock, or poultry feeding method of disposal.

Mr. FESS. Mr. Chairman, I move to strike out the last word. In the phrase "live stock," does not that include the word "pigs"?

Mr. JOHNSON of Kentucky. Yes; live stock includes pigs.

Mr. FESS. Why should you set out something that is live stock as if it was not included in the term?

Mr. JOHNSON of Kentucky. If I had written the bill, I would have omitted the word "pigs" and have said "live stock."

Mr. FESS. It is repeated in line 17 and further on.

Mr. JOHNSON of Kentucky. It is synonymous all the way through.

Mr. FESS. Why should they do that?

Mr. JOHNSON of Kentucky. I do not know; but it makes no trouble.

Mr. FESS. I suppose not. I will withdraw the pro forma amendment.

The Clerk read as follows:

SEC. 7. That not exceeding $200,000 of the appropriation authorized herein may be expended for the purchase of pigs, live stock, and poultry.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Do I understand that the District government or some branch of it will purchase pigs, live stock, and poultry, in addition to acquiring these plants for the sole purpose of disposing of garbage?

Mr. JOHNSON of Kentucky. No; that is an alternative proposition.

Mr. WALSH. Alternative to what?

Mr. JOHNSON of Kentucky. To the acquirement of a plant. We do not know just how quickly the plant can be put into operation. It may require a lot of improvement.

Mr. WALSH. Is not the plant running at the present time?

Mr. JOHNSON of Kentucky. Yes; but in an inferior way. It will require a lot of improvements.

Mr. WALSH. What would become of the live stock if they were bought temporarily while the plant was being put into first class condition?

Mr. JOHNSON of Kentucky. Sold, and the money returned to the fund from which it came.

Mr. WALSH. If the gentleman will pardon me, I desire to ask him a question not pertaining to the section under consideration; but, as I understand, these condemnation proceedings instituted for the acquisition of this plant that is located in Virginia are vested in the Court of Appeals for the District of Columbia.

Mr. JOHNSON of Kentucky. What page is that?

Mr. WALSH. Page 3, section 3, and in section 4.

Mr. JOHNSON of Kentucky. Yes; that is correct.

Mr. WALSH. Is it not a little unusual to vest jurisdiction over the acquisition of property in a court which is outside the jurisdiction where the property is located?

Mr. JOHNSON of Kentucky. No. The gentleman will notice that the proceeding is to be in the name of the United States, and the property is to be taken over in the name of the United States, and the United States has taken over property for public purposes of the District of Columbia in the States of Virginia and Maryland. Land for the Occoquan prison was acquired by the same kind of a proceeding.

Mr. WALSH. Is this the United States Court of Appeals?

Mr. JOHNSON of Kentucky. Yes; it is the Federal court.

Mr. WALSH. In the District?

Mr. JOHNSON of Kentucky. Yes.

Mr. WALSH. I withdraw the pro forma amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman from Kentucky tell why the $200,000 has been fixed for this particular purpose of purchasing pigs, live stock, and poultry? And before he answers, I call his attention to the fact that in section 5 $85,000 is appropriated for the purchase of the property of the garbage contractor, and not exceeding $50,000 for the purchase of the property of the miscellaneous-refuse contractor. More money may be expended than that, but if the property of the garbage contractor is to be bought at not more than $85,000, and that of the miscellaneous-refuse contractor is not worth more than $50,000, why $200,000 to expend for live stock?

Mr. JOHNSON of Kentucky. The live stock would not go to those places. It is an alternative proposition. One is to feed it without acquiring the property, and the other is to acquire the property and not feed it.

Mr. MOORE of Pennsylvania. It occurred to me from a hurried reading that that was a disproportionate amount.

Mr. JOHNSON of Kentucky. No. If the garbage is fed to live stock, it will take a large sum of money to buy the stock, because the stock is so high. The gentleman will bear in mind that this is only an authorization.

Mr. MOORE of Pennsylvania. Yes; not exceeding $200,000.

Mr. JOHNSON of Kentucky. Yes; and the Committee on Appropriations will have to handle the appropriation of that money, and then would come the question to which the gentleman now refers.

Mr. MOORE of Pennsylvania. Did the District committee have any testimony showing that such an amount would be required?

Mr. JOHNSON of Kentucky. Yes; we had the commissioners before us.

Mr. MASON. And the engineer commissioner?

Mr. JOHNSON of Kentucky. Yes; the engineer commissioner has the matter largely in hand.

Mr. MOORE of Pennsylvania. Was so large an amount suggested as $200,000?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. LOBECK. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. LOBECK. My understanding is that if they can get this property in Virginia or can find a place to dump the garbage somewhere within the District, the commissioners will do so; otherwise the District commissioners are going into the pig business because they can get farms that are of no value for raising crops adjoining the District of Columbia, somewhere near by, and that they think it is a good proposition to get these pigs down on these farms so as to fertilize the land. They are going further into the pig business, then, to purchase pigs, but they are going also to buy female pigs of good variety and get males and go into the pig-raising business for a number of years. Now, that is what one of the commissioners of the District of Columbia said to the committee.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LOBECK. Yes.

Mr. MOORE of Pennsylvania. That does not appear to be a function connected with the disposition of garbage. That is really a proposition of increasing the quantity of garbage, I would say.

Mr. LOBECK. No; it is to fertilize the land, so it shall become valuable for raising crops hereafter.

Mr. MOORE of Pennsylvania. What has that to do with the disposition of garbage?

Mr. LOBECK. If they go to work and feed the hogs it will fertilize the land at the same time and make the land valuable.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, in his time, to ask the chairman of the committee whether this is the real purpose of starting a hog farm—for the purpose of fertilizing the land?

Mr. JOHNSON of Kentucky. If anybody has that purpose, I have not heard of it.

Mr. LOBECK. I heard it in the committee room by Col. Gardiner, one of the commissioners.

Mr. JOHNSON of Kentucky. There was something said about that, but if a sow has pigs, what are you going to do with them, kill them or sell them? Of course, you do not want to——

Mr. MOORE of Pennsylvania. That is a fair proposition, but is the District of Columbia to be authorized to go into the business of fertilizing farms by purchasing pigs merely for that purpose?

Mr. JOHNSON of Kentucky. No; they would not be purchased for that purpose, but wherever a pig is put the droppings will fertilize the land, as a matter of course.

Mr. MOORE of Pennsylvania. May I ask the gentleman if these farms become the property of the District of Columbia?

Mr. JOHNSON of Kentucky. There is no authorization to buy land or any extensive plant except the garbage-reduction plant.

Mr. LOBECK. There is live stock named in this bill.

Mr. JOHNSON of Kentucky. But if you have the garbage and have no place to put it, it ought to be fed to something.

Mr. ROBBINS. Mr. Chairman, I move to strike out the words "two hundred thousand" and insert in lieu thereof "ten thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 15, strike out "two hundred thousand" and insert "ten thousand."

Mr. ROBBINS. I think, gentlemen of the committee, of all the ridiculous propositions that ever was put before a sensible legislative body this proposition of spending $200,000 in buying chickens and pigs, which are to eat the garbage of the city of Washington, is the most ridiculous. Take the city of Pittsburgh. It has a garbage plant established in my district and there they are burning up and incinerating all the garbage of that great city, transported to this plant in closed cars, collected in the city in closed wagons and tanks, and out of that garbage they extract a certain amount of fertilizer, oil, metal, and other articles of value, which the contractor sells. Here you propose to feed it to pigs that are to be eaten by people as food and to chickens that are to be eaten by people, consumed as food by human beings. Whoever heard of a proposition of that kind? Do you believe a pig that is fed on garbage of a great city would be fit to eat?

Mr. JOHNSON of Kentucky. Of course they would be.

Mr. ROBBINS. It would produce in the first place cholera and diseases in the pigs and in the next place contribute it to the people who eat such pork.

Mr. JOHNSON of Kentucky. There is not a farmer in the United States——

Mr. ROBBINS. Wait a minute; I have not yielded the floor, and the gentleman can ask a question when I get through with this statement. I do not know of a city that attempts to dispose of its garbage by feeding it to food-producing animals, such as pigs and chickens. The way to dispose of the garbage is to destroy it.

Mr. LITTLE. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. ROBBINS. I do.

Mr. LITTLE. I wish to say that Kansas City, Mo., used to do that.

Mr. JOHNSON of Kentucky. Louisville, Ky., is doing that. It got in a bad condition and could not handle its garbage, and it is to-day feeding its garbage to hogs.

Mr. ROBBINS. I never heard of a thing of that sort.

Mr. JOHNSON of Kentucky. They are doing that now.

Mr. ROBBINS. I am not doubting the gentleman's word, but it is doomed to be a failure. The garbage of a city is the refuse of a city. It is the stuff that is thrown away as worthless.

Mr. JOHNSON of Kentucky. The gentleman does not know anything about feeding pigs.

Mr. ROBBINS. I know something about it. I know a pig must be fed clean, wholesome food if it is to be a clean, wholesome animal.

Mr. JOHNSON of Kentucky. Every farmer in the United States feeds his garbage to pigs.

Mr. ROBBINS. But they feed it in the condition of sour milk and cullings from the table, and try to see that it is in clean, palatable condition and healthy. The farmers all give this careful attention.

Mr. MAPES. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. MAPES. I want to interrupt the gentleman to add my statement that Grand Rapids, Mich., disposed of its garbage for several years in such a way. It was fed to pigs, and very satisfactorily.

Mr. ROBBINS. But they have discarded it, have they not?

Mr. MAPES. Because they could not get the contractor to renew his contract.

Mr. ROBBINS. The pigs all died of cholera, I suppose.

Mr. MAPES. No; they did not.

Mr. MEEKER. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. MEEKER. The reduction of table scraps to feed stock is the most modern method of all. The gentleman is confusing pigs and goats. Goats eat cans. We are talking about table scraps.

Mr. ROBBINS. Do not let us treat with levity at this time an appropriation of $200,000 of the taxpayers' money. Let us be serious. You are proposing to invest $200,000 in pigs and chickens to eat up the garbage of Washington City.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. ROBBINS. In just a moment. If it were possible to select the meat cuttings and the bread culls and probably the apple parings, and a few of those things, and preserve them separate in proper receptacles, such selective table leavings might be fed with some degree of safety to pigs, but that is just exactly what you can not do in collecting garbage in a public way in a city. It is thrown into cans and mixed up with all kinds of refuse, dirt, and filth, and can not be kept sanitary.

Mr. WALSH. Mr. Hoover will not permit you to use that for feeding swine, will he?

Mr. ROBBINS. I have not seen any of Mr. Hoover's late edicts on that; he prescribes the bill of fare for men, not pigs.

Mr. JOHNSON of Kentucky. I will say to the gentleman, in talking of an appropriation, this does not appropriate any money. It authorizes an appropriation upon which you can vote at another time.

Mr. ROBBINS. That is true, but you are setting aside a sum, not to exceed $200,000, for the District Commissioners of the District of Columbia to use, and you know how the District Commissioners use everything that Congress appropriates to them. You were the champion of the people against the profiteer. Now you are turning around to favor them.

Mr. JOHNSON of Kentucky. I am turning around in order to have the garbage taken out and consumed in order to keep the people from dying from disease.

Mr. ROBBINS. I am not opposed to taking out garbage, but I object most earnestly to buying pigs to eat up the garbage. There are modern methods of treating city garbage by incineration, and that is the method that should be adopted in the Capital City of this Nation. This plan not only means to waste the sum of $200,000 needed to support our gallant soldiers now fighting in France, but it is a method that will be fly breeding, disease spreading, and antiquated. This item can be stricken from the bill and not prevent the other provisions from being enforced. The promiscuous garbage of a city is an unhealthy conglomeration that even pigs can not eat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I want to ask the gentleman from Kentucky a question. Has the committee investigated any other method of handling this? For example, the city of Berlin before the war had a method by which it reduced the entire produce of garbage to a fertilizer, and it had a large farm of its own, consisting of many hundreds of acres. Have you ever investigated any other methods than this one?

Mr. JOHNSON of Kentucky. No European method at all. There is a proposition here from a man who wants to take the garbage for the purpose of making alcohol, and it is perfectly feasible, too, but it came in after this bill was agreed upon.

Mr. LITTLE. It seems to me that if this committee is going to put so much in it, it should have investigated the new methods.

Mr. JOHNSON of Kentucky. I will say to the gentleman that the committee is undertaking to provide a means by which the garbage may be disposed of. It is an emergency case, and unless it is done when the 1st of July comes along they will have no means unless you provide a bill.

Mr. LITTLE. Why did you not do it six months ago?

Mr. JOHNSON of Kentucky. As I said a few moments ago, when the time came for letting the bids the contractor, who has disposed of the garbage at $69,000, put in a bid of $147,000, and now will not bid at all, and neither will anybody else.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. ROBBINS. Are they using pigs now?

Mr. JOHNSON of Kentucky. No. The man who takes away the garbage now uses it in his own way.

Mr. ROBBINS. Did your committee investigate the question of an incineration plant to destroy the garbage by burning?

Mr. JOHNSON of Kentucky. Yes; but I think that is considered too wasteful to be thought of.

Mr. LITTLE. The modern method is to use it scientifically for some beneficial purpose. Instead of incinerating it, you can use it for fertilizer. The city of Manchester uses it for fertilizer and ships it out, or did a few years ago. In Kansas City, Mo., they fed it to the hogs. A gentleman had a contract, and he did pretty well. I was employed as an attorney in a lawsuit for him, in which the matter was quite thoroughly discussed, and I never heard of it making any hog sick or having any bad result. I was a little surprised that I did not hear of it; but I did not. I thought I would hear something of that kind. In China and Japan the refuse of towns and cities is always utilized as a fertilizer. To waste that product would be considered very foolish. It is the most valuable product of many cities. Scientifically handled, reduced to a liquid fertilizer, the city of Berlin, if my memory serves me, did, and perhaps still does, fertilize a farm as large as the city, which she owned, with much profit. We should have begun this discussion, or the committee should, long since, and should be prepared to use the very best modern methods. I am getting tired of committees waiting till the last minute and rushing through important matters under a fire alarm.

Mr. LOBECK. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last two words.

Mr. LOBECK. Gentlemen, this is a serious question, and, so far as I am concerned, I am going to vote for this bill. I looked into this garbage question when I was on the District Committee some years ago. We authorized an expenditure of $10,000 on a resolution here to look up the matter of garbage disposal, and a report to Congress was made by a gentleman who was brought here from a city in Ohio, where he had constructed a reduction plant, and in that report he stated that different methods of disposal of garbage could be employed either by incineration, by which power, heat, and light could be generated, or dispose of garbage by reduction, and by which the commissioners would be enabled to sell grease and fertilizer, and so on. The cost of the different methods was stated to be about even. The methods used in England to-day or in any community or in any State that has looked into it for any considerable time can be investigated and studied. The best possible way, to my mind, to reduce garbage in order to take care of health is the incinerating method, but I do not care which method is used. If the District of Columbia, through its Committee on the District or through the Committee on Appropriations of this House, had taken the matter in hand four or five years ago when this engineers' report was brought to the attention of Congress we would not now face a condition that may cost this District of Columbia a tremendous lot of money and possibly result in providing a very poor way for the disposal of garbage.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LOBECK. Yes.

Mr. MOORE of Pennsylvania. Why do we not resort to the incinerating process now?

Mr. LOBECK. Well, it would take some time to construct the plant, either if a first-class reduction plant or an incinerating plant were decided upon.

Mr. MOORE of Pennsylvania. I notice that this bill proposes to appropriate in all $620,000. That is a very large sum, I will say, for the District of Columbia, comparing it with other cities. In some of the cities the removal and disposal of garbage pays for itself and gives a profit to the contractor. I think that was the case in New York City some years ago.

Mr. MANSFIELD. The hearings that were held show that there was no city in the United States where it was paying.

Mr. MOORE of Pennsylvania. Some years ago we had some evidence here in the House as to one of the cities, where money was being paid for the privilege of removing the garbage, but this is a little old-fashioned method. Of course, live stock disposes of garbage on the farm. There is no disputing that question. But it seems to be a primitive method to resort to, and in this city it would involve a very large expense. If you are going to go into an undertaking of that kind, why not make it a permanent undertaking at once?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GARNER. Mr. Chairman, the limit of debate on this amendment is exhausted.

Mr. LOBECK. I ask for five minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman from Nebraska may have two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Nebraska may proceed for two minutes more. Is there objection?

Mr. LOBECK. I asked for five minutes.

Mr. ROBBINS. Mr. Chairman, the gentleman ought to have five minutes. He was interrupted.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LOBECK. It is regrettable that the District of Columbia, the Capital of the Nation, is going back to ante bellum methods, methods that are a hundred years old; going back to a method that no respectable city of this country of 50,000 inhabitants and over would resort to. That is what this bill means; but we have got to vote for it, owing to the conditions here. If Congress, through its District Committee or its Committee on Appropriations, had acted on the report of the engineer on which we had spent $10,000, we would have been prepared to take care of the situation on the 1st of July this year. That is what that resolution intended to do.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. LOBECK. Yes.

Mr. JOHNSON of Kentucky. The gentleman will recollect that the House passed an appropriate bill and sent it over to the Senate, and it died there.

Mr. LOBECK. I know it died there. I said that Congress had not acted.

Mr. WHEELER. Does not the gentleman realize that the condition with which we are confronted is caused by the fact that the Committee on the District of Columbia never brought up this matter until recently?

Mr. LOBECK. Oh, it was brought up in 1911 and 1912, and the records are here. It was fully discussed at that time. The gentleman from Wisconsin remembers it very well. The gentleman from Illinois [Mr. MADDEN] remembers the discussion. He is not here now. But this is the condition with which we are confronted: I do not think it will pay to buy or rent a farm and go into the hog business at this time. Hogs are worth $15 to $20 a hundred, and I do not know that you can buy stock

hogs at this time of the year. You might buy them in the fall, but not when grass is green. Then, you run the risk of hog cholera. The gentleman from Pennsylvania was asked if he knew anything about raising hogs.

I have not been in the hog business for many years, but there was a time when I knew something about it, and I raised and fed and shipped as good hogs as any man in the country. I know it is a risky proposition. I am opposed to the commissioners going into the hog business. I do not believe it would be wise to do so now or any other time. I have no objection to buying this plant down in Virginia. We have got to do something. It is all right to take care of this rubbish plant out on the Benning Road, which is a disgrace to the city of Washington at this time. What the District of Columbia ought to do is to set an example to the cities of this country and have some up-to-date method to take care of the garbage of this city. It can be done if Congress will.

Mr. JOHNSON of Kentucky. I do not know that this alternative provision will ever be accepted if it becomes a law, but it is an undeniable fact that since they have been vaccinating hogs they no longer die from cholera. On my farm I never had a hog die since we have been practicing vaccination.

Mr. LOBECK. That is so. I want to say that I raised and fed hogs for years without inoculation and luckily did not have hog cholera among my hogs, but this cholera cure from the Agricultural Department does not always give good results, although I may add that I know of good results when the remedies proposed by the Agricultural Department have been utilized.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania to strike out "$200,000" and insert "$10,000."

The question was taken; and on a division (demanded by Mr. ROBBINS) there were—ayes 15, noes 40.

Accordingly the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out "$200,000" and insert "$50,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to amend page 5, line 15, by striking out "$200,000" and inserting "$50,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to say a word or two on this proposition. We are going back to early methods, and very crude methods at that, of disposing of the garbage of a great city. If we are going into the business of garbage disposal as a municipal proposition, why not go into it right? This is the Nation's Capital and we ought to be up to date. We could construct an incinerating plant and put it under the direction of the commissioners, apparently, with the money that is appropriated in this bill for experimental purposes. We should start right. I have moved to strike out $200,000 and insert $50,000 because I do not believe we ought to go into the wholesale poultry and cattle business through the District commissioners. We ought to be businesslike in this matter, involving the health of the Capital City of this Nation, and not do it in a doubtful way or by halves.

Mr. SLOAN. The greatest source of losses of hogs now, as demonstrated at the various packing establishments, is not cholera, but tuberculosis, and the largest source of tuberculosis in hogs is garbage and that which accompanies garbage, the rejected milk of dairies, creameries, and so on. I have made considerable investigation of this subject. Congress has made an appropriation for the purpose of reducing and finally eradicating tuberculosis, of which, as I say, the most growing source in hogs is through feeding them garbage. That is the undisputed evidence of all the men who have given testimony before the committee, the scientists and all who discussed this matter. So if you buy hogs for the purpose of feeding them garbage, you are entering a dangerous field and what will be an unprofitable business.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say a word before my time expires. I thank the gentleman for his support, but I did want to say that this is an experimental proposition and we ought not to go into it wholesale. If you are going to try out the pig, live-stock, and poultry business, let us begin in a small way and use $50,000 instead of $200,000.

Mr. GARNER. If the gentleman will permit me, this is purely an authorization, and I believe that the Appropriations Committee will go into every phase of it before it makes an appropriation. Does not the gentleman think he can trust the Appropriations Committee?

Mr. MOORE of Pennsylvania. I am willing to trust the Appropriations Committee. I was willing to trust the District Committee, but it has brought in a bill that is not altogether satisfactory. Does not the gentleman believe that we should strike out this appropriation for pigs, live stock, and poultry and put it into an incinerating plant? I think we could get one started for $200,000.

Mr. GARNER. I am not enamored with the proposition to go into the business of raising pigs myself, but I think the Appropriations Committee will thrash it out in all its details.

Mr. MOORE of Pennsylvania. So far as the pigs are concerned, it is purely a socialistic proposition. [Laughter.]

Mr. MAPES. Mr. Chairman, it might be interesting to gentlemen of the House to know what the commissioners say about this proposition, and incidentally it is a condition that faces the people of the District and not a theory. This incinerating plant, of which the gentleman from Pennsylvania has spoken, was recommended several years ago by the commission which the gentleman from Nebraska spoke of, and the reason why the District Commissioners do not recommend building it at this time is because it would be absolutely impossible to erect it by the time the contract for the disposal of garbage in the District expires, namely, the 30th of June.

Another reason is because of the abnormal cost of putting up such a plant at this time. The commissioners recommend this proposition of feeding hogs as one of three different ways which may be adopted. It does not necessarily follow that because this is put in the bill as one of the alternatives for the disposition of garbage that the commissioners will adopt it.

Let me read one or two sentences from the letter of the commissioners to the chairman of the committee recommending this bill:

This method was represented to be the most satisfactory and the most economical. It was set forth that the cost of the necessary plants and equipment would be $885,900. Under present abnormal conditions this cost would be increased to about $1,200,000. Even if sufficient time were available to provide for such plants it is believed that the present excessive cost would not justify the adoption of this course of action.

The advisability of adopting temporary expedients is believed to be clearly indicated. If satisfactory arrangements can not otherwise be made, it should be within the power of the commissioners to conduct any or all of the operations incident to the services under consideration as municipal functions. The granting of such power is the purpose of the proposed legislation. Such authority or power should be obtained at the earliest possible moment in order that adequate and timely preparations may be made.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. What has been said by the gentleman from Pennsylvania and the gentleman from Michigan and the other discussion here bears out what I said privately some time ago, that when you begin to dig around in this bill you will find that there is a little garbage in the bill. This matter of jumping the thing through this evening in a slipshod way ought not to go on, because when you look at section 9 it means to let the farmers come in with a tin wagon or anything of that sort and take out what garbage they want. The necessity of this bill is 30 days away, when you are going to need the money, and if this bill is so important, we can attend to the garbage plant later. I make the point of no quorum.

Mr. CLEARY. Mr. Chairman, I move to strike out the last word. I wish to make an explanation.

The CHAIRMAN. The gentleman from Missouri has made a point of no quorum and no business can be transacted until after that matter is decided. The Chair will count. [After counting.] Eighty Members present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Crago	Foss	James
Anderson	Curry, Cal.	Frear	Johnson, S. Dak.
Anthony	Dale, N. Y.	Fuller, Ill.	Johnson, Wash.
Austin	Dallinger	Fuller, Mass.	Jones
Bacharach	Darrow	Gallagher	Kahn
Barkley	Davidson	Gallivan	Kearns
Beshlin	Dempsey	Gard	Kelley, Mich.
Borland	Denison	Godwin, N. C.	Kennedy, R. I.
Bowers	Dent	Goodall	Kettner
Brand	Dewalt	Gould	Key, Ohio
Brodbeck	Dickinson	Graham, Pa.	Kiess, Pa.
Browne	Dies	Green, Iowa	King
Brumbaugh	Donovan	Gregg	Knutson
Buchanan	Dooling	Griest	Kreider
Butler	Doremus	Griffin	LaGuardia
Caldwell	Drukker	Hamill	Lehlbach
Campbell, Kans.	Dunn	Hamilton, N. Y.	Lesher
Campbell, Pa.	Dupré	Hamlin	Longworth
Cannon	Dyer	Harrison, Va.	Lufkin
Carew	Eagan	Haskell	Lunn
Carlin	Elston	Hayes	McClintic
Carter, Mass.	Estopinal	Heintz	McCormick
Chandler, N. Y.	Evans	Hensley	McCulloch
Chandler, Okla.	Fairchild, B. L.	Hicks	McKenzie
Church	Fairchild, G. W.	Hood	McKeown
Clark, Fla.	Ferris	Houston	McKinley
Clark, Pa.	Fields	Howard	McLaughlin, Pa.
Classon	Fisher	Husted	McLemore
Coady	Flood	Hutchinson	Madden
Copley	Flynn	Igoe	Magee
Costello	Focht	Ireland	Maher

Mann	Purnell	Shouse	Talbott
Martin	Ragsdale	Siegel	Templeton
Merritt	Rainey, H. T.	Sims	Thompson
Miller, Minn.	Ramsey	Slayden	Tinkham
Mondell	Rankin	Slemp	Towner
Montague	Rayburn	Small	Treadway
Morin	Riordan	Smith, Idaho	Vare
Mott	Roberts	Smith, C. B.	Vinson
Mudd	Robinson	Smith, T. F.	Voigt
Nelson	Rodenberg	Snell	Volstead
Nichols, Mich.	Rowe	Snyder	Walker
Nolan	Rowland	Stafford	Walton
Norton	Rubey	Steagall	Ward
Oliver, Ala.	Rucker	Stedman	Watson, Pa.
Oliver, N. Y.	Russell	Steele	Weaver
Olney	Sanders, La.	Steenerson	Webb
O'Shaunessy	Sanford	Stephens, Nebr.	Whaley
Overmyer	Scott, Iowa	Sterling, Pa.	White, Ohio
Padgett	Scott, Mich.	Stevenson	Williams
Paige	Scott, Pa.	Stiness	Wilson, Ill.
Parker, N. Y.	Scully	Strong	Winslow
Peters	Sells	Sullivan	Wise
Porter	Shackleford	Sumners	Wood, Ind.
Pou	Shallenberger	Swift	Woodyard
Powers	Sherley	Switzer	Wright
Price	Sherwood	Tague	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 10613, found itself without a quorum, that the roll was called and 199 Members answered to their names, a quorum, and he handed in the names of the absentees to be entered in the Journal.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Would it be in order at this time to move to adjourn?

The SPEAKER. The House automatically goes back into the committee. The Chair made up his mind a long time ago, after he got caught once, never to recognize anybody in this situation for anything. The committee will resume its sitting.

The committee resumed its sitting.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

Mr. JOHNSON of Kentucky. Mr. Chairman, I hope that no motion of that kind will prevail. There is no need to try to kill a good bill by filibustering.

The CHAIRMAN. The Chair has recognized the gentleman from Pennsylvania, and the motion is clearly in order.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 59, noes 59.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. MOORE of Pennsylvania and Mr. JOHNSON of Kentucky to act as tellers.

The committee again divided; and the tellers reported—ayes 53, noes 63.

So the motion was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania to strike out "$200,000" and insert "$50,000."

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 46, noes 71.

So the amendment was rejected.

The Clerk read as follows:

SEC. 9. That every person, corporation, association, or institution in the District of Columbia, under such rules and regulations as the commissioners may prescribe, may transport in closed metal containers from the place of origin to places outside of the District of Columbia any refuse, including meat, bread, and vegetables, not in a decayed or decomposed condition, to be fed to poultry, pigs, or other live stock at any place where such feeding is not prohibited by law.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that all debate on the paragraph be now closed.

Mr. WALSH. Mr. Chairman, I make the point of order that that motion is not now in order.

The CHAIRMAN. That motion is not in order until debate has been had.

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. If gentlemen will look at that section for a minute, they will see what a proposition we are opening up. It provides that every person, corporation, association, or institution in the District of Columbia, under such rules and regulations as may be prescribed, may collect garbage. That is the kind of system they have in villages of about two or three hundred inhabitants, where the farmers can come in there with their wagons, under some sort of an arrangement that might be made, and go down to the hotels, load up what stuff they want, and simply take that old, worn-out, repudiated, haphazard system of collecting garbage. Now, it is just this kind of stuff in this bill that makes it really and truly a garbage bill, and when you stop and look at that paragraph of only eight lines, think just a moment and see where you turn the matter of the collection of garbage to anybody who will haul a barrel a day instead of holding it down to a municipal collection system under one provision and one plan, and you can begin to see what this bill means. Now, I move to strike out section 9.

Mr. JOHNSON of Kentucky. Mr. Chairman, section 9 is one of the best provisions of the bill. There are institutions in this city that have meat and bread scraps left on their tables which they themselves desire to haul out in sealed containers to feed to hogs, to their own hogs, on their own farms—Providence Hospital is one of them—and under the law as it stands to-day they can not do it. I say they ought to have the right to do it. They should feed the bread and meat scraps on the table that have never gone to the garbage can, which, under present laws, can not be hauled out to their own stock, and under the provisions of the bill it can be done. It is one of the best provisions of the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. COOPER of Wisconsin. I see by this paragraph it is to be done under such rules and regulations as the commissioners may prescribe, so it is not a haphazard system at all.

Mr. MEEKER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MEEKER. Does the gentleman contend that stuff from this hospital ought to be used to feed to hogs?

Mr. JOHNSON of Kentucky. If it is fed to human beings it is certainly good enough to be fed to hogs.

Mr. MEEKER. Diseased human beings?

Mr. JOHNSON of Kentucky. Diseased human beings do not eat that which is left on the table and nobody else does.

The question was taken, and the amendment was rejected.

The Clerk resumed and concluded the reading of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that the bill do pass.

Mr. ROBBINS. Will the gentleman allow me to make a unanimous-consent request for permission to extend my remarks?

Mr. JOHNSON of Kentucky. I will withhold the motion for a moment.

Mr. ROBBINS. On this bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10613 and had directed him to report it back to the House without amendment and with the recommendation that the bill do pass.

Mr. JOHNSON of Kentucky. Mr. Speaker——

Mr. MEEKER. I make the point there is no quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill to final passage.

Mr. MEEKER. Mr. Speaker, I make the point of no quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, the gentleman had not been recognized for anything.

The SPEAKER. The Chair wants to get it straight. Does the gentleman from Missouri——

Mr. MEEKER. I make the point of no quorum.

Mr. JOHNSON of Kentucky. But the gentleman was not recognized.

The SPEAKER. The Chair thinks the gentleman from Missouri was within his rights and will count.

Mr. JOHNSON of Kentucky. Mr. Speaker, before the announcement of the result I ask unanimous consent that the bill may be taken up to-morrow morning after the reading of the Journal and the disposal of matter on the Speaker's table.

Mr. THOMAS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. THOMAS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. Will it be in order to move that the bill and all amendments thereto be laid on the table?

The SPEAKER. You can not do anything unless you have a quorum.

Mr. THOMAS. If we have a quorum, will that be in order?

The SPEAKER. Why, of course, if you get a quorum.

Mr. THOMAS. All right.

The SPEAKER. One hundred and twenty-six gentlemen are present, not a quorum.

Mr. JOHNSON of Kentucky. What about my unanimous-consent request?

The SPEAKER. You can not have a unanimous-consent request without a quorum.

Mr. MEEKER. Mr. Speaker, I move that the House do now adjourn.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Kentucky moves a call of the House.

Mr. MEEKER. I move that the House adjourn.

The SPEAKER. The gentleman from Missouri moves that the House adjourn. The motion to adjourn is next to the highest motion that can be made in the House.

The question is on the motion of the gentleman from Missouri [Mr. MEEKER] that the House do now adjourn.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. MEEKER. Division, Mr. Speaker.

The House divided; and there were—ayes 34, noes 76.

So the motion was rejected.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alexander	Fields	Lever	Sanford
Anderson	Fisher	Littlepage	Scott, Iowa
Aswell	Flood	Longworth	Scott, Mich.
Austin	Flynn	Lufkin	Scott, Pa.
Bacharach	Foss	Lunn	Scully
Barkley	Frear	McClintic	Sells
Beshlin	Fuller, Ill.	McCormick	Shackleford
Booher	Fuller, Mass.	McCulloch	Sherley
Borland	Gallagher	McKenzie	Shouse
Bowers	Gallivan	McKeown	Siegel
Brand	Gard	McKinley	Sims
Britten	Garner	McLaughlin, Pa.	Slayden
Brodbeck	Goodall	McLemore	Slemp
Browne	Goodwin, Ark.	Madden	Small
Browning	Gould	Magee	Smith, Idaho
Burnett	Graham, Pa.	Maher	Smith, C. B.
Butler	Gray, N. J.	Mann	Smith, T. F.
Caldwell	Gregg	Martin	Snell
Campbell, Kans.	Griest	Miller, Minn.	Snyder
Campbell, Pa.	Griffin	Mondell	Stafford
Cannon	Hamill	Montague	Steagall
Cantrill	Hamilton, N. Y.	Moores, Ind.	Steele
Carew	Hamlin	Morin	Steenerson
Carter, Mass.	Hardy	Mott	Stephens, Nebr.
Chandler, N. Y.	Harrison, Va.	Mudd	Sterling, Pa.
Church	Haskell	Nicholls, S. C.	Stevenson
Clark, Fla.	Hayes	Nichols, Mich.	Stiness
Clark, Pa.	Heaton	Nolan	Strong
Classon	Heflin	Norton	Sullivan
Coady	Heintz	Oliver, Ala.	Sumners
Cooper, Ohio	Hensley	Oliver, N. Y.	Swift
Copley	Hicks	Olney	Switzer
Costello	Holland	O'Shaunessy	Tague
Curry, Cal.	Hood	Overmyer	Talbott
Dale, N. Y.	Houston	Padgett	Templeton
Dallinger	Howard	Paige	Thompson
Darrow	Husted	Parker, N. Y.	Tinkham
Dempsey	Ireland	Powers	Towner
Denison	James	Pratt	Vare
Dent	Johnson, S. Dak.	Price	Volgt
Dewalt	Johnson, Wash.	Purnell	Volstead
Dickinson	Jones	Ragsdale	Walker
Dies	Kahn	Rainey, H. T.	Walton
Donovan	Kearns	Ramsey	Ward
Dooling	Kelley, Mich.	Randall	Watson, Pa.
Doolittle	Kelly, Pa.	Rankin	Watson, Va.
Doremus	Kennedy, R. I.	Rayburn	Weaver
Doughton	Kettner	Riordan	Webb
Drukker	Key, Ohio	Roberts	Whaley
Dunn	Kiess, Pa.	Robinson	White, Me.
Dupré	King	Rodenberg	Williams
Dyer	Kitchin	Rowe	Wilson, Ill.
Eagan	Kreider	Rowland	Wilson, La.
Elston	LaGuardia	Rucker	Wilson, Tex.
Estopinal	Lazaro	Russell	Winslow
Evans	Lee, Ga.	Sabath	Wise
Fairchild, B. L.	Lehlbach	Sanders, La.	Wright
Fairchild, G. W.	Lesher	Sanders, N. Y.	Young, Tex.

A quorum failing to appear, the following took place:

The SPEAKER. One hundred and seventy-four Members are present, not a quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the Speaker issue warrants for the arrest of the absentees, and instruct the Sergeant at Arms to bring them to the bar of the House.

Mr. MEEKER. I move that the House do now adjourn.

Mr. JOHNSON of Kentucky. I make the point of order that the motion is dilatory.

The SPEAKER. The Chair thinks it is. The gentleman from Kentucky moves that the Speaker issue warrants for the arrest of the absentees, and instruct the Sergeant at Arms to bring them to the bar of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MEEKER. Division, Mr. Speaker.

The House divided; and there were—ayes 71, noes 33.

Mr. MEEKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri [Mr. MEEKER] demands the yeas and nays.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. Is that in order under the present circumstances, right while the yeas and nays are being called, and in the middle of a roll call? There is but one motion in order.

The SPEAKER. The gentleman from Missouri [Mr. MEEKER] demands the yeas and nays.

Mr. QUIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. QUIN. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. QUIN. There was a motion pending, and it failed to develop a quorum, and the gentleman from Kentucky [Mr. JOHNSON] made a motion that these men be arrested and a quorum brought in here.

The SPEAKER. Ordinarily the yeas and nays are called simply for the purpose of verification of the vote, and the Chair thinks a Member has a right to the yeas and nays. The Clerk will call the roll.

Mr. FOSTER. No, Mr. Speaker, they have not a sufficient number.

The SPEAKER. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five gentlemen have risen; not a sufficient number.

Mr. ROGERS. The other side, Mr. Speaker.

The SPEAKER. Those opposed to taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five is a sufficient number in this House. The Clerk will call the roll.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. What was the motion of the gentleman from Kentucky?

The SPEAKER. To have the Speaker issue a writ or warrant for absent Members, to bring them in.

Mr. COOPER of Wisconsin. It does not take a quorum of the House to bring in the absentees.

The SPEAKER. No; it does not.

Mr. COOPER of Wisconsin. Then the point was made that no quorum was present. It does not require a quorum.

The SPEAKER. That was not the point.

Mr. COOPER of Wisconsin. I misunderstood the situation.

Mr. CROSSER. Mr. Speaker, I ask for tellers as to whether there was an insufficient number.

Mr. WALSH. That is not in order.

Mr. MEEKER. Mr. Speaker, I move that the House do now adjourn.

Mr. JOHNSON of Kentucky. That is clearly dilatory.

The SPEAKER. The Chair thinks it is. The Clerk will call the roll. The question is on the motion that the Speaker issue his warrant to bring in the absentees.

The question was taken; and there were—yeas 116, nays 33, answered "present" 1, not voting 280, as follows:

YEAS—116.

Almon	Davis	Green, Iowa	Mapes
Ashbrook	Decker	Hamilton, Mich.	Mason
Baer	Delaney	Harrison, Miss.	Mays
Barnhart	Denton	Hastings	Miller, Wash.
Beakes	Dillon	Hawley	Moon
Bell	Dixon	Hayden	Morgan
Black	Dominick	Helm	Nicholls, S. C.
Blackmon	Dowell	Helvering	Overstreet
Blanton	Drane	Hilliard	Phelan
Burroughs	Elliott	Huddleston	Polk
Byrnes, S. C.	Emerson	Jacoway	Quin
Campbell, Kans.	Esch	Johnson, Ky.	Rainey, J. W.
Candler, Miss.	Fairfield	Kehoe	Raker
Caraway	Ferris	Kelly, Pa.	Ramseyer
Carlin	Flood	Kincheloe	Reavis
Cary	Focht	Lea, Cal.	Reed
Classon	Foster	Linthicum	Romjue
Claypool	French	Little	Rouse
Cleary	Gandy	Littlepage	Rubey
Collier	Garland	Lobeck	Saunders, Va.
Connelly, Kans.	Garrett, Tex.	London	Schall
Cooper, Wis.	Glass	Lonergan	Shallenberger
Cox	Goodwin, Ark.	Lundeen	Sherwood
Cramton	Graham, Ill.	McAndrews	Sinnott
Crosser	Gray, Ala.	Mansfield	Sisson

Snook	Thomas	Vestal	Wheeler
Stephens, Miss.	Tillman	Vinson	Wingo
Sweet	Timberlake	Watkins	Wood, Ind.
Taylor, Ark.	Van Dyke	Welling	Young, N. Dak.

NAYS—33.

Chandler, Okla.	Greene, Vt.	Larsen	Smith, Mich.
Cooper, W. Va.	Hadley	McFadden	Sterling, Ill.
Currie, Mich.	Heaton	Meeker	Waldow
Edmonds	Hersey	Moore, Pa.	Walsh
Ellsworth	Hollingsworth	Parker, N. J.	Woods, Iowa
Farr	Hutchinson	Robbins	Zihlman
Fess	Knutson	Rogers	
Francis	Kraus	Sanders, Ind.	
Gillett	Langley	Sanders, N. Y.	

ANSWERED "PRESENT"—1.

La Follette

NOT VOTING—280.

Alexander	Fairchild, G. W.	Lehlbach	Sanford
Anderson	Fields	Lesher	Scott, Iowa
Anthony	Fisher	Lever	Scott, Mich.
Aswell	Flynn	Longworth	Scott, Pa.
Austin	Fordney	Lufkin	Scully
Ayres	Foss	Lunn	Sears
Bacharach	Frear	McArthur	Sells
Bankhead	Freeman	McClintic	Shackleford
Barkley	Fuller, Ill.	McCormick	Sherley
Beshlin	Fuller, Mass.	McCulloch	Shouse
Bland	Gallagher	McKenzie	Siegel
Booher	Gallivan	McKeown	Sims
Borland	Gard	McKinley	Slayden
Bowers	Garner	McLaughlin, Mich.	Slemp
Brand	Garrett, Tenn.	McLaughlin, Pa.	Sloan
Britten	Glynn	McLemore	Small
Brodbeck	Godwin, N. C.	Madden	Smith, Idaho
Browne	Good	Magee	Smith, C. B.
Browning	Goodall	Maher	Smith, T. F.
Brumbaugh	Gordon	Mann	Snell
Buchanan	Gould	Martin	Snyder
Burnett	Graham, Pa.	Merritt	Stafford
Butler	Gray, N. J.	Miller, Minn.	Steagall
Byrns, Tenn.	Greene, Mass.	Mondell	Stedman
Caldwell	Gregg	Montague	Steele
Campbell, Pa.	Griest	Moores, Ind.	Steenerson
Cannon	Griffin	Morin	Stephens, Nebr.
Cantrill	Hamill	Mott	Sterling, Pa.
Carew	Hamilton, N. Y.	Mudd	Stevenson
Carter, Mass.	Hamlin	Neely	Stiness
Carter, Okla.	Hardy	Nelson	Strong
Chandler, N. Y.	Harrison, Va.	Nichols, Mich.	Sullivan
Church	Haskell	Nolan	Sumners
Clark, Fla.	Haugen	Norton	Swift
Clark, Pa.	Hayes	Oldfield	Switzer
Coady	Heflin	Oliver, Ala.	Tague
Connally, Tex.	Heintz	Oliver, N. Y.	Talbott
Cooper, Ohio	Hensley	Olney	Taylor, Colo.
Copley	Hicks	Osborne	Temple
Costello	Holland	O'Shaunessy	Templeton
Crago	Hood	Overmyer	Thompson
Crisp	Houston	Padgett	Tilson
Curry, Cal.	Howard	Paige	Tinkham
Dale, N. Y.	Hull, Iowa	Park	Towner
Dale, Vt.	Hull, Tenn.	Parker, N. Y.	Treadway
Dallinger	Humphreys	Peters	Vare
Darrow	Husted	Platt	Venable
Davidson	Igoe	Porter	Volgt
Dempsey	Ireland	Pou	Volstead
Denison	James	Powers	Walker
Dent	Johnson, S. Dak.	Pratt	Walton
Dewalt	Johnson, Wash.	Price	Ward
Dickinson	Jones	Purnell	Wason
Dies	Juul	Ragsdale	Watson, Pa.
Dill	Kahn	Rainey, H. T.	Watson, Va.
Donovan	Kearns	Ramsey	Weaver
Dooling	Keating	Randall	Webb
Doolittle	Kelley, Mich.	Rankin	Welty
Doremus	Kennedy, Iowa	Rayburn	Whaley
Doughton	Kennedy, R. I.	Riordan	White, Me.
Drukker	Kettner	Roberts	White, Ohio
Dunn	Key, Ohio	Robinson	Williams
Dupré	Kiess, Pa.	Rodenberg	Wilson, Ill.
Dyer	King	Rose	Wilson, La.
Eagan	Kinkaid	Rowe	Wilson, Tex.
Eagle	Kitchin	Rowland	Winslow
Elston	Kreider	Rucker	Wise
Estopinal	LaGuardia	Russell	Woodyard
Evans	Lazaro	Sabath	Wright
Fairchild, B. L.	Lee, Ga.	Sanders, La.	Young, Tex.

So the motion of Mr. JOHNSON of Kentucky was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. ALEXANDER with Mr. VOLSTEAD.

Mr. ASWELL with Mr. BROWNING.

Mr. CAMPBELL of Pennsylvania with Mr. DARROW.

Mr. BRODBECK with Mr. DAVIDSON.

Mr. BUCHANAN with Mr. ANDERSON.

Mr. BESHLIN with Mr. DALLINGER.

Mr. BURNETT with Mr. GOOD.

Mr. BORLAND with Mr. CANNON.

Mr. CALDWELL with Mr. BLAND.

Mr. BRUMBAUGH with Mr. BROWNE.

Mr. CANTRILL with Mr. ANTHONY.

Mr. BYRNS of Tennessee with Mr. CARTER of Massachusetts.

Mr. AYRES with Mr. COPLEY.

Mr. CAREW with Mr. BOWERS.

Mr. BRAND with Mr. CHANDLER of New York.

Mr. CARTER of Oklahoma with Mr. BRITTEN.

Mr. CHURCH with Mr. COOPER of Ohio.

Mr. BANKHEAD with Mr. AUSTIN.

Mr. STEELE with Mr. BUTLER.

Mr. CLARK of Florida with Mr. CLARK of Pennsylvania.

Mr. BOOHER with Mr. TREADWAY.

Mr. COADY with Mr. COSTELLO.

Mr. CONNALLY of Texas with Mr. CRAGO.

Mr. BARKLEY with Mr. CURRY of California.

Mr. CRISP with Mr. BACHARACH.

Mr. DALE of New York with Mr. DALE of Vermont.

Mr. GALLIVAN with Mr. GOULD.

Mr. DONOVAN with Mr. GRAHAM of Pennsylvania.

Mr. DOOLING with Mr. HAMILTON of New York.

Mr. GALLAGHER with Mr. HASKELL.

Mr. FIELDS with Mr. DEMPSEY.

Mr. FISHER with Mr. HAUGEN.

Mr. DENT with Mr. FESS.

Mr. GARD with Mr. ELSTON.

Mr. DOOLITTLE with Mr. FULLER of Massachusetts.

Mr. DEWALT with Mr. DENISON.

Mr. EAGAN with Mr. DRUKKER.

Mr. GARNER with Mr. GOODALL.

Mr. DICKINSON with Mr. FORDNEY.

Mr. DOREMUS with Mr. GLYNN.

Mr. HAMLIN with Mr. DUNN.

Mr. ESTOPINAL with Mr. BENJAMIN L. FAIRCHILD.

Mr. DIES with Mr. FREEMAN.

Mr. EVANS with Mr. FOSS.

Mr. DOUGHTON with Mr. DYER.

Mr. GARRETT of Tennessee with Mr. FULLER of Illinois.

Mr. GODWIN of North Carolina with Mr. GRAY of New Jersey.

Mr. DILL with Mr. LA FOLLETTE.

Mr. GORDON with Mr. GEORGE W. FAIRCHILD.

Mr. GREGG with Mr. GREENE of Massachusetts.

Mr. DUPRÉ with Mr. FREAR.

Mr. GRIFFIN with Mr. GRIEST.

Mr. HARDY with Mr. KENNEDY of Rhode Island.

Mr. HOLLAND with Mr. HICKS.

Mr. MCCLINTIC with Mr. KENNEDY of Iowa.

Mr. HENSLEY with Mr. HULL of Iowa.

Mr. HUMPHREYS with Mr. JAMES.

Mr. LUNN with Mr. JOHNSON of South Dakota.

Mr. HARRISON of Virginia with Mr. KEARNS.

Mr. MCKEOWN with Mr. HUSTED.

Mr. HOOD with Mr. KAHN.

Mr. KEY of Ohio with Mr. KELLEY of Michigan.

Mr. HULL of Tennessee with Mr. IRELAND.

Mr. HOUSTON with Mr. JOHNSON of Washington.

Mr. KEATING with Mr. HAYES.

Mr. IGOE with Mr. KIESS of Pennsylvania.

Mr. KETTNER with Mr. HEINTZ.

Mr. HEFLIN with Mr. JUUL.

Mr. HOWARD with Mr. KING.

Mr. JONES with Mr. KINKAID.

Mr. HELVERING with Mr. LEHLBACH.

Mr. KITCHIN with Mr. MANN.

Mr. LAZARO with Mr. LONGWORTH.

Mr. LEVER with Mr. KREIDER.

Mr. LEE of Georgia with Mr. LUFKIN.

Mr. MCLEMORE with Mr. LAGUARDIA.

Mr. LESHER with Mr. MCARTHUR.

Mr. MAHER with Mr. MCCORMICK.

Mr. MARTIN with Mr. MCCULLOCH.

Mr. NEELY with Mr. MERRITT.

Mr. OLDFIELD with Mr. MOTT.

Mr. OLIVER of Alabama with Mr. MCKENZIE.

Mr. PADGETT with Mr. MAGEE.

Mr. POU with Mr. MORIN.

Mr. MONTAGUE with Mr. MADDEN.

Mr. OLIVER of New York with Mr. MCKINLEY.

Mr. PARK with Mr. MILLER of Minnesota.

Mr. OLNEY with Mr. MOORES of Indiana.

Mr. RAGSDALE with Mr. MCLAUGHLIN of Pennsylvania.

Mr. HENRY T. RAINEY with Mr. MONDELL.

Mr. O'SHAUNESSY with Mr. MUDD.

Mr. RANDALL with Mr. MCLAUGHLIN of Michigan.

Mr. RIORDAN with Mr. NELSON.

Mr. OVERMYER with Mr. NOLAN.

Mr. RAYBURN with Mr. OSBORNE.

Mr. ROBINSON with Mr. NICHOLS of Michigan.

Mr. RUCKER with Mr. PAIGE.

Mr. SABATH with Mr. PETERS.

Mr. RUSSELL with Mr. NORTON.

Mr. SCULLY with Mr. PARKER of New York.
Mr. PRICE with Mr. POWERS.
Mr. SEARS with Mr. PLATT.
Mr. SHACKLEFORD with Mr. PORTER.
Mr. SHOUSE with Mr. PRATT.
Mr. SHERLEY with Mr. WINSLOW.
Mr. SLAYDEN with Mr. RAMSEY.
Mr. SIMS with Mr. SIEGEL.
Mr. THOMAS F. SMITH with Mr. SMITH of Idaho.
Mr. SMALL with Mr. SLEMP.
Mr. STEAGALL with Mr. SNELL.
Mr. CHARLES B. SMITH with Mr. SLOAN.
Mr. STEDMAN with Miss RANKIN.
Mr. SULLIVAN with Mr. STEENERSON.
Mr. STEPHENS of Nebraska with Mr. SNYDER.
Mr. SUMNERS with Mr. STINESS.
Mr. STERLING of Pennsylvania with Mr. STRONG.
Mr. TAGUE with Mr. SWITZER.
Mr. STEVENSON with Mr. SWIFT.
Mr. TALBOTT with Mr. TEMPLE.
Mr. TAYLOR of Colorado with Mr. TILSON.
Mr. THOMPSON with Mr. TEMPLETON.
Mr. VENABLE with Mr. TINKHAM.
Mr. WALKER with Mr. TOWNER.
Mr. SANDERS of Louisiana with Mr. RODENBERG.
Mr. WALTON with Mr. ROBERTS.
Mr. WATSON of Virginia with Mr. SANFORD.
Mr. WEAVER with Mr. ROWE.
Mr. WEBB with Mr. SCOTT of Michigan.
Mr. WELTY with Mr. SCOTT of Iowa.
Mr. WHALEY with Mr. WARD.
Mr. WHITE of Ohio with Mr. WASON.
Mr. WILSON of Louisiana with Mr. WILLIAMS.
Mr. WISE with Mr. WILSON of Illinois.
Mr. WRIGHT with Mr. WOODYARD.
Mr. YOUNG of Texas with Mr. VOIGT.

Mr. LA FOLLETTE. I am paired with my colleague [Mr. DILL]. I see he is not present. I withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The Sergeant at Arms will prepare his writ and the Speaker will sign it.

Subsequently,

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that further proceedings under the call be dispensed with, and that the previous question be ordered upon the bill under consideration. If I can get that agreement, why, I shall be very glad indeed to move to adjourn.

The SPEAKER. The gentleman can not do that.

Mr. JOHNSON of Kentucky. I can not get unanimous consent?

The SPEAKER. No. When you have no quorum present you can not do anything except the things that have direct reference to the call of the House and the obtaining of a quorum. It does not take a quorum to do anything necessary to be done to secure the presence of a quorum. Outside of that, nothing can be done, not even permission to extend remarks in the RECORD. A motion to adjourn is in order. That is in order at any time.

Subsequently,

Mr. OVERSTREET. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Georgia moves that the House do now adjourn.

The question being taken, on a division (demanded by Mr. OVERSTREET) there were—ayes 32, noes 65.

Mr. MEEKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. [After counting] Fourteen Members, not a sufficient number, seconding the demand. The yeas and nays are refused, and the House refuses to adjourn.

Subsequently,

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

Mr. JOHNSON of Kentucky. I make the point of order that that is dilatory.

Mr. THOMAS. Dilatory nothing! This is the first time I ever made the motion to adjourn.

Mr. JOHNSON of Kentucky. I make the point of order that that is dilatory. There has been no intervening business.

Mr. WALSH. Mr. Speaker, no intervening business can take place in the absence of a quorum. I suggest that it is not dilatory to repeat a motion to adjourn after we have waited a reasonable time and no quorum has developed.

Mr. MASON. Mr. Speaker, I would like to make a suggestion and take the sense of those present. We have a gentleman's agreement that this bill shall be taken up in the morning. As I understand, under parliamentary law unanimous consent can not be granted, because we can transact no business in the absence of a quorum. There may be a gentleman's agreement. I understand that any Member who is now absent might come in and object to it; but I assume that no gentleman who is absent and who is relieved from being brought from his home in contempt of the House for being absent without leave will object to an agreement made among the gentlemen who are present taking care of his interests; and I suggest that a gentleman's agreement be made that this bill shall be taken up to-morrow after the reading of the Journal.

Mr. CRISP took the chair as Speaker pro tempore.

Mr. CLARK of Missouri. Mr. Speaker, I want to supplement what the gentleman from Illinois has said. Of course, in the chair the Speaker can not talk about gentlemen's agreements. There is a moral public sentiment in this House that no Member can afford to ignore. If the Members here present enter into a gentlemen's agreement, it does not become any part of the record, but, of course, no one that is here will raise a point of order about it, and no man who is not here can afford to do it, because inquiry would be made as to why he was not here. That is the truth about it. It is perfectly apparent that we are not going to get a quorum unless we stay here all night. If it was an important question, on which the Government depended, Members would be willing to stay here all night. The suggestion of the gentleman from Illinois [Mr. MASON] is entirely right, and with his permission I ask those here to enter into a gentlemen's agreement that to-morrow morning, as soon as the Journal is read and business on the Speaker's table is transacted, the previous question shall be ordered and this bill voted on. If there is any objector, let him stand forth.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, with that suggestion I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 23, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of the inner channels of Humboldt Bay, Cal. (H. Doc. N. 1064); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tolovana River, Alaska (H. Doc. No. 1065); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 4292) to conserve the gold supply of the United States, to permit the settlement in silver of trade balances adverse to the United States; to provide for silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver, reported the same without amendment, accompanied by a report (No. 504), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 2446) for the relief of Oscar Knight, reported the same without amendment, accompanied by a report (No. 503), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McARTHUR: A bill (H. R. 11598) to provide preferential homestead entries for soldiers and sailors of war with Germany and Austria; to the Committee on the Public Lands.

Also, a bill (H. R. 11599) to prevent interstate commerce in timber products upon which labor has been permitted to work more than eight hours in any day, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WELLING: Joint resolution (H. J. Res. 282) authorizing the Secretary of the Interior to lease to the United States Fuel Co. certain lands in Carbon County, State of Utah; to the Committee on the Public Lands.

By Mr. PARK: Resolution (H. Res. 318) authorizing the employment of six expert transcribers of proceedings of the House for publication in the RECORD; to the Committee on Accounts.

By Mr. FOSTER: Resolution (H. Res. 319) providing for the consideration of H. R. 11259; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11600) granting a pension to Sylvester Vandusen; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11601) granting a pension to David J. Hanger; to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 11602) granting an increase of pension to Washington Combs; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 11603) granting a pension to George W. Conrad; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 11604) granting an increase of pension to Louis Sherard; to the Committee on Pensions.

By Mr. DEWALT: A bill (H. R. 11605) granting a pension to Annie B. Shirey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11606) granting an increase of pension to Joseph A. Hartline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11607) granting a pension to Theresa Starner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11608) granting an increase of pension to Adam P. Maize; to the Committee on Invalid Pensions.

My Mr. ELLIOTT: A bill (H. R. 11609) granting an increase of pension to George W. Gregg; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 11610) granting an increase of pension to George Burks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11611) granting an increase of pension to David H. York; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 11612) granting an increase of pension to Irvin Howard; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 11613) granting a pension to James Duff; to the Committee on Pensions.

Also, a bill (H. R. 11614) granting an increase of pension to Stephen Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11615) granting an increase of pension to James B. Chesney; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11616) granting a pension to Benjamin L. Greer; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 11617) granting an increase of pension to Washington M. Sydenstricker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11618) granting a pension to Harriet M. King; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 11619) granting a pension to Eugenie Schottmueller; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 11620) granting an increase of pension to James A. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11621) granting an increase of pension to Sylvester A. Simpson; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11622) granting a pension to Rose Vollkommer; to the Committee on Pensions.

By Mr. BLACKMON: A bill (H. R. 11623) granting an increase of pension to Sherwood Osborn; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 11624) granting an increase of pension to Thomas Thacker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Hughes, Rounds, Schurman, and Dwight, of New York, protesting against the activities of L. W. Amerman and John D. Gluck relative to the Boy Scouts of America; to the Committee on the Judiciary.

Also, memorial of the Educational Press Association against increase in second-class postage; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Chamber of Commerce of the United States of America, urging the payment of income and excess profits in installments; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of the Chamber of Commerce of the United States, for legislation to permit payment of war taxes in installments; also petition of the Illinois Society of Engineers, for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HAWLEY: Papers in support of H. R. 8625; to the Committee on the Public Lands.

By Mr. HILLIARD: Resolutions adopted by the Granite State Dairymen's Association; Monday Club of Webster Groves, Mo.; Woman's Christian Temperance Union of St. Albans, W. Va.; Hesperian Club, of Denver, Colo.; Ohio Division of the Travelers' Protective Association of America; Woman's Club of Oregon City, Oreg.; faculty of Lake Erie College, Painesville, Ohio; Tacoma (Wash.) Business Women's Club; Manuscript Club of Boston, Mass.; and the Massachusetts State Federation of Women's Clubs, protesting against increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Fay Parker, E. R. Harper, L. C. Nichols, and 11 others, all citizens of the State of Colorado, praying for immediate war prohibition; to the Committee on the Judiciary.

Also, petition of Adelaide Davis, of Colorado Springs, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Anna E. Keenan, Josephine Haskin, Inez B. Waddill, William Belt, N. E. Boggs, C. J. Newman, Walter L. Young, Rose Roach, and 34 others, all citizens of the State of Colorado, praying for immediate war prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Patriotic League of the University of Colorado, urging the repeal of that section of the war-revenue act increasing second-class postage rates; to the Committee on Ways and Means.

Also, petition of William J. Mummery, George W. Wilson, Mrs. T. G. Tice, Mabel W. Edwards, and 14 others, all of Denver, Colo., praying for immediate war prohibition; to the Committee on the Judiciary.

Also, petition of S. F. L. Snyder, Minverva Kinney, Paul A. Calbert, Pattie H. Flint, and 10 others, all citizens of the State of Colorado, praying for immediate war prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Belmont Central Trades and Labor Assembly, Bridgeport, Ohio, favoring election of all Federal judges for short terms and power of recall in the people; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of 141 citizens of Rhode Island, citing that American soldiers who desert or violate Army regulations are given long terms of imprisonment, dishonorable discharge, etc., while spies, traitors, and those who destroy property are imprisoned for short terms or interned, and petitioners urge infliction of more severe punishment on spies, etc.; to the Committee on the Judiciary.

By Mr. LINTHICUM: Letters from Kohn & Pollock and C. J. Benson & Co., both of Baltimore, Md., protesting against the passage of Senate bill 3076 and House bill 9683, proposing the use of prison labor in furniture making; to the Committee on Labor.

By Mr. RAKER: Letter from the Gantner & Mattern Co., of San Francisco, Cal., urging support of Senate bill 3962; also, a letter from Alexander Ragle, Pleasant Valley, Cal., urging the enactment of a law placing a tax on dogs; to the Committee on Ways and Means.

Also, petition signed by several voters of Eldorado County, Cal., protesting against the sentence of death imposed upon Thomas Mooney, of San Francisco, Cal.; to the Committee on the Judiciary.

Also, telegram from the people of Shasta County, Cal., urging enactment by Congress of legislation suppressing the German language press, the dissolution of German societies, and the end of German instruction in the schools; to the Committee on the Judiciary.

Also, pledge cards of the United States Food Administration, signed by two women of Placerville, Cal.; to the Committee on Agriculture.

Also, resolutions of the Merchants' Association of New York, advocating the retention and extension of the pneumatic-tube mail service; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by the Friends of Irish Freedom, of Fresno, Cal., urging support of Miss RANKIN's resolutions for Ireland's rights; to the Committee on Foreign Affairs.

Also, resolution adopted by the San Francisco Chamber of Commerce, urging that Congress enact legislation making the ports of this country free ports; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from Utica Knitting Co. and Oneita Knitting Mills, Utica, N. Y.; Wonder Dress & Costume Co., Neinsheimer Bros., I. Zimetbaum Co., Joseph Berlinger Co., Valentins & Bunker, M. R. Silverman, d'Albert Godde Eedin & Cie., Andover Silk Co., Perret Gros & Million, J. Rapoport & Co., Max Mayer, Star Skirt Co., Blauner Bros. & Co., Lindenman, Bross & Hindes, M. J. Smith Silk Co., Marx-Singer Co., M. Shidlovsky & Co., King & Applebaum, Weisen & Goldstein, I. D. Karpas & Co., New York City; Kavanaugh Knitting Co., Waterford, N. Y.; High Rock Knitting Co., Philmot, N. Y., Monarch Knitting Co., Buffalo, N. Y.; Ess-Arr Knitting Co., Brooklyn, N. Y.; Rockford Knitting Co., Cheltenham Knitting Co., Philadelphia, Pa.; Simons, Hatch & White Co., Boston, Mass.; A. Schottland, Paterson, N. J.; to the Committee on Ways and Means.

By Mr. STEENERSON: Petitions of Chippewa Indians of Minnesota, against the enactment into law of House bill 8859, proposing to authorize payment of claims of certain individuals out of tribal funds of said Indians, and protesting against payment of large fees and expenses of certain members of said tribe in Washington; to the Committee on Indian Affairs.

By Mr. VARE: Petition of Chiropody Society of Pennsylvania, asking for the passage of House bill 3649, regulating the practice of chiropody in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of the Philadelphia Trade Press Club, against increase in second-class postage; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 23, 1918.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray Thee to confirm our hearts' desire to work and think and speak for Thee. Give to us such power of spiritual appropriation that we shall desire no glory but Thine, and our highest welfare to work and sacrifice and suffer, if it be Thy will, that Thy will may be accomplished in us as a Nation. We ask these blessings for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REGISTRATION FOR MILITARY SERVICE.

Mr. CHAMBERLAIN. I ask the Chair to lay before the Senate the action of the House of Representatives upon Senate joint resolution 123.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendment of the House, ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

CALLING OF THE ROLL.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Harding	Lenroot
Beckham	France	Henderson	McKellar
Brandegee	Frelinghuysen	Jones, Wash.	Martin
Chamberlain	Gallinger	Kellogg	Nelson
Fernald	Gerry	Kirby	New
Nugent	Ransdell	Smoot	Trammell
Overman	Saulsbury	Sutherland	Underwood
Page	Sheppard	Swanson	Vardaman
Phelan	Sherman	Thomas	Walsh
Pittman	Smith, Ga.	Tillman	Williams

Mr. THOMAS. I was requested to announce the necessary absence of the Senator from Georgia [Mr. HARDWICK] and the Senator from Vermont [Mr. DILLINGHAM], who are now engaged on a conference committee.

The PRESIDENT pro tempore. Forty Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KNOX, Mr. MCLEAN, Mr. NORRIS, Mr. SHAFROTH, Mr. THOMPSON, Mr. TOWNSEND, and Mr. WOLCOTT answered to their names when called.

Mr. GALLINGER. The senior Senator from Massachusetts [Mr. LODGE] is unavoidably absent. I wish this notice to stand for the day.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. KIRBY. I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty-loan campaign.

Mr. SHIELDS, Mr. COLT, Mr. HARDWICK, Mr. DILLINGHAM, Mr. POMERENE, Mr. MCNARY, Mr. BAIRD, and Mr. JOHNSON of California entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum is present.

LOUISVILLE & NASHVILLE RAILROAD CO. (S. DOC. NO 219).

The PRESIDENT pro tempore laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in further response to a resolution of November 6, 1913, a supplemental report of the financial relations, rates, and practices of the Louisville & Nashville Railroad Co., the Nashville, Chattanooga & St. Louis Railway Co., and other carriers, which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. SABATH, Mr. RAKER, Mr. HAYES, and Mr. JOHNSON of Washington managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9784. An act incorporating patrol drivers into the Metropolitan police department of the District of Columbia;

H. R. 10891. An act to amend and reenact an act for the establishment of a probation system for the District of Columbia; and

H. R. 11231. An act to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4292) to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and, for the above purposes, to stabilize the price and encourage the production of silver, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. MCKELLAR. I present a telegram, in the nature of a memorial, relative to Senate bill 3910, which provides penalties for national banking associations who charge illegal rates of interest on loans, notes, or discounts, and so forth, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MILAN, TENN., *April 1½, 1918.*

Senator K. D. MCKELLAR,
Washington, D. C.:

In behalf of a great number of small national banks that have not sufficient volume to justify continuing in business at the legal rate in Tennessee, we urgently beg your opposition to Owen bill, Senate No. 3910. These small banks exercise the most usual function in finance in this country, financing things at the very source where all our real prosperity originates, and they should have full consideration in fixing interest rates. Minimizing earnings inevitably results in inefficiency. The things the bank officer must buy are higher than ever before, with prices fixed in many cases by the Government, and unless banks are allowed reasonable earning can't pay salaries sufficient to enable officers to make both ends meet, and result is inefficiency, of temptation to speculation, outside dabbling, or speculation.

FRED COLLINS.

Mr. MCKELLAR. I present a telegram, in the nature of a memorial, from the board of governors of the Chattanooga Manufacturers' Association, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHATTANOOGA, TENN., *April 19, 1918.*

Hon. KENNETH D. MCKELLAR,
Continental Hotel, Washington, D. C.:

We earnestly request you vigorously oppose Overman bill pending in Senate unless it be amended to exempt Interstate Commission from provision. People have been over 30 years securing protection now afforded by this commission, and anything affecting their functions or tenure of office will be a public calamity. We hope to have your hearty support of this position.

BOARD OF GOVERNORS OF THE
CHATTANOOGA MANUFACTURERS' ASSOCIATION,
By O. J. MAHONY, *President.*

Mr. MCKELLAR presented a petition of sundry citizens of Springfield, Tenn., praying that Congress fix the price of the 1918 wheat crop at $2.50 per bushel, which was ordered to lie on the table.

Mr. MCLEAN presented petitions of sundry citizens of New Britain, Farmington, Deep River, and Willimantic; of the Equal Franchise League, of Stamford, and of the Woman's Suffrage Party, of Middle Haddam, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the executive board of the Connecticut Federation of Churches, praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 32, National Association of Letter Carriers, of Bridgeport, Conn., praying for an increase in salaries of postal employees, which was ordered to lie on the table.

He also presented a petition of the Windham County Medical Society, of the State of Connecticut, and a petition of the Middlesex County Medical Association, of the State of Connecticut, praying for advanced rank for officers of the Medical Corps in the Army, which were referred to the Committee on Military Affairs.

He also presented a petition of Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., praying for the enactment of legislation to provide for the drafting of aliens, which was referred to the Committee on Military Affairs.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[S. 152. Mr. Kane, of Narragansett.]

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION.
JANUARY SESSION, A. D. 1918.

Resolution relating to certain measures now pending in Congress.

Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and
Whereas the proposed amendment is now before the Senate of the United States for consideration; and
Whereas all the political parties of Rhode Island have declared in their platform for equal suffrage; and
Whereas the Legislature of Rhode Island at its last session passed the presidential suffrage bill; and
Whereas equal suffrage has been indorsed by the President of the United States: Therefore be it

Resolved, That our Senators in Congress be requested to vote for the equal suffrage amendment; and be it further

Resolved, That copies of this resolution be sent to the President and Vice President of the United States and to the Representatives of our State in the Senate of the United States.

Mr. COLT presented petitions of the American Defense Society of the State of Rhode Island, praying for the enactment of legislation to provide punishment for persons responsible for pro-German activities and acts of disloyalty, which were referred to the Committee on the Judiciary.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. PHELAN. Mr. President, I ask that the report on the Mooney dynamite cases in San Francisco, submitted by President Wilson's Mediation Commission, be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. GALLINGER. What is the request, and what is the document?

The SECRETARY. Report on Mooney dynamite cases in San Francisco, submitted by President Wilson's Mediation Commission, taken from the Official Bulletin of Monday, January 28, 1918.

Mr. SMOOT. We have had that sent all over the United States already. I can not say how many tons of paper have been used in it, because I have not figured it up. I do not think the Senator ought to ask now to encumber the RECORD with it. All that matter has been sent broadcast over the United States already.

Mr. PHELAN. In an address made to the Senate yesterday by the Senator from Washington [Mr. POINDEXTER], as I recollect, there was a reflection made upon the judicial processes of the courts of California. This report, made by the Secretary of Labor, Mr. Wilson, and several other gentlemen appointed by the President, vindicates the courts of California, because the report holds that the regularity of the proceedings was unimpeached and that the very general protest which has been made against the findings of the court and jury and the conviction and condemnation of Mooney was due to the fact that subsequent to the trial certain evidence developed impugning the character of a witness.

I do not desire to address the Senate on the subject unless I am compelled to do so, but inasmuch as this official report vindicates the judicial processes of the State of California, I ask that it be printed in the RECORD by way of an answer to the Senator from Washington and for general public information.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I listened carefully to every word the Senator from Washington uttered in his address yesterday. I did not hear one intimation of censure against the courts of California, and I do not believe there is a word which could be construed in all that he said yesterday as a reflection upon the courts of California. It seems to me that it would be an utterly useless waste of money. I know if the Senator from Arizona [Mr. SMITH] were here he would object to it, and I shall object to the printing.

The PRESIDENT pro tempore. The question is on the motion of the Senator from California to print the report in the RECORD. [Putting the question.] The noes seem to have it.

Mr. PHELAN. I ask for a division.

On a division, the motion was rejected.

Mr. POINDEXTER. Mr. President, I merely desire to say that I came into the Senate just as the Senator from California made his statement in reference to some remarks that I made yesterday on the subject of a certain judicial trial which occurred in the State of California. The Senator from California is mistaken in his statement that I reflected upon the judicial processes of the courts of the State of California.

On the contrary, Mr. President, in view of the fact that the Senator from California has made that assertion, I will ask the Senator from California to repeat the particular word that he claims I used reflecting upon the courts of California. If I reflected upon the judicial processes of that State, the Senator from California will undoubtedly be able to cite the language which I used.

I am just informed that one statement the Senator from California made was that I impeached the courts of California. I should like him to point out the language in which I impeached the courts of that State.

Mr. PHELAN. Mr. President——

Mr. POINDEXTER. Just one moment. Before sitting down I want to say that the truth of the case is that instead of reflecting upon the judicial processes of the courts of California, the entire tenor and purport and meaning and effect of my remarks was a defense of the judicial processes of the State of California and of the protection and security of the courts of that State and all the other States of the Union.

Mr. PHELAN. Mr. President, I believe I did state it was my recollection that in the remarks of the Senator from Washington there was a reflection upon the judicial processes of the courts of California. This was an error. I may have received that impression from the general comment which has been made throughout the country by the press, especially the labor press at home and abroad, concerning the judicial processes

of the courts of California. A false statement, the basis of the attacks, was given out and sent widespread throughout the country by an organization formed for the purpose of raising funds for the defense of Mooney and his associates, and——

Mr. POINDEXTER. Mr. President——

Mr. PHELAN. I have the floor.

The PRESIDENT pro tempore. The Senator from California declines to yield.

Mr. PHELAN. In that statement it was clearly shown, not only in the body of the text but in the headlines, that a great judicial or legal outrage had been committed. Here are the headlines, on the title page:

Justice raped in California—Story of the San Francisco so-called bomb trials, wonderfully illustrated, showing how five of labor's "best and purest" are being framed up for the gallows by enemies of organized labor. (Published by the Tom Mooney molders' defense committee.)

The courts of California disposed of the matter, and, on appeal, held, by a decision made only last week, that there was nothing irregular; that there was no reversible error whatever in the proceedings of the court; that therefore the appellate court had no jurisdiction; and that the only recourse was to the executive—that is to say, the governor of California—for pardon or reprieve. It is the same kind of justice that every accused person is accorded.

Under those circumstances, the President of the United States having been informed, by a commission appointed by himself and headed by the Secretary of Labor, that material testimony had developed after the courts had disposed of the matter, he made appeal to the governor of California, as I understand it—the matter has not been made of record yet—to grant a respite in order that this man, concerning whose conviction a doubt had been created in the minds of so many people, be given an opportunity by a new trial to establish the truth or falsity of the charges against him.

I do not for a moment desire, even by intimation, to convey to the Senate that in my belief this man is innocent of the crime of which he is charged.

As the junior Senator from California [Mr. JOHNSON] said yesterday, he is "a very unworthy person"; he has been engaged in the business of illegally using dynamite; he was the editor of a paper, the Blast, an advocate of violence and direct action, and when two such papers in the Eastern States were suppressed, he in his paper, the Blast, threatened the President of the United States with assassination. That was in March, 1916; and yet the President of the United States, in view of radically conflicting opinion, in view of the condemnation, which has been very general in the labor world—not, I will say, by the Senator from Washington but by ignorant and misinformed persons—of the courts of California and of the whole circumstances surrounding the case, asked the governor of California that a respite be given, in order that not only Mooney might have an opportunity to exculpate himself, if possible, but that the reputation of the United States of America throughout the world might be vindicated as treating with utmost fairness men accused of crime. This report says that the trial was fair, and the American judicial processes always favor the prisoner under the established practice. Listen to this extract from that report:

It is familiar to students of jurisprudence that no system of criminal administration in the world hedges such safeguards around an accused as does an American trial. The conviction, in other words, was based on evidence narrowly confined to the specific issues. Furthermore, proof of guilt had to be established beyond a reasonable doubt and established to the unanimous satisfaction of a jury of 12 persons selected from among the people. Conviction by an American jury is guilt determined by a very democratic institution. There is no question but that the jury acted in good faith upon the evidence as it was submitted. It is because of subsequent developments that doubt is based upon the justice of the convictions.

I think it is only right that the Senate and the country should know by this report that the trial was perfectly fair, and when the President intervenes——

Mr. JONES of Washington. Mr. President——

Mr. PHELAN. And here, I will say, Mr. President, that the Senator from Washington [Mr. POINDEXTER] by implication condemned the President of the United States for intervening—that is, in his speech—when the President of the United States intervenes, it is only fair, I say, to the Senate and to the people of the United States and of the world to know that those safeguards which we throw around trial by jury have been preserved even by the President of the United States exceeding, if you please, out of excess of caution, in the interests of humanity and justice, for the vindication of our courts and institutions, what might appropriately be called his proper jurisdiction. He has no power in the case except the influence of his counsel.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Washington?

Mr. PHELAN. I yield to the Senator.

Mr. JONES of Washington. Mr. President, I merely wish to suggest to the Senator from California that my colleague also read that very statement in his speech on yesterday.

Mr. PHELAN. The statement which I have just read?

Mr. JONES of Washington. Yes.

Mr. PHELAN. I am very glad that I have reinforced it by reading it again in connection, not with the criticism of the President of the United States, but in vindication of his humanty and sense of justice.

It is not for us to try this case in the Senate of the United States. Both the junior Senator from California [Mr. JOHNSON] and myself had been asked to bring the matter up as long ago as last summer for the purpose of having a congressional investigation into these things, but we have refrained from doing so, because the courts of California are quite sufficient to take care of criminal cases, and in case evidence is introduced after the court has adjourned and the matter has been adjudicated, there is still the appeal to the Executive; and because the President of the United States has seen fit to invoke by his recommendation the power of the executive of California by suggesting that he give this man a new trial—not to satisfy, perhaps, any doubt in his mind, or in my mind, or in your mind—but to vindicate in the eyes of the world at a period like this, when labor is restless and suspicious, the fact that there is no attempt to "railroad" men to jail.

This story has attained international proportions; it went as far as Russia, I am told, and seriously affected the negotiations that were conducted by the commission which was sent by the United States in order to placate the Russian people and to bring them to a proper understanding of the rights and obligations of free citizenship; it was hurled in their teeth that in the State of California, in the United States of America, there was a despotism more repulsive than that which was ever exercised by the Czars of the Russias. In view of this fact, it seems to me that the Senate should permit an official report made by the commission appointed by the President of the United States to be introduced in its RECORD. The report finally said—and with this I will conclude—

Your commission therefore respectfully recommends in case the Supreme Court of California should find it necessary (confined as it is by jurisdictional limitations) to sustain the conviction of Mooney on the record of the trial, that the President use his good offices to invoke action by the governor of California and the cooperation of its prosecuting officers to the end that a new trial may be had for Mooney, whereby guilt or innocence may be put to the test of unquestionable justice. This result can easily be accomplished by postponing the execution of the sentence of Mooney to await the outcome of a new trial, based upon prosecution under one of the untried indictments against him.

That is the gist of the matter.

Mr. OVERMAN. From the report of what commission has the Senator from California read?

Mr. PHELAN. The President's Mediation Commission, and consists of the following gentlemen: Secretary of Labor W. B. Wilson, chairman; J. L. Spangler; E. P. Marsh; Verner Z. Reed; John H. Walker; Felix Frankfurter, secretary and counsel; Max Lowenthal, assistant secretary.

I may say, Mr. President, that when the famous Rigall letter was published, I, in common with most men, believed that Oxman, one of the principal witnesses, had been guilty of subornation of perjury, but he was tried by a California court and jury, and after a very short time—a few hours—the jury returned a verdict of not guilty. The whole structure of the condemnation of the proceedings resulting in the conviction of Mooney was based upon the supposed subornation of perjury by the witness Oxman.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. PHELAN. I do.

Mr. POMERENE. In the interest of accuracy I desire to ask a question. The Senator from California has just made the statement that Oxman was tried and acquitted. I did not have the pleasure of hearing the speech made by the Senator from Washington [Mr. POINDEXTER] yesterday, but I have read the most of it in the RECORD; and, as I now recall, his statement was to the effect that this alleged offense of Oxman was inquired into by a grand jury, and that the grand jury failed to indict. What is the fact about it?

Mr. PHELAN. Oxman was tried by criminal court—the superior court of San Francisco—and was acquitted by a jury after the grand jury refused to indict, but he was held by a justice of the peace on information. On personal inquiry, I was informed by members of the bench and bar of California that Oxman was an ignorant man, who actually witnessed the explosion, who wrote that night to his wife in an interior Oregon

town bearing upon that fact. Through that means it was ascertained that Oxman was an eye witness of the event. The prosecuting attorney endeavored to induce him to come to San Francisco and testify, but he refused on the ground that he did not want to be involved in a case where there was actual personal danger. However, he was finally induced to come to the city of San Francisco. He was told that his testimony should find corroboration, and he was asked if anybody was present who could corroborate his testimony, whereupon he said he thought he had recognized a man in the crowd who was from his old residence in Illinois, and that he would endeavor to get him to corroborate him. Then, he wrote this letter, which on its face is so incriminating, asking that a man, who was not present, come to San Francisco and testify. That in itself was sufficient to prejudice any right-thinking man against the witness Oxman; and yet—and, as I have said, I am not familiar with the testimony in that case—he was tried for subornation of perjury and promptly acquitted, because, I believe, it was demonstrated that he did it out of ignorance; that he did not do it with any willful or criminal intent and that it was believed he actually saw what he described. It has, however, poisoned the minds of the world and the country against the judgment of that court and the finding of that jury, which at the time had no knowledge of the Rigall letter.

Of course, his associate in the dynamite crime, as alleged, had previously been convicted without the testimony of Oxman, and it is contended by those who believe in upholding the conviction by the court that the Oxman testimony was not therefore necessary. However, the matter is involved in so much doubt that I think the findings contained in the report of the commission are sound, or at any rate suggest a wise and prudent policy; that the President was justified, based upon this report and general information, to ask that a reprieve be granted, not that the man be given his freedom, but that he be given an opportunity by a new trial to demonstrate, with or without the testimony of Oxman, his innocence or his guilt.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Iowa?

Mr. PHELAN. I yield.

Mr. CUMMINS. There is one point I do not clearly understand. The Senator from California has just stated that the President requested the governor of California to secure a new trial. Does the governor of California, under the constitution of the State, have the power to grant new trials?

Mr. PHELAN. The governor of California, under the constitution, has no such power, but by granting a reprieve, or, in the language of the report, "by postponing the execution of the sentence of Mooney by such reprieve," he could be tried upon other counts. He was tried upon one count, the killing of 1 individual; there were 10 killed. So he could be tried for substantially the same crime upon other counts, if a reprieve were granted.

Mr. CUMMINS. The request, then, by the President was for a reprieve or a commutation of sentence?

Mr. PHELAN. I have said that the request is not a matter of record, nor have I seen the language which the President used. Suffice it to say that the President made a request of the governor, but the governor has not yet seen fit to publish the request of the President. It is a matter of general information and not of record.

Mr. CUMMINS. I rather gathered from the remarks of the Senator from California that the President had asked the governor of California to grant or to secure a new trial, and that seemed to me to be so out of harmony with the general powers of governors of the various Commonwealths that I was moved to ask the question which I did.

Mr. PHELAN. I trust the Senator understands now that the request probably was for a reprieve, in order that a retrial might be had on another count.

Mr. CUMMINS. I understand that the Senator from California does not know what the request was.

Mr. PHELAN. I have quoted the language of the report, and the presumption is that the President followed the recommendation of the report. I think that that is a very safe presumption.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Minnesota?

Mr. PHELAN. I yield.

Mr. NELSON. If I understood correctly the statement of the Senator a moment ago, it was that Mooney could be tried upon other counts in the indictment. If the defendant was tried upon an indictment containing several counts and was found guilty on only one count, it amounted to an acquittal on all the other counts, he can not possibly be tried again in any court of the land.

Mr. PHELAN. I submit that that is a question of law, and the lawyers advise that a trial can be had under other courts without putting the culprit again in jeopardy. I understand that a man accused of a capital crime can not be put twice in jeopardy for the same offense, but it is a matter of legal construction that a trial on a separate count charging the murder of another individual is not construed to mean putting the defendant twice in jeopardy for the same crime.

Mr. President, the fate of Mooney is a matter of indifference, because he is known to be a dynamiter; but the United States is very jealous of its laws, and, no matter how despicable a man may be, he can not be condemned for a specific crime unless he is guilty. Even in labor circles, I am informed, there is no sympathy whatever for Mooney the man, whom they regard, in common with others, as a very dangerous citizen on account of his previous record which is well understood; but labor has become unduly exercised about this case because of local conditions which, if known to you, would be very illuminating. In San Francisco, it was alleged by the labor-union organizations, which are very strong, that the merchants had organized for the purpose of destroying their unions and making the town one of the "open shop." The resulting bitterness and antagonism was very great, so that when Mooney, who was for 16 years a member of the molders' union, was accused of this crime, the labor unionists took the ground that he was to be made a victim, because of his labor unionism, and was to be punished to satisfy the vindictive spite of another class of citizens. Nothing was further from the truth. I believe that Mooney and his associates were victims of their own cupidity, and that they had been bribed by German money as a part of the German propaganda to perpetrate this crime, and prevent us from preparing for war. I think the evidence introduced yesterday in the address of the Senator from Washington very clearly showed that this widespread propaganda reached even the shores of the Pacific coast. It was universal in its activity, and there is going on in California now the celebrated trial of the Hindus, accused of conspiracy to overthrow the English Government in India. In the evidence there adduced it appears clearly that the German consul in San Francisco, Mr. Bopp, was the head and center of the activities of the German propaganda on the Pacific coast.

I regret very much, in common, I am sure, with all Senators, that the labor interests of the country should have a misconception of this case and the causes that led up to the accusation and condemnation of Mooney. The President, however, has advised the governor to silence all doubts. I have just seen a copy of his letter, which I beg to submit in order to complete the record, and if it serves to vindicate the law and establish in the minds and hearts of men a greater love for our institutions and respect for the courts, it shall have served a greater purpose than the mere punishment of an isolated criminal:

THE WHITE HOUSE,
Washington, January 22, 1918.

Hon. WILLIAM D. STEPHENS,
Governor, Sacramento, Cal.

MY DEAR GOV. STEPHENS: Will you permit a suggestion from me in these troubled times which perhaps justify what I should feel hardly justifiable in other circumstances?

The suggestion is this: Would it not be possible to postpone the execution of the sentence of Mooney until he can be tried upon one of the other indictments against him, in order to give full weight and consideration to the important changes which I understand to have taken place in the evidence against him?

I urge this very respectfully, indeed, but very earnestly, because the case has assumed international importance and I feel free to make the suggestion because I am sure that you are as anxious as anyone can be to have no doubt or occasion of criticism of any sort attach itself to the case.

With the very best wishes for the New Year,

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Ohio?

Mr. PHELAN. I yield.

Mr. POMERENE. As I read the remarks of the Senator from Washington, made yesterday, he expressed the view that the record, independent of the testimony of the witness Oxman, showed the guilt of the accused beyond the existence of a reasonable doubt. Has the Senator from California examined that record to such an extent as to justify his expressing an opinion

as to whether the record showed the guilt of the defendant independent of the testimony of Oxman?

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Connecticut?

Mr. BRANDEGEE. I do not ask the Senator to yield. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. What is the issue before the Senate at present?

The PRESIDENT pro tempore. The regular order of business is the presentation of petitions and memorials.

Mr. BRANDEGEE. I demand the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The presentation of petitions and memorials is in order.

Mr. PHELAN. It is not in order, then, for me to answer the Senator from Ohio?

The PRESIDENT pro tempore. Nothing is in order at this time except the presentation of petitions and memorials.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4416) to make April 6 in each year a national holiday, to be called "Liberty Day"; to the Committee on the Judiciary.

By Mr. FERNALD:

A bill (S. 4417) granting an increase of pension to John T. Garnett (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4418) granting a pension to David M. Thompson (with accompanying papers); and

A bill (S. 4419) granting an increase of pension to Joseph T. Lewis; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 4420) granting an increase of pension to Jacob August;

A bill (S. 4421) granting an increase of pension to William L. Huffington; and

A bill (S. 4422) granting an increase of pension to William H. Blake; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4423) relating to the deposit of copyrighted books upon medical and allied subjects; to the Committee on the Library.

A bill (S. 4424) making it a crime to break or enter into, or attempt to break or enter into, a house or building occupied by a national banking association with intent to commit larceny or other crime therein, and providing punishment therefor; to the Committee on Banking and Currency.

By Mr. PAGE:

A bill (S. 4425) granting an increase of pension to John M. Safford (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4426) to amend and reenact sections 5235 and 5236 of the Revised Statutes of the United States by providing for a guaranty fund for payment of certain deposits, and for other purposes; to the Committee on Banking and Currency.

By Mr. FLETCHER:

A bill (S. 4427) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Commerce.

By Mr. OWEN:

A joint resolution (S. J. Res. 150) requesting the President to invite the entente allies to declare the rules of international law and require the German Government to accept such rules under penalty of progressive international boycott, etc.; to the Committee on Foreign Relations.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. POINDEXTER submitted an amendment proposing to appropriate $300,000 for the purchase of additional land adjoining the navy yard at Puget Sound, Wash., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR BROUSSARD.

Mr. RANSDELL submitted the following resolution (S. Res. 230), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EXTENSION OF SPUR TRACK IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER (Mr. GALLINGER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army, which was, on page 2, line 3, after the word "Army," to insert "for the period preceding the declaration of peace and 30 days thereafter."

Mr. CHAMBERLAIN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 9784. An act incorporating patrol drivers into the Metropolitan police department of the District of Columbia;

H. R. 10891. An act to amend and reenact an act for the establishment of a probation system for the District of Columbia; and

H. R. 11231. An act to regulate the hours of duty of the officers and members of the fire department of the District of Columbia.

The PRESIDENT pro tempore. If there be no further morning business, the morning business is closed.

TRIAL BY COURT-MARTIAL.

Mr. BRANDEGEE. Mr. President, before the morning business is closed I believe resolutions coming over from a previous day are the next in order.

The PRESIDENT pro tempore. A resolution coming over from a previous day may be called up, so the Senate has decided.

Mr. BRANDEGEE. Yes. I call up two resolutions that I offered yesterday, which went over at my request, without prejudice, until to-day.

The PRESIDENT pro tempore. To which resolutions does the Senator refer?

Mr. BRANDEGEE. Senate resolution No. 228 and Senate resolution No. 229.

The PRESIDENT pro tempore. The Secretary will state Senate resolution No. 228.

The Secretary read Senate resolution 228, submitted by Mr. BRANDEGEE on April 22, 1918, as follows:

Whereas there is pending before the Senate Committee on Military Affairs a bill (S. 4364) "to subject to trial by court-martial persons who endanger the good discipline, order, movements, health, safety, or successful operations of the land or naval forces of the United States by acting as spies in time of war in the United States, and for other purposes": Now, therefore, be it

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to report to the Senate whether or not, in its opinion, any of the provisions of said bill are in violation of any provision of the Constitution of the United States.

Mr. BRANDEGEE. Mr. President, the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN] requested me to send for him if this resolution came up this morning, and I have done so. Of course, no action will be taken on it until he comes into the Senate; but pending his arrival I will consume the time in making a few brief remarks.

Mr. McKELLAR. I have sent for the Senator from Oregon.

Mr. SWANSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Virginia?

Mr. BRANDEGEE. With pleasure.

Mr. SWANSON. Does the Senator know how long it will take to dispose of this measure?

Mr. BRANDEGEE. I think about three minutes, so far as I know. I do not want to dispose of it until the Senator from Oregon arrives. I assume it will take him about three minutes to walk across the hall from his committee room.

Mr. SWANSON. The Senator from Oregon is here.

Mr. CHAMBERLAIN entered the Chamber.

Mr. BRANDEGEE. The Senator is now on the floor.

Mr. President, when I offered this resolution yesterday, as I stated at the time, it was because I feared that the Committee on Military Affairs might be seriously considering a favorable report upon it, and I thought that it presented such a departure from the fundamental principles of our Constitution and Government that it would be well, as a precautionary measure, to have the judgment of the law committee of the Senate upon the constitutionality of the measure. It may be that I presumed too much in thinking that the Senate would care for the opin-

ion of their law committee. However, be that as it may, I have seen in the public prints, since the introduction of the resolution, the statement that the President is opposed to the measure; and I have seen in the morning paper that the chairman of the Senate Committee on Military Affairs is reported to have stated that he did not care to press it under those circumstances. Of course, if he has no serious intention of pressing his bill, I do not care to subject the Judiciary Committee to the process of investigating and reporting upon its constitutionality. So I ask the Senator from Oregon if he cares to make any statement as to his intention. If he is not going to press the bill I will withdraw the resolution, because my purpose has been accomplished. If he intends to press the bill, I intend to press the resolution. I have no right to cross-examine the Senator, of course, but I ask him if he cares to make any statement that would enlighten me in the premises?

Mr. CHAMBERLAIN. Mr. President, it would seem to be a work of supererogation to undertake to press a bill when the Chief Executive opposes it, in view of the situation here. The time of the Senate, the time of Congress, is too valuable to waste in useless discussion; and I feel that if the bill passed Congress it would pass by a very small majority, if it passed at all, and a veto by the Chief Executive would, of course, defeat the measure. I will say frankly to the Senator that notwithstanding the opposition of the Chief Executive, if I thought that this bill could go through by a substantial majority and could be carried over a veto, I would not hesitate to press it, because I really feel that it is absolutely necessary.

What the feeling of the committee is, I do not know. The Senator was there at the only discussion we had, and he could see the temper of the members of the committee who were present; and before I would say that it would not be pressed I should want to have the benefit of the advice of my fellow members of the committee. I have no right to say that it will not be pressed; so that I think the Senator had better press his resolution, and see what the result will be.

Mr. NELSON. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. The Senator from Connecticut has the floor. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. I yield to the Senator from Minnesota with pleasure.

Mr. NELSON. Mr. President, I think this is an unusual proceeding, and we ought not to embark upon it. What is involved in this matter is that the Judiciary Committee must pass upon the constitutionality of bills pending before another committee. I think that would be a most irregular practice. If we can insist upon having it done in one case, we can insist upon having it done in another. If the Judiciary Committee or some of its members should take it into their heads that a bill pending before the Committee on Appropriations or before the Naval Affairs Committee is unconstitutional, they could investigate it under the practice sought to be inaugurated. I think the legitimate practice in this case is to have the Committee on Military Affairs discharged from the further consideration of the bill, and refer it to the Judiciary Committee. That would bring the bill properly before the Judiciary Committee.

I can not say that I disagree with the Senator from Connecticut about the principle involved in this bill, but I protest that it is an unusual practice to have the Judiciary Committee pronounce upon the constitutionality of a bill pending before another committee and in the hands of that committee. So I say that the proper procedure in this case is to move to discharge the Committee on Military Affairs from the consideration of the bill, and have it referred to the Judiciary Committee. I would vote for such a motion but not for this motion.

Mr. BRANDEGEE. Mr. President, I appreciate thoroughly the position of the Senator from Minnesota, and I stated so yesterday. I think his suggestion is the more logical of the two. I stated yesterday that I only refrained from moving to discharge the Committee on Military Affairs from the further consideration of this measure and moving its reference to the Judiciary Committee, where it properly belongs, out of my high regard and respect for the Senator from Oregon.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BRANDEGEE. I do.

Mr. NORRIS. I agree with the Senator about the importance of the question involved, but I should like to make this suggestion to the Senator from Connecticut: Does he not think that he ought to withhold his resolution until the Committee on Military Affairs has acted on this bill?

It seems to me that the Senator from Minnesota is right, that we would be embarking on a procedure that would lead to endless confusion if we should adopt the suggestion of the Senator from Connecticut at this time. It may be that the committee will never consider the bill further, and never report it, or it may report the bill adversely. It seems to me, with all due respect to the Senator from Connecticut, that he ought to wait with his resolution at least until the Committee on Military Affairs has acted, and then not press the resolution unless the committee has made a favorable report and the bill is put on the calendar. Does not the Senator think that that would be a better proceeding?

Mr. BRANDEGEE. That was suggested to me yesterday, and I can not agree with the Senator that I think it would be a better proceeding. The Judiciary Committee of the Senate is the law committee of the Senate. It is composed of 18 lawyers of the Senate. Without disparagement to any lawyer on the Committee on Military Affairs, there are only a few of them there. They are just as good lawyers as those on the Judiciary Committee. I do not attempt to disparage them at all. The Senator from California [Mr. JOHNSON] and the Senator from Colorado [Mr. THOMAS] and the Senator from Tennessee [Mr. MCKELLAR] are three of the most eminent lawyers in this country; yet, as I told the Senate yesterday, I attended a meeting of that committee, and while I hesitated yesterday to be "telling tales out of school," and I do not want to violate the confidence that the committee reposed in me, and I do not intend to do so, certain prominent members of that committee even after they had heard read to them the case of Ex parte Milligan, which is the leading case upon this subject, stoutly maintained that this bill was constitutional. I thought, inasmuch as this bill proposes to transfer the trial of 100,000,000 American civilian citizens from the civil courts to the drumhead court-martial, and the Committee on Military Affairs, or some of its most prominent members, were seriously considering it, it would not be taken to be an inopportune time nor an insult nor a reflection upon anybody if the Senate took the advice of its own law committee as to whether or not the bill was constitutional.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield.

Mr. SWANSON. The Senate took an adjournment yesterday until 11 o'clock this morning in the hope that we could dispose of the housing bill. Would the Senator object to having his resolution go over without prejudice to the next morning hour?

Mr. BRANDEGEE. I think we can dispose of this matter in five minutes, and I should like to get it out of the way.

Mr. President and Senators, I do not care to press this resolution at all. If I had known, when I offered it, that the President of the United States was going to take the same view that I did upon this question I would not have offered it at all. The bill is dead. Everybody knows that. The committee will never report it. Perhaps some of the very Members who were strenuously in favor of it on Saturday will now turn around and oppose it, having heard "their master's voice." I certainly should oppose it to the death. I would die in my tracks, I would resign from the Senate, or be defeated on the issue, before I would vote to subject the civilian population of America to the yoke of the Army for speaking disrespectfully of the administration, or committing some one of the heinous offenses that we have defined in the espionage bill, and so forth; but I regard the danger as being over and now I withdraw the resolution.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his resolution.

WAR AGAINST BULGARIA AND TURKEY.

Mr. BRANDEGEE. I now call up the next resolution that I offered, being Senate resolution 229.

The PRESIDENT pro tempore. The Secretary will state the resolution.

The Secretary read Senate resolution 229, submitted by Mr. BRANDEGEE on April 22, 1918, as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BRANDEGEE. Mr. President, I want to speak about one minute on this resolution.

We are at war with Germany. Germany has as her allies, bound to her and dominated by her, Austria-Hungary, Turkey, and Bulgaria. We loitered along for about a year before we dared declare war on Austria. We finally did it. To-day the

Bulgarian troops are right out on the western front fighting the English, French, and American troops. The Bulgarian minister sits here in Washington, persona grata to the State Department. The other day I received a newspaper article from him—as I thought, in gross breach of diplomatic etiquette—with his visiting card pinned to it, telling how Czar Ferdinand saw no reason to have any unfriendly feeling toward America; yet his troops are in the front line fighting our boys. I think it is an outrage that this country should tolerate such a condition. Here is Turkey, slaughtering our men and slaughtering Armenians by the millions, devastating the Orient, and yet the representatives of Bulgaria and Turkey—the right and left hands of the German beast against which we are waging war—are persona grata here to our State Department, and we are conducting friendly diplomatic relations with them. I say it is not only anomalous, but it is outrageous, and will be extremely embarrassing and dangerous if this situation is kept up.

Mr. POMERENE. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Ohio.

Mr. POMERENE. I was attracted by the statement made by the Senator from Connecticut to the effect that the Bulgarians were now on the western front. I have no personal knowledge upon that subject; but only within two or three days a Bulgarian missionary, formerly a resident of the State of Ohio, was in my office and stated to me that the Bulgarians were not on the western front, and that they had refused to go to the western front or to participate in the fighting on the western front because of their friendly feeling toward the United States.

I simply make that statement for what it is worth. I know nothing about the facts.

Mr. BRANDEGEE. Mr. President, of course I have not been across the line and seen them there. I have read in the newspapers that they did have regiments on the western front. As to their "friendly feeling" toward the United States, if they want to display that in a really practical way they had better get out of the German Army and stop fighting the French and English, who are our allies. That is all camouflage, Mr. President. We may as well look right through this thing, down to the bottom of it. Bulgaria can not be friendly to the United States and friendly to Germany at the same time; that is all there is to it. They are absolutely under the cloven hoof of Germany. They are not free agents. They are dominated by Germany. Their life and death depends upon the favor with which the Kaiser looks upon Czar Ferdinand, and it is a travesty and a tragedy for us to be declaring war against one of several allied powers who are waging joint war against us and maintaining friendly relations with the others.

I do not want to instruct the Foreign Relations Committee. I am a member of it myself. I am going to withdraw this resolution. I simply introduced it for the purpose of calling the attention of the country to the fact that we ought to be in this war to win the war and not to attempt to incite Czechs or Bolsheviki to revolution in the countries of our enemies. Thirteen-inch guns and American troops and vessels will win this war. We can not win it by attempting to incite riots within the lines of our enemies.

Mr. NORRIS. Mr. President.

Mr. BRANDEGEE. I yield to the Senator from Nebraska.

Mr. NORRIS. Did the Senator say he intended to withdraw the resolution?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. I hope the Senator will not do that. It seems to me that the resolution is couched in the most respectful terms possible, and the committee can not be offended if it is passed, and it ought to be passed. If there is any reason why it should not take the action suggested, the committee is able to find it and we ought to know it.

Mr. BRANDEGEE. Then, I will not withdraw the resolution. I will let the Senate act on it. It is a resolution simply requesting the Foreign Relations Committee to give early consideration to the resolution that the Senator from Utah [Mr. KING] introduced April 2 to declare war upon our enemies, Bulgaria and Turkey, and to report upon it. We did give consideration to it. The only reason I dislike to press the resolution is that, being a member of the committee myself, it might be asked, Why did you not press it in committee? I am going to press it. I think the sentiment of the American people is in favor of the resolution, and I thought if I said a few words in the Senate it might induce the committee to give it earlier and more favorable consideration than though I said it in the privacy of the committee.

As I said, the committee did consider this question. I think the sentiment of the committee was in favor of the resolution of the Senator from Utah [Mr. KING]. I am not at liberty to talk publicly and entirely freely about it, but I think I can say, without violating confidence or furnishing information to the enemy, that the State Department thought, in view of certain views of its own, it was best not to act upon it at that time. So we deferred action. I think we have deferred action long enough.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BRANDEGEE. I do.

Mr. KNOX. Is it not a matter of public record that the President in his address to the joint Houses of Congress dissuaded from——

Mr. OVERMAN. Mr. President, we can not hear on this side.

The PRESIDENT pro tempore. The Senate will preserve order.

Mr. KNOX. The Senator from Connecticut manifested some indisposition toward stating why the Committee on Foreign Relations had not passed upon this resolution at the time it was presented and considered, on the ground that he did not care to disclose the action of the committee. I was asking him if it is not a fact and does not that fact appear of record that the President in his address to Congress at the time of the declaration of war upon Austria said that, while logically Turkey and Bulgaria should be included, yet there were reasons at that time why it was not thought desirable. Is not that correct?

Mr. BRANDEGEE. I think that is correct, Mr. President, and it supplements what I said, and what I said is still true, notwithstanding that even after the matter came before the committee, after the President had made his address to Congress, after the Senator from Utah had sent his resolution to the committee, similar advice came from the State Department. I may go that far, I think, without violating confidence.

Mr. NORRIS. I should like to suggest to the Senator I do not see any reason myself, but there may be; the President or the State Department may know about it, but if there is any reason why a resolution declaring war against Bulgaria and Turkey should not be passed, the committee will be able to ascertain it, I take it, without any difficulty, and it can act accordingly and should act accordingly. If there is sufficient reason why the step should not be taken, it will be very easy to ascertain it, but we are now in an illogical position at present unless there is some sufficient reason for it.

Mr. BRANDEGEE. I am not of an unduly optimistic nature, but I have been hoping that the Committee on Foreign Relations of this Senate, which represents half of the treaty-making power of this country, and which the great American public assumes has some knowledge of foreign relations and what is going on, might get some information about what is going on abroad. Yet the Senate Committee on Foreign Relations knows no more about what is going on abroad than the Committee on Military Affairs or the Committee on Agriculture. The President is his own Foreign Relations Committee, and his own Secretary of State, and he is conducting this war in behalf of 100,000,000 people, weaving himself into a cocoon of mystery, secrecy, and silence in the top floor of the White House, and nobody but Col. House tiptoes up and down stairs, and then silently folds his tent and steals away back to New York. The Senate of the United States is in as dense ignorance about our foreign relations as the Common Council of Keokuk.

It is not right, Mr. President. Talk about taking common counsel! Talk about demanding legislative powers to coordinate the departments of this Government! The trouble is the President will not coordinate with anybody but himself. That is the trouble. The trouble is not with Congress. My God, we have gone miles further than any Congress ever dreamed of going to furnish equipment for this administration, to wage this war which we declared a year ago, and which the President has never spoken of since without holding out in his left hand a bid for some kind of a peace.

What we want are 13-inch guns and men and a realization that this country is in this war to fight and not to conduct a Bolsheviki Chautauqua circuit tea party, to drivel and snivel about humanity. You are up against Von Hindenburg. There is but one thing to talk to that man and that is power, and we have dawdled and talked for a year, mismanaging our air fleet, mismanaging our shipbuilding, mismanaging our machine guns, delaying and hoping that poor France and England would win this war for us while we elevated ourselves to the position of prince of peace and general agent of humanity. It is time we got down to a realization of this thing, Mr. President.

Now, I want to declare war against Bulgaria and Turkey. I have introduced this resolution asking the Senate Committee on Foreign Relations to give early consideration to the resolu-

tion that the Senator from Utah introduced. I do not think it is disrespectful to ask that, and I have asked for a report. I want them to report one way or another and not pigeonhole it. If we ought not to declare war against Turkey and Bulgaria let us say that we decline to declare war against them. If we ought to declare war against the powers that are fighting us and our allies, let us declare war against them. Let us come out in the open and be frank and manly about this thing, and courageous—not sneak around under a lot of camouflage and enshroud ourselves in mystery and secrecy.

I ask for a vote on the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SWANSON. Mr. President, I think this is an ill time to pass the resolution. The Senator from Connecticut is a member of the Foreign Relations Committee. He can bring it up in the committee at any time it has a meeting. Any request on his part to have a meeting, I am sure, will be heeded. He can bring it up at any time and present the facts. In introducing the resolution when the relations with Bulgaria and Turkey are now very strained, difficulties might arise between those countries at any time, and to go into this matter hurriedly without consideration and force a report upon it is ill advised. The Senator can let the resolution go over without prejudice and bring it up at any other time. I do not know that he has ever made any motion in the Foreign Relations Committee to take it up for consideration. I can not recall that he has ever done so. He is a member of the committee and at any time when there is a meeting he can bring it up for consideration and disposition. I see no occasion for the Senate to instruct the Foreign Relations Committee at this time. I hope the Senator will follow his original judgment and let the matter go over.

The Senator talks about waging this war. The Senate adjourned yesterday until 11 o'clock to-day, instead of taking a recess, to consider a war measure. Here an hour and fifteen minutes have been consumed when the Army, the Navy, and the President, and everybody who has investigated says you can not wage this war without munitions, and you can not get munitions unless you get workmen, and you can not get workmen unless you get places to house them. I have here and have had for the last two weeks nearly a confidential report showing the condition at munition plants, navy yards, in the construction of naval vessels, saying that it is utterly impossible to conduct them unless housing is furnished. Yet for two weeks I have not been able to get consideration and passage of the bill. I can not get it passed to-day if we pass beyond the hour of 1 o'clock. I hope the Senator will let his resolution go over and give me an opportunity to take up the housing bill. The Senate adjourned yesterday and met at 11 o'clock to-day in order to dispose of it.

Mr. BRANDEGEE. If the Senator had stopped talking, the resolution would have been out of the way by this time. I am not opposing his housing bill or any other war measure. I vote for all of them.

Mr. SWANSON. They can not be disposed of until an opportunity is given to vote on them.

Mr. BRANDEGEE. Of course not, and this resolution can not be disposed of until an opportunity is given to vote on it. If the Senator will take his seat and let us vote on the resolution, whether the vote is yes or no—I do not care which way—vote it up or vote it down.

Mr. SWANSON. I understood the Senator first said he would not press it.

Mr. BRANDEGEE. I did.

Mr. SWANSON. Secondly he said he would, and all I ask the Senator to do in an important matter like this is not to force this discussion at this time, when the Senate really assigned the time to the consideration of a war measure to wage the present war. You can not get ammunition; you can not build destroyers; you can not construct the things necessary for the war without workmen.

Mr. BRANDEGEE. The Senator is again defeating the consideration of his own measure by his oratory.

Mr. SWANSON. The Senator has talked, I do not know how long.

Mr. BRANDEGEE. Not over 10 minutes.

Mr. SWANSON. The Senator does not know how to reckon time when he is talking. The clock runs slowly when the Senator talks. All I ask, as this is an important question, is that we should not force the committee to report on it unless it thought it was wise. The Senator is a member of the committee. Let it go over without prejudice.

Mr. BRANDEGEE. The resolution does not force the committee. It is a respectful request. The language is "that the Senate Committee on Foreign Relations is hereby requested to give early consideration"——

Mr. SWANSON. Has the Senator ever made a motion in the committee for the consideration of the resolution?

Mr. BRANDEGEE. It was taken up once and laid aside.

Mr. SWANSON. When? I do not remember. I was not present.

Mr. BRANDEGEE. If the Senator was not there, I was there, and I can refresh his recollection.

Mr. SWANSON. I insist that the matter should come up in the committee. The Senator is a member of the committee.

Mr. BRANDEGEE. I insist upon it here and now.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SMITH of Arizona. Mr. President, I should like, being detained from the Senate, to know what the resolution of the Senator is.

Mr. BRANDEGEE. I will read the resolution to the Senator.

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution—

The King resolution, declaring war on Turkey and Bulgaria—

its early consideration and report thereon to the Senate.

It seems to be a comparatively harmless resolution.

Mr. SMITH of Arizona. I should like to ask the Senator, repenting somewhat what the Senator from Virginia [Mr. SWANSON] said, a question. I likewise am a member of the committee which depends very largely or much upon what it does to the good judgment and clear sense of the Senator himself who introduced the resolution. It seems to me that it is more or less an insinuation that the committee is not inclined——

Mr. BRANDEGEE. I withdraw any insinuating purpose in it, if the Senator finds that between the lines.

Mr. SMITH of Arizona. Still the question remains, Why does the Senator press it?—I ask in all respect.

Mr. BRANDEGEE. I do it in order to bring the matter to the attention of the Foreign Relations Committee. I think if they felt that the sense of the Senate is that war ought to be declared it might hasten their action a bit. I do not want to offend the Senator.

Mr. SMITH of Arizona. You are not offending me in the least.

Mr. BRANDEGEE. The Senator thought there was some insinuation against the committee.

Mr. SMITH of Arizona. Against the committee itself, of which the Senator is a member. I would protect the Senator from an insinuation against himself in bringing it before the Senate and giving it publicity here rather than before the committee.

Mr. BRANDEGEE. I want both. I think the sentiment of this country demands war against Turkey and Bulgaria, but I do not think it is hostile or insinuating or a reflection upon the committee who have not taken action upon the resolution. We have now been at war three weeks since it was introduced and to request it to be kind enough to give it very early consideration and report one way or the other——

Mr. SMITH of Arizona. The Senator knows that on notice to the chairman of the committee——

Mr. BRANDEGEE. I do not know who the chairman is.

Mr. SMITH of Arizona. There is the trouble. The matter could be brought before the committee. If the committee goes against the wishes of the Senate, it is subject to the rebuke of the Senate on a vote of the Senate.

Mr. BRANDEGEE. It is not a rebuke.

Mr. SMITH of Arizona. Whether it is a rebuke or not, leaving that question out, it seems to me in the regular order of things in a matter of this importance when we do not know how much Americans are exposed in Turkey without knowing what would be the result of this action on the part of the Senate it should be left with the committee.

Mr. BRANDEGEE. I do not think it could be considered to be hasty after a year of war.

Mr. SMITH of Arizona. There has not been a year of war between us and Turkey.

Mr. BRANDEGEE. No; but the Turks have been waging war against our allies and we have not been waging war against Turkey at all.

Mr. SMITH of Arizona. I do not suppose they have been waging war against our people in Turkey, and I understand there are a great number of Americans there.

Mr. BRANDEGEE. They have been at war with the British Army all through the Orient the best they could. Let the resolution be voted upon. The Senator can vote against the resolution.

Mr. SMITH of Arizona. I do not wish to be put in that attitude. There is where the Senator, it seems to me, is taking an unintentional advantage.

Mr. BRANDEGEE. I do not want to take any advantage of the Senator. All the Senator has to do is to vote against the resolution.

Mr. SMITH of Arizona. I understand I can vote against it, and all the Senator has to do is to introduce it and ask for a vote, no matter what is said, no matter how far it was from ordinary proceedings on this floor.

Mr. BRANDEGEE. I ask for a vote on it. I do not know whether I shall get one or not. I admit the Senator's right to vote against it, and I think the Senator must concede my right to vote in favor of it.

Mr. SMITH of Arizona. But I do not think the Senator has a right, being a member of the committee, to force a vote upon me or upon anybody else. A great deal more may be entering into the question than the resolution itself conveys.

Mr. BRANDEGEE. I know something about the question, though I did not get my information from the State Department.

Mr. SMITH of Arizona. Unfortunately, the Senator did not bring it before the proper committee.

Mr. BRANDEGEE. I shall bring it before the committee even if this resolution does not pass.

Mr. THOMAS. Mr. President, I presume it is the purpose of the Senator from Connecticut to press the resolution to a vote.

Mr. BRANDEGEE. I should like to have a vote on it.

Mr. THOMAS. Then I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Nugent	Sterling
Baird	Hollis	Overman	Sutherland
Bankhead	Johnson, Cal.	Owen	Swanson
Borah	Jones, N. Mex.	Page	Thomas
Brandegee	Jones, Wash.	Phelan	Thompson
Calder	Kellogg	Pittman	Tillman
Chamberlain	King	Poindexter	Townsend
Culberson	Kirby	Pomerene	Trammell
Cummins	Knox	Saulsbury	Vardaman
Curtis	Lenroot	Shafroth	Wadsworth
Dillingham	McLean	Sheppard	Walsh
Fall	McNary	Sherman	Watson
France	Martin	Shields	Williams
Frelinghuysen	Nelson	Smith, Ariz.	Wolcott
Gallinger	New	Smith, Ga.	
Harding	Norris	Smoot	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

Mr. BORAH. Mr. President, may I ask for the reading of the resolution upon which we are about to vote?

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read (S. Res. 229) as follows:

Whereas S. J. Res. 145, to declare a state of war between the United States of America and the Governments of Bulgaria and of Turkey, was referred to the Committee on Foreign Relations on April 2, 1918: Now, therefore, be it

Resolved, That the Senate Committee on Foreign Relations is requested to give said resolution its early consideration and report thereon to the Senate.

Mr. BORAH. Mr. President, as a member of the Foreign Relations Committee, I am ready to vote to report out this joint resolution at any time, and to report it for favorable action by this body. I have, however, some hesitancy in voting for the pending resolution, due to the fact that the joint resolution to which it refers has never been called up in the committee to my knowledge. But in voting against this resolution I do not wish it to be understood that I am opposed to a speedy report upon the joint resolution and in favor of it being passed by this body.

Mr. SWANSON and Mr. THOMAS called for the yeas and nays, and they were ordered.

Mr. SMITH of Georgia. Mr. President, I shall vote against this resolution, because I am not sure that the time has come when we ought to decide upon the question of war upon Bulgaria and Turkey. If the Committee on Foreign Relations were ready to report and should report, and this were the time to pass upon the question, I should prefer that they should judge even that problem before action is had. It may be that I shall be ready when the committee reports to vote for war with Bulgaria and Turkey; but now I do not know, and I prefer to leave the matter with the Committee on Foreign Relations to bring it to us in the ordinary way.

Mr. SMITH of Arizona. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. SMITH of Arizona. I have my doubts as to whether or not a motion would be in order to refer this resolution of instruction to the committee; but if it is in order I move to refer the resolution to the Committee on Foreign Relations.

Mr. BRANDEGEE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. I make the point of order that the yeas and nays having already been ordered upon the resolution, it is too late to make a motion or to do anything other than to call the roll.

Mr. SMITH of Georgia. Mr. President——

Mr. SWANSON. Once, when I was presiding, I ruled on that question, and the Senator from Connecticut spoke very eloquently against the ruling, and the Senate overruled it.

Mr. SMITH of Georgia. We succeeded in overruling the decision of the Chair, and I am sure we were right. If the Senator from Connecticut will merely reflect a moment, he will remember that he and I both joined vigorously in the attack upon the ruling by the Chair. The Vice President was in the chair, and we overruled him on it.

Mr. BRANDEGEE. I have reflected vigorously, but I do not remember the incident.

Mr. SMITH of Georgia. I can cite the incident.

The PRESIDENT pro tempore. Does the Senator from Arizona withdraw his motion?

Mr. SMITH of Arizona. I withdraw the motion.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SHAFROTH. Mr. President, I desire to say, it seems to me, that if there was ever a time in the history of this Government when we ought to be united upon all matters, when there should be absolutely no division, it is now. There may be the most potent reasons why the committee has not reported the joint resolution relative to a declaration of war between the United States and the Governments of Bulgaria and Turkey. The President indicated in his address that, in his judgment, the time was not ripe for such a declaration of war. He has information which we do not possess, and we might commit a most egregious blunder by precipitating even a discussion of the subject at this time. Let us trust our Commander in Chief. It seems to me that we ought not to pass the pending Senate resolution until at least it has been called up by the Committee on Foreign Relations and the matter thoroughly considered by them. For that reason I shall vote against the resolution of the Senator from Connecticut.

Mr. KNOX and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania first addressed the Chair, and is therefore recognized.

Mr. KNOX. Mr President, it has become very obvious—and I think we all knew it even before it was drawn to our attention this morning—that the reason the United States has not declared that a state of war exists between the United States and Turkey and the United States and Bulgaria is because the President of the United States, when he addressed the Congress last December in relation to a declaration that a condition of war existed with Austria, pointed out that, while it was logical that the same declaration should be made in respect to Turkey and Bulgaria, there were reasons why it was not expedient at that time to make the declaration. There is not any question about the action of the Committee on Foreign Relations having been suspended by reason of that fact, supplemented by additional information from the Department of State supporting more in detail that which the President had already indicated to both branches of Congress.

Now, it seems to me that a substitute can be offered to this resolution which will go directly to the point. If this resolution is passed, then the question will come before the Committee on Foreign Relations, which will take it up with the Department of State, and that department will take it up with the President. Filtered through those various channels, the matter will come back to the Senate. Then the Senate will have to act upon the information thus received. I am going to ask the Senator from Connecticut [Mr. BRANDEGEE] if he will not accept this as a substitute for his resolution:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate if there now exists any reason why the United States should not declare that a state of war exists between the United States and Turkey and the United States and Bulgaria

The President has already told us several months ago that at that time there were such reasons, but a declaration at that time was not expedient. It may be that it is expedient at this time; and, if so, and if the statement of the reasons is not incompatible with the public interest, the President will say so. If such statement should be incompatible with the public interest—and I can well imagine how such a thing could be—the

President will state that there are reasons why it is not wise for him to make such disclosure.

Mr. SWANSON. Mr. President, if the Senator from Pennsylvania will permit me, the Committee on Foreign Relations, to which the joint resolution has been referred, can see the President and secure all the information desired. The President can communicate more freely to them than he can in a public communication to Congress. I have never known the State Department or the President to refuse, upon proper inquiry from any member of the committee, a frank and full reply. It seems to me that, even before the pending resolution is passed, the proper thing would be for the Committee on Foreign Relations to confer with the Secretary of State or with the President, and ascertain the situation. I do not think the Senator will say that the President or the Secretary of State has ever failed to talk to him in the fullest, freest, and most complete way concerning any foreign affairs in regard to which he desired information. It seems to me if the Committee on Foreign Relations are desirous of considering the question, the Secretary of State will be very glad to appear, confer with them, and give to them such reasons and such information as he has fully and completely. It appears to me that the wise course to pursue is for the committee to handle this matter. The Senator from Connecticut says he brought the matter up once in committee. I can not recall any such occasion.

Mr. BRANDEGEE. I did not say I had brought it up; I said that the committee took it up.

Mr. SWANSON. I do not think the committee deserves that any reflection should be made upon it because no member of the committee has endeavored to bring this matter up, so far as I know—and I am a member of the committee and have been present at its meetings. In my opinion, to reflect on that committee as being derelict in the discharge of its duty and being recreant to the trust reposed in it is not proper treatment of the committee of which the Senator from Connecticut himself is a member.

If the Senator wants to bring the matter up, I have no doubt the chairman of the committee will call a meeting for that purpose, when the matter can be discussed and considered and full information obtained. I think that is the purpose for which the committee was created. I do not see wherein the committee has been derelict in its duty nor why it should be called upon to abdicate its functions. If the Senator from Connecticut consents to the substitution for the resolution proposed by the Senator from Pennsylvania, I would not consent, and as the yeas and nays have been ordered I do not think the Senator from Connecticut can have control of the resolution.

Mr. KNOX. Mr. President, the substitute I have offered for the resolution does not proceed upon the hypothesis that there has been any difficulty in getting from the State Department any information it had that it was willing to disclose, and it is usually willing to disclose information when it is not incompatible with the public interest that it be made public. The substitute resolution which I offer does not reflect at all upon the Committee on Foreign Relations. If the Senator from Virginia imagines that the Senator from Connecticut had offered a resolution that might be so construed, my proposed substitute was intended to obviate that. It is entirely proper practice; it has been done over and over again to supply the basis upon which the Senate desires to act to request from the President in this polite and respectful manner information in order that the Senate may act intelligently.

Mr. SWANSON. Mr. President, if the Senator will allow me——

Mr. KNOX. Mr. President, if the Senator from Virginia will excuse me just for one moment, I feel the weight constantly, and I am quite sure every Senator here feels the weight pressing upon him in a manner that is almost discouraging at times, that we do not know enough about the things upon which we are expected to act. The country, I can imagine, wonders, as the Senator from Connecticut said this morning, that with Bulgarian troops at or upon the line fighting with the Americans and the British and the French, why should we entertain here a minister from Bulgaria. Why should he have access to the Department of State and to the ear of the President? Why should he be received in the homes of American citizens to pick up the information that may be dropped at dinner tables and on other social occasions which may be of great value to his country's allies? Does anyone here imagine for one second that, with Bulgaria standing in the relation she does to the Kaiser to-day, such information is not going and going constantly? Why should we entertain a minister under such circumstances?

The people have a right to demand to know why we are doing it. If the reasons are overwhelming, we will continue to do it; but if good reasons do not exist we should cease doing it, and that same state of war which we have declared to exist between Germany and the United States and Austria and the United States should be declared to exist between Bulgaria and Turkey and the United States, because in making such a declaration we would only be declaring the fact.

As I said a moment ago, I was satisfied at the time the President requested that the matter should be passed over that it was wise and expedient to take his judgment and pass over it. I would be satisfied if he were to come back to-morrow and say in response to this resolution that there are reasons, and grave reasons, why a state of war should not be declared to exist to take his judgment for it, but I say the time has come when to release ourselves from the responsibility which we have no right to bear any longer, we should have this information and have it direct, and in passing this resolution we should make no reflection whatever upon the Committee on Foreign Relations.

Mr. POMERENE, Mr. WILLIAMS, and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. KNOX. Mr. President, I have not yet yielded the floor.

Mr. BRANDEGEE. Will the Senator yield to me for a moment?

Mr. KNOX. Certainly.

Mr. BRANDEGEE. I do not need to disclaim again, I think, any intention of reflecting upon the committee of which I have the honor to be a member—the Committee on Foreign Relations. The last thought in my mind was to reflect upon it when I made a courteous request that it should give early consideration to the measure.

Mr. President, I think the substitute proposed by the Senator from Pennsylvania [Mr. KNOX] is preferable to my own resolution. I introduced the resolution as expressing the best that I could think of to bring this matter to public attention. The Senator from Virginia [Mr. SWANSON] berates me for having brought this matter here publicly, as he says. Why, my God, Mr. President, this is an era of open diplomacy—no more secret diplomacy, nothing is to be done in a dark corner.

Mr. GALLINGER. It is the era of pitiless publicity.

Mr. BRANDEGEE. Yes; pitiless publicity; democracy is the world issue now; and so I have not hesitated on the floor of the United States Senate to ask the Committee on Foreign Relations to please consider a resolution without thinking that I was insulting its members, myself among the number. So much for that.

I accept the substitute, if I may do so, prepared by the Senator from Pennsylvania, for I think it is wise to go to the fountainhead, and the sole fountainhead, of information on foreign relations, and to ask the President of the United States whether any reason now exists why we should not declare war upon the enemies of our friends.

Mr. BORAH. Mr. President, may I make a suggestion to the Senator?

Mr. BRANDEGEE. The Senator from Pennsylvania [Mr. KNOX] has the floor. He yielded to me.

Mr. BORAH. I understand the Senator from Pennsylvania has not the floor, for he has taken his seat.

Mr. BRANDEGEE. If I can yield, I yield to the Senator.

The PRESIDENT pro tempore. The Chair thinks that Senators can not farm out the floor without reference to the Chair.

Mr. BRANDEGEE. I do not think so, either, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Chair has recognized the Senator from Ohio [Mr. POMERENE], thinking that he desired the floor at the conclusion of the remarks of the Senator from Pennsylvania [Mr. KNOX]. If the Senator from Ohio now desires recognition, the Chair will renew that recognition and then will recognize other Senators.

Mr. POMERENE. Mr. President, I have been a good deal troubled in my own mind as to just what the attitude of this country should be with respect to Bulgaria and Turkey, particularly with respect to Bulgaria. The Senator from Pennsylvania a moment ago referred to the address of the President. I have that address before me, and this is what the President said:

> The same logic would lead also to a declaration of war against Turkey and Bulgaria. They also are the tools of Germany, but they are mere tools and do not yet stand in the direct path of our necessary action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

I do not think there was any real occasion for the presentation of the resolution offered by the Senator from Connecticut. I feel quite sure that if that matter had been brought up in the Committee on Foreign Relations it would have received full and considerate attention; but the Senator from Connecticut saw fit to present that resolution, and he was fully within his

rights when he did present it. I do not regard it as a reflection upon the committee. I do not regard it as a reflection upon any committee to have any Senator at any time present a request to the Senate with respect to matters which may be occupying the attention of the committee; but now the Senator from Pennsylvania offers a substitute, which, in substance, provides that the President shall be requested to, if not incompatible with the public interest, inform Congress whether there is or not any reason now why the Congress of the United States should not act upon this subject.

Mr. FALL. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Mexico?

Mr. POMERENE. For a question.

Mr. FALL. I want to ask the Senator if he thinks that the Senate of the United States would be disrespectful, acting purely and particularly within its own constitutional sphere in the matter of a declaration of war, if it requested the information directly from the President and secured it from any other source, possibly, and acted independently of the Executive in the declaration of war, if it saw fit to make it?

Mr. POMERENE. I think perhaps the Senator's question has anticipated what I am going to say upon the subject. The President has already declared that in his opinion the time had not arrived when the Congress of the United States should act upon this subject. That was on December 4, 1917. Now, after a lapse of four months, the Senator from Pennsylvania presents the same question before the Senate, asking for information. It is not as if a new subject had been broached. The last public utterance by the President upon this question was on December 4, 1917, and at that time it was his view that no action should be taken. I see no impropriety, if the Senate sees proper, in asking the President now whether the situation has changed.

Mr. SHAFROTH. Mr. President, will the Senator yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do.

Mr. SHAFROTH. Does not the Senator recognize that if the situation had changed so that the President thought that a declaration of war should be made, he would present the matter, just as he presented the matter as to a declaration of war against Austria?

Mr. POMERENE. Oh, Mr. President, of course that information can come from the President on his own initiative; but the fact that it may come on his own initiative is no reason why the Senate and the Congress may not be a little curious upon the subject.

Mr. SHAFROTH. That may be; but does not the Senator recognize that the complications of the situation are utterly unknown to us and are known to him?

Mr. POMERENE. Mr. President, if that be so, then the President can so advise us.

I simply rose to say that in my judgment the Senate could with perfect propriety adopt the resolution offered by the Senator from Pennsylvania.

Mr. SWANSON. Mr. President, in response to the Senator from Ohio I will state that the Senate has appointed an agency to examine as far as it can in confidence matters that can not be discussed in public, like the executive sessions of the Senate, to report upon delicate and intricate foreign matters. The Foreign Relations Committee has full power to consider the wisdom of declaring war against Bulgaria and Turkey. Up to this time no effort has been made in the committee to reach a conclusion on that question, the committee being controlled by the recommendation of the President at the time war was declared on Austria. I am not discussing the impropriety of the Senate controlling any of its agencies. I am discussing the wisdom of doing so.

Mr. WOLCOTT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Delaware?

Mr. SWANSON. I yield to the Senator.

Mr. WOLCOTT. I should like to ask the Senator from Virginia if the reason why the committee have made no effort to inform itself upon this question is because the members of the committee have some information which satisfies them individually which results in nonaction of the committee, or is it just because the committee have not paid any attention to it?

Mr. SWANSON. If I recall, when the question was before the committee as to whether Turkey and Bulgaria should be included we had communications from the Secretary of State, and I recall that I had a confidential letter, and other Members were informed and reasons were given why it was thought at that time that it would not be wise to declare war against Turkey and include Bulgaria.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. SWANSON. I do.

Mr. WILLIAMS. The Senator will recall, also, that the late chairman of the Foreign Relations Committee, who since then has, unfortunately, died, read to the committee confidentially a communication from the Secretary of State.

Mr. SWANSON. I may as well state that one of the communications was from Mr. Phillips and one was from a person who had been through Turkey. On the information furnished at that time the committee was practically unanimous, as I recall—some might have objected—that it was not wise at that time to include a declaration of war against Turkey and Bulgaria. I do not recall that since then the question has been agitated or discussed, and I am confident that it has not.

The position I took in regard to the matter was this: It would seem to me that before the Senate took action—and it is manifest that there are a number of Members of the Senate who desire action—the proper course to pursue would be for the question to be brought up in the Foreign Relations Committee, send for the Secretary of State, get all the confidential communications which certainly will be given to the committee on this subject, and let the committee ascertain for itself the facts and reach a conclusion and report, if it is necessary, to the Senate.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from New Mexico?

Mr. SWANSON. I yield to the Senator.

Mr. JONES of New Mexico. I rise to make a parliamentary inquiry. While the Chair has ruled that this resolution is not to be referred to the Committee on Foreign Relations, I desire to inquire whether or not a motion to refer the resolution to the Committee on Foreign Relations would be in order?

The PRESIDENT pro tempore. The Chair thinks that the resolution might be referred to the Foreign Relations Committee.

Mr. JONES of New Mexico. Then when I get an opportunity I shall make such a motion.

Mr. SWANSON. Mr. President, it seems to me that the President and the Secretary of State can communicate the facts more fully, more freely, and more confidentially to the Committee on Foreign Relations, as the agents of the Senate for foreign affairs, than they can in a public communication to the Senate, giving the various reasons why we should or should not declare war against Turkey and Bulgaria; and it seems to me the proper course to pursue in a delicate question like this is to give the Foreign Relations Committee an opportunity to ascertain the facts and to reach a conclusion. The Senator from Connecticut has every opportunity of bringing that matter before the committee, to get all the confidential communications that the State Department has, the views of the administration itself, and the entire relations pertaining to the situation between Bulgaria and Turkey and the United States.

As I said before, we have all seen the statement in the press dispatches—I do not know whether it is true or not—that the relations between Turkey and Bulgaria are becoming strained in connection with the division of territory. As I say, I do not know whether it is true or not. We ought to ascertain the facts in that situation before we precipitate this intricate question here for debate and discussion.

It seems to me that the proper course to pursue—and I hope the Senator from Connecticut will pursue it—would be to let this resolution go to the committee. I feel sure the committee will give him and those who favor a declaration of war against Bulgaria and Turkey a hearing. I am frank to say that unless reasons are given why it should not be done that are controlling, as they were before, I am inclined to think that war certainly should be declared against Turkey.

I hope the Senator will let the resolution go to the committee for its consideration.

Mr. PITTMAN. Mr. President, the resolution of the Senator from Pennsylvania [Mr. KNOX] is really making a demand upon the President either to ask Congress for a declaration of war against Bulgaria and Turkey or to state to the world that cause does not now exist for a declaration of war against Bulgaria and Turkey. It makes it necessary to make such a statement. The Senator from Pennsylvania can obtain the same information without involving the Chief Executive of this country in a declaration. The Committee on Foreign Relations will now adopt a resolution of the character the Senator from Pennsylvania proposes, requesting the information on behalf of the committee. If it satisfies the Senator from Pennsylvania, I know that there are Senators here who would be satisfied with the declaration of the Senator from Pennsylvania.

If the Senate is not then satisfied with the report of the Committee on Foreign Relations it will be ample time to in-

troduce a resolution going over the head of the Committee on Foreign Relations, and compelling, as far as the Senate may compel—because the request is almost a demand—the communication of this information and a statement as to the attitude of the President in the matter.

I for one, as a member of the Foreign Relations Committee, have never heard of this matter since it was first brought before the committee. At that time, by unanimous consent, the subject was dropped. Had the Senator from Connecticut or the Senator from Pennsylvania at any time recently suggested to the committee at any of its meetings that the information was desired from the President by the committee or any member of the committee, I, for one, would have supported that request. I am prepared to support it in committee now, but I can not see the necessity of involving the Chief Executive in a declaration of this kind at this time. I think it is totally improper.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I do.

Mr. KNOX. I simply want to inquire of the Senator if he has noticed the exact language of the resolution that I offered as a substitute? It does not involve the President in any declaration of any character that he has not already publicly and freely made. Everybody knows that a state of war does exist between Turkey and Bulgaria and the United States. The only question is, Is it expedient to declare the existence of that state of war?

Senators are constantly using the expression that we declared war upon Germany at such and such a time, or that we should declare war upon Turkey and upon Bulgaria. We have never declared war on any of these countries. We have only declared that by their acts they have brought on a condition or state of war, which we thereby recognized.

The President has said that logically, when we declared the existence of a state of war with Austria, we should have declared that same state of war to exist with Turkey and Bulgaria, but that it was not expedient at that time to do so. This resolution only inquires whether it is expedient now to do so, or whether those reasons still exist.

Mr. PITTMAN. Mr. President, the same condition would have existed just two days prior to our declaration that a state of war existed with Germany. We did not declare war on Germany. We declared that a state of war existed with the Imperial German Government. The same condition existed with relation to the German Government prior to our declaration that exists with reference to Bulgaria now; and yet I doubt if the Senator from Pennsylvania, a week or a month or a day prior to the declaration of the existence of war with the German Government, would have introduced a resolution of this character with regard to Germany. Why? Because it was too serious a matter. That is the reason why he would not have done it with regard to Germany—because it was a matter peculiarly within the executive functions of this Government until it was properly brought before the Congress of the United States.

The Senator from Pennsylvania has attempted to draw a distinction between a declaration of war and a declaration of a state of war. The distinction is clear to all of us, but it has not any effect whatever with regard to the propriety of his resolution—not the slightest—any more than it would have had with regard to the propriety of a resolution of the same character introduced with regard to the German Government before our declaration with regard to that Government. Consequently, his differentiation does not change the conditions at all.

The Senator's resolution does call for an expression on behalf of the Chief Executive of this country. That expression is equal to a declaration of war or a denial that war should be declared, whether you call it a declaration of war or a declaration of the existence of a state of war. Now, I ask the Senator from Pennsylvania if there might not be conditions submitted to him by the Chief Executive privately that would warrant him in believing that it was to the interest of this Government that nothing at all be said about this matter? The Senator from Pennsylvania realizes that it is impossible to discuss these matters in an official way without having some effect. He desires information, and yet he has not attempted to secure that information. He desires information as a Member of this body, and yet he is a member of a committee that has had this matter before it for months, and not in months has he sought, through that official channel, to obtain this information. He has not any doubt at all but that if he went to the President of the United States he would be satisfied with regard to this matter. He has not any doubt—at least, he has not expressed it—that if he should suggest this to the committee of which he is a member the committee would follow his suggestions and ask for the information from the President. He has not any doubt that that committee would receive just as much if not fuller information in regard to the subject upon which he desires information as this body would receive. If he is seeking information, why does he not seek it through the proper channels? If that information does not satisfy him, then he can proceed along the lines along which he is now proceeding. If he thinks that that information can not be imparted by that committee to this body, then he can say so in his report, and renew the offer of his resolution. But the Senator from Pennsylvania and the Senator from Connecticut have brought this matter suddenly before this body without the slightest intimation to the committee that has the matter in charge; and I say that had they brought it to the attention of the committee, the committee would have acted on their suggestions, and will now act on their suggestions.

The motion that will be made to refer to the committee the resolution of the Senator from Pennsylvania will have no more force and effect than to defeat the resolution of the Senator from Pennsylvania. It is certainly immaterial whether it be referred or not. If it be referred to the committee, then the matter will be in the same condition that it is now. That is, it will be before the committee. It is immaterial whether it is before the committee on the original resolution or on this resolution. Nevertheless, the resolution of the Senator from Pennsylvania should either be referred to that committee or should be defeated by this body; and I pledge the Senator from Pennsylvania now as a member of the committee—and the Senator from Virginia [Mr. SWANSON] has already made his pledge—that I will cooperate with him to the fullest extent to obtain all information for him and for that committee, and for this body through that committee, that he can obtain or hope to obtain through his pending resolution.

Mr. WILLIAMS. Mr. President, if I were upon a boat in a tortuous channel it would take a good deal to make me attempt to take things in my own hands and interfere with the pilot, the captain of the boat.

Something was said by the Senator from Connecticut [Mr. BRANDEGEE] about this being "the day of public diplomacy," and at the suggestion of the Senator from New Hampshire [Mr. GALLINGER] he said it was the day of "pitiless publicity."

Everybody has a great deal of sympathy with the idea of public diplomacy, but nobody has ever yet been foolish enough during war times to make public everything which had any bearing upon the carrying on of the war or the conclusion of the war itself.

Now, I do not know, frankly, any reason why this Government should not declare that a state of war exists between these United States and both Bulgaria and Turkey, but I do know that there may be very many reasons why they should not, and I do know that the very purposes which are in the minds of the Department of State might be defeated by making those reasons public.

The PRESIDENT pro tempore. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate bill 3771.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. SHERMAN. Mr. President——

Mr. SWANSON. Will the Senator yield to me to make an inquiry of the Senator from North Carolina?

Mr. SHERMAN. I do not wish to lose the floor.

Mr. SWANSON. The Senator is not going to lose the floor by yielding for an inquiry.

Mr. SHERMAN. Very well.

Mr. SWANSON. I ask the Senator from North Carolina if he will not yield to me to get up the housing bill to-day if the debate lags and there is not anyone who wants to speak on the unfinished business?

Mr. OVERMAN. I will say to the Senator, if no one wishes to speak and the condition arises later, so that it will be necessary to lay aside the bill temporarily, that may be done; but I do not wish the Senator to be misinformed. I think all the time will be taken up by debate on the unfinished business.

Mr. SWANSON. I should like to ask if the Senator will not move an adjournment and meet to-morrow at 11 o'clock, so that the housing bill may be disposed of. It is a measure of most urgent necessity.

Mr. OVERMAN. I appreciate that; but, as I stated yesterday, I promised the Senate, if they would give me unanimous consent, that I would continue the unfinished business before the Senate. The Senator knows the situation as well as I do. He has seen what has been accomplished by taking an adjournment yesterday afternoon, and the same thing might happen to-morrow.

Mr. SWANSON. It may be that we will hardly get a vote in the Senate except by unanimous consent or by mental and physical exhaustion, but I have been trying to reach a vote.

Mr. OVERMAN. The Senator has done all he could. It is not the Senator's fault.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. I yielded to the Senator from Virginia. I have no right to control the floor.

Mr. SWANSON. I ask the Senator from North Carolina if he will not move an adjournment to-day until to-morrow at 11 o'clock, and then at 1 o'clock, if the housing bill is not disposed of, some agreement may be reached.

Mr. GALLINGER. I object to any arrangement about an adjournment. That will come up later on. This is not the time to arrange an adjournment.

Mr. OVERMAN. I think the suggestion of the Senator from New Hampshire is a wise one.

The PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. SHERMAN. Mr. President, I address myself to the pending bill relating to the consolidation of the executive departments, assuming that that in a parliamentary way is before the Senate. Am I correct in the assumption that the bill providing for a consolidation of executive departments is now before the Senate?

Mr. OVERMAN. Yes, sir.

Mr. SHERMAN. The so-called housing bill has at various intervals taken some of the time of the Senate, the former bill being laid aside for that purpose.

Mr. President, if the departments or bureaus or commissions which are sought to be consolidated, or whose functions are to be transferred, were written in the pending bill I could readily strain whatever belief I might have in favor of vesting the power in the Executive for that purpose. The bill, however, as written is one of a general, blanket authority. It is of such a universal character and carries such vast undeveloped powers, which ordinarily belong to Congress, as to arouse some question of the wisdom of the transfer of those powers to the Executive. Ordinarily the creation of a new department and the abolition of one already created is the exercise of a legislative authority. All of these departments have been created by acts of Congress; many bureaus, commissions, and boards have been created by various acts of Congress. It is now sought by one general delegation of that creative power to the Executive to vest in him the right to transfer the powers of these departments or to delegate the exercise of the functions of such departments from one to the other, or to combine many, or even all, in one.

It is true there is no specific power contained in the bill vesting in the President the power to create a new department or a new commission, but the transfer of the functions of a department, bureau, or commission in substance is a destruction of the department, bureau, or commission whose functions are so transferred. A great many bureaus have been destroyed by merely transferring the powers of those bureaus to others. It makes no difference whether the bureau continue or not, or whether the commission or board shall remain in existence, if all of its powers are transferred to some other board or commission or bureau, though the commission may continue to exist as a mere automaton, it has nothing to do; it has no governmental functions of any kind, because they are transferred to some other governmental agency. Thereby the former ceases to be of any practical value in the administration of public affairs. So, whatever may be the language of the bill, the necessary substance of it is to destroy the bureau whose function is taken away and vested in some other bureau or board.

In the rough there are nearly 200 bureaus, boards, commissions, and departments affected by the potential action of the Executive under the powers sought to be conferred by this bill. If the Congressional Directory alone should be taken as the guide, nearly 200 bureaus are found there that would be affected, and some of them would be entirely destroyed. The necessary effect of that, then, would be to give to the President the power to take from any one of these departments or bureaus its functions and destructively to transfer them to another one.

This is justified, or sought to be justified, by the necessities of the war, the conditions which prevail making it desirable. Mr. President, this is not the method of reforming existing conditions that is a practical one, as it seems to me. We are not now suffering from a lack of power in the Executive or in the departments, but from the lack of the proper exercise of executive powers that already exist. The President now has power to do many of these things that are not done and the power to do some of the specific things which are provided for in the bill. It is not a delegation of further power, Mr. President, to the Executive which is needed, but it is the choice of men for the execution of powers already vested.

In deciding whether such a blanket delegation of authority ought to be vested in the President, I first find myself inevitably driven to the examination of the exercise of powers already vested. They have, of course, been exercised by the choice of men for the execution of governmental powers. These men, when selected, very largely determine the effectiveness or the lack of effectiveness of the power or the law which they administer or put into execution.

What are some of these bureaus, boards, departments, and commissions that are affected? I have made, Mr. President, a rough draft of some of them that would be covered under the express terms of this bill. The national banks have been in existence since the Civil War; they have been built up upon the business of communities by administration, under the Comptroller of the Currency as a subordinate of the Secretary of the Treasury, until they are a well-defined and necessary instrument of our fiscal system and are closely interwoven with all the business of the country. Because of a waste of financial power and sometimes its abuse; sometimes, before legislation regulated them, because of a lack of organization of the reserves placed in the correspondent banks of all the national banks, as well as private and State banks, some question arose as to the regulation and disposition of the reserves of the various banks of the country. It was followed by a very long investigation. The Monetary Commission prepared a voluminous report, which recommended in substance a central reserve bank. That recommendation did not meet with much favor; it was not adopted by Congress following the report of the commission, and it found no favor in the financial legislation or the banking legislation when the Federal reserve bill was pending. The Federal reserve act, however, without going into an analysis of it, accomplished in substance all of the recommendations of the Aldrich commission by dividing the authority and scattering it over the United States nominally, but really keeping all of the authority in the hands of the Secretary of the Treasury; in fact, the Federal reserve act is in itself an execution of and a tribute to the report of the Monetary Commission. That act only harvested the net results of that investigation; therefore, the national bank act, the Federal Reserve Board, and the Comptroller of the Currency, who has jurisdiction over them as a regulatory officer, are directly connected with each other.

The Rural Credits Board, designed to make easier the borrowing of money by farmers, is connected directly with the monetary and banking affairs of the country. At this session there has been passed a War Finance Corporation act that is also vitally connected with the finances of the country. It provides for an organization with a capital stock of a half billion dollars, to be advanced as credits or used for various purposes. Then, in addition to that, a very large potential credit can be created and extended to various business enterprises by the same organization. This has in turn a very powerful influence over all the public utilities of the country—gas, electric light, street railway, subways, elevated roads, all of the telephone systems of the country, such water systems as remain in private ownership, drainage districts, irrigation districts, and anything comprised in the general term "public utility."

It is provided that as their obligations fall due and their credits mature the War Finance Corporation may extend help under the conditions named in the bill, thus creating a sort of voluntary conservator of our financial resources in the Finance Corporation. It has recommending powers and powers either of approval or disapproval as to whether a public utility shall be allowed to issue securities. Generally their approval or the lack of it would very largely affect the ability of the concern to market its bonds. If the War Finance Corporation, or its committee from the Federal Reserve Board, which amounts to the same thing under the interlocking provisions of the two acts, withhold their approval, it would very materially affect the marketing of the bonds.

Here, therefore, are five organizations that are directly connected with each other; one, the oldest, the National Banking

System; next, the Federal Reserve Board; the Rural Credits System; then the War-Finance Corporation; and last, all the public utilities of the country. All these powers, under the provisions of this bill, could be vested in a single authority; they might all be placed in the hands of the Secretary of the Treasury.

The Federal Reserve Board now has a very intimate connection with the Treasury Department, as have the national banks. If the Rural Credits System, with its possibilities for indefinite expansion, should be added to the same consolidation, it would make of itself, when connected with the public utilities of the country, the greatest single authority over financial business and credit that the country ever saw. I doubt whether any country in the world would have in a single department the vast powers that would be wielded by the Treasury Department if that should be the department chosen for the consolidation of those powers under the authority of this bill.

A part of the transportation system of the country, Mr. President, is the Panama Canal. That is now controlled by a separate commission. The Isthmian Canal Commission has since a very early time in the construction of the canal had full charge of its affairs. Still the Panama Canal is a part, and a vital part, of the transportation system of the country. A great deal of what has heretofore been transcontinental railway traffic will go through the Panama Canal, as a matter of course. Therefore it becomes intimately connected with our railway system. The railway system of the country already has been placed in the hands of the Director General of Railways—250,000 miles of railways, with all their capitalization and equipment. The enormous powers and the influence that go with such powers as those are now vested in the hands of a single person for war purposes, and are to continue in those hands for 21 months after the war has ended. One would ordinarily think that the Director General of Railways was possessed of sufficient power and responsibility now to make his a fairly busy man's occupation. However, this is only a part, for all of the functions of the Isthmian Canal Commission could under this bill be carried to the Director General of the Railways.

It is said that that would not be done. I do not know, nor does anybody else know, whether it would be done or not. It is enough to say that under the general blanket provisions of this bill it could be done. The Isthmian Canal Commission could then have their offices consolidated with, and their functions vested in, the Director General of Railways. That would be lawful under this bill, however unwise or however finally one great department might become overloaded.

With the affairs of the Panama Canal transferred to the Director General of Railways, the Director General of Railways would then control the land and water transportation systems of the country, because, since the creation of the Shipping Board, all of the inland water transportation, as well as the coastwise trade and the over-seas transportation, are in one head. Then, if the Isthmian Canal Commission should be transferred it would be just as logical, in the interest of consolidated authority, to transfer the functions of the Shipping Board and unite them, because they are all a part of the war program, and all of the inland transportation, both by land and water, reaching any of our port cities would be a part of the transportation of supplies from our markets to our armies across the sea.

I think, Mr. President, the Secretary of the Treasury, having control of the national banks, having a supervisory authority over the Federal Reserve Board and direct control by statute of the rural-credits system, having very large powers and responsibilities under the War Finance Corporation act, and having his hand thereby upon every public utility in the United States, to transfer to him, in addition to that, the power, as could be done under this bill by the President, to control all of the other methods of transportation, both on land and sea, constitutes that degree of danger that stamps this bill in its present blanket form as unwise, as a positive menace to the orderly administration of affairs, even in war times. No man is equal to the task. It is the history of departments that grasping for power is the rule. The opportunity is given for the President to concentrate in a single department of his choice every other one, and delegate it to various personal representatives independent of statutes. It governs by the will of one man, not by the settled rule of law. It drifts to the uncharted region where monarchs are sometimes found.

Here are some other very important functions: The industrial enterprises of the country—I presume a part of the credit of the United States, exercised through various contract bodies, all of them finally coming to the Secretary of the Treasury, some of them not having enough money to carry out contracts of the size they have taken from the Government—would be affected. Some of them necessarily would be in the same catalogue with public utilities. Therefore, if the industrial enterprises of the country are taken over by the Government, like shipyards, steel plants, iron-ore smelting enterprises, then packing houses, establishments manufacturing all of the articles that directly or indirectly are connected with war, including agricultural implements and all the vehicular implements required in war, would become a part necessarily of the industrial system and be justified in the transfer of the different functions to another head or to the same head. Investment companies, bond houses, become directly dependent upon the powers that are embodied in this bill. They can do no business unless the bond issues in which they deal have received the approval of the committee of the Federal Reserve Board, which in turn relates back to the head of the department, the Secretary of the Treasury. Therefore the industrials, the railways, the Isthmian Canal, the War Finance Corporation, the investment companies, the public-utilities company, the Rural Credits Board, the Federal Reserve Board, and the national banks, all of them could be—because they are connected with each other directly—transferred to the same authority. The functions could be transferred, and the men who execute the different administrative powers could be transferred with the functions. It would leave a vacancy; it would leave, maybe, the inert, lifeless shell of the commission remaining, but without power, without duties to perform, without appropriations, without any functions; and necessarily, remaining in that state of suspended animation, the bureau or department is destroyed. So the bill of itself transfers all of the powers, and it had as well contain positive power to destroy the bureau or the department itself.

The War Department and the Labor Department could be united for that matter under this bill. It is true that it would be an unreasonable sort of a union, but possibly not more unreasonable than some things that have already happened.

What is this to be done for? Under the name of efficiency! It will help in the preparation for the war! Why, the powers exist now. The junior Senator from Pennsylvania [Mr. KNOX], in about five minutes, from the plenitude of his experience in the executive departments, showed what a President can do—call together the members of the Cabinet, the heads of bureaus or boards or commissions, find what object is to be accomplished, show how their departments or bureaus are related to each other, and ask them to join in the execution of the common purpose to reach the goal. That is all that is needed; and out of the experience of the junior Senator from Pennsylvania, in a few well-chosen words here, he showed, in a most illuminating flash on the Senate, how it could be effectively done in the absence of legislation.

The main thing is to get the practical result, after all; not merely to legislate in an academic way. If the President would take the men he already has, call them into his presence, and tell them what he wishes accomplished he could do it all by a mere request to them to unite their efforts, if they are practical men.

I suspect, Mr. President, that is not the trouble. He has about him what by this time must have forced its way into his understanding, as it has into the understanding of many in the Senate Chamber—men to whom he has delegated power, whom he has appointed, some of them to high public place, whether wisely or unwisely we need not stop to inquire now, who are not performing effectively; but in the stress of war it would be extremely embarrassing to call on them to resign. To err is human, but the noblest human quality is to correct one's own errors, rather than charge them to Congress. For my part, I decline to become an agency to request the unwise appointees the President has made to resign. Let him exercise his undoubted executive authority, and ask them to resign.

The President has a good Scotch jaw on him that is inherited from some kindly ancestor. He has determination. He has understanding. Let him not pass up to Congress what he ought to do himself, and what he has undoubted power to do now. Under the guise of efficiency I think there are more crimes committed than any other masquerade I know of in this country.

At a meeting of a society of engineers held a few days ago there were present a number of engineers of all kinds connected with railways and industrial enterprises, those who meet all of the problems of engineering in this country. One of them, with a disposition to use a quill, evolved the following:

THE ENGINEER.

[Sung to the tune of "Son of a Gambolier" at a meeting of the Engineering Society of Buffalo.]

Who is the man designs our pumps with judgment, skill, and care?
Who is the man that builds 'em and who keeps them in repair?
Who has to shut them down because the valve seats disappear?
The bearing-wearing, gearing-tearing mechanical engineer.

Who buys his juice for half a cent and wants to charge a dime?
Who when we've signed the contract can't deliver half the time?
Who thinks a loss of 26 per cent is nothing queer?
The volt-inducing, load-reducing electrical engineer.

Who is it takes a transit out to find a sewer to tap?
Who then with care extreme locates the junction on the map?
Who is it goes to dig it up and finds it nowhere near?
The mud-bespattered, torn and tattered civil engineer.

Who thinks without his products we would all be in the lurch?
Who has a heathen idol which he designates Research?
Who tints the creeks, perfumes the air, and makes the landscapes drear?
The stink-evolving, grass-dissolving chemical engineer.

Who is the man who'll draw a plan for everything you desire
From a trans-Atlantic liner to a hairpin made of wire?
With "ifs" and "ands," "howe'ers" and "buts," who makes his meaning clear?
The work-disdaining, fee-retaining consulting engineer.

Who builds a road for 50 years that disappears in two;
Then changes his identity, so no one's left to sue?
Who covers all the traveled roads with filthy oily smear?
The bump-providing, rough-on-riding highway engineer.

Who takes the pleasure out of life and makes existence hell?
Who'll fire a real good looking one because she can not spell?
Who substitutes a dictaphone for coral-tinted ear?
The penny-chasing, dollar-wasting efficiency engineer.

That is where they come from most of the time nowadays. Under the guise of efficiency, this bill is sought to be put through the Senate in its present form. Here is the argument. It is all the argument that I have heard, when it is boiled down: My very capable colleague from Illinois [Mr. LEWIS], the chief representative of the President and his emergency Senator in stormy times, made a speech in the Senate April 6, 1918, published in the CONGRESSIONAL RECORD of April 13, 1918, on page 5490, uses the following as an argument. This is apart from the efficiency idea:

Any man who now is against the war is against America—

From which no patriotic man would differ—

and any man who is against any measure that the President demands as necessary to win the war is against the President. * * * The country gave Wilson the power in the declaration of war and demands of Congress to throw off its bridle and bit.

Mr. President, I do not argue against the assertion that any person who is against the war is against America. That is self-evident. Whenever our country is in war the public enemy must be overcome. But immediately following and connected in the same sentence is the statement that—

Any man who is against any measure that the President demands as necessary to win the war is against the President.

Because I may differ from the Executive on the details of how he shall best execute a war power, it does not argue that I am against the President. I decline to surrender my thinking apparatus—inferior as it may be, it is the only one I have—into the keeping of any Executive or any other Senator. I differ from my friends. So does the Executive. Does that convert me into an enemy of my friends?

Does it necessarily follow that I am against the President because I may not agree with him on the details of legislation which the President has requested to conduct the war? He comes to Congress requiring legislation. He can not perform the duties imposed upon him by mere Executive orders. Does it follow, because I do not agree with him on the details of how the war shall be conducted, the extent and manner of exercising present power, or how a given matter of legislation shall be performed, that I have thereby arrayed myself against the President? I think not.

The best friend the President has in the world to-day is the one who will candidly tell him the truth. I heard the Senator from Oregon [Mr. CHAMBERLAIN], in his place some weeks ago, replying to a letter written by the Executive charging him with misrepresenting, to say the least of it, the condition of our military preparations, make a powerful and candid appeal, a most dignified and senatorial reply. He said, "I do not question the President's sincerity, but I do say that the President does not know the truth"; and that is so. He does not know what the truth is on many things connected with legislation he is asking. So it becomes here a question of candid, constructive criticism, in a refusal merely to pass such measures as he frames and sends to the Senate.

There is one matter here in regard to which the senior Senator from Iowa [Mr. CUMMINS] has a great wealth of information and some very clear-cut and accurate ideas. He has referred to the possibility, especially in view of the act under which the President has taken over the railways, and the appointment of a Director General, of the rate-making power being likewise assumed as well. I am like other Senators who have commented on this question. If the President or Senators here who support this bill will write out the departments whose functions are to be affected, and name the bureaus that are to be abolished, or whose functions are to be transferred, any board or commission of any kind whose powers or functions are to be taken from one to the other, if they are no longer needed, I am willing in such cases to give Executive discretion to abolish them. Let it be done, if there is any reason why it should be done. When an object is to be attained with a clear understanding of the means by which it is to be accomplished, can be written in a bill, I will go to the extreme verge, so far as I have a voice here, to vest in the President adequate power of the most plenary character to carry out any consolidations and to make effective any of the departments or bureaus in their relation with each other and with the correlation and work that all of them are finally to perform as a war measure. When it comes, however, to vesting in the Director General of Railways or in the President of the United States the power, absolute in its character, to make rates, I might well hesitate.

Since 1887, now something over 30 years ago, the Interstate Commerce Commission has been in existence. It has built up, just like all other experiments of that character, its powers. It has handled the railway systems of the country. Whatever its shortcomings, whatever restrictions have been built up by it around the steam railways of the country—and it must be remembered that at times the commission has made orders that have been severely criticized by much of the general public—but if there are any restrictions under which the roads ought not to labor, the Interstate Commerce Commission, in following out the legislation of Congress, the original act and all amendatory acts, and the decisions of the Supreme Court, assuming that its members have a fair degree of human nature, pays some attention to the condition of the public mind on those questions. At least from all these sources the commission has built up a system of rate making. Precedents have been made, many cases have been heard, and the system itself is one under which the railroads have learned to operate. Why should that power be transferred to someone else? And yet in my opinion the power is in this bill, and it is one of the hidden powers in the blanket authority sought to be conferred, to vest in the President, and by him to be delegated to the Director General of Railways, absolute rate-making powers which they do not now have, either of them.

The act that validated and confirmed the taking over by the Government of the steam railways contains a section in reference to the rate-making power. That rate-making power, Mr. President, is subject in its final operation to approval by the Interstate Commerce Commission. I suspect that that power is irksome to the present Director General of Railways. There are several things that lead me to believe so. One is that the Director General refers now to "the railroad." He says there is but one railroad in the United States, and that is the railroad of which he is the Director General. The individuality of all the railroads has disappeared. It is now one railroad. Naturally, it would interfere with his rate-making power to have the Interstate Commerce Commission continue to discharge its present functions. Under this bill, if the functions could be transferred from the Interstate Commerce Commission to the President, who in turn could delegate them to the Director General, then there is one man who possesses plenary power without limitation upon 250,000 miles of railway. He could increase rates for shippers; he could add switching and spotting car charges at pleasure. There is no one to veto the exercise of that power.

The switching and spotting charges referred to have been condemned by the Interstate Commerce Commission when sought to be imposed upon the shipping public. These switching and spotting charges can not always be passed along to the consumer. Sometimes they can be. Sometimes they can be absorbed in the charge made for the goods to be delivered to the purchaser at destination. In quoting prices, the switching and spotting charge can be quoted as a part of the freight rate and absorbed in the general price of the merchandise laid down at the end of the trip. That can not always be done, however, especially where there is competition in the same line of merchandise at distant points, where a house or a plant along the Atlantic coast competes with one in the Mississippi Valley or vice versa. In those cases a freight charge is material, and a switching charge added to one and not to another shipper may spell either successful competition or a retirement from that market.

A shipper of considerable experience left with me the figures, based upon an investigation in former cases, of the amount of revenue that would be obtained by the exercise of this power. A transfer under the provisions of this bill of the rate-making power without revision by the Interstate Commerce Commission would carry with it the right to impose these charges. One hundred and seventy-six million dollars would be collected in switching charges and car-spotting charges alone on the shippers of the United States every 12 months.

It is easy to remove limitations in a law after it is once passed. There was no substantial opposition here when the

bill authorizing the taking over of the railroads was on its final passage and the amendatory proceedings had prior to that time. The question was raised whether it would deprive the States of the power to tax the steam-railroad properties lying within their respective borders. It was said that in the absence of a prohibition it would not. To make assurance doubly sure, however, the senior Senator from New Jersey [Mr. FRELINGHUYSEN] offered an amendment that preserved the right of the States to tax the railroad property within their limits—a very necessary right. The assessments are made by some State authority. They are made in such a way as to arrive substantially at a fair distribution of the values of a carrier, even where it is an interstate line. I know that in my own State some long trunk lines start out of Chicago. One, for instance, the Illinois Central, runs from Chicago to New Orleans, La. In assessing the property in the State of Illinois there must be considered, in the determination of its value as an entire property, the whole railway from Chicago to New Orleans.

The terminal facilities in Chicago on the lake front are greatly enhanced in value by the outlet at New Orleans. The property values must be distributed. While it is an interstate line, the properties lying within the borders of any given State are for local revenue purposes, to be assessed and taxes to be levied by the various State taxing authorities.

How easy it would be to remove them! How much does it amount to in a given year? One hundred and seventy-two million dollars, as I remember, was paid in 1917. One hundred and seventy-two million dollars a year can be taken from the different State taxing authorities and added to the railways' net income.

At this point Mr. SHERMAN yielded the floor for the day.

Tuesday, April 23, 1918.

Mr. SHERMAN. Mr. President, on yielding the floor yesterday I was referring to the State and local taxes now levied upon railways. It was in pursuance of the definite purpose to relieve by several indirect devices the roads of certain burdens they have borne under essential private control that this was undertaken by the Government management.

Such local taxes have at various times—say, for three years from 1915—been a considerable sum, beginning with 1915, $139,000,000; in 1916, $147,000,000; and in 1917, $172,000,000. There is an average increase, taking it for some years back, of at least sixteen and a half million dollars annually in the local taxes levied upon railroads.

In order not to cripple various local bodies—State, county, district, municipalities, and the like—the senior Senator from New Jersey [Mr. FRELINGHUYSEN] offered an amendment to the railroad act when it was pending preserving those local powers found in section 15. That, however, is very materially emasculated by a provision in the latter part of the section.

My attention was directed to this by the senior Senator from Iowa [Mr. CUMMINS]. I had not observed it even in the passage of the bill. It is a most material provision, however. It says "that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the local police powers of the several States, except wherein such laws, powers, or regulations may affect the transportation of troops, Government supplies, or the issue of stocks and bonds."

I can see that a liberal interpretation of this exception would practically nullify the preceding portion of section 15 relating to the local taxing powers of the States. All that it needs in order to fully accomplish this purpose is the passage of a bill of the character now pending, containing unlimited blanket powers conferring upon the Executive the right to unite the power of the Interstate Commerce Commission with that of the Treasury Department or the Director General of Railways. The revenue laws of the States taxing railway property could be set aside, as they increase the burdens now assumed by the Government and so affected the war.

As it is now, under existing law, the Interstate Commerce Commission possesses plenary power in rates not only for passengers and freight but in auxiliary matters, referred to yesterday as switching charges, charges for spotting cars, the various regulations referring to contracts between express companies, and the Pullman Co., it being the only one operating a line of sleeping cars in the United States, wherein these burdens heretofore resting upon railroad companies could be so materially lessened as to prevent a very favorable ledger balance if the bookkeeping is to be attended to in the annual report made of the management of roads under the unified control of the Director General.

I think this exception in section 15 was made with this in view. The whole purpose of the legislation, and, I think, a hidden purpose lurking in this pending bill, is to enable the Government control of railroads to be made as favorable as possible in the annual report, showing the earnings and the expenditures in as favorable a light as possible for the Government management. It is an unfair advantage, but will be used to show the blessings of Government operations of railways.

I am led further to conclude this by a controversy which occurred between the Fuel Administrator and the Treasury Department not long since. I believe the railways have been attempting to enter into a contract for the purchase during the summer and fall months of a very large quantity of coal. Some controversy has arisen on favored rates to be applied to the railroads. Out of that controversy between the Fuel Administrator and the Director General it appears there was a dispute between John Skelton Williams, representing the Director General of Railways, and Mr. Garfield, the Fuel Administrator. The substance of it is that the railroads under the direction of the Government are attempting to obtain preferential rates in the purchase of coal. That has in view the same purpose as the relief from the burden of local taxation for increasing revenue for switching and other charges and for a general revision of the sources of income of the steam railroads of the country. It is for the purpose of lessening the expenditures on fuel account the railroads are to be given a preferential rate over that of the private consumer. A very large item of railroad expenses will continue, under Government control as they have been in private control, to be for fuel, and the lower the railroads can purchase fuel the better the financial showing of the railroads when a report is made.

So this controversy is one that was illuminating on the purposes of this bill. It indicates that one of the purposes of this measure is to enable a consolidation of powers in the Director General of the Railways or in the Secretary of the Treasury—they are one and the same person—in order to obtain fictitious and unnatural advantages for the operation of the railways under Government control.

These matters are ones, it is true, that are only incidental to the main purposes of the bill, but nevertheless I think they ought to be kept in mind. The Secretary of the Treasury is Director General of the Railways, and he has a variety of more or less important other functions in the Nation's economy. When all these powers are consolidated or may be under the provisions of this bill in a single person he will present an officer having the greatest governmental power of any other man in the civilized world. Those different departments that I enumerated yesterday, all of them, will be brought within the scope of his authority. Potentially, whether it will be depends upon the discretion of the Executive, or rather, I fear, not upon his discretion alone but upon such advice as he may get from those to whom he has delegated power.

When I look at the provisions of the bill I find all of those delegated powers proposed in the bill are of general or blanket character. They are not specific. The amendment offered by the senior Senator from Georgia [Mr. SMITH] seeks to be specific in those delegated powers. The principle of that amendment appeals to me. I am not in favor of changing the present authority of the Bureau of Mines and Mining. I think it ought to remain where it is—with the Secretary of the Interior. I do not believe it ought to be transferred to the Army and Navy through its heads. I believe it would create more confusion and interfere with the production of necessary fuel during the slack season in the summer and fall than would otherwise happen if it remained unchanged. But the general purposes of the amendment offered by the Senator from Georgia are sound as being specific in character and having known limitations on the power of consolidation.

Therefore when my eminent colleague [Mr. LEWIS] said that the country gave to the President the power in the declaration of war, and he demands of Congress to throw off its bit and bridle, it is only a standing invitation to the Senate to put neither hindrance nor restraint upon the President in the exercise of legislative power.

The same power that created these departments, these bureaus and commissions, ought to be the power that consolidates, amends, or destroys the several acts by which they were created. It is an express delegation of legislative power to the Executive. All these having been created by acts of Congress, they ought in effect to be abolished in the same way or modified or consolidated.

I can not agree with my distinguished colleague [Mr. LEWIS] in his contention that we are against the war because we do not join in the delegation of these vast, undefined powers to the President. On the contrary, I think the best way of conducting the war is scrupulously to examine these powers, many of which are sought to be delegated by the President through his advisors and not by the direct acts of the President, since

he gets his information largely on these matters of detail from those about him. We can better serve the President in making a careful examination of these powers that are sought to be delegated in this way.

I think during the time of something over four years now that I have had the privilege of being a Member of this body I heard on yesterday the most timely and pertinent address on a vital subject that it has been my privilege to hear. The Senator from Washington [Mr. POINDEXTER], on a communication in relation to the Mooney case in California, made it the text, and properly so, of an address upon the general subject of the elements that are agitating to set aside the ordinary administration of justice in that State.

It was not only timely but it was a forcible address, with a great grasp of the underlying principles of these dangerous elements in the country. The Senator has thereby rendered a great public service and blazed the way in a pioneer advance which others must follow. It was forcible, too, in the candor and courage it displayed in laying down the sound ground for meeting and criticizing such efforts and the elementary basis upon which civil society is founded.

Barring two or three minutes, I heard the entire address. I not only approve of it but I fail to find any reason that the senior Senator from California [Mr. PHELAN] could find in that address anywhere for saying that it was a criticism of the local courts of California. On the contrary, I understood it to be in commendation of those courts; that justice had been administered impartially under all the forms and guaranties of institutional liberty, with the rules of evidence, the trial by jury, the employment of able counsel, ample time to investigate, and the hearing of all the evidence, with all the safeguards that have been thrown around a defendant placed on trial on criminal charges known to the English-speaking race. That is the substance of his address as I heard it and as found in the CONGRESSIONAL RECORD this morning. I think it constitutes itself one of the greatest commendations of the courts of the country I have heard.

There was great prejudice upon the one side against the courts. There was some prejudice, no doubt, against the murder in cold blood of 10 persons by the explosion of dynamite in the suit case in San Francisco, against whoever the guilty men might have been. But the court holding, as it ought, the scales impartially between the prosecution and the defense administered justice. The Supreme Court of California has passed upon it, and the Senator from Washington referred to that fact, and affirmed the sentence of the trial court. Mr. President, I do not know what more the Senator could have said to commend the courts of California than that they had been the instruments for the orderly administration of justice in accordance with the rules of jurisprudence evolved by our Anglo-Saxon civilization through many centuries.

This is preliminary, Mr. President, to saying that in asking by this bill to delegate these powers of a vast, undefined character to the President, I properly can consider how he would use them in view of how he has already used existing power and the character of the men by whom he has surrounded himself, to whom he has delegated that power granted him generously and without question by Congress in many acts of a vital character. So keeping this in mind it has seemed to me that it was proper to consider these questions at all times and places in interpreting what would probably be done under the bill by what has been previously done.

I hold in my hand a book published in 1918 entitled "Our Revolution," by Leon Trotzky. Many of these articles were published in various socialistic papers in the United States when Mr. Trotzky was residing in the city of New York. He found this country a temporary place of refuge. He abused its hospitality by planting revolution in Russia, and at the same time lending his activities to the propagation of the poison among the element in our country, to which the Senator from Washington referred yesterday.

Mr. Trotzky is a native, as I remember, of Russia, in and about Odessa, or the wheat country of Russia. He is well known as an agitator. He left that country for his personal health during the ascendency of the Kerensky régime. He was a radical, a disturber, an advocate of direct action, which means revolution and force there or elsewhere. He came to this country for personal safety and remained until a certain time as the régime which Mr. Kerensky represented was tottering to its fall. He then returned to Russia and began the course of activity which resulted in the revolution with which we are all familiar.

In this country there is a similar systematic crusade. The significance of what the Senator from Washington said yesterday was in the connection in a logical way of this crusade with the practical affairs of our Government. He collected all over the world the relations those bodies, and especially on the Northwest Pacific coast, occupied to some of the communications that appear in this Chamber. There is a language of these agitators, I think, which is not always understood. Mr. Trotzky speaks often of the proletariat. That is almost a term of jest in our country, or has been. The proletariat to which Mr. Trotzky refers is as definite, however, in this country and known as the proletariat in Russia.

I want to read from Mr. Trotzky's book what this means. I do this because I think the President is playing with fire. I think he is collecting around him men of the kind that will make trouble with this same element to which the Senator from Washington referred. He defines the proletariat on pages 120 and 121. He speaks of the principal merit of scientific socialism to have discovered a social power in the person of the proletariat. He says:

> Whom should we consider a proletarian? Is the half-paupered peasant a proletarian? Should we count with the proletariat those hosts of the city reserve who, on one hand, fall into the ranks of the parasitic proletariat of beggars and thieves, and, on the other hand, fill the streets in the capacity of peddlers—i. e., of parasites on the economic body as a whole? It is not easy to answer these questions.
>
> The importance of the proletariat is based not only on its numbers but primarily on its rôle in industry.

He continues, on pages 122–123:

> This puts the proletariat into a position to be able to stop the functioning of the national economic body, partially or wholly, through the medium of partial or general strikes.
>
> Hence it is evident that, the numerical strength of the proletariat being equal, its importance is proportional to the mass of the means of production it puts into motion; the proletarian of a big industrial concern represents—other conditions being equal—a greater social unit than an artisan's employee; a city workingman represents a greater unit than a proletarian of the village. In other words, the political rôle of the proletariat is greater in proportion as large industries predominate over small industries, industry predominates over agriculture, and the city over the village.

He then quotes figures, that in Germany there are twelve and one-half million proletariats; in Belgium, 1,800,000, or 60 per cent of the entire population, all the persons who make a living independently; in England, twelve and one-half million. He does not give the percentage in the United States, but in substance he defines further the proletariat as the body of skilled producers who must use as instrumentalities "the ranks of the parasitic proletariat of beggars and thieves" to accomplish their purposes. He continues, on page 121, this explanation by saying:

> This puts the proletariat into a position to be able to stop the functioning of the national economic body, partially or wholly, through the medium of partial or general strikes.

This is the doctrine of the I. W. W., that they can stop the functioning of the productive energies of the country. The proletariat as defined by Mr. Trotzky is the basis or constituency of the workingmen's assembly, which was a revolutionary body which overthrew the preceding régime in Russia. The preceding Government is the one to which this administration loaned about $100,000,000, of which, the last report I read, some $88,000,000 had been by credit processes transferred to Russia, indicating a net loss under the present conditions in Russia of the entire sum of money. The first thing the new Government promoted by Mr. Trotzky and his associates did was to repudiate all the governmental obligations of preceding Governments in Russia. That included the loan made by the United States to Russia.

I might remark parenthetically here that this is in keeping with the iconoclastic propensities of all this school when they are trusted with governmental power. It is of that species of iconoclasm that wipes out all preceding governments and all the obligations known to civilized government or to civil society.

Now, having accomplished that, they start in anew. Let me from the current news show what the result has been. The present Government of Russia—and future Governments, for that matter—finds itself absolutely without credit in the markets of the world. Not one of its bonds can be sold in any of the great investment centers of any continent in the world. No man, except as a speculation, would buy a Russian bond on the market to-day; nobody would buy a new issue of bonds by the present Government, the basis of which is repudiation of every solemn pledge made by it. More than 40,000,000,000 rubles is the annual expenditure of the present Government of Russia represented by Mr. Trotzky and his associates. The income of Russia, in round figures, is about 3,000,000,000 rubles, and 40,000,000,000 is the annual expenditure. They repudiate every obligation of every public concern; everything in the nature of a public utility in Russia had its entire pay roll destroyed. Hours were shortened, wages were increased; what they called "favorable working conditions" were introduced, with the consequence of every public concern and department of every kind

having its expenditures so vastly increased, without a corresponding increase either in taxes or in visible revenues of the Government, as to spell bankruptcy for both public and private undertakings.

Mr. Trotzky and his associates go further. With him is Mr. Lenine, who is of the same kind, professing the same principles, and, so far as they have any belief, indulging in the same practices. Mr. Lenine has been constantly associated with Mr. Trotzky in governmental affairs since the revolutionary Government was instituted. Both of them constantly refer to what they call "the bourgeois," requiring translation to the ordinary voter in this country. The bourgeois in this country comprises the kind of citizens to which you and I belong, Mr. President. It is what is known as the great middle class of the population; the great body of the people who possess their individual traits, who follow lawful occupations, who keep their families together, who are neither millionaires nor paupers, who are neither tramps nor parasites, following some line of occupation in private life. So the bourgeois of the United States is the only foundation upon which this Republic can endure. The bourgeois is the object of Mr. Trotzky's contempt and is the victim of his murderous propensities when government is actually administered by his revolutionary agents.

The bourgeoise constitutes the whole of the bourgeois, as a class. Against them Mr. Trotzky and his government level relentless warfare. He says they are the agents of tyranny; that they must be destroyed. He thinks more of the government referred to by the Senator from Washington [Mr. POINDEXTER] yesterday as "a hobo government," and properly so, with all due deference to the dignified and well-considered expressions we ought to use in the Senate. There is no other phase that will so soon reach the consciousness of the American citizen as to call it by its right name. It is the most expressive phrase that could be employed. Mr. Trotzky and his governmental agents would embrace as a long-lost brother every one connected with the hobo government in this country, but one connected with and founded on the self-supporting, God-fearing, industrial middle-class element of the country, who are neither millionaire nor pauper nor idler nor vagrant—for those he has nothing but words of condemnation. It is the middle class, the bourgeoisie, as he defines it, against whom he levels his fulminations and directs his destructive agencies.

The workingmen's convention that was assembled was known as the Soviet. That is the body now representing the revolutionary government of Russia. I am taking time, and apparently it has nothing to do with this bill, but I think, Mr. President, it is vitally connected with matters in this bill for the following reasons: I shall, particularly when I speak of the Soviet, say we have some vital connection with it ourselves, and especially in the interpretation of this bill.

On March 11, 1918, the President addressed a cablegram to the Congress of the Soviets. They were the deputies or delegates from the revolutionary class to which Mr. Trotzky and his associates appeal; they are the "Reds" of that country; they are the anarchists, the disturbers, and those who believe in confiscation and repudiation with practical murder. The following was the President's language.

May I not take advantage of the meeting of the Congress of the Soviets to express the sincere sympathy which the people of the United States feel for the Russian people at this moment, when the German power has been thrust in to interrupt and turn back the whole struggle for freedom and substitute the wishes of Germany for the purposes of the people of Russia?

Although the Government of the United States is unhappily not now in a position to render the direct and effective aid it would wish to render, I beg to assure the people of Russia through the Congress that it will avail itself of every opportunity to secure for Russia once more complete sovereignty and independence in her own affairs and full restoration to her great rôle in the life of Europe and the modern world.

The whole heart of the people of the United States is with the people of Russia in the attempt to free themselves forever from autocratic government and become the masters of their own life.

This is signed by the President and dated at Washington. I will read the response of the Soviet. It shows, under the head of my comments, what I call playing with fire, that the President has in his hand a blazing brand and does not seem to know it. It is this that makes it especially pertinent to keep in mind the powerful appeal made by the Senator from Washington [Mr. POINDEXTER] yesterday. Here is the reply of the Soviet:

The all-Russian Congress of Soviets expresses its appreciation to the American people, and first of all the laboring people and exploited classes in the United States, for the message sent by President Wilson to the Congress of Soviets in this time when the Russian socialistic republic is living through most difficult times.

The Russian Republic uses the occasion of the message from President Wilson to express to all people who are dying and suffering from the horrors of this imperialistic war its warm sympathy and firm conviction that the happy time is near when the laboring masses in all bourgeois countries will throw off the capitalistic yoke and establish a Socialistic state of society, which is the only one capable of assuring a permanent and just peace as well as the culture and well-being of all who toil.

A Socialist of Mr. Trotzky's type is a Socialist of "direct action." The I. W. W.'s are practical Socialists in this country. They believe in "direct action," not in moral suasion, not in mere words, not in the ballot box, but in the "direct action" of sabotage, of the destruction of industrial plants, of resisting even to the extent of the taking of life all authorities who undertake by any means to restrain them in their violent purposes.

Because of this message and the response, I think the President has made an unwise use of the power vested in him, although it is an Executive act, it is true. It is an encouragement to and it is taken as an encouragement by the Socialistic government which is framed and administered in repudiation, in confiscation, and wholesale murder by Trotzky and his associates.

Now, I go further in reading from the proceedings the internal policy of Mr. Trotzky's government, which is that of confiscation:

The rich, who have given their wealth, think the masses will pull them through. Somehow we must uncover the hidden wealth. Otherwise the bolshevist government is bankrupt. The Republic needs 28,000,000,000 rubles annually. Its prospective income is only 8,000,000,000. The hidden wealth must be uncovered and placed at the disposal of the Government.

This is a most cheering prospect for any civilized government to contemplate; that we are encouraging and passively putting our arms about a Government that proposes, not by voluntary loans or by the lawful processes of taxation to obtain a revenue, but to obtain it by seizing and confiscating property wherever it is found. How much better is that than the Kaiser? None. That is the freebooting method of the Kaiser and his military officers when looting of conquered cities.

On the 22d day of February, at a loyalty meeting held in New York, Mr. Gompers delivered an address. He talked to some purpose, as I think. It is in refreshing contrast to the President's recognition, although Mr. Gomper's signed a telegram himself addressing his congratulations to the Soviet in Russia. Still no action was taken on that; they simply read it, applauded, and made no reply. Nevertheless, on the date to which I have referred Mr. Gompers made this speech. He made it, referring to the refusal of himself and his associates representing the American Federation of Labor to join with the meeting of so-called workers, delegates at the Labor Peace Conference held in London. Mr. Arthur Henderson is one of the pacifist Englishmen who are quite prominent in this peace move.

The radicals of the Bolsheviki—

Says Mr. Gompers—

have not given the people land nor bread nor peace; but, instead of finding the great people of Russia standing erect and fighting for their homes and for their lives, we find them licking the boots of the Kaiser and praying for mercy.

Yes; this radical gang has done that, and to it must be laid the charge of the undoing of Russia.

These are the identical men, Mr. President, to whom the President addressed his cablegram of congratulation.

They are showing their heads here—

Referring to our country—

If the so-called radicals of America could have their way, you would find the people of the United States in the same position as the people of Russia are now.

And then they invite us to peace conferences with representatives of the workers of enemy countries. Why, men and women, the Kaiser would not give a passport to German delegates who would not be bound to do his bidding. He would let no one go to those conferences who was not his minion.

I say to the Kaiser, I say to the Germans, in the name of the American labor movement, "You can not talk peace with American workers; you can not talk peace with us; you can not talk to us at all now. We are fighting now. Either you smash your Kaiser autocracy or we will smash it for you.

Yes, we say to the Germans, "Get out of France, out of Serbia, out of Belgium, and back into Germany, and then perhaps we will talk peace terms with you; but we will not talk peace with you before that is done."

Mr. Gompers and I, as I have said heretofore, have had our differences locally in the middle western section of the country, but on this manly platform which he proclaimed on Washington's Birthday I will join with Mr. Gompers and go to the limit of governmental or military force with him. He is right, he is everlastingly right, in refusing to join with the delegates of our enemy countries, whose sole purpose is to invent a peace without victory in order to weaken the military and naval forces of this country in the successful waging of the war.

In Cleveland, Ohio, on April 20, Mr. Gompers paid his respects to the Socialist Party in a way that I can most sincerely commend. He said: "There is no such thing as an American Socialist Party." Mr. Gompers told an audience of 1,500 at the club there that, "The American Socialist organization is merely

a branch of the one in Germany—it is a part of German propaganda."

In Chicago last fall, at a meeting to advance the cause of preparedness, Clarence S. Darrow made an address. Mr. Darrow before the declaration of war was the leading member in the western part of the country of the Socialist Party. He summed it up, taking the American view strongly in favor of war, by saying, "Every peace movement in the country talks with a German accent." That is the entire story; it is true; and it is what Mr. Gompers referred to in his speech at Cleveland, Ohio, on the 20th of April.

Mr. President, there is some company which unfortunately I find the President has associated with himself; and I shall assume the disagreeable task of describing it. I had just as well mention names. I could generalize, but that does little good. I have already mentioned Mr. Lenine and Mr. Trotzky, and the cablegram of congratulations which, unfortunately, the President saw fit to send.

The Secretary of War is a half Socialist. He is a municipal Socialist, a brand of Socialism with which I might not find any criticism of itself, for many have a measure of that in them; we, perhaps, are in favor of water companies being run by the municipalities where we live. I know I am. Some of us favor the municipal ownership of street car companies. I do not find fault with my friends who hold that view. Some want gas and electric light plants administered by the municipality. So there is in many things a decided measure of Socialism. The public school is Socialistic; the Army and Navy are Socalistic; and so on; they are all joint governmental undertakings. But there is a well-defined limit, a line of demarcation between undertakings of a private character essentially carried on by private enterprise and those of a public character. Each generation will work out its own measure of what Government can do without breaking down. The support of the Socialism that demands that Government seize and operate all the instruments of production and distribution is the course on which Mr. Baker is embarked. It is a dangerous goal.

Secretary Baker is half pacifist and the other half Socialist. When before the Committee on Military Affairs, according to the published hearings, on being reminded of the delays in aeroplane construction, in the preparation of our military forces, in guns, heavy ordnance, machine guns, and the controversy between the adherents of the Lewis gun and the Browning gun, he dismissed the matter with an airy wave of his hand, saying: "There are 3,000 miles between us and the war." Now, after he has come back from his trip, I repeat the hope which I have already expressed that he will have learned what he could have learned without going to Europe if he had only listened to the chairman of the Military Affairs Committee of the Senate [Mr. CHAMBERLAIN], who had been talking preparation for years. The stalwart undertaking of the Military Affairs Committee, to which the Senator from Washington [Mr. POINDEXTER] has frequently added his strengthening purpose, was that we should speed up and we should prepare to defend ourselves even before we declared war.

The trouble is the Secretary of War was a pacifist when he became Secretary of War; he was opposed to war; he proposed to end wars by moral suasion, by peace meetings, by arguments addressed to the justice of men. I hope that such measures will be efficacious at some time, but they are not now. I would rather settle in that way any quarrel with which we have anything to do, for I am not a fighter; but after looking on the face of Sir Douglas Haig, published in the Sunday papers, and the face of Hindenburg, I have made up my mind that there is only one argument appreciated by a man with a face like Hindenburg's—it is the heaviest ordnance we can make and can fire. It takes a gunshot between the eyes to argue with men with faces of that type. It is the only way civilized society can protect itself and that government of the people can endure.

I have no doubt that Mr. Baker has come back with much information, and I hope with a change of heart. I object, however, to educating the men the Government assembles about the Executive after such a long lapse of precious time and at such an infinite cost to the country. The educational processes ought to have been begun or, better yet, completed before such men assumed the robes of office.

Then there is Secretary of Labor W. B. Wilson, another authority and another member of the Cabinet. He made his debut to public notice by being in jail in Cumberland, Md., for violating the laws of the country. He is to be the gentleman in charge of the expenditure of $60,000,000 for housing and humanitarian purposes, with power to condemn even private residences and turn any member of the Senate out of his home by merely applying to a district judge of the United States court and obtaining the approval of the judge before filing the petition for condemnation or issuing an order by which the property is to be taken and you and your family put upon the curbstone.

Mr. FALL. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. FALL. My understanding of the provision now alluded to by the Senator is not that it is intended in any manner whatsoever to correspond to a condemnation proceeding. It simply provides that the occupied dwelling of a Senator or of a farmer shall not be taken by the Secretary by force of arms, as it were, upon 10 days' notice to vacate, but that the Secretary must go to a district or circuit judge, and file a petition stating that it is necessary for him to take that house. Then it does not provide that there shall be any answer allowed and that the case shall be heard upon petition and answer, or that the judge shall fix the compensation, or that a jury shall try the question of necessity but simply that in a summary proceeding, passing upon the petition itself, the judge shall say whether it is necessary. It simply substitutes the word or the action of one judge for the action of one, W. B. Wilson in every case.

Mr. SHERMAN. It requires none of the ordinary safeguards which are thrown around condemnation proceedings.

Mr. FALL. Not at all; it is not a judicial proceeding at all.

Mr. SHERMAN. Merely on petition to a court and the order of the court your private property is under the authority of the Government.

Mr. FALL. In the case of a private occupied dwelling house, it merely substitutes the judge for the Secretary of Labor, with the same powers exactly.

Mr. SHERMAN. Yes; one holds his property subject not to the ordinary process of law, but subject to the appeal of a military officer to any judge in the district to whom he shall see fit to apply. For instance, in Chicago, where we have a number of judges—and the bill does not say particularly what judge shall conduct the hearings——

Mr. FALL. Any district judge or circuit judge.

Mr. SHERMAN. Yes. The application might be made to any one of the district or circuit judges of the United States resident in Chicago or any of the judges who come down from Milwaukee, Wis., or other points, to hold court. Mr. W. B. Wilson himself is a state Socialist as disclosed in many addresses and in many public utterances he has made in the years past; he is as unadulterated a Socialist in all of our domestic affairs as can be found in the purely Socialist camp of any of the organizations in the United States. His arbitrary will is a slight protection for American citizens.

Mr. Burleson, the Postmaster General, is a state Socialist——

Mr. FALL. Mr. President——

Mr. SHERMAN. I yield.

Mr. FALL. I do not want to interrupt the Senator, but the Senator has said that Mr. Wilson is a state Socialist. I can agree with the Senator; but I think that I might go a little further. Mr. Wilson has advanced a theory of state Socialism never before advanced by Marx or by any other state Socialist, namely, that property shall not only be confiscated for the welfare of the Nation or of the community or of the public but that the measure of the right to confiscate such property shall be its profit-bearing character; in other words, that the amount of profits derived by individuals from the management of their private property shall be the measure of the right of the state to take private property away from the individual.

Mr. SHERMAN. Yes, sir; that is correct. When I speak of state Socialism I do not mean State in the narrow sense of our 48 States; I mean that the authority to take over an enterprise, whatever it may be, is technically in the state.

Mr. FALL. I understood the Senator; but I was making this distinction, that no other Socialist of whom I have ever read or heard has advanced the theory that the mere question of the amount of profits derived from the conduct of private property should be the measure of the right to subject that property to seizure by the state.

Mr. SHERMAN. I think the Senator is correct in that. In other cases, where the United States Government is possessed of the power to take over enterprises, the Secretary of Labor would be very well satisfied to have the power exercised by the Government on the basis of profits.

Mr. Burleson himself, in the same sense, is a state Socialist. Mr. Burleson has constantly, by message, report, public address, and otherwise, wherever he has had occasion to express himself, favored the taking of telegraphs and telephones and adding them to the Post Office Department. His favorite obsession is that mentioned by the Senator from New Mexico [Mr. FALL]. It singles out the successful. All who by ability and industry succeed would have the proceeds of their toil seized

by the Government. Such a plan spells the end of progress and enterprise. It is the paralysis of individual effort and the threshold of Trotzky's government.

He in substance says that it is an anomaly for the communication of intelligence by wire, by telephone or by telegraph, to be in private hands. He wants it added to the Postal Service of the country and under his administration.

There is one almost laughable statement contained in his report of 1917, in view of all that preceded it about Government ownership of telegraphs and telephones. Mr. Burleson exhibits a strange lapse of memory or of understanding. In that report he recommends that all of the rural free delivery of the United States be taken out of the Government's hands and farmed out to private contractors under star routes; and he sustains it by the argument that the contractors can do the work cheaper and better than the rural cariers are now doing it for the Government. I agree with him on that as far as the efficiency of the private contractor goes; but it is contradictory to all of his arguments, the reports he has made, and to every utterance on the question he has made since I have known him to be in public office.

I do not think he is a fit person to decide it. He is carrying about to-day, in his private fortune, the proceeds of the labor of Texas convicts in connection with cotton farming on his land in Texas. I know that he will be ill-humored if I refer to that; but, nevertheless, I am prone to do it, because an investigation by the Legislature of the State of Texas showed that his farm was let out, run by convict labor, and that he received a share of the proceeds of the farm. He is the last person in the world to be talking about Government ownership and issuing orders and edicts from his department to the postal employees of this country denying them, in substance, the right to organize themselves to respectfully present their claims to Congress or to the department. Mr. Burleson represents, in a concrete form, labor that has no right to speak. This is another one of the President's advisors with whom he will consult on this bill after the power is delegated to him to consolidate the departments, to transfer the functions of one to the other, and the like.

I spoke the other day of Louis F. Post, who is the Assistant Secretary of Labor. Mr. Post is a single-taxer of long standing. For many years he has preached the beauties of the single tax. He once was in Chicago a great deal, and in the western country. He, in company with various gentlemen of that kind, has been on the lecture platform, and has written many beautiful essays on what the singe tax would do to turn this country into an economic paradise. I have seen more prismatic landscapes of an industrial heaven on earth drawn by Mr. Post and his associates than I ever saw in the wildest vision in my sleeping hours. I might add to that by saying that he is a Socialist. He boasts of it in private conversation, and even in public address. He is a Socialist, a state Socialist, and believes in the assumption by the Government or the State of all the essentially private enterprises of the country. He founded a newspaper known as The Public, and I quote from one of its issues this statement:

Founded, 1898, by Louis F. Post and Alice Thacher Post. The Public: A Journal of Democracy.

Mr. Post thinks just as Mr. Trotzsky thinks about the bourgeoise of this country. He wishes the middle class exterminated. It would serve his purpose if all the millionaires are destroyed, and nothing but the vagrants and the proletariat remained—no middle class out of which you can build a self-respecting republic, out of which institutional liberty can be drawn and maintained by ordinary governmental processes.

It is now said that he has no connection with this paper; and an issue of the paper not many weeks ago, following some comment that I made on that, denied that Mr. Post had anything to do with it. Well, that is entirely to Mr. Post's credit, because the paper under its present management, if it is possible for such a thing to be, is even worse than it was when Mr. Post edited it and owned it. Its editors are headed by Mrs. Joseph Fels, whose husband was known to fame through Fels-Naphtha soap. He died and left a goodly fund for the propagation and explanation of the beauties of the single tax all over this country. After a person gets right well bitten with that obsession, I give up hope. There is no cure for it this side of the grave. It is a pleasing theory; it sounds well; and the greater Socialist a person is the more it appeals to him, because, when it is analyzed, taking away the unearned increment by taxation means taking property from somebody else without paying for it. It is the great economic hobby of these gentlemen, after all, when you boil it down.

So much, now, for Mr. Post. I can not spend more time on him; but The Public, this paper, bearing on its caption the fact that it was founded by him, has an open apology and defense of the Industrial Workers of the World. It says:

The I. W. W. is to have its day in court, not alone in the Federal and State tribunals, where some of its members are called upon to answer to the charge of certain alleged crimes or misdemeanors, but in that larger court of public opinion, where the oppressed calls upon the oppressor to justify his acts.

Later on I will insert this in the RECORD. I do not want to take time to read it. This is explanatory of what I wish to say on it. It says, in substance, that the I. W. W. are guilty of nothing; they are the mere audible expression of protest against conditions. They can not help themselves. They are guilty of no crime, because there is an internal force that propels them to do what they do. They are catapulted into the arena of active life, as we usually see them performing, by economic conditions over which they have no control, and of which they are the sole incarnated protest on earth.

This article goes further. It says:

That riots are not primarily due to leaders, but to conditions, and that violence occurs only when the victims have come to feel there is no other way out.

I have associated for part of my life with what are known as alienists almost every day for some years. They are men who study the mind, who know that a man is insane before he knows it himself. Some of them have a tendency to become impractical on worldly affairs. I took up a lecture that one once delivered. He said, "There is no such thing as crime. Crime is only instability of the nervous system, induced by abnormal cerebral conditions, resulting in violent physical manifestations." [Laughter.] This is his definition of crime. That is the definition of this article to which I refer of the I. W. W.'s activities. It is instability of the nervous system. It is not economic vagaries, it is not any desire to commit crime, but it is simply a violent protest against conditions, inducing in them abnormal cerebral activities, resulting in such physical manifestations as burning property and murdering people, as they did in Utah and in California.

They are to be excused, not punished. They ought to be liberated, because they are simply protesting from their inner consciousness against conditions. The same thing destroys all moral responsibility. This is why I believe in Billy Sunday. If there is anything needed in this country now it is a return in the pulpit to preaching to the people the consequences that attend misbehavior in this world and 100 per cent sulphuric hell fire. We must expect to reap what we sow. Sunday is the greatest ally of good government in the United States. We have raveled out moral responsibility in this country. Nobody is responsible for anything; the belief is like this article in The Public. Everybody has an excuse. There is no such thing as responsibility for the I. W. W. or for anybody else. We are all Trotzkys, according to that article. What we do is based on ungovernable, for which we must be excused.

Let me get some of these I. W. W. documents, Mr. President. They are a beautiful collection. They come from all parts of the country; but I shall content myself with referring to those published in Chicago.

The I. W. W. publishing bureau is at 1001 West Madison Street, Chicago, Ill., and some of them are published at other points, I think on North Halstead Street. They say:

To-day the greatest drama in the history of labor is being staged in this country. It's the right to organize and strike versus the right to slave. Organized capital has succeeded in having indicted 166 members and sympathizers of the Industrial Workers of the World because of their activities in organizing the workers and demanding decent living conditions. They are awaiting trial, and funds are needed for defense. Which side are you on?

Contributors will receive receipt for each remittance and at close of trials an itemized accounting of all funds. Make all money orders and checks payable to the undersigned. Act now!

GENERAL DEFENSE COMMITTEE,
WILLIAM D. HAYWOOD, *Treasurer*,
1001 West Madison Street, Chicago, Ill.

Here is a chance for some philanthropically inclined person to help out the needy and the oppressed.

Sent out with their campaign material in this propaganda of violence is an article from The Public of date November 16, 1917, which follows the same general line of argument as the article to which I referred, that they are merely more or less vociferous and physical agents protesting against existing conditions. There never was a greater falsehood than that contained in the handbill to which I have referred. They are not representing the cause of labor. Mr. Gompers and every one authorized to speak for the American Federation of Labor says that they have no connection with that organization. He not only repudiates them but he criticizes them and their methods. They do not represent any protest connected with the labor cause in Chicago or elsewhere. The 166 men who are on trial in Chicago are charged with what the Senator from Washington [Mr. POINDEXTER] alluded to yesterday. They are specifically on trial for interfering with the draft, for interfering with

the sale of Government bonds, for interfering with the progress of the war under the espionage act.

Here is another pamphlet, with an I. W. W. looking out from behind bars in a cell; and it says on the front page, where this picture appears, "We are in here for you. You are out there for us." It appeals, of course, for money to defend them, that they may be out again, interfering by their activities with the progress of the war. That is what they are in jail for.

Coming in the same mail, both from Chicago and from New York, is an appeal from the single taxers likewise for contributions to spread the glad tidings abroad. These single taxers use almost the identical argument made by the I. W. W.'s. They incite hatred of the laws and institutions now existing. They are another cult that need looking after occasionally.

Here is yet another of the trusted friends and advisors of the administration, Frederick Howe, of New York, commissioner of immigration, at $8,000 a year, at Ellis Island. I do not know whether any Members of the Senate have read Mr. Howe's book on "Socialized Germany" or not. If you are interested in that subject, it is a prolific matter, furnishing original information about Mr. Howe. Several years ago I went around on Thursday nights to a place where the Socialists have a hall, back in my country. They have a meeting there every Thursday night. The first time my attention was called to Mr. Howe's book was when I listened to a speech by a long-haired, somewhat ill-clad, oppressed victim of society. I would reckon by ordinary computation that he had had but one bath in his life, and that was the day he was born. Before he got through he was quoting liberally from Mr. Howe's book on "Socialized Germany" as the greatest book ever written since the days of Karl Marx, and he said that even August Bebel used it. Mr. Bebel died a few years ago. He was the living, incarnated voice of socialism in Germany, following out in practice Mr. Marx's theories. I presume that Mr. Howe, who has charge of immigration, would never find anything the matter on the educational test with anybody that understood the principles of his book. That would be a never-failing test. A man would possess great literary ability if he could read and expound it; and he could do more than any sane American citizen of the United States can, because nobody that has any practical sense could tell what it meant. I can see how it appeals to the average German metaphysician, because when they get through expounding something nobody can ever understand it; the problems they undertake to elucidate are not half so intricate as the explanations they give of the enigma to be solved.

Here is another. I do this with some reluctance. I refer to John H. Walker. Mr. Walker is the president of the State Federation of Labor of Illinois. Mr. Walker comes down to Washington and elsewhere. He takes occasion to go upon the platform and make patriotic speeches. I can join with Mr. Walker in doing that. There is no question between us there. If Mr. Walker would only be consistent, so that I could understand in what direction he was traveling, I would have no objections to him. The trouble is Mr. Walker talks at one time for the country and at another time against part of it. I find by referring to the report he made that he is a member of the President's mediation commission. This is a lawful body, and they have on several occasions reported to the President on a great variety of subjects. This report of January 9, 1918, contains in it the same apologies for the Industrial Workers of the World that the article from The Public contains—that the Industrial Workers of the World are only in a practical way making audible their protests against existing conditions. I refer to those matters and will at the conclusion of my remarks ask that they be incorporated in the RECORD without reading. Mr. Walker is a member of the committee on labor of the advisory commission of the Council of National Defense. I find his name in the membership list published by the Government Printing Office in 1917 as "John H. Walker, president Illinois State Federation of Labor."

Who is Mr. Walker? Mr. Walker at home is a Socialist of the most radical type, a member, a leader of the Socialist Party. He has done more to spread socialism in the Mine Workers' Union of 100,000 members in Illinois than any other one man in that country. He is a Socialist, in my opinion—I state this only as my opinion—who is in favor of direct action. I base that inference on his conduct. He does not preach that in Washington, but he practices it at home.

I now read from an article signed by Mr. Walker, of January 6, 1918, and published in the Springfield News-Record, of Springfield, Ill. There has been a strike for over a year in that country, involving by sympathetic action all the allied branches of industry, and some of it going far beyond the limits of central Illinois. It began in a street railway strike, and the sympathetic action of various unions called out coal miners, grocery clerks, gas and electric light workers, everybody in all of the factories of that country, and for some days last summer and fall industry was entirely tied up. During that difficulty two cars were dynamited. Six persons were injured, and it was only good fortune that they were not blown into atoms. If the dynamite had been on the side of the car where the people were sitting, it undoubtedly would have killed them, because all of that side of the car was torn out. The companies concerned have repeatedly offered to arbitrate the question of whether there should be recognition of the union, hours, rate of wages, and terms of service. That has been repudiated by Mr. Walker, acting as the advisor of the local unions, with his associates. He asserts falsely in this article that the men are fighting for the right to organize a union. Nobody ever denies that in that country. That is conceded. What they do not concede is that a man must join a union to earn a living in this world. That is the bone of contention.

While the strike was on an order was obtained from the circuit court for that district restraining anyone from interfering with the property of the company. Some people violated that order; whether under Mr. Walker's associates' advice or not is not recorded now. They violated the injunction. They were sent to jail, and various penalties were inflicted on them then and afterwards, because of the contempt proceedings. They were tried by jury. Here is what Mr. Walker says in respect to the courts of our country. The judge who presided at these trials I have known for 30 years. He is as upright and humane a judge as ever administered a system of jurisprudence in an English-speaking country. Mr. Walker says, referring to the companies, that they have—

domineered and tyrannized over them—

The employees—

worse than any Simon Legree ever did over his slaves; their action has degraded and prostituted our courts, made judicial harlots out of our judges, and resulted in those courts and judges and county officers—

Referring to the sheriff who prohibited riotous assemblies in the area concerned in his jurisdiction—

denying the workers their rights under the law—courts and county officers that swore to uphold them.

He said, further:

It took the mine workers of Illinois nine months in 1897 to force the coal operators to do the right thing. It took them 10 years to put Sam T. Brush out of business. * * * By pursuing the same methods we can do the same thing.

At this time I wish to speak of the Brush affair briefly. In the strikes resulting from that trouble, 40 persons were killed in cold blood. A large part of the country was under martial law for weeks. Mining property was blown up; tipples were burned; men to-day in Illinois are carrying wounds upon their persons, and will take them to their graves, who were assaulted and beaten while peacefully pursuing their lawful occupations. These are the methods that John H. Walker commends, and advises his strikers to resume in Illinois, where 100,000 men are engaged in mining coal in their normal activity, and where hundreds of thousands more are engaged in making war materials. He advises them to renew the strike, and I have a report from persons making an investigation, to which I shall briefly allude, but take no time more than to say the report made by a patient investigation shows that they are preparing a strike now; that Mr. Walker is active in instigating this strike and preparing for the resumption of the violence and destruction by dynamite of property, the murder of peaceable men in Illinois in his jurisdiction, as the president of the Illinois State Federation of Labor. He, the adviser of the President on the mediation commission and a member of the labor committee of the National Council of Defense, goes upon the platform and makes patriotic speeches.

Patriotic is as patriotic does; and I ask Mr. Walker next Sunday, when he takes me to task for what I have said, in a date that he has, to answer these charges. I ask him to say whether he will pursue the course of a peaceable citizen and by his activity undertake to reduce lawlessness to a minimum and prevent those who listen to him from dynamite and violence and murder. If he can not do that then he is not fit to be an advisor of the President. I am trying to protect the President from the men who have thrust themselves about him and who I think are responsible for many of what seem to be official vagaries of his.

I do not care to say very much of Frank P. Walsh, of the industrial commission. He has said enough. It would be time wasted and love's labor lost. The chairman of the industrial commission appeared before the resolutions committee of the Democratic National Convention at St. Louis in 1916 with a socialitic platform of his own. He sought to force it upon the Democratic Party. It is to their enternal credit that they refused it. I do not know what the future issues may be, but I know there are such elements in the Democratic Party that

in the years to come, if some of my associates and myself are spared, we may be found touching elbows in the same common cause. It is against the firebrands of disorder, those who seek to destroy the restraints of civil society, and, as the Senator from Washington [Mr. POINDEXTER] said yesterday, to put the bolsheviki, of which there is an element of uncertain numbers in our country here, in control of the Government.

Here is another and a very distinguished citizen of my country—a neighbor of mine. I speak of him in no uncomplimentary way, the Assistant Secretary of Agriculture, Mr. Vrooman. Mr. Vrooman is mildly Socialistic. He does not believe in direct action. Far from him, he would never hurt anybody. He is in the same frame of mind that the woman was when an inconsiderate friend committed suicide in her parlor. The coroner in holding the inquest lifted up the body and the woman said, "Well, well, the thoughtless creature has ruined my fine Persian rug. Why could he not have bled somewhere else?" Mr. Vrooman would not hurt anybody. It would spoil the dilletante sentiment that he has. He wishes to argue the thing out. He is pacific in his nature. A kindly gentleman. An estimable man. He never wishes to hurt anybody. He is a parlor Socialist, but is the Assistant Secretary of Agriculture; he is giving advice to the President, and he can add his mite to the general verdict of this group that surrounds our President.

Here is another of whom, no doubt, many of us have read who has been recently added to this coterie of economic advisers—Roger W. Babson, of Massachusetts. Mr. Babson is like a good many who deal with statistics a long time; they become temporarily bewildered when they must do things. Mr. Babson has lost his rudder in the deep sea of statistics and he has not got his soundings yet. On practical matters I can not but think of him as unsafe an adviser as there is in the world. If you give him a row of figures with some statistical observation of what he calls sociology and tell him to work on it, he can produce beautiful results on paper; but I would rather take an old granger or a man running a poultry yard for practical purposes, or a cowboy in the Southwest, to get good government out of a given number of people than all the Babsons you can collect from now till the end of time.

Here is another. Here is Mr. Townley. Mr. Townley came here not long ago and talked with the President. Mr. Townley was a much maligned individual. Mr. Townley had been aspersed. Mr. Townley had been indicted. He had been falsely charged with being an enemy of the Government. He informed the authorities here, so I learned, that he was strictly loyal. What he was doing was trying to rescue his constituents from the monopolies of the Northwest, among whom were not only mills and millers but the great mercantile enterprise, the carriers systems, and especially the great iron and steel industries of the northern peninsula reaching over into Minnesota.

I can begin to get a little light on Mr. Townley, and I think the rest of us can if we just keep in mind and watch his maneuvers. Michigan and Minnesota are the great sources of iron-ore supply in this country. He is trying to establish himself in that immediate neighborhood. That is where he can marshal his forces and start trouble in the iron-ore country, interfere with the barge service, tying it up in a strike at this great source of supply. One of the things that Mr. Townley is concealing is the claim that he is representing the farmers of the country—the oppressed farmer. As a matter of fact, I charge here on my own responsibility that Mr. Townley represents pro-German influence in this country, and he has German money in some place that inspires his activity, and at the right time there will be a strike in the northern peninsula, from which we draw our supplies of iron, when it will cripple us most.

Mr. Townley in bankruptcy proceedings is an eminently successful man. He accumulated $80,000 worth of debts with $500 worth of assets. Anybody who can do that is something of a genius, I admit; but his creditors thought that it was unkind of him not to think of their interests more. On the hearing he disclosed no visible assets. That is a chronic condition with most of these reformers. There is none of them who has any asset but language. They pay a debt by the statute of limitations or by bankruptcy. I never knew one of them who could do otherwise who makes such claims as Townley.

Here is another Mr. D. C. Coates. Mr. Coates was lieutenant governor of the State of Colorado during the exciting administration of "Bloody Bridles" Waite. We all remember "Bloody Bridles," a unique figure among the coterie of governors in the various States of the Union elected that year, and all of them had their fads, among others Mr. Coates.

Mr. THOMAS. The Senator is mistaken as to the time when Mr. Coates was the lieutenant governor. It was not during the administration of Waite but of Gov. Orman, some years later.

Mr. SHERMAN. Well, he was an associate and friend of Gov. Waite. I thank the Senator for the correction.

Mr. THOMAS. Yes.

Mr. SHERMAN. I remember one occasion when I was out in the mountains there was a meeting at Colorado Springs, and both those distinguished gentlemen were in close communication with each other. It was the first time I ever saw either or both of them. I remember Mr. Coates from that time, and I have been somewhat interested in his governmental activities.

Mr. Coates is credited by many with being one of the leading lights in the Non-Partisan League of which Mr. Townley is the head. I do not know whether he is indicted with the rest of the distinguished gentlemen or not for interference with war matters, but at any rate he has received some considerable attention.

I have read the platform of the Non-Partisan League, and it is a very singular affair. It is hedged about with a great many phrases which I think are intended to conceal its main purpose, but lurking through it all there is a sort of a language that reminds me that mentally Mr. Townley and his associates—Mr. Le Seuer, the secretary, I believe, of the organization, and Mr. Coates—are just like Mr. Trotzky. They think the same way, and in their platform concealed carefully are some of the same revolutionary sentiments. The Non-Partisan League later, when it can safely do so or it has enough safety guaranteed to it, will be found producing the same revolutionary principles found in Mr. Trotzky's book headed "Our Revolution." In a speech at Jamestown, N. Dak., June 11, 1917, Mr. Townley said:

> Why should we buy liberty bonds when the Government makes us pay enormous profits for equipment to run our farms? Take the profits from "Big Biz" to pay for the war. We'll never get anything from the Government for anything that we do in this struggle. Why should we help the Government when they wont help us?

This was after the United States declared war. These are some of the men whom our beloved Chief Executive has about him. I think he ought to get rid of them. When you ask me to vote blanket power to a President to transfer functions of the vast, undefined character in this bill I want to know what kind of men he has collected about him to administer the great powers of a free Government. I want some of these distinguished worthies dismissed from their station before I trust more power into the President's hands. If further power serves to collect more such advisors about him, he increases our danger when our supreme test against German arms and German intrigue comes. Government very largely takes its practical aspects from the agents who administer it. You can not separate government from human agency. These mortal habitations of ours that we dwell in for a brief period are the only physical tokens by which practical government is administered among men, and these men the President has about him, and I have not taken them all, but such of them as would illustrate what I meant, are unfit to administer government.

I shall not go into any discussion of the so-called Farmers' Non-Partisan League because that is a matter that would take too much time, but I shall at my conclusion add certain of these documents to the CONGRESSIONAL RECORD without reading.

I conclude with Mr. Townley with the following statement which illustrates a great deal. He spoke at Butte, Mont., five times with Frank Little, an I. W. W. agitator in that country, to whose subsequent misfortune I need not allude. You know what he was there for. Mr. Townley advocated on the platform in the hearing of living witnesses and by the current press reports from that country the same principles as Frank Little and for which he was hung by an indignant vigilance committee trying to preserve order and avoid bloody ruin in the Butte and surrounding mining country. That is Mr. Townley. That is one time that his camouflage did not hide him. He was caught in bad company, and if Mr. Townley had not been able to buy a railroad ticket and beat a hasty retreat he might not now be president of the Nonpartisan League declaring against various alleged evils in this country.

I shall leave Mr. Townley at this point. Probably I have, to use a homely phrase, dug up more snakes than I can kill now in one day.

Mr. WATSON. Mr. President——

Mr. SHERMAN. I yield.

Mr. WATSON. Does the Senator recall the fact that Mr. George Creel had Mr. Townley over here and that he got for him an engagement to speak at Rochester, N. Y., and another to speak in New York City, and afterwards brought him here and took him to the White House?

Mr. SHERMAN. It had escaped my memory until the Senator reminded me of it. I thank him for doing so. I paid my respects to Mr. Creel on several occasions, and I omit him from the roll of honor which I have prepared here. It would be a

very pleasing task on some summer afternoon to dissect Mr. Creel. I think as a political anatomist I might possibly do him justice. I could exhibit his framework and motives and the like with probably fair accuracy. He reminds me a good deal when you get to working on him of a letter published in the hitherto unpublished letters of Lincoln. Lincoln wrote a letter to one of his friends once talking about a horse trade. I do not know whether any of you ever read it. It was all new to me. He spoke about the guarantee of a horse in a horse trade. We all know what that means.

The guaranty given would apply to George Creel—warranted "sound in skin and skeleton and free from faults and faculties." That is the utmost that could be said about him by his friends. I do not concede that he has not faults like the rest of us. He has them. But I think some of them are somewhat reprehensible and ought not to be found in a public officer charged with such responsibilities as he has.

Mr. Creel is a Socialist of the most pronounced type. Mr. Creel I have already stated has abused this Government, its Constitution, the conscript fathers who wrote it, the courts of the country that have expounded it, and the judicial tribunal of the United States of last resort, holding its sessions within a few hundred feet of this Senate Chamber, he has denounced as conspirators in the original plan of writing a Constitution by the rich men of the country and then interpreting it and applying it so as to preserve and protect the lawless rights of plutocrats. He ought to be where Trotzky and Lenine are. He deserves honorable mention in "Our Revolution." He has all the elements of a Red, of a destroyer of civil society, one that dissolves all the restraints of communities and the protection of persons and property.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. SHERMAN. I yield.

Mr. WATSON. I presume the Senator read an article in the morning paper headed:

SAYS THE MASSES GOT CREEL'S O. K.—NOT A WORD RAISED AGAINST JUNE ISSUE, MANAGER DECLARES.

NEW YORK, *April 22.*

Circulars which C. Merrill Rogers, as business manager of the Socialist magazine, The Masses, sent to prospective subscribers and to news dealers, in which the writer declared the periodical was going "to fight conscription and its attendant evils," were introduced in evidence to-day at the trial of Rogers, Max Eastman, Arthur Young, and Floyd Dell on charges of conspiring to impede operation of the draft law.

A statement that George Creel, chairman of the Committee on Public Information, approved the publication of one issue of The Masses, a copy of which is in evidence and is alleged to contain matter found objectionable by the Government, was made by Rogers.

In that issue of The Masses was the statement that they were going to fight conscription and its attendant evils.

Mr. SHERMAN. That is entirely in keeping with everything that I ever know George Creel utter on a governmental question. I thank the Senator for adding that to the list of Mr. Creel's qualifications as a public censor that he has already proven to possess.

I am satisfied, taking it in the entirety, that Mr. Creel has indorsed most of the suppressed publications. There are certain ones, though, that have access to the Government postal facilities that I find myself entirely unable to explain. There is one called The Eye Opener, published at North Halstead Street, in Chicago. I have a copy here of the last issue of The Eye Opener. It is certainly an eye opener on Mr. Burleson. It is in open hostility to conscription. It is in open hostility to the prosecution of the war. It is shouting the false cry of peace. Still it has access to the mails. It came to me in my office by the ordinary postal facilities of the country. But it is a good socialistic sheet. It is preaching socialism. It speaks of socialism as the taking over by the Post Office Department of the telegraph and telephone and everything else; anything that does that is instantly shriven of its sin by Mr. Burleson. That is the milk in the Burleson coconut when you get at it.

I found this in the address of my colleague, Senator LEWIS—and I regret he is not here. While we get along very harmoniously in our personal relations, back home we take occasion to differ from each other quite violently at times. He used this expression in his address, found on page 4968 of the CONGRESSIONAL RECORD, under date of April 13, 1918, which was the date of the publication. His address was made April 11, 1918:

He—

The President, speaking of him—

has no private purpose to serve; he has no political object to benefit.

Senator LEWIS continues, who undertakes for political advantage to oppose the measures of the President will have an indignant constituency with which to reckon. My colleague [Mr. LEWIS] is one of the ablest men of the Democratic Party in the West.

All of us in our respective constituencies must finally face the multitude; most of us are accustomed to it from early life, and the more the multitude the better. I am willing to face the constituency in which my colleague will, I hope, be a candidate. He deserves, by his distinguished service here, the nomination if he wishes it. I am willing to try it out on the issue which he raises in the CONGRESSIONAL RECORD, and I will try it out on the record that has been made up to this time, with such sundry additions as the mistakes of my distinguished colleague and his organization may make hereafter.

When I speak of this in connection with the pending bill, Mr. President, I have no purpose of making a partisan reflection on any of the war powers of the administration in its prosecution of the war. That is a matter that is entirely nonpartisan. There has been no partisan division here on that question, and there will not be. If the President was of my political party, I would differ from him if he undertook to do these things just as often as I differ now. Most of my difficulties in my own country have been because I did not take orders from governors of my own party in that smaller jurisdiction. I would not take a President's order any more than I would take a governor's order. I may be wrong, but I accepted the responsibility for my errors and expiated it by the usual political punishment, if at all, inflicted at the ballot box. I do so now.

I notice on the 13th day of March, 1918, by numerous press reports SCOTT FERRIS, of Oklahoma, Member of the House, chairman of the House Committee on Public Lands, had been elected chairman of the congressional campaign committee, and that it had been organized—he succeeding a former Member of the House—by the election of a full corps of officers. That made a political organization committee all of whom were either Members of the House or holding public office in this administration, whether in the House or elsewhere. I shall insert that in the CONGRESSIONAL RECORD at the appropriate time at the close of my remarks, which I hope to draw to a close very speedily.

Joseph E. Davies resigned from a public position in Washington. In a letter to the President under date of March 12, 1918, he gave his reasons for resigning. He wished to become a candidate in Wisconsin for the Senate. He was nominated by his associates. The President in his reply to him named certain proceedings which are in the letter which I shall ask to be printed in full at the end of my remarks, among which is the McLemore resolution.

"The acid test." I presume I voted myself in favor of the McLemore resolution when it came up through the motions made by the Senator from Oklahoma [Mr. GORE]. Excepting that I have voted with the President on all the other issues which constituted the acid tests.

I have here a list of those who met the acid test of my Democratic brethren, not of ours, since that is immaterial. I have a list of those voting against the motion to table the McLemore resolution in the House on March 7, 1916, which is one of the "acid tests." All of these on the list here were renominated at their respective party primaries and reelected at the November election, 1916. There is BLACK, of Texas; BUCHANAN, of Texas; CHURCH, of California; DALE, of New York; DECKER, of Missouri; EAGLE, of Texas; FLYNN, of New York; FOSTER, of Illinois; HAMILL, of New Jersey; HENSLEY, of Missouri; KEATING, of Colorado; LOBECK, of Nebraska; MCLEMORE, of Texas; SHALLENBERGER, of Nebraska; SHOUSE, of Kansas; SISSON, of Mississippi; SLAYDEN, of Texas; SMITH, of New York; STEPHENS, of Nebraska; VAN DYKE, of Minnesota. Fitzgerald was elected and resigned to go into a more profitable employment. This is sort of ex cathedra, but I understand it was to become attorney for the Alien Property Custodian, with a guaranty of $15,000, together with such incidental perquisites as will come along in private practice not connected with the public welfare.

As I remember, three others resigned from the House, all of them to take appointments under the city administration in New York of a profitable character. But here is the list, and every one of those Democrats whose names I have read voted against tabling the McLemore resolution. There is MCLEMORE himself. He does not represent a district; he represents the whole State of Texas. The entire dignity and traditions of the Alamo and of the Lone Star centered about his predestined brow. He was nominated in a primary covering the whole State of Texas and elected in the same way, and he is the author of the obnoxious resolution which constitutes an essential element of the acid test.

The gentlemen whose names I have recited are all sitting members of the majority party in the House of Representa-

tives, and all of them voted not to table the McLemore resolution, which was the test in a parliamentary way whether you were for or against the resolution.

Now, here is my esteemed friend William Kent, who used to live in Chicago, and whose father lived there before him, whom I knew, attracted by a genial climate, went farther west than most of us, and he landed in California. I find in the list that Mr. Kent voted against tabling the McLemore resolution. That constituted the acid test. It would not make any difference with Mr. Kent, for he is an independent and votes as he pleases. That means he uses his own judgment on things of that kind, for which I respect him, but it was the acid test applied to him. How was it applied in that liberal, statesmanlike, broad, catholic spirit that led to Mr. Kent's appointment on the Tariff Commission as one of the essential results of the acid test? Thus it is that great reformers by this practical operation of the choice of human agents constantly lose their civic chastity.

Again, the President wrote a letter to the State committee in Newark, N. J., under date of the 21st of March, 1918. In that he set out at some length the necessity of electing Democratic candidates, just as he did in Wisconsin of electing there the Democratic candidate for the Senate, as a means of carrying on the war. I have no objection to prosecuting the war, but in this instance I differ from the President as to how to carry on the war. I insist on electing men of my own political persuasion as one of the proper means of carrying on the war, just as my Democratic brethren have the same right to insist on their method of carrying on the war by electing Democrats. In this he uses the following language—and I shall insert all of this at the end of my address as well as the others I have referred to:

The old party slogans have lost their significance and will mean nothing to the voter of the future, for the war is certain to change the mind of Europe as well as the mind of America. Men everywhere are searching democratic principles to their hearts in order to determine their soundness, their sincerity, their adaptability to the real needs of their life, and every man with any vision must see that the real test of justice and right action is presently to come as it never came before. The men in the trenches, who have been freed from the economic serfdom to which some of them had been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action.

What does that mean, if it means anything? "Economic serfdom!" What soldier ever was in economic serfdom before the war? What man was in economic serfdom? Who was oppressing them? There was no oppression in this country except as Mr. Trotzky sees it.

I can understand why the President is tolerant with this group of single taxers, of these economic freaks of all kinds with which he has surrounded himself; those of various kinds of opinions, infested with vagaries of all their species, gentlemen who have hobbies which they mount and ride persistently, reaching nowhere, it is true, but in the main creating a most infernal din about the Executive ears, making it impossible for him to obtain a clear hearing on the current issues of the day. Economic serfdom! That sounds like Trotzky; that sounds like "our Revolution"; and I can understand why this peculiar bunch of mysterious wizards are about the President and why he tolerates them. It is because they pour into his willing ears the stories of "economic serfdom." I suppose after a while they will be talking about "our Revolution," at the opportune moment.

These things preceded the nomination of Mr. Davies. Then, our respected Vice President—for whose fairness as a presiding officer I have the greatest admiration and respect—became interested. He took it upon himself—which was entirely proper—to go to the State of Wisconsin in Mr. Davies's behalf. I can excuse him for doing so. He was requested, no doubt, by the proper campaign authorities to pursue this line of activity. He is a strong campaigner and a party leader. Then, who could resist following the parti-colored oriflamme of my beloved colleague [Mr. LEWIS], who had preceded him in that part of the country, shouting the familiar slogan, "Stand by the President and stand by the war"? He would inspire to action the most phlegmatic or indifferent by his ringing appeal. So the Vice President made his appearance. At Madison he used this language—and I verified it; it was the usual press report that went out from the Associated Press, and the local papers published it as well, both in Milwaukee and in Madison:

Our State of Wisconsin is under suspicion. The law of politics is that so far as usefulness is concerned you may as well have a bad character as to have a bad reputation. You Republicans have made the issue here in Wisconsin. If the vote at the primary is based upon the charges and counter charges that you have made against one another, you are about half for America, half for the Kaiser, and all against Wilson.

Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty but party success. Having purified the stream in the primary you welcome the sewage to help you over the election.

My beloved colleague [Mr. LEWIS], speaking at Appleton, Wis., said:

The President at this crisis is entitled to one of his party organization and one who is his personal friend. Will Wisconsin not yield of party pride to do this bit of political patriotism in this hour calling for sacrifice that the Nation may be saved?

Saved by electing the Democratic ticket! You can not wage the war except by electing Democrats. Well, everybody knows on this side of the Chamber that there is no issue of that kind raised; so do my good friends on the Democratic side of the Chamber know it. They do not talk that here to any of us; they know better. There is not a vestige of politics here on war questions, but on consolidation bills of this kind that are presented here, with these blanket powers, we want to know that the executive department will not consider that the exercise of these powers is necessary in a partisan way in order to meet the emergencies of the great campaign. I want to know when this happens whether the departments here, under this measure, will be consolidated into one or two men—the Secretary of the Treasury, the Federal Reserve Board, the national banks, the public utilities, the War Finance Commission, the Panama Canal, 250,000 miles of railway, and the industrial enterprises of the country? Shall all of them be united in one head?

The Secretary of the Treasury was in Texas a few days ago. The head of this mighty and potential enterprise visited all of the people; and men, women, and children with loud acclaim heard him and saw him. He has been in various parts of the United States. The convention of lecturers was here on the occasion when Mr. Creel delivered himself of his civic beatitudes.

Do you know what a number of them were doing in the back rooms in Washington? They were going over a political catechism; they were using their activities for war bonds to conceal their political activities, and they had a general review, and they are preaching it now and using it. I do not blame them for it; it is not the primary purpose, it is true, which is to sell bonds. I suppose the Republicans are going around on the same mission to see their political friends. One is no better than the other in that particular. I allude to it for the purpose of showing that under the blanket powers of this bill the Secretary of the Treasury may seize, by an Executive order, all these lines of activity. Then, when that is done, what will be the result? I am moved in a somewhat irreverent way to say, when that is carried out public office becomes a family trust.

Again, after the election was over, after the cry of the combat had died away, after the captains and the kings had departed, after the tumults of the great deep were stilled and the returns were all in, of course there is always a post-mortem to be held. It would have been a good deal better to have followed in that particular the advice of an old country doctor, when he said it was a good deal better to hold a diagnosis before an operation than it was a funeral after you had performed one. Ignoring this a political disaster resulted in Wisconsin. It shows, Mr. President, that these outside organizations persist in thrusting partisan politics into these affairs. After Senator LENROOT was elected this was given out by the national Democratic committee:

DEMOCRATIC NATIONAL BODY DECLARES LENROOT WON BY LA FOLLETTE MEN'S VOTES.

A press dispatch from Milwaukee says that Mr. Davies, the Democratic candidate for United States Senator, sent the following message to Mr. LENROOT yesterday, congratulating him on his election:

"Present returns indicate your election. Please accept my personal congratulations upon this great opportunity thus afforded to you for service to our State and to our common country in these serious and momentous times."

The following statement, on behalf of the Democratic national committee, authorized by the chairman, was given out at the national headquarters of the committee last night:

"Wisconsin is heavily Republican when the LA FOLLETTE faction is cooperating with the 'stalwarts.' The senatorial primary vote demonstrated that these factions were about evenly divided; hence Mr. LENROOT, the nominee, recognized that he could not be elected without securing the LA FOLLETTE vote which had been cast for Thompson in the primary.

"In the primary contest Mr. LENROOT made his fight upon the 'loyalty' issue. After the primary he and his supporters sought to bring both factions together in complete accord, arousing partisan feeling in every possible way, even to the extent of courting the LA FOLLETTE and pro-German vote within the Republican ranks.

ACCUSE NATIONAL ORGANIZATION.

"Authoritative statements in eastern newspapers assert that this change of tactics by Mr. LENROOT was advised by the Republican national organization. The circumstances of the case need no comment. It is sufficient to say that if the national advisers of Mr. LENROOT deem party unity so essential that they are willing to advise compromises with and concessions to Mr. LA FOLLETTE and his associates, success in Wisconsin won in that way will prove a very costly victory.

"We are gratified that Mr. Davies made no overtures for the support of the pro-German vote, offering no opportunity for its cooperation and deliberately spurning it throughout his entire campaign. He stood for 100 per cent Americanism and typifies that character of one citizenship, whether in Wisconsin or in any other State. The Wisconsin campaign has made the issue and we welcome it. This issue, which brought victory of doubtful value in this contest, will return again and yet again to plague those who have made it."

So that these political issues are injected not with our consent but in spite of it.

Mr. FALL. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. SHERMAN. With pleasure.

Mr. FALL. Before the Senator leaves this particular subject, as the Senator's fund of information is so enormous upon almost all subjects of our contemporaneous history, particularly political history, I wish to refresh the Senator's memory by a suggestion from the declarations of one of our great writers, Dr. Woodrow Wilson, upon the subject which he has just been discussing, namely, the interference of the President in the matter of elections. In his Constitutional Government, on pages 71 and 72, I find the following, and I simply wish to call it to the attention of the Senator, because I know he is familiar with it.

Mr. SHERMAN. I will be very glad to have the Senator do so.

Mr. FALL. In that work the distinguished author says:

There are illegitimate means by which the President may influence the action of Congress. He may bargain with Members not only with regard to appointments, but also with regard to legislative measures. He may use his local patronage to assist Members to get or retain their seats. He may interpose his powerful influence, in one covert way or another, in contests for places in the Senate. He may also overbear Congress by arbitrary acts which ignore the laws or virtually override them. Such things are not only deeply immoral, they are destructive of the fundamental understandings of constitutional government and, therefore, of constitutional government itself. They are sure, moreover, in a country of free public opinion, to bring their own punishment, to destroy both the fame and the power of the man who dares to practice them. No honorable man includes such agencies in a sober exposition of the Constitution or allows himself to think of them when he speaks of the influences of "life" which govern each generation's use and interpretation of that great instrument, our sovereign guide, and the object of our deepest reverence.

Mr. SHERMAN. I am very glad to have that added to the comments I have been making, and I thank the Senator from New Mexico for producing it; it is material. I have no criticism to make of the President for departing from the salutary doctrine announced. I have known a good many persons who write one way and act another. In his early life I knew a spring poet to do the same thing. He wrote beautiful poetry, but he married a widow, and after that he became very prosaic and practical. He took what Tony Weller, in the Pickwick Papers, calls "the cure for the gout," and it cured him completely. Senators remember that Weller on one occasion made the remark that he had a sovereign remedy for the gout. Mr. Pickwick pulled out his memorandum book, got his pencil, and said: "A sovereign remedy for the gout! Let me have it please." He was suffering very much from the gout himself; he was a good liver, as Senators will remember, and he always traveled with a well-filled hamper of his own. He began to prepare for the memorandum. Weller said: "Widders will cure it. Gout is a disease as arises from too much ease and jollity. Just marry a widder with a strong voice with a decent notion of using it and you'll never have the gout again. Widders, taken regularly, will cure it, because you will never have any more after you take them. I take 'em regularly." So the poet was cured.

Electing a man President of the United States will cure him of the vagaries he had as an author; that is perfectly natural. I do not criticize the President on that account; it is only human nature. When a man sits down in his study, having had no experience, and writes something he very largely theorizes, but when he begins to act with human beings he finds that many theories will not work; you can not make human beings fit theories; you must make theories fit the human being. That is what our President is doing now; he has turned around and reversed operations in his dealings with men. Most of us by the time we reach this body or other public office are, for better or for worse, what we have grown to be; we are not going to change; we will do the best we can with the talents our Maker has given us, but one must take men as he finds them.

So the President is doing the best he can. What I want him to do is to scatter this bunch of economic fakirs and howling dervishes that he has around him now—firebrands and pestilential fiends of sedition themselves. Alien and sedition act! Why, what the President wants is not more legislation, but he wants to use the powers he has now to get the instruments of sedition away from him. Why does not he instruct his Attorney General to inject vigor into his prosecutions? That will do more good than 100,000 hardened troops around Washington now, and more than a million later on after the Bolsheviki has been well organized in this country and our revolution may be duplicating what Mr. Trotzky framed up in his country. The Attorney General lacks drive. He prosecutes the little offenders—the big ones escape.

Recurring again to this political matter, here is a document that was placed in the RECORD by a Representative from Wisconsin which I think is not justified as a matter of campaigning; and I have a right in connection with a bill of this kind, inasmuch as power has been used in that way, to think that the power delegated by this bill might be used improperly. Here is a circular, or an advertisement, from the columns of a Rockford, Ill., paper—and Rockford is near Camp Grant—which was addressed to the Wisconsin soldiers at Camp Grant.

This advertisement was published without any signature. In Wisconsin the person who inserted that would go to jail under the law if he published such a statement without giving the name of the man behind it. The advertisement is as follows:

Tuesday, April 2, you are entitled to vote for United States Senator from Wisconsin to succeed Senator Paul O. Husting. President Wilson, your Commander in Chief, desires all loyal Americans to vote for Joseph E. Davies for United States Senator.

Davies's election means joy at Washington and gloom at Berlin.
Davies's defeat means gloom at Washington and joy at Berlin.

The soldier vote of Wisconsin cast in Camp Grant, near Rockford, where this paper was sent as part of the Democratic campaign, is as follows:

Lenroot	576
Davies	403
Berger	85

I do not think that is justifiable as a matter of campaigning; not even in the exigencies of partisan politics do I think that a thing like that ought to be permitted. The President is Commander in Chief of the Army and Navy. In the command of the Army or Navy and in the conduct of the campaign, after the choice of officers, and in all the details of military operations, the President's will is supreme and must by the nature of things be supreme; but yielding to him all that goes with the great war powers of the country, yet in civil affairs he has no more, and his friends have no more, right to thrust himself as Commander in Chief of the Army and Navy than he has a right to court-martial me and shoot me at sunrise to-morrow morning. Such action is absolutely unjustified in the partisan politics of this country. I repeat, Mr. President, the acid test was designed to apply to Republicans and never to apply to Democrats. That is the grossly partisan way in which the Executive administers power when it relates to a political campaign. We interpret a grant of more power by how present power is abused.

Mr. President, I do not care to take more time. This bill, with its vast possibilities of potential mischief, if administered along the lines I have already illustrated, by the appointment of men, by the transfer of functions, could at best only aggravate, unless the Executive changes his appointments and his view of things, the evils which already exist.

I have made these criticisms in a kindly spirit and for the sole purpose of reminding not only the Members of the Senate but the general public as well that the men whom the President has collected about him are those from whom he can not get desirable results in government.

I ask that the various documents to which I have referred may be printed at length at the end of my remarks, without reading.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request will be granted.

The matter referred to is as follows:

FORGET PARTY, WILSON TELLS NEW JERSEY DEMOCRATS—DROP OLD SLOGANS AND WORK FOR HUMANITY, HE URGES THEM—MEETING AT NEWARK—TUMULTY CARRIES MESSAGE OF GREATER EFFORTS FOR THE AVERAGE MAN.

NEWARK, N. J., *March 20.*

President Wilson to-day called the Democrats of New Jersey to forget old party interests and selfish aims and to unite in their efforts to deal fairness to the average man, the man without influence or privilege. Such a political program there must be, said the President, in line with the increasing growth of real democracy in the world.

The President's appeal to Democratic disinterestedness in purely party affairs was included in a letter to the Democratic State Committee meeting here to-day to discuss party reorganization. The "reorganization banquet," held to-night, was addressed by Joseph P. Tumulty, secretary to President Wilson.

The President's letter, pointing to the revolutionary changes now taking place in political thought and the need for true democracy, follows:

WILSON CALLS ON DEMOCRATS.

THE WHITE HOUSE, *Washington.*

MY DEAR MR. TOASTMASTER: I sincerely regret that matters of pressing importance will prevent my taking part in the reorganization banquet to which you have generously invited me. It is my feeling, as I

am sure it will be the feeling of those present, that my clear duty is to stay here on the job. My work can be properly done only if I devote my whole thought and attention to it and think of nothing but the immediate task in hand.

At the same time it is clear that in the present posture of affairs in New Jersey I can not overlook my responsibility as leader of a great party, and that it is my privilege to point out what I believe to be the duty of the Democrats in New Jersey, now and in the months to come, in order that the exigency of a great hour of crisis may properly be met.

During the months that I had the privilege of serving the people of New Jersey in the office of governor we sought to accomplish this definite purpose, namely, to open the processes of government to the access and inspection of every citizen in order that the people might feel that the government of New Jersey represented their hopes, their impulses, and their sympathies.

It was with this great purpose in mind that we succeeded in establishing electoral machinery which took away from selfish political leaders the power to hold the mass of the party voters of the State in subjection to themselves.

In the matter of employers' liability, we substituted for the cold letter of the old law the warm and wholesome tonic of a humane statute.

In every act of legislation we cut a clear pathway of public service and achieved a record remarkable for its variety and humanity, in every way comprehensive in character and touching no vital interest in the State with a spirit of injustice or demagogy.

We gave the people, after many tedious and discouraging years of waiting, a government which they could feel was their own, free and unhampered by special privilege.

A time of grave crisis has come in the life of the Democratic Party in New Jersey, a time when its friends and supporters must face the facts of the situation if they would serve the cause of free government in New Jersey. Every sign of these terrible days of war and revolutionary change, when economic and social forces are being released upon the world whose effect no political seer dare venture to conjecture, bids us search our hearts through and through and make them ready for the birth of a new day, a day we hope and believe of greater opportunity and greater prosperity for the average mass of struggling men and women, and of greater safety and opportunity for children.

OLD PARTY SLOGANS ARE GONE.

The old party slogans have lost their significance and will mean nothing to the voter of the future, for the war is certain to change the mind of Europe as well as the mind of America. Men everywhere are searching democratic principles to their hearts in order to determine their soundness, their sincerity, their adaptability to the real needs of their life, and every man with any vision must see that the real test of justice and right action is presently to come as it never came before. The men in the trenches, who have been freed from the economic serfdom to which some of them had been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action.

Let the Democratic Party in New Jersey therefore forget everything but the new service which it is to be called upon to render. The days of political and economic reconstruction which are ahead of us no man can now definitely assess, but we know this: That every program must be shot through and through with utter disinterestedness; that no party must try to serve itself, but every party must try to serve humanity, and that the task is a very practical one, meaning that every program, every measure in every program, must be tested by this question and this question only:

Is it just; is it for the benefit of the average man, without influence or privilege; does it embody in real fact the highest conception of social justice and of right dealing without respect of person or class or particular interest? This is a high test. It can be met only by those who have genuine sympathy with the mass of men and real insight into their needs and opportunities and a purpose which is purged alike of selfish and of partisan intention. The party which rises to this test will receive the support of the people because it deserves it.

Very sincerely, yours,

WOODROW WILSON.

DAVIES'S LETTER TO PRESIDENT.

In his letter of resignation Mr. Davies said:

"I feel sure that you would know that no selfish reason could impel me to resign at this time

"My conviction is that I can give a greater service to my country, to my State, and to you by entering into the contest for the United States senatorship in Wisconsin. The pride in and my affection for the State of my birth have caused me to resent deeply the misrepresentations which have led many to believe that the State of Wisconsin was not as fully loyal to the country as her sister Commonwealths.

"At the special election on April 2 Wisconsin will demonstrate that she stands with her sister States four square in loyalty, supporting the President of the United States in the vigorous prosecution of this war. Wisconsin is loyal and stands behind you. The issue will be clean cut. I deem it a great and rare privilege to be permitted to engage in this fight for such a cause. Wisconsin will demonstrate at the special election on April 2 that a united Nation stands behind you."

WILSON LETTER TO DAVIES.

On March 12, 1918, Mr. Davies wrote the President a letter resigning from the Federal Trade Commission. Mr. Wilson accepted the resignation to-day in the following letter:

"MARCH 20, 1918.

"MY DEAR MR. DAVIES: This acknowledges your letter of March 12. It is with sincere regret that I accept your resignation as a member of the Federal Trade Commission, but I must commend the patriotic impulse which urges that action on your part. May I not express to you my warm appreciation of your sympathetic cooperation during the early part of this administration in bringing about the adoption of all those measures which we had promised the people and which I have an abiding confidence will ultimately redound to their lasting benefit?

"THANKS FOR HELP GIVEN.

"May I also add a word of thanks to you for your steadfast loyalty and patriotism during that trying period before we were thrust into the war, while, to avoid becoming involved therein, every effort was being made aggressively to assert and fearlessly to maintain American rights.

"The McLemore resolution, the embargo issue, and the armed neutrality measure presented the first opportunities to apply the acid test in our country to disclose true loyalty and genuine Americanism."

[From the Washington Post, Mar. 13, 1918.]

DEMOCRATS ELECT FERRIS AS LEADER—OKLAHOMAN NEW CHAIRMAN OF CONGRESSIONAL CAMPAIGN.

Representative SCOTT FERRIS, of Oklahoma, chairman of the House Public Lands Committee since the Democrats gained control, was elected last night chairman of the Democratic congressional campaign committee. He succeeds Representative FRANK E. DOREMUS, of Michigan, who, after piloting two congressional campaigns, announced he could no longer serve because his time would be taken up by other congressional activities.

The committee reorganized and elected these vice chairmen: Senators SHAFROTH, Colorado; SHIELDS, Tennessee; and THOMPSON, Kansas; Representatives WEBB, North Carolina; GANDY, South Dakota; BAKER, Colorado; and COX, Indiana. Representative LONERGAN, Connecticut, was chosen secretary; South Trimble, Kentucky, Clerk of the House, was continued as assistant secretary and Joseph J. Sinnott, of Virginia, House Doorkeeper, as sergeant at arms.

Mr. FERRIS and Mr. DOREMUS expressed full confidence of the party's success at the polls next fall. There will be another meeting April 5.

Mr. SHERMAN. From the National Republican, edited by George B. Lockwood, at Washington, D. C., I take the following, showing the steady pursuit of political advantage by Democrats while Republicans are assured we must be nonpartisan:

DEMOCRATIC NATIONAL LEADERS PRACTICE PARTISANSHIP THEY DECRY IN THE REPUBLICAN PARTY IN THE MIDST OF FOREIGN WAR.

STATEMENT GIVEN OUT OCTOBER 16, 1917.

While the cry is being raised that Republicans should at this time entirely forget the interests of their party, on the assumption that Republican activity at this time is unpatriotic, the Democratic national organization is active to an unprecedented degree. The chairman of the Democratic national committee is Vance McCormick, recently named by President Wilson chairman of the national export council. His presence in Washington seems to have stimulated Democratic national activities. Some 40 employees are busy at Democratic national headquarters in the Woodward Building at Washington. The following bulletin was recently put out by the Democratic national committee, showing what the Democratic leaders are doing while they are decrying Republican organization activity as "unpatriotic":

"WASHINGTON, *October 16.*

"A regional system of organization recently adopted by the executive committee of the Democratic national committee for use in the future campaigns will be considered at a series of zone meetings to be held in various parts of the country, beginning this week.

"The first meeting will be held at the Brown Palace Hotel in Denver on Wednesday, October 17, and the second at the Parker House in Boston next Monday, October 22. Dates of the other meetings will be announced later.

"The plan is to organize the national committee into eight subcommittees, each of which will choose its regional chairman and perhaps establish zone headquarters.

"W. R. Hollister, assistant secretary, and W. D. Jamieson, assistant treasurer of the national committee, who are the directors of the permanent Democratic national organization in Washington, will attend the regional meeting and consult with the national committeemen and State chairmen in the different zones.

"Following is the system under which the country has been divided under the new plan, which establishes an innovation in major political party management:

"Zone 1: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

"Zone 2: Connecticut, New Jersey, New York, and Porto Rico.

"Zone 3: Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.

"Zone 4: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

"Zone 5: Alabama, Florida, Georgia, and North Carolina.

"Zone 6: Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

"Zone 7: Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.

"Zone 8: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Philippines, and Washington.

"National committeemen representing the States and Territories in the various zones, under the new system, will cooperate in the direction of future campaigns in their respective regions, while all of the subcommittees will operate under the supervision of the permanent headquarters of the national committee in Washington.

"Under this announced plan meetings are being held throughout the country preliminary to the congressional campaign of 1918 by Democratic leaders. The following account of a meeting held in New England, taken from the Boston Globe of October 23, is typical:

"'Prominent Democrats representing State and national organizations of New England met at the Parker House yesterday and formed an organization which, it is believed, will enable the Democrats of New England to look after local political affairs and present their needs to the national organization of the party more effectively than in the past. New England headquarters will probably be opened in Boston before the opening of the congressional campaign of 1918.

"'The New England district, the second to be organized, consists of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. At the meeting to-day Dr. John W. Coughlin, of Fall River, was elected chairman and Francis E. Sullivan, of Providence, secretary.

"'Those present were Senator HENRY F. HOLLIS and Alexander Murchie, of New Hampshire; William R. Pattangall, of Maine; Francis E. Sullivan, chairman of the Rhode Island State committee; Patrick H. Quinn, the Connecticut member of the Democratic national committee; James E. Kennely, the Vermont member of the national committee; Michael A. O'Leary, chairman of the Massachusetts State committee; Marcus A. Coolidge, of Fitchburg; and W. R. Hollister, assistant secretary of the Democratic national committee.'"

Title page of The Public:

The Public. A journal of democracy. Founded, 1898, by Louis F. Post—

Assistant Secretary of Labor—

and Alice Thacher Post. New York, N. Y., December 21, 1917. Volume XX, No. 1029.

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Editors: Mrs. Joseph Fels, John Willis Slaughter, Samuel Danziger, George P. West, Stoughton Cooley.

Business manager: Stanley Bowmar.

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The article in The Public, of December 21, 1917, relating to, apologizing for, and defending the I. W. W., is as follows:

THE WRONG WAY OUT.

The I. W. W. is to have its day in court, not alone in the Federal and State tribunals, where some of its members are called upon to answer to the charge of certain alleged crimes or misdemeanors, but in that larger court of public opinion, where the oppressed calls upon the oppressor to justify his acts. Whether or not these charges be proven, there will still remain the fact that society has been guilty of a grievous wrong, not only to those who call themselves the Industrial Workers of the World but to a vastly larger number of men and women who have had small share in the benefits of modern civilization. Some of these victims are unconscious of the wrong that has been done them because fortuitous circumstances have thus far prevented them from feeling its full force; others look upon it as a hazard of life that chance may perhaps correct; but a third class, the very nethermost stratum of society, feels the wrong and cries out against it, without knowing how to make its protest effective.

If short-sighted leaders of oppressed people are too hasty in appealing to force, what shall be said of those persons who are indifferent to the conditions that lead to the oppression? It is not to be expected that the villagers and farmers of Iowa or Georgia shall be well informed as to conditions among the miners of Michigan or Arizona, nor are the hop pickers of California and the garment makers of New York likely to have an intimate acquaintance with each other's needs. There are, however, individuals, officials, and societies who can know these things and who, it would seem, should consider it their duty to know them. Men and women who have assumed the rôle of social knight-errantry would there meet foemen worthy of their steel. Officials charged with public order should find it worth their while to look into labor conditions before the outbreak occurs. And societies, leagues, and institutions in great numbers—not omitting the churches—that have volunteered their services to the poor and helpless might well inquire the cause of poverty in the midst of plenty. Any and all of these are ready enough to make investigations and render reports after there has been an outbreak and loss of life; why should they so often delay action till after the machine gun has done its work?

A great obligation rests upon those who enjoy the opportunity for action and have the power to do. Their responsibility, though not so sharply defined, is not less than that of the desperate men who as a last resort appeal to force. They should know that riots are not primarily due to leaders, but to conditions, and that violence occurs only when the victims have come to feel there is no other way out. It is not necessary to assume that the I. W. W. leaders are wise or honest or otherwise fitted for leadership before giving them a hearing. Be they all that they are charged, still they should be heard. Should they really be unworthy, nothing will make the fact so clear, both to their followers and to the country at large, as a public hearing. To teachers of physical force it may be said that progress lies along the lines of evolution; to the defenders of things as they are it may be said that when these lines are too much clogged it leads to revolution. And though revolution be all but impossible in a country having manhood suffrage, unredressed wrongs incline many toward it and now and again tempt some to try it. The I. W. W. have taken the first step. Sabotage has arrested attention. It is known that a grievance exists. It is now clear to those who will see that unorganized labor in callings not immediately under the eye of society has had to bear the brunt of an unnatural and unjust industrial system. That condition, onerous to the last degree in times of peace, has now become unendurable.

Indiscretions, or even criminal acts, on the part of leaders can not be made to serve as an excuse for summarily condemning the whole movement. It is not enough to show that sabotage on the part of workmen is wrong. It must be made just as clear that sabotage on the part of the beneficiaries of privilege is equally wrong. The man who cripples the hoisting machinery in a coal pit interrupts production, but the man who holds coal land idle for speculative purposes hinders production far more. The same is true of every idle acre, of every vacant lot, of every undeveloped power site, of every unused natural resource. Nay, it is true of every owner of natural resources who charges others for their use. Mark Twain used to say there were two Reigns of Terror in France—the thousand years of privation and suffering of the masses and the few days of upheaval that ended it. The same thing might be said of sabotage. It has been practiced time out of mind by those who own the earth. By this means most of the advantages of science and invention have been withheld from labor. And now that the victims of these unjust conditions are resorting in their desperation to the cruder forms of sabotage a hue and cry is raised to punish the perpetrators instead of removing the cause. Let us have done with all sabotage and establish economic justice.

The foregoing absolves all from responsibility for his acts. There is no such thing as crime, and so forth:

MADISON, WIS., *March 27.*

Vice President THOMAS R. MARSHALL opened his speaking campaign in behalf of Joseph E. Davies, Democratic candidate for United States Senator in Wisconsin, here last night by appealing to Republicans to cast their votes for Davies.

"I come to Wisconsin to learn whether 100,000 Republicans will not count the loss of partisanship cheap if thereby Wisconsin may be saved to the Union," the Vice President said.

"No Republican can come to the Senate from the State of Wisconsin without a feeling on the part of the Imperial German Government that that Senator, having changed his mind once, may, by the shifting of a few hundred votes in Wisconsin, be induced to change it again. Your State is under suspicion. You Republicans have made the issue here in Wisconsin."

ALL AGAINST WILSON.

"If the vote at the primary is based upon the charges and countercharges which you have made each against the other you are about half for America, half for the Kaiser, and all against Wilson. Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty, but party success.

"Having purified the stream in the primary, you welcome the sewage to help you over the election. I think there are large numbers of you who will not want to rest under such a suspicion.

"It makes no difference how pure and patriotic the purposes of the Republican candidate may be, to be elected he is now bidding for the vote of the German sympathizer, for the vote of the traitor, for the vote of the seditionist, for the vote of the pacifist, for the vote of the man so hidebound in politics that he rejoices at every mistake made by the President or his advisers, for the vote of the man willing to make an inglorious peace, for the vote of the disappointed profiteer, and the vote of the man who wanted our citizens and our ships to stay off the high seas, and who wanted an embargo placed upon the sale of munitions of war in the markets of the world.

DOES NOT SEEK VOTE.

"By these votes, and these votes alone, can the Republican candidate hope to be elected, for Mr. Davies does not seek them and would, I believe, scorn to receive them. It is up to you, Mr. Loyal Republican, to answer whether you are for the party or whether you are for the State.

"Wisconsin is not only on trial before America; the Republicans of Wisconsin are on trial before the world. No Republican, as disclosed by the primaries, can be elected to the Senate of the United States without receiving votes which in the primary were characterized as 'disloyal' votes."

—

["Our State of Wisconsin is under suspicion. The law of politics is that, so far as usefulness is concerned, you may as well have a bad character as to have a bad reputation. You Republicans have made the issue here in Wisconsin. If the vote at the primary is based upon the charges and countercharges that you have made against one another, you are about half for America, half for the Kaiser, and all against Wilson.

"Your self-appointed leaders are now trying to convince the loyal half that the really important thing is not loyalty or disloyalty, but party success. Having purified the stream in the primary, you welcome the sewage to help you over the election."]

"GIVE WILSON HIS FRIEND."

United States Senator JAMES HAMILTON LEWIS, speaking at Appleton, said: ["The President at this crisis is entitled to one of his party organization and one who is his personal friend. Will Wisconsin not yield of party pride to do this bit of political patriotism in this hour calling for sacrifice that the Nation may be saved?"]

From an I. W. W. pamphlet I extract the following which gives its definition of "economic serfdom." It proclaims a class struggle until the I. W. W.'s take possession of the earth and the machinery of production and abolish the wage system. It believes in direct action like Trotzky to whose soviet the President unfortunately sent his cablegram:

MAKING HISTORY.

On September 28, 1917, a climax of that conspiracy was reached when a Federal grand jury, convoked for that especial purpose and assisted by the shrewdest legal talent of the United States Government, returned indictments against 166 officers, members, and sympathizers of the Industrial Workers of the World. North, South, East and West they are now being arrested and brought in irons to Chicago for trial on the general charge of conspiracy. Organized labor is pitted against organized capital in the greatest contest of history, and to imperialistic capital it shall be a Waterloo of wealth or for the spartan I. W. W. it shall mean a Thermopylæ of labor.

WHAT IS THE I. W. W.?

The I. W. W. is a labor union admitting any wageworker. It is based upon "the class struggle" and acts through "industrial unionism." It declares that "the working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people, while the few who make up the employing class have all the good things of life. Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system."

It says 'labor is entitled to all it produces," and to get it or any partial increase industrial unionism is needed. "All workers in an industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all." Every worker in any section of an industry is organized in a branch of an industrial union of all the workers in that industry. These industrial unions are grouped into industrial departments of connecting or kindred industries, while all are brought together in one big union of all the workers of all the world—the I. W. W. Workers, not officials, call strikes on or off. All power thereby remains in the hands of the man on the job.

The I. W. W. knows what it wants and how to get it. A real democracy in action. It is the best loved and most hated—the most vital organization in existence.

Another Industrial Worker of the World document says, referring to those now on trial in Chicago for obstructing the war:

To-day the greatest drama in the history of labor is being staged in this country. It's the right to organize and strike versus the right to slave. Organized capital has succeeded in having indicted 166 members and sympathizers of the Industrial Workers of the World because of their activities in organizing the workers and demanding decent living conditions. They are awaiting trial, and funds are needed for defense. Which side are you on?

Contributors will receive receipt for each remittance, and at close of trials an itemized accounting of all funds. Make all money orders and checks payable to the undersigned. Act now.

GENERAL DEFENSE COMMITTEE,
WILLIAM D. HAYWOOD, *Treasurer,*
1901 West Madison Street, Chicago, Ill.

This is more "economic serfdom."

Another Industrial Worker of the World reprints an editorial from The Public of November 16, 1917, which practically absolves these apostles of violence from responsibility. It is more "economic serfdom."

[Editorial in The Public, Nov. 16, 1917.]

PLAYING WITH DYNAMITE.

Professional detectives and the well-meaning assistant prosecutors of the Department of Justice should not be given a free hand in handling the I. W. W. situation. There is evidence that they are as ignorant of American sociology as were the advisers of Louis XVI of French sociology. And they are aided and abetted in their ignorance by an equally ignorant press, so that nothing but approving comment follows the most stupid and dangerous tactics. The situation in this country with respect to unskilled and unorganized labor is full of dynamite. Every trade-union leader knows it. The President knows it. It is the dynamite engendered by the existence of a large class conscious of injustice, burning with resentment, and wholly without organization through which to express itself. The I. W. W. does not represent it in any authorized way. But it comes nearer being its spokesman than any other organization. Members of the I. W. W. or men who have been profoundly influenced by their propaganda may be found in every unorganized labor force in the country. The I. W. W. is not an organization so much as it is a spirit and a vocabulary. And because no strike or audible protest follows the various assaults on I. W. W. leaders, let us not be too sure that their influence is negligible; that the department's policy and that of the mobs that get encouragement from this policy is not breeding a slow, dangerous, smoldering resentment.

An instant retaliation would be far less dangerous, much easier to handle, than a spirit that may at some critical juncture in the future flare out in a strike of steel workers or slaughterhouse workers or miners or oil refiners. No one knows about this. Perhaps the Government can imprison or mobs horsewhip every laborer in the country who sympathizes with the I. W. W., and our unorganized, unskilled, exploited wageworkers will take it lying down. Perhaps they will not. But the situation should not be handled by men who have never read, let alone pondered, the Government reports that show that hardly more than half of the adult male wage earners in the United States earn enough in a year to support a family in decency and comfort. The I. W. W. leaders now in jail know those reports by heart. They have passed them on to tens of thousands of men, and they have interpreted them with the aid of the writings of such men as Thorstein Veblen and Leo Tolstoy and Henry George. Their movement is interpreted sympathetically and accepted as an inevitable product of existing conditions by such first-hand observers as Dr. Carleton Parker, dean of the School of Business and professor of economics at the University of Washington, and the Rev. Dr. Sydney Strong, of Seattle, a Congregational minister and a sociologist of character and standing. There is in existence a printed report of the testimony given by Mr. Herbert Quick, now Federal farm-loan commissioner, in which the condition of millions of migratory farm laborers in this country is presented in words that make it perfectly clear why, in H. G. Wells's phrase, these men are among our "disaffected employees." Mr. Quick placed the blame largely on a system of land tenure and land taxation that plays into the hands of monopolists and beneficiaries of privilege.

Just a suggestion of the way in which I. W. W.'s are produced is found in experience of harvest hands with our railroads and local authorities. At the beginning of the harvest, the word goes out to trainmen that "hoboes" are to be unmolested. They go into the harvest without funds, and their labor is a vital community need. After the crops are harvested the attitude of town authorities and railroad officials suddenly changes. The harvest hands straightaway become "bums." They are arrested, thrown into jail, and fined. They are kicked off railroad trains unless they pay fare or its equivalent. This is a situation described minutely enough in Government reports, and it is only one of a hundred true stories that help to explain the I. W. W.

But to assault the I. W. W., as a whole, is to assault the only spokesmen and to suppress the only articulation possessed by a class of wageworkers on which several of our most vital basic industries are utterly dependent—a class numbering many millions of men. Why this class is represented by men who repudiate patriotism, religion, and government is a long story. It is well told by Dr. Parker in the current Atlantic. It involves the shortcomings of the trade-union movement as well as the upgrowth of conditions that leave large bodies of workers with no gratitude to established institutions, because those institutions have done nothing for them except to cut them off from about everything that makes life on this earth worth while.

But, some one will say, surely the responsible Federal authorities know what they are doing. They must have evidence. Among those arrested with the others for seditious conspiracy was Arturo Giovannitti, one of the leaders in the Lawrence strike of nearly six years ago. He is an Italian whose international ideals had not succeeded in smothering his nationalist sentiment. He is a poet of distinction. His work has been highly praised by the London Times and published in the Atlantic Monthly.

For the past year he has been writing plays and poems and living quietly in New York. Five years ago he translated a work on sabotage. For this he has received no royalties, nor has he owned or circulated so much as one copy of the volume. Yet he is seized and taken to the Tombs and must now submit to removal to Chicago and trial there in an atmosphere poisoned by prejudice. As for the charge, freely given to the press at Washington, that proof had been found that the organization was being financed by German money, not a line of evidence has since been produced to substantiate these vague, sensational intimations supposedly given out by Mr. Gregory's assistants and spread in flaming headlines on the first page of every newspaper in the country. On the contrary, the indictment as published contains no charge that German money played a part in the organization's activities. William D. Haywood, general secretary of the I. W. W., is a descendant of men who fought in the Revolution and the Civil War. The real crime of Haywood and most of the rest was the conducting of an aggressive propaganda and strike program on behalf of laborers who are interested solely in obtaining better conditions of life and labor. But that feeling has been manipulated and organized by men whose economic interests, whose right to exploit their fellows without let or hindrance, have been interfered with, and properly, by I. W. W. agitation. In so far as the I. W. W. stand as spokesmen and representatives of the most exploited class of American labor, they must be handled by men who are something more than outraged patriots, with a patriotism that coincides with a belief in their right to exploit others. No one knows to what degree they do so stand, and least of all the detectives and prosecutors of the Department of Justice. These assume too readily that they can dispose of the whole problem by putting a few men in jail.

Either President Wilson himself or the Department of Labor as his agency should be represented at the forthcoming trials, and by men who are able to distinguish between an I. W. W. injury to the national cause and an I. W. W. injury to industrial conditions that no government can afford to sanction. In the interest of safety it would be well to assume that millions of laborers are watching these cases, and that an ounce of understanding now may be worth a pound of martial law in some critical juncture of the future.

THE WORKERS ARE WATCHING.

Yes; millions of laborers are watching the cases, and millions more will be watching and awaiting the verdict. These workingmen and women, whose only crime has been in organizing the workers and striking for better conditions, must be defended. If the masters succeed in convicting our fellow workers, then the boasted right to strike will have been lost. The shackles of labor will be tightened. You will be held up to the world as men and women who deserted your champions when they needed you most. We know that you're real men and women, and we know that you're going to do all you can. But don't wait, help is needed and now. We have got to fight this case in the courts. At present we have no alternative. Send whatever funds you can to-day; organize for to-morrow. Make all checks and money orders payable to William D. Haywood, treasurer, General Defense Committee, 1001 West Madison Street, Chicago, Ill.

This is a single-tax leaflet. It is more economic serfdom. It voices the obsession of many of those whom the President has appointed to office:

DEMOCRACY V. AUTOCRACY.

Autocracy (might makes right).

All autocrats depend on "the rent of land" for their existence and power; that is why they bring on "war for land," so as to be able to "rent the land" to the people who have the same right to the land as the autocrats who rent it to them. The rent of land is the lifeblood of autocracy.

Democracy (equal rights for all, special privilege to none).

Under the single tax there would be no "war for land" nor autocrats. Why? Because the entire rent of land (instead of supporting autocrats) would be taken by taxation for all governmental expenses and returned to the people in the form of public needs and utilities, thus doing away with autocrats and "war for land."

Real peace can never come on earth while one man can charge another man "ground rent" for permission to live on the land that God or nature provided for all.

GEORGE LLOYD.

The future candidate is referred to in the Chicago Tribune of date April 19, 1918:

COAL, CARS, AND A CANDIDATE.

Dr. Garfield, although intimate with details of the coal business, is credited, by men informed as to his ideas and acts, with the belief that production is a necessary process in supplying the Nation with fuel. Production, he is said to be inclined to believe, depends upon giving the producers some reason for producing, without making that reason an unjust tax upon the consumer, but nevertheless making it a fair reason.

Until and unless the Government takes over and operates the coal mines in a national enterprise, an enterprise which it does not at present intend to undertake, the production of coal will be stimulated as the producers have reason to stimulate it.

Because the jangling authorities at Washington jangled all summer last year the Nation got its coal by the scuttle from day to day all winter and industries were suspended when they ought to have been going at top energy.

Mr. McAdoo, Secretary of the Treasury, Director of the Railways, and a variety of less important things in the Nation's economy, is also a candidate for President. The political processes of the Nation must continue even in war time. Some one must be a candidate for President. Why not Mr. McAdoo? Mr. McAdoo himself would echo, Why not? Mr. McAdoo is a candidate.

As Secretary of the Treasury Mr. McAdoo has the big, eye-filling duty of putting over the liberty loans. In this capacity he ably directs an army of energetic orators, who penetrate every part of the country. Mr. McAdoo also penetrates. A good campaigner might not want any better opportunity of making the American man, woman, and child familiar with his name and virtues.

As Director of Railways Mr. McAdoo has another great opportunity. A record made in this accomplishment will be of inestimable value. In a fashion, it is a good thing for the country that McAdoo, in his important obligations to the Nation, has these two spurs to his energies. We do not mind that they also spur his ambitions. If Mr. McAdoo gives everything he can to his country, it would be petty to complain that he got everything he could for himself.

But a point of protest arises which is a good and pertinent point to press. In the controversy arising between Dr. Garfield, who is trying to produce coal, and Mr. McAdoo, who is trying to run the railways. Mr. McAdoo insists, and his assistants violently insist, upon a price for coal to the railroads less than the Government pays for its other needs and less than Dr. Garfield thinks will keep production going as it must go this summer.

Mr. McAdoo would have hard work defending this if Dr. Garfield can maintain his case against him. An economy for the railroads, which indirectly and unimportantly lightened the general obligation toward the guaranteed railway revenue and directly hurt the production of coal, would be a mighty costly economy. It would help Mr. McAdoo make a record in economical operation of the roads, but that record would not be fairly made and it might give the Nation another smash in the face next winter.

Dr. Garfield may not be much of a coal expert, but he is right in handling the situation from a production standpoint, and McAdoo is palpably wrong in trying to force a treatment from the railroad point of view.

We are convinced that if Mr. McAdoo were not thinking of the Presidency, Dr. Garfield would not have so much trouble with him, and we are convinced also that if there were a superior war council in Washington the difficulties the two men have with each other would not be allowed to affect the Nation.

Mr. RANSDELL. Mr. President, I desire to discuss briefly the pending bill, "authorizing the President of the United States to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes in the interest of economy and the more efficient concentration of the Government." This measure is commonly known by the name of its very efficient champion in this body, Senator OVERMAN, of North Carolina, and I shall designate it hereafter as the "Overman bill."

The first section sets forth very fully the purposes of the bill, and reads as follows:

SECTION 1. That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

This bill is intended to give to the President power to perform any executive or administrative functions of Government through any office, bureau, department, commission, or agency now existing by law and to change from one to another as he sees fit from time to time. The authority conferred by this bill is limited to matters relating to the conduct of the present war and terminates one year after the close of the war. It is strictly a war measure and makes the President, who, under the Constitution, is Commander in Chief of the Army and Navy, our real Chief in everything connected with the war, not only in the departments of the Army and Navy but in every Government service in so far as its function is connected with the war, and not otherwise.

Some such reorganization of our Government for the effective prosecution of the war is absolutely necessary. Half a dozen or more departments working at cross purposes can not direct a war like this. The Overman bill, giving full power to the President, is the best way for providing that essential reconstruction and rearrangement of our complicated Government machinery.

In the exercise of those powers the President is permitted to use money only for the purposes for which Congress appropriated it, though he may change the agency which ordinarily would expend it. To illustrate:

He may direct the Navy to build ships of commerce in place of the Shipping Board, if he should conclude that the Navy is better qualified than that board to perform that very important service, or he could withdraw the functions of Director General of Railroads from Secretary McAdoo and confer them on Secretary Redfield; but he could not use any part of the one and three-quarter billions appropriated by Congress for commercial vessels to build naval vessels, nor could he use for the construction of ordinary highways the $500,000,000, or any part thereof, alloted recently to the Director General of Railroads for use in connection with rail-and-water transportation.

Moreover, the President under this act could consolidate the buying for the various scattered departments and bureaus to such extent as he may find necessary and as rapidly as conditions justify, and place this buying under the control of some central agency. Likewise, he could invest in a central agency the power to reach decisions and to determine the great questions which affect more than one department. He could remove duplication of effort where conflicting activities have developed in connection with the war. For example, he could form a central secret service for the Union by transferring to one agency the secret-service activities now scattered between many departments such as Justice, Treasury, War, Navy, and so forth.

Until some such legislation as this is passed the various bureaus and divisions of the Government will be compelled by existing statutes to continue their independent activities and there will exist nowhere the authority to bring about central control and responsibility.

Secretary Baker, in explaining a practical application of the proposed bill, was quoted by the Philadelphia Record on February 13 as saying:

We now have a cantonment division of the Quartermaster's Department in charge of temporary construction work. Suppose we desired to transfer this office to the Engineer Corps. Under existing statutes the funds appropriated for the construction work could not be transferred to the Engineer Corps. The coordination bill would make the funds more elastic and they would follow the cantonment division into the Engineer Corps. This would be true of any other funds now appropriated for specific objects.

Generally speaking, the coordination bill would enable the President to improve the war-making instrumentalities of the Government wherever he found it desirable or necessary to do so.

The Overman bill does not permit the President to do anything except in accordance with previously enacted statutes, but merely authorizes him to change existing agencies for carrying out the provisions of these statutes. Under this bill he would be obliged to confine and limit his activities to the purpose and intent of Congress in every respect except as to the selection of the particular officer or agency to execute the law. He must utilize some office, commission, bureau, or agency now existing by law and he has no power to create any new office or agency nor to abolish any existing bureau without the consent of Congress hereafter obtained.

Section 3 of the bill specifically says:

That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

It will be seen from this that while the President can select a different agency he can not use the money except for the purpose intended by Congress, and a careful consideration of this fact alone should convince anyone that there is not the slightest danger of "dictatorship" or misuse of power arising under this bill. The power to appropriate money—control of the purse strings—remains entirely with Congress and is not released in the slightest degree by this bill.

No business operation, no important governmental function, and especially no action of any moment connected with the prosecution of war can be carried on without money. It is an old and trite saying that "Money makes the mare go." It certainly has required vast sums of money for our participation in the war up to date, and I fear that much greater sums will be needed in the future. If anyone believes that the President will attempt to override the will of Congress or exercise powers conferred by this bill in an undue manner let him bear in mind that the whole control is retained in the hands of Congress through its power to raise revenue and make appropriations.

Mr. President, there was great criticism of the War Department and the general conduct of the war in the Senate and elsewhere about three months ago, and on the 21st of January last Senator CHAMBERLAIN, chairman of the Committee on Military Affairs, introduced in the Senate the "war-cabinet bill," S. 3583. This measure seemed to have the approval of several members of the Military Affairs Committee, especially Senators CHAMBERLAIN, HITCHCOCK, WEEKS, and WADSWORTH, who are among the most able and patriotic members of this body. The debate in the Senate and interviews in the press indicated that these gentlemen were thoroughly impressed with the necessity for some such legislation as was embodied in that measure.

Every other country, even autocratic Germany, has found that its governmental machinery has had to be altered, refitted, and in some respects redesigned. We have been trying to do our war work with the same machinery we had in time of peace. And it simply will not work.

In peace there are a great many unrelated things to be done, but no one thing on which the whole power of the Government must be directed. The Agricultural Department and the Shipping Board and the War Department can each do its work under a separate head without confusion. But when food has to be raised and shipped abroad for the use of our allies and our soldiers these three limbs of the Government have got to act from one common impulse, or else there is delay.

Our Government now has just one big supreme task—war. It ought to have one—not a dozen pieces—of machinery to devote to that one task.

That is what the war cabinet of the Chamberlain bill was designed to provide. That is what the Overman bill does provide.

I wish to make a comparison between this "war-cabinet bill" and the pending Overman bill. The former measure created a war cabinet, "to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred on him by the Constitution and the laws of the United States as hereinafter mentioned and described."

Section 2 of this bill reads as follows:

That said war cabinet shall have jurisdiction and authority as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of same.

(b) To supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine, upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from, and utilize the services of, any or all executive departments and executive officers or agents of the United States and of the several States and Territories and the District of Columbia necessary or helpful in the proper performance of the duties of said war cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such department, bureau, official, or agency of the Government and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure; and said war cabinet shall, upon completion of its membership, immediately organize and thereupon and thereafter proceed to an expeditious disposition of all matters coming before it.

It thus appears that the war-cabinet bill proposes to create an additional agency to assist the President. The Overman bill proposes to give to the President himself the authority to exercise these same powers through existing agencies, bureaus, commissions, or officers of the Government as he sees fit. The war cabinet takes away from the President powers which the Constitution clearly intended him to exercise and confers them upon three citizens, while the Overman bill seeks merely to enlarge the ordinary powers which the Constitution contemplates shall be exercised by the President.

The war-cabinet bill creates a separate and distinct agency not now known or recognized in our system of Government—something in addition to and superior to the various Government departments and agencies, and, in a way, superior to the President himself, although the action of this board is subject to his review. The Overman bill does not create any new agency whatsoever, but merely authorizes the President to make a redistribution of functions among existing executive and administrative agencies in order to produce greater efficiency in the prosecution of the war.

However, the general objects and purposes of these two bills are the same; the ends to be attained are identical. This end, as set out in the war-cabinet bill, is the "effectual conduct and vigorous prosecution of the existing war," and in the Overman bill, "national security and defense, the successful prosecution of the war, the support and maintenance of the Army and Navy," and so forth. The cabinet bill provides for "supervising, coordinating, directing, and controlling the functions of all executive departments, officials, and agencies of the Government" by the war cabinet, in so far as it deems necessary "for the effectual conduct and vigorous prosecution of the existing war," and the Overman bill authorizes the President to redistribute functions among any executive agencies of the Government as he shall deem best fitted to carry out its purposes in the successful prosecution of the war, and so forth.

Both measures contemplate attaining the desired end in exactly the same way, to wit:

Coordinating and controlling the redistribution of the various bureaus and departments of the Government.

In the one case this is to be done by a legislative cabinet of three men—a creature of Congress, subject at any moment to be uncreated by the authority which made it. In the other case, these functions are to be performed by the President, who derives his authority under the Constitution from the sovereign people, and whose ordinary duty is to perform, to a very great extent, the very same functions enumerated in this Overman bill.

Can anyone hesitate for a moment in saying that the Overman measure is far preferable to the war cabinet bill? It seems to me that a mere statement of this question furnishes its own answer.

The reason why the Overman measure is the one to be preferred is that it really conforms to the sound principle of the concentration instead of the diffusion of power in case of emergencies requiring rapid decisions and quick action. That is a principle established on the firmest foundations by the whole experience of the human race. The Overman bill would simplify while unifying and coordinating the executive machinery; it does not thrust into the administrative system an entirely new and unprecedented body, such as the "war cabinet," which would instantly cause friction the moment it began to function. (Springfield Daily Republican, Feb. 8, 1918.)

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It is one thing for Congress to create a war board either from its own membership or otherwise and attempt to endow it with any share of the powers which the Constitution vests solely in the presidential office; quite another to amplify the Executive discretion by empowering it, as would the bill of Senator OVERMAN, to reconstruct the executive branch of the Government for the period of the war, rearranging existing agencies and their functions, and establishing such new ones as he might see fit. The difference is that between a procedure unwarranted by the supreme law and distinctly ultra vires and one within the legitimate sphere of the legislative department and of unquestionable validity. The Congress can not rightfully diminish or qualify the powers which are conferred on the Executive by constitutional grant, but it can relieve that department of restrictions not imposed by that instrument, but vesting in statutory prescription or deduced from the absence of express warrant. (Virginian-Pilot and the Norfolk Landmark, Wednesday, Feb. 13, 1918.)

The President is of the opinion that he can handle the war better if granted the power conferred on him by the Overman bill. He is our Commander in Chief. We look to him for success. Therefore we should grant him all the power he desires provided same does not infringe upon the just prerogatives of Congress or violate the Constitution. The Overman bill does not take away from Congress any of its functions, nor does it violate the Constitution in any particular. The various departments, bureaus, commissions, agencies, and officers of the Government were created by act of Congress, and should it see fit to authorize the President, in his discretion, to make changes in any of these positions it has a perfect legal and constitutional right to do so. The only question for Congress to determine is whether or not it is wise to give this additional power to the President during the continuance of the awful war in which we are now engaged. In my judgment it would be very wise so to do. Not only is the President the Commander in Chief of the Army and the Navy, and as such the one man clothed with special responsibility to lead and guide the Nation in time of war, but he is also the Executive head of the Government, and as such is specially clothed with responsibility for the faithful execution of all the laws enacted by Congress. He appoints all Cabinet officers, members of important commissions, and innumerable officials in the various branches of the Government.

The legislative department enacts laws and the executive department, with the President at its head, carries them out. It seems entirely logical and proper therefore that the Chief of the Executive Department, in the execution of the laws during a period of unusual stress and trouble, such as the present war entails, should be clothed with extraordinary power and discretion.

No one knows what needs for governmental changes will develop during the war, and for this reason we should give the President full power to meet any emergency that may arise. There has been some discussion on the floor of the Senate and, as I understand it, in committee in regard to excluding the civil departments of the Government from this measure.

It is my belief that we should take no action that in any way may hamper or delay any plan tending to the ultimate success of our Army in Europe. It may happen that some change in some branch of the Government other than the War or Navy Departments, or the Shipping Board, would in a great measure speed up the work of preparing for and maintaining that Army. Should we refuse to grant the President power to reorganize or coordinate some agency of the Government because that agency is not directly connected with the War or Navy Department, or the Shipping Board, when by so doing the usefulness of those last-named departments will be increased or their labors speeded up, we would be injuring our fighting forces. I mention no specific instance, but it is entirely within the realm of possibility that such a thing might happen. More remarkable things have happened since we entered the war. Let us be prepared for any contingency that may arise.

Mr. President, I fail to see any practical objection to the Overman bill, and can not conceive what harm may result from its passage. On the contrary, I believe that it will result in much good. The President seems to think so, and I am perfectly willing to trust to his judgment.

I do not wish to see our country injured by failure to act promptly.

Over Gallipoli England has had to write, "Too late."
Over Saloniki France has had to write, "Too late."
Over the Isonzo Italy has had to write, "Too late."

What is ahead of us this summer we do not know; but if we fail now to make a radical reorganization of our Government for war purposes, we may find that those words "Too late" will have to be inscribed by America over some ghastly defeat, where but for our failure, perhaps in this very instance, there might have been written "Victory." Why should we take the chance? It would be folly to do so.

As was so well said by Mr. Odell, in the Outlook of February 20 last:

No President could have had more thorough and devoted allegiance than that accorded to Mr. Wilson by the people of the United States. To a very marked degree political partisanship, sectarian difference,

regional strife, and industrial feuds have all been sunk in a splendid display of loyalty. But the people were and are loyal to Woodrow Wilson because he is the symbol of the principles upon which the Republic rests and the ideals toward which it strives. The loyalty is to the man who fills the Executive office and who exercises the function of interpreter of those principles and ideals. The people feel that everything of value in their material, social, moral, and spiritual life is summarized in him. And that loyalty is universal.

Mr. President, I know full well that if serious failure comes from any executive or administrative branch of our Government, the natural tendency will be to hold President Wilson more or less responsible therefor, since he is the executive head, and as we are holding him responsible we ought in justice and fair play to give him a free hand in the management of the Nation's business. I for one have full confidence that the President will perform every duty imposed on him by the pending bill with high credit to himself and great benefit to the public weal. He certainly has done well thus far, and has handled many difficult situations with wonderful tact and ability. The American people as a whole have absolute trust in our President, and Congress, which reflects the will of the people, should voice that trust by promptly passing the Overman bill.

Mr. McKELLAR. Mr. President, I have listened with a great deal of interest to the greater part of the debate on this bill, and such parts of it as I have not heard I have taken pains to read carefully in the CONGRESSIONAL RECORD. It has been a very interesting and a very able debate.

The speech of the distinguished Senator from Iowa [Mr. CUMMINS], who always speaks with great force and power, was particularly delightful; and yet at the same time I believe that his conclusions on the constitutional questions involved were wholly erroneous.

Take the speech of the senior Senator from Georgia [Mr. SMITH]—and there is no more gifted man in this body than that distinguished gentleman—in favor of a part of the bill, as I understand, and very much opposed to other parts. I think for once he has allowed his great fear of what might be done to overcome his usually excellent judgment. I do not agree with him that we are giving too large powers to the Executive in this bill. I do not agree with him that we are giving him unusual powers in this bill. As I listened to him, just as I listened to the distinguished Senator from Illinois [Mr. SHERMAN] this afternoon, I could but wish that the wonderful power, the great ability, the driving force of each one of these two great men were behind this bill and behind that for which it stands, rather than opposed to it, and opposed to that centralization of Executive authority, at this time so necessary.

Mr. President, I also listened with a great deal of pleasure to the speech of the distinguished Senator from Pennsylvania [Mr. KNOX], who says that there is no use in passing this bill, because the President already has the powers that are conveyed to him in it. I readily concede that the Executive already has a great many of the powers that are enumerated in this bill, but he has not all of them; and the question is, Is it wise at this time to give them to him?

The distinguished Senator from North Carolina [Mr. OVERMAN], who has charge of the bill and has managed it so well up to date, of course is strongly in favor of it; but he says that we ought to give these powers to the President because of the President being Commander in Chief of the Army and Navy of the country. I agree with the Senator in his conclusions about the wisdom and necessity of the bill, but I differ from him in his argument. I think that this bill has only an incidental effect upon the powers of the President as Commander in Chief of the Army and Navy. I do not think the powers sought to be given in the bill relate to the President as Commander in Chief, but only to the President as Executive.

And then comes the argument of our very delightful and attractive friend from Illinois, the junior Senator from that State [Mr. LEWIS], always eloquent, always interesting, always uniquely brilliant, right in his conclusion, but, in my judgment, wholly in error in his method of getting there. He says, virtually, that the bill is unconstitutional, but that unconstitutionality makes no difference, because all of the Constitution is virtually in a state of suspense during a war, and we need not pay any attention to it. Well, of course, I wholly differ with him on that subject. I think the bill is constitutional, and that it is our duty to make all our acts conform to that instrument. I think that instrument is good in both war and peace.

What are the questions that are before us in this bill? The opponents of the bill say that it is wholly unnecessary. That is the first question—that it is not necessary to give the President these powers, that he either already has them or he ought not to have them if he has not. The second proposition is that it is unconstitutional. I want to discuss those two questions very briefly in their order.

Now, as to the necessity of it, if Senators will follow me just a moment, I will read from the bill itself just what it proposes to do. In the first section the material and contested part of it is that—

> The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

There are two provisos limiting the time of the act to the war and the authority of the act to be exercised only in matters relating to the conduct of the present war.

Section 2 provides:

> That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it, either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Section 4 provides that if the President concludes that any department or bureau should be eliminated entirely or abolished he shall report his conclusions to Congress.

The second section is similar to the first, except it goes a little further and authorizes him to utilize, coordinate, and consolidate any executive or administrative commissions, bureaus, and the like. Those are the material sections of the bill. Are they necessary or are they unnecessary? Are the opponents of the bill right when they say there is no use in them? Let us see if there is any use in them.

Certain opponents of the bill on the floor a few days ago challenged those who believe in this bill to give any reasons why it should be passed, any necessity for it, as I understood them. Mr. President, I happen to be a member of the Military Affairs Committee of the Senate, and this whole subject arose out of an examination that was begun before that committee at the opening of this Congress in December. From the evidence that was brought before us it was clearly apparent that a more complicated system of executive machinery could hardly be imagined than that which confronted us by the evidence of the witnesses produced there. Especially was this true in the War Department. After a careful examination that committee concluded that something should be done. At first a munitions bill was reported out for the purpose of doing what? Of doing precisely what this bill does—of centralizing the purchasing activities of the Government in a munitions director. Then another bill was suggested, known as the war-cabinet bill, which granted to the Executive far greater power to make changes than this bill grants to him. The committee thought those measures were right as centralizing measures, as measures to give force to the executive branch of the Government, to give a centralizing energy to it, so that we might accomplish those things which the necessities of the country require in this war. The whole country demanded the centralization of executive power, the newspapers everywhere approved the idea, the civic writers all over the country approved a centralized system.

Then the President did not feel that the plans of the Military Affairs Committee was the right way to go about it. He felt, according to the published statements, that it was conferring too much power on the three appointees provided for in the bill and was an invasion of Executive function. He said that he would not approve the measure, in substance, and after that statement was made every man with even a modicum of brains knew that no bill would be passed affecting the Executive power unless such bill received Executive sanction. The President evidently believed, and I am frank to say that I have not discussed it with him, but evidently he believed that there was something necessary to be done, just as our committee believed, just as the newspapers of the country believed, just as all intelligent men of the country believed, that some additional centralizing force and power should be given to the executive branch of the Government.

Thereupon this bill, known as the Overman bill, was introduced for what purpose? For the purpose of doing precisely the same thing, for effecting exactly the same purposes, for performing exactly the same functions that these other bills which had been proposed were for.

For the life of me, Senators, I can not see how any Senator who was in favor of either of those bills can be opposed to this bill, because it does not go as far as the bills proposed by the Military Affairs Committee. I thought those bills were in the right direction and would have been glad to have voted for them; and so I think this bill is in the right direction and that we

ought to vote for it, and we ought to enact it into law as soon as possible.

I want to give you the practical reasons for my position. If Senators will bear with me a little while, I am going to give concrete illustrations of what can be done under this bill, so that the executive service may be benefited. It is not a question of politics; it is a question of opinion; it is a question of fact. I have what I conceive to be a number of facts upon which this bill can be maintained and on account of which it should be immediately passed.

Through a long term of years there has grown up in all the departments a complicated system commonly known as red tape. We talk about red tape in the Army and Navy. There is just as much red tape in the various executive departments to-day as there is in the Army and Navy. It is all one when it comes to that. Everybody understands it. There is not a Senator who goes to a department who does not understand it fully. No one, unless we are experts or have been here half our lives, can go at once to the department and reach the right officer the first time, unless he finds it out beforehand by extensive telephoning, and it is very difficult to find out beforehand. All of us, no doubt, are met frequently with the proposition, when a constituent comes here wanting to go to see the proper officer about a matter of business, that we are unable at first blush to carry him there. We may have to go to half a dozen different departments before we find the man he wants to talk to. Why is that? It is simply because of a lack of centralized effort, of executive or department or bureau efficiency, and that is what this bill is intended to bring about.

But I promised concrete reasons.

Take the Bureau of Foreign Trade Advisors and the Bureau of Commercial Treaties, both of them in the State Department, separate bureaus in the State Department, and the Bureau of Foreign and Domestic Commerce in the Department of Commerce. Will any Senator say that those bureaus ought not to be consolidated? Can any Senator say what reason there is for having a Foreign Trade Bureau in the State Department and a bureau of commercial treaties in the State Department and a Bureau of Foreign and Domestic Commerce in the Commerce Department, all separate agencies of the Government? No wonder that Senators are in doubt when they have a question like that arising from one of their constituents as to where he should go.

That is the first one. We will take the second, which has already been discussed—the auditors of the various departments. I am not going into that, because it was fully discussed here the other day. They ought to be centralized; they ought to be consolidated. We ought to have efficient service where we have inefficient service now, and we all know it.

The Bureau of Printing and Engraving is in the Treasury Department, and the Public Printing Office is a wholly separate bureau or department of its own. Is there any logical reason that any Senator can claim for not having those consolidated?

Senators stood here the other day opposed to this bill and asked that concrete examples be pointed out for the necessity of the bill. Will Senators conclude that these three are not concrete examples? And these are but the beginning.

The Bureau of Public Health. Where would you expect to find it? It is in the Treasury Department! They have here a Bureau of Public Health, or what means the same thing, in the War Department and another bureau, performing exactly the same functions, in the Navy Department. Is it possible that Senators should know about those departments, affecting the public health, of which you never hear now? Why? Because they are diffused, because their energies are not properly correlated. They ought to be consolidated, made efficient, and they can be if authority is given the Executive in this bill to do so.

We come next to the Supervising Architect's Office. A stranger to our institutions would never guess where it is. It is in the Treasury Department. He is not the architect of our money, but he is supposed to be the architect of our buildings. It certainly is an illogical place for that to be, and so illogical that when our military operations were begun and when our naval operations were increased at the beginning of the war what happened? We have an architect's bureau in both departments. The Architect Bureau of the Treasury Department was swept aside and a new one substituted, a new one in the War Department, and, I believe, a new one in the Navy Department; and, by the way, I want to say, without the fear of successful contradiction, either, that there is no department in the Government that needs executive attention more than these building departments. Do you know under whom all the cantonments of the country have been built? Is it under officers of the law? These cantonments were begun and perhaps continued ever since to be built by that nondescript body known as the Council of National Defense under a plus-cost contract run by dollar-a-year patriots. A more expensive system, a system more open to suspicion could not be devised. Mr. President, if there was no other reason for the passage of the bill, it would be to give the President the right to correct the building operations of the Government. No bureaus in our entire system have been more prolific of waste, extravagance, and perhaps worse, than this building system now in force.

I next come to a general supply committee, and there is one in each one of the 10 departments. Is it a wonder that the Government has to pay the very highest price for everything it buys? Look at the list and you will see why that is so. There is one supply committee competing with another. Is it any wonder that the Government has to pay the highest price for all it buys under such a system of purchases and supplies as we have? These supply systems should be centralized and consolidated.

Then we come to a question I have no doubt is in the minds of most of the American people to-day in a peculiar way. Why is it that we can not catch and punish the so-called German spies? That thought seems to be uppermost in the minds of most of my constituents. I get more letters about it, possibly, than on any other subject of public importance. Why is it? The answer is simple. The laws as they are now provide for a secret-service bureau in the State Department, another secret-service bureau in the War Department, another secret-service bureau in the Navy Department, another secret-service bureau in the Post Office Department, and a fifth secret-service system in the Department of Justice. There are at least five secret-service systems, wholly independent one of the other. Is it any wonder that we are not making any progress in our spy system? Congress has met the demand that has been made upon it and has passed the most stringent spy legislation; but what has been the result?

Mr. SHEPPARD. The Senator might well add the Secret Service in the Treasury Department.

Mr. McKELLAR. I intended to. If I did not, I just casually overlooked it. Of course, we have one there. We have six different, independent, stupendous systems of secret service, and as one man wrote me, a few days ago, that with all those systems you are not catching many German spies. I do not know how true that is, but it seems to me we ought to put the secret-service system of this country under one control, under a centralized control of a strong and virile man who knows how to manage that particular business so that the work of the Government may be properly done. If we had a centralized, vigorous, well-administered secret-service system under one head, we would take care of our traitors and spies expeditiously. They could and would be promptly found out and arrested, quickly tried before constitutional courts, and effectually punished. It would end all this agitation in favor of military tribunals dealing with this species of crime. We must deal out punishment for these crimes quickly and effectually, and we can only do it by a centralized and vigorous system of secret service. Let us not lose our heads. Let us follow constitutional methods. That constitutes seven reasons why this bill ought to be immediately passed.

I next come to the Army for just a moment. In the Army we have an Army Medical Museum and Library, and an Army medical school, and the office of the attending surgeon, whatever that is—I do not know. We have three different supply bureaus already, and in the Navy we have a Bureau of Medicine and Surgery, a Navy medical school, a Navy hospital, and a board for the examination of medical officers, and a Navy dispensary, and a board of medical examiners. There are 8 or 10 different boards in those two departments. Is it possible that these do not constitute alone a reason why we should have centralized effort and centralized energy in the conduct of the war?

Now we come to the Bureau of Navigation in the Commerce Department and a Bureau of Navigation in the Navy Department. Why have both? There is some little reason for it, which I shall not go into, but it could be managed a thousandfold better if the two were consolidated.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Tennessee yield to the Senator from New York?

Mr. McKELLAR. I would prefer if the Senator would just make a memorandum and call my attention to it a little later. I do not object to answering his question, but I will be glad if he will just retain it for a few moments until I get through with what I want to say on this particular subject.

We have a United States Shipping Board and an Emergency Fleet Corporation. Is there any Senator here who would like to keep them separate any longer? We have had them separate

for quite a while. We have not many ships. We have been greatly disappointed because ships have not been built as fast as they might have been built. We did go as far as to make the same man an executive officer of both not long ago. Does any Senator want to keep them apart by law? Is it not the view of every Senator here that these two boards ought to be consolidated, and especially now since they have put a real skilled man at the head of it, and I mean no reflection at all upon the splendid men who have heretofore managed and controlled those corporations? They were bound down by shackles of law and of many untoward circumstances; and they could not do any better, bound down as they were. I think every Senator here will agree with me that there ought to be a consolidation here of these two bureaus.

Again, some years ago, in a law that was passed, I believe, about two years ago, it was thought wise for the Executive to take over the railroads of the country in certain war contingencies. If this Overman bill had been the law, all he would have had to have done was to have selected the best man for that particular work. Under the law as it was, hampered by legal interference with Executive powers, the President had to go to the Secretary of War and get his consent to transfer the powers to Mr. McAdoo, whom he desired to appoint to take over the railroads and who was peculiarly fitted for that particular office. Acting under this bill, the President would have had a right to have appointed Mr. McAdoo directly; and that is the kind of authority he ought to have during this war. If we want the best executive service, we ought to give him not legislative power—I am just as much against giving the President legislative power as is any other Senator—but what I contend for is that we ought to give him executive power; we ought to allow him to run his department of the Government in his own way, unhampered by legal red tape, and to hold him responsible for it. We should give him full power over all his executive bureaus. That is reasonable; that is what our Constitution says we ought to do. I am not contending that we ought to give powers of legislation to the President; oh, no; but I say again—and I hope I can put it into the minds of Senators—that we ought to give him the right to manage his own executive office in a way that will be best for the country. I am not, however, through with concrete examples.

Here is the whole Council of National Defense. I hardly know what to say when I come to discuss that useless body, but I think I ought to be very careful in what I say. It is a useless body, taken as a whole, with its commissions and its committees and its advisory commissions and its advisory committees, amounting to several thousand men. Why, we ought to give the President the right to abolish the whole business, and select such of the men as are doing good service, giving them honest pay for their services, and retaining them in their proper positions in the Government. The policy of this Government accepting the gratuitous services of its citizens is all wrong; and, when we come to think about it, there is always a doubt whether or not those services are really gratuitous. We know they are not in all cases. The President ought to be given the power to weed them out, taking those that are all right and honest and straight, men who are helpful to the Government, giving them places under the Government, and making them stand solely for the Government. Those who are profiteering should be stricken from the rolls of Government service in disgrace forever.

Then I come, in the next place, to the "dollar-a-year men." They are just a part of the system. The President ought to be given the power to abolish these "dollar-a-year men." The whole country has decided, by common consent, that they ought to have been abolished long ago. I do not mean by that that all men who serve the Government at a dollar a year are incompetent or improperly here; many of them are amongst the most patriotic citizens we have; but the President ought to be given the power to select those who are all right, and to put them to work at a fair and proper salary for the Government alone, they not to have any other interests but the Government's.

Then I come to the advisory commissions. We all know that those ought to be dismissed. I am merely saying what I would do if I were there and what you would do if you were there. You would dismiss them, taking the very best of them and putting them to work for the Government at a proper salary such as they ought to have. This is what I hope the President will do.

Again, I come to the most important of all of them. Some Senator challenged, I think, the Senator from North Carolina [Mr. OVERMAN] the other day to give a concrete example why the passage of this bill was necessary. I have mentioned 17 or 18 already, and really those are merely a start; I am not going into all of them; I have merely selected a few; but there are hundreds of others which the President will no doubt weed out, if we pass this bill, to the great benefit of the Government and to the great benefit of the American people in this time of war.

Mr. President, we come next to the Supply Division of the Army and the Navy. What do we find? We find, under the system that was in vogue until a short time ago, five of the great departments of the Army were competitive purchasing agencies. We had a purchasing agency for the Ordnance Department; we find another for The Adjutant General's Department; we had another for the Signal Corps; we had another for the Medical Corps; we had still another for the Quartermaster Corps; every one of them competing each with the other for those things that are absolutely necessary in supplying our Army—competing over clothes; competing over uniforms; competing over shoes; competing over steel. All of the products of this country were included in one or the other of them, and there was competition of the largest and most active kind. There is not any possible excuse for that.

Those are not all of them. When you come to enumerate those five you will find that they were competing with the Navy Department as to practically everything. Is it any wonder that the Government has had to pay enormous prices under a system like that? Is it any wonder that we fail to get clothes and uniforms for our boys on time? Is it any wonder that we failed to get guns and ammunition on time under such a system of purchase and supply? Senators, we ought to rectify it at the earliest possible moment. I have often thought, after having examined into both systems—this system of the War Department and its diffusion of purchases under five great heads, all competing with one another, and then the whole system competing with the Navy, and then seeing how splendidly the purchases of the Navy Department have been managed under one head—I have often thought it would be a splendid thing if the President had this power and would appoint a man like Admiral McGowan, who has shown such remarkable skill and ability in the management of his office, to take charge of it and buy the supplies for the whole service.

Why, Senators, from a careful examination of the prices which have been paid, of the system that has been used up to date, I will say that I believe that if we had an organized, centralized, coordinated, purchasing system for our Army and Navy we could and would save this Government $1,000,000,000 a year every year during this war. I see members of the Military Affairs Committee of the Senate here in the Chamber, and I desire to say that I believe that they will all agree that this statement is substantially correct, that if we had a centralized, organized, system of purchasing supplies, with an honest, energetic, forceful, capable, and determined man at the head of it, if no advisory committees and no dollar-a-year men were connected with the system, we could save this Government $1,000,000,000 a year. With these facts before us, which are admitted by everybody who knows, can Senators say that there are no concrete examples showing a necessity for the passage of this bill? I can not believe it.

Some Senators say it is a bill giving the President too much power. My answer to that is that it is all executive power, we are not giving him legislative power. It is all power connected with his administration of his own office, which department is coordinate with ours.

Mr. President, here are some 19 concrete illustrations of how this power can be used for the benefit of the American people to-day. I should like Senators to read them in the RECORD to-morrow, and see if they do not commend themselves to them as reasons why this bill should be passed.

I do not know how the President is going to use these powers, but I know I would use the powers along that kind of lines if I occupied that position and other Senators would most likely do the same thing under like circumstances, and so I imagine the President is going to act along such lines, generally speaking, though I have not talked with him on the subject, and I do not know. However, he will have the power to do so; we shall have put the responsibility and the burden on him, and under the laws and Constitution of the United States it belongs to him.

Mr. President, it is said that this bill is radical; that it is revolutionary; that it goes too far in conferring unusual powers on the Executive. Well, there are a great many Senators in this body who were in favor of both the munitions-ministry bill and the war-cabinet bill. I felt, too, that something along that line ought to be done, as my colleagues on the committee know. The war-cabinet bill, as was so splendidly pointed out yesterday by the distinguished and able senior Senator from Tennessee [Mr. SHIELDS], goes much further in the powers it confers upon the Executive than does this bill. It creates new offices and new centralized authority, whereas this bill merely

permits the President to coordinate and consolidate offices already established. The speech of Senator SHIELDS is a classic on the legal aspects of this bill. It should be carefully weighed by any Senator who is in doubt. Senator SHIELDS is one of the ablest lawyers in the Senate, and his speech on the legal and constitutional aspects of this bill is a valuable contribution to this debate.

If Senators will bear with me just a little longer, I want to point out this remarkable fact, that as far back as 1853 the Congress recognized that reorganizations in the executive departments ought to be had. What did they do then? They passed a law giving the heads of the departments the power from time to time to alter and distribute among the various bureaus and offices of the departments the various functions performed in those departments. Is it possible that we have come to a point where we will say by our legislation that we are willing to give the power to alter and consolidate bureaus, divisions, commissions, and the like, to the various heads of the departments, who are nothing but the arms of the President, and decline to give equal power to the President himself to make such consolidations; and that, too, in time of war? It seems to me that, whatever may have been the powers given to the heads of the departments heretofore, now that we are engaged in war we ought to give them to the one strong, vigorous, virile head of the whole Government, who is carrying on the war and who is responsible under the law and to the people for the conduct of all the departments as well as responsible for the whole conduct of the war.

More than that, I see Senators before me this afternoon who voted to give the President power similar to this, although probably it did not go quite so far as this. I did not have the honor of being a Member of this body at the time, but I voted for the bill in the other House. On March 3, 1917, this law was passed:

> The Bureau of Efficiency shall investigate duplication of service in the various executive departments of the Government, including bureaus and divisions, and make a report to the President, who is hereby authorized, after such reports shall have been made to him, wherever he finds such duplication to exist, to abolish the same.

In other words, Mr. President, we find that the Congress itself has passed a measure not as full and as ample as the proposed law, but along exactly the same lines and having the same purposes. The Congress first gave the authority to the heads of the departments which, if not exercised properly, they then turned it over to the President. The only trouble is that they did not go far enough. Those were times of peace. Surely, if such laws as have just been discussed were proper in times of peace, now when we are in the greatest war that the world has ever known the President ought to have the right to organize the several executive departments as he sees fit.

It has never been objected that the Congress had no right to confer upon the heads of the departments the right to redistribute the agencies within such departments. Surely, if Congress has the power to delegate this power to the heads of departments, it also has the right to delegate it to the President, who is the real executive head of the department.

It was in the power of the President to change his Cabinet at will, and also the power conferred upon the executive department, as set out in these statutes, that no doubt gave to the distinguished Senator from Pennsylvania [Mr. KNOX] the view that the President already had all these powers now.

There is no doubt in my mind that the President has many of the powers now, but certainly there is no real reason why he should not have the authority asked for in this bill.

The provision which I have quoted is along the same line as the pending bill, and I have mentioned it for the purpose of showing that this bill is not revolutionary; that it is not unusual; but it is in conformity with past acts in our legislative history since the year 1853 until March 3, 1917. In other words, we find the Congress itself, even as late as March, 1917, giving the President these powers. I have already referred to the war-cabinet bill, which goes much further than this bill, and I shall not refer to it again.

Mr. President, the investigations of the Committee on Military Affairs were the real beginning of this legislation. It was those investigations which showed the reason, the need, and the necessity for the pending legislation. Can any Senator, after knowing that these conditions exist, these complicated conditions, these rival bureaus doing the same work, these duplications of services, these useless offices, contend that there should not be some reorganization and redistribution of executive functions? They not only cost the Government a great deal, but they are clogging the machinery of the Government at this time when we ought to be energetic and effective. We can not be energetic so long as power is diffused over so much territory and in so many hands as it is to-day.

Mr. President, I think that disposes of the question of the necessity for passing this bill. Mind you, all the committees that have handled the matter have reported that some action is necessary. I doubt if there is any Senator on this floor who does not think that some action looking to the reorganization of the executive departments is necessary. The President himself says it is necessary. President Taft said it was necessary many years ago, even in times of peace. The newspapers of the country say it is necessary. The whole people feel that there ought to be greater energy and greater centralization of power and action in the executive branch of the Government, so that our country may proceed on its way to victory over Germany.

Then, if the necessity exists, we next come to the question of whether we can do it under the Constitution. Senators have argued very ably that this bill is unconstitutional. Before going into the constitutional branch of the subject, I wish to take a moment or two to discuss the executive side of this controversy.

We are all reasonably familiar with the Constitution. In order to find out whether the measure is unusual, whether it is revolutionary, let us go back to the history of the Executive for a few moments. I will only suggest these matters to Senators, for they have all read the books concerning these questions and probably are more familiar with them than I am; but it must be remembered that under the confederation we had no executive; the various States were the executive power. Then came the formation of the Constitution, and one of the greatest debates that took place in the Constitutional Convention was over the question as to whether we should have a council as executive or whether we should have an individual executive. We had just been at war with England, where the executive power was reposed in a crowned head, a king, and where they had an executive council. The American people and the American Constitutional Convention, which established the Constitution, as representatives of the people, were jealous of both. Such men as Mr. Gerry, of Massachusetts, and Mr. Randolph, of Virginia, ably and earnestly argued that the executive power ought not to be put in the hands of an individual, that it ought to be in a council of not less than three; but James Wilson, of Pennsylvania, made the fight for one individual executive and finally won. What were the powers that were given? I am referring to this for the purpose of showing how necessary it was in the minds of the framers of this great instrument that the Executive should have proper and competent powers.

Mr. President, right here let me say that I am not going to read the provisions of the Constitution that give executive powers, but I ask unanimous consent that they may be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

> ART. II, SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.
>
> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.
>
> The President shall have power to fill up all vacancies that may happen during the recess of the Senate by granting commissions which shall expire at the end of their next session.
>
> ART. II, SEC. 3. He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Mr. McKELLAR. The President also was required to take the following oath:

> I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States.

I want to call the particular attention of the Senate to a quotation from the Federalist, this particular article being written by Mr. Hamilton:

> There is an idea, which is not without its defects, that a vigorous executive is inconsistent with the genius of republican government. The enlightened well-wishers of this species of government must at least hope that the supposition is destitute of foundation, since they can never admit its truth without at the same time admitting the condemnation of their own principles. Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign tax; it is not less essen-

tial to the steady administration of the laws, to the protection of property against those regal and high-handed combinations which sometimes interrupt the ordinary course of justice, to the security of liberty against the enterprise and assaults of ambition, of faction, and of anarchy.

* * * * * * *

Taking it for granted, therefore, that all men of sense will agree in the necessity of an energetic executive, it will only remain to set out the ingredients which constitute this energy. How far can they be combined with those other ingredients which constitute safety in the republican sense, and how far does this combination characterize the plan which has been reported by the convention?

Here is the meat of the statement:

The ingredients which constitute energy in the Executive are: First, unity; secondly, duration; thirdly, an adequate provision for its support; and fourthly, competent powers.

Let us apply that to the situation as it is to-day. We have the individual as President. We have a proper duration of the office for the conduct of the war, nearly three years more of this term. Congress has given the Executive unlimited means. The only other question is, Has he the competent power? He says he has not; and all those who are familiar with conditions here know that he has not the competent powers to manage his executive end of the war in the best possible way for the good of the country at this time.

Now, why should we not give it to him? Are we jealous of him? Oh, no, I can not believe that any Senator would feel that way. Are we afraid? I can not understand that. Why should we be? We have checks and balances on him. If he were to misuse the powers—and, of course, no one believes he will do that—Congress always has the power to call a halt to it. Why should we not give him the competent powers? Do we not all want him to accomplish the same purpose? We want him to win this war. Why should he not have the competent powers?

I say that we should give them to him. This bill would give them to him, and when we give them to him we are putting the burden of their proper exercise on him under the law and the Constitution. He is the man who controls this situation as Executive; and, mind you, I am talking about the President as Executive only. I do not think this bill applies at all, except in an inferential way or in a remote degree, to his office as Commander in Chief. We can not interfere with his powers as Commander in Chief in the field of the Army and the Navy. What we might say would not make any difference in his exercise of those powers. I am talking about his executive powers, and we ought to give him competent powers to carry out the functions of his office as Executive in the time of a great war.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield to the Senator from Iowa.

Mr. CUMMINS. How can Congress give to the President executive powers? The Constitution vests all the executive powers of the Government in the President, and I do not see how we can either enlarge or diminish his executive powers.

Mr. McKELLAR. I am glad the Senator has asked that question. I will say to the Senator that he will find that through a long system of legislation Congress constantly has given to bureaus and departments and divisions of Government portions of the executive power, and this bill is intended to unshackle or to take away from those underofficers the power that Congress has heretofore given to them—of course, with the consent of the President. They are really executive powers that have been conferred upon some individual or some bureau in some department, and this bill merely proposes to hand them back to the Executive. In that connection, I want to call the attention of the Senate to this fact: We have been heretofore legislating by giving authority to the various departments of the Government. We have 10 executive departments. Under the theory of our Constitution, of course, these 10 executive departments are but 10 arms of the President. They are part of the executive function. They are part of the executive office. It is true that we have given many of them other powers, some legislative powers, some almost judicial powers, and some executive powers. I have looked into the question of the President's Cabinet. It is not, strictly speaking, a constitutional body. It is referred to in the Constitution in two different places, but it is not, strictly speaking, a consitutional body by express provision.

Mr. CUMMINS rose.

Mr. McKELLAR. If the Senator will excuse me for just a minute, I will yield in a moment. I have found this remarkable thing, or what appears to me to be this remarkable situation: The Secretary of State is not required by statute to be confirmed by the Senate. The Secretary of War is in the same condition. The Secretary of the Treasury is in the same condition. The Attorney General is in the same condition. The Secretary of the Navy is in the same condition. Each office was created by a separate act of Congress, and nothing is said in any of them about confirmation by the Senate. Later on, when other departments were founded, Congress did provide that the newly made heads of them should be confirmed, and I think a reasonable interpretation of the Constitution requires that all of them should be confirmed, since their offices are not inferior offices in any way within the meaning of the Constitution, although the Secretary of State in the beginning was but a clerk to the President. The duties of the Secretary of State are specifically placed by the express terms of the Constitution upon the President himself.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. Will the Senator from Tennessee help the Senate by attempting to define what executive power is?

Mr. McKELLAR. I have been very, very much interested in that question, and I find that the line of demarcation between what is executive power and what is legislative power and what is judicial power under our Constitution is so vague and indefinite in many cases that it is almost impossible for any man to tell what it is. I imagine that with the great constitutional learning and the great ability of my very able friend from Iowa he probably can give the Senate a better definition of what is executive power than I can give. But I find that the courts have held that these Cabinet officers and these departments are nothing in the world but branches of the Executive office; that the President is responsible for all the acts of all of the 10 Secretaries and of all the 10 departments. Since the Senator has asked me that question, I have the opinion of the court right here, and I call the Senator's particular attention to it.

It will be seen that the only reference to executive departments is that the President would have a right to call on them for an opinion in writing in reference to matters relating to the duties of their respective offices. In other words, it is perfectly apparent that the framers of the Constitution intended that the President, with the limitations mentioned in the Constitution, should be the executive authority, and that this authority was not to be divided up with a council or Cabinet or with any of the members thereof. This view is upheld by the courts. In the case of Wilcox *v.* Jackson (13 Pet., 498) it was held:

[This case involved the taking of certain land and the occupying of same through the orders of the Secretary of War, and the court held, among other things, as follows:]

"Now, although the immediate agent in requiring this reservation was the Secretary of War, yet we feel justified in presuming that it was done by the approbation and direction of the President. The President speaks and acts through the heads of the several departments in relation to subjects which appertain to their respective duties. Both military posts and Indian affairs, including agencies, belong to the War Department. Hence we consider the act of the War Department in requiring this reservation to be made as being in legal contemplation the act of the President, and consequently that the reservation thus made was in legal effect a reservation made by order of the President within the terms of the act of Congress."

Again, in United States *v.* Eliason (16 Pet., 291) it was held:

The power of the Executive to establish rules and regulations for the Government of the Army is undoubted. The very appeal made by the defendant to the fourteenth section of the sixty-seventh article of the Army Regulations is a recognition of this right. The power to establish implies, necessarily, the power to modify or repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the Military Establishment of the Nation; and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such be binding upon all within the sphere of his legal and constitutional authority.

There is no doubt that the various departments and the various Cabinet officers are not independent executive agencies, but they are all executive agencies under the President. That question has been settled by the court and was settled by the Congress itself, if it could do so, away back yonder in 1836. The Senator from Iowa will find, by an examination of the history of the Cabinet and the decisions had about it, that the Secretary of the Treasury is the only Cabinet officer who is required to report to Congress. Of course there was a reason for that. He had to do with the revenue, and only Congress had to do with the revenue, and he was required to report to Congress. So when the great fight came on, some time between 1830 and 1840, between President Andrew Jackson and those who wanted to maintain the United States Bank, it was actually argued that the Secretary of the Treasury was not an executive officer at all; that he was a legislative officer, an officer of the Congress; and I believe a bill was introduced to provide for the dismissal of the then Secretary and the appointment of a Secretary of the Treasury by the Congress. Of course, however, that bill was not passed. All the courts have held that each of the executive departments is merely an arm of the Executive, and the Executive is responsible for all their acts, and when the departments within their several authorities do an act it is in law and in

fact the act of the President of the United States, of the Executive.

Now, the trouble is—and I address myself particularly to the Senator from Iowa [Mr. CUMMINS], in whose address I was greatly interested the other day, and the Senator from Georgia [Mr. SMITH], too, whose wonderful ability was so aptly shown in the address that he made on that occasion——

Mr. CUMMINS. Mr. President, may I make a suggestion to the Senator from Tennessee?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. The Senator from Tennessee need not spend any time in attempting to convince me that the members of the Cabinet are executive officers. I have no doubt about it. I am sure that they are.

Mr. McKELLAR. Then, as I understand the Senator, he is of the opinion that these various powers, such as are put in this bill, and such as were given the President under the act of 1917, are executive powers. The Senator was a Member of the Senate at that time, and the RECORD does not show that he voted against it. That act gave the President directly similar powers to those given to him under this bill.

Mr. CUMMINS. Mr. President, possibly I ought to qualify that statement a little. I think that a great many of the duties of the Department of Justice are not executive in their character; but I can not now think of any exceptions so far as other Cabinet departments are concerned.

Mr. McKELLAR. I think if the Senator will reexamine the history of the Department of Justice—I know he has examined it time and again before—he probably will change his mind on that subject, for this reason: The original act of 1789, which is supposed to have constituted the Department of Justice, did not constitute the Department of Justice at all. It just created the office of Attorney General, and provided for his appointment. He was then an advisor of the President. It was supposed at that time that he was largely a personal advisor. Of course the country then was very small in comparison with what it is now, and a situation existed that was quite different from the present one; but the Department of Justice, as such, was not even established until 1870.

Mr. CUMMINS. Oh, I understand that.

Mr. McKELLAR. Originally the Attorney General was an advisor of the President, and some people even doubted whether his place was entitled to be called a Cabinet office or not.

Mr. CUMMINS. I do not think it makes any difference whether one of the departments is known to the Constitution or created by law, or how it sprang into existence; I think the principle would remain just the same. But the Senator from Tennessee certainly would not insist that when the Attorney General files a bill in equity in behalf of the United States for relief to which he thinks the country is entitled he is performing an executive act; or that when he makes an argument before the Supreme Court of the United States in litigation pending he is performing an executive act; or when he files an information upon which some one charged with crime can be brought to justice—I am sure the Senator from Tennessee will not claim that any of these things constitutes an executive act.

Mr. McKELLAR. At first blush, I will say to the Senator, I am inclined to think they do. The line of demarcation is hazy; I will grant the Senator that; but I am inclined to think that when the Attorney General files a bill on behalf of the United States under a legislative act directing somebody to execute it, and that is the mode pointed out by the statute of executing it, he is doing an executive act, and that is part of the executive branch of the service. That is just my notion, offhand. I have not had my attention called to it previously, nor have I ever examined the authorities on the question.

Mr. President, the next question—and I shall take only a short time longer—is this: Is this bill constitutional? I want to say that if I believed that this bill was not constitutional I would never vote for it. I believe that the Constitution of the United States is supreme. I believe that when I took an oath to support the Constitution that oath meant something real, something concrete. I would not vote for a measure that I believed was unconstitutional. If any Senator believes that this bill is unconstitutional he ought not to vote for it. I can not better illustrate my views about the Constitution during this time of war than by reading a very short excerpt from a very great lawyer and judge, and he was speaking for a very great court, the Supreme Court of the United States. It is a case that has been referred to frequently. It is a short excerpt that I want to read, and it is a case that has been referred to recently on this floor.

I can not do better than to spend a minute and a half or two minutes in reading this statement to the Senate again. Mr. Justice Davis, in the Milligan case, in Fourth Wallace, said:

> Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seem by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence (pp. 120–121).

I read this because it is appropriate to more than one bill. It is appropriate to this bill. It is a direct answer, as I conceive it, to the argument of the distinguished Senator from Illinois [Mr. LEWIS], who has argued that the Constitution is, or many provisions of it are, suspended in time of war. I do not believe in any such doctrine. If I believed that this law was unconstitutional, I would not vote for it. The court continues to say, very briefly:

> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law (p. 139).

Mr. President, we hear much about an invasion of the rights and functions of the legislative branch by the executive branch of this Government. We hear much about how sometimes one and then another Executive has undertaken to invade the jurisdiction and assume the functions of the legislative branch. Did it ever occur to Senators that we frequently invade the jurisdiction and may sometimes assume the functions of the Executive? We have done it time and again, in establishing these various bureaus and divisions in the departments. We have separated them when they ought not to be separated. We have put limitations on Executive functions when we ought not to have done it. Among a hundred different bureaus, divisions, and departments by a course of legislation of over a hundred years, we have, unwittingly perhaps, but nevertheless done it just the same, diffused the Executive powers into the hands of others. We have established a bureaucratic form of government, contrary to the purpose and intent of the Constitution, as I believe. This bill simply provides that the Executive shall exercise his proper functions, and I say to Senators at this time of the greatest crisis we have ever had in our country, if there ever was a time when we needed a strong Executive with ample power to carry out the plans that we formulate for him, now is the time. We have the strong Executive. We need only to give him the power. I ask Senators, not upon the mistaken view that this bill is unconstitutional, for it is not, not to withhold from the Executive those powers that will permit him to conduct his office as we expect him to conduct it. There have been many shortcomings in various executive branches. Let there be no excuse for it in the future. Put the power where it belongs. We can not run this war. The law confers that duty upon the executive branch of the Government. Do not let us hamper him. I am not speaking for the President. I am speaking for the country. I am speaking for the Constitution. I am speaking for the democracy of the fathers. The laws and the people have given him the place. Let us give him the power to give the place energy and vigor and efficiency and push, so that we may win this war. There is but one question before the American people to-day and that is how we may best and quickest lick the Germans.

Mr. President, I come to the next question. Senators say, "Oh, well; the bill is unconstitutional." Why? Because it gives legislative power, they say.

I have heretofore set forth the material provisions of this bill. What power is granted the President under it? Substantially it is to prescribe rules and regulations by which he can conduct his own department of the Government. He is the Executive of the Government. The members of his Cabinet are merely his 10 executive arms. The departments presided over by these cabinets are merely the instrumentalities through which he executes his office. As was said by Judge Davis in the Milligan case, the power to make the necessary laws is in Congress, but the power to execute is in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its new exercise.

As I have always understood it, the executive branch of the Government is a coordinate branch of the Government, but learned Senators are speaking of the powers given in this bill, not as Executive powers but as some unusual powers that the Congress is conferring upon the President. As I look at it, it is merely putting him in a position so that he can execute the duties of his own office.

Surely he should be allowed to say how he desires to arrange the executive instrumentalities that the Congress has arranged for him. As a matter of fact laws that the Congress has heretofore passed have very greatly restricted the President and the administrative service, as I have heretofore argued. These laws, of course, bind the administrative officials in the discharge of their duties, and as we all know the Constitution entered into a great deal of detail and has imposed very great limitations upon the powers of the Executive and those immediately under him.

This bill, in its last analysis, simply gives the Executive the right to establish rules and regulations under which the executive departments of the Government must be centralized, coordinated, and made effective in this war. That this bill is constitutional there can be no doubt upon an examination of the authorities.

Of course, it is conceded that Congress must delegate legislative power to the President. Our Supreme Court in the case of Field *v.* Clark (143 U. S., 692) has directly passed upon the question. In that case, as Senators recall, the Congress by what is known as the tariff act of October 1, 1890, placed rates of import duty upon a vast number of articles.

Section 3 of the act provided that in order to secure reciprocal trade with countries producing sugar and other articles the President, whenever he should be satisfied that the government of any country producing said articles imposed duties on the same that were unequal and unreasonable, should have the power to suspend by proclamation the provision of the act. This provision of the tariff act was attacked on the grounds that it delegated the power to the President to legislate and the power to declare an act void in part.

Mr. Justice Harlan, speaking for the majority of the court, held, after going over all the cases, that the act was constitutional. In that act the President was given the right to suspend the law whenever he need; that is, whenever he found that the duties were unequal and unreasonable, to suspend the law. The cases are directly in point, for under this bill the President is during the period of this war given the right to suspend. The provisions are various acts regulating the executive department whenever he deemed necessary, or, as construed by the Supreme Court, whenever after examination he should find that a redistribution or consolidation or transfer of duties would be beneficial to the officer of his department.

The Field case is much stronger than the case presented in this bill, because the act in the Field case had to do with purely a legislative function, while the proposed act in this case has to do solely and alone with executive functions, concerning which there is doubt in the minds of many as to whether the President may not have the right to make the regulations anyhow. Certainly he has the right to make them under his general executive authority and under statutes already in existence.

It has been held—

> The regulations prescribed by the President and by the heads of departments under authority granted by Congress may be regulations prescribed by law, so as lawfully to support acts done under them and in accordance with them, and may thus have in a proper sense the force of law, but it does not follow that a thing required by them is a thing so required by law as to make the neglect to do the thing a criminal offense in a citizen where a statute does not distinctly make the neglect in question a criminal offense. (144 U. S., p. 688.)

The case of Interstate Commerce Commission against the Railroad Company (167 U. S., 493) is illuminating. Mr. Justice Brewer delivered the opinion of the court. The question was whether the Congress had, under the interstate commerce act, conferred upon the commission the legislative power of prescribing rates, either maximum or minimum or absolute. In that case it is indeed held as follows:

First, that Congress might itself have prescribed the rates, or, second, it might have committed the same to some subordinate tribunal to perform this duty. Apparently, according to this holding, Congress has the right to delegate to a subordinate body the right to legislate. I quote from the opinion of the court, on page 494, as follows:

> Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses should be corrected and what control should be taken of the business of such corporations. The present inquiry is limited to the question as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. There is nothing in the act fixing rates. Congress did not attempt to exercise that power, and if we examine the legislative and public history of the day it is apparent that there was no serious thought of doing so (p. 494).

A very similar situation exists in reference to this bill. For some time it has been believed that great abuses have existed in the effective administration of the War Department and other departments; that too much red tape exists; that there are too many officers and employees engaged in different bureaus in doing the same thing; that there is no coordination of work; that there is no coordination of duty; that each department has many separate bureaus and divisions acting separately; and that large amounts of work are being duplicated. It is believed that because of the war innumerable other commissions and bureaus and boards and officials and committees, advisory and otherwise, have grown up, and all of these separate and independent organizations have led to disorganization and to lack of efficient administration.

One of the great questions before Congress and before the American people for the last several months has been the question of how to locate these abuses. The Military Committee suggested one method; the distinguished Senator from Iowa suggested another method. The President of the United States has suggested the method contained in this bill. There can be no doubt that Congress has the authority to adopt any method that it sees fit. The bill requires the President to publish these regulations, and when they are published they have all the force and effect of law.

Are these cases in point? In this bill we are giving the President the power to suspend certain of the operations of various acts creating various branches in the executive departments.

Mr. President, these cases are sufficient. There are many others which can be cited. If the powers conferred in this bill are mere Executive powers, and he already has them, as argued by the distinguished Senator from Pennsylvania, it could be no injury to give them again. I agree with that able Senator; he already possesses many of them.

I next come to the proposition submitted by my friend the Senator from Georgia [Mr. SMITH]. He says just excuse the Interstate Commerce Commission and the Federal Reserve Board and there will be no trouble about it, and that he will vote for the bill.

Mr. President, all of us have heard of shutting the stable door after the horse has been stolen. To excuse the Interstate Commerce Commission at this time would be a repetition of that act. We have already given the President greater control over the Interstate Commerce Commission than this bill gives by an act that is already the law and for which all Senators here voted, as I recall. Certainly they did not vote against it. We have already given the President greater authority over the Interstate Commerce Commission than this bill gives him.

I want to read just an excerpt from that law. It does provide that the Interstate Commerce Commission can pass upon the questions that it has been in the habit of passing upon as before, but at the same time it adds this apparently innocent-looking proviso:

> *Provided, however,* That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway operating expenses, and also to pay railway tax accruals other than war taxes, net rents for joint facilities and equipment, and compensation to the carriers, operating as a unit, it is necessary to increase the railway operating revenues the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President, together with such recommendations as he may make.

We waste our time in wondering whether or not we are giving any peculiar or unusual powers to the President over the Interstate Commerce Commission after the enactment of such a law, practically by the unanimous consent of this body. It seems to me, we are talking about something, with all due respect to the distinguished Senator from Georgia, whom I admire very greatly, that question is behind us. We have already given the Executive the power over the Interstate Commerce Commission. The Senator from Georgia says that we must not assume that the Interstate Commerce Commission will not do its full duty. I agree with the Senator about that, but I say that that commission will not rise above the President; it will not make its opinions regardless of him in view of the law as we have already made it. If they do they are going directly in the teeth of this statute that we have already enacted, because we have commanded them, we have directed them, we have enjoined upon them, that they must consider what the President says about these rates, in rendering their decision, and there is no answer to that proposition.

Mr. SMITH of Georgia. Does the Senator claim that considering a question requires that it should be accepted as conclusive, without regard to other testimony? Is that the Senator's position?

Mr. McKELLAR. No; that is not my position. I will say to the Senator that I think, under the particular wording of this statute, and knowing what the Senator believes about it and what the Senator said the other day about it, I am sure he is in a very doubtful state of mind and probably would not have voted for that bill if the full force of it had been brought to him before he voted for it. The act says the commission must take into consideration said finding of the President and certificate by the President. Not only the finding but the certificate; that these are necessary, together with such recommendations of the President. First, in other words, whatever facts the President gives them they must take into consideration, then the certificate made by the President, and then finally they have got to take into consideration the recommendation given them by the President. It is an absolute case.

I am not a prophet nor the son of a prophet, but I venture the prediction right here and now that it makes no matter what President ever makes that finding and that certificate and that recommendation to any Interstate Commerce Commission in accordance with that proviso, that finding, that certificate, and that recommendation of the President are going to be the last word, and the commission will uphold it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. CUMMINS. I am very glad to hear the Senator from Tennessee denounce the recent railroad law in that respect; that is, he inferentially denounces it, and there is a good deal of weight in what he says. What I desire to ask him now is this: Does the Senator think——

Mr. McKELLAR. Before the Senator asks his question, I want to say that I do not want to be put in the attitude of denouncing a law after voting for it. I do not think anyone should be put in that attitude. I merely say whatever may be the merits of that provision of the railroad law, it removes any objection to voting for this bill because of any interference with the Interstate Commerce Commission.

Mr. CUMMINS. I did not vote for it.

Mr. McKELLAR. The RECORD does not show that anyone voted against it, as I explained in the beginning. There was no yea-and-nay vote. I, of course, can not say how the Senator voted. Since his statement I am sure he did not vote for it, but evidently he did oppose it.

Mr. CUMMINS. I do not believe in it.

Mr. McKELLAR. I am sure the Senator does not.

Mr. CUMMINS. I made the objection then that I am making now. Although I do not agree with the Senator's interpretation of the law, I think there is still something left that the Interstate Commerce Commission can do for the protection of the people. But that is not what I rose to say. I rose to ask the Senator from Tennessee whether, in his opinion, we have also given to the President the power to make a valuation of the railroad property of the United States. You remember——

Mr. McKELLAR. I recall it.

Mr. CUMMINS. Some four years ago we charged the Interstate Commerce Commission with that duty. It has gone forward and expended a good many million dollars on that undertaking. Does the Senator think that the law we passed a short while ago took that power or duty away from the Interstate Commerce Commission and gave it to the President?

Mr. McKELLAR. I am not sure about that. I doubt if it did; but, on the other hand, may I ask the Senator a question?

Mr. CUMMINS. Yes; you may.

Mr. McKELLAR. It is a question bearing on the same proposition. Could the Senator say whether he believes that the valuation of the railroads is such a subject as can be held to be connected with the war under the terms of the provisions of the Overman bill? I have my very grave doubts about it, I will say to the Senator. I do not think that function of the Interstate Commerce Commission could be disturbed under this bill. It has nothing to do with the war.

Mr. CUMMINS. If I were administering the law, I might have some doubt of it; but, guided by what has been said here and what is thought elsewhere, I am quite clear that the President might reach the conclusion that it had some relation to the war. I may say, further, it is one of the duties which, in my opinion, is still left with the Interstate Commerce Commission.

Mr. McKELLAR. The valuation of the railroads?

Mr. CUMMINS. The valuation of the railroads.

Mr. McKELLAR. I do not think the proposed statute that we are discussing now, known as the Overman bill, affects in the slightest or remotest degree that question. I do not think the President has any right to consolidate or rearrange any office except those that pertain to this war, and for the life of me I can not see how the independent function of valuing the railroads can be regarded as a war activity. It may be, but I do not believe it. I would not construe it that way if I were doing the construing. For that reason I think it is immaterial whether that particular question arises in this case or not.

Mr. CUMMINS. That question, after all, will have to be decided by the President, from which there would be no review or appeal.

Mr. McKELLAR. I am not so sure about that. I think any invasion of the right would be subject to review.

Mr. SMITH of Georgia. Will the Senator let me ask him a question?

Mr. McKELLAR. I yield to the Senator.

Mr. SMITH of Georgia. Does not the Senator recognize the fact that the certificate of the President has reference to the total problem of income, and in no way affects the distribution of rates, with reference to discriminatory rates or with reference as to commodities or as to localities? That all bears simply upon the total amount that must be raised, and in no way affects the important question of discrimination.

Mr. McKELLAR. I will say to the Senator that I do not think it has any such limitations as he suggests should be put upon it. I think this provision is full, ample, and complete, and that it gives the President the right; if he is not satisfied with a rate that is fixed by the Interstate Commerce Commission, all he has to do to correct it and to have it fixed according to what he believes it should be fixed is to make this finding, this certificate, this recommendation to that effect, and that the Interstate Commerce Commission must give effect to his recommendation. In my judgment this provision of the statute either has this meaning or no meaning at all.

Mr. SMITH of Georgia. Does the Senator think that the certificate is to follow their decision or to be before them at the time they make their decision? Does it not plainly say that, in making the decision they are authorized to render, this certificate shall be before them and be considered in connection with other evidence in reaching their decision?

Mr. McKELLAR. I am inclined to think possibly that the Senator is correct in that conclusion.

Mr. SMITH of Georgia. Let me call the Senator's attention, furthermore, to this language, because I know the Senator means to be fair:

> That when the President shall find and certify to the Interstate Commerce Commission that in order to defray the expenses of Federal control and operation fairly chargeable to railway operating expenses, * * * it is necessary to increase the railway operating revenues—

That is, his certificate that it is necessary to increase the revenues—

> the Interstate Commerce Commission in determining the justness and reasonableness of any rate, fare, charge, classification, regulation, or practice shall take into consideration said finding and certificate by the President.

Therefore, is it not clear that the extent of the function of this certificate is to give information to the commission as to the necessity for a certain amount of revenue, leaving for their determination the whole problem with this information given by the President, and does not touch the question of discriminatory rates at all?

Mr. McKELLAR. Mr. President, without this proviso, under the peculiar conditions that we have in this country about the railroads, the President could have sent in a statement, and it would have been evidence in any case without any statutory provision. He would have been a proper witness. There was no reason why he could not. The Congress, however, has done something more than making him a witness; it has said that, under the circumstances enumerated in the statute, while he is in possession of the railroads he must make a finding first; then he must make a certificate, second; and, third, he must make a recommendation. Then they tell the body that is to give its final construction that they must consider it and take it into consideration. In my judgment, it means they must accept his view and decision. It virtually gives him the right of an appellate court.

Now, as to the refinements of logic or the refinements of legal interpretation, the Senator from Georgia may be correct and I may be wrong; but I say, so far as practical results are concerned, whenever the President of the United States—it does not make any difference who he is—makes that kind of a certificate to the Interstate Commerce Commission, the commission is going to leave that rate just exactly as the President says for them to leave it, or fix it as he recommends that it shall be fixed.

Mr. SMITH of Georgia. Will the Senator from Tennessee allow me to give him a concrete proposition?

Mr. McKELLAR. I will.

Mr. SMITH of Georgia. Suppose there was an increase of rates; and without any change of classification certain existing rates were placed upon coal in east Tennessee, and protest was made against the discriminatory character of those rates. The protestant could show that the practical effect of the discrimination stopped the moving of that commodity and discriminated against that locality in favor of Birmingham; that they could be given fair rates, and still the revenue raised by the Government from the railroads would be just the same as the amount which the President said was needed, would the certificate of the President in any way affect the right of the parties aggrieved in east Tennessee to demand from the Interstate Commerce Commission a revision of the rates upon the ground that the rates put on them were discriminatory?

Mr. McKELLAR. I think so; but looked at from a practical standpoint, I think the Senator will agree with me that whenever my constituents in Tennessee or his constituents in Georgia come to Washington to complain of the rates since the passage of this other bill, they are going to the executive department of the Government first and are not going to the Interstate Commerce Commission. They are not going to spend much time with the Interstate Commerce Commission, because it is perfectly apparent to everybody who knows how these things are managed practically, that the real power is already lodged by the railroad act with the Executive; that it is already taken away from the Interstate Commerce Commission and is in the hands of the Executive, and that we need not bother about it in this bill. That is my idea in reference to the matter.

Mr. President, I desire to say, in concluding these remarks, that I have been very greatly interested ever since this Congress began in having centralized, vigorous, energetic Executive action. We need it to win this war. All the experts testified before our committee that we needed it—Mr. Baruch, Mr. Catchings, Mr. Coffin, Mr. Gifford, Mr. Willard. Our country is now in the greatest crisis it ever was in; it is confronted by conditions that require our most serious attention and our best endeavors, and we are giving that serious attention, in my judgment. We need action, we need it more than we need anything else in the world to-day; and the action we need is efficient Executive action, unhampered by bureaucratic organizations and red tape.

Mr. SMITH of Georgia. Mr. President——

Mr. McKELLAR. I hope the Senator from Georgia will excuse me a moment.

Under the hampering acts not of this Congress, but of past Congresses, diffusing all the Executive functions among so many bodies, the Executive to-day finds himself in a position where, if he has a good man in the Department of Commerce, say, where he is not needed, and has a place in the War Department where he is needed above all things, he can not transfer that man from one department to the other, because Congress has by law said he can not do it. This bill will give him that right.

Now, I want to say, in all fairness, we are all striving for the same thing. We want to whip Germany; we can only do it by unhampered Executive action. Let us all get behind the Executive and give him the right kind of help; give him Executive power and hold him responsible for it, and we shall win. Let us help him with our every effort and with our every influence.

Mr. SMITH of Georgia. Mr. President——

Mr. McKELLAR. I want to say to the Senator from Georgia, before he interrupts me, that it is a pity that an executive department could not have the benefit of his great driving personal force, could have the backing of his vigorous personality, and of the personality of men like him in this great conflict. We need strong men like the Senator from Georgia in all departments. But we need also the talents and strength of the Senator from Georgia behind them.

Let us stop quibbling about terms; let us see whether these acts are constitutional; we ought to see that; but let us quit quibbling about whether or not we are giving the President an inch too much authority or taking away a little bit of authority from some one else. Let us get behind the Executive, win this war, and work out all these academic questions afterwards. That, in my judgment, is what we should do. Let us give the President this power and pass this bill.

Mr. SMITH of Georgia. Now, Mr. President——

Mr. McKELLAR. I was going to yield the floor.

Mr. SMITH of Georgia. I merely wish to ask the Senator a question; but first I wish to express my most intense agreement with the Senator's statement that strong men should be put in the War Department and force be given to the work everywhere. I desire to ask the Senator this question: Has there been anything, except the failure to select him, which is preventing a strong man from having charge of the construction of our flying machines? Did it need any law like this 10 months ago to put a capable man in charge of that work to drive it forward?

Mr. McKELLAR. Mr. President——

Mr. SMITH of Georgia. If the Senator will allow me, I will add one other question and then sit down. Has there been anything to prevent the selection of a strong man as Chief of Staff and putting him in office and keeping him there, and also a Chief of the Quartermaster Department, and a Chief of Ordnance, and keeping them on the job and strengthening their organization?

Mr. McKELLAR. Mr. President, I had intended to close when I uttered the last sentence; but the two questions the Senator has put to me are entirely proper at this time, and I will take pleasure in answering them to the best of my ability. The Senator asks about aircraft production. I am not going into the aircraft question further than to say that everybody knows that is a new art; at best no one knows a great deal about it. There have been mistakes committed in carrying the work forward; we all know that; we know from our examination that a great many mistakes have been made; they have not done what we expected; they have fallen far short of what the country expected; they have not lived up to the promises made; all that is true; and we can not deny it; but we do not know, in the very new state of that particular aircraft art, whether others could have done better. Perhaps they could; perhaps they could not; perhaps there ought to have been changes, and I believe, if we give the President this power, he will make the necessary changes.

I suggested to the Senator from Georgia the other day when he was passing a great encomium, and I think a well-deserved encomium, on the recent appointment of Mr. Schwab as head of the Shipping Board, that I thought that that was all right; Mr. Schwab is my kind of a man at a time like this. I think we need a man to drive, to force, to do, to execute; and I think Mr. Schwab is one of that kind of men, but I will ask the Senator suppose after a short time——

Mr. SMITH of Georgia. It did not require this legislation to appoint Mr. Schwab, did it?

Mr. McKELLAR. I know it did not; but it will require this legislation to do with Mr. Schwab what perhaps it might be wise to do with him. Suppose after two or three months Mr. Schwab has thoroughly mastered the shipping business and they are turning out ships at the proper rate; that we are exceeding our expectations under the management and control of a man like that; but there is still lagging and delay in regard to aircraft production. I hope devoutly there will not be. Suppose others have in the meantime been appointed to head the Aircraft Production Board, but that no substantial progress has been made. We know there have been several changes in the Shipping Board, and there may be several changes before we can get action in the Aircraft Production Board. Suppose, however, Mr. Schwab makes a great success of the Shipping Board, and it is believed that he will make the same kind of a success in organizing the Aircraft Board, and after getting the work of the Shipping Board well under way, if Mr. Schwab is peculiarly the man to fill the aircraft bill and to give us airships, why should not the President have the right to appoint him?

Mr. SMITH of Georgia. I answer the Senator that the President certainly could do that without any bill at all.

Mr. McKELLAR. I have very grave doubt as to whether Mr. Schwab could hold both places.

Mr. SMITH of Georgia. Neither of them is an office, but each is a place of responsibility in connection with construction work.

Mr. McKELLAR. I think the President's action would be disputed at once; no doubt many Senators would say that the President was transcending his powers if he undertook to consolidate offices of that kind.

Will the Senator repeat the second question asked me?

Mr. SMITH of Georgia. How many matters has the Secretary of the Treasury charge of?

Mr. McKELLAR. He has charge of two, and the action of the President in those matters has been ratified by the Congress; the Executive had to come before Congress and get his action ratified; and Secretary McAdoo is filling both positions excellently well. I could not wish for our Government anything better than that all of its departments were filled in the same splendid way that Secretary McAdoo is filling both of his.

Mr. SMITH of Georgia. I want to say that he does the work splendidly.

Mr. McKELLAR. What was the second question?

Mr. FLETCHER. The Senator from Georgia asked in regard to the Chief of Staff.

Mr. McKELLAR. Mr. President, I do not know that I am capable of judging about the capabilities of the Chief of Staff. It has been a long time since I was a military man. I myself have felt that we made some mistakes along that line; I am frank to say that some of the appointments that have been made did not meet my approval, but that is one of the reasons for the passage of this bill. If the Senator will examine our military history and our military laws and regulations, he will find that the Executive is confronted by red tape in the appointment of all of our officers, and when the Executive goes against a rule laid down by the military authorities he puts himself at variance with them. He ought not to be left in that position. Give him the powers that are conferred by this bill, and we put it upon him to make the selections and make him responsible for them. I venture the prediction now that whenever we turn these powers over to him we shall see the greatest improvement in our strictly military program, just as we will see the greatest improvement in our executive program.

Mr. President, I believe that we ought not to haggle any further; I believe that we ought to pass this bill, give the President the powers, and hold him responsible for the execution of those powers. The Executive has shown no disposition to be a usurper or dictator thus far. Only yesterday, in his letter on martial law, he has given additional proof of his being an intense believer in constitutional government. He surely does not believe in the rule of the military; nor has he done anything that is silly. Suggestions that he is ambitious to overturn departments, strike down useful commissions, and do away with democratic institutions are wholly unwarranted by the history and the character of the present Executive. He will utilize the powers given him in this bill better to protect and defend this Government and not to injure or destroy it.

Mr. WOLCOTT obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WOLCOTT. I yield to the Senator.

Mr. OVERMAN. I understand the Senator has taken the floor to make a speech.

Mr. WOLCOTT. I desire to address the Senate on the pending bill. I have no desire, however, to go on to-night if the Senator wishes to make a motion.

Mr. OVERMAN. If the Senator is willing to go on in the morning, I will move that the Senate adjourn.

Mr. WOLCOTT. My desire in getting the floor was to put myself in the position of being entitled to the floor when the bill comes before the Senate to-morrow.

Mr. OVERMAN. Then I move that the Senate——

Mr. STERLING. Will not the Senator from North Carolina withhold his motion for a moment?

Mr. OVERMAN. I withhold the motion.

Mr. STERLING. I offer an amendment to the pending bill in the nature of a substitute, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 24, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 23, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, humbly and reverently we bow in Thy presence and acknowledge with gratitude our indebtedness to Thee for all that we are and all we hope to be.

Pour down upon us Thy spiritual gifts and grant us every blessing which shall purify, ennoble, exalt; that with true devotion to Thee and our fellow men we may fulfill every duty devolving upon us, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PRICE, for one week, on account of important business.

To Mr. SHOUSE, for three days, on account of illness.

To Mr. MILLER of Washington, for April 23, on account of delivering an address in New York.

ESPIONAGE BILL.

Mr. WEBB. Mr. Speaker, I present herewith a conference report upon the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, for printing under the rule.

EXTENSION OF REMARKS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to print in the RECORD a reply by my colleague, Mr. LUFKIN, to letters urging Congress to hurry up.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

GARBAGE COLLECTION, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, in accordance with the agreement entered into last night, I ask unanimous consent for the present consideration of the bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill H. R. 10613. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 55, noes 51.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I demand the yeas and nays.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 227, nays 100, not voting 103, as follows:

YEAS—227.

Alexander	Davis	Hamilton, Mich.	McLemore
Almon	Decker	Hamlin	Mansfield
Anderson	Delaney	Hardy	Mapes
Ashbrook	Dent	Harrison, Miss.	Mason
Aswell	Denton	Harrison, Va.	Mays
Austin	Dewalt	Hastings	Miller, Minn.
Ayres	Dies	Haugen	Montague
Bankhead	Dill	Hawley	Moon
Barkley	Dillon	Hayden	Morgan
Barnhart	Dixon	Heflin	Neely
Beakes	Dominick	Helm	Nelson
Bell	Doolittle	Helvering	Nicholls, S. C.
Black	Doremus	Hensley	Nolan
Blackmon	Doughton	Hilliard	Oldfield
Bland	Dowell	Holland	Oliver, Ala.
Blanton	Drane	Houston	Olney
Booher	Eagle	Huddleston	O'Shaunessy
Borland	Elliott	Hull, Iowa	Overmyer
Brand	Ellsworth	Hull, Tenn.	Overstreet
Brodbeck	Elston	Hutchinson	Padgett
Browne	Esch	Igoe	Park
Brumbaugh	Farr	Jacoway	Phelan
Buchanan	Ferris	Johnson, Ky.	Polk
Burnett	Fields	Keating	Pou
Byrnes, S. C.	Fisher	Kehoe	Purnell
Byrns, Tenn.	Flood	Kelly, Pa.	Quin
Candler, Miss.	Focht	Key, Ohio	Ragsdale
Cannon	Fordney	Kiess, Pa.	Rainey, H. T.
Cantrill	Foss	Kincheloe	Rainey, J. W.
Caraway	Foster	Kinkaid	Raker
Carlin	Frear	Kitchin	Ramseyer
Carter, Okla.	French	Knutson	Randall
Cary	Fuller, Mass.	La Follette	Rayburn
Church	Gandy	Langley	Reavis
Clark, Fla.	Gard	Lazaro	Reed
Cleary	Garner	Lea, Cal.	Roberts
Coady	Garrett, Tenn.	Lee, Ga.	Robinson
Collier	Garrett, Tex.	Lever	Romjue
Connally, Tex.	Glass	Little	Rouse
Connelly, Kans.	Godwin, N. C.	Littlepage	Rubey
Cooper, Wis.	Good	Lobeck	Sabath
Cox	Goodwin, Ark.	London	Saunders, Va.
Cramton	Gordon	Lonergan	Schall
Crisp	Graham, Ill.	Lundeen	Scott, Mich.
Crosser	Green, Iowa	McAndrews	Sears
Currie, Mich.	Greene, Vt.	McKeown	Sells
Davidson	Hamill	McLaughlin, Mich.	Shallenberger

Sherwood	Stevenson	Walker	Wilson, La.
Sims	Sweet	Walton	Wilson, Tex.
Sinnott	Talbott	Watkins	Wingo
Sisson	Taylor, Ark.	Watson, Va.	Wise
Slayden	Taylor, Colo.	Webb	Wood, Ind.
Smith, Mich.	Tillman	Welling	Woods, Iowa
Snook	Van Dyke	Whaley	Young, N. Dak.
Stedman	Venable	Wheeler	Young, Tex.
Steele	Vinson	White, Ohio	Zihlman
Stephens, Miss.	Voigt	Williams	

NAYS—100.

Anthony	Garland	McFadden	Smith, Idaho
Bacharach	Gillett	McKenzie	Snyder
Baer	Glynn	McKinley	Stafford
Bowers	Goodall	Madden	Sterling, Ill.
Browning	Gould	Meeker	Sterling, Pa.
Burroughs	Graham, Pa.	Merritt	Stiness
Campbell, Kans.	Gray, N. J.	Moore, Pa.	Swift
Carter, Mass.	Greene, Mass.	Moores, Ind.	Temple
Chandler, Okla.	Hadley	Morin	Thomas
Classon	Hayes	Mott	Tilson
Cooper, Ohio	Heaton	Osborne	Timberlake
Cooper, W. Va.	Hersey	Paige	Towner
Copley	Hollingsworth	Parker, N. J.	Treadway
Crago	Husted	Peters	Vare
Dale, Vt.	Ireland	Platt	Vestal
Dallinger	Johnson, Wash.	Porter	Volstead
Darrow	Juul	Pratt	Waldow
Dunn	Kennedy, Iowa	Robbins	Walsh
Edmonds	Kraus	Rogers	Ward
Emerson	Larsen	Rose	Wason
Fairfield	Lehlbach	Rowe	Welty
Fess	Lesher	Sanders, Ind.	White, Me.
Francis	Longworth	Sanford	Wilson, Ill.
Freeman	Lufkin	Siegel	Winslow
Fuller, Ill.	McArthur	Sloan	Woodyard

NOT VOTING—103.

Beshlin	Gallagher	McClintic	Scott, Iowa
Britten	Gallivan	McCormick	Scott, Pa.
Butler	Gray, Ala.	McCulloch	Scully
Caldwell	Gregg	McLaughlin, Pa.	Shackleford
Campbell, Pa.	Griest	Magee	Sherley
Carew	Griffin	Maher	Shouse
Chandler, N. Y.	Hamilton, N. Y.	Mann	Slemp
Clark, Pa.	Haskell	Martin	Small
Claypool	Heintz	Miller, Wash.	Smith, C. B.
Costello	Hicks	Mondell	Smith, T. F.
Curry, Cal.	Hood	Mudd	Snell
Dale, N. Y.	Howard	Nichols, Mich.	Steagall
Dempsey	Humphreys	Norton	Steenerson
Denison	James	Oliver, N. Y.	Stephens, Nebr.
Dickinson	Johnson, S. Dak.	Parker, N. Y.	Strong
Donovan	Jones	Powers	Sullivan
Dooling	Kahn	Price	Sumners
Drukker	Kearns	Ramsey	Switzer
Dupré	Kelley, Mich.	Rankin	Tague
Dyer	Kennedy, R. I.	Riordan	Templeton
Eagan	Kettner	Rodenberg	Thompson
Estopinal	King	Rowland	Tinkham
Evans	Kreider	Rucker	Watson, Pa.
Fairchild, B. L.	LaGuardia	Russell	Weaver
Fairchild, G. W.	Linthicum	Sanders, La.	Wright
Flynn	Lunn	Sanders, N. Y.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GALLAGHER with Mr. NORTON.

Mr. ESTOPINAL with Mr. HAMILTON of New York.

Mr. LUNN with Mr. NICHOLS of Michigan.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. MARTIN with Mr. SLEMP.

Mr. THOMAS F. SMITH with Mr. SCOTT of Iowa.

Mr. DICKINSON with Mr. CURRY of California.

Mr. DALE of New York with Mr. MAGEE.

Mr. BESHLIN with Mr. MCLAUGHLIN of Pennsylvania.

Mr. CAREW with Mr. DEMPSEY.

Mr. DUPRÉ with Mr. BENJAMIN L. FAIRCHILD.

Mr. LINTHICUM with Mr. GEORGE W. FAIRCHILD.

Mr. MCCLINTIC with Mr. HASKELL.

Mr. DONOVAN with Mr. HICKS.

Mr. SCULLY with Mr. JAMES.

Mr. STEPHENS of Nebraska with Mr. DYER.

Mr. CALDWELL with Mr. BRITTEN.

Mr. EAGAN with Mr. BUTLER.

Mr. GALLIVAN with Mr. COSTELLO.

Mr. EVANS with Mr. GRIEST.

Mr. CLAYPOOL with Mr. CHANDLER of New York.

Mr. FLYNN with Mr. DENISON.

Mr. DOOLING with Mr. KREIDER.

Mr. GRAY of Alabama with Mr. CLARK of Pennsylvania.

Mr. GREGG with Mr. KEARNS.

Mr. GRIFFIN with Mr. KELLEY of Michigan.

Mr. HOOD with Mr. KENNEDY of Rhode Island.

Mr. HOWARD with Mr. MCCORMICK.

Mr. KETTNER with Mr. MILLER of Washington.

Mr. HUMPHREYS with Mr. KING.

Mr. JONES with Mr. MCCULLOCH.

Mr. MAHER with Mr. MUDD.

Mr. OLIVER of New York with Mr. PARKER of New York.

Mr. PRICE with Mr. RAMSEY.

Mr. RIORDAN with Mr. MONDELL.

Mr. RUCKER with Miss RANKIN.

Mr. RUSSELL with Mr. ROWLAND.

Mr. SHACKLEFORD with Mr. SANDERS of New York.

Mr. SHOUSE with Mr. SCOTT of Pennsylvania.

Mr. SMALL with Mr. SNELL.

Mr. CHARLES B. SMITH with Mr. STEENERSON.

Mr. STEAGALL with Mr. STRONG.

Mr. SULLIVAN with Mr. SWITZER.

Mr. SUMNERS with Mr. KREIDER.

Mr. TAGUE with Mr. TEMPLETON.

Mr. THOMPSON with Mr. WATSON of Pennsylvania.

Mr. WEAVER with Mr. TINKHAM.

Mr. WRIGHT with Mr. DRUKKER.

Mr. SHERLEY with Mr. KAHN.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state the basis of his privilege.

Mr. HEFLIN. On April 5, Mr. Speaker, I made a speech in this House replying to a speech made by Representative MASON, of Illinois, in February. On Saturday, during my absence, when I was down in Greensboro, N. C., making a speech in the interest of the liberty loan, the gentleman from Illinois made a speech attacking me personally, and that speech was published in the Birmingham Age-Herald, wired by somebody from here, and that newspaper stated that the Republican membership of the House, supplemented by a few Democrats, ordered it sent down; and in that speech, which was published in full in the Birmingham Age-Herald, the gentleman from Illinois reflected upon me personally, upon my patriotism, courage, and integrity, and he stated, among other things, that I had the most patriotic mouth and the most cowardly legs [laughter and applause on the Republican side] of anybody, and so forth.

The SPEAKER. Is that all the basis?

Mr. HEFLIN. No, sir. In another place in that speech he misrepresented me by saying that I stated in response to a question of Representative BURNETT, of Alabama, prior to that time, that I was willing to sacrifice my sister's son but was not willing to go to war myself. In another place he insinuated that I was fond of getting up here and insulting every man in the House who had feelings. Mr. Speaker, I have quite a number of these privileged matters marked, but these, I think, are sufficient.

The SPEAKER. The Chair is inclined to think there is some basis for the personal privilege in the speech, but very narrow, though.

Mr. HEFLIN. Mr. Speaker and gentlemen of the American Congress, as a Member of this House I took an oath to support the Constitution and to bear true allegiance to the United States Government, to protect it against all enemies, both foreign and domestic. All that I have done and said since we entered the war has been in response to my duty under the oath that I took. It has long been the boast of the German Government that in every war she has waged she has had men in positions of trust in the enemy's country where they could serve her most effectively. In this country she has sought to place them in the War and Navy Departments and in Congress, so as to keep in touch with the war program and to have bills introduced and speeches made that will embarrass this Government and furnish German propaganda to the spy system, to be published and franked over the country at the expense of the United States Government. Since Germany made war upon the United States things have been done and said in both branches of the American Congress that have given aid and comfort to the enemy. Things have been done and said by Members of Congress that have greatly embarrassed the President and seriously hindered the Government in the mighty work of war preparations, and these things have injured our country and helped the enemy.

Mr. GILLETT. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. I do not think it is the province of this side to protect the time of the House, but for future precedents I wish merely to make the suggestion, and then I shall leave it to those who have the responsible charge of the House

to protect the time; but thus far what the gentleman has said, it seems to me, is not at all in order under the claim he has made of personal privilege.

Mr. HEFLIN. Mr. Speaker, I want to be heard on that for a moment. The gentleman from Illinois impugned the motive that prompted me to speak against him here on April the 5th. So far as I am concerned, there is nothing personal in my feelings in this matter. If I know my own heart, I am trying to perform my patriotic duty while our boys are fighting and dying over yonder. [Applause.]

The SPEAKER. The gentleman will suspend for a minute. Does the gentleman from Massachusetts make the point of order?

Mr. GILLETT. Yes, sir; I make the point of order.

The SPEAKER. Now I will hear the gentleman from Alabama.

Mr. HEFLIN. I want to say, Mr. Speaker, that the point of order is not well taken. I am laying a predicate for the speech I am going to make, showing that things have been done and said on this floor that have not been helpful but hurtful to the country, and I am leading up now to what I propose to say upon that subject, and I trust that no gentleman on that side will undertake to disturb me. I want to make this speech in my own way. And I stand ready to take the responsibility for it in any form that gentlemen may desire.

Mr. GILLETT. Mr. Speaker, if the gentleman wishes to ask unanimous consent to address the House, and that side of the Chamber thinks it important enough to give the time of the House to it, I for one shall not object. I simply thought I would call attention to the point of order for the sake of precedent.

The SPEAKER. The Chair will state that these questions of personal privilege ought to be confined to privileged matters. If we did not do that, we would have a row here nearly every day. The remarks the gentleman has been making are not pertinent to the question of privilege. It is a very good speech and perhaps somebody ought to make it. Maybe he ought. But you can not discuss this whole war and outside things to a question of privilege. Now, if the gentleman desires to ask unanimous consent to proceed with his speech——

Mr. HEFLIN. I do not want to take up unnecessarily the time in the House, Mr. Speaker, but I have been assaulted by the speech of the gentleman from Illinois [Mr. MASON] for doing what I thought was my patriotic duty.

The SPEAKER. I know; but here is the trouble about that: This matter the gentleman has been stating is not pertinent to this, to what he claims is an unfair commentary of the gentleman from Illinois, made in his former speech. And the suggestion of the gentleman from Massachusetts [Mr. GILLETT] is that if the gentleman from Alabama wants to ask unanimous consent he will not object.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that I may be permitted to address the House for 40 minutes.

Mr. MILLER of Minnesota. Mr. Speaker, I have no objections to that. Perhaps it is not necessary even to make the inquiry, but it seems to me that by this a very dangerous precedent is likely to be established if this continues as a matter of personal privilege. My inquiry is this: Has a Member on the question of personal privilege entitling him to the floor the right to answer remarks submitted by a Member in the course of debate on the floor?

Mr. HEFLIN. Published in a newspaper outside.

Mr. MILLER of Minnesota. It does not matter where it was published.

The SPEAKER. Of course——

Mr. MILLER of Minnesota. Let me suggest, if I may, to the Chair that my understanding of the situation is this: The gentleman from Illinois [Mr. MASON] made the speech alluded to. There is not the slightest doubt in the world but that he said things in that speech which, if they had been called to the attention of the Chair at the time, the Chair would have said were out of order. The gentleman from Illinois [Mr. MASON] must recognize that.

Now, admitting that they were improper remarks, as they were under the rules of the House, and to which the gentleman could have called attention and offered objection had he been here, or some one for him if he was not here—now, can he, under the guise of personal privilege, claim the floor for an hour to make another speech?

The SPEAKER. The Chair will state this, that the way to get at improper remarks is to have them taken down, and then proceed to whatever the House wants to do with them. The House was in the Committee of the Whole at the time, and the gentleman from Alabama [Mr. HEFLIN] was not here, and nobody did that. Now, that does not prevent him from rising to a question of personal privilege on remarks that were made that reflect on his character or his reputation or his career in any shape, form, or fashion. It would be sufficient if it were printed in the CONGRESSIONAL RECORD, but particularly so when it has been printed in a part of the public press. But the gentleman must adhere to the orderly procedure. Now he asks unanimous consent to proceed for 40 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, and I have no desire to increase the personalities that may grow out of this controversy, I wish to say that the gentleman from Alabama [Mr. HEFLIN] has no special grievance in this particular case, since he was the aggressor. I say that with all respect to him. He made a speech reflecting upon Members of the House.

The SPEAKER. Now, the Chair does not want to waste time here to-day by going into the history of this transaction which is very unpleasant from beginning to end, on both sides.

Mr. MOORE of Pennsylvania. The gentleman has asked for unanimous consent, and I am trying to reach the point where he may have unanimous consent, so far as I am concerned. The gentleman has been persistent in making speeches reflecting upon his colleagues in the House.

The SPEAKER. That raises an entirely different question.

Mr. MOORE of Pennsylvania. Will the Chair permit me to make a parliamentary inquiry?

The SPEAKER. Yes.

Mr. MOORE of Pennsylvania. I desire to know whether, if we permit the gentleman from Alabama [Mr. HEFLIN] to proceed to a renewal of his attack, which, of course, may provoke an answer from some one, and he transgresses the rule as to personal reference to Members of the House, may he be called down?

The SPEAKER. He may; yes.

Mr. MOORE of Pennsylvania. Then, I want to give notice to the gentleman, for whom I entertain a warm regard personally, that I will watch his speech carefully.

Mr. HEFLIN. Then, I wish the gentleman would allow me to proceed.

The SPEAKER. Is there objection?

Mr. SNYDER. Mr. Speaker, I object. I do not believe——

The SPEAKER. The gentleman from New York objects, and that is the end of that.

Mr. HEFLIN. Now, Mr. Speaker, I hope the gentleman will withdraw his objection.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to ask unanimous consent that the gentleman from Alabama may proceed for 39 minutes.

Mr. SNYDER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Alabama may proceed for 39 minutes. Is there objection?

Mr. SNYDER. I object.

The SPEAKER. The gentleman from New York objects, and that is the end of it. The Chair never did say anything about the point of order raised by the gentleman from Massachusetts, but he sustains it and rules that the speech so far as it has gone has nothing to do with the question of personal privilege.

Mr. HEFLIN. Now, Mr. Speaker, in the speech made by the gentleman from Illinois during my absence he says:

> Cheap peanut politics. He assaults me because I am a Republican, and he hopes to make in his district some little cheap capital from the fact that he has been able to assault and insult me.

That is the substance of his statement.

Now, Mr. Speaker, there was no occasion for me to undertake to play politics in that speech. I was not playing politics at all. I do not have to play politics. I have no opposition in my district, and have not had any opposition but once in 14 years. I was not undertaking to make political capital by doing things that were unpleasant to me, and they are unpleasant, gentlemen of the House. I would rather make people laugh than to offend them. But I have registered a vow, and I here renew it, that so long as this war continues and our boys are fighting and dying on the battle front in France, I propose, if I can, to close up the ranks in this House. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of order that the gentleman is not proceeding with the discussion of his question of personal privilege. There are other Members of this House who are as patriotic and as anxious to defend the boys at the front as he, and some at a greater sacrifice. I make the point of order that the gentleman is not proceeding in order.

The SPEAKER pro tempore (Mr. ALEXANDER). The Chair is of opinion that the gentleman's point is well taken, so far as

the gentleman from Alabama has proceeded. The Chair has been called to the chair just recently and has not given attention to the entire speech. The gentleman should address himself to those questions which he claims are the basis of his question.

Mr. HEFLIN. The Chair did not hear this proposition, then, where he accused me of playing cheap politics by assaulting and attacking him, and I am telling the House why I made my speech. Otherwise, if I can not do that, we have no rule by which a Member can protect himself from such assaults in this House. I submit to the Chair that under that statement, "cheap peanut politics" and that I assailed him because he is a Republican, that I should be allowed to state why I did reply to his speech. I am not assailing him because he is a Republican. There are some as brave and patriotic Republicans on that side as there are brave and patriotic Democrats on this side. I have commended the course of men on both sides, but because I see fit to reply to a Member's speech that he makes upon the floor of this House, I hold, Mr. Speaker, and I believe the Speaker will hold, since the matter is laid before him, that I am proceeding in the line of privilege provided for in the rules. I am not attacking the gentleman from Illinois for political purposes. No; gentlemen. Nothing is further than that from my mind, although one paper in my State has played up his speech, published it in full, and attacking me—a strange thing.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. HEFLIN. I will.

Mr. MOORE of Pennsylvania. Did not the same paper play up the gentleman's speech and play it up most eloquently?

Mr. HEFLIN. It did not.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, I will produce from my office in five minutes a report of the gentleman's speech attacking the gentleman from Illinois [Mr. MASON] published in the same paper as the speech of Mr. MASON.

Mr. HEFLIN. The notice about my speech was very short—about as long as your finger.

Mr. MOORE of Pennsylvania. Yes; in which some adulatory terms were used. And it referred to the fact that the gentleman from Tennessee came down from the chair to the gentleman from Alabama and personally congratulated him upon his eloquence. [Laughter.]

Mr. HEFLIN. That is true. [Applause.]

Mr. MOORE of Pennsylvania. So that it is a game that the gentleman has played equally with the other gentleman whom he attacks?

Mr. HEFLIN. No. That was just a little notice away back in the paper, while this other story commenced on the front page. [Laughter.] Yes; this other story commenced on the front page, and the headlines read this way:

When the cats are away the mice will play with Mr. HEFLIN.

[Laughter.]

Mr. MOORE of Pennsylvania. That is true. If the gentleman had obtained those headlines, would he be here this morning asking for leave to speak on a question of personal privilege?

Mr. HEFLIN. That is not the question. They were not there. [Laughter.]

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. No; I can not yield.

Mr. MEEKER. I want to know if that refers to the two-minute speech.

Mr. VENABLE. Mr. Speaker, I would like to ask unanimous consent to proceed for three minutes.

The SPEAKER pro tempore. The gentleman from Alabama has the floor.

Mr. VENABLE. Does the gentleman object?

The SPEAKER pro tempore. Does the gentleman from Alabama object? The gentleman from Mississippi asks unanimous consent to proceed for three minutes.

Mr. HEFLIN. I will, if it does not take me off the floor.

The SPEAKER pro tempore. The gentleman from Alabama must decide for himself whether he yields.

Mr. HEFLIN. If it does not take me off the floor I will yield to the gentleman.

Mr. VENABLE. Will the gentleman yield?

Mr. HEFLIN. I can not do it unless the Chair will say that it does not take me off my feet.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent to proceed for three minutes with the understanding that the gentleman from Alabama shall not lose his right to the floor. Is there objection?

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HEFLIN. Mr. Speaker, I hope the gentleman will let me proceed in my own way. His last speech, which is now the basis for this personal privilege matter, and which attacks me for replying to his other speech, was made during my absence. I was not here to answer the gentleman or to interrupt him. He was told by my good friend from Alabama [Mr. OLIVER] that I was down in North Carolina making a patriotic speech, and then it was that he said that I had a brave mouth, but cowardly legs, and I submit that I am here now, and my legs are standing by me pretty well. Now, I would like to proceed in my own way.

I was about to speak of the Age-Herald when my friend from Pennsylvania [Mr. MOORE] interrupted me. It published the speech of Mr. MASON, of Illinois, in full; a strange procedure, gentlemen. [Laughter.] I have not yet been able to quite understand just what part the Age-Herald has in this matter, and just who inspired the Age-Herald to do it, and I am still wondering just who in Alabama furnished the gentleman from Illinois [Mr. MASON] with the Age-Herald editorial that he read from in his attack upon me. A strange situation, gentlemen, a long-distance secretive connection between some sort of Democratic politics in Alabama and an Illinois Republican. [Laughter.] Is not that a strange combination, a curious thing? And I am not deceived about the matter. I shall probably have more to say about it at another time and place. I know what is back of it. But this speech that was sent down there said that the Republican membership ordered the clerk to send it prepaid. Why, I thought of a great many patriots on that side, like the gentleman from Illinois sitting in front here, Mr. MCKENZIE; Mr. FOSS, Mr. HAMILTON, and a great many others of you over there, and I said, "I do not see how gentlemen could——

Mr. MEEKER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will suspend a moment. The gentleman can not wander out of the limits and talk about anybody else, except what Mr. MASON says.

Mr. HEFLIN. I was just discussing the Age-Herald and——

The SPEAKER. The Chair understands; but the gentleman named certain Members of the House who are sitting in their seats quietly and not bothering him.

Mr. HEFLIN. That was complimentary, and if the gentleman from St. Louis wants me to stop that, then I will quit complimenting my good Republican friends. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To make the point of order, in all kindness and charity, that the gentleman from Alabama is not proceeding in order.

The SPEAKER. The Chair has just sustained the point of order made by the gentleman from Missouri.

Mr. MOORE of Pennsylvania. The point is broader than that. The gentleman is talking now, if he has any right to do so at all, on a matter of personal privilege, and he has made no reference to a personal privilege.

The SPEAKER. The gentleman will proceed in order.

Mr. HEFLIN. Mr Speaker——

Mr. MOORE of Pennsylvania. I make the point of order that he is not addressing himself to the question of personal privilege.

The SPEAKER. That point has just been settled.

Mr. MOORE of Pennsylvania. Affirmatively?

The SPEAKER. Affirmatively. The gentleman will proceed in order.

Mr. HEFLIN. The gentleman from Illinois [Mr. MASON] said in that speech, which was published in the Birmingham Age-Herald—I am still working on that—that I assailed and insulted him for the purpose of benefiting me politically. I disclaim any such intention as that. That was not my purpose, and in this connection I was just simply undertaking to state what the Age-Herald said about how it got the Mason speech. I am trying to show what motive was back of that part of it, aside from the part that the gentleman from Illinois has played.

The next statement was to the effect that the gentleman himself sent it, and said, "I made the following speech to-day," and his name was signed. Then comes the New York Evening Sun and says that Mr. BRITTEN, of Illinois, wired it and paid for it and that the Age-Herald used it, and wanted to pay him back the telegraph toll that he had paid. I am trying to make plain the connecting link in this transaction. It is this long-distance arrangement, extending from way down there somewhere in Alabama to way up in Illinois. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield? Is it not true that the gentleman from Alabama forwarded his speech, marked it "Collect," and that it was re-

turned, and that the gentleman paid for it? That is true, is it not?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. HEFLIN. I do. What was the gentleman's question?

Mr. MOORE of Pennsylvania. Is it not a fact that in some instance the gentleman from Alabama forwarded a speech to the same paper?

Mr. WALSH. Mr. Speaker, a point of order. The gentleman from Alabama has no right to yield the floor for an inquiry which is outside of the question of privilege that he is attempting to discuss.

The SPEAKER. That point of order is sustained.

Mr. HEFLIN. Now, Mr. Speaker, I hope the Chair will permit me to answer that.

The SPEAKER. The gentleman will suspend and give the Speaker a chance. The question that the gentleman from Pennsylvania asked would lead to another excursion into the realms of recent history. It is out of order.

Mr. HEFLIN. Now, Mr. Speaker, the gentleman asked me if I did not send a speech, myself, collect to the Age-Herald.

Mr. WALSH. Mr. Speaker——

The SPEAKER. The Chair has just ruled that the gentleman's answer and the question are both out of order.

Mr. HEFLIN. But the Age-Herald editorial, charging that I did, is in the RECORD, and I want to answer it. I did not send collect that speech, as the Age-Herald said that I did.

The SPEAKER. That is a sufficient answer to it.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is it not fair that the gentleman should have an opportunity to answer that question?

The SPEAKER. Why, no; it has nothing on earth to do with this.

Mr. POU. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. One of the charges that the gentleman from Illinois made against the gentleman from Alabama was that he sent a speech which the Age-Herald refused to accept.

The SPEAKER. The Chair understands that.

Mr. POU. Now, surely the gentleman has a right to reply to that.

The SPEAKER. Surely he has, and that is exactly what the Chair ruled.

Mr. HEFLIN. Now, Mr. Speaker, in that connection the gentleman from Illinois [Mr. MASON] read an editorial from the Age-Herald, saying that I had sent "collect" a speech in question. I did not do any such thing. I have paid for press dispatches from time to time, and my reason for it has been that I have not been able to get in touch with the representative of the Age-Herald on those occasions, and when I had something that I thought was of value to the people of Alabama, statements about the cotton situation and other things, I paid for them out of my own pocket, because I could not get in touch with the brilliant representative of the Age-Herald in this city. I have done that repeatedly. The Western Union Telegraph Co. made a statement, which the Age-Herald published, saying that Mr. HEFLIN has from time to time paid for these press dispatches regarding cotton and other things, and that Mr. HEFLIN paid for that other message carrying his speech, and did not send it collect. Now, whoever furnished the gentleman from Illinois [Mr. MASON] with the editorial attacking me, misrepresenting me, charging me falsely with having sent a speech collect, has also imposed upon him. The Age-Herald afterwards had another editorial acknowledging its fault, and apologizing for what it had done, for the wrong it had done me in its first editorial. Whoever furnished the gentleman from Illinois with that editorial ought to have been fair and honest enough to have given to him the other editorial and put me in right, instead of trying to put me in wrong before the country. [Applause.] Now, I am glad my friend from Pennsylvania [Mr. MOORE] asked that question. I can not understand the Age-Herald's position here in that first editorial attacking me. We have been on the friendliest of terms. They do say in my State that the paper is afraid I am going to oppose its friend for a high office in Alabama, and that it is seeking to discredit and belittle me in the efforts that I am making here to faithfully serve my country. I do not fear them on that score. I have no newspaper in Alabama, but I have got the ear of the people of Alabama, which is better than any newspaper. Now, gentlemen, just think about this thing of sending a whole speech into a State attacking a Member in this fashion. I never sent a speech to anybody's State to try to interfere with you in your districts or your States. I have never published any of my speeches criticizing these gentlemen in their districts or States. Why was I singled out in this particular instance, and how did the gentleman——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HEFLIN. Yes; I yield.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MOORE of Pennsylvania. Is it not true that the gentleman has said on this floor that he would carry the propaganda into the districts of Members of the House, and is it not a fact that he has gone into the districts of other Members and made speeches criticizing other Members?

Mr. HEFLIN. No; I have not.

Mr. MOORE of Pennsylvania. Has not the gentleman made speeches in Illinois?

Mr. HEFLIN. I do not believe that I ever made a speech in Illinois.

Mr. MOORE of Pennsylvania. The gentleman has never spoken in Chicago?

Mr. HEFLIN. No; I have been invited to a number of times, and I shall go there this fall. [Laughter and applause.]

The SPEAKER. This thing must not degenerate into a debate.

Mr. MOORE of Pennsylvania. I was simply making an inquiry.

The SPEAKER. The Chair knows, and under other conditions it would be all right.

Mr. MOORE of Pennsylvania. The gentleman has been into many States——

The SPEAKER. There is no occasion for the gentleman from Alabama giving his biography here to-day. [Laughter.]

Mr. HEFLIN. Now, Mr. Speaker, the gentleman from Illinois [Mr. MASON] attacks me and impugns my motives and said I was playing politics. I repeat that is not my motive. Here is what I replied to; here is what I was talking about. The gentleman in this solemn place made a speech, and in it he made the suggestion that no woman who had ever gone through a high school ever remembered before when boys were conscripted to go and fight to settle the title to real estate in Europe.

What is that statement? It is an indictment of my country's position. It misrepresents our position, if I understand our position. We are not fighting to settle the title to real estate in Europe. When this bloody-handed monster of the Old World reached out into the seas and tore down our flag, destroyed our commerce, and murdered our citizens we never thought of Alsace-Lorraine. When France marshaled her heroic army and made that brave stand at the battle of the Marne she never thought of Alsace-Lorraine, she thought of saving the life of the French Republic. [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, I make the point of order that the gentleman is not speaking in order.

The SPEAKER. Will the gentleman from Alabama suspend? The Chair will take care of him.

Mr. FERRIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. FERRIS. The gentleman from Illinois a few days ago, in the absence of the gentleman from Alabama, made a caustic attack on the gentleman from Alabama, and the gentleman from Alabama ought to have a few moments to make answer in his own way, and I ask unanimous consent that he have 20 minutes to do so.

Mr. SNYDER. I object.

Mr. MASON. I hope no objection will be made.

Mr. SAUNDERS of Virginia. Mr. Speaker, may I say a word on the question of personal privilege? I understand the limitations which surround a Member when he undertakes to speak to a question of personal privilege, but conceding those limitations, I maintain that a Member is not confined to a denial of the matter which has been alleged against him, and to which he objects. The rule is very much like the rule which prevails in a case of slander in the civil courts. When a man slanderously assails another, the latter is permitted to retort somewhat in kind, in defending himself aganst the attacks of his slanderer. The rule in such a case is as follows in my State: Every man has a right to defend his character against false aspersion, and it is a duty which he owes his family to do this. If I am attacked in a newspaper, I may write to that paper to rebut the charges and at the same time may retort upon my assailant, when such a retort is a necessary part of my defense, and fairly arises out of the charges which he has made against me. When a Member of this body is charged with having done certain things with an improper and unworthy intent, parliamentary law does not restrain him in his response

to this imputation, to a mere denial of the charge. He is permitted to give his version of his impelling motive, and to develop the facts which support his vindication, with appropriate illustrations, and within reasonable and parliamentary limits to counter upon his adversary.

The SPEAKER. The Chair agrees with the gentleman from Virginia in that respect, but we can not under a question of privilege go into a history of our differences with the German nation in this war. The remarks that the gentleman from Alabama was making were outside of the question of personal privilege.

Mr. HEFLIN. Now, Mr. Speaker, instead of proceeding on the idea that I spoke because inspired by a desire to play politics, I was taking to task statements made on this floor by the gentleman from Illinois, which statements to my mind constitute an indictment of my country's position in this war.

Another one of the statements that I was replying to and from purely a patriotic motive was that the gentleman from Illinois said, "Looking it square in the face and no dodging, the only thing that stands between us and honorable peace is the disposition of Alsace-Lorraine."

Am I to be accused of playing politics when I challenge that statement? Why should gentlemen wish to deny me the right to be heard when I brand that statement as one that does not represent the facts of our position? Patriotic duty inspired me to challenge that statement. I have a duty to perform here as well as the boys over yonder, and so help me God this House shall not become the forum and the CONGRESSIONAL RECORD the vehicle to carry German propaganda over our country. [Applause.]

Fighting about the disposition of Alsace and Lorraine? No. Then I am not trying to play politics, and I am in order in discussing this grave and serious accusation. Alsace-Lorraine! Fighting to see who shall control that little strip of territory in the old world.

Mr. SNYDER. Mr. Speaker, I object to this on the ground that we are not here to discuss the questions of the war. I have no objection, if it is correct under the rule, to the gentleman's saying anything he pleases about the gentleman from Illinois or about himself, but I do not think we are here to discuss the questions of the war, and I object on that ground.

The SPEAKER. The Chair is under the impression that the gentleman from Alabama took the remark of the gentleman from Illinois that we were fighting to settle real estate matters in Europe as in some way applying to himself. If so, he has a perfect right to answer.

Mr. HEFLIN. Certainly.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I do not want to dispute the rulings of the Chair, and will not, but the gentleman having made this particular reference to Alsace-Lorraine twice in exactly the same language, and the gentleman from Illinois having referred to it only once, I want to ask whether it shall be repeated now for the third time?

The SPEAKER. The Chair is not going to enter into any mathematical calculations.

Mr. HEFLIN. To show that my friend from Pennsylvania [Mr. MOORE] has not even read the speech of the gentleman from Illinois [Mr. MASON], I wish to remind him that he does refer to it twice. He states in one place that no woman who ever went through high school ever knew boys conscripted before to fight to settle title to real estate in Europe, and in another place he states that the only thing that stands between us and an honorable peace is the disposition of Alsace-Lorraine. My God! Such an indictment of my country! American boys fighting at the front while we are mobilizing our forces here to move against the bloody-handed monster of the world who seeks to destroy our liberty! I am surprised and utterly astounded that any man can be found in this House who will want to hamper me in denying for my country the truth of that suggestion. I can not understand it, gentlemen. Now, I hold this view, that if the gentleman does put this Government in a wrong attitude, and if I sit here in silence and permit it, I am a party to the offense of traducing my country and helping to spread a propaganda which is hurtful to my country. That is my position. Why should I not be permitted to reply to those things. I have not said anything about the gentleman from Illinois personally. I do not discuss things of a personal nature upon the floor of this House, and this is not the place to discuss them. I am discussing his public acts and utterances, and I can not understand why he permitted himself to be the vehicle to bring into this House an untruthful Age-Herald editorial which put me in a false light. They did me an injustice by not furnishing the other editorial, or he did me an injustice by not reading it.

I have got nearly 300 letters about the gentleman from Illinois, but I am not going to read them here. His difficulties at home can be settled by him and the people there, and things they say about him, let them say them and publish them there. I have a stack of newspaper clippings here, all this, about the gentleman from Illinois—papers from all over the country; but I am not going to read them to this House unless I have to. That is my position upon that phase of the question. I am taking him to task for what he said here, for what is in the RECORD. What else did he say in that speech? I am not after him trying to play politics. I am answering his speech. What did he say? Why, he has an insinuation in it that Japan has got an agreement with some foreign power to fight us at some future time.

Mr. SNYDER. Mr. Speaker, I rise to a point of order. I do not think the gentleman has any right to bring Japan into this controversy. He is covering the whole country, the whole war with his argument.

The SPEAKER. The Chair sustains that point, and the gentleman will proceed in order.

Mr. HEFLIN. Mr. Speaker, the Chair does not understand my statement, probably. I am replying to what Mr. MASON said, that Japan had an alliance with some foreign power to fight us at some future time.

The SPEAKER. Let the Chair ask the gentleman a question. When was it that the gentleman from Illinois said such things as that—in the speech that was delivered here a few days ago?

Mr. HEFLIN. No; in the speech that I replied to; and he said in reply to that speech of mine that I was playing politics.

The SPEAKER. When did he say the gentleman from Alabama was playing politics?

Mr. HEFLIN. In the speech that I am talking about now; the one made here April the 6th.

The SPEAKER. Did the gentleman from Illinois link the gentleman from Alabama up with the Japanese in any way?

Mr. HEFLIN. He charged that I was playing politics and trying to insult him. I was replying to his speech, and I am now saying what it was that I did reply to.

The SPEAKER. The gentleman will confine himself as closely as possible to the question of privilege.

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. No; I can not yield any more. I am sorry, but I have been interrupted so much that I want to finish in the next couple of hours, if I can. What I was going to say was that Japan is an ally of Great Britain, one of our allies, and she was here expressing a desire to aid us in any way that she could in this war, and I was objecting to any Member of the American Congress throwing cold water on Japan or upon her sincerity when she was expressing friendship for this Nation.

I do not think that any Member here should say a word or do a thing that will offend any nation friendly to us in this trying time. [Applause.] Now that is one of the things I replied to in the gentleman's speech, and he says I was playing politics, trying to insult him. That was not my purpose. Another thing that the gentleman said that I do not think should go unchallenged, and that was since the secret treaties have been published between our allies, they showed that England, France, and Russia were going to slice up Germany. What does that statement mean, gentlemen? That our allies are not fighting for their very existence, but are out on a plunder tour, seeking to "slice up Germany"; that is the language. Slice up Germany! This country fighting with allies who are not fighting for self-preservation and liberty, but fighting to gain German territory? We know that the Kaiser started this war; we know that he was the only power in the world prepared for war in 1914, and that he forced the allies to fight for their existence. Then, why should a Member here be permitted to say that since the secret treaties have been published the fact is disclosed that they had an agreement to slice up Germany? Gentlemen, as I said, I called at the State Department, and they knew nothing about any such treaty. The allies deny the existence of such a treaty, and the only evidence of such a treaty is the conjured-up stuff of hired agents of Germany. There is no such treaty, the allies say, yet a Member on this floor says that since the secret treaties have been published our English cousins, our French friends, and Russian allies are going to slice up Germany. Gentlemen, do you think that a statement like that should be permitted to go out

from this place? Do you believe that the fathers and mothers of our boys who are fighting and dying for us in France should have to read such stuff as that, that our brave allies are fighting to slice up Germany? These boys are fighting to save the life of this Nation from the dangers that threaten it. [Applause.] These boys are fighting for our liberty, and not for any secret agreement.

The allies are fighting because they were forced to fight. These are the charges and insinuations that I am answering. Does it look like I was trying to play cheap politics? The gentleman from Illinois spoke during my absence, but he did not answer a single one of these points, not one. In one place in that speech he did say, "For God's sake, let us quit fighting among ourselves and fight the Kaiser." Gentlemen, I rejoiced when I read that. I said I have got him going in the right direction now I have got him saying, "Let us fight the Kaiser." Now, you go and read that speech and see if you can find one line in it where he assails the German Kaiser, where he assails the brutality of the German Government, the Kaiser, and his brutal army; but there are a lot of flings in it at the allies and a lot of doubts and misgivings cast upon this Government's position in the war. In his last speech—the one made while I was gone—he said, "The Kaiser, that old devil." Well, he is still improving. I have got him calling the Kaiser an old devil. I believe he is coming through. [Laughter.] The gentleman from Illinois said, "Let us not fight among ourselves, but fight the Kaiser." Good; and the next time, "The Kaiser, that old devil," and that is still better. The next time I want to hear him say that that brutal, blood-thirsty monarch is the cause of all this trouble and destruction, but we are going to conquer him. That is what I want to see and hear.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. A point of order.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Alabama has come to a climax. [Laughter.] He has reached a point where he agrees with the gentleman from Illinois, and I want to ask, within the rules, if it is not sufficient for one day? [Laughter.]

Mr. HEFLIN. Mr. Speaker, I decline to be interrupted by the gentleman.

The SPEAKER. The Chair overrules the parliamentary inquiry.

Mr. HEFLIN. Now, Mr. Speaker, far from my desire or intention to assail the gentleman from Illinois for political purposes, I replied to his speech because I felt it my patriotic duty to do so. I replied to suggestions that he made in that speech. There will be no rioting among the people in the United States, he went on to say. Listen, gentlemen, they will not riot, he says, because they know that in the cool and quiet days of November they will be heard. What does he mean by that? Does he mean that this Government, through the Congress and through President Wilson, the greatest man in all the world [applause], has drawn this country into a war that the people do not indorse, and that the disposition to riot is there, but that they will not riot because they will vote their disapproval in November? According to my humble judgment there are but two meanings in that statement. One is that they are against their Government in the war and the other is that they will cowardly repudiate it in November, and yet I am arraigned through his speech in the Age-Herald of my State for some strange and mysterious reason for criticizing a speech which has in it these awful, ugly, and unfounded charges against my country.

That is the offense that I have committed. Am I to be ridiculed by a gentleman in or out of Congress because of the patriotic stand I have taken? I am willing to do and to suffer. While these boys are fighting over yonder, with people of my own blood in the Army, I am willing to suffer unwarranted criticism even by the hired agents of the German Government, and I am ready, if need be, to die for my country. That is where I stand.

On another occasion here the gentleman from Wisconsin [Mr. COOPER] saw fit to refer in a sneering way to a difficulty that I had on a street car some years ago while protecting a northern white woman from the brutality and insolence of a drunken negro. The gentleman from Wisconsin has lugged that incident into this place. I had finally to shoot the negro, and, in the difficulty, a white man was accidentally shot by me.

He was confined to the hospital for a month. I attended him, with trained nurses and some of the best physicians in the city, aided by my brother, Dr. Wyatt Heflin, of Birmingham. Caring for this man and nursing him back to health cost me nearly $2,000, but I have never regretted my act of protecting that white woman from the insults and insolence of that drunken negro. [Applause.] Am I to be ridiculed on the floor of the House years after by a Northern Republican for trying to do my duty to a woman of my own race on a street car in the city of Washington?

Mr. MASON. I did not mention that, Mr. Speaker.

Mr. HEFLIN. I know you did not. I wanted to yoke him in——

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. To make the point of order which I promised to make at the outset.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would it be in order to remind the belligerent gentleman from Alabama that I did not mention the fact that he had, in attempting to defend a white woman, shot a white man? I did not know before that that was his excuse for the shooting, and I never saw it printed. I made no reference to the subject at all, and as I recall the newspaper reports they were entirely different and his conduct was accounted for on vastly different grounds. [Applause on the Republican side.]

Mr. HEFLIN. Here is what the gentleman said. He said, "We remember the courage and gallantry of the gentleman as displayed a few years ago in this city," or words to that effect. That is what I am referring to.

Mr. COOPER of Wisconsin. I did not say that in those words. What I said was this, that the gentleman has a well-established reputation in this community for courage, we all know. That is right.

Mr. HEFLIN. That is the occasion that I am referring to.

The SPEAKER. The time of the gentleman has expired.

Mr. HEFLIN. Give me five minutes more.

Mr. MOORE of Pennsylvania. Mr. Speaker, I insist on the point of order.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes more.

Mr. HEFLIN. I can finish in five minutes. Mr. Speaker, I have been interrupted.

The SPEAKER. The Chair understands the gentleman was interrupted, but the Chair must take into consideration the rules of the House.

Mr. HEFLIN. I would like to have five minutes more. I was interrupted frequently, the Chair will recall.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that the gentleman have five minutes more. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I did not realize that I had occupied the floor for an hour. I regret that I am not going to be permitted to conclude my remarks. There are a great many things in this connection that I wanted to say and that I may have to say later on.

The gentleman from Illinois [Mr. MASON], in attacking me in various ways, said that I was not willing to go to war but wanted to sacrifice my sister's son. Mr. Speaker, that boy is in the uniform of his country. My only son is in a military school, a 17-year-old boy now in training for the service of his country. I volunteered my services to the President the next day after he issued the war proclamation, but he said that he needed me in this House worse than he needed me at the battle front. [Applause.]

Now, Mr. Speaker, the gentleman from Illinois speaks of me as walking down Pennsylvania Avenue and being surprised that the thing did not turn over and bow to me. Well, I never noticed where the gentleman walked. I am after him about what he says in this body. He also said here that I had manicured eyebrows, and I never heard of manicured eyebrows before. [Laughter.] He says I cast a glance at the ladies in the gallery. God bless them. [Laughter and applause.] These good women come here each day and sit in the gallery knitting for our soldiers and witnessing the passage of these mighty war measures. I submit to this House that these patriotic ladies are entitled to rest their gaze upon me as a measure of relief from some other objects that I know hereabout. [Laughter.] They are entitled to feast their eyes upon me and other patriots in this body rather than suffer the constant affliction of gazing upon this walking advertisement of nuxated iron. [Laughter and applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4292. An act to conserve the gold supply of the United States, to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign Governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

LIABILITY TO MILITARY SERVICE OF CERTAIN REGISTERED PERSONS.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized.

Mr. DENT. Mr. Speaker, I ask that the gentleman yield. I understand that the Senate has disagreed to the House amendment to Senate joint resolution No. 123 and asks for a conference. I will ask that the House agree to the conference and that the gentleman from Kentucky [Mr. FIELDS], the gentleman from California [Mr. KAHN], and myself be named as conferees.

Mr. CANNON. What is the resolution?

Mr. DENT. The resolution is in regard to the quota bill which we passed with an amendment several days ago. I ask unanimous consent that the House agree to the conference asked by the Senate on Senate joint resolution 123.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House agree to the conference asked by the Senate on Senate joint resolution 123. Is there objection?

Mr. SAUNDERS of Virginia. Reserving the right to object, I would like to know if the gentleman from Alabama will advise us, that before agreeing with the Senate on the question of credit for volunteers, he will give the House an opportunity to express itself on the same?

Mr. DENT. I will state to the gentleman from Virginia that I have been in favor of that proposition all along.

Mr. SAUNDERS of Virginia. I know that.

Mr. DENT. And expect to stand by it. I have no objection to stating that in view of the tremendous vote in favor of that proposition, before I agree I will bring it back to the House.

Mr. SAUNDERS of Virginia. That is entirely satisfactory.

Mr. MILLER of Minnesota. Mr. Speaker, we have not heard a word about the agreement just made.

Mr. DENT. I stated, in answer to the question of the gentleman from Virginia, that in view of the tremendous vote in favor of giving credit for volunteers, I would not agree to the Senate amendment with respect to that without bringing the matter back to the House.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, this is the only question of difference between the two Houses, is it not?

Mr. DENT. Yes.

Mr. MADDEN. It seems to me, then, that the gentleman is going into the conference without the prospect of being able to confer if such an agreement is made.

Mr. DENT. Well, I will state to the gentleman that there are two propositions involved in the differences between the two Houses—one amendment, but two propositions involved—one giving credit for enlistments in the Regular Army and in the National Guard and the other extending credit to enlistments in the Navy.

Mr. MADDEN. It seems to me, Mr. Speaker, that inasmuch as that is the only real question involved in the difference between the two Houses, if the conferees come together with the understanding that they will not confer there is no use in having a conference.

Mr. SAUNDERS of Virginia. Reserving the right to object, I would like to say, in response to the objection just made, that the action suggested by me, is precisely what was done a day or two ago with respect to the $2.50 per bushel wheat proposition when it went to conference. Further it is entirely competent for this body at this time to instruct its conferees not to agree to the action of the Senate striking out the House provision relating to credit for volunteers.

I do not however propose to move to instruct our conferees. It may be that the Senate will recede from its amendment—but in view of what the gentleman from Alabama has said concerning the tremendous vote in the House in favor of credit for volunteers, I have asked him if he would be willing, before coming to any final agreement or understanding with the Senate conferees to bring the matter back to the House. This he has stated that he will do. Hence I withdraw my objection to the request for unanimous consent.

Mr. DENT. At the request of Gen. Crowder the Senate has held up this conference, so that he could make an investigation as to the effect that this credit system would have upon the classification authorized by the bill. It will take only a short time for us to get those facts. If Gen. Crowder is correct in his statement that he made to me—I may be mistaken in the view that I entertain on the subject—but on account of the fact that this House voted—294 to 65, I believe—in favor of the credit system, I think I ought to bring those additional facts back to the House before agreeing to the Senate proposition.

Mr. WALSH. Does that apply to both the credit proposition in the Army and in the Navy?

Mr. DENT. Yes; certainly. He is investigating both.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent to have appointed a new conference on this resolution 123. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. DENT, Mr. FIELDS, and Mr. KAHN.

REPORT FROM COMMITTEE ON RULES.

Mr. FOSTER. Mr. Speaker, I present a privileged report (No. 508) from the Committee on Rules.

The SPEAKER. The gentleman from Illinois presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House resolution 319.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11259; that there shall be not exceeding two hours of general debate, the time to be controlled one-half by the gentleman from Illinois [Mr. FOSTER] and one-half by the gentleman from Pennsylvania [Mr. GARLAND]; that all debate shall be confined to the said bill, at the end of which time the bill shall be read for amendment under the five-minute rule, and at the conclusion of such reading the committee shall rise and report the bill to the House, together with the amendments, if any, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes; if the gentleman wants to offer a unanimous-consent request.

Mr. CARTER of Oklahoma. I want to ask unanimous consent, Mr. Speaker, to withdraw the conference report filed on the bill H. R. 8696, the Indian appropriation bill, in order that we may get back into conference. Our report has been filed and the Senate has rejected the report.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to withdraw the conference report heretofore filed on the Indian appropriation bill. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, Mr. Speaker, I would like to make an inquiry of the gentleman in charge of the bill. I understand that there was an item which caused the Senate to reject the conference report. I desire to inquire whether, upon this conference report being returned to the conferees, it is the intention of the conferees to take up any of the other items that have been in controversy and in conference?

Mr. CARTER of Oklahoma. Of course, if it is returned the gentleman understands it opens up every item in the bill.

Mr. MILLER of Minnesota. I desire to know if the conferees propose to take up any of these items with a view to a contrary decision?

Mr. CARTER of Oklahoma. I can not say what items we will go into, but there are some that ought to be gone into.

Mr. SHERLEY. Reserving the right to object, Mr. Speaker, with the gentleman's permission, I think a word should be said about the peculiar situation that confronts this House by virtue of the more than peculiar rule that the Senate has adopted touching conference reports and the action that that body has recently taken touching this report.

The Senate has adopted a rule which was intended to be in substance the rule long prevalent in this House, that a con-

ference report which undertook to bring into or leave out of the bill matters that were not in dispute between the two Houses would be subject to a point of order; but instead of stopping there, they proceed upon the assumption that only the Senate is a party to a conference, and that therefore it is for them to say how and when and where the conference will be dealt with. And they provide that upon a point of order being made the bill shall be immediately recommitted to the committee of conference. They have no more power to recommit it to the committee of conference by such a declaration than they have to pass it and make it a law by their own action without consulting this House. Of course, this House is not going to stand for any such usurpation of power on the part of the Senate. They have the right to make such rules as they see fit touching what their conferees may do. They have the right to reject conference reports; but when they reject them, it is the right of this House either to agree to a further conference or not, as it may see fit; and as this matter is going to be one that may come up in the future, it is well that the House should understand just what is involved in the position that has been taken by the Senate upon this bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARRETT of Tennessee. It ought to be stated that the particularly troublesome matter in that rule, the absolutely unworkable proposition in it, has been called to the attention of members of the committee of the other body that have to do with that rule.

Mr. SHERLEY. It is not only unworkable, but it is a piece of presumption that is unparalleled in the history of legislative bodies.

Mr. GARRETT of Tennessee. It would destroy legislation.

Mr. COOPER of Wisconsin. May I ask the gentleman from Kentucky a question?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. I did not understand that the new rule of the Senate was susceptible of the interpretation which the gentleman from Kentucky now gives it.

Mr. SHERLEY. Well, I will read the rule.

Mr. COOPER of Wisconsin. One moment. Let me state what my understanding of that rule was. I would like to have the gentleman from Kentucky see if this is or is not his understanding. My understanding of that rule is that when the point of order was raised in the Senate the Senate would recommit the bill to its own conferees, that then the House would be notified of that action of the Senate, and the House, in its discretion, could return the bill or agree to the conference.

Mr. SHERLEY. Well—but there are no conferees when the report is rejected. That ends the conference.

Mr. COOPER of Wisconsin. I understand that technical point, but the bill would be handed back to the men who had been the conferees of the Senate. Everybody understands that.

Mr. SHERLEY. But that is not what the rule says. The rule says:

> If new matter be inserted in the report, or if matter which was agreed to in both Houses is stricken from the bill, a point of order may be made against the report; and if the point of order is sustained the report shall be recommitted to the committee of conference.

Now, the very moment that a conference report is rejected there ceases to be a committee of conference. There are no longer either House or Senate conferees to whom the bill can be recommitted; and I repeat that it is one of the most remarkable performances by a legislative body that has ever come to my personal attention.

Now, the decision which they have made in this particular instance is also interesting because it has very far-reaching results. The Senate put an amendment upon the Indian appropriation bill in the nature of a proviso upon an appropriation, which provided that certain character of claims and leases other than oil and gas claims should be treated in a certain manner. The House disagreed to the Senate amendment, and it and other amendments went into conference. In conference the conferees of the House and the Senate agreed to the Senate amendment with an amendment striking out the words of limitation which excluded oil and gas leases, whereupon a point of order was made on the ground that as the Senate had limited its amendment to a certain character of leases that did not affect oil and gas the conferees could not make the limitation embrace such leases. Now, it has been the rule of this House for a great many years that even words of limitation could be stricken out of a paragraph without such a motion being subject to a point of order. Personally I have always thought that rule had only precedent to sanction it; that the logic of the case ought to make it as much out of order to enlarge the scope of a legislative provision by eliminating words as it would be by adding words, and that the true rule should be whether the effect of the amendment to strike out was to change the character of the matter pending. Evidently the Senate has taken that position upon this matter, and that is a matter clearly within their right and not for us to complain of. They have the right to reject a report for any reason that they see fit; but having rejected it, they have no right to insist that the House shall go to conference upon their terms. And in order that the House may not be limited in its judgment as to what it desires, I trust that the gentleman in charge of this bill may suggest that instead of going to conference on the whole bill we go to conference on the bill with an amendment to the Senate amendment, presenting squarely the proposition that they saw fit to throw out, not because I favor it, for I do not know anything about its merits, but in order that the Senate may understand that it takes two legislative bodies to go to conference and to pass laws in the Congress of the United States.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. WALSH. Will the gentleman state what would be the situation if the House should refuse to give unanimous consent to send this bill back to conference?

Mr. SHERLEY. I presume that if the Senate had sent the papers back—assuming that they have the papers—with the statement that they asked for a conference, then it would be in order either to take the papers from the Speaker's table or to send them to the committee for such action as the Committee on Indian Affairs might want to take.

Mr. WALSH. If that course were not followed, would we not in a way become associated in the folly which the Senate has perpetrated in adopting this rule?

Mr. SHERLEY. I do not understand that the gentleman from Oklahoma has asked for a conference. He simply has asked that the conference report that has been presented here be withdrawn.

Mr. CRAMTON. Will the gentleman yield?

Mr. CARTER of Oklahoma. Just a moment. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARTER of Oklahoma. When these papers are withdrawn, if we get unanimous consent to withdraw them, then what will be the parliamentary status of the conference? Will we be back in conference or not?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. How will the bill get back in conference under the circumstances which have been stated here?

The SPEAKER. By unanimous consent.

Mr. WALSH. Then I am going to object.

Mr. CRAMTON. If the gentleman from Kentucky will yield for a question——

Mr. SHERLEY. Certainly.

Mr. CRAMTON. In a case such as we have before us, where legislation of very great importance that has not been considered by either the House or the Senate is added to an appropriation bill in conference, and that additional matter, as it happens, is put in by the striking out of language, but, as a matter of fact, is in violation of the spirit of the House rule if not its letter—and I admit that the precedents are as the gentleman says—and under the Senate rules the action of the conferees is out of order, I want to ask the gentleman if he does not think in a case like that the House would be unwise to agitate itself unduly about the matter?

Mr. SHERLEY. The gentleman seems not to understand what the House is concerning itself with. It is not the action of the Senate in rejecting the conference report. I have no criticism of that. It is the assumption in their rule, and action under their rule, that when a conference report has a point of order made to it that it shall immediately go back to conference. Now, that means that they determine how long a conference shall continue. What the Senate ought to do is what the House does under similar circumstances. When a point of order is made to a conference report, and the point of order is sustained, the House then advises the Senate that the conference report having been presented, a point of order having been made against it, the point of order was sustained and the conference report was rejected because it was beyond the power of the House conferees to agree to it. The Senate should simply advise the House that a point of order having been made and sustained to the conference report, the conference report has been rejected by the Senate. Then the matter is as if there

had never been a conference. But they are not satisfied to do that. The people who drew the rule seemed to forget that anybody was concerned except the Senate. So they said that whenever a point of order was made against a conference report and sustained the bill shall immediately go back to conference.

Mr. WALSH. Mr. Speaker, I object.

Mr. MADDEN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Would not this report as it stands to-day ordinarily go to the Committee on Indian Affairs?

The SPEAKER. No.

Mr. MADDEN. The Senate struck out a part of the bill, and the question is whether or not the language they struck out ought not to be considered in Committee of the Whole House on the state of the Union.

The SPEAKER. Does the gentleman from Massachusetts adhere to his objection?

Mr. WALSH. I do.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, the report of the Committee on Rules which is presented provides for the consideration of the bill H. R. 11259, a bill to provide for the mineral war materials that the Government will need during this war. The rule provides for two hours of general debate, and after that that the bill shall be read under the five-minute rule.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MILLER of Minnesota. I would like to ask the gentleman if the general debate is to be confined to the subject of the bill.

Mr. FOSTER. The rule provides that it shall be confined to the bill because the time is short and the committee thought it should be confined to the subject matter of the bill.

Mr. SHERLEY. The gentleman from Illinois ought to give the House some reason for adopting the rule for the consideration of this bill.

Mr. FOSTER. I will say that there is an urgent reason why the bill should be adopted. The Shipping Board has taken over the ships carrying many of these articles to this country so that when they are taken off it will make all the more urgent the passage of this bill so that we may have an opportunity to secure sufficient war minerals. It is necessary in our own country that we should be as independent as possible in a time of war. Nobody knows what will be possible in the future in reference to importations, and so we believe that many of these minerals can be produced in our own country if proper attention is given to it. That is the reason for this bill. The men who have to do with the looking up of minerals came before our committee, men who have to do with minerals for war and industrial purposes, decided that the bill was one of urgent necessity. Some men who have these things in charge said that the bill should be passed now, not to-morrow or next day, but now, because it is imperative and the necessity was growing greater all the time. That is the reason that this rule has been presented.

Mr. WALSH. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. WALSH. When was the measure first introduced?

Mr. FOSTER. Some weeks ago, not as a bill at that time but as a committee print. It was taken up by the committee and afterwards introduced.

Mr. WALSH. I notice that the gentleman states that the purpose of the bill is to make us independent.

Mr. FOSTER. We hope it will as near as possible to do so.

Mr. WALSH. In administering this law, if it shall become a law, the gentleman does not think that it is going to make mining, the production of metals and minerals, any easier in this country?

Mr. FOSTER. No; it will not make it any easier, but it will enable an organization to go out through the country and look up the development of these minerals. There was an item in an appropriation bill to provide a certain amount of money to ascertain what the mineral resources of the country are.

Mr. WALSH. Would not the existing machinery, with a little increased appropriation, have full power and authority to do many of the things stipulated in the bill?

Mr. FOSTER. Those testifying before the committee did not think so.

Mr. McKENZIE rose.

Mr. MILLER of Minnesota. I would like to make an inquiry of the gentleman.

Mr. FOSTER. I will yield first to the gentleman from Illinois.

Mr. McKENZIE. Is it not true that the Bureau of Mines has all the crew and organization to get the mining resources of the country?

Mr. FOSTER. They have made an investigation in different parts of the country, but they have not an organization to go out and do what we are contemplating.

Mr. McKENZIE. Under this bill, would it be possible for the Government to operate mines?

Mr. FOSTER. It is not intended that the Government shall operate mines unless the mine is one that is not being operated or insufficiently operated. For instance, it is said that in one State there is a prospect for tin in a mine that has been in litigation for many years; nobody can operate it, and nobody knows whether there is sufficient tin there or not. In a case of that kind, if it became necessary, the Government could go in and do it.

Mr. MILLER of Minnesota. I notice in section 1 it is set out with great particularity the kinds of metals it is intended the Government shall endeavor to produce and conserve. I assume that the committee arrived at that list after a great deal of investigation and receiving the opinions of men who are competent to judge in matters of that kind.

Mr. FOSTER. The committee had the advice of men who are skilled.

Mr. MILLER of Minnesota. This is an extremely technical proposition. I understand that where there is a lot of iron in the country and capacity to make certain kinds of steel, it may be there is a shortage of certain hardening elements essential in the higher grades of steel. That applies not only to this country but to any other country. Has the committee been careful to make certain that this list contains all of the precious metals that might be necessary for purposes of the character indicated?

Mr. FOSTER. The committee has thought that this comprises all of them. There may be some that have been overlooked.

Mr. MILLER of Minnesota. The reason I mention that is that I have looked this over and read it many times and I can think of several that I think ought to be there, but I confess I am not an expert.

Mr. FOSTER. It may be that there were some that were overlooked.

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman a question. The bill carries an authorization for an expenditure of $50,000,000. Of course, it is put in there with the expectation that immediately following its passage the Committee on Appropriations will appropriate that sum.

Mr. FOSTER. The committee hopes so.

Mr. SHERLEY. So that what is really presented to the House is a proposition in substance to appropriate $50,000,000 for the development of the mining industry. I would like to ask the gentleman a question. We have just recently passed an act, unprecedented in the history of this country at least, with power to expend moneys in sums many times the amount carried in this bill for the financing of many kinds of corporations. What need is there that we should further burden the Treasury with direct appropriations in order to develop these mineral resources, even assuming that anybody can find any that ought to be developed that otherwise will not be developed?

Mr. FOSTER. The gentleman knows that often mining is a precarious business and an unusually hazardous undertaking.

Mr. SHERLEY. So precarious that Uncle Sam must foot the bill?

Mr. FOSTER. I am not ready to say that yet; but the gentleman will permit me to finish and say that there are many small mines throughout the United States—little miners who have not the capital—who can not go to the great corporations and secure financial help.

Mr. SHERLEY. Why can they not go to this Government corporation?

Mr. FOSTER. Because they will not loan to that kind of a mine; they are not developed.

Mr. SHERLEY. Why not? Is the gentleman authorized to say that Mr. McAdoo's corporation will not do business except with big folk?

Mr. FOSTER. Oh, no; I did not say that.

Mr. SHERLEY. That is the implication to be drawn from the gentleman's remark.

Mr. FOSTER. The gentleman knows that I have not said anything about that; but I said that the man who had a little mine, that might produce during the war and be a profitable mine, will not be profitable when the war closes. The gentleman knows that it would not be wise for a corporation to put money into that kind of a mine; they would not think it wise to do so, and yet the Government might get much material in that way.

Mr. SHERLEY. I would just as lief the Government should loan aid as that it should pay. It might get back part of its loan and it may not get back any of its payment.

Mr. FOSTER. Oh, yes; the Government will go out and buy this material for use by the Government. In the steel business last year they used 800,000 tons of manganese. Secretary Lane, in his testimony, said there is in sight in this country for this year 240,000 tons of manganese. We must develop manganese, if we are to make steel. I saw two gentlemen the other day who came into my office, going to New York to see this board of which the gentleman speaks. They were developing a tungsten mine, and they were going there to see if they could get financial help. They did not know whether they could get it or not, as they said mining was a peculiar business, as men who engage in it know, and so it might be difficult to get the money.

Mr. SHERLEY. The peculiar phase that I object to is that the committee insists on a direct appropriation out of the Treasury. This is not the only business that is hazardous. What the gentleman is asking is that this Congress shall now turn in and appropriate $50,000,000 for the purpose of developing various and sundry mineral prospects of various and sundry people.

Mr. FOSTER. Oh, no.

Mr. SHERLEY. That is what it gets down to.

Mr. FOSTER. The $50,000,000 is not for that purpose. It is this, that they may go and stabilize the price, so that a man is able to go out——

Mr. SHERLEY. What does the gentleman mean by that—to buy it?

Mr. FOSTER. I mean to fix their price for this product—get it developed in this country.

Mr. SHERLEY. But you have now absolute control of that without this legislation.

Mr. FOSTER. You can not make them go and develop it.

Mr. SHERLEY. No; you can not make them develop it, but you can fix the price, because the Government is almost the exclusive purchaser, and by virtue of its power to issue priority orders and in other ways it can make itself the exclusive purchaser of any mineral in the country.

Mr. FOSTER. We had men before the committee who had to do with these minerals who told us differently.

Mr. SHERLEY. They have not the power to fix directly the price, but they have the power to fix it indirectly, because they are practically the only buyers of most of the minerals the gentleman is proposing to develop.

Mr. FOSTER. Oh, no, they are not.

Mr. SHERLEY. Then, why are you developing them, if the Government does not need the minerals?

Mr. FOSTER. Because we have several industries.

Mr. SHERLEY. Yes; but the industries are being used on account of Government work and again we have control of the industries.

Mr. FOSTER. But we have to have chrome, manganese, and many of the other minerals.

Mr. SHERLEY. But we do not have to make this appropriation in order to get them. That is the gentleman's assumption.

Mr. FOSTER. The gentleman is wrong. We must have this appropriation if we are to secure these necessary minerals.

Mr. WALSH. Will the gentleman yield for a further question?

Mr. FOSTER. I will for a question.

Mr. WALSH. How was it that gentlemen who appeared before the committee happened to hit upon $50,000,000? Was that because the fashion now is to make appropriations——

Mr. FOSTER. I can not tell the gentleman. Of course, that is a matter that is fixed on, and I do not know whether $50,000,000 is an appropriate amount or not. It is impossible to tell just how much is necessary, but the committee believes this amount is not too much.

Mr. WALSH. Was it based on any estimate which was gone into?

Mr. FOSTER. There was no estimate made except the revolving fund which was necessary to be used, which was put at $50,000,000.

Mr. WALSH. Would not the object of this measure be accomplished if we passed an authorization and allow the financing of the project to be left to the War Finance Corporation, as suggested by the gentleman from Kentucky?

Mr. FOSTER. I do not think so.

Mr. WALSH. Why, if it is urgent for the Government? Does the gentleman think the War Finance Corporation will refuse assistance to individuals and corporations that are engaged in producing or manufacturing or transporting matters or materials that are essential in war industries?

Mr. FOSTER. Many of these mines are small mines——

Mr. WALSH. But they are owned by somebody.

Mr. FOSTER. Away from the railroads. Oh, yes; they are owned by somebody.

Mr. WALSH. And they may need assistance.

Mr. FOSTER. It is necessary to go to these people and show them how to develop them. They are not large mines, many of them, but small mines.

Mr. WALSH. Certainly.

Mr. FOSTER. Now, the Government or some organization has to go out and show them the way to develop those mines in order to get the minerals.

Mr. WALSH. I agree it is necessary to develop them, but why can not the development, as far as the financing of the proposition goes, be done under the funds furnished to this War Finance Corporation? Let us confer authority on the Secretary of the Interior; but as far as the finances go, let it go to the War Finance Corporation to make these loans.

Mr. FOSTER. There might be a little mine which might need aid and——

Mr. WALSH. But they can go and have it inspected and——

Mr. FOSTER. But they are not going to do that.

Mr. WALSH. Then the statement that was made here when we discussed the bill that it was to help the small operators was erroneous.

Mr. McKENZIE. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. McKENZIE. I would like to ask my colleague, in speaking of the small operators, has this legislation been asked for by the small mine operators of the country, or is it a governmental project in the sense that the representatives of the Government came before your committee and asked you to pass it?

Mr. FOSTER. The representatives of the Government came before our committee.

Mr. HAMLIN. And of the State governments?

Mr. FOSTER. And of the State governments. Every geologist in the United States, men who are connected with the War Mineral Board, the Secretary of the Interior—all of those men came before the committee urging this legislation be enacted.

Mr. McKENZIE. This bill is not the result, then, of a propaganda put out by men who are engaged in promoting——

Mr. FOSTER. Not at all.

Mr. McKENZIE (continuing). Mining enterprises and wanting to unload on the Government?

Mr. FOSTER. Not at all; it is not at all.

Mr. HAMLIN. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. HAMLIN. I think there is a wrong impression prevailing as to the purpose of the bill. This bill only affects certain scarce minerals, a very few compared with the whole class of minerals of this country. It only affects those, so our committee was told by experts who ought to know and I think do know, which are vitally necessary in the manufacturing of war materials, munitions, and so forth, and a very large percentage of the minerals affected by this bill are not produced except in negligible quantities in this country, hence must be imported. We need the ships now engaged in carrying these materials from Spain, from China, from Japan, and from other countries, and those ships ought to be released so as to be used for other purposes. Now, the geologists of this country tell us that we have an abundance of a great many of these minerals in this country, and we have, undoubtedly, if developed. Now the purpose of the $50,000,000 which is sought to be authorized in this bill is not that intimated by the gentleman from Kentucky, but this was an arbitrary amount put in the bill with the hope that it would be sufficient to enable the President to carry out the purposes of this bill.

One man testified before our committee to a pyrite mine that had been developed in a way. He had his prospect and had sunk his shaft and found his ore there. He is a farmer. He is not able to go on and develop his mine and take chances on the prices of his ore. His mine is several miles from a railroad. That man could not come to this board the gentleman from Kentucky [Mr. SHERLEY] talks about and borrow money in order to develop his mine, but under this bill, if it becomes a law, and the Government should say that pyrite for a certain period of time, like we have said about wheat, shall not fall below a certain price per ton for a period of, say, two years, that man can get money to go in there and develop that mine and produce pyrite in large quantity. And that is true as to all the minerals mentioned in this bill, except as to tin. We do not hope to find enough tin in the United States. But most of the minerals in this bill, geologists tell us, we can find in this country, and that they are here if we can develop them. And we are hoping that not one single penny of this $50,000,000 may be needed. If it is, it may become necessary to go and buy some of these minerals; but if we do, the bill provides that the Government can turn around and sell it to the steel manufacturers of this country and get the money back.

Mr. WALSH. It will have to be raised by taxation, will it not?

Mr. HAMLIN. To be sure; but when the Government sells these minerals to the manufacturers this money will come back to the Government.

Mr. McKENZIE. When you speak of stabilizing prices, do you mean under this legislation the Government will raise the price to a point where a man or a corporation is operating one of these mining plants on, perhaps, a low grade of ore, and it is difficult to get it out, that under the price which you term the stabilized price they will be enabled to operate that mine, whereas they would not be at the price now prevailing?

Mr. HAMLIN. I mean that under this the Government has the right to fix a guaranteed minimum price, but that may not be uniform throughout the United States. The Government will take into consideration the cost of producing the ore, say, in Georgia, in Alabama, or up in Michigan or Wisconsin, and its proximity to market. And all these things will be taken into consideration. But that guaranteed price will be such a price as will guarantee to the people that put their money into the development of these mines, into the installation of machinery, and so forth, such a price that they will know they are not going to be absolutely ruined by the price going down shortly after the machinery is installed, but will receive not less than a certain price for a stipulated time. And in that way we will encourage the production in our own country of these vital minerals.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. MILLER of Minnesota. The point raised by the gentleman from Kentucky [Mr. SHERLEY], it seems to me, has no direct bearing on the purpose of this bill, for this reason: The Finance Corporation is authorized to loan money on securities, advance money on going concerns, let money go to banks and to manufacturing institutions that are manufacturing shells, artillery, and this, that, and the other. They have got to have security. The purpose of this is not to loan money to enable people to go ahead conducting an already going concern. The Government is not in the loaning business under this bill, as I understand its purposes. In these war operations there are many metals vitally essential that hitherto have not been in a large measure mined in this country, and some not at all, but they do exist, and the Government is going into the business of taking charge of the situation to see to it that these minerals are produced and that they get to the men that need them. And there is no other agency to do it.

Now, if I can be permitted to give an illustration that I think is pertinent. The steamer *Cyclops* sank the other day. It is no improper statement to say that she carried manganese from South America, manganese that is vitally needed by this country. We know that ships from South America coming to this country have been cut off largely, except for a few vital things.

Mr. HAMLIN. And more ought to be shut off.

Mr. MILLER of Minnesota. And more will be. I know where there are millions of tons of manganese existing. It is always admixed with other things. It has not been commercially valuable particularly, but it is of vital necessity that we have manganese, and if the supply from South America is shut off the Government can very easily take steps to have these deposits produce the manganese that is vitally necessary.

And I am going to say this out loud. I hope it will have some bearing on the consideration of this proposition. I learned from the highest authorities in Great Britain, who were keeping their eyes constantly on the situation in Germany, that while Germany had all the iron she wanted and all the copper she could use, that she was suffering terrifically because she did not have certain hardening materials required to make refined steel out of iron. Her torpedoes no longer had the strength or the accuracy they once had, because nickel was about gone, and that while they could not starve Germany and could not destroy her by the very close blockade that has been carried on, Germany as a result thereof is suffering terrifically on account of the absence of many of these various metals that are named right in this list. I could duplicate many of them from the recollection I have of that statement. And from the time I learned of that until now it has seemed to me the highest necessity that this country, which heretofore has been bringing from foreign countries these elements so needed, that we turn at once to their production in this country.

Mr. SHERLEY. Will the gentleman yield to me for five minutes?

Mr. FOSTER. Yes; I yield to the gentleman for five minutes.

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, men may agree with most of what has been said by the gentleman from Illinois [Mr. FOSTER] and the gentleman from Minnesota [Mr. MILLER] without agreeing at all to what they propose. Nobody who is at all familiar with the war and the war needs questions the need of a great many of these, what might be termed, secondary minerals. Nobody questions the desirability of enlarging the extent of the mining by which they are produced, but it does not follow from those conclusions that you have to appropriate $50,000,000 out of the Treasury for that purpose. That is the point on which I take issue with the two gentlemen. This bill provides, first, that we shall undertake to fix a price for all these minerals and guarantee that price over a certain length of time and pay anybody any loss that he may suffer for the price being less than that sum during the period for which we make such a guaranty. And in order to make sure that we will be able to maintain that guaranty, it also provides that we may enter into any contracts with various miners and mining industries for the production of minerals at a fixed price, and if gentlemen will look at section 14 they will see that my statement is warranted by the bill.

Now, there is no use in deceiving ourselves. What is intended is this, that the moment this bill is passed the Committee on Appropriations shall be called upon to appropriate $50,000,000, and the department will come in and insist that they have that much money. Why, to show you how much they think they need, they provide that the $50,000,000 shall be a revolving fund, and they shall continue to expend it over and over again.

Now, I maintain that under the power that the Government now has every proper purpose sought to be effected by this bill can be effected without additional legislation. We have already reached the point in this country where new enterprises, except with Government permission, are impossible. We have reached the point where old enterprises will not be permitted to continue except by Government permission, and that is as it should be, because the Government need is greater than that of any individual. But by virtue of priority orders, by virtue of control over fuel, by virtue of control of transportation and control in other directions, the Government is in this hour and in every hour determining what businesses shall go on, what businesses shall extend, and what shall stop. It can absolutely determine the price of the basic things of this character, because it is practically the sole purchaser, and anybody else who is a purchaser of these minerals is a purchaser nearly always for the purpose of doing Government work, and in most instances the Government is buying for the credit of such concerns now and is furnishing them with raw materials and it is being charged on the price of finished articles made for the Government; and therefore there is no need, in my judgment, for this attempt more fully to develop these resources out of the Treasury, and there is great danger in it, because there is always an invitation and a temptation to expend moneys in ways that are not wise and where there is no satisfactory reason for the expenditure.

Let me say a word for the House to remember: The Committee on Appropriations has certain discretions and certain discretions it has not. It is expected to obey the mandate, and particularly the recent mandate of Congress, and it tries to do it, and the very men who at one moment vote an authorization and compel the committee to appropriate moneys the next moment condemn the committee and the Congress and the administration for the expenditure of money along lines which are not warranted. We have gotten into the habit that every time some gentleman, either in the Cabinet or in a department, out of an over enthusiasm touching his activities, considers that it is necessary to do something, to introduce a bill and carry $50,000,000 or $150,000,000 or $350,000,000, as the man happens to be writing at the time seems to think. There are enough wild, crazy proposals coming before the Committee on Appropriations, some of them recommended by high officials in the Government, to make one wonder whether we can manufacture printing presses fast enough to print the money, because that is the only way we can pay the bill. We can not pay it with real money. We will have to develop the gold and silver mining industry away beyond anything that this bill can do in order to get money to pay for every new socialistic scheme that is in the head of some head of a department in this Government, and I beg this House to pause before it is swept off its feet by agitators of every special interest in this country. Naturally mining people want it and naturally every gentleman from a mining State will want it. That is natural, but it is not necessarily wise. [Applause.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. FOSTER. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] is recognized for two minutes.

Mr. WALSH. Mr. Speaker, I am opposed to the adoption of this rule, and I am now opposed to the provisions of this measure in its present form. It does not necessarily follow that because a matter is called a "war measure" it is a war measure. But if it is a war measure, it does not necessarily follow that the Government shall go into this scheme on the scale outlined in this bill.

Now, we have seen what has occurred in price fixing as applied to wheat. We embarked upon that policy of guaranteeing a price, and we witnessed the divergence of views and the confusion that have resulted, as was stated here the other day.

Now, they are undertaking to encourage the production of a lot of minerals with, in many instances, unpronounceable names and some minerals and metals which we have never heard of before, and we are going to guarantee the price of those things, and by passing this legislation assume that the Government now is powerless to encourage or stimulate their production or to get sufficient supplies.

Now, I do not think that is the case. I do not believe that the intimations that have been made in the statement of the gentlemen who appeared before the committee are entirely sound. I think that if the Government desires to assist the manufacturers who need these metals, it has already the authority to stimulate their production and to encourage their being taken out of the ground. But I do not believe we ought to appropriate the sum of $50,000,000, as a revolving fund, to enter upon this line of activity. I do not know, but perhaps this may be the forerunner of bringing in a bill to stimulate and encourage the production of one other, and I assume now that there is probably only one other great commodity or great product which is necessary for the prosecution of the war that up to this time has been left untouched, and possibly when this measure is out of the way there will be a measure brought in here providing for a revolving fund of $50,000,000 or $500,000,000 to fix and guarantee the price of cotton. But as I said at the beginning, I believe that the results attained under the guaranteed price-fixing scheme is hardly such as to warrant us in continuing it by the passage of this measure.

Mr. FOSTER. Mr. Speaker, it may be true that gentlemen on the floor who possibly know but little about minerals and their uses may know more than those who direct their production and know what is necessary to be done to get them and how urgent it is now that the Government should be assured of a supply. I doubt they have all the wisdom.

The ships have been taken off and the imports have been reduced to 10 per cent of normal. It may be that they know better than the men who are looking after the imports, and it may be that existing legislation is sufficient, but I doubt it. Yet I expect they would be among the first to get up here and find fault that the department had exceeded its authority. Now, Mr. Speaker, I move the previous question.

Mr. SHERLEY. If the gentleman will yield, there is a difference between the Bureau of Mines having the power and the Government having the power.

Mr. FOSTER. Well, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. WALSH), there were—ayes 30, noes 15.

The SPEAKER. The rule is agreed to, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Virginia [Mr. SAUNDERS] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 11259, to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the terms of the rule the gentleman from Illinois [Mr. FOSTER] will control one hour of the time, and the gentleman from Pennsylvania [Mr. GARLAND] one hour.

Mr. FOSTER. Mr. Chairman, I shall take but little time to talk about this bill. The committee having had its attention called to these minerals and the scarcity of them, and what was likely to occur if we did not make some provision for the future, took up this bill, which was first written in the department under Secretary Lane and the war minerals committee. I was consulted quite a number of times in reference to it, and it was changed quite a good deal, and then, as stated in the report, the bill was introduced as a committee print and the hearings were had upon that bill. Then, at the close of the hearings, the chairman was authorized to introduce the bill and to report it favorably to the House. It bears the favorable report of the Committee on Mines and Mining, except that possibly one or two members may desire to offer amendments, which they are at liberty to do. As to the principle of the bill, the whole committee are in favor of it. I will say that we had before the committee Secretary Lane; Dr. George Otis Smith, Director of the Geological Survey; Mr. Baruch of the war minerals committee; Mr. Pope Yeatman, who is connected with the war minerals committee; Mr. Stoughton; and some mining engineers throughout the country and State geologists. They went pretty thoroughly into this bill and its provisions, having had something to do, of course, with its preparation, and Secretary Lane, Mr. Baruch, Mr. Pope Yeatman, and these men urged that this bill become a law at the earliest possible date.

Secretary Lane says that this condition is becoming critical and that something should be done to relieve it. We must have these minerals if we expect to carry on this war. As has been said, we get our manganese largely from Brazil. The consumption this year will be 800,000 tons, and we have in sight in this country now, with the estimated production of the year 1918, 240,000 tons. As everyone who has studied this question knows, we must have pyrites. We need now between 8,000,000 and 9,000,000 tons of sulphuric acid. We need the pyrites in order that we may continue to make our sulphuric acid. Manganese must be provided if we are to continue to make our shells. We must have graphite, arsenic, platinum, and a number of others. Yet the quantity in this country, so far as known, is very small of many of them.

Mr. JUUL. Mr. Chairman, I would like to ask the gentleman if, in mentioning these various minerals, he would briefly give us an idea of the uses to which they are put.

Mr. FOSTER. I did not want to take up the time to do that. I will be very glad to put it into the RECORD, so that the gentleman can see it. Now, I will take up pyrites.

Mr. JUUL. On page 2 of the bill you start with antimony.

Mr. FOSTER. I think the gentleman from Arkansas knows more about antimony, possibly, than some of the rest of us. These are the facts about pyrites:

PYRITES.

Name: (Synonyms: Pyrite, pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, sulphur balls.)

Principal uses: Nonmilitary—For the manufacture of sulphuric acid, the larger part of which in normal times is consumed in the fertilizer industry. Military—Manufacture of sulphuric acid for use in munitions plants.

Degree of independence: In 1917, production, 33; consumption, 100.

Need for Government control: To encourage development of domestic deposits of pyrite and of the substitute mineral pyrrhotite, particularly those near points of consumption. To effect an adjustment between pyrite and sulphur used in various plants so as to insure maximum economy.

Principal domestic sources: The principal producing deposits are located in Virginia, California, Georgia, New York, Alabama, Missouri; in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania, and in the zinc-lead district of Wisconsin. Large unworked deposits occur in all the Rocky Mountain States; in Maine, and in North Carolina and South Carolina. Minor pyrite deposits occur in practically all the States of the Union.

Now, take manganese. I suppose that most people know the use of manganese.

Mr. HELM. Can the gentleman give us the price of that mineral in different years and the present price?

Mr. FOSTER. The price of manganese in 1908 was $12.74 a ton; in 1917, $26.95 a ton; and it is now $58.80.

Mr. HELM. Is not that price a sufficient stimulus to production?

Mr. FOSTER. If men had the money to go into these little mines, but they have not; and we must do something to stabilize the price, because when the war is over these prices will immediately drop down, and for fear that the war may end suddenly, men will not put a lot of money into the production; but if they can be assured a reasonable price, sufficient to pay them a profit, then they are willing to put their money into it.

Mr. JUUL. In other words, the gentleman means to state that when the war is over and no further use is found for the production of war materials, then the price will drop.

Mr. FOSTER. Why certainly, the price will naturally go down when there is no use for the material.

Mr. JUUL. Would they not get the normal price that existed before?

Mr. FOSTER. They would, but they would not get the price that they get now, and they could not compete with the cheaper production abroad.

Mr. HELM. Can the gentleman give the committee an idea of the number of mines that have been started since the war?

Mr. FOSTER. I can not. Some have been closed since the war began.

Mr. PLATT. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. PLATT. I do not understand why the purpose of this bill could not be attained by the imposition of a high tariff.

Mr. FOSTER. How are you going to get the ships?

Mr. PLATT. After the war when the shipping would be plenty. You are trying to get the Government to guarantee the price after the war is over, so that the people will put their money into it. That is what the report says.

Mr. FOSTER. You can not get it in time if you had a tariff as high as the Dome of the Capitol.

Now, manganese it used to manufacture ferromanganese and dry batteries. Every ton of steel requires 14 to 15 pounds of manganese. Manganese steel contains 12 per cent of manganese and has some military application. The production in 1917 was 32 per cent out of 100 per cent.

This is a necessity for Government control to stimulate and develop the domestic supply and encourage the substitution of spiegeleisen in the production of manganese. The sources in this country are not large. It oftentimes appears in small pockets, but when you take it out of one pocket you are gone. This is the discouraging thing in regard to manganese.

Mr. JUUL. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. JUUL. Why is the sea salt included in the bill and what use will it be put to?

Mr. FOSTER. Sea salt is imported into this country and is used in New England for salting fish. They do not have salt in this country, especially on the Atlantic coast, that they can use for salting the fish. So they must get it across the water. On the Pacific coast I understand that they do use more native salt. I do not know whether I ought to go through all of this.

Mr. LONGWORTH. I think the gentleman would be safe in stating that about half of the materials are for the purpose of hardening steel and are absolutely necessary in the manufacture of engines, and so forth.

Mr. FOSTER. Yes; there is no question about it. Take, for instance, arsenic, which is in the bill. Mr. Hoover told us he found arsenic had gone up from 4 cents a pound to 18 cents a pound, and, as we all know, arsenic is a very essential insecticide. He said that he had no power, in his judgment, to control the price of arsenic, except to contend that it was necessary for the growing of crops, and he took charge of all the arsenic in the United States and fixed the price at 8 cents a pound instead of 18 cents a pound.

The production in this country is about 6,000 tons of arsenic, which is about 60 per cent of the normal consumption in the United States. So we are short 4,000 tons. We ought to have some means of securing this mineral, which comes largely from copper mines. So if properly located we could probably secure the extra 4,000 tons.

Mr. FESS. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FESS. Referring to manganese, we have not been producing much of that prior to 1914.

Mr. FOSTER. About 5,000 tons.

Mr. FESS. What is our capacity of consumption?

Mr. FOSTER. Secretary Lane says 120,000 tons last year, and we will probably double it, so that all we can see in 1918 is 240,000 tons when we require 800,000 tons. Before the war we produced 5,000 tons.

Mr. FESS. Dr. Smith states that at the present time we are mining more high-grade manganese, nearly twice as much in a single week as we did in a whole year in 1914.

I read from the hearings:

Mr. HAMLIN. How is the production of this metal as compared with our needs? Are we keeping pace with our needs?

Mr. SMITH. Last year we produced something like 23 per cent of our needs; we are doing much better than that now, but that seems to be a fair expression of the extent to which we are meeting our requirements.

The CHAIRMAN. So we are importing about 75 per cent?

Mr. SMITH. In one form or another. That was for 1917. I would not say what we are producing now.

Mr. WHITE. Of the high-grade ore we imported last year at least five-sixths, producing about 100,000 tons and importing about 750,000.

So it is the general opinion that under the aid which this bill will give we can produce our needs.

Mr. FOSTER. That is what we hope to do. I will say this to the gentleman from Ohio, that the manganese produced in this country is not of that high grade that is produced in Brazil. But here is the advantage the Government would have in securing the control of all that we do produce and import. If the Government had control of all the manganese imported from Brazil, which is of a high grade, it can be used in connection with that which is produced in this country, which metal men call a sort of sweetening, and in that way we could do very much better.

Mr. FESS. Where does our main supply come from, Brazil?

Mr. FOSTER. Yes.

Mr. FESS. But the lack of ships is the trouble.

Mr. FOSTER. Yes; and so in the lack of pyrites from Spain.

Mr. STEENERSON. What is pyrites worth?

Mr. FOSTER. Twenty-six dollars a ton now.

Mr. FESS. I am rather sensitive on the subject touched upon by the gentleman from Kentucky [Mr. SHERLEY]. I would not be inclined to support this bill unless I thought it was an emergency. But I am convinced by Dr. Smith, whom I regard as one of the best posted men in America, that this bill is really needed.

Mr. FOSTER. I will say that I do not know much about this myself; I am a good deal in the situation of the gentleman from Ohio.

But I take the men who have been skilled in this work for years, men like Dr. Smith; like Mr. Bastin, who is in the Geological Survey; Mr. White—men of that kind—men like Mr. Lieth, of the Shipping Board, and Dr. Manning, and the men who are associated with him.

Mr. FESS. What about the American engineers?

Mr. FOSTER. The American engineers did this. They had a meeting in New York in which there were 14 directors present. They took up the bill one afternoon and did not think much of it. They went home that night and discussed it at their hotels, and the next morning they came back and all of them voted for it except two.

Mr. FESS. That is very suggestive.

Mr. FOSTER. Further, the State geologists in the United States are for it. They have passed resolutions to that effect, as the gentleman will see in the hearings. We had Dr. Richards, from the Lehigh University, and probably some of you know him—a most excellent gentleman, a man who impresses you with being honest and straightforward and who knows his business—and he urged very strongly that this bill should become a law, and he made some valuable suggestions to the committee in respect to these intermediate metallurgical substances.

Mr. FESS. I have had some correspondence with the head of the geological work in Ohio, Dr. Bonacher, and he very strongly urges this. For these reasons I shall support the measure, although naturally I would hesitate to support a bill of this kind, but these men think that the times demand it.

Mr. FOSTER. The men who have to look after getting these war materials are the ones who are held responsible for securing the proper amount, and they say it is absolutely necessary that we should do something, that a crisis is likely to be upon us when we will not have these materials.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. TOWNER. Of course I think most of the Members of the House feel the same way as the gentleman from Ohio [Mr. FESS], but the revolving fund of $50,000,000 seems to be a very large amount. I would like to have the gentleman, if he will tell us, state just about why he thinks that such an amount is necessary, and before the gentleman does that let me suggest this: It is now within the power of the Government, or at least would be by the other terms of this bill, to guarantee to any institution or to any corporation that would undertake, for instance, the development of manganese or the production of sulphuric acid or arsenic or any other war necessity for a certain length of time a certain profitable price. That could be done without any expenditure on the part of the Government, because we make appropriations for the purchase of these things.

Mr. FOSTER. Yes. We must have the right if we control them. Take, for instance, imports. When the imports come into the United States, if it is necessary for the Government to control them, the Government must pay for them and then distribute them among the different manufacturers. We have to do that, I will say to the gentleman, and so it is if we go out and say to a man, "You get us so many tons of pyrites, and we will give you so much money for it if it is of a certain grade."

Mr. TOWNER. That is true; but let me suggest this to the gentleman. It may be that it is necessary to have this revolving fund, but it seems to me, in the first place, that perhaps it is altogether too large, and for this reason: Suppose it should be

necessary that we should make appropriation for the purchase of all of the imports that shall come, we can do that in the ordinary way. It is not necessary for us to create a great revolving fund of $50,000,000, which is a temptation, as the gentleman well knows, for Government experts and enthusiasts to go out and say they will do this, that, or the other to develop all of these things. If we can secure that by private enterprise by making it profitable to private enterprise without this, it seems to me we ought to do it.

Mr. FOSTER. This accomplishes that purpose. I think it does. I do not know what amount they will need, I will say very frankly to the gentleman.

Mr. TOWNER. I was going to ask whether the hearings throw any light on the amount of money that might be necessary.

Mr. FOSTER. I do not know. We had talked about this, but I do not know whether it is in the hearings.

Mr. LONDON. I understand that Mr. Baruch made a statement that it would be necessary to appropriate a great deal more than $50,000,000; that it was a mere guess; that it was impossible at this moment to tell how much money would be necessary.

Mr. TOWNER. Why, certainly. We would have to appropriate perhaps more than $50,000,000 for the purchase of these articles; but that is not the proposition. We do that by appropriations, and can do it in that way as needed. But here is a proposition to create a revolving fund of $50,000,000, which is to be put into the hands of Government officials to use practically as they desire. It occurs to me that that is a dangerous proposition unless it is necessary. If it is necessary, we will all be for it.

Mr. FOSTER. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 20 minutes.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONGWORTH. I observe that the gentleman has enumerated platinum in his list of metals. I agree with the gentleman that the platinum situation is one of the most serious of all, but I am afraid the gentleman has not the right solution of the platinum question.

The great reason for the lack of platinum for the purpose of making war materials is its demand for jewelry purposes, and it is the demand for jewelry purposes, largely on the part of the women of the country, that has made the price of platinum near ten times that of gold. The gentleman may recall I endeavored to remedy the situation in one of the recent revenue laws by putting a prohibitive tax on the use of platinum for the making of jewelry.

Mr. FOSTER. I remember that.

Mr. LONGWORTH. Unfortunately, we did not pass it through the House.

Mr. FOSTER. There is a provision in this bill that gives the Government the right to prohibit its use for that purpose. It is a general provision.

Mr. LONGWORTH. I did not see that.

Mr. STEENERSON. It does not cover platinum.

Mr. FOSTER. The gentleman is mistaken, I think.

Mr. LONGWORTH. That might solve the situation.

Mr. JUUL. Will the gentleman yield.

Mr. FOSTER. I will yield to my colleague.

Mr. JUUL. I am asking in all sincerity—I want to say to the gentleman that I feel very friendly to the bill, but I would like to know what I am voting for.

Mr. FOSTER. Go ahead.

Mr. JUUL. Would this bill give the Government or a branch of the Government of the United States the power to negotiate or fix the price for a limited or unlimited period of time outside of the United States?

Mr. FOSTER. No; it only applies to the United States and possessions. It specifically says it shall not apply except to the United States.

Mr. JUUL. I am obliged to the gentleman for answering that. I was getting to be nervous that you might go over and start something somewhere else outside of the confines of this country and agree to have a year or two to pay prices that the value of the merchandise would not warrant.

Mr. FOSTER. No; it does not permit that. I reserve the balance of my time.

Mr. LONGWORTH. What section of the bill covers the subject of platinum?

Mr. FOSTER. I do not recall at the moment.

Mr. GARLAND. Mr. Chairman, in the hearings on this bill we had a great many people who came before us, and from the discussion given there, and given very earnestly and with whatever proof we could ask them, they insisted this bill was necessary for the prosecution of the war. Every item in here takes its place in some manner in contributing to the success of the war. A vast number of these metals go into the make-up of steel and iron of different qualities and different kinds that are necessary, and not alone necessary for us to have in this country but that we must furnish some of those to our allies who can not secure the same, and that this is the place from which we can secure these metals that they may need, and the evidence shown there in that committee convinced us that it was just as necessary to pass a bill of this character to develop these industries as it is to develop steel ore from the Mesaba Range that goes into the steel to be used in the making of battleships.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. How did the committee come to arrive at the figures $50,000,000 with which to start this enterprise?

Mr. GARLAND. Well, they did not arrive at that particular amount except that after consideration they believed that it might take that much. They do not expect to use that much unless it is absolutely necessary.

Mr. MOORE of Pennsylvania. Well, the gentleman, I am happy to say, has a good voice as well as a pleasing personality generally, and he can be heard, which is something I could not say of preceding speakers on the bill. They may have had something very important to say, and I want to get these facts, and I know the gentleman is able to let us have them. Fifty million dollars seems to be the sum now with which every committee starts some new enterprise in this country.

Mr. GREEN of Iowa. Nothing less.

Mr. MOORE of Pennsylvania. And I was wondering whether this was simply a force of habit that induced the Committee on Mines and its distinguished chairman to ask for that amount of money—whether it is the stereotyped amount or whether there is some real reason for it?

Mr. GARLAND. Oh, no; I think it is just a guess, as being the amount that may be necessary. None may be used.

Mr. MOORE of Pennsylvania. Mr. Baruch was before the committee—the gentleman who now heads the World's War Board. Did he suggest $50,000,000?

Mr. GARLAND. He suggested $150,000,000.

Mr. MOORE of Pennsylvania. More than the committee agreed to?

Mr. GARLAND. One hundred and fifty million dollars was the total he suggested.

Mr. MOORE of Pennsylvania. Mr. Hoover, the world's expert on food, was before the committee. Did he suggest any amount that they should start with?

Mr. GARLAND. He said this amount would be sufficient.

Mr. MOORE of Pennsylvania. That $50,000,000 would be sufficient?

Mr. GARLAND. As I remember.

Mr. MOORE of Pennsylvania. Several members of several other boards we have recently created here for war purposes were before the committee, as I overheard the gentleman from Illinois say a while ago. Did they come to any agreement as to the amount suggested?

Mr. GARLAND. I think they agreed that $50,000,000 would be sufficient, but that it was necessary to provide that amount in order to guarantee a supply of the different metals.

Mr. MOORE of Pennsylvania. Mr. Leith, of the Shipping Board, was also before the committee. Did he have any suggestion as to the amount?

Mr. GARLAND. He seemed to agree to that too.

Mr. MOORE of Pennsylvania. That that same amount would be satisfactory to him? Of course, I do not want to embarrass my friend from Pennsylvania, because he has worked hard on this bill. He is a practical man and knows something about what taxpayers have to meet in the way of war expenditures, and I want to ask him whether in his judgment we might not cut down this amount and start on something a little more reasonable?

Mr. GARLAND. I am for the amount in the bill for the reason that it appears to be sufficient to start on properly, and we will not necessarily have to come back after we have begun to prosecute the work and that we could deliver these minerals in a manner that will insure enough for the carrying on of the war.

Mr. MOORE of Pennsylvania. It would not cover coal mines?

Mr. GARLAND. It does not. They stipulate here all the minerals that are intended to be covered.

Mr. MOORE of Pennsylvania. The articles are all enumerated. The report indicates, and I assume the report was written

by a very good Democrat, probably the chairman of the committee, that the purpose of the appropriation of $50,000,000 out of the Treasury is to stimulate home industries.

Mr. GARLAND. Undoubtedly.

Mr. MOORE of Pennsylvania. The gentleman from Pennsylvania is a pretty good tariff man, or was in prewar times, and I want to ask him whether he thinks it is altogether fair to the great Republican Party in these war times that the Democratic Party should come in here with a proposition to take money out of the Treasury of the United States rather than to have a protective tariff to stimulate home industries?

Mr. GARLAND. I will say this: That I recognize, and we all do at this time, that these infant industries were neglected at the time the tariffs were put on, and in a time of peace. There is no question about that. These industries were neglected. They were not protected, and as a consequence were not developed. Now, we have a war and we need these metals, and must have them, and the Government steps in and takes the place of the protection by paying for it out of the Treasury.

Mr. MOORE of Pennsylvania. Of the United States?

Mr. GARLAND. Yes, sir.

Mr. MOORE of Pennsylvania. And therefore the people pay for the stimulation of their own industries?

Mr. GARLAND. I see no other side to it but that.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. FESS. In the discussion of the Underwood bill in 1913 there was an effort to put a protective tariff upon ferromanganese in order to stimulate its production. It was very largely ridiculed out of court when the effort was made, and if the gentleman will recall, just a few moments ago, when I questioned the distinguished chairman of this committee, the Democratic Member from Illinois [Mr. FOSTER], as to whether he expected under this bill to produce sufficient manganese to satisfy the country, he felt sure that we would do it.

Mr. GARLAND. I was not here in that Congress.

Mr. FESS. Which was virtually a concession that had we stimulated it under the law of 1913 we would not be in this situation to-day.

Mr. GARLAND. I think it is only fair to say that I think we are warranted in attempting to do this, but that every one of these industries would have been developed if they had been properly safeguarded by a tariff, with the exception, possibly, of two.

Mr. MOORE of Pennsylvania. Does not the gentleman think that if we had adopted a ship-subsidy law a few years ago it might not have been necessary to create the Shipping Board during the duration of the war?

Mr. GARLAND. I unquestionably do.

Mr. MOORE of Pennsylvania. So that gentlemen are coming in under the cover of war now to protect themselves in times of peace.

Mr. SLOAN. The gentleman from Ohio brought up the Underwood tariff law. Does the gentleman think it is absolutely necessary to bring up painful recollections of that kind?

Mr. GARLAND. It is not painful to me; I had no part in it.

Mr. SLOAN. Except in recollection of the Underwood tariff. If the bitter cup must be taken, we must refer to it; but I thought the painful recollection of that distinguished piece of legislation would not be thrust upon the House.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. Certainly.

Mr. FESS. I think my friend from Nebraska will agree with me, in view of the shortsightedness of our Democratic friends in 1913, we will not stand in the way now of developing things by governmental agencies that we might have developed by individual initiative if they had been a little more farsighted and had listened to the Republican Members at that time. In other words, we will not throw a stumbling block in the way now.

Mr. GARLAND. That is pure Republican spirit.

Mr. JUUL. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. JUUL. Is there any clause in this bill anywhere that puts a limitation on the amount which may be used out of this $50,000,000 to pay employees? I find on page 3, line 6, that "Any person may be employed under the provisions of this act without reference to civil-service laws and regulations." Now, does the gentleman consider that a good clause in a bill of this kind?

Mr. GARLAND. I am not very much in favor of that clause, but still I am in favor of the bill as it is, although we may amend it in some places.

Mr. JUUL. Was there any necessity for incorporating that in the bill?

Mr. GARLAND. It was done in order that to get employees that understood the business we could take practical people. We might not be able to get them through the civil service.

Mr. JUUL. Could not they be examined with the object in view of examining them simply as to their qualifications as mineralogists?

Mr. GARLAND. Yes.

Mr. JUUL. Would not this practically open the door to the unlimited expenditure of money? I am not speaking in a spirit of criticism.

Mr. GARLAND. It is supposed to be necessary to employ such people as may be necessary to perform work of this kind. This is for the purpose of encouraging those industries and opening them up. In other words, it has come to a point where we must have these metals. We can not import them any longer, at least in any great quantity.

Mr. JUUL. But the gentleman does not indorse particularly those three lines—6, 7, and 8, on page 3—to which I have referred?

Mr. GARLAND. I will say that the bill is subject to amendment.

Mr. HUSTED. Will the gentleman yield?

Mr. GARLAND. I will.

Mr. HUSTED. I would like to ask the gentleman whether this bill authorizes any surveys for the purpose of locating deposits of minerals in the ground? Whether that is authorized under section 12 or any other section of the bill?

Mr. GARLAND. Wherever the Government finds there are unused grounds or mines not being operated, it has the right to go in and operate them. But the principal intention of this bill is to encourage those who have such mines or deposits on their lands to develop them. Now, for instance, as to the sulphur mentioned in here; in Pennsylvania and in other States where there is coal there is more or less of sulphur. In some places the coal is so full of sulphur it is necessary to wash it before they use it for coking purposes and purposes of that kind. If there was sufficient price for the sulphur it could be recovered, and we are in hopes that by putting up appliances it will bring the sulphur to places where it could be used.

Mr. HUSTED. The reason I asked the question was this, that I know in the State of New York we have a very efficient geologist, and have had one for the past 40 years, and surveys of the whole State have been made for the purpose of locating mineral deposits. I assume the same is true of the other States of the Union.

Mr. GARLAND. Nearly all of them.

Mr. HUSTED. It seems to me the trouble lies in this indefinite future expenditure in the attempt to locate minerals. Is that authority contained in the act?

Mr. GARLAND. Most of the States have geological departments, and the representatives of those departments have an association of their own. They were represented at the hearings, and all agreed to work in harmony and do all they could to help develop these particular minerals.

Mr. MOORE of Pennsylvania. Will my colleague from Pennsylvania yield for one question? Does the gentleman know whether the President indorses this bill?

Mr. GARLAND. I have understood through the Secretary of the Interior that he does.

Mr. MOORE of Pennsylvania. The chairman of the committee in his speech made no reference to the President having indorsed the measure. That would seem to be the rule, so far as the House is concerned, for determining the war necessity of a bill like this. It has been so before. May I ask the gentleman from Illinois [Mr. FOSTER], in the time of the gentleman from Pennsylvania, whether the President of the United States has given any indication of his approval of this bill?

Mr. FOSTER. I will say to the gentleman that the President has not written to me about this bill, but I say that the President is for it. This is a war measure.

Mr. MOORE of Pennsylvania. The gentleman quoted some witnesses who were before his committee, but it has come to be the practice of the House this war session, when a bill involving $50,000,000 comes before the House, to have a letter from the President indorsing it as a war measure.

Mr. FOSTER. I did not want to bring up that matter. I did not mention that at all.

Mr. MOORE of Pennsylvania. Surely there would be no objection to bringing before the House the matter of the President's indorsement of a $50,000,000 bill.

Mr. FOSTER. I do not know——

Mr. MOORE of Pennsylvania. Still trespassing on the time of the gentleman from Pennsylvania, I would like to know if the President is for this bill.

Mr. HAMLIN. It is so obviously necessary that it is not necessary for the President to instruct the gentleman from Pennsylvania.

Mr. SLOAN. Will the gentleman from Pennsylvania yield?

Mr. MOORE of Pennsylvania. I am trespassing on the time of the gentleman from Pennsylvania [Mr. GARLAND], who has been very generous so far.

Mr. GARLAND. I yield.

Mr. SLOAN. From the inquiries of the gentleman from Pennsylvania [Mr. MOORE], as I understand the matter, under the Constitution there is just one way for the President to give his legislative advice to the House of Representatives or the Senate, and he is an adept at that, either orally or in writing; and if the President is in favor of any of these propositions, I assume that he will send a message in the usual way, in his splendid method of expressing himself, or will come before the Congress and advise it.

Mr. FOSTER. The gentleman knows that the Congress has conferred great power upon the President, and we welcome his advice and his suggestions as to the war necessity of these measures.

Mr. SLOAN. I certainly would welcome it, and would welcome it in the constitutional way.

Mr. MOORE of Pennsylvania. I thought possibly the chairman of the committee, the gentleman from Illinois [Mr. FOSTER], would have some information on this subject, being the spokesman of his party and bringing in a bill that is supposed to be and is represented to be a war measure. I thank the gentleman from Pennsylvania [Mr. GARLAND] for yielding to me under these conditions.

Mr. HELM. If the gentleman from Pennsylvania will permit me, since the declaration of war there has been an enormous expansion of all characters and kinds of business relating to war preparation. New plants have been erected and plants existing before the war have been enlarged and multiplied. Nearly all of the plants demanding these metals that are enumerated in this bill are consuming them in far greater quantities than ever before, are they not?

Mr. GARLAND. I think they are.

Mr. HELM. Is there any testimony before the committee that any plant of any character or kind in the United States requiring any one of these metals as a constituent element in the manufacture of its products or output has been unable to secure sufficient quantities of raw material?

Mr. GARLAND. Yes; there has been. In the testimony it was shown that some of them were not able to get sufficient quantities of the different metals that they should have in order to turn out the full output of their establishments.

Mr. HELM. Will the gentleman kindly indicate what?

Mr. GARLAND. In addition to that, there has been an embargo on a great many of them, so that they can not be imported. For instance, take pyrites. We have plenty of pyrites in this country. We can get that substance almost anywhere in the country sufficient for all the needs of ourselves and our allies, but the price of it when shipped from Spain has been so low that it did not pay anybody to develop the mining of pyrites in this country. That industry now requires five ships to supply us.

Mr. HELM. Have we the raw material here?

Mr. GARLAND. Yes; but the mining of it has not been developed.

Mr. HELM. Are we getting it in sufficient quantities?

Mr. GARLAND. No; the price did not warrant people in going into that business. We are getting some.

Mr. GARNER. Could you not put an embargo on its importation?

Mr. GARLAND. There is an embargo. It comes from Spain. They are commandeering those ships, which they want to use in more necessary work.

Now, the purpose is to release these ships from that burden, allow them to take the boys and the supplies over there and develop these minerals right here where we have them.

Mr. HELM. What I am trying to get at is how is the volume of this business increased—the domestic production? Has it increased or not?

Mr. GARLAND. It has.

Mr. HELM. To what extent?

Mr. GARLAND. The production in this country is about 33 per cent of the consumption. In 1908 the production in long tons was 220,598. The price was $3.85. In 1917 the production was 462,662 tons, double the amount, and the price was $5.37 as against $3.85.

Mr. HELM. Has that tended to extend the production?

Mr. GARLAND. It has tended to increase the production and still we produce only 33 per cent at that.

Mr. HELM. Can the gentleman cite the committee to any other mineral?

Mr. GARLAND. Every article in here is in much the same situation. I can show you the evidence that was given. Take antimony. That is used with lead, 12½ per cent of antimony, for the purpose of making shrapnel bullets. Antimony sulphide is used in making bombs.

Mr. HELM. What I want to know is how far the supply is behind the demand.

Mr. GARLAND. The production is about 10 per cent of the consumption. The consumption is 100 per cent.

Mr. HELM. All consumption is on a basis of 100 per cent.

Mr. GARLAND. In some articles we get more than the amount used, but not sufficient to supply the allies.

Mr. HELM. Is this for home consumption, or are we undertaking to supply all of the belligerent countries with which we are associated in the war?

Mr. GARLAND. Only so far as the prosecution of the war goes.

Mr. HELM. How does it meet the demand in the United States?

Mr. GARLAND. As I say, we only produced in 1910 33 per cent.

Mr. HELM. You say that this supply is needed for the allies?

Mr. GARLAND. I say in regard to some of these metals we have produced nearly the amount that we use. I can not now recall which ones, but I believe there are only a few.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. FAIRFIELD. The evidence before the committee was that there are ample supplies of the various minerals in this country?

Mr. GARLAND. In nearly all instances, with the exception of two.

Mr. FAIRFIELD. Are the sources of these minerals known to the Government?

Mr. GARLAND. Yes; they have evidence of it in different States and different places.

Mr. FAIRFIELD. Then there is not much need of prospecting for the location of the minerals.

Mr. GARLAND. I would not say that the bill contemplates much prospecting. It is known to a more or less extent where the minerals are, but the appliances to get out the quantity required requires some capital, and if men will develop them the bill is for the purpose of warranting the people who do develop them that they will get their money back by the price received.

Mr. FAIRFIELD. In other words, it is a guarantee of a minimum price.

Mr. GARLAND. It is a guarantee to an infant industry.

Mr. HELM. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. HELM. Do I understand that if a company of men will associate themselves together and indicate that they have minerals of some kind, the Government will back the enterprise?

Mr. GARLAND. No; not back the enterprise, but encourage them and see to it that we will pay a price sufficient to warrant them in putting in the required machinery to develop the mine and get out the mineral. The Government must at all times be able to discover how much it costs. In fact, the bill contemplates that the employees in that work who have it improved may examine the books and know the amount of cost, and it is to warrant the holders of such properties in putting in their own money to develop that industry.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. MOORE of Pennsylvania. The Department of the Interior issues licenses to the owners of the mines or mining property with a view to having development take place.

Mr. GARLAND. This contemplates licenses.

Mr. MOORE of Pennsylvania. The Government does not take the property over, but licenses the owner of such company as might be formed, following the suggestion of my colleague from Kentucky, and then they get a Government guaranty on what is produced.

Mr. GARLAND. The license is for the purpose of enabling the Government, if they try profiteering and do not live up to the regulations of the Government, to take away the license and the parties shall not produce the article any longer.

Mr. MOORE of Pennsylvania. The Government has the power to destroy the market for it by boycotting it.

Mr. GARLAND. The Government reserves the right to say whether they shall continue if they do not play fair.

Mr. FESS. Will the gentleman yield?

Mr. GARLAND. Yes.

Mr. FESS. Is there anything in the bill that contemplates the development of any mine on property owned by the Government—the public land?

Mr. GARLAND. There is a provision for the Government taking over idle or unused mines.

Mr. HAMLIN. I think the gentleman misunderstands the inquiry of the gentleman from Ohio [Mr. FESS]. I think the gentleman's inquiry goes to mines on Government land.

Mr. FESS. Yes.

Mr. GARLAND. That is what I am speaking of. I was speaking of mines on Government land. Some individual claims the land; but in order to get his patent he has to go through certain mining work, and if he does not do that the Government can take it over. This enables the Government to take it and operate it.

Mr. FESS. Is there anything in the bill that authorizes the Government to develop its own mines?

Mr. HAMLIN. No.

Mr. GARLAND. No; that is not contemplated.

Mr. FESS. In other words, the bill contemplates simply buying the products of American miners out of American mines rather than going to Spain and elsewhere to buy it.

Mr. GARLAND. Yes. They can not longer get it from there. That is the trouble. We are forced to have this mineral, and this is a means of getting it, and we believe an effective means, and while we are doing that we are developing our own resources.

Mr. FESS. Buying it of our own people?

Mr. GARLAND. Yes.

Mr. FESS. And fixing a price that would justify our own people in going ahead and developing the mines.

Mr. GARLAND. That is exactly it, and enabling them to put in the machinery necessary.

Mr. FESS. We have been a little disturbed about the $50,000,000. That seems to be a large sum; but if it must be used for the purchase of these materials it is better to buy them of our own people rather than if the markets were open to go into other countries and spend the money there.

Mr. GARLAND. Unquestionably. It can be used; maybe none of it will be used, but it is to encourage the people to go into that business. I reserve the remainder of my time.

Mr. HAMLIN. Mr. Chairman, in the absence of the gentleman from Illinois [Mr. FOSTER], I shall yield myself some time. This bill is patterned very largely after what is known as the food-control bill. It is a character of legislation that under normal conditions and in normal times, I take it, none of us would favor. I would not, I am quite sure. Representatives of the Bureau of Mines, Geological Survey, together with a number of other people who are experts, mining engineers, and so forth, came before our committee and told us that the minerals mentioned in this bill are very scarce in this country, and yet vitally necessary in the manufacture of war materials, arms, and ammunition, and so forth, things that we must have and can not do without at this time.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. HAMLIN. In just a moment—and that as a matter of fact there were present in this country practically all of these minerals, if properly developed, but that a majority of them have so far been found in small quantities, not sufficient to supply the demand; but it was the opinion of geologists and others, before our committee, that if those owning the small mines could be encouraged to increase their production, then our domestic requirements might be supplied here at home. I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, has the gentleman information as to where the different minerals proposed to be legislated for can be located?

Mr. HAMLIN. Yes.

Mr. MADDEN. Just let me ask a series of questions, and the gentleman can answer them later.

Mr. HAMLIN. Very well.

Mr. MADDEN. And the development thus far had in the respective minerals, the quantities being produced of each class to-day, the quantity that is needed for the war needs of the country, and whether they can all be obtained in the United States through private operations, assisted by the Government, or whether the Government itself is going into the mining business?

Mr. HAMLIN. Not at all.

Mr. MADDEN. And whether the $50,000,000 is necessary or only part of it is necessary; whether $10,000,000 would not do just as well; whether, after we have proved the inadequacy of a $10,000,000 appropriation, we could not obtain more if we needed it?

Mr. HAMLIN. I am afraid the gentleman's question will be so long that I will not be able to remember it all.

Mr. MADDEN. I am asking a lot of questions. Those are things I think the Members of the House would like to know.

Mr. HAMLIN. I am going to try to answer every one of those questions, provided I have the time.

Mr. MADDEN. We would like to get a succinct statement of the reasons for the legislation, showing what we hope to accomplish by it in detail and not in the aggregate.

Mr. HAMLIN. Mr. Chairman, my time will be too limited, I am afraid, to answer all of the gentleman's questions; but, answering one of the questions, let us take the item of antimony, which is the first metal mentioned in the bill. We are producing now in this country only about 10 per cent of what we have to have. The military necessity for this metal is given in the brief as follows:

Is found in antimonial lead, which is about 10½ per cent antimony, used for shrapnel bullets; then we have need for antimony sulphide in certain smoke bombs and in shells and cartridges.

Mr. MADDEN. We are only producing about 10 per cent of our needs?

Mr. HAMLIN. In this country at this time; yes.

Mr. MADDEN. What can we produce, and how does the gentleman know we can produce more?

Mr. HAMLIN. That is, in a way, an unknown quantity; but down in the State of Arkansas there is a known antimony deposit. The Bureau of Mines has furnished us with this map, and the gentleman can get a pretty good idea of where the present deposits of ore mentioned in the bill have been located by the Geological Survey and the Bureau of Mines prospectors, and so forth. Now, in Arkansas there is an antimony deposit which has been producing and is producing now, as I understand it. The gentleman from Arkansas [Mr. WINGO], in whose district this deposit is located, can give more definite information about it.

Mr. MADDEN. Producing what?

Mr. HAMLIN. Antimony.

Mr. MADDEN. How much?

Mr. WINGO. It is not a question of an antimony mine, but there are vast antimony deposits there, and no one knows what they will produce until opened up fully.

Mr. MADDEN. What is it in, pockets? Do they have to drive a shaft?

Mr. WINGO. Yes; they have to drive a shaft.

Mr. MADDEN. Or a tunnel.

Mr. WINGO. They have to drive a shaft.

Mr. MADDEN. How deep from the surface is antimony found?

Mr. WINGO. I have been in one shaft at one time, and I think the deepest shaft had gone down about 200 feet, possibly.

Mr. MADDEN. What is the deposit, in a vein?

Mr. WINGO. It is not a vein at all.

Mr. MADDEN. It is in pockets?

Mr. WINGO. Yes.

Mr. MADDEN. So when you get one pocket it may be 10 feet square, and that ends it and you do not know what is coming after that?

Mr. HAMLIN. My time is limited, and I can not yield further. Antimony is not only found in Arkansas but in Nevada, California, Alaska, Washington, Oregon, and Idaho.

Mr. MADDEN. Did the gentleman say it was found in Nevada?

Mr. HAMLIN. Yes. It is found in Nevada, Washington, Oregon, Idaho, and Arkansas.

Now, take the case of arsenic. We produce 60 per cent, or did in 1917, of the amount we required.

Mr. MADDEN. Where do we get the other 40 per cent?

Mr. HAMLIN. We imported it.

Mr. MADDEN. Where from?

Mr. HAMLIN. I will look. I wish I had more time; I have got it all here.

Mr. MADDEN. I think it is important to get this into the RECORD and that we get this information from the gentleman.

Mr. WINGO. I will say to the gentleman that before the day is over I intend to put in the RECORD the statistical information covering each and every one of these essential supplies we are importing and the domestic production, so it can be used when we get under the five-minute debate in the consideration of the bill.

Mr. HAMLIN. I was going to do that same thing, but if the gentleman is prepared to do it I will be very glad to have him do so.

Mr. WINGO. I am prepared to do that.

Mr. HAMLIN. About 90 per cent of arsenic comes from Canada, where it is produced as a by-product in the smelting of silver ore at Cobalt, Ontario.

Mr. MADDEN. The gentleman stated a moment ago we produced 60 per cent. We only need 40 per cent more.

Mr. HAMLIN. That is the statement furnished by the Bureau of Mines, and no doubt what is meant is that 90 per cent of what is imported comes from Canada.

Mr. MADDEN. That is a friendly place and we can afford to continue that further.

Mr. HAMLIN. We could do that, but we may just as well produce it in this country and be self-sustaining. I would like to take time to endeavor to correct some false impressions which appear to prevail in regard to the purposes of this bill.

This bill simply seeks to give the Government a right to control, in so far as it can, the production and handling of certain scarce minerals and ores which are vitally necessary in the manufacture of war materials. I know that there is not a man here who is not more than willing to do everything necessary to back up our brave boys who have gone and who will go to the front to fight for the things for which we stand, and, if necessary, make the supreme sacrifice that the Stars and Stripes may continue to be emblematic of the freedom of mankind the world around. These brave boys must have arms and ammunition and other military equipments. It is up to us to provide them. These things can not be furnished without the use of the things mentioned in this bill. We can not get them from foreign countries without the use of ships. Ships can not be provided in sufficient numbers to properly transport our Army to France and to provide them with food and equipment. Especially is this true if some of the ships are to be used in the importation of material which may be produced in this country. This is a drastic measure, but these are drastic times and call for heroic remedies.

Now, what does this bill provide? Let us take a brief review of its provisions.

Section 1 enumerates certain scarce minerals and ores and by-products thereof, which the committee believes the Government, under present conditions, ought to control.

Section 2 provides that the President, through the Secretary of the Interior, may carry out the provisions of the bill.

Section 3 provides that no person who may be connected in any official or semiofficial way with the execution of this law shall profit by reason of any contract made with any concern with which he may have a business connection and which is in any way connected with the production or handling of the materials mentioned in this bill. And this provision is safeguarded by a severe penalty for violation of the same.

Section 4 prevents any person, company, firm, or corporation from committing waste, hoarding, or in any manner prevent a full, free, and equitable distribution of the materials mentioned in the first section of this bill.

Section 5 provides for the licensing, when deemed necessary, of persons, firms, companies, or corporations engaged in the production, storing, transporting, or otherwise handling any materials mentioned herein. The purpose for this provision is apparent. The Government must have some direct and effective way to enforce the provisions of this bill.

Section 6 is a definitive section.

Section 7 provides for a mode of procedure in case the provisions of section 6 shall be violated.

Section 8 provides for punishment of any person, firm, company, or corporation who shall attempt to enhance the value or restrict the output or in any other way improperly attempt to interfere with the Government control of the materials mentioned in the bill.

Section 9 prohibits the forming of conspiracies to do certain things contrary to the provisions of this bill.

Section 10 gives the President the right, under certain conditions, to requisition these necessaries, to store the same, and to pay certain compensation for private property taken or private rights invaded.

Section 11 gives the Secretary of the Interior, with the approval of the President, a right to use the funds provided or authorized in this bill, under certain limitations, to purchase, store, and sell the necessaries mentioned in section 1 of the bill.

Section 12 gives authority to the Government to requisition and take up certain undeveloped or insufficiently operated mines or idle mineral lands under certain conditions and limitations. The wisdom of this provision must be apparent to everyone who has a full appreciation of the critical situation that this Government may be put in as to these vital necessaries during the existence of this war.

Section 13 gives the Secretary of the Interior, with the approval of the President, a right to make such regulations as he may deem necessary to prevent an undue enhancement, depression, fluctuation in prices, speculations, and so forth, to the detriment or injury of the Government, and provides a right to organize the necessary machinery in the Department of the Interior to carry out the provisions of this bill.

Section 14 is perhaps the most important section in the bill. Among other things, it provides authority to the Secretary of the Interior, with the approval of the President, to fix, under certain conditions, both a minimum and maximum price for the materials mentioned in section 1 of the bill, and also gives him authority to purchase outright any materials mentioned herein, when in his judgment the interests of the Government may require him to do so. In order to protect the interest of the Government, he may adjust the tariff duties on the articles mentioned in the first section of this bill. In other words, I think this section will give the President authority to absolutely control the price of these minerals and also a right to protect the interest of the Government on any guaranties made, and to insure a proper and equitable distribution of these necessaries by resale, in such manner as he may deem best.

The other sections of the bill are largely administrative and provide a revolving fund to enable the President, through the Interior Department, to carry out and enforce the provisions and purposes of the bill.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. SCOTT of Michigan. Who prepared that map?

Mr. HAMLIN. This map was prepared down at the Bureau of Mines.

Mr. SCOTT of Michigan. In the discussion, will the gentleman go into the approximate percentage of the details of the production? You have bromine there——

Mr. HAMLIN. The gentleman from Arkansas [Mr. WINGO] has just stated that he will put in the RECORD of to-day all of that information, so that the gentlemen can read it in the RECORD to-morrow.

Mr. SCOTT of Michigan. Just a second——

Mr. HAMLIN. I will not have time to go into that.

Mr. SCOTT of Michigan. The purpose of this bill, I understand, was to stimulate production.

Mr. HAMLIN. Yes; and to prevent hoarding, profiteering, and secure proper distribution of these vital minerals and ores.

Mr. SCOTT of Michigan. Will the gentleman advise me whether or not a revolving fund of $10,000,000 instead of $50,000,000 will suffice as well as the amount fixed?

Mr. HAMLIN. It may. I am not in any way wedded to the idea of $50,000,000. There may be $50,000,000 or $100,000,000 required; I do not know. What we want to do is to furnish the President, or the Interior Department through the President, with a sufficient fund to carry out the purposes of this bill. I do not care, and I do not believe the committee cares, anything about what the specific sum is, so it is sufficient to do the work.

Mr. HUSTED. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. HUSTED. The gentleman has stated the Government does not intend to go into the mining business.

Mr. HAMLIN. It does not.

Mr. HUSTED. I would like to ask the gentleman what is the reason for the provision of section 12, which provides that the Government may requisition and take over for use or operation by the Government any undeveloped or insufficiently developed or operated or idle mineral land or deposits, and so forth?

Mr. HAMLIN. It is just one of those precautionary provisions put in to meet a condition or emergency which we do not believe will but may arise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I yield myself five minutes more.

TAKE UP THE SHIPPING SITUATION.

Now, then, what we are seeking to do is to be able to say to the people, who are putting their money into the development of these mines, we will guarantee that you shall receive not less than a certain price per pound or per ton, whatever the unit is, for the ore that you produce within a given period of time, and that price will be such as to insure a return of their invested capital. We recognize that these are extraordinary times; that the demands are extraordinary; and that a tariff would not be able to control the situation because too slow and

uncertain. These are extraordinary times, where an extraordinary amount of an extraordinary kind of material is needed, and extraordinary means must be adopted to meet the situation. Men in normal times can not afford to mine low-grade ore and compete with mines where the recovery may be large, but we need in this emergency the products of all kinds of mines producing the minerals mentioned in this bill. We need sulphur, and large quantities of it can be gotten out of coal, but it requires the installation of a certain kind of machinery and plant to do that.

In normal times the demand for sulphur would not be sufficient to warrant the expense of putting in these plants. Now, then, we need the sulphur, and so we say to the coal producers, "Put in your plant and produce or separate from the coal the sulphur that the manufacturers need, and we will guarantee for a certain period of time that your prices shall not fall below a certain price." In this way we hope to stimulate the production of these rare and scarce minerals, much of which are now being imported from foreign countries, and which we can not continue to import if we are to use the ships in other lines which are so vitally necessary at this time.

Mr. LONGWORTH. This bill refers not only to these rare minerals of which the gentleman has spoken, but also to "ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds."

Mr. HAMLIN. Yes.

Mr. LONGWORTH. Does not the gentleman think that the term "chemical compounds" is perhaps a little too broad? For instance, let me draw the attention of the gentleman to pyrites, which is the basis of sulphuric acid, and sulphuric acid is the basis of many thousands of acids, many of which have no relation to the war. With the general, broad term of "chemical compounds," do we propose to give the right to the Government to regulate the price of all of these?

Mr. HAMLIN. That was discussed in the committee. I confess that I do not possess the technical training along those lines to have an opinion of my own. The original bill did not contain the language to which the gentleman has just directed attention, but experts from the Bureau of Mines and the Geological Survey and others came before our committee and said that there would be some question, perhaps, whether certain of these vital by-products or compounds would be controlled if the language should be left as it is in the first draft of the bill, and they suggested the language which the gentleman from Ohio has just read, and it was put in the bill.

Now, then, speaking for myself, this thought occurred to me, and I think it will occur to the gentleman from Ohio: This bill, by terms, is only effective during the war. We are hoping that the period is not to be long. There would not be much time, we hope, for an abuse if that provision of the bill is too broad and advantage should be sought under it. There might be times when it would be necessary for the Government to have these broad privileges, and I for one would be in favor of including too broad language in the bill rather than making it too narrow and finding ourselves embarrassed.

Mr. LONGWORTH. I would not like to offer any obstacles to the production of these variously named metals, but when you use the term "chemical compounds," and when I happen to know vaguely that sulphuric acid is the basis of almost every acid that is made, and that we now give the right to regulate the price of every acid produced in this country, it seems to me that is much too broad, and I think the committee would have been wise if they had left the bill as it was originally.

Mr. TOWNER. Let me offer an explanation. I think the gentleman is not perhaps justified in his suspicion, because of this fact, and if you notice the language it says it includes only the following-named mineral substances. Now, that limits the consideration of this bill or the application of it to the list of articles commencing with antimony. Some of them, as the gentleman will see, are minerals and some of them are ores. So that general language does not include everything.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman, I do not make any pretension to any technical knowledge of these minerals or chemical propositions. For that very reason very early in the consideration of this bill I called on the department for a statistical statement that would give certain information; that is, give the name of each one of these ores, its principal uses for domestic as well as for military purposes, and then the extent of our dependence on them; that is, the domestic production as compared to the total consumption, and then the need for Government control as asked for by the department, and the principal domestic sources or foreign sources, and amount of imports. Now, I have had that furnished by the department, and I will ask at this time unanimous consent to insert that in the RECORD so that when we get under the five-minute rule gentlemen can very promptly turn to the RECORD and get this information.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to insert in the RECORD the data to which he has referred. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

ANTIMONY.

Principal ore mineral stibnite, a sulphide of antimony. Some oxides of antimony also mined.

Principal uses: Nonmilitary—Alloyed with lead and other metals for type metal, antifriction bearings for machinery, etc.; white antimony oxides for enameling bathtubs, etc.; also in glass making; red antimony sulphides for vulcanizing and coloring red rubber; also in paints. Military—Antimonial lead with about 12½ per cent antimony for shrapnel bullets; antimony sulphide in certain smoke bombs; antimony sulphide in primers of shells and cartridges.

Extent of independence: In 1917, production about 10; consumption, 100.

Need for Government control: Stimulation of domestic production will be necessary in event of curtailment or complete cutting off of over-seas imports.

Principal domestic sources (arranged in order of their 1916 production):

Nevada: Mainly Humboldt, Lander, and Elko Counties.
California: Mainly Kern and Inyo Counties.
Alaska: Fairbanks and Nome districts.
Washington: Mainly Okanogan County.
Oregon: Mainly from Baker County.
Idaho: Shoshone County.
Arkansas: Sevier County.

Domestic production: Antimony ore production negligible prior to 1915. No statistics.

	Short tons.
1915	5,000
1916	4,466
1917	Probably only 2,000 to 2,500

Average annual prices, antimony metal.

	Cents.
1908 (prewar)	8.7
1909 (prewar)	8.3
1910 (prewar)	8.2
1911 (prewar)	8.6
1912 (prewar)	8.5
1913 (prewar)	8.5
1914 (prewar)	8.7
1915	30
1916	25
1917	21

Imports, 1908–1917.

Year.	Antimony ore.	Antimony metal.
	Short tons.	*Short tons.*
1908 (prewar)	1,644	4,045
1909 (prewar)	1,725	4,779
1910 (prewar)	673	3,978
1911 (prewar)	820	4,243
1912 (prewar)	781	6,968
1913 (prewar)	2,010	6,240
1914 (prewar)	1,303	6,555
1915	3,001	8,742
1916	7,764	9,875
1917	10,370	17,825

Imports, 1917, by leading countries.

	Per cent.
Metallic antimony:	
China (in part via Japan)	87
Mexico	12
Canada and England	1
Total	100
Antimony ore:	
Bolivia (via Chile)	39
Mexico	22
China	28
Argentina	6
Others	5
Total	100

ARSENIC.

Main oxide of arsenic, also known as white arsenic and arsenious acid.

Principal uses: Uses entirely industrial, about two-thirds going into insecticides and "weed killers" and one-third into the manufacture of glass.

Degree of independence: 1917, production, 60; consumption, 100.

Need for governmental control: In absence of mineral administrator, Food Administration has had to control arsenic situation to maintain reasonable prices for a substance essential to crop growing. Production in hands of a few large companies. A careful consideration of further

needs is essential with a view to securing increased production as required.

Principal domestic sources: The arsenic produced in the United States is almost entirely a smelter by-product. The ores yielding the arsenic are widely distributed, but Butte, Mont., is probably the principal camp.

Domestic production and prices.

Year.	Quantity.	Value.
	Short tons.	*Per pound.*
1909	1,214	No figures.
1910	1,497	0.2½ to 3½
1911	3,132	.01½ to .02½
1912	3,141	.02½ to .03½
1913	2,513	No figures.
1914	4,670	2.9 to 3.6
1915	5,498	.02½ to 2½
1916	5,986	3½ to 8½
1917	6,151	.08 to .20

Imports: Arsenic and arsenic compounds—"Arsenious acid (white arsenic)," "sulphide of, or orpiment" (not including small amounts of Paris green and London purple).

Year:	Short tons.
1908	4,964
1909	4,036
1910	5,139
1911	4,096
1912	6,156
1913	4,701
1914	3,628
1915	3,183
1916	2,163
1917	3,956

Imports, 1917, by leading countries: Probably 90 per cent from Canada, where it is produced as by-product in smelting of silver ores of Cobalt, Ontario.

Exports, 1917: None.

BALL CLAY, OR WHITE-BURNING PLASTIC CLAY.

Principal uses: Pottery, including porcelain electrical supplies.

Need for Government control: To encourage development of domestic deposits and improve methods of mining and concentration. To allocate imports to industries in which they are most essential.

Principal domestic sources: Major—Florida, Kentucky, Tennessee. Minor—California, New Jersey.

Domestic production and prices.

Year.	Quantity.	Average price.
	Short tons.	*Per ton.*
1908	40,838	$3.28
1909	49,074	4.38
1910	70,637	3.64
1911	65,072	3.39
1912	64,939	3.50
1913	67,134	3.51
1914	67,927	3.77
1915	75,348	4.01
1916	89,761	4.36
1917 (estimated)	145,000	4.74

Imports: Imports of this type of clay not separately reported. Practically all comes from England. Imported ball clays superior to and more uniform than most domestic ball clays.

BISMUTH.

Principal uses: Industrial—For low-melting-point alloys in automatic-sprinkler systems, boiler safety plugs, etc.; also some bearing metals and type metals. Bismuth salts are used in medicine for intestinal disorders. Military—Bismuth salts in surgical dressings.

Need for Government control: The large use in surgical dressings makes it essential to provide in advance for adequate supplies. Large amounts now going to waste in smelter furnaces could be conserved.

Domestic production and prices: Bismuth is a by-product of lead and, to a small extent, of copper refining. Production statistics are not available. No unusual demand has developed during the war period, and the price has remained at about $3.50 per pound.

Metallic bismuth—Imports (for consumption), 1908–1917.

Year:	Pounds.
1908	164,793
1909	183,413
1910	198,174
1911	172,093
1912	182,840
1913	117,747
1914	90,505
1915	44,362
1916	76,723
1917	69,250

BROMINE.

Principal uses: Nonmilitary—Photography, medicine, and chemistry. Military—Asphyxiating gas and medicine.

Degree of independence: Undeveloped domestic supplies are adequate for all demands.

Need for Government control: Military needs far exceed present rate of production, and wells are now being drilled at Government expense to increase the output. The careful use of the existing supply and the stimulation of further production would be facilitated by a mineral administration.

Principal domestic sources: A by-product of the salt industry obtained from salt wells in Michigan, Ohio, and West Virginia.

Domestic production and prices.

Year.	Quantity.	Average price.
	Pounds.	*Per pound.*
1908 (prewar)	760,023	$0.10
1909 (prewar)	569,725	.10
1910 (prewar)	245,437	.13
1911 (prewar)	651,541	.17
1912 (prewar)	647,200	.22
1913 (prewar)	572,400	.20
1914 (prewar)	576,991	.35
1915	855,857	1.00
1916	728,520	1.34
1917	903,860	1.50 to 0.60

Imports: None.

Exports, 1917: None.

CERIUM AND THORIUM (ORE MINERAL, CHIEFLY MONAZITE).

The oxide of cerium or ceria constitutes about one-third of the mineral monazite. The oxide of thorium constitutes a variable but less quantity of the same mineral. The mineral monazite is mined for its thorium content chiefly. Cerium is obtained as a by-product in the extraction of thorium.

Principal uses: Cerium: Industrial—Incandescent gas mantles, constituent of spark-producing alloys for cigar lighters, etc. Military—Suggested uses—ignition of explosives; for military signaling. Thorium: Industrial—Incandescent gas mantles. Military—None known.

Degree of independence: Production, less than 1; consumption, 100.

Need for Government control: To encourage discovery and development of domestic deposits to insure control in case important military uses develop.

Principal domestic sources: Stream sands in North and South Carolina.

Domestic production of monazite sand.

	Quantity.	Approximate average value per short ton.
	Short tons.	
1908	211	$240
1909	271	240
1910	50	240
1911–1914	0	.....
1915	18	200
1916	19	200
1917	Very small.	200

Average annual prices: No data available for cerium.

Average price per pound of thorium nitrate.

1908	$4.70
1909	3.87
1910	3.10
1911	3.00
1912	3.00
1913	2.73
1914	2.98
1915	4.50
1916	6.25
1917 (about)	7.00

Imports (for consumption), 1908–1917.

Year.	Monazite sand.	Thorium, oxide, nitrate, and other salts, in part scrap mantles.
	Short tons.	*Short tons.*
1908	[1]	33
1909	35	73
1910	227	65
1911	353	61
1912	278	59
1913	409	66
1914	385	77
1915	937	34
1916	1,218	2½
1917	2,919	11

[1] Not reported.

Imports, 1917, classified by countries.

	Per cent.
Brazil (approximately)	50
India (approximately)	50

Exports, 1917: None.

CHALK, CLIFFSTONE, WHITING (CRUDE).

Principal uses: Used as filler in manufacture of rubber. Used in paint, and putty, and for polishing paper.

Degree of independence, 1917: Production, 8; consumption, 100.

Need for Government control: To aid in development of domestic substitutes, to restrict consumption of high-grade imported material to important uses, and to secure its just allocation.

Principal domestic sources: No true chalk is obtained in the United States. Limestones yielding substitutes for English whiting are quarried in Illinois, Michigan, Missouri, Iowa. Unproductive chalk deposits that are prospective sources of whiting: Arkansas, Alabama, Kansas, Mississippi, Nebraska, Texas.

Domestic production: Prior to 1916. No data.

Roughstone sold to manufacturers of whiting.

Year:	Short tons.
1916	4,700
1917	12,229

Prices.

Roughstone:		
1916—		
Illinois	per short ton	$0.60–$0.70
Michigan	do	3.00
1917—		
Illinois	do	0.70–0.80
Missouri	do	1.08–1.16
Iowa	do	1.25
Whiting:		
1916, Michigan	per short ton f. o. b. mills	$10
1917, Michigan	do	12.50

Imports, 1908–1917.

Year.	Manufactured.		Ground, precipitated, etc., value.
	Short tons.	Value.	
1908–1915 (not recorded)			
1916	149,171	$112,670	$32,714
1917	145,255	120,605	43,957

Imports, 1917, classified by countries.

	Per cent.
England	85
Denmark	7

Exports, 1917: (Manufacturers of), $165,281.

CHROMIUM.

Principal ore mineral is chromite.

Principal uses: Nonmilitary—Making ferrochrome used in chrome steel, especially for automobiles; making refractory brick for blast furnaces; making chemicals for paints, dyes, leather tanning. Military—Making ferrochrome for steel used in armor plates, armor-piercing projectiles, high-speed steel-cutting tools, aeroplane motors, etc.

Degree of independence: 1917 production, 37; consumption, 100.

Need for Government control: To increase domestic production to permit further reduction of imports from New Caledonia. This can only be done by encouraging the small miner, for most of the deposits are small. The production of ferrochrome is mainly in the hands of one concern which controls also the chromite imports. Government control is desirable to forestall profiteering.

Principal domestic sources: Prime importance—Sierra Nevada Range in California, Coast Range in California, Klamath Mountains of California and Oregon, Blue Mountains of Oregon. Secondary importance—Washington, Wyoming, Pennsylvania, Maryland, North Carolina.

Domestic production and prices.

Year.	Quantity.	Average annual price per long ton.
	Long tons.	
1908	359	$20.14
1909	598	13.88
1910	205	13.31
1911	120	13.58
1912	201	13.70
1913	255	11.19
1914	591	14.75
1915	3,281	11.20
1916	47,035	15.44
1917	42,682	25.49

Year:	*Imports, 1908–1917.*	Long tons.
1908		27,876
1909		39,624
1910		38,579
1911		37,540
1912		53,929
1913		65,180
1914		74,686
1915		76,455
1916		115,945
1917		72,063

Imports, 1917, classified by countries.

	Per cent.
Rhodesia	59
Canada	26
New Caledonia	14
Others	1

Exports, 1917: Not recorded, but very small.

COBALT.

Principal ore minerals, cobalite, smaltite, linnæite.

Principal uses: Industrial.—Alloyed with other metals to make "high-speed" tool steels and "stellite." Cobalt compounds are used in insect poisons and in coloring pottery and glass. Military.—Cobalt steels and stellite used in tools for cutting shells and other war steels.

Degree of independence: 1917, production, 0; consumption, 100.

Need for Government control: To aid development of domestic sources and to secure just allocation of imports according to Government needs.

Principal domestic sources (not productive 1917): Missouri—Fredericktown, Madison County. Idaho—Blackbird, Lemhi County; southeastern Utah and southwestern Colorado.

Domestic production: 1908–1917, negligible.

Prices: Average $2 per pound; at times rising to $4; present, $2.50.

Year:	*Imports, 1908–1917 (for consumption).*	Pounds.
1908		219,098
1909		12,132
1910		14,935
1911		602,454
1912		791,242
1913		309,396
1914		334,558
1915		208,047
1916 (includes also metallic cobalt; imports are solely from Canada)		343,504
1917 (includes also metallic cobalt; imports are solely from Canada)		500,199

CORUNDUM AND EMERY.

Principal uses: Industrial—Grinding, roughdressing, shaping, and polishing metal, particularly steel and glass. Military—Used as above in manufacture of a host of articles, munitions, and general military equipment.

Degree of independence: Production, 83; consumption, 100.

This degree of independence is more apparent than real, inasmuch as domestic emery of inferior grade was necessarily employed at cost of speed and efficiency to supplant foreign emery normally, but not now imported in large quantities.

Need for Government control: To direct and assist search for domestic supplies and assist in development of them and distribution of the product, and to secure just allocation of imported high-grade materials necessary to industries engaged in production of military equipment.

Principal domestic sources: Major—New York, Westchester County; North Carolina, Jackson and Macon Counties; Virginia, Pittsylvania County. Minor—Georgia, Rabun County (nonproductive); Montana, Gallatin County.

Domestic production and prices.

	Quantity (short tons)	Domestic corundum grains (cents per pound).	Domestic emery ore dollars per short ton (rough average).
1908	669	4.6	$13.00
1909	1,580	5.45	11.20
1910	1,028	5.51	15.00
1911	659	5.50	10.50
1912	992	6.10	6.65
1913	957	5.82	5.00
1914	485	6.59	5.00
1915	3,063	6.33	10.00
1916	15,282	7.92	8.00
1917	16,062	8.55	10.00

Year:	*Imports, 1908–1917 (for consumption).*	Short tons.
1908		9,922
1909		12,365
1910		33,537
1911		12,712
1912		19,486
1913		20,426
1914		15,349
1915		10,116
1916		9,385
1917		2,287

Imports, 1917, by countries of origin: British dependencies—India; South Africa, 90 per cent; Canada, 9 per cent.

Exports, 1917: Chiefly manufactures such as emery wheels and only value recorded, $4,881,600.

EMERY.

(See Corundum and Emery.)

FERROSILICON.

Alloy of iron and silicon.

Principal uses: To increase the liquidity in casting steel; to deoxidize steel; to make silicon pig iron or steel, which resist corrosive action of acids and are used in acid and chemical plants.

Degree of independence: 1917, production, 100; consumption, roughly, 100.

Need for Government control: Manufacture is dominated by a small group and competition is restricted.

Year:	*Domestic production.*	Long tons.
1916		166,308
1917 (estimated)		160,000

Year:	*Imports, 1911–1917 (for consumption).*	Long tons.
1911		6,658
1912		7,490
1913		7,208
1914		6,249
1915		5,128
1916		6,740
1917		9,740

Exports, 1917: Six thousand eight hundred and sixty-three long tons in last six months. Figures not available prior to July 1.

FLUORSPAR, OR FLUORITE, BUT OCCASIONALLY CALLED "SPAR."

The latter name is also applied to calcite, dolomite, and barite.

Principal uses: Used as flux in smelting of copper, lead, and iron; in manufacture of fluorides of iron and manganese for use in steel fluxing; in recovery of potash in Portland cement manufacture; in manufacture of fluorine chemicals; and in electrolytic refining of lead and antimony.

Degree of independence, 1917: Production, 94; consumption, 100.

Need for Government control: Two concerns control the bulk of the production. Control is necessary to insure reasonable prices and to stimulate domestic production so that imports may be further reduced.

Principal domestic sources: Major—Illinois, Hardin and Pope Counties; Kentucky, Crittenden and Livingston Counties. Minor—Colorado, Mineral and Boulder Counties; New Hampshire, Cheshire County; Arizona, Yuma County.

Domestic production and prices.

Year.	Short tons.	Price per short ton.
1908	38,785	$5.83
1909	50,742	5.80
1910	69,427	6.20
1911	87,048	7.02
1912	116,545	6.60
1913	115,580	6.37
1914	95,116	5.99
1915	136,941	5.58
1916	155,736	5.92
1917	[1] 195,000	([2])

[1] Estimated. [2] Returns incomplete. Prices range from $6 to $30 per ton.

Year: *Imports, 1908–1917 (for consumption).*	Short tons.
1908	------
1909	------
1910	42,488
1911	32,764
1912	26,176
1913	22,682
1914	10,205
1915	7,167
1916	12,323
1917	13,614

Exports, 1917: None.

FULLER'S EARTH.

Principal uses: Bleaching or filtering mineral and vegetable oils and animal fats and greases.

Degree of independence (on assumption of no exports): 1917, production, 82; consumption, 100.

Need for Government control: Search for and development of domestic deposits.

Principal domestic sources: Major—Florida and Georgia. Minor—California, Colorado, Arkansas, Massachusetts, South Carolina, South Dakota, and Texas.

Domestic production and price.

Year.	Quantity.	Average price per ton.
	Short tons.	
1908	29,714	$9.37
1909	34,486	9.01
1910	32,822	8.95
1911	40,697	9.41
1912	32,715	9.34
1913	38,594	9.58
1914	40,981	9.85
1915	47,901	10.21
1916	67,822	10.42
1917 (estimate)	75,000	10.80

Year: *Imports, 1908–1917.*	Short tons.
1908	12,166
1909	12,752
1910	16,857
1911	18,224
1912	19,109
1913	18,628
1914	24,977
1915	19,441
1916	16,801
1917	16,995

Imports, 1917, classified by countries: Probably all from England.

GRAPHITE.

Also known as plumbago, silver lead, black lead.

Principal uses (in order of importance): Nonmilitary—Crucible manufacture, brass, bronze, etc., and crucible steel, high-grade crystalline graphite required; foundry facings, used for coating molds in foundries; amorphous or low-grade crystalline; lubricants, fine graphite, amorphous or crystalline required; stove and shoe polish, low-grade material can be used; lead pencils, amorphous graphite chiefly used; paint, particularly for fireproof paint, low-grade material suitable; boiler-scale preventive, low-grade material suitable. Military—Crucibles for munitions manufacture; foundry facings for castings; lubricants, used mixed with oil or grease, for all kinds of machinery; protective polish for high explosives; paint, used in the slate-gray battleship color; also as an antifriction paint on ships' bottoms where high speed is essential; battery filler for flashlights, automobile batteries, etc.; graphite electrodes, made from artificial graphite also used in electric furnaces, particularly in high-grade steel manufacture.

Degree of independence: 1917, all grades, production, 25; consumption, 100; crucible grades, production, 11; consumption, 100; noncrucible grades, production, 44; consumption, 100.

Need for Government control: To foster development of domestic supplies, and particularly to aid and direct improved treatment of domestic ores, so as to increase yield of crucible grades; also to secure just allocation of necessary imports.

Principal domestic sources: Major—(a) Amorphous graphite is mined in Colorado, Michigan, Nevada, and Rhode Island; (b) crystalline graphite, Alabama, Clay, Coosa, and Chilton Counties; New York, Adirondacks; Pennsylvania, Chester County. Minor (crystalline graphite)—Montana, Dillon district; Texas, Llano and Burnet Counties; California, Los Angeles and San Diego Counties; Alaska, Seward Peninsula.

Domestic production.

Year.	Amorphous.	Crystalline.	Total.
	Short tons.	*Pounds.*	*Short tons.*
1908	1,443	2,288,000	2,587
1909	[1] 5,096	6,294,400	8,243
1910	1,407	5,390,592	4,202
1911	1,223	4,790,000	3,618
1912	673	3,543,771	2,445
1913	2,243	5,064,727	4,775
1914	1,725	5,220,539	4,335
1915	1,181	7,074,370	4,718
1916	2,022	10,931,989	8,088
1917	3,301	10,514,080	8,558

[1] Includes Georgia graphitic slate.

Prices (sales at mines).

	Amorphous graphite, (dollars per ton).	Crystalline graphite, average of all grades (in cents per pound).	Highest grade (in cents per pound).
1908	$52.22	5.8	------
1909	[1] 6.41	5.0	------
1910	28.22	5.3	------
1911	26.64	5.3	$0.05 to $0.07
1912	29.40	5.3	.06 to .07
1913	17.58	5.0	.06 to .08
1914	22.46	5.5	.06½ to .08
1915	10.46	5.9	.07 to .10
1916	7.97	8.4	.10 to .16
1917	12.57	10.2	.12 to .18

[1] Fluctuations of values due to varying amounts of low-grade material mined.

Year: *Imports, 1908–1917.*	Short tons.
1908	11,456
1909	21,267
1910	25,235
1911	20,702
1912	25,643
1913	28,879
1914	21,990
1915	23,075
1916	42,930
1917	42,577

Imports, 1917, by countries of origin.	Per cent.
Ceylon	57
Mexico	17
France (Madagascar)	10
Canada	8

Exports.

Unmanufactured (noncrucible grades) 2,576 short tons	$349,617
Manufactures of graphite	891,633

GRINDING PEBBLES.

Flints, flint pebbles, tube-mill pebbles.

Principal uses: Industrial—Grinding gold, copper, and other ores; cement clinker; quartz and feldspar for glass and porcelain. Military—Indirect only, in manufacture of cement and electrical insulating porcelain.

Degree of independence: 1917, production, 60; consumption, 100.

Need for Government control: To stimulate discovery and use of domestic substitutes and to secure just allocation of imported flint pebbles to those industries for which they are most essential.

Principal domestic sources: San Diego County, Cal.; Mahattan, Nev.

Prospective sources: Pike, Howard, and Sevier Counties, Ark.; Massachusetts and Maine coasts.

Domestic production (not flint, but substitutes therefor).

Year:	Long tons.
1908–1915	None or negligible.
1916 (estimated)	6,500
1917 (estimated)	18,925

Average price: $6 to $10 per ton f. o. b. loading points.

Imports, 1908–1917.

Year.	Quantity.	Value.
1908	Not stated	$219,754
1909	.....do	301,547
1910	.....do	307,286
1911	.....do	236,158
1912	.....do	289,901
1913	.....do	324,662
1914	.....do	432,691
1915	.....do	274,904
1916	.....do	313,120
1917	12,500–14,500 long tons (estimate)	195,977

Imports, 1917, by leading countries.	Per cent.
Denmark (approximately)	55
France (approximately)	40
Sweden (approximately)	5

Exports, 1917: No record; probably none.

IRIDIUM.

Obtained only from the refining of crude platinum. Average iridium content of crude platinum as follows: United States crude platinum, 25 per cent iridium; Russian, 5 per cent iridium; Colombian, 1.8 per cent iridium.

Principal uses: Nonmilitary—As a hardening element in the alloys called "platinum," used in jewelry and electrical industries. Military—Must be had for the contact points in magnetos for motor trucks and aeroplanes and magnetos for various types of signaling equipment used by both Army and Navy.

Degree of independence: The United States produces less than 5 per cent of the iridium needed.

Need for Government control: The necessity of providing adequate supplies for essential military purposes is itself an adequate reason for Government control.

Principal domestic sources (see under Platinum).

Domestic production and prices (see under Platinum).

Prices: No quotations. Has usually sold a few dollars an ounce above platinum, but in the latter part of 1917 reached a maximum of $185 an ounce, due to scarcity of supply.

KAOLIN OR CHINA CLAY.

Principal uses: Manufacture of pottery, including porcelain tile and electrical ware; filler in paper and some textiles.

Need for Government control: To encourage development of domestic deposits and to allocate imported kaolin to industries in which it is essential.

Principal domestic sources: Major—Delaware, Maryland, North Carolina. Minor—Alabama, California, Connecticut, Pennsylvania, Texas, Vermont, Virginia.

Domestic production and price.

Year.	Quantity.	Average price per ton.
	Short tons.	
1908	28,649	$7.55
1909	31,227	7.72
1910	34,221	7.48
1911	27,400	8.07
1912	25,852	8.54
1913	28,834	8.17
1914	24,191	8.33
1915	28,031	8.62
1916	47,723	6.43
1917 (estimate)	34,000	9.71

Year: *Imports 1908–1917 (entered for consumption).*	Short tons.
1908	176,895
1909	246,381
1910	257,902
1911	255,107
1912	278,276
1913	268,666
1914	328,038
1915	209,132
1916	226,524
1917	240,914

Imports, 1917, classified by countries: From England, 98 per cent.

MAGNESITE.

Principal uses: Refractory lining for steel and other furnaces, sanitary flooring in office buildings, hospitals, ship decks, and railroad cars.

Degree of independence: 1917, production, 90; consumption, 100.

Need for Government control: Encouraging its use as a substitute for chromite for refractory purposes. Insuring proper priority for shipments in relation to other commodities.

Principal domestic sources: California and Washington.

Domestic production and price (crude magnesite).[1]

Year.	Quantity.	Average price.
	Short tons.	
1908	6,587	$3.00
1909	9,465	4.00
1910	12,443	6.00
1911	9,375	8.00
1912	10,512	8.00
1913	9,632	8.00
1914	11,293	11.00
1915	30,499	9.00
1916	154,974	9.00
1917	310,000	7.50 to 8.00

[1] Equivalent to about half these quantities of calcined magnesite.

Imports, 1908–1917.

[Both calcined and crude, but all calculated as calcined (MgO) in the following table.]

Year:	Short tons.
1908 (approximate only)	74,100
1909	109,200
1910	161,300
1911	128,200
1912	133,800
1913	178,800
1914	127,500
1915	50,000
1916	23,700
1917	18,400

Imports, 1917, classified by countries: Mainly from Greece; in small part from Canada

Exports: None recorded.

MANGANESE.

A. Manganese ore, 40 per cent manganese.
B. Ferruginous manganese ore, 15–14 per cent manganese.
C. Manganiferous iron ore, 5–15 per cent manganese.
D. Manganiferous zinc residuum, 14–15 per cent manganese.

Principal uses: Industrial—Manganese is essential in the manufacture of steel, every ton of which requires 14 to 15 pounds of manganese.

A. Manganese ore is used in the manufacture of ferromanganese and dry batteries. Ferromanganese is used in the manufacture of steel by the open-hearth process.

B and C. Ferruginous manganese ore and manganiferous iron ore are used largely in the manufacture of spiegeleisen, and in part in the manufacture of ferromanganese and high manganese pig iron.

D. Manganiferous zinc residuum is used in the manufacture of spiegeleisen by the Bessemer process.

Military—Manganese steel containing 12 per cent or more of manganese has some military applications.

Degree of independence (calculated by reducing all classes of ore to equivalent amounts of 48 per cent ore): 1917, production, 32; consumption, 100.

Need for Government control—To secure just allocation of high-grade imported ores. To stimulate development of domestic supplies and to encourage the substitution of spiegeleisen for ferromanganese in the steel manufacture.

PRINCIPAL DOMESTIC SOURCES.

A. Manganese ore: Major—Montana, Philipsburg; Arkansas, Batesville; Arizona, Bisbee, Tombstone; Virginia, Bland, Rockingham, and Augusta Counties; Nevada, Lake County; Georgia, Bartow County; California, San Joaquin, Alameda, and Mendocino Counties. Minor—Virginia, Smyth, Giles, Campbell, and Warren Counties; Utah, Grand and Utah Counties; Tennessee, Bradley, Cocke, and Johnson Counties; Nevada, White Pine County; California, Riverside and Glenn Counties.

B. Ferruginous manganese ore: Major—Minnesota, Cuyuna Range; Colorado, Leadville District; New Mexico, Silver City; Michigan, Menominee Range. Minor—Georgia, Bartow County; Virginia, Augusta, Warren, and Smyth Counties; Montana, Butte and Philipsburg.

C. Manganiferous iron ore: Major—Minnesota, Cuyuna Range; Wisconsin, Gogebic Range; Nevada, Pioche District. Minor—Virginia, Wythe and Augusta Counties; Arizona, Tombstone.

D. Manganiferous zinc residium: New Jersey, Franklin District.

Domestic production and prices.[1]

Year.	A	Average price of A.[2]	B	C	D
	Long tons.		Long tons.	Long tons.	Long tons.
1908	6,144	$12.74	[3]55,894		110,225
1909	1,544	12.74	[3]68,651		141,264
1910	2,258	$12.25 to 12.74	[3]61,101		137,173
1911	1,957	12.25	28,947	15,990	109,293
1912	1,664	12.25	28,316	23,201	104,670
1913	4,048	12.25	71,703	15,474	102,239
1914	2,084	11.76 to 12.74	81,540	17,276	100,198
1915	8,708	12.74 to 22.05	70,202	126,438	159,318
1916	26,997	22.05 to 26.95	170,130	372,673	198,817
1917	113,734	26.95 to 58.80	423,967	512,461	155,332

[1] Prices for B, C, and D not recorded in the survey.
[2] 49 per cent ore.
[3] B and C not separated prior to 1911.

Year: *Imports, 1908–1917.*	Long tons.
1908	178,203
1909	212,765
1910	242,348
1911	176,852
1912	300,661
1913	345,108
1914	283,464
1915	320,778
1916	569,569
1917	629,365

Imports classified by countries, 1917.	Per cent.
Brazil	81
British India	8
Cuba	7

Exports, 1917: Approximately equivalent to 24,000 long tons 48 per cent ore.

MERCURY.

(Synonym, quicksilver.)

Principal uses: Nonmilitary—making drugs, chemicals, fulminate for blasting caps, red oxide for antifouling paint, barometers, thermometers, thermostats, gas governors, mercury vapor lamps, storage batteries, cosmetics, boiler compounds, thallic acid, and dental amalgam; by hatters and furriers in preparing raw material; and in the amalgamation of gold and silver ores. Military—making fulminate for detonating high explosives and fixed ammunition; drugs (calomel, corrosive sublimate, etc.) and dental amalgam for medical use; antifouling paint for ships' bottoms; and in storage batteries, barometers, etc.

Degree of independence: 1917, production, 120; consumption, 100.

Need for Government control: To prevent speculative attempts to corner domestic supplies, to distribute the metal to users in order of war importance, and to assure stability of prices, market, and necessary supplies. Improvement of metallurgical processes, especially reduction of losses in smelter fumes.

Principal domestic sources: Major—California, Lake, San Benito, San Luis Obispo, Santa Clara, Solano, Sonoma Counties; Texas, Brewster County. Minor—California, Fresno, Kern, Monterey, and Napa Counties; Nevada, Humboldt, Mineral, and Nye Counties; Oregon, Lane County.

Domestic production and prices.

Year.	Quantity (flasks of 75 pounds).	Average price per flask.
1908	19,752	$44.17
1909	21,075	45.45
1910	20,601	46.51
1911	21,255	46.01
1912	25,044	42.05
1913	20,213	40.23
1914	16,548	49.05
1915	21,033	85.80
1916	29,932	86.08
1917	36,351	106.12

Metallic mercury imports, 1908–1917 (for consumption).

Year:	Flasks of 75 pounds.
1908	201
1909	213
1910	9
1911	6,293
1912	1,103
1913	2,355
1914	8,198
1915	5,625
1916	5,655
1917	5,193

Imports, 1917, classified by countries: Not available, but mainly from Spain.

Exports, 1917: Eleven thousand two hundred and twenty-nine flasks.

MICA.

(Synonym—isinglass.) (Sheet mica only.)

Only sheet mica is of importance in the war situation.

Principal uses: Nonmilitary—Insulator for electric apparatus and glazing stove fronts and lamp chimneys. Military—Insulator for electric apparatus, such as condensers for radio equipment in Army and Navy; used on every aeroplane, commutators, magnetos, spark plugs, etc.

Degree of independence: Production, 38; consumption, 100.

Need for Government control: To direct and aid the development of domestic supplies and to secure just allocation of imports.

Principal domestic sources: Prime importance—New Hampshire, North Carolina, and South Dakota; secondary importance—Virginia, Idaho, Alabama, Georgia, and South Carolina. Sheet-mica deposits of unknown extent and value occur in Texas, Colorado, Wyoming, Utah, Nevada, California, and Washington.

Domestic production and prices.

Year.	Quantity.	Average value per pound.
	Short tons.	
1908	468	$0.24
1909	905	.13
1910	1,238	.11
1911	944	.17
1912	423	.33
1913	850	.21
1914	278	.50
1915	277	.68
1916	433	.61
1917 (estimated)	650	.67

Imports, 1908–1917.

Year.	Quantity.	Value.
	Short tons.	
1908	229	$266,058
1909	923	618,813
1910	981	725,823
1911	664	505,552
1912	1,166	755,584
1913	(1)	947,783
1914	(1)	629,484
1915	(1)	692,260
1916	(1)	1,071,353
1917	(2)	948,205

[1] Not recorded. [2] Estimated at about 900.

Imports, 1917, by leading countries.

	Per cent.
British India	60
Canada	36

Exports, 1917, manufactures of $74,485.

MOLYBDENUM.

Principal ore minerals, molybdenite and wulfenite.

Principal uses: The use in this country is small. About 15 to 20 tons of metal per year for making chemicals for the determination of phosphorous in steel, possibly 10 to 20 tons are used in steel and stellite making, but most of the molybdenum goes to Europe to be used as a substitute for part of the tungsten in high-speed tool steels. These uses have an important bearing upon the war because all apply to the steel trade. In France some molybdenum is used in making breech blocks for cannon.

Need for Government control: Molybdenum is a substitute for tungsten in steel for certain purposes. Though not now much used in the United States, it is exported for use by our allies and the industry in this country should be fostered. One ton of molybdenum replaces 2 tons of tungsten in steel manufacture.

Principal domestic sources: (a) Arizona, Helvetia, Haulapai Mountains, near Yucca, and Schultz, Colorado, Summit County. (b) Smaller deposits scattered through Western States.

Domestic production and prices.

Year	Short tons of metal in ore and concentrates.	Value.	Average price per pound.
1908–1913[1]			
1914	25	$25,000	$0.50
1915	91	114,886	.64
1916	100	150,000	.75
1917	175	350,000	1.00

[1] A few hundred pounds of ore produced from time to time. Price ranged from 30 cents to $3 a pound.

Import and export: The United States seems to be the world's largest producer and exports the largest part of the concentrates, metal, and ferromolybdenum produced.

Molybdenum and ferromolybdenum imports.

Year.	Quantity.	Value.
	Short tons.	
1908		
1909	3	$4,813
1910	1,012	14,402
1911	10	11,402
1912	4	4,670
1913	8	15,939
1914		50
1915		203
1916	(1)	
1917	(1)	

[1] None recorded.

OSMIUM.

[One of the minor constituents of crude platinum and osmiridium, and obtained only by refiners of crude platinum.]

Principal uses: None.

Need for Government control: No present need. Control of a commodity for which there is no market is innocuous, and it was thought desirable to include osmium in the bill, in view of the possibility that new and important uses for it would be discovered.

Domestic production: No definite information on production available, but probably constitutes about 0.1 per cent of the recovery of platinum. No market quotations on osmium, and at present there is no market for it.

PALLADIUM.

Obtained principally from refining copper and nickel, matte, and bullion; a small amount recovered from refining crude platinum.

Principal uses: Alloyed with gold for dental use, thereby releasing platinum for war uses; also as gold alloy to replace the platinum used by jewelers.

Degree of independence: The United States produces less than 50 per cent of its requirements, and this will be lowered to about 10 per cent when the nickel refineries now under construction in Canada are completed.

Need for Government control: Chiefly to see that palladium-gold alloys are used by jewelers and the dental industry instead of platinum and iridium.

Principal domestic sources: Copper matte and ores from the Rambler mine, Wyoming, and Boss mine in Nevada.

Domestic production and prices: (See under Platinum.)

Imports, 1917: Not accurately known, but small as compared with domestic production. Countries of origin not recorded.

PAPER CLAY.

Principal uses: Manufacture of tile and pottery; for filler and sizing in paper manufacture.

Need for Government control: To develop domestic deposits, to improve methods of mining and refining, and allocate imports to industries for which it is most essential.

Principal domestic sources: Major—Georgia, Pennsylvania, South Carolina. Minor—California, Washington.

Domestic production and price.

Year.	Quantity.	Average price per ton.
	Short tons.	
1908	64,510	$4.82
1909	81,586	4.71
1910	85,949	4.89
1911	99,265	4.58
1912	119,857	4.36
1913	128,377	4.49
1914	116,328	4.80
1915	113,033	4.77
1916	153,434	5.01
1917 (estimate)	163,000	5.53

Imports: Imports of this type of clays not separately reported. Nearly all comes from England. Greater part used for filling and coating paper for which it is claimed domestic clays can be substituted only to limited extent.

PLATINUM.

(Also palladium, iridium, and osmium.)

(So-called platinum of jewelers is an alloy containing 10 to 25 per cent iridium and 75 to 90 per cent platinum. Electrical platinum is an alloy containing 15 to 50 per cent iridium and 50 and 85 per cent platinum.)

Principal uses: Nonmilitary—Large quantities of platinum-iridium alloy required in electrical industry, particularly by telephone, telegraph, and electrical control systems manufacturers. Pure platinum needed by sulphuric-acid industry and in chemical laboratories. Military—Pure platinum refined from the crude is required by the Government in very large quantities for the expansion of the "contact process" sulphuric-acid industry, and for the new nitrogen fixation plants. It is needed in the chemical laboratories, as utensils, of all industries supplying war materials. Platinum-iridium alloys are needed for electrical equipment on aeroplanes, trucks, tractors, and many of the instruments used by the Signal Corps and Medical Corps.

Degree of independence: The United States produces less than 1 per cent of the amount it consumes.

Need for governmental control: The War Department has already found it necessary through the War Industries Board to control the refining, distribution, and use of platinum.

Principal domestic sources: California—Placers in Yuba, Butte, Stanislaus, Calaveras, Trinity, Siskiyou, and Humboldt Counties. Nevada—In Clark County there are copper mines, some of the ores of which carry platinum and palladium. Considerable platinum and palladium are also obtained by the electrolytic refiners of gold bullion, copper matte, and bullion, and nickel matte. Oregon—Placers in Josephine, Jackson, Coos, Curry, and Grant Counties; and Sumpter, Baker County. Wyoming—In Albany County.

Domestic production (troy ounces).

Year.	Crude platinum containing some iridium, osmium, and palladium.	Refined platinum metals: Includes domestic crude and foreign crude refined in United States and recoveries by copper, nickel, and gold refineries.			
		Platinum.	Iridium.	Palladium.	Osmiridium.[1]
1908	750	(2)	(2)	(2)	(2)
1909	672	[3] 638			
1910	390	[4] 5,573	(2)	(2)	(2)
1911	628	[4] 29,140	(2)	(2)	(2)
1912	721	38,029	(2)	(2)	(2)
1913	483	40,172	(2)	(2)	(2)
1914	570	3,430	64	2,635	195
1915	742	6,495	274	1,541	355
1916	750	24,518	370	2,885	315
1917	605	33,009	210	4,779	833

[1] Natural alloy of osmium and iridium.
[2] No information available.
[3] Includes only platinum from domestic crude.
[4] Probably includes iridium and palladium.

Avergge annual price of platinum per troy ounce.

1908	$21.27
1909	24.98
1910	32.70
1911	43.12
1912	45.55
1913	44.88
1914	45.06
1915	49.63
1916	83.40
1917	102.82

Year:	*Imports.* Troy ounces.
1908	50,844
1909	118,853
1910	118,280
1911	122,751
1912	104,806
1913	118,493
1914	72,032
1915	61,438
1916	53,522
1917	30,207

Imports, 1917, classified by countries: Ninety per cent of the crude platinum imported came from Colombia, South America. Normally Russia is an important source of supply.

Exports, 1917: None.

POTASSIUM.

Principal uses: Nonmilitary—Component of fertilizers in agriculture, manufacture of soap, certain kinds of glass, matches, etc. Military—Ingredient of certain explosives (black powder).

Degree of independence: Until 1915 the United States was almost wholly dependent upon Germany for its potash supply. The domestic production in 1917 was approximately 10 per cent of the normal prewar consumption.

Need for Government control: Government assistance is needed in prospecting for potash deposits, in improving methods of treatment, in fostering the development of new deposits, in developing substitutes, and in restricting consumption to essential uses. New methods and recovery of by-products material may make possible competition with German potash after the war. With Government encouragement a much greater development should take place along this line.

Principal domestic sources: Western Nebraska, alkali lakes; Searles Lake, San Bernardino County, Cal.; kelp beds of the Pacific coast, chiefly California; also Washington and Oregon; distilleries and other industrial wastes, California and elsewhere; Marysvale, Utah, alunite; by-product from cement kilns, several States.

Domestic production.

Year: [Calculated as K_2O.]	Short tons.
1908–1915, inclusive	Practically none.
1916	9,720
1917	26,372

Average annual price.

Year:		
1916 (about)	per short ton of K_2O	$425
1917 (about)	do	500

Imports, 1911–1917.

Year.	Quantity.	Value.
	Short tons.	
1911	1,145,663	$16,191,561
1912	1,077,271	14,875,704
1913	1,071,962	15,252,951
1914	783,720	12,141,563
1915	108,156	4,081,284
1916	11,877	2,374,894
1917	11,990	3,120,231

The normal prewar rate of importation was about 250,000 short tons annually reckoned as K_2O.

Exports, 1917: None.

PYRITES.

(Synonyms: Pyrite, pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, sulphur balls.)

Principal uses: Nonmilitary—For the manufacture of sulphuric acid, the larger part of which in normal times is consumed in the fertilizer industry. Military—Manufacture of sulphuric acid for use in munitions plants.

Degree of independence: 1917, production, 33; consumption, 100.

Need for Government control: To encourage development of domestic deposits of pyrite and of the substitute mineral pyrrhotite, particularly those near points of consumption. To effect an adjustment between pyrite and sulphur used in various plants so as to insure maximum economy.

Principal domestic sources: The principal producing deposits are located in Virginia, California, Georgia, New York, Alabama, Missouri; in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania; and in the zinc-lead district of Wisconsin. Large unworked deposits occur in all the Rocky Mountain States, in Maine, and in North Carolina and South Carolina. Minor pyrite deposits occur in practically all the States of the Union.

Domestic production and prices.

Year.	Long tons.	Price per ton.
1908	222,508	$3.85
1909	247,070	4.16
1910	238,154	4.03
1911	301,458	3.86
1912	350,928	3.80
1913	341,338	3.77
1914	336,662	3.82
1915	394,124	4.25
1916	423,556	4.64
1917	462,662	5.37

Imports, 1908–1917 (containing not more than 3.5 per cent copper).

Year:	Long tons.
1908	668,117
1909	688,843
1910	803,551
1911	1,006,310
1912	970,785
1913	850,592
1914	1,026,617
1915	964,634
1916	1,244,662
1917	967,340

Imports, 1917, classified by countries.	Per cent.
Spain	77
Canada	22

RADIUM.

Principal ore minerals: Carnotite, uvanite, pitchblende.

Principal uses: Luminous compounds for watch and chronometer faces, compasses, barographs, etc. Medicinal, chiefly as cure or palliative for morbid tissue growths, such as cancer.

Degree of independence: 1917, production, 100+; consumption, 100.

Need for Government control: The Interior Department has in the past operated a plant for the production of radium, and it may find it necessary to do so in the future. The scarcity of radium-bearing ores, the great difficulties in treatment, and the importance of radium in therapeutics make Government control desirable.

Principal domestic sources: Major—Colorado (Dolores, San Miguel, Montrose, and Mesa Counties); Utah (San Juan, Grand, and Emery Counties). Minor—Colorado (Routt, Rio Blanco, and Gilpin Counties); North Carolina; South Carolina.

Domestic production, 1908–1917: Not over 25 grams radium salts.

Price: $90 to $100 to $120 per milligram.

Imports, 1917: Value, $50.

SEA SALT.

Principal uses: The principal uses of sea salt are table and dairy, fish curing, meat packing, and refrigerating. California salt is used by the Pacific coast and Alaska fisheries.

Need fer Government control: To determine whether classes of salt readily obtainable in the United States can be substituted for imported sea salt in the fish-packing industries of the Atlantic coast, without endangering these important food supplies.

Principal domestic sources: California alone produces sea salt by evaporation of ocean water. The figures given are solar-evaporated salt made from sea water on San Francisco Bay, at Long Beach, and San Diego, and may include a very small amount of salt from California inland lakes.

The salt made by solar evaporation of the water of Great Salt Lake is not included here because of its high content of magnesium and calcium, which, it is believed, reduces the tissue permeability of the salt.

The Onondaga Coarse Salt Association, of Syracuse, N. Y., makes 25,000 to 30,000 tons of coarse salt annually by solar evaporation of natural brine, some of which is sold to Atlantic coast fisheries.

Domestic production and prices, 1908–1917.

Year.	Tons.	Average value per ton.
1908	122,354	$2.94
1909	120,748	4.52
1910	120,252	3.99
1911	148,794	3.66
1912	149,000	4.09
1913	147,032	5.07
1914	153,602	5.08
1915	145,649	4.73
1916	154,375	4.20
1917	194,249	4.60

Imports, 1908–1917, for consumption.

Year:	Pounds.
1908	299,039,757
1909	274,205,582
1910	284,179,200
1911	279,625,900
1912	309,530,500
1914	261,608,900
1915	244,652,700
1916	244,158,000
1917	131,680,000

Of the 1917 imports, about 70 per cent was sea salt.

Sea salt imports, 1917, classified by countries.

	Per cent.
West Indies (approximately)	87
Spain (approximately)	8
Portugal (approximately)	4

SULPHUR.

(Synonym: Brimstone.)

Principal uses: Under ordinary conditions about 150,000 tons of sulphur are used in the manufacture of paper, about 40,000 tons for agricultural activities, in addition to the use of sulphur for sulphuric acid, and a small amount for the manufacture of sulphuric acid for fertilizers. With the shortage of pyrite, larger amounts of sulphur are being used for the manufacture of sulphuric acid, both for agricultural and munitions purposes, so that in 1917, 463,364 long tons were used for this purpose. There is no information at hand as to the amount used for strictly military purposes; also used extensively in other chemical industries, particularly the vulcanizing of rubber.

Degree of independence: 1917, production, 105; consumption, 100.

Need for Government control: The munitions program of the Government calls for a quantity of sulphuric acid far in excess of our normal requirements. In order to meet the deficit of raw materials we have turned to sulphur and we must continue to depend upon it to a great extent. It is anticipated that the demand for acid will continue to expand and a large part of the added increment must be made for sulphur. The situation is made more acute by the limits placed upon pyrite importations from Spain. To utilize our pyrites and sulphur resources to the best advantage the two industries must be controlled as a unit, and in fixing prices it must be recognized that the two substances are competitors. It would be useless to try to stimulate the output of pyrites if no control could be exercised over the production and distribution of sulphur. Control is also needed to safeguard present supplies, to forestall profiteering, and develop new mines.

Principal domestic sources: The two main deposits are at Sulphur Mine, La., and at Freeport, Tex. These produce 99 per cent of the sulphur mined in the United States. Other producing deposits occur in western Texas, Wyoming, Nevada, and Colorado. Nonproducing deposits of minor importance are also situated in California, New Mexico, and Idaho.

Domestic production.

Year:	Long tons.
1908	360,444
1909	239,312
1910	255,534
1911	265,664
1912	303,472
1913	311,590
1914	327,634

In 1915, 1916, and 1917 nearly the whole of the domestic production of sulphur came from two companies; in order not to divulge confidential reports, the production can not be stated, but it increased greatly in 1917.

Price per ton.

Year:	
1908	$18.05
1909	18.52
1910	18.02
1911	18.06
1912	17.32
1913	17.58
1914	18.17
1915 and 1916, approximately	22.00

1917, about 50 per cent higher than 1916.

Imports, 1908–1917.

Year:	Long tons.
1908	21,136
1909	30,589
1910	30,833
1911	29,144
1912	29,927
1913	22,605
1914	26,135
1915	25,910
1916	22,235
1917	973

Imports, 1917, classified by countries: Almost exclusively from Japan.

Exports, 1917: 152,831 long tons.

THORIUM.

(See Corium and Thorium.)

TIN.

Principal uses: Manufacture of tin plate, solder, and bearing metals; tin oxides for enameling.

Degree of independence: 1917, production, 0.13; consumption, 100.

Need for Government control: To insure just allocation of imports to industries where they are most vitally needed and to promote development of the relatively small domestic resources.

Principal domestic sources: The principal producing deposits are in the York district, 100 miles northwest of Nome, Alaska. Periodically productive deposits are in North Carolina and South Carolina.

Domestic production and price.

Year.	Quantity.	Average price in cents per pound.
	Short tons.	
1908	25	29.54
1909	20	29.76
1910	30	34.27
1911	66	42.68
1912	80	46.43
1913	50	44.22
1914	104	35.70
1915	102	38.65
1916	140	43.48
1917	90	61.80

Imports 1908–1917.

[Tin bar imported for consumption (not including tin in ore or concentrates).]

Year:	Short tons.
1908	41,267
1909	47,662
1910	52,528
1911	53,527
1912	58,916
1913	52,329
1914	47,530
1915	57,792
1916	69,035
1917	71,845

In addition in 1916 and 1917, respectively, about 5,582 and 5,700 short tons of tin (metal content) in form of concentrates came in.

Imports 1917, classified by countries.

	Per cent.
Straits Settlements	35
England	25
Dutch East Indies	21
Bolivia	7
China	5

Exports 1917: Tin, pigs, and oxide of, 206 short tons.

TITANIUM.

Ore minerals—rutile, ilmenite.

Principal uses: Industrial—As ferrotitanium in cast steel it is said to make castings freer from blowholes than the untreated metal, and to add strength; as rutile, in making electrodes for arc lamps; as titanium salts in tanning and dyeing; as colorant in pottery glazes and glass. Military—Important, but secret.

Decree of dependence: 1917, production, 100+; consumption, 100.

Need for Government control: Because demand heretofore has been insufficient to make operations profitable, producers probably will be unable, without Government assistance, to meet quickly the largely increased needs.

Principal domestic sources: Major—Virginia, at Roseland in Nelson County. Minor—New York, Adirondack region; Wyoming, Hartsville; Florida, Jacksonville.

Domestic production.

Year.	Rutile concentrates.		Year.	Ilmenite concentrates.		Total value.
	Weight.	Per cent, TiO_2.		Weight.	Per cent, TiO_2.	
	Short tons.			*Short tons.*		
1910	566	75–98	1910			$44,480
1911	(1)	(1)	1911	(1)	(1)	
1912	275	80–85	1912			37,200
1913	305	94–96	1913			49,000
1914	91	75	1914	89	55	3,505
1915	259	94–96	1915	300	55	27,500
1916	110	95	1916	95	55	16,500
1917	206	93	1917	7,750	53–55	227,035

[1] No production.

Prices: The average price of rutile concentrated to 93 to 95 per cent TiO_2 has ranged around $150 a ton. Ilmenite concentrates has sold for about $25 per ton.

Imports: None.

TUNGSTEN.

Principal ore minerals, wolframite and scheelite.

Principal uses: Nonmilitary—Making high-speed tool steels, for which it is as staple as yeast in bread; tungsten filaments for incandescent lamps; contacts for internal-combustion engines. Military—All three uses are important in war work, high-speed tool steels making it possible to turn out the shells and other war steel needed with a minimum of time and men.

Degree of independence: In 1917, production, 65; consumption, 100 (estimated as metallic tungsten).

Need for Government control: If imports are reduced for any reason it will be imperatively necessary to develop many small or low-grade tungsten deposits in this country, and to do so within a reasonable time will probably require Government help in the form of a guaranteed price, technical supervision, or actual working of deposits. Uncertainty as to future market is now holding back further prospecting and new production.

Domestic sources. Principal—Arizona, Dragoon County; California, Atolia, Bishop; Colorado, Boulder County; Nevada, Humboldt County. Minor—Alaska, Fairbanks and Nome; Arizona, Hackberry, Bradshaw Mountains, Las Guigas Mountains, Calabasas, and Yucca; California, Goffs, New York Mountains, Kernville, Greenhorn Mountains, and Grass Valley; Colorado Silverton and Ames; Connecticut, Trumbull; Idaho, Murray and Patterson; Missouri, Silvermine (near Fredericktown); Montana, Jardine, Butte, Anaconda, and Libby; Nevada, Tungstonia, Snake Range, Sodaville, Oak Springs, and Pioche; New Mexico, White Oaks, Rinconada, and Elizabethtown; Oregon, Gold Hill and Baker City; South Dakota, Lead, Hill City, and Hermosa; Utah, Deep Creek Mountains, and Emigrant Canyon (near Lucin); Washington, Deer Park, Deer Trail, Loomis, and Bumping Lake.

Domestic production and prices.

Year.	Quantity concentrates, 60 per cent WO_3.	Value.	Average price per unit.[1]
	Short tons.		
1908 (prewar)	671	$229,955	$5.72
1909 (prewar)	1,619	612,370	6.32
1910 (prewar)	1,821	532,992	7.62
1911 (prewar)	1,139	407,985	5.96
1912 (prewar)	1,330	502,158	6.29
1913 (prewar)	1,537	672,118	7.29
1914 (prewar)	990	435,000	7.33
1915	2,332	4,100,000	29.30
1916	5,849	11,965,600	34.15
1917	4,800	5,760,000	20.00

[1] A unit is 20 pounds of tungsten trioxide, WO_3.

Imports, 1908–1917.

Year.	Quantity.	Value.
	Short tons.	
1908 (prewar)	(1)	$488
1909 (prewar)	(1)	105,506
1910 (prewar)	(1)	344,970
1911 (prewar)	(1)	149,508
1912 (prewar)	824	362,422
1913 (prewar)	449	213,122
1914 (prewar)	299	139,687
1915	1,776	1,044,986
1916	3,973	7,353,691
1917	4,876	4,465,594

[1] Not reported.

Imports, 1917, by leading countries.

	Per cent.
Bolivia (shipped from Chilean and Peruvian ports; a small amount probably originated in Peru)	63
Japan	12
Mexico	6
Argentina	4
China	4
Portugal	2

Exports, 1917: 1,106 short tons of tungsten and ferrotungsten estimated as containing 885 short tons of tungsten.

URANIUM.

Principal ore minerals pitchblende and carnotite.

Principal uses: Main use is as a source of radium. Used in a small way as a substitute for tungsten in high-speed tool steels. Its various salts are used in pottery coloring.

Degree of independence: Domestic supplies are adequate for all present needs.

Need for Government control: The Interior Department has in the past operated a plant for the production of radium from uranium ores, and in view of the therapeutic importance of radium, the scarcity and difficulty in treatment of the ores, further Government assistance may be necessary.

Principal domestic sources: Major—Colorado: Dolores, San Miguel, Montrose, and Mesa Counties. Utah: San Juan, Grand, and Emery Counties. Minor—Colorado: Routt, Rio Blanco, and Gilpin Counties.

Domestic production.

Year.	Quantity (tons of ore).	Value.
1908	None.	
1909	None.	
1910	None.	
1911	21.2	$42,000
1912	22	150,000
1913	34.8	164,000
1914	74	148,000
1915	19.9	79,600
1916	23.5	63,375
1917	23	$2,000

Average price: It is impossible to give an average annual price because there has been no market for the uranium as such. The value given on this sheet are figures derived from the price of sodium uranate produced. The comparatively low price of the ore has encouraged experiments looking to its use as a steel alloying metal. Almost the only present value for uranium ores is for the radium contained, and the ore would not otherwise be mined except in a most limited way.

Imports and exports: Not recorded, but small.

VANADIUM.

Principal ore, mineral roscoelite.

Principal uses: Nonmilitary—Vanadium is almost universally used in tool steels. It is also used extensively in steels in which great resistance to repeated strains is required, such as locomotive tires, automobile parts, and spring steels. Military—Each of these uses brings it into play in war materials.

Need for Government control: Fifteen tons of ferrovanadium were carried to Germany by the submarine *Deutschland*. Two American companies practically control the vanadium market. The scarcity of vanadium, its importance in the making of tough steels, the narrowness of its control, and the necessity of seeing that none reaches our enemies makes Government control essential.

Principal domestic sources: San Miguel County, Colo.

Domestic production.

Year:	Tons of metal in ore and concentrates.
1908–1909–1910, probably less than 200 tons of metal in ore valued at $175,000.	
1911	275
1912	295
1913	432
1914	452
1915	627
1916 (estimate)	550
1917 (estimate)	550

Prices: The principal part of the vanadium produced is mined and reduced to metal by one company, so that it is impracticable to put a value on the ore. In 1910 and 1911 from 39 cents to 67 cents per pound for the metallic vanadium contained was paid for roscoelite ore in San Miguel County, Colo. Since then no vanadium ore is known to have been sold in this area. Vanadium has not been paid for in most shipments of carnotite ores. Vanadium in the form of ferrovanadium sold for about $5 a pound for the contained vanadium up to 1912. In 1912 the price of vanadium fell to $1.95 to $2.50, depending on the quality, and remained at this figure until 1917, when prices raised to $3.50 or more per pound.

Imports, 1908–1917: These came wholly from Peru, where the American Vanadium Co. owns the richest known vanadium deposits. Shipments have been as follows:

Year:	Metric tons.
1908	1,800
1909	1,749
1910	3,130
1911	2,251
1912	3,048
1913	None.
1914	14.5
1915	3,145
1916	None.
1917	None.

ZIRCONIUM.

Principal ore minerals: Zircon, the silicate of zirconium, and baddeleyite, the oxide of zirconium.

Principal uses: Limited use for refractory purposes. Experiments in progress to determine its value as component of special steels.

Need for Government control: Inserted in bill as precautionary measure in view of small domestic supplies and its possible utility in steels for ordnance.

Principal domestic sources: North Carolina; possibly certain beach sands in Florida.

Domestic production.

Year:	Short tons.
1908	0
1909	1
1910	0
1911	1½
1912–1917	0

Price: Several hundred dollars a ton.

Imports: Small unrecorded amounts, nearly all from Brazil.

Exports: None recorded.

Mr. MADDEN. Then it is not the intention to go under the five-minute rule to-night?

Mr. WINGO. If we do it will not run very long. There are about 30 or 40 minutes for general debate remaining.

Mr. SCOTT of Michigan. Before the gentleman gets into his regular talk, I would like to interrupt him. Under the provi-

sions of this bill, do I understand the gentleman is not allowed to participate or assist in mineral production except in so far as that assistance is rendered to going concerns?

Mr. WINGO. I will cover that.

Mr. SCOTT of Michigan. One other thought, and if the gentleman will touch upon it I would be glad to have him do so. I wish the gentleman would explain to what extent the United States Government will be allowed to expend any portion of this revolving fund in investigation of the United States lands.

Mr. WINGO. Well, of course, I do not know as to the last proposition.

Mr. FOSTER. If the gentleman will permit, I do not think it will be allowed to do so at all.

Mr. WINGO. Now, the first question is covered in the general purposes of the bill. Now, I will be perfectly frank with the committee. To a man holding the theory of government that I do, naturally when this bill was first suggested to me it did not appeal to me. Most of the objections that have been urged to it here at the time the rule was being discussed and since you have started under the general debate all of us could agree with as a general theoretic proposition.

But the considerations that move me as a member of the committee to abandon my prejudices against legislation of this kind were practical considerations. I think if there ever was a time in the history of this body when we ought to use practical "horse sense"—to employ a common slang expression—it is in dealing with matters like this.

Now, what is the situation that confronts us? These rare and semirare minerals may be considered insignificant things separately, with the exception of a few such as manganese, yet when you take the great bulk of these minerals and the amount of tonnage that is now being required in order to bring them into the United States and consider them in the aggregate volume, it is found to be very great. Now, we all know what the shipping situation is. The greatest war necessity covered by this bill is one of conservation of the shipping. If we can stop all of the imports as far as possible and save that shipping for the handling of our food supplies and our actual military supplies between here and France, that is a worthy and very commendable thing to do.

But we have got to have certain of these minerals. I am not technically familiar with all of them, but I have gathered this general idea from listening not only to the hearings, but to men in conversation with whom I have talked about it, that the great bulk of these articles are absolutely necessary, first in steel production and necessary in the construction of war materials, and necessary, a great many of them, as elements that enter into what you might call secondary construction of things that do enter into the construction of steel and different articles such as shells, and some of which enter into the construction of the gases that we are using, and some of which enter into the production of the caps of the small shells and the larger shells. That is the character of the stuff covered by these minerals. That being true, it is, of course, absolutely necessary that we should have a complete and constant supply to meet our war needs.

Now, what did we find was the next consideration that confronted us? With the exception of a few of these, the deposits in this country are so situated and so undeveloped in many instances that private capital is not going to go in and put up the necessary money to develop them and produce the flowing constant supply that we shall need unless they have some assurance that they will get a return for their money. That is a common-sense proposition that as practical business men we know is true. Now, the situation that confronts us is this: Shall the Government go out and go into the mining business, or will we undertake to authorize the Government to fix prices and guarantee prices up to a certain point that will be an incentive to men to go and put money into it and develop these deposits and bring them in? "But," you say, "you have authorized the Government to go into the mining business by giving this power over partially developed mines."

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. May I have three minutes more?

Mr. FOSTER. The gentleman had 10 minutes.

Mr. WINGO. Have I used 10 minutes, Mr. Chairman?

The CHAIRMAN. The gentleman has used five minutes. Accordingly, he has five minutes yet remaining.

Mr. WINGO. It is true that there is a provision in the bill that will authorize the Government to go and take over any deposit or mine. Is that not a necessary provision, for the Government to have absolute control? One reason why we framed one provision of the bill is that I, like others, do not like to have the Government go and take over a mine unless it is to guarantee a constant flow of material needed for manufacturing of war materials, but I want it fixed so there will be no quibble or delay. We have authority of law to take it. We have specifically provided that the Bureau of Mines, which has every one of these deposits charted now, may take over, develop, or operate, if necessary, and I want the authority to be so broad that if it is necessary it can go on and do it.

But gentlemen say, "Do you need $50,000,000?" To be perfectly frank with you, I will admit that that is an unknown quantity. I have been thinking about it during the discussion this morning more than during all the time the bill was considered by the committee. I think it would take that amount, because when you cut down suddenly the imports the Government ought to be in an attitude where, if it should place a general embargo upon the importation of these metals, to be able, when it sees that it needs those things and needs them quickly, to go into the open markets, if it wants to, and buy that much and turn it over to the plant that is manufacturing some war material. That is a practical business consideration, and it prompted us in thinking of having a revolving fund that the Government could use.

Mr. TOWNER. Mr. Chairman will the gentleman yield?

Mr. WINGO. Yes.

Mr. TOWNER. I want to call the gentleman's attention to this fact: As I read the bill, somewhat hastily, as I admit, I found there is only one provision in the bill in which the $50,000,000 revolving fund is authorized, and that is section 11, and that applies only to the purchase of those things that are enumerated in section 1. It applies only to the purchase of these articles, such as antimony and arsenic and ball clay. I do not see in the bill any authorization for the use of this revolving fund of $50,000,000 except for the purchase of those things, and certainly the gentleman would not contend that we would need $50,000,000 for that purpose.

Mr. WINGO. I do not see how you can figure out how much you will need. As a practical business proposition, I do not see how you could do it. It is a business proposition, and I regret that we can not come in and say how much we will need for each particular ore.

You have got a great bulk of them here. It is true that the primary object of this bill is to guarantee the price and to guarantee at the same time the steady flow of these minerals necessary to meet the consumption in our war manufactures. Gentlemen can see that it is better for the Government to guarantee the price for two years and thereby induce private capital to develop the supply of these minerals than it would be for the Government to undertake to open up these deposits and develop and mine them as Government propositions.

In some instances it would be necessary for the Government to build railroads unless we follow the plan provided in the bill. I know of one great deposit of manganese that private capital would be willing to develop if given a sufficient incentive by a guaranteed price; but in order to get it out it is necessary to build a railroad, and the uncertainty of the market is such that unless they know they can have a market for at least two years at a reasonable price they are not going to put their money even into 8 miles of cheap railroad.

Something has been said about antimony. At one time I visited an antimony deposit in one county in my district. The gentlemen who own it have been after me. They are good protective-tariff Republicans. They have been after me ever since I have been in Congress to get them a protective tariff, and naturally I looked into it to see what the prices were. Before the war the price of antimony was about 8 cents. In 1915 it jumped up to 30 cents. In 1917 it dropped to 21 cents, and since then it has gone down a little lower. I know that in spite of that price one company has abandoned its mine. They say it is too uncertain, with the price jumping up and down, that the war may stop to-morrow, and they do not know whether they will get enough out of this to justify the expense of opening up the shaft, building the buildings, and assembling their plant and their organization. So they have gone away and abandoned it. Well, gentlemen need not say this is unpatriotic. It is a fact that the Government has got to deal with. We need this antimony. We need the manganese, we need the pyrites, we need the platinum, we need all these different things; and if we go dawdling along here for 12 months, perhaps, hoping we can cut down the imports and save our shipping in that way, and that patriotic citizens will come along and go to developing these small deposits just out of pure patriotism, it is too great a risk to run. So I think the businesslike thing to do is to come in and meet the emergencies of this war as proposed by this bill. So we propose to authorize the properly constituted bureau of the Government that has the technical knowledge and that knows where these deposits are to go in and stabilize the price by giv-

ing such a guaranteed price for not exceeding two years as will justify the men who own them in opening them up and developing them and producing these necessary minerals in sufficient quantities to meet our war needs. If they do that, after the war is over suppose we have fostered an enterprise that has developed mineral resources which will be worth a great deal to the country. That is not an objectionable thing, is it? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I am sorry I have not time to discuss this matter further. It simply appeals to my good sense as a practical proposition to do this in order to save our shipping and at the same time stimulate the domestic production to the extent necessary to get these minerals in sufficient quantities to meet our war needs. It is a war need, and the bill is a war measure, pure and simple.

Mr. GARLAND. I yield 12 minutes to the gentleman from Indiana [Mr. SANDERS], a member of the committee.

Mr. SANDERS of Indiana. Mr. Chairman, I am in favor of this bill with one slight amendment. I think the bill as it stands will accomplish the objects which it seeks to attain. In the short time that I have in which to discuss it I want to mention the amendment that I shall offer when the time comes. It will be noted that the bill provides, in section 1, that the governmental control shall continue during the war and thereafter only until in the judgment of the President the agencies and activities herein provided for can be reasonably terminated.

Mr. MADDEN. That is pretty indefinite, is it not?

Mr. SANDERS of Indiana. Again, in section 23, the same provision recurs. It is my intention to offer an amendment to limit the time of governmental control to six months after the period of the war.

The purpose of this bill is to encourage the production and conserve the supply of the war minerals enumerated in the first section.

The objects to be accomplished by the bill are mainly the stimulation of the domestic production of these minerals and the administration of their distribution so as to best subserve the needs of the Government in the prosecution of the war.

It is proposed by this bill that America shall be self-sufficient, in so far as it is possible for her to be, with reference to these important minerals. The necessity for the legislation lies in the impossibility of obtaining, under any circumstances, many of the products which have heretofore been imported into this country, and the desirability of curtailing the imports of those that can be obtained, so as to save shipping. It will be impossible, of course, for America to produce her full requirements of all of these minerals. For example, it is not hoped to secure any considerable production of tin in this country, but it is believed that in an administration by the Department of the Interior the tin and other minerals which it is necessary to import can best be conserved and distributed. I think there will be no difference of opinion concerning the laudable purpose of the bill; the only question, of course, which occurs is whether the proposed law will accomplish the purpose sought to be accomplished.

This committee and the House of Representatives, since the war has begun, has scrutinized any legislation which undertakes to interfere by regulation and administration with the production and use of any article of manufacture and trade. But when it has been found necessary there has been no hesitation in enacting such legislation. I think it is only fair to the committee, which has unanimously joined in a favorable report of this bill, to say that all of its provisions have been discussed and carefully considered. In its consideration the committee had the heartiest cooperation and valuable assistance of the United States Bureau of Mines and of the United States Geological Survey.

The committee secured, through those two bureaus and from the Secretary of the Interior and other governmental bodies, invaluable data, carefully and painstakingly prepared, and the bill comes to the Committee of the Whole House with the approval of the Secretary of the Interior; Dr. Van H. Manning, of the Bureau of Mines; Director George O. Smith, of the Geological Survey; the War Minerals Board; the War Industries Board; the organization of State geologists; and many other officers and organizations in a position to understand the situation.

I am free to confess that I do not know the composition and value of many of these minerals, except from the data submitted to the committee. It would not serve any good purpose to discuss one after another the many different minerals named in this bill. The general purpose of the legislation, however, is made apparent upon the discussion of a few of them.

Take antimony, for instance, which is absolutely necessary to harden the lead for shrapnel bullets, we produced but 10 per cent of the antimony we used in 1917. Of the metallic antimony we imported 87 per cent of that imported from China, and we imported in 1917, 28,195 tons altogether. With the assurance of a steady market for a period of time it is possible for this country to produce practically all of the antimony needed.

GRAPHITE.

America produces about 10 per cent of the crucible grades of graphite. This is an exceedingly important war material, because of its use in the manufacture of crucibles required in the production of brass, bronze, crucible steel, and various other alloys; it is also used as a protective polish for high explosives, and as an antifriction paint on ships' bottoms. By Government control the development of domestic supplies can be fostered and improved treatment of domestic ores may be so directed as to increase the yield of crucible grades. The principal supply of our import trade in graphite has been Ceylon and Madagascar.

MAGNESITE.

Magnesite is extremely important as refractory lining for steel and other furnaces, for ship decks, and railroad cars. We produce 90 per cent of the amount required, and could easily produce all that we require. The 10 per cent that we imported came principally from Greece.

MANGANESE.

Every ton of steel that is manufactured requires from 14 to 15 pounds of manganese, and the steel industry is so closely related to this war that this is practically a military use. We produced in this country but 32 per cent of our manganese. The domestic supply could be greatly increased, and a just and equitable distribution of imported supplies could be arranged.

The importance of this is noted at once when we consider that in 1917 there were imported into this country—

Long tons of manganese	113,734
Long tons of furruginous manganese ore	423,987
Long tons of manganiferous iron ore	512,461
Long tons of manganiferous zinc residuum	155,332

Our imports came from Brazil, British India, and Cuba.

PYRITES.

Pyrites are called pyrrhotite, fool's gold, marcasite, coal brasses, iron pyrites, white iron pyrites, and sulphur balls; and in the coal regions are perhaps most familiarly known as sulphur balls. It is extremely valuable for us in the manufacture of sulphuric acid for use in munition plants. We produce about one-third of our consumption. America can quite easily produce all of the pyrites needed. There are many producing deposits in Virginia, California, Georgia, New York, Alabama, and Missouri, and in the coal regions of Ohio, Indiana, Illinois, and Pennsylvania. In southwestern Indiana, in the district which I have the honor to represent, thousands upon thousands of tons of sulphur balls, or pyrites, have been taken from the veins of coal and not used; tons of it have not even been brought to the surface, but lays in waste piles at the bottom of the mines; tons of it have been piled in waste piles on the outside.

This country now has reached the point where it is of vast importance that an abundant supply of sulphuric acid shall be had. Before these pyrites, however, are made available the market must be stabilized, so that the producers in America can be assured that they will be justified in making the expenditures for such domestic production. In order to do this it is required that some governmental body shall have authority to speak for the United States Government and give them this assurance.

The definite guaranty of such a price for pyrite and sulphur that it will pay the operator to produce it will afford the opportunity for the coal miner, without adding to the price of coal and without affecting the profit of the owner of the coal mine, to add to his day's pay, and thus help him to meet the increased cost of living and the increased cost of his tools, powder, and equipment. The bituminous coal fields of district No. 11 of Indiana contain valuable pyrites—what is commonly called sulphur—that has been wasted for years as gob. The coal miner must dig this and handle it; yet he is docked if he loads it in the car. And why should not the coal miner have a way to make additional money. I have no patience with the statement you sometimes hear that the coal miner is overpaid. He goes down into the dark and dangerous caves, risks his life and limb, and toils almost to the point of exhaustion; yet he is paid less per month than many laborers in other vocations. He must be ready to work every day; yet many weeks he gets but one, two, or three days per week, while his expense goes on. He finds it difficult, on the wages he makes, to feed and clothe his family and keep his children in school. The great importance of the work of the coal miner has come to the forefront since the beginning of the present war, and he has responded nobly and patriotically to the needs of the country in its day of peril. He would have abundantly supplied the

country with coal if the cars moved and motive power had been furnished to supply the coal mines. Just the other day the local organization of United Mine Workers of America in my district set aside part of the funds of the organization in order to purchase bonds in the third liberty loan.

(a) The miners have stood ready to do their full share in this mighty conflict, and they can be found to-day in great numbers in the military training camps, on the American battleships, and on the battle fields of Europe. One of their great leaders, John P. White, former president of the national organization, left his work and accepted an important position with the Government, where he is rendering inestimable assistance in connection with the Fuel Administration. His service is entirely unselfish; he not only receives no pay from the Government but has personally paid all of his expenses.

Edgar Wallace, editor of the United Mine Workers' Journal, the official publication of this organization, soon after the declaration of war, with his pen espoused America's cause in almost every issue. He is now in the military service and gone to battle with the allies against the central powers. He was past 50 years of age and was not eligible under the present regulations to enter the United States service. In his patriotic zeal to take part in the fight he joined the Canadian colors. And many other officials and members of this organization are to-day working in Government and patriotic organizations that have formed as the war has progressed.

When America and her allies shall have crushed our foe in this mighty struggle, and history shall enumerate the many elements that brought victory for the world's liberty, these men who have kept our locomotives running, who have kept the furnaces of our munition factories and our ordnance plants burning, and who have warmed and lighted the firesides of America shall not be forgotten.

It is not possible for the Government at present to disclose with definiteness the requirements of each of the minerals named in this bill. Practically all of them are of vast importance in the production of munitions and in the manufacture of gases. When we declared that a state of war existed between the United States and the Imperial Governments of Germany and Austria this Congress pledged all the resources of the country to bring the conflict to a successful termination.

Our task was not done when we pledged to the prosecution of this war the resources of this country. It is our task to so utilize these resources that the heaviest blow may be struck against our foe. It takes no military expert to know that upon America's shoulders shall rest a great part of the burden of furnishing the arms, the munitions, the gases, and the fighting machinery which will be necessary in the successful prosecution of the war. Military men tell us that the progress Germany made in trying to carry out the objects of her great offensive were made because she was amply supplied with gases, with big guns, and colossal accumulations of shot and shell.

The Secretary of the Interior has recommended the passage of the bill. These men have made a survey and have gathered statistics and facts and know the economic facts entering into the situation. They say that we must have this relief or else we can not go on in the future manufacturing munitions and manufacturing gases necessary to carry on the war.

Mr. MADDEN. Who says that?

Mr. SANDERS of Indiana. It is said by the Secretary of the Interior and also by Dr. Manning.

Mr. MADDEN. What does the Secretary know about it?

Mr. SANDERS of Indiana. He is the Secretary of the Interior.

Mr. MADDEN. Secretary Lane says at the beginning of the communication which is in the report of the committee that he does not know anything about it. He says:

> Of course, you realize I am not an expert mineralogist or metallurgist, nor do I know much about mines or the mineral resources of this country, excepting as I have come in contact with them in my life in the West and in my present duties.

Mr. SANDERS of Indiana. That is true, but he is at present the Secretary of the Interior, under which are the Bureau of Mines and the United States Geological Survey, so that he would naturally have some information about it.

Mr. HAMLIN. The gentleman has just stated what I was going to say. The Bureau of Mines and the Geological Survey being in his department, he would in all probability consult them, and his opinion would be based upon expert knowledge.

Mr. MADDEN. Is it reasonable to presume that the head of a department knows the technical details of matters for which men are employed in the various branches in his department? I do not think it is fair to assume that he does.

Mr. SANDERS of Indiana. If the gentleman will read the entire statement of the Secretary before the committee, he will find that he enumerates many facts and substantiates them. To what source should we go if not to the head of the department of the Government which has these very things in charge?

(b) If this law effects the accomplishments of the objects sought, during the war, and America becomes self-sufficient, it will give such an impetus that with proper legislation, after the war, the country will continue its domestic production. New beds of ores will be found, new processes to recover many of these minerals as by-products will be discovered and developed, and America's industries shall become more and more independent. It is the hope of the civilized world, although I confess without any historical precedent, that great wars shall be at an end at the close of this mighty struggle. But no one wants America to rely wholly upon this hope, and no one knows what other nation, in the next quarter of a century, shall be at war with our own Nation. We should not be wholly dependent for many of the elements of our war munitions upon imports from other countries; we should be dependent upon imports only when they can not be produced in America. With the lessons we shall have learned during the present war, it is to be hoped that the United States will be able to defend herself by the use of force whenever that shall be necessary. We are already producing in America our merchant ships and battleships, we are progressing in the production of a great air fleet. We must now complete the task of preparing for the country's defense. Let us, by the proper encouragement and stimulation of our munition industries, and of the production of all the necessaries for use in munition industries, be prepared to turn out our own guns, to make our own bullets and shells and projectiles, to manufacture the powder and explosives required, and to produce in large quantities if necessary the gases for trench warfare. America has long boasted of her wealth, her resources, and her latent power. Her task is to organize and make effective this immense power and these inexhaustible resources so that her people may always be protected against any power which invades their sacred rights. In this mighty task America will not fail. [Applause.]

Mr. GARLAND. Mr. Chairman. I yield the balance of my time to the gentleman from Pennsylvania [Mr. ROBBINS].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for four minutes.

Mr. ROBBINS. Gentlemen of the committee, I am going to support this bill, but I am going to ask that it be amended in three particulars.

First, I think it should be limited to an expenditure of $10,000,000. I have reached a point in this war where I do not believe it is unpatriotic to be economical. This $50,000,000, of course, is set aside, to be later appropriated by an appropriation specifically made by the Appropriations Committee; but let us start off with $10,000,000 instead of $50,000,000 and see how the development of these small mines works out.

Second, I think this bill should be amended by permitting the Secretary of the Interior to enter upon the development of the mineral resources of the United States upon the public lands of the United States, and let us see if we do not have some public lands that are immensely rich in these secondary necessary minerals.

Third, I think this bill should be amended by permitting the Secretary of the Interior to call upon the various States of the Union to furnish the geological surveys and data that have heretofore been collected in reference to the mineral resources of the various States, without requiring expense to the General Government in going in to search for them in the States. I know that in Pennsylvania we have a very complete and exhaustive survey of the mineral resources of that Commonwealth, and these would be available if this bill permitted the Secretary to call for them, without cost and without delay, and time is exceedingly important now.

I am delighted to see my generous, genial old friend from Illinois, who is in charge of this bill, and the other members of this committee that constitute the Democratic majority, at last coming around to the good, sound Republican idea of "a protective tariff," because the placing, as this bill does, of a fixed minimum price upon these necessaries, as they are termed in the bill, at which the Government of the United States will buy them, is exactly bringing us back where we would have been if we had adopted a protective tarff five or six years ago and developed the resources of our own country instead of allowing these minerals to be brought in from abroad, and compelling us to pay foreigners for these minerals which we have in abundance at home.

Mr. GREEN of Iowa. And, if the gentleman will permit, would not have cost us $50,000,000, either.

Mr. ROBBINS. Would not have cost us anything; we would have paid our own people and developed our own resources.

Take tungsten, for instance—and I happen to know of a mine in Arizona that is located 15 miles from the railroad, high up in the mountains, that every chemist that has visited it pronounces it to be one of the richest deposits of tungsten yet discovered on the face of the globe. It is richer than the mines of South America, from which we import tungsten, and it never has been developed because it will involve an initial outlay of several millions of dollars, and no company would embark in that enterprise with the shipping facilities as they were prior to this war, such that would bring tungsten in from South America at a price that would not justify the initial investment required to develop the Arizona minerals.

Mr. MADDEN. How does the gentleman know it is so rich if it has never been developed?

Mr. ROBBINS. I know it because I helped to pay three chemists and experts out of my own pocket to go there and investigate it. I also know of a mine containing one of the minerals given in this list, to wit, magnesite, and the importation of which does not altogether depend on the fact that we do not have ships. It depends on the fact that the countries from which we got this mineral are to-day at war with us. Last year we imported 170,000 tons of magnesite from Austria. This is, of course, now entirely stopped.

Mr. Chairman, this bill proposes to encourage the development of 45 secondary minerals, all of which are absolutely essential to the prosecution of high-grade steel for this war. For instance, chrome, vanadium, manganese, and tungsten are all necessary ingredients of steel that is used in armor plate, armor-piercing projectiles, steel used in the construction of automobiles, steel necessary in the manufacture of ball bearings of wheels, in the engines of automobiles, airplanes, cannon, ships, and so forth. Last year we imported these minerals as follows:

Mineral.	Quantity.	Value.
Manganese.....long tons..	750,000	$37,500,000
Pyrites.....do....	1,000,000	12,000,000
Graphite.....pounds..	48,000,000	12,000,000
Tin.....short tons..	80,000	96,000,000
Antimony.....long tons..	21,600	9,500,000
Chromite.....do....	72,000	3,600,000
Tungsten.....do....	4,500	6,000,000
Total value imports.....	.....	177,850,000
Additional value of domestic production.....	.....	120,000,000
Total.....	.....	297,850,000

In the case of chrome, which was formerly imported from Turkey and Caledonia, we are now compelled to search for these minerals at home, as importations are impossible. We are at war with Turkey, and we have no ships to carry the mineral from Caledonia.

The ordinary price of this mineral is from ten to fifteen dollars per ton. The market price now is $70 per ton and advancing The war has greatly increased the demand for it.

It is found in California in pockets, in Nevada and Idaho and southern Pennsylvania and some other parts of the United States. The mining of it is expensive, because it is at such great distance from railroads, and is not persistent in its stratification.

There is a mine in southern Pennsylvania that was worked extensively between 1827 and 1848, when the mine was closed because of the importation of cheaper ore from Turkey.

These minerals can all be found in the United States if the Government would protect the American miner and mine owner, so they can operate these mines and be assured that their investment will not be ruined and rendered worthless, and the money put into such enterprise be lost immediately at the close of the war because of the cheap ores from abroad.

The Report of the Geological Survey, found in public documents issued on the 26th of October, 1917, shows conclusively the abundance of this mineral and the ability of the American operators to produce it if properly protected.

The deposits of tungsten in Arizona, if the industry is properly protected, will furnish all of that mineral that is required in the manufacture of iron in the United States. The same is true of every article in this schedule.

Therefore I favor the passage of this bill, believing that we will not only become self-sustaining by producing these minerals in abundance from our own mines, but we will save the vast sum that we are sending abroad each year for this mineral and pay it over to American mine owners, American workmen, and American investors, and be free and independent of all foreign producers.

As stated above, if these minerals which have become so necessary in the manufacture of war materials shall receive adequate protection we would now have an abundant supply and not be paying $70 per ton for chrome and five or six prices for vanadium, manganese, and tungsten, and also be confronted, as we are now, by a diminishing and uncertain supply.

The United States has a greater area of these minerals than any other country. It is true that the deposit is not always as rich as it is abroad; our chrome will run about 55 or 60 per cent, while the Turkey and Caledonia will run as high as 80 per cent. The California, Nevada, and Idaho deposits average from 40 to 50 per cent, but within the last year explorations in these various regions have developed the fact that we have abundance of these minerals, and they will be developed, provided investors are insured protection for their investments; and I am glad that the majority party has now come around to admit the fact that by the protection afforded by this bill, which is in the shape of a guaranteed price by the United States Government instead of a protective tariff, they can secure an adequate supply from our home mines. And I make the assertion, which has been verified in other like cases, that when mine owners understand that they are to be protected, local competition will bring the price down to practically less than we could import these minerals from abroad. Competition at home has always reduced the price.

Sometimes it requires hard knocks to make our Democratic friends, who have control of this Congress, admit the true value of a "protective tariff" and its beneficial results, but in this case they seem to have come to the realization of that principle of political economy and to admit its truth and to adopt it, as they are now doing in this bill.

I earnestly hope that when the bill comes to be considered for amendment that it will be so amended that the Secretary of the Interior may be permitted to enter upon the public lands of the United States and develop these minerals. I have no doubt, from a careful study of the geological report as compiled by Prof. J. S. Diller, of the United States Geological Survey, and issued during the current year, that these minerals exist in great abundance on the public domain. We will, therefore, not only add to the wealth of the United States by proving the presence of these minerals, but we will greatly stimulate their development and production.

But, Mr. Chairman, I can not see any reason why we should appropriate at this time the very large sums of money stipulated in this bill. In section 17 it is provided that $500,000 is authorized to be appropriated for the purpose of "paying for personal services, traveling expenses, equipment, printing, publication, etc." This, of course, means that this sum is to be used in "exploiting, inspecting mines," etc. No part of this is to be used in actual development.

Under this section of the bill the Secretary of the Interior is authorized to create a large force to travel around the country inspecting mines, but in no instance are there to be any new developments from the expenditure of this sum. These places are to be outside the civil service, and it looks to me as if this is merely to create a large junketing party of specialists, or alleged specialists, who would do nothing but travel about and make reports. I am rather suspicious, especially when it is stated they shall be "outside the civil service." Who is to be the judge of the qualifications of these numerous high-class, high-paid specialists? What is to prevent favoritism and partisanship from entering into their selection? Who is to appoint them? What limit is there on the number or what standard is to be used in judging their excellence or in determining their selection? I do not like this. Let us adhere to the principle, at least, of having competent people in this service.

I shall move at the proper time to strike out, in lines 6, 7, and 8, section 2, page 3, which read as follows, "Any person may be employed under the provisions of this act without reference to the civil-service list and regulations."

I am not in favor of undermining the Civil Service Commission in its power to examine and certify proper persons for service under the provisions of this bill.

Mr. Chairman, I shall also move, when we come to consider section 18, page 18, to strike out "$50,000,000" and substitute in lieu thereof "$10,000,000."

This will be a sufficient sum of money for the purpose of establishing a fund to either buy these minerals at a fixed price or take over and operate mines where it may be necessary and to carry out the provisions of this bill in the beginning. In order to secure the minerals enumerated in section 1 of this bill, as I have stated above, let us not go into this matter too extravagantly. I believe we should have some regard for the expenditure of taxpayers' money. It is certainly not unpatriotic to keep a careful hand upon the Public Treasury of the United States. If, when these deposits are discovered and it is ascertained that more money is needed, Congress will be here and

can promptly appropriate such additional money. The Treasury will certainly be in no worse condition than it is to-day to bear this increased financial burden.

Fifty million dollars is a vast sum, and it is a great temptation to this army of inspectors and the large number of mine owners, promoters, and investors to try to get their hand into the Treasury and get out a part of this money. Let us know what we are getting into before we pay out and appropriate and set aside such a large sum of the taxpayers' money.

Mr. Chairman, I am heartily in favor of this bill; I believe it will result in the development of these minerals in most, if not in every instance, to the extent they are needed for the prosecution of the war, because during the war all of these are essential necessities, as they are termed in the bill, and also give us an abundance so we can export to our allies sufficient for their needs.

I want to sustain the administration in every effort it may make to fight this war. I want to support the President as the Commander in Chief of the Army in every way and $10,000,000 will be sufficient to start this program.

If I thought that anyone in the trenches would lose his life because we do not have steel and iron properly compounded and finished, then I would appropriate not only $50,000,000 but many times that sum. What we want to do above everything else is to overcome the whole of the German army, headed by the German Kaiser, and everything that will accomplish that end quickly and finally shall have my hearty and earnest support.

Therefore, I stand ready to indorse this bill, to vote for it, and to support its every provision earnestly and enthusiastically.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, to assure an adequate supply, equitable distribution, and to facilitate the production and movement of necessaries, which necessaries are defined in this act to include only the following-named mineral substances and ores, minerals, intermediate metallurgical products, metals, alloys, and chemical compounds thereof, to wit: Antimony, arsenic, ball clay, bismuth, bromine, cerium, chalk, chromium, cobalt, corundum, emery, fluorspar, ferrosilicon, fuller's earth, graphite, grinding pebbles, iridium, kaolin, magnesite, manganese, mercury, mica, molybdenum, osmium, sea salt, platinum, palladium, paper clay, potassium, pyrites, radium, sulphur, thorium, tin, titanium, tungsten, uranium, vanadium, zirconium, and of other rare or unusual elements the supply of which may, in the judgment of the President, be inadequate for war and industrial needs; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulation, and private controls, affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war and thereafter only until, in the judgment of the President, the agencies and activities herein provided for can be reasonably terminated. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment.

Mr. FOSTER. Mr. Chairman, the word "kaolin," on line 4 of page 2, is spelled incorrectly—"koalin." I ask that the correction be made.

The CHAIRMAN. Without objection, the correction will be made by the Clerk as desired.

There was no objection.

Mr. LONGWORTH. Mr. Chairman, I desire to offer an amendment, and I suggest to the gentleman in charge of the bill that, with his permission, I will offer an amendment and have it pending, and shall be glad, if the gentleman thinks it wise or if his information is that it is wise not to pass it, later on to withdraw it. I move, on page 2, line 1, to strike out the words "and chemical compounds."

The CHAIRMAN. The gentleman from Ohio moves an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 2, line 1, strike out the words "and chemical compounds."

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

Mr. FORDNEY. Mr. Chairman, before that motion is put, I would like to ask if we shall be permitted to offer amendments to this section 1 later?

Mr. FOSTER. Yes.

Mr. FORDNEY. I will be better prepared later on to offer an amendment.

The CHAIRMAN. That is a matter of jurisdiction of the committee, to be stated by the chairman. The Chair will state that the gentleman will have that right. The gentleman from Illinois [Mr. FOSTER] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, April 24, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALSH, from the Committee on the Judiciary, to which was referred the bill (H. R. 10851) to provide a method for disposing of intoxicating liquors now or hereafter in the possession of United States court officials, reported the same with amendment, accompanied by a report (No. 506), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ELSTON: A bill (H. R. 11625) to establish the Lake Tahoe National Park in the States of California and Nevada, and for other purposes; to the Committee on the Public Lands.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 11626) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: A bill (H. R. 11627) to provide that the United States shall aid the States in the maintenance, repair, and reconstruction of public roads subjected to extraordinary traffic wear by reason of the use of such roads by the Government of the United States; to the Committee on Roads.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11628) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; to the Committee on the District of Columbia.

Also, a bill (H. R. 11629) to amend section 48 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. EVANS: A bill (H. R. 11630) repealing that portion of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015, 1035), which relates to the disposal of the surplus unallotted lands within the Blackfeet Reservation, in Montana; to the Committee on Indian Affairs.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 320) requesting certain information from the Secretary of the Interior; to the Committee on Indian Affairs.

By Mr. MONTAGUE: Resolution (H. Res. 321) to pay Hervey E. Dameron, clerk to the late William A. Jones, a Representative in Congress, $166.66; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11631) granting a pension to Thaddeus Sweitzer; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11632) granting an increase of pension to Isaiah M. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11633) granting an increase of pension to Elijah Fortner; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11634) granting an increase of pension to Edward H. Harpster; to the Committee on Pensions.

Also, a bill (H. R. 11635) granting an increase of pension to Sarah J. Yeater; to the Committee on Pensions.

Also, a bill (H. R. 11636) granting an increase of pension to Luther Detwiler; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11637) granting a pension to Anna Bell O'Neal; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 11638) granting an increase of pension to William Weders; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 11639) granting an increase of pension to Martin V. Stanton; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11640) granting a pension to Mary J. Hood; to the Committee on Pensions.

Also, a bill (H. R. 11641) granting a pension to Henry Jones; to the Committee on Pensions.

Also, a bill (H. R. 11642) granting an increase of pension to John E. Andrews; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 11643) granting an increase of pension to James A. Barwick; to the Committee on Pensions.

Also, a bill (H. R. 11644) granting an increase of pension to Mary E. Kline; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 11645) granting a pension to Alida W. Bernhard; to the Committee on Pensions.

Also, a bill (H. R. 11646) granting a pension to Estella R. Wetzel; to the Committee on Pensions.

Also, a bill (H. R. 11647) granting a pension to Mary S. Hollinshead; to the Committee on Pensions.

Also, a bill (H. R. 11648) to correct the military record and grant an honorable discharge to Charles M. Bingham; to the Committee on Military Affairs

By Mr. PORTER: A bill (H. R. 11649) granting an increase of pension to Robert Walker; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11650) granting a pension to Mary Arnold; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11651) granting an increase of pension to Sylvester A. Simpson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11652) granting an increase of pension to Fletcher P. Roberts; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 11653) granting an increase of pension to John Coombs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11654) granting a pension to Nancy Dillon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11655) granting an increase of pension to Alexander P. Minton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Baltimore Federation of Labor, urging the adoption of the two-platoon system in the fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Ideal Lawn Weeder Co., Pittsburgh, Pa., urging an increased war tax on dogs; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the United States of America relative to central control of Government war buying; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the United States of America relative to installment payment of taxes; to the Committee on Ways and Means.

By Mr. ELSTON: Resolutions passed by Berkeley Defense Corps, urging Congress to pass adequate laws for the punishment of spies and traitors; to the Committee on the Judiciary.

By Mr. FOCHT: Evidence in support of House bill 7440, for the relief of William Zimmerman; House bill 10675, for the relief of James H. Nale; House bill 8052, for the relief of Daniel Gossert; and House bill 8045, for the relief of Mary H. Staley, Fayetteville, Pa., widow of George Staley; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7454, for the relief of George D. Jones; to the Committee on Military Affairs.

Also, evidence in support of House bill 10932, for the further relief of Mrs. Laura D. Bricker; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petition of the El Paso County Medical Society, of El Paso, Tex., favoring the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of numerous citizens of Illinois, favoring a measure for universal military training; to the Committee on Military Affairs.

Also, petition of citizens of Lostant, Ill., for national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Socialist Party convention of Belmont County, Ohio, at Bellaire, protesting verdict against Thomas Mooney; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of H. S. Crocker Co., stationers-printers, 565–571 Market Street, San Francisco, Cal., and 11 other firms of San Francisco, Cal., favoring payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from the Shenandoah Cotton Co., Utica, N. Y.; Buchanan Hardware Co., Richfield Springs, N. Y.; Union Mills, St. Johnsville, N. Y.; Alex. Taylor & Co., New York City; Rockwell Woolen Co., Leominster, Mass.; Lorenz Knit Goods Manufacturing Co., Chicago, Ill.; to the Committee on Ways and Means.

By Mr. STEENERSON: Letter of Minnesota State Board of Control, signed by Charles E. Vassly, in favor of H. R. 1768, proposing establishment of school and home for feeble-minded persons; to the Committee on the District of Columbia.

Also, memorial of the Presbytery of Red River, signed by Rev. S. F. Sharpless, D. D., Crookston, Minn., protesting against increased zone rate of postage on second-class mail matter (magazines); to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *April 24, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to enter upon the duties of this day with a consciousness of the divine presence and blessing resting upon us. Draw near to us and give us the inspiration of Thy Holy Spirit that we may see clearly the majesty of the Lord and that we may realize that we hold a divine commission for the work that we are undertaking to do, and that we are resting constantly under the divine blessing. We ask these things for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM LOUISIANA.

The VICE PRESIDENT. The Chair presents the following certificate from the governor of the State of Louisiana, which will be read.

The Secretary read as follows:

STATE OF LOUISIANA,
EXECUTIVE DEPARTMENT,
Baton Rouge, April 22, 1918.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Louisiana, I, Ruffin G. Pleasant, the governor of said State, do hereby appoint WALTER GUION a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of ROBERT F. BROUSSARD, is filled by election as provided by law.

Witness: His excellency our governor, Ruffin G. Pleasant, and our seal hereto affixed at Baton Rouge this 22d day of April, A. D. 1918.

[SEAL.] RUFFIN G. PLEASANT, *Governor.*

By the governor:

JAMES J. BAILEY,
Secretary of State.

The VICE PRESIDENT. The certificate will be placed on file. If there is no objection, the newly appointed Senator will present himself at the desk and receive the oath of office.

Mr. GUION was escorted to the Vice President's desk by Mr. RANSDELL; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

DENIAL BY MR. CREEL.

Mr. THOMAS. Mr. President, during the discussion yesterday the attention of the Senate was called to a newspaper clipping, in which it was stated that Mr. George Creel had approved a certain article appearing in the paper called the Masses. I think it is only fair to say that in yesterday afternoon's Washington Star Mr. Creel denied all and everything charged against him in the article mentioned, and in that denial he said:

Neither my committee nor myself has or ever has had authority to approve or disapprove an advertisement or any other article for publication in a newspaper or periodical unless such article is prepared in the office of the Committee on Public Information. That is a function of the Attorney General or the Department of Justice, if it belongs to anyone.

I have a slight recollection of the "I will not kill" advertisement, which was shown to me about a year ago, as I recall. Having no power or authority to forbid or to approve it, I did neither.

I distinctly recall, however, that I told the person who showed me the advertisement that it was infamous. I did not, as quoted in a New York paper, say it was foolish, or anything like that. What I said was that it was simply infamous. That is all I have to say.

I have no interest in this discussion whatever, but as a matter of justice to Mr. Creel I felt it my duty to insert the denial in the RECORD.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House insists upon its amendment to the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. NELSON. I have received a telegram and, while it is not my custom to ask that telegrams be read, as it relates to a very important matter I ask that it be read for the information of the Senate.

There being no objection, the telegram was read, as follows:

ST. PAUL, MINN., *April 24, 1918.*

Hon. KNUTE NELSON,
United States Senate, Washington, D. C.:

Our attention has been called to the fact that an antiefficiency rider penalizing premium and bonus payments and time studies is attached to the naval appropriation bill, which passed the House of Representatives on Saturday last. This action is in direct conflict with the desire of every patriotic citizen that there be a maximum of production and maximum efficiency in all matters connected with the successful prosecution of the war. It is likewise in direct conflict with the recommendations of the National War Labor Board, which were indorsed and approved by President Wilson and Secretary of Labor Wilson. We wish to protest in the name of patriotic citizens of Minnesota against the above amendment, the adoption of which at this time can have no other effect than render aid to the enemies of our Government.

MINNESOTA EMPLOYERS' ASSOCIATION,
GEO. M. GILLETTE, *President.*

Mr. NELSON presented a memorial from sundry members of the Chippewa Tribe of Indians in the Twin Lakes settlement, in the State of Minnesota, remonstrating against the enactment of legislation providing for the expenditure of their funds for payment of claims made by certain persons, which was referred to the Committee on Indian Affairs.

He also presented a petition of Cleveland Post, No. 84, Veterans of Foreign Wars of the United States, praying for an increase in pension, which was referred to the Committee on Pensions.

Mr. PHELAN. Mr. President, I desire to present for publication in the RECORD a patriotic expression from the general conclave of the Knights Templar, a loyal organization, now in session at San Francisco.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., *April 20, 1918.*

JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Resolved by the Grand Commandery Knights Templar of California in annual conclave assembled this day, That we are disquieted but not disheartened by the news that has been coming from the frontier of freedom in France. In unison with Christian men from every quarter of the globe our prayers go up to Him who holds our destiny in the hollow of His hand that He will look with favor on our cause and bless our undertaking with the success which it is our unalterable conviction should be our portion. We reaffirm in unqualified measure our belief in and loyalty to our beloved President and his declared aims in this great struggle. We hereby reavow our determination enthusiastically, ungrudgingly, and whole-heartedly to submit to any restraint and accept any sacrifice that may be imposed by the rigors and necessities of a war to the death; and, finally, we realize with unwavering certainty that peace now without victory means a world and a future without security. We want no peace but a permanent peace based upon considerations of justice and of equality, a peace in keeping with the principles and practices of Christianity; we want peace not at any price, but at whatever cost, and to that end, having due regard to the sacrifices involved no less than to the end to be gained, come what may, we pledge our continuing and undiminished support to the Government, the cause, and the flag until the war is won.

THOS. A. DAVIES,
Grand Recorder.

Mr. LODGE presented a petition of sundry citizens of Bristol County, Mass., praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. KNOX presented petitions of the congregations of the First United Presbyterian Church of New Castle, the Fourth Presbyterian Church of New Castle, the Madison Avenue Christian Church of New Castle, and the United Brethren Church of Williamstown, all in the State of Pennsylvania, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of the Columbia County Medical Society, of Pennsylvania, praying for the enactment of legislation to provide advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the State Board of Education, Commonwealth of Pennsylvania, praying for a special Federal appropriation to the schools of that State, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry letter carriers of postal station "D," of Philadelphia, Pa., praying for an increase in the salaries of postal employees, which was ordered to lie on the table.

He also presented resolutions adopted by the Philadelphia Bourse, of Pennsylvania, favoring free zones in the ports of the United States, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1477) for the relief of Jacob Nice (Rept. No. 404); and

A bill (S. 1923) for the relief of John Doyle, alias John Geary (Rept. No. 405).

Mr. OWEN, from the Committee on Banking and Currency, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3907) to provide for the consolidation of national banking associations (Rept. No. 406); and

A bill (S. 4426) to amend and reenact sections 5235 and 5236 of the Revised Statutes of the United States by providing for a guaranty fund for payment of certain deposits, and for other purposes (Rept. No. 407).

BOND ISSUE BY SEWARD, ALASKA.

Mr. PITTMAN. On behalf of the Committee on Territories I report back favorably without amendment the bill (H. R. 9832) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town, and I submit a report (No. 408) thereon. I will state that unless the bill is acted upon immediately it will not accomplish the result intended to be accomplished by it and I ask for its present consideration.

Mr. SMOOT. Let it be read.

The bill was read, as follows:

Be it enacted, etc., That the incorporated town of Seward, Alaska, is hereby authorized and empowered to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other protection to confine the waters of Lowell Creek, and to keep said waters from running over and upon the town of Seward.

Before said bonds shall be issued a special election shall be ordered by the common council of the town of Seward, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Seward whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of any such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

The registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

The bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate not to exceed 8 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from the date thereof: *Provided, however,* That the common council of said town of Seward may reserve the right to pay off such bonds in their numerical order at the rate of $5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Seward; the place of payment to be mentioned in the bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Seward and also bear the seal of said town.

No part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed under the limitations hereinbefore imposed and under the order and direction of said common council, from time to time, as the same may be required for the purposes aforesaid.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I would like to have the Senator from Nevada explain the reasons why the bill should be passed.

Mr. PITTMAN. I will do so with pleasure.

Without an act of Congress no town in Alaska has authority to issue bonds. This creek runs through the town of Seward, and runs parallel to the Alaska railroad that is being constructed by the United States Government. There are flood waters in the stream every spring. Last year this railroad was washed out and considerably damaged. The town is willing to put up the money for the building of the necessary dikes and embankments. The railway commission are anxious to have this done, and have recommended that Congress authorize the town of Seward to issue bonds to the amount of $25,000 for the purpose of protecting against the flood waters of this stream, which runs adjacent to the railroad. That is all it is. There is no appropriation on the part of the Government. The improvement will protect both the railroad and the town.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FUNERAL EXPENSES OF THE LATE SENATOR BROUSSARD.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 230, submitted by Mr. RANSDELL on the 23d instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

Mr. OVERMAN. I present the conference report on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917. I ask for the adoption of the report.

Mr. GALLINGER. Let the report be read.

Mr. OVERMAN. Before the report is read I want the Senate to hear what has been agreed upon, and I can state it in a few words.

There is no change in the bill as it passed the Senate, except as to verbiage and one amendment.

The first change was to strike out the word "discourage," the next to strike out the word "contemptuous," and the next to put in the word "willfully," to make it conform with the other sections making it criminal for whoever "shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country," and so forth. We put in the word "willfully" to make it conform to the Thomas amendment.

Then we struck out the word "favor," so as to read:

And whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated.

Then we confine the Post Office amendment to the time of the war.

That is all the change that was made, except we have stricken out what was known as the France amendment, which provided:

That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

Those are the only material changes.

Mr. GALLINGER. Let the report be read. I think we ought to have such reports read.

The VICE PRESIDENT. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or attempt to obstruct"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who in an abusive and violent manner criticizes the Army or Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That section 1 of Title XII and all other provisions of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

"That Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"'SEC. 4. When the United States is at war the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all

such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
WARREN GARD,
DICK T. MORGAN,
Managers on the part of the House.

Mr. GALLINGER. I ask the Secretary to read once more the provision regarding the Postmaster General, which was the last item.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the part of the report indicated.

Mr. JOHNSON of California. Mr. President, I wish to call to the attention of the Senate the action which has been taken by the conferees in the elimination of an amendment which was passed with substantial unanimity by this body. I desire to make plain that the rule which is enunciated in many of the constitutions of the various States, which is a part of the substantive law of many other States; the rule, indeed, which has been the rule in libel cases since libel cases have been tried in our country; the rule, indeed, which has been the rule appertaining up to this particular moment to the right of free speech and the right of free publication in this land, by the elimination of the amendment which was couched in the language of many of our State constitutions, following with exactness the language of many of the substantive statutes of our States, is now for the first time repudiated by the Congress of the United States and for the first time denied expression in a proposed law.

To the concluding paragraph of the particular measure the Senator from Maryland [Mr. FRANCE] offered an amendment, and that amendment, as I have before asserted, was, when the bill was before the Senate, adopted with substantial unanimity. The amendment is as follows:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

It may be asserted that this amendment would be but declaratory of what the law now is; but, whether or not that be so, it constitutes no argument to the refusal of the Senate and House conferees to permit it to remain in the law. But it may well be questioned whether, in an act so drastic as this, the particular provision would inevitably apply, and if there be the slightest question about the matter—and there must be some—what harm can be done by preserving, in a measure so startlingly flexible and so far-reaching as is this measure, the right that has been the right in the United States since the United States became a Nation?

If this be what fundamentally has been ours since we have become a Republic, it ought now to be inserted in this proposed law, that there could be hereafter no question of the legitimate defense guaranteed under our law and under our Constitution.

The other day there was presented to the Military Affairs Committee and to the Senate another drastic measure. The reasons for it were asserted to be exactly the reasons that have been asserted as those essential for the passage of this measure. It was, Mr. President, with a feeling of the greatest delight, and a feeling, too, of greater security for that which I prize and that which the American people hold most dear, that I read the wise and statesmanlike letter of the President of the United States, putting upon that measure and upon the making of a military zone and martial law for all this land the stamp of his disapproval. He put that stamp of disapproval, not alone because that bill was unconstitutional but because the bill, in his opinion, was wholly unnecessary. You may assert that this particular bill, with its singular adjectives and with its lack of accurate definition, under which prosecutions of every sort may be had against every critic and every honest expression of opinion in this land, is absolutely essential for this crisis in our affairs; but, if it be absolutely essential, Mr. President, it is equally essential for the preservation of free speech in this Nation, for the preservation of honest, decent, legitimate, loyal expression, that we preserve, in connection with so drastic a law as this, the right of any man to speak the truth with good motives and for justifiable ends.

Oh, Mr. President, what a travesty, it seems to me, to-day is presented when the Congress of the United States refuses to permit the people of the Union to speak what is true, with good motives and for justifiable ends, and denies the doctrine that has been the doctrine from time immemorial in this land—denies it, indeed, by its negative action and the elimination of this amendment—denies the right which ought to be the right of every American in time of war or in time of peace to speak the truth with good motives and for justifiable ends.

I hope, Mr. President, that this particular matter, which has been stricken out by the conference, will be insisted upon by the Senate, and that this conference report for that reason will not be concurred in.

Mr. OVERMAN. Mr. President, there is nothing in this proposed law or in any law of the United States that limits the liberty or impairs the right of any individual to publish or speak what is true with good motives or with justifiable ends. Some Senator said, when this amendment was previously under consideration, that we might as well put the ten commandments into this bill.

A yea-and-nay vote was then taken on the amendment and the Senate defeated it. It was afterwards, however, put on in the Senate, as the Senator from California has stated, with practical unanimity. The reasons for the conferees striking out the amendment are better expressed by the Attorney General in the letter which I hold in my hand than I can express them, and I ask the Senate to hear what he has stated in regard to the amendment. I ask that the Secretary read the letter.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 16, 1918.

Hon. EDWIN Y. WEBB,
Chairman Judiciary Committee, House of Representatives,
Washington, D. C.

SIR: By direction of the Attorney General I respectfully call your attention to the proviso inserted in section 3, title 1, of the bill amending the espionage act, which reads as follows:

"*Provided, however,* That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends."

It is the view of this department that this proviso would very seriously interfere with the successful prosecution of cases arising under section 3 and it is the hope of the department that this proviso will be eliminated from the pending bill. In connection with this view, your attention is respectfully called to the following facts:

The experience of the department justifies the conclusion that there is far more danger to the country in pro-German propaganda than there is in mere outspoken disloyal utterances. This propaganda rarely takes the shape of open abuse of the United States or open advocacy of the cause of Germany and it is seldom, if ever, possible to prove that the propaganda has a German source, i. e., to prove that the financing of it comes from a German source. On the contrary this dangerous propaganda, of which there is a great deal in the country on its face generally shows a motive entirely legitimate. The espionage act has proved a fairly effective weapon against propaganda, and if amended as requested by the department by making attempts to obstruct enlistment possible, there is every reason to prove that it will be thoroughly effective. Its effectiveness for the purpose of killing propaganda, however, has come from the principle that motives prompting propaganda are irrelevant and that the intent of it or upon the natural and necessary effects of it. The proviso referred to would make the question of motive not only relevant but essential, and would introduce an element of proof which would greatly increase the condition of successful prosecution and greatly decrease the value of the espionage act as a deterrent of propaganda. For example, the most dangerous type of propaganda used in this country is religious pacificism, i. e., opposition to the war on the ground that it is opposed to the word of God. This is the type of propaganda which was extensively used in weakening the Italian armies. The statements used in it generally consist of quotations from the Bible and various interpretations thereof. Convictions against this type of propaganda are only possible where the motive is irrelevant and where juries can be made to infer the intent from the natural effect of the propaganda. Another class of propaganda extensively used is that of slowing down production or opposing the war on the ground that this war is one between capitalists and the proletariat. This is the type of propaganda which produced the most serious results in Russia. It contains, however, assertions of fact; on its face the motive is not treasonable, or where a treasonable motive exists it would be difficult to prove it. A third type of propaganda now apparent in the South is that effecting the status of the negro in connection with the war. Here again few facts are stated; the facts which are stated are generally true and it is difficult to disprove good motives.

There are many other types of dangerous and effective propaganda which on their face appear to be based on good motives, where proof of actual disloyal motive is very difficult to make. While the proviso referred to might have some justification if section 3 applied only to disloyal utterances, in the opinion of the department, it will prove a hindrance for prosecutions in the field of propaganda.

In view of this fact, will you not ask your committee to consider the advisability of eliminating the proviso from the pending bill?

Respectfully,

JOHN LORD O'BRIAN,
The Special Assistant to the Attorney General
for War Work
(For the Attorney General).

Mr. FALL. Mr. President, I think possibly the words which were referred to by the Senator from North Carolina [Mr. OVERMAN] with reference to the Ten Commandments were those uttered by myself during the discussion of this bill, when I said that I would not vote for an amendment proposing to make the Ten Commandments or the Lord's Prayer a part of the bill. I was opposed to the amendment when it was first offered by the Senator from Maryland [Mr. FRANCE], and I was very much surprised to hear the argument made by the able Senator from Montana [Mr. WALSH], whose legal ability we all respect very highly, when he subsequently, after this amendment had been rejected, supported it when offered again. I regret very much to be compelled to differ from the Senator from California [Mr. JOHNSON]. I am not in the habit of throwing bouquets, but I hope that the Senator from California and myself can generally act together, for there is no Member of the Senate for whom I have more respect. I know that he is absolutely sincere in what he has said.

I am inclined to think, Mr. President, that the Senators who have advocated this amendment have been, as lawyers, rather inclined to view the matter from the standpoint that we ordinarily take in construing the provisions which are so common in State constitutions and in the Constitution of the United States, a list of which the Senator from Montana submitted, I think, with his remarks in the RECORD.

Mr. President, the difference, as I understand it, is this: The provision in the majority of the State constitutions is one concerning either the penal offense of libel or the suit in damages for libel or slander. In peace times we only expect either damage suits or penal prosecutions for the libel of an individual. This was the great objection which was referred to and discussed so ably by the Senator from Missouri [Mr. REED] in the original discussion of this bill, to what were known as the alien and sedition laws. It possibly will be recalled by a majority of the lawyers here that Alexander Hamilton defended a man and secured a reversal of the judgment in his case who was convicted of the libel of Thomas Jefferson, in what is known, I believe, as the Brooks case.

Mr. President, it is perfectly proper that in times of peace the constitutional provision should be strictly observed with reference to the submission of proof by the defendant either in a damage suit for libel or slander or even in a penal proceeding for libeling an individual. It is perfectly proper that the constitutional protection should be thrown around him, that he may prove or may present the truth of the statement as a defense; it is perfectly proper that that rule and those constitutional provisions shall be strictly observed. This is the reason for and this is the purpose of the constitutional provisions, as demonstrated by the decisions along the line of libel of the individual. Every decision which you will read covering this subject is based upon the question of libel or slander, either the prevention of libel by the enforcement of a penal statute or else allowing the individual to prove the truth when he is sued in damages for libel or tried in the criminal case.

This is an entirely different case which we are now considering. It does not relate to the libel of the individual. This matter was discussed concerning the mistaken impression which has gotten out to the public that this proposed law prohibited or penalized the expression of criticism against an individual, such even as the President of the United States; and it was shown here in the debate, as of course we all remember, that there was nothing of that character in the bill. This proposed act does not cover actions for libel; it covers forcible attacks by words or acts on the United States Government, or upon the uniform of its soldiers, or upon its flag. It is not a libel.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Maryland?

Mr. FALL. I shall be glad to yield to the Senator from Maryland.

Mr. FRANCE. I am not an attorney at law, but I was under the impression that a government might be libeled, as an individual may be libeled. I was under that impression, gained from a very cursory examination of some of these decisions.

Mr. FALL. Mr. President, I presumed that that was the impression under which the Senator from Maryland was laboring. That may be possible.

It was well said by the Senator from Pennsylvania [Mr. KNOX] yesterday that war is not made by the declaration of war. The declaration of war is simply the declaration of a status. The status has changed from a peace status to a war status. This bill is dealing with war. It is not intended to reach the peace status, nor to apply to the peace status. The libel even of the Government, to which the Senator refers—if such a thing is provided—is the libel of the Government in time of peace. This is to prevent the use of words constituting an assault upon the Government, or its integrity, or upon its soldiers, or upon its uniform, tending to bring it into contempt in time of war. The distinction is so plain that a man who runs may understand it.

In my judgment, the Assistant Attorney General was absolutely correct. You are dealing with war matters. You can not throw around the individual the cloak of innocence which is his sufficient shield and protection in a criminal action against him where he is tried by a jury of 12 men in times of peace. If you undertake to surround him with the affirmative defensive which he is allowed in times of peace when he is attacking your Government in time of war, in my judgment, Senators, you are then necessitating the passage of the bill introduced by the honorable Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs.

My position may have been misunderstood; it may be possible that I am so unfortunate as not to be able to explain myself as I desire to the Senate. From the inception of this entire legislation, from the first discussion of the espionage bill down to the present time, I have attempted to be consistent in following out one line. Prior to the declaration of war, when the President declared armed neutrality and asked us to grant him certain powers—when he asked the passage of the espionage acts prior to the declaration of war—I took the position then, and I take it now, that without drastic legislation of a penal character you will inevitably bring about in this country exactly the conditions which during the Civil War resulted in the arrest by military authority of members of the Maryland Legislature; when by order of the President a writ of habeas corpus to release them from arrest was refused; when it became necessary, in the judgment of Abraham Lincoln, to arrest the mayor of Baltimore under a military warrant; when, as I said, he had arrested by military warrant members of the legislature to prevent them from declaring secession and carrying Maryland into the Southern Confederacy; when it became necessary by military warrant not only to arrest a newsboy, but absolutely to stop the circulation of a paper in New York, where martial law was not declared; when it became necessary to reach out with the strong hand of the military and seize editors of papers, to convict before a military tribunal Vallandigham in Ohio, martial law not being declared; when the Constitution of the United States, in my judgment, was absolutely violated, because Abraham Lincoln—whom you certainly recognize as a patriot, only desirous of saving this country—was ready to take the responsibility and to save it, despite any criticism which might be directed at him, and even to violate the Constitution and take the consequences, if in his judgment it was necessary to violate it, that this country might live.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from New Mexico yield to the Senator from Washington?

Mr. FALL. I yield to the Senator.

Mr. POINDEXTER. Is it not rather a misuse of terms to speak of such acts as the Senator has so eloquently referred to as a violation of the Constitution? Is it not rather the exercise of war powers, necessary for the preservation of the Union, which are contained in the Constitution?

Mr. FALL. Undoubtedly, Mr. President; and, as I was going to say, correcting my remarks, having these matters in view—viewing this entire situation as I do—I have consistently labored here to allow a man charged with an offense at this time to be tried by a jury of his countrymen in the civil courts, that it might not be necessary, in order to save this Government and these people of ours, to invoke the strong arm of the military. Therefore I voted for every drastic measure to punish spying, to punish any attack, direct or indirect, upon our Government, upon its soldiers, upon its flag, upon its uniform; to punish it drastically, but to leave the question of guilt or innocence to the civil tribunals and not necessitate the arrest and trial of individuals throughout this country by the military arm of the Government.

Mr. FLETCHER. Mr. President——

Mr. FALL. I yield to the Senator from Florida.

Mr. FLETCHER. I ask the Senator this question, as a practical matter: In the case of offenses against this statute, with such a provision in it as was put in by the Senate, would it not operate in this way—that practically every offender would come into court with a plea that what he had said or published or done was true, and for justifiable motives, and that would at once inject into the trial that issue, upon which the offender would have unlimited opportunity to exploit his views, and more harm probably would come from trials of that sort than from the original offense?

Mr. FALL. Why, clearly, Mr. President; that is my opinion, considering the further fact that the Senate, in its wisdom, saw fit to change the word "calculated" to the word "intended." If you adopt this measure now as it went from the Senate to the House, you are not only face to face with the necessity of proving the intent, but you allow the defendant, in defense, to prove the truth of his words. Therefore, if he proves that the words which he uttered were true, the court will say that he must have been presumed to intend a benefit rather than an attack upon the Government of the United States or an offense against it. You have thrown around him now, in my judgment, such defenses as will render it exceeding difficult, even without this amendment of the Senator from Maryland, to secure a conviction. With this amendment, such conviction, in my judgment, is almost impossible. Then you are confronted by a condition. It is no theory. The Senator from Oregon—and I may say the courageous, brave, and sincere Senator from Oregon—has introduced and has now pending before his committee a proposed law providing for the trial of cases of this kind before a military tribunal. I join, in opposition to the enactment of such legislation, the Senator from California [Mr. JOHNSON] and the other Senators who have expressed themselves. You pass this legislation as it went from this body, you enact this law as we sent it to the House, and I tell you again, as I have warned you before, that inevitably, to protect this country, to save it in this hour of its dire need, you must vest in the military tribunals the power to stop what? Treason. It is all treason. You will realize it before you have gone much farther.

Unfortunately, the Constitution of the United States undertakes to prescribe what shall be treason, and the definition is so restricted that it is almost impossible to reach cases which are intended to be reached and which are offensive to every true American now, and which are arising every day in all the different States of the Union. It is almost impossible to reach them and to punish them as treasonable. It is not our fault, but it is because the Constitution has limited the definition which the legislation might put upon what constituted treason. There are acts treasonable in themselves. I say that any man who is guilty of language tending to cast contempt upon or to bring into contempt the land or naval forces of the United States, the flag of the United States, the uniform of the United States, or the form of government of the United States in time of war, should be guilty and is guilty as a matter of fact of treason; but under the limitations of the Constitution you can not convict him of treason. You must prove that the act was in aid of the enemy, and was so intended, or else you can not convict him of treason.

Insidiously, from one end of this country to the other, secretly, in lodge rooms throughout the different States of this Union to-day treason is being preached. I have reference to the Industrial Workers of the World and their associates. Resistance to the draft is, in my judgment, treason to the United States at this time. Resistance to any of its measures should, in my judgment, be denominated treason, and in a great many of the cases of which we have heard and read and some of which have come under the knowledge of each of us, the parties have escaped, although in their intentions they were guilty of treason; and you now, in enacting legislation here allowing a man to go before a jury and be tried by a civil tribunal, are casting around him all the protections which the courts give to a man charged with crime in times of peace.

Why, I have heard it said here that it is better that a hundred guilty men should escape than that one innocent man should be convicted. I say to you that if it is necessary to save this country it is better that 10 innocent men should sacrifice their blood than that the country itself should not be saved. That is harsh doctrine, but war is harsh. You can not play with conditions as they exist now with silk gloves. You must meet these enemies of this country at home with the bars of a jail or else you are going to be compelled to meet them with the rope of Judge Lynch or with muzzles of your guns after a drumhead court-martial.

Mr. President, I have been earnestly, insistently contending for civil trials, for jury trials to prevent what I see will inevitably, in my judgment, be the measure to which we must resort to save the country. Emasculate proposed legislation of this kind, and I, for one, pledge the honorable Senator from Oregon my vote and my support for his measure proposing trial by military tribunal.

Mr. JOHNSON of California. Mr. President, the scope of the argument, I think, has demonstrated conclusively the necessity for the amendment. I beg the attention of my colleagues while I respond for just a few moments to what has been said in behalf of the action of the conferees in striking out this amendment. I beg their attention, because what confronts us now in this amendment is fundamental and it touches not only us and our action at this particular time but it touches as well that which is held most dear by all our people.

As premising what I have to say, I want to make it perfectly clear—and this, I think, has been made plain by my past actions—that there is not anything that the Senator from North Carolina or the Senator from New Mexico can present for the successful prosecution of this war that will not have not only my enthusiastic support but my ardent advocacy in and out of this Chamber. I want to make plain again, too, that disloyalty to the Nation in this crisis, propaganda that will destroy the morale of those whom we love abroad or those at home who fight behind the line would be by me as condignly met as any conceivable offense against our people or against our fighting forces; but I must most respectfully dissent from the doctrine that has been announced by the learned Senator from North Carolina and that which has been reiterated by the Senator from New Mexico.

The Senator from North Carolina says to us, first, that you might just as well insert in this bill the Ten Commandments, or some equally obvious matter, as this particular amendment. Now, follow me, please. First, it is asserted that you might just as well insert in this bill some utterly immaterial matter or some obvious matter as the amendment for which we contend; and in the very next breath these Senators contend—and that contention they demonstrate by the letter of some gentleman connected with the Attorney General's Office—that the insertion of this amendment would give to men charged with an offense the defense that the Constitution of the United States is supposed to give to every man charged with crime; and, forsooth, because this amendment would give to a man charged with an offense under this bill what the Constitution guarantees him and what the law has ever given him in kindred and in cognate actions, for that very reason it is said that it should be eliminated from this bill.

Now, that is the sum and the substance of the argument presented by the Assistant Attorney General. He says that certain people quote the Bible in a particularly inappropriate way, and in that fashion indulge a propaganda that ought not to be tolerated. If the Bible be quoted in a fashion that it ought not to be quoted, of course, we would prohibit it, I assume, in this time of hysteria.

But, Mr. President, I can not assent to the doctrine so eloquently enunciated by the Senator from New Mexico [Mr. FALL] that this is war, and because it is war, a different rule must obtain in relation to the prosecution of criminal offenses than obtains in time of peace. Yes, Mr. President, it is war. It is war from the standpoint of many of us here upon a ruthless enemy until victory shall be won for the United States of America. But, good God, Mr. President, when did it become war upon the American people? When in all this crisis and in all this peril did we have in this conflict war upon the American people so that the safeguards of the Constitution and the rights of the law should be denied unto the American people?

The doctrine that has been enunciated here by the distinguished Senators, for whom I have not only a profound respect and regard but of whose views I speak with peculiar diffidence, means that you are warring not upon an enemy, you are warring upon your own people, and you are denying that which has been given them ever since this Nation was established. The argument that has been made here to-day that in time of war you deny the presumption of innocence in civil courts to men charged with offenses, the argument that in time of war the safeguards that are around a man accused of crime are shorn from him and taken from him, the argument that in time of war substantially the Constitution is abrogated, and the protection of the law denied to the American citizen is an argument, Mr. President, to which I can not subscribe, and to which this popular branch of the Government of the United States of America ought never to subscribe, and it is an argument, I am very glad to say, that has been repudiated by the President of the United States in the letter that he wrote day before yesterday concerning the bill, which was designed to apply martial law to the entire Union.

I submit, therefore, in view of what has been said by the Senator from North Carolina, I submit in view of the very letter and because of the very reasons that are given by the Assistant Attorney General, this particular clause should be inserted in this bill, and that the bill should be sent back to conference with the direction to the conferees of this body to insert that particular clause.

Mr. SHERMAN obtained the floor.

Mr. OVERMAN. Will the Senator from Illinois yield to me?

Mr. SHERMAN. Yes, sir. I do not want to lose the floor, however.

Mr. OVERMAN. This hour was intended to be given to the Senator from Virginia [Mr. SWANSON] to bring up the housing bill. Some Senators have said that they would like to read the letter of the Assistant Attorney General before voting on the conference report. Therefore I ask that the report may go over.

Mr. SHERMAN. Until what time?

Mr. OVERMAN. Is that agreeable to the Senator?

The PRESIDING OFFICER (Mr. KING in the chair). The Senator from Illinois desires to know to what hour the Senator from North Carolina wishes to have the conference report go over.

Mr. OVERMAN. Just temporarily lay it aside, in order that at some other time, when the Senate is not pressed, it may be taken up. I should like to have the housing bill passed to-day.

Mr. NORRIS. Does the Senator expect to call up the conference report to-day?

Mr. OVERMAN. No; I ask that it may go over until to-morrow.

Mr. FRANCE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is the presentation of reports of committees.

Mr. OVERMAN. The regular order is that the conference report goes over.

Mr. SHERMAN. I have no objection to its going over until to-morrow.

Mr. FRANCE. I understand that the report had been presented and it is now under discussion.

Mr. OVERMAN. The Senator from Virginia wants to bring up the housing bill, and I am willing to have it go over and to take up the housing bill.

The PRESIDING OFFICER. The Chair is of the opinion that, upon the request of the Senator from North Carolina, the conference report will lie upon the table to be called up at a later time. Reports of committees are still in order.

THE OXMAN TRIAL.

Mr. POINDEXTER. Mr. President, out of order, somewhat in the nature of a personal explanation, I wish to say that on yesterday the Senator from Ohio [Mr. POMERENE] interrogated the Senator from California [Mr. PHELAN] as to a statement which had been made by myself on a preceding day to the effect that in the proceedings growing out of the trial of Thomas J. Mooney in San Francisco one Oxman, a witness in that case, who later on had been charged with subornation of perjury, had been presented to a grand jury, and that the grand jury had declined to return a true bill against him, whereas the Senator from California stated that Oxman had been tried before a petty jury and acquitted. The Senator from Ohio asked me to state for the RECORD, on account of a certain public interest which he has in the case, what the fact is in that regard.

I desire to state that both the statement made by the Senator from California as to Oxman and the statement made by myself were correct; that Oxman was presented to the grand jury, and the grand jury did decline to return a true bill against him. Subsequently he was presented upon complaint to a justice of the peace sitting as a committing magistrate, and the justice of the peace bound him over to the superior court, and he was tried upon a finding of probable cause by the justice of the peace.

Mr. SWANSON. I should like to ask what the regular order is.

Mr. POINDEXTER. I am asking to present, as a matter of correction or explanation, a personal statement as to a fact. If the Senator has no objection, it will take me just a moment.

Oxman was tried before the petty jury and was acquitted. So there is no inaccuracy in either one of the statements.

In further reference to that matter, Mr. President, I ask leave to present to the Senate and to send to the desk and have read by the Secretary a brief telegram which I have just received.

The PRESIDING OFFICER. Without objection, the request of the Senator will be granted, and the Secretary will read the telegram.

The Secretary read as follows:

SAN FRANCISCO, CAL., *April 23, 1918.*

Senator POINDEXTER,
United States Senate, Washington, D. C.:

All good citizens of California are indebted to you for your defense of the administration of the law in our State. Only radicals, anarchists, near anarchists, and Bolsheviki, and those misled by them have any views other than yours, and they have purposely seized upon the Mooney case as a new instrument with which to break down the faith of the country in law and order, the old forms of sedition and anarchy having been crushed before an awakened public opinion. Don't be fooled by the Oxman camouflage. The case of Billings, the first of these cases tried, was tried and Billings was convicted in my court before ever Oxman was heard of. The same evidence was later produced against Mooney in another court, supplemented by Oxman's testimony, and Mooney was convicted. However, the conviction did not come until large sums of money had been raised and a pitiless campaign started to break by publicity and terrorism all witnesses for the State. Like the Germans striking at the strongest point as their best defensive, the Mooney defense picked upon Oxman's testimony as their greatest danger point and fired at it with every kind of poisoned gas that a well-financed and a well-organized campaign of publicity could devise. When out of that campaign Oxman was charged with suborning perjury, he was placed on trial before a jury drawn in the usual court routine and acquitted. That there might be no good ground for charging that Oxman was not fairly prosecuted I, as trial judge, caused the district attorney to retire and place the prosecution in the hands of the attorney general of the State, Deputies Raymond Benjamin and John T. Nourse conducting the case. Nourse has since been appointed a judge of the superior court. It is admitted in printed statements issued here by the Mooney defense league that the defense has collected from organizations requiring receipts more than $100,000. It is reported that at least another one hundred thousand has been collected from sources which did not ask for receipts. All this money has been expended in publicity and in fees for detectives and lawyers. You will do the country a great service by following these cases and exposing their use by the radicals in office and out, to foment discontent, sedition, and destruction of Government; and don't let the report of Frankfurter fool you. It was made on false reasoning, without investigation, and in total disregard of the rights of California as a sovereign State. I say without investigation, for Frankfurter did not interview me, who presided at the trials of Billings and Oxman, nor Judge Emmett Seawell, who presided at the trials of Weinberg and Mrs. Mooney, and, as far as I know, did not consult with the district attorney nor with any other officer representing the State.

FRANK H. DUNNE,
Judge of the Superior Court.

Mr. SHERMAN. Mr. President, if the Senate will bear with me for a moment I should like to add in connection with the telegram read the fact that the district attorney for the county and city of San Francisco went through the process of recall on this issue and in the ensuing election the district attorney who prosecuted this case, resulting in the sentence referred to—Charles M. Fickert—was sustained by the county and city of San Francisco by an overwhelming majority—more than 2 to 1, as I remember, quoting from memory. Public sentiment is in no uncertain state, according to this recall, in San Francisco.

RULES OF INTERNATIONAL LAW.

Mr. OWEN. I ask leave to have inserted in the RECORD Senate joint resolution 150, which I introduced yesterday, and to give notice that on Monday next, immediately after the conclusion of the morning business, I shall ask permission to address the Senate in regard to it.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 150) requesting the President to invite the entente allies to declare the rules of international law and require the German Government to accept such rules under penalty of progressive international boycott, etc.

Resolved, etc., That the President of the United States is hereby requested to invite Great Britain, France, Italy, and Japan and their allies in the present war brought upon them by the Hohenzollerns, to enter into a treaty declaring the fundamental rules of international relationship and to bring to the knowledge of the commercial and financial interests now backing the Hohenzollern war that instead of profit out of this war they shall be visited with assured commercial and financial loss unless they promptly use their influences to bring this war to an end by the acceptance of the rules of international law.

SEC. 2. That the fundamental principles of international relationship and of international law upon which the future peace of the world must depend are as follows:

Every civilized nation has the unquestionable right to exercise full powers of internal self-government, with exclusive control within its own territory over emigration, immigration, exports, and imports, and to complete unembarrassed territorial integrity, but no right to menace other nations by militarism.

That the oceans and high seas and international waterways should be free and open under international rules to the citizens of all nations recognizing international law.

That the right of access to the sea by shipment in bond without tax through intervening territory should be conceded to all nations recognizing international law.

That all international differences should be definitely and finally settled by arbitration, but no case questioning the fundamental rules of international law is justifiable.

That the invasion of the territorial integrity of one nation by another on any alleged ground is the highest of all international crimes, and any nation offending this law should be regarded by all civilized nations as an international outlaw.

That subordinate nations or colonies, backward in education and industrial and economic development, should have their human rights safeguarded on the basis of the principles of freedom and justice by international agreement.

That Alsace-Lorraine and the Terra Irredenta should be assured unembarrassed self-determination under international agreement.

That Germany and Austria must immediately, under the rules of international law, evacuate all territory invaded by them during the present war.

That progressive reciprocal disarmament of the nations shall be agreed upon as an international rule of conduct to go into effect immediately after the termination of this war to an agreed basis of actual requirements for domestic and international police.

That an international police army and navy shall be established by international agreement after the termination of this war for the purpose of enforcing international rules.

SEC. 3. That in order to remove the hope of profit and to establish the certainty of loss upon the commercial and financial forces now backing the German military machine in this war, that the international agreement hereinbefore proposed shall further stipulate that if within 30 days after such international agreement be signed the German Government shall not by resolution of the Reichstag and by referendum of the German people agree to the above principles of international law, then and in that event the nations of the world now at war with Germany should solemnly pledge themselves by an irrevocable agreement to enforce the following commercial and financial stipulations for one year's time, with one additional year's time for every 30 days' further delay on the part of the German Government up to the term of five years and until the Government of Germany accepts the proposed principles of international law, as follows:

STIPULATIONS OF BOYCOTT.

First. To refuse clearance to any of their vessels to any German port.

Second. To refuse entry to any of their ports of any vessel under the flag of Germany or a vessel under any other flag engaged directly or indirectly in trade with Germany or owned in whole or in part by any subject of Germany.

Third. To prohibit the exportation, direct or indirect, of any merchandise, goods, wares, raw materials, or other natural products, whether of domestic or foreign origin, to Germany.

Fourth. To refuse to permit the importation, direct or indirect, of any merchandise, goods, or wares, whether of domestic or foreign origin, from Germany.

Fifth. To prohibit the exportation, direct or indirect, to Germany of coin, bullion, or paper money, or securities, or any other form of indebtedness, or bills of exchange, or of other negotiable instruments, or of banking or commercial paper.

Sixth. To forbid any postal, telegraphic or telephonic, or express communication with Germany or with any person in Germany.

Seventh. To prohibit the transfer to their own nationals, either directly or indirectly, of any stocks, shares, mortgages, or other forms of indebtedness owned by a resident subject of Germany, and to confiscate all property, including patents and patent rights, owned in the entente allied countries by Germans residing in Germany and use the same or the proceeds thereof as an indemnity to their own nationals owning property lost or confiscated in Germany.

ORDER OF BUSINESS.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. The morning business is not closed yet.

Mr. THOMPSON. I insist on the regular order.

The PRESIDING OFFICER. Reports of committees are still in order. If there be none, the introduction of bills and joint resolutions.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4428) to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Military Affairs.

By Mr. NEW:

A bill (S. 4429) granting a pension to Eliza Kelley (with accompanying papers);

A bill (S. 4430) granting an increase of pension to Clinton Neligh (with accompanying papers);

A bill (S. 4431) granting an increase of pension to William McCory (with accompanying papers);

A bill (S. 4432) granting an increase of pension to Anderson Ward (with accompanying papers);

A bill (S. 4433) granting an increase of pension to James Anderson (with accompanying papers); and

A bill (S. 4434) granting an increase of pension to James Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4435) granting a pension to William H. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 4436) to restore Maj. Robert H. Peck, of the Regular Army, to the place in the lineal list he would have occupied had he not been separated from the service; to the Committee on Military Affairs.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. WATSON submitted an amendment relative to the compensation of postal employees, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

FUNERAL EXPENSES OF THE LATE SENATOR STONE.

Mr. REED submitted the following resolution (S. Res. 231), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. WILLIAM J. STONE, late a Senator from the State of Missouri, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. THOMPSON subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

HOUSE BILL REFERRED.

H. R. 10613. An act to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

COST OF FARM IMPLEMENTS.

Mr. THOMPSON. I desire to call up Senate resolution 223, coming over under the rule from a previous day.

Mr. SWANSON. Is it on the calendar?

Mr. THOMPSON. No, sir; it comes over under the rule from a previous day. It is a short matter and I think will not require much discussion at this time, as the subject has been thoroughly considered in connection with other bills. It simply directs the Federal Trade Commission to investigate the high cost of farming implements and some articles that the farmer is required to buy, in order to establish a proper equilibrium of prices. An arbitrary price having been fixed on wheat, the farmers insist that if that price shall remain a reasonable price should be fixed upon farm implements and things they are required to buy and use on the farm to bring about production.

The PRESIDING OFFICER. The Chair will lay before the Senate the resolution, which has come over from a previous day.

Mr. SWANSON. I hope the Senator will not present that resolution to-day.

Mr. WADSWORTH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. WADSWORTH. May I ask what has become of the motion of the Senator from Virginia?

Mr. SWANSON. I hope the Senator from Kansas will not press his resolution.

The PRESIDING OFFICER. The Chair did not entertain the motion of the Senator from Virginia because the morning business had not been concluded.

Mr. WADSWORTH. Am I wrong in thinking that a motion to take up a bill is in order?

The PRESIDING OFFICER. Not during the morning business without unanimous consent.

Mr. GALLINGER. It is in order after the hour of 1 o'clock. Under our rules it was in order when the Senator from Virginia made the motion.

Mr. THOMPSON. I do not think that there will be any lengthy discussion on my resolution.

Mr. WADSWORTH. I understand the motion is pending and unacted on.

The PRESIDING OFFICER. The Chair is advised that during the morning business it can only be entertained by unanimous consent.

Mr. SWANSON. I think the rule says after 1 o'clock such a motion can be entertained.

Mr. GALLINGER. It is in order after the conclusion of morning business, or after the hour of 1 o'clock. The rule is specific.

The PRESIDING OFFICER. However, the Chair has recognized the Senator from Kansas.

Mr. SWANSON. I hope the Senator will not press his resolution. It can come up at some other time. This housing bill has been here for two weeks. The department says it is the most urgent war matter pending here to-day. For two weeks I have been trying to get consideration of this measure.

Mr. THOMPSON. It is not my desire to interfere at all with any war measure. As a matter of fact this resolution relates to the question of production and is a war measure in itself. It applies to what is most vital and important to the country at this time—the production of foodstuffs for ourselves and the allied armies—and in order to maintain the necessary increased production I insist that the prices on the things the farmer has to buy to bring about production should also be regulated in order to do justice to the farmer when prices are fixed on his products. The farmer is like any other business man. In order to stay in business he must make a fair profit, and there is no way of determining what the price on his products should be without knowing the cost of production.

Mr. SWANSON. I favor the resolution of the Senator and will vote for it, for I want the information, but I insist on the motion that I made before he was recognized. I ask the Chair to rule whether my motion is in order.

The PRESIDING OFFICER. After further information which has been conveyed to the Chair as to the rule referred to, the Chair holds that the motion made by the Senator from Virginia is in order.

Mr. GALLINGER. That is right.

Mr. THOMPSON. In view of the ruling of the Chair I should like to know then if my resolution will go over under the rule without prejudice and can be called up at some later day when it can be reached during the morning hour?

Mr. SWANSON. It can go over without prejudice, as it has not been brought up.

Mr. THOMPSON. I would not want it to go to the calendar.

Mr. SWANSON. It does not go to the calendar, because it has not been brought up.

The PRESIDING OFFICER. The Chair thinks that the resolution would go over without prejudice.

Mr. SWANSON. Yes; without prejudice.

HOUSING OF GOVERNMENT EMPLOYEES.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia that the Senate proceed to the consideration of House bill 10265.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. KELLOGG. I offer an amendment to subdivision (b), section 1, of the bill, which I ask to have read.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that there is an amendment now pending to the bill.

Mr. KELLOGG. I was not aware of that.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is that offered by Mr. THOMAS to amend the amendment of the committee on page 2 by striking out all of the proposed amendment after the word "That," on line 15, and inserting in lieu thereof the following:

Schools, colleges, museums, libraries, State, county, and municipal buildings shall be exempted from the operations of this act.

Mr. SWANSON. Mr. President, the Senator from Minnesota [Mr. KELLOGG] has an amendment which he has submitted to me, which covers the ground intended to be covered by the amendment of the Senator from Colorado [Mr. THOMAS]. I ask that the amendment of the Senator from Minnesota may be read as a substitute for the amendment of the Senator from Colorado.

The PRESIDING OFFICER. Without objection, the Secretary will read the amendment offered by the Senator from Minnesota as a substitute for the amendment of the Senator from Colorado.

The SECRETARY. After the word "constructed," in line 15, page 2, it is proposed to strike out the entire proviso down to and including line 24, and to insert in lieu thereof the following:

Provided, That colleges, museums, libraries, State or municipal buildings, and the furnishings of private dwellings shall not be acquired except by contract, nor shall any occupied dwelling be taken under the powers in this act given, except by contract, unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality on petition setting forth the reason and necessity for such taking; the hearing on such petition shall be summary in character and the determination of such judge shall be final.

Mr. SWANSON. Mr. President, I move that that amendment be accepted as a substitute for the amendment of the Senator from Colorado. I accept the amendment.

The PRESIDING OFFICER. The Senator from Virginia moves that the amendment offered by the Senator from Minnesota be accepted as a substitute.

Mr. GALLINGER. The Senator from Virginia ought not to move that that be done. The question is upon substituting.

Mr. FALL. Mr. President, the substitute as offered by the Senator from Minnesota [Mr. KELLOGG] would be perfectly satisfactory to me, but the principal objection which I have to this proviso is not met at all by the substitute. I regard it as a little camouflage. The taking of an occupied private dwelling is not to be by the Secretary of Labor under the provisions of the amendment, even as left in the substitute of the Senator from Minnesota. It is not to be by the individual act of the Secretary, but by the act of some judge of a district or circuit court. Such judge is simply substituted for the Secretary of Labor, with the same power. I do not think that portion of the amendment has been changed.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I yield.

Mr. KELLOGG. That portion of the amendment was not changed. The other day when this amendment was under consideration it was objected to for the reason that it only provided that the furnishings of dwelling, colleges, museums, libraries, State and municipal buildings could be acquired by contract. It was the intention, undoubtedly, that libraries, museums, State and municipal buildings could not be acquired except by contract. This amendment was drawn in order to make it perfectly clear that the furnishings, and not only the furnishings but that colleges, museums, libraries, State or municipal buildings could only be acquired by contract.

Mr. FALL. I agree with that part of the amendment.

Mr. KELLOGG. The chairman of the committee was not willing that private dwellings should be placed in the same category. It is going a long way to say that a dwelling shall be taken from one person and given to another for the same use.

Mr. FALL. By one person.

Mr. KELLOGG. But the amendment was not drawn with a view of affecting the question of dwellings at all.

Mr. FALL. I so understood; and for that reason I said that I was in accord with the Senator's idea and in favor of his amendment, but that it did not reach the principal objection which I make to this entire proviso; that is, I object, Mr. President, most seriously to the Secretary of Labor being entitled, of his own volition and upon his own judgment of the necessity of the case, to requisition or commandeer a private occupied dwelling. That objection is not removed by the simple substitution of a judge. Apparently, on the face of it, this would look as though it contemplated a condemnation proceeding, but it does not.

Mr. SWANSON. Mr. President, if the Senator will permit me, it is contemplated in some of the arsenals and navy yards to erect buildings to house two or three thousand people. There might be 8 or 10 residences there, and if we did not have the right here conferred it might absolutely interfere with the whole program, and afford an opportunity to blackmail the Government and charge ten or twenty times what the property is worth. If it is a public necessity, and if it is absolutely for the public good that such property shall be taken, it is not left to the Secretary of Labor, but he will have to file a petition with the circuit or district judge, who must enter of record that the public necessity requires the taking of this private property. After that is done, then he can proceed.

Mr. FALL. I understand that; but the objection I make to it is that it simply substitutes the single opinion of a judge without condemnation proceedings of any kind for the sole opinion of the Secretary of Labor in this matter.

Mr. SWANSON. Mr. President——

Mr. FALL. I hope the Senator from Virginia will pardon me and let me finish my statement. The hearing is not really a hearing. There is no provision for a day in court. The party whose private property is taken or commandeered has not an opportunity to be heard. The hearing before the judge is not upon petition and answer thereto; it is not upon evidence taken as to the necessity of taking the property, but it is simply upon the filing of the petition of the Secretary of Labor

himself that he sees the necessity for the taking of a particular house. Upon the single indorsement of that petition or opinion of the Secretary of Labor by the judge himself an occupied dwelling can be taken away from the occupant.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield; and if so, to whom?

Mr. FALL. I first yield to the Senator having charge of the bill.

Mr. SWANSON. I wish to say that a public building may be erected in war times or in peace, and that the Government has the power of condemnation.

Mr. FALL. Undoubtedly.

Mr. SWANSON. A great many people have the idea that, if that power be conferred in this case, it may work an injustice to some people. So this amendment was drawn and it has been offered by the Senator from Delaware. It was written hurriedly, and provides that the necessity for the taking of the property must be decided by a judge before it can be taken. After that condemnation proceedings may be had or the owner may be paid 75 per cent of the value of the property. On petition the judge determines as to the necessity of the taking before anything can be done to a private dwelling.

Mr. LODGE. But that ought not to be an ex parte hearing.

Mr. SWANSON. Speed, speed, speed, is what is needed in this matter. If there are going to be so many delays placed around this proceeding by such cumbersome processes before anything can be done, there is absolutely no use of passing the bill.

Mr. FALL. I am sorry for that, Mr. President.

Mr. SWANSON. If the building of a little town containing three or four thousand people is to be so delayed that it will require 12 or 18 months before it can be done, the war will be over, I hope, before the necessity for such work arises. The amendment, however, was reported to give every man a day in court; and it is not necessary to pass upon the public necessity even before the condemnation proceedings may be had.

Mr. LODGE. But, if the Senator will allow me, that is the trouble; it is not a court.

Mr. FALL. It is not a court at all. That is the objection.

Mr. SAULSBURY. Mr. President——

Mr. FALL. I will yield to the Senator from Delaware, who, I understand, is the author of the amendment.

Mr. SAULSBURY. Mr. President, I desire to correct an impression which has been given out in regard to my being the author of the whole amendment. My amendment, which was offered in the Committee on Public Buildings and Grounds, was to provide that furnishings in a private dwelling and private dwellings themselves should not be taken by the Secretary of Labor until he had submitted his reasons for taking them to a judge and the judge had determined the necessity thereof.

I heard a good deal of discussion the other day in the Senate about lawyers and about the capacity of lawyers, and things of that kind, but I was called out before I was charged with being the author of this whole amendment. It is perfectly familiar hornbook law that, although a proceeding may be ex parte, yet a judge will admit parties to the hearing and will listen to their representations. I have been through many condemnation proceedings, and that has frequently occurred. The usual condemnation proceeding is, of course, for the judge to appoint a commission to condemn; and, while that may be ex parte, it is not of necessity.

No judge in the United States of America, I fancy, would refuse a hearing to a person owning a private dwelling in which he lived if the Secretary of Labor desired to take it. I think it may be very necessary, if this operation is necessary at all, that the Secretary of Labor be authorized to take private dwellings. For example, there might be a tract of a hundred acres on which there might be one private dwelling which would very greatly interfere with the covering of that whole hundred acres with buildings. I fancy a judge would decide that that was a case of necessity, but he would hear the man who was the owner, not necessarily but out of grace, even if the proceeding might be ex parte, under certain circumstances. It might, however, be an extremely difficult matter to give a hearing to every person entitled to a remote interest or a fractional interest in a portion of the land to be taken in connection with a whole enterprise of this kind before a final determination. So a summary proceeding is needed and for that reason was provided.

Personally I do not see any objection to taking college buildings. I might even go so far as to shock the sense of some of my colleagues by saying that the best use that I know of to which the buildings of Harvard College or Yale College or the University of Pennsylvania or my own college, the University of Virginia, could be put from now until we have supplied ourselves with all the munitions and the necessities of war would be to house workmen in them if they could not be housed elsewhere. No Secretary of Labor would, however, attempt to take such buildings as those unless it was absolutely necessary to do so. I have no objection to a court having that matter under consideration, but that is not a portion of my amendment. I have had nothing to do with anything except the furnishings and the taking of private dwellings, but I thought that it was very desirable and, indeed, necessary that some provision along the line of the amendment I suggested should be incorporated in the bill.

Mr. SWANSON. The Senator probably was not present when I stated that the Senator from New Jersey [Mr. FRELINGHUYSEN] offered the amendment in connection with schools and colleges.

Mr. SAULSBURY. Yes; and I voted against that, so that I do not care to be responsible for the whole amendment, because I can think of circumstances when, indeed, it would be very desirable to take college buildings. There is not much use in educating the young men of this country to be dominated by Huns, as I see it. I want this war won, and I want every person in this country to be engaged in useful war work. It is not so necessary that our colleges shall run for a few months as it is necessary that we should get work done which is necessary for the successful prosecution of the war.

Mr. KELLOGG and Mr. THOMAS addressed the Chair.

Mr. FALL. I now yield to the Senator from Minnesota.

Mr. THOMAS. I wish to make an inquiry with regard to the parliamentary situation. When this bill was last before the Senate, I think on the 17th of April, just before adjournment I offered an amendment to strike out all of subsection (b) after the word "That" in line 15, and to insert in place thereof the words "schools, colleges, museums, libraries, State, county, and municipal buildings shall be exempted from the operations of this act." The Senator having charge of the bill said:

I shall be very glad to accept that amendment.

I think that was the parliamentary situation at the time the bill went over, and my purpose in interrupting is to ask whether that amendment is now before the Senate?

Mr. SWANSON. It is.

The PRESIDING OFFICER. The Chair advises the Senator that that amendment is before the Senate, but the Senator from Minnesota [Mr. KELLOGG] has offered as a substitute, as the Chair is advised, an amendment which has been read to the Senate.

Mr. FALL. And I am discussing the amendment, the proposed substitute, and the subject generally.

Mr. THOMAS. I came into the Chamber after the discussion began, and was not aware of the parliamentary situation.

Mr. FALL. I yield now to the Senator from Minnesota.

Mr. KELLOGG. Mr. President, I desire to make this suggestion to the Senator from New Mexico and to the chairman of the committee, that after the word "be" in the line next to the last to strike out the words "summary in character" and insert "upon notice to the owner and occupant of such dwellings, and the determination of such judge shall be final." That would insure a hearing to the owner and the occupant of the dwelling.

Mr. FALL. "Shall be after notice and upon hearing"——

Mr. KELLOGG. If the Senator will propose an amendment of that kind, so far as I am concerned I will have no objection to it.

Mr. FALL. I am simply voicing my objection. I have not undertaken to construct an amendment, because I think that I shall likely vote against the entire bill. I certainly shall do so unless there are other amendments adopted to it.

Mr. KELLOGG. If the Senator will permit me, I will propose an amendment to the amendment to read as follows:

And hearing on such petition shall be upon notice to the owner and occupant of such dwelling, and the determination of such judge shall be final.

If that is satisfactory to the chairman of the committee I hope it will be adopted.

Mr. SWANSON. I will be glad to accept that.

Mr. KELLOGG. I will ask to have the amendment agreed to in that form.

Mr. FALL. I think it would be better to say "the determination of such judge, after hearing, shall be final."

Mr. SWANSON. I have no objection to putting in the words "after hearing."

Mr. FALL. Let the words "after hearing" be inserted.

Mr. SWANSON. Very well.

Mr. FALL. That, I think, properly safeguards it, although the Senator understands that this is in no sense a condemnation

proceeding. I wish to refer to the observations of the Senator from Delaware [Mr. SAULSBURY] on this subject. I have no more confidence in a judge acting upon a business matter in a summary way than I would have in any other individual. I would submit a legal proposition to him and of course, having respect for his learning and for his position, would accept his legal decision more readily than I would that of a layman; but as to the simple necessity for public use or for governmental use of a certain dwelling house, I would have no more confidence in his individual decision than I would have in that of the Secretary of Labor, except for certain reasons which I shall give utterance to hereafter with reference to the Secretary of Labor, but I mean than of any other individual, because he will not be acting in a legal capacity unless the amendments which have been offered are adopted, and then he will be; and, while the hearing will yet not be in the nature of a condemnation, it will at least give the judge sitting an opportunity to hear business or other reasons against the confiscation of the property.

Mr. SAULSBURY. Mr. President, the Senator of course recognizes the desirability of having a forum into which an owner may go to show that the reasons given by the Secretary of Labor, who would be an advocate of the taking, are not sound.

Mr. FALL. Certainly.

Mr. SAULSBURY. To protect the property for his own use.

Mr. FALL. That was my object in objecting to the provision as it was originally drawn.

Mr. SAULSBURY. Mr. President——

Mr. FALL. If the Senator will allow me a moment, of course he understands, and every other Senator understands, that our Anglo-Saxon civilization is built upon the theory that every man's home is his castle. This is an interference with the private, occupied dwelling house of a man. Practically all the internal wars of our forefathers were fought out to establish this very principle, that a man's home is his castle, and that his fireside should be inviolate.

This provision, as it originally stood, would turn over to the Secretary of Labor the right on 10 days' notice to eject the individual from his private occupied dwelling or his farm or other property in the United States. It is not confined in any way. These provisions must be construed with reference to the other laws in pari materia, which we have been discussing and have been passing and the definitions which have been given of war necessities. This bill contains the broad statement that it is designed to provide housing for workmen engaged in "industries connected with and essential to the national defense"; and you will find the legislation of the Congress of the United States has said that every industry is essential to the national defense—I can not recall an industry to-day carried on in the United States which, directly or indirectly, in one act or another has not been declared by this body as essential to the national defense. The consequence is that, under the broad terms of this provision, the Secretary of Labor can go to the home of the Senator from Delaware and eject him from his occupied dwelling. Now, under the amendment offered by the committee he must, before doing so, state just why he desires that property and get the order confirmed by the judge, or get his petition approved by the judge. Under the amendment proposed by the Senator from Minnesota, with the further amendment which, as I understand is accepted, while still this is not a condemnation proceeding such as any American citizen or a person of Anglo-Saxon blood should be entitled to before his home is violated, yet it will at least give him an opportunity to appear before that judge and present reasons why his house should not be taken away from him.

Mr. THOMAS. Mr. President, I have examined the substitute offered by the Senator from Minnesota; and in view of the fact that his amendment makes provision for the taking of private dwellings, and mine does not, I will withdraw the amendment which I offered, in favor of the substitute offered by the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Colorado is withdrawn. The question recurs upon the amendment offered by the Senator from Minnesota, which will be stated.

The SECRETARY. After the word "constructed," in line 15, page 2, it is proposed to strike out the entire proviso down to and including line 24, and to insert in lieu thereof the following:

Provided, That colleges, museums, libraries, State or municipal buildings, and the furnishings of private dwellings shall not be acquired except by contract, nor shall any occupied dwelling be taken under the powers in this act given except by contract, unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality, on petition setting forth the reason and necessity for such taking. The hearing on such petition shall be upon notice to the owner and occupant of such dwelling, and the determination of such judge shall be final.

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send to the desk, which I think the Senator from Virginia will accept. It is very plain, and I do not think there will be any objection to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, at the end of section 1, it is proposed to add the following:

Provided further, That in communities where housing development is to be carried on under this act such communities, or persons desiring so to do, shall be permitted to furnish a certain per cent of the cost of providing said housing facilities under such a plan of development and under such terms and conditions as may be agreed upon by the Secretary of Labor and the persons interested in the plan of development, but in no instance shall a loan of more than 85 per cent of the cost of development be made to such communities or the persons interested in the development: *And provided further*, That the Government shall take a first lien for the amount of money so advanced by the Government.

Mr. SWANSON. I have no objection to that amendment.

Mr. FALL. Mr. President, I do not want to delay the passage of this bill if its passage is necessary; but I do not understand that amendment, and I should like to have it stated again.

Mr. OVERMAN. Mr. President, I will state that this is similar to the provision that has been made in the case of the Shipping Board. If a community wants to put up 15 per cent, or if the Government wants to make arrangements with the community by which better facilities can be provided for it, why should it not be allowed to put it up?

Mr. FALL. There is nothing to prevent its putting it up, is there?

Mr. OVERMAN. Well, I do not know.

Mr. SWANSON. This amendment provides that it shall put up the buildings and have a first lien upon them.

Mr. FALL. In other words, you are going to give the community a first lien instead of giving the Government a first lien.

Mr. SMOOT. In other words, we would lose all the money we put into it.

Mr. OVERMAN. This does not provide for any first lien at all.

Mr. SMOOT. Well, I do not know. I should like to have the amendment stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. OVERMAN. Mr. President, the Senator will see that that gives no lien at all. The community does not take any security for the money or any note for it. It just puts up 15 per cent of the money, whether it ever gets it back or not. That is what the amendment means.

Mr. SMOOT. Mr. President, it seems to me that the amendment would result in this, that if some particular individual of a community wanted to have the Government buildings erected at some special location, it would require the Government of the United States to put up 85 per cent of the money required to do it and——

Mr. OVERMAN. Oh, not at all, Mr. President. In case they can agree on the place, and the community wants to put up 15 per cent, why, it can do it. There is no lien required, no note, or anything of the kind.

Mr. SMOOT. Mr. President, the Senator says there is no lien required, no obligation, on the part of the Government.

Mr. OVERMAN. Not a bit.

Mr. SMOOT. Why, it is all left with the Secretary of Labor, and he can make any sort of arrangement he desires. He can give a lien, he can put up the money with no security, the Government can lose it all, and the improvement can be made anywhere in the community that he may decide upon.

Mr. OVERMAN. Mr. President, if the Secretary of Labor would do a thing like that, he ought to be impeached.

Mr. SMOOT. I do not know what the Secretary of Labor will do.

Mr. OVERMAN. It does not provide for any lien at all.

Mr. SMOOT. Oh, I know the amendment itself does not provide for a lien in words, but——

Mr. OVERMAN. Not at all. It just allows the community to put up 15 per cent, if it desires to do so.

Mr. SMOOT. Mr. President, I sincerely trust that no such amendment as that will be put on this bill.

Mr. FALL. Mr. President, may I ask the Senator from North Carolina what condition is going to be met by this amendment?

Mr. OVERMAN. Sometimes they are going to build these houses near certain communities.

Mr. FALL. Where—what communities?

Mr. OVERMAN. I do not know whether it will ever be put into practice or not; but suppose they go to Boston, for example, and they want to build some of these houses, and the community says, "If you will lay out the streets and connect them with certain other streets, we will put up 15 per cent of the money," or something like that, some arrangement by which these houses might be made permanent, so that the residents might buy them after the war, and they would be put up with some idea of having the streets connected with the city streets. If they want to do that, under this amendment they can do so. There is no provision for any note or any lien, but the community makes a present to the Government of 15 per cent. That is all it is; but it is all left to the Secretary of Labor, under rules and regulations to be prescribed by him. The amendment does not provide for taking any mortgage or any lien.

Mr. SMOOT. It does not say that he can not do so.

Mr. OVERMAN. Of course, he can not do so unless he is authorized to do so. Let me ask the Senator from Utah this question: What right has the Secretary of Labor, unless he is authorized to do it, to take a mortgage or a lien?

Mr. FALL. He is authorized to do it.

Mr. OVERMAN. Not at all.

Mr. FALL. Why, certainly. It provides on page 3 that he can do that.

Mr. SWANSON. If the Senator would put in his amendment a provision that the Government shall take a first lien for the 85 per cent loan, it would be in conformity with the other provisions of the bill.

Mr. OVERMAN. I am perfectly willing to put that in.

Mr. SWANSON. If the Senator amends his amendment in that way, it will be in conformity with the other provisions of the bill.

Mr. OVERMAN. How would the Senator have it read?

Mr. SWANSON. "*Provided*, That the Government shall take a first lien for the amount of money so advanced."

Mr. OVERMAN. That is all right.

Mr. SMOOT. Not "the amount of money so advanced"; "the amount of money advanced by the Government."

Mr. OVERMAN. I will ask the Secretary to put that in.

Mr. SWANSON. Yes; "the amount of money so advanced by the Government." If that is put in, it will be in conformity with the rest of the bill.

Mr. OVERMAN. I have no objection at all to that.

Mr. FALL. Mr. President, may I ask the Senator in charge of this bill if he hopes to pass it before 2 o'clock?

Mr. OVERMAN. I should like to dispose of this amendment first. I do not think the Senator has any objection to the amendment.

Mr. FALL. I am opposed to the amendment.

Mr. OVERMAN. Oh! I did not know that.

Mr. FALL. And I want to be heard generally on that subject.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. The Chair has recognized the Senator from New Mexico.

Mr. GALLINGER. Yes. I ask the Senator to yield to me for a moment.

Mr. FALL. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The senior Senator from Massachusetts [Mr. LODGE] wishes, I think, to discuss this proposition, and he is absent. I have sent for him and he will be here in a few minutes. It ought not to be pressed to a vote at the present moment.

Mr. FALL. It undoubtedly can not reach a vote at present.

Mr. President, I have endeavored to ascertain from the Senator from North Carolina, who offered the amendment, just what particular condition it was proposed to cover. I am exceedingly anxious to know the theory of the amendment, because I unhesitatingly say that in my judgment there never has been so insidious an attempt to fasten, not State socialism but absolute socialism, upon this country as is made in this bill. To discuss this matter intelligently from my standpoint you must take, of course, the entire bill as it stands.

I am not going to discuss this matter as fully now as I shall later; but what would happen, for instance, if the amendment of the Senator is adopted, even with the amendment proposed—that is, that a first lien might be created to protect the Government in regard to any money which it advanced? What would happen? It places in the hands of the Secretary this power: He can go to Illinois, or to Indiana, or to North Carolina, or anywhere else in this broad country of ours, and, without the Government having taken over and proceeded to operate any plant or industry, the amendment allows the Secretary of Labor to go to any coal mine in the United States—the production of coal is a necessity, of course—not to have the President take over the operation of such mines under the power given him, or not to have the Fuel Administration take it over, but to have the Secretary of Labor take over the housing of every employee working in such mines, not to surrender it at the expiration of this war, but to continue to rent those houses and continue to handle them.

Mr. OVERMAN. Mr. President, I had no such intention as that. I agree with the Senator as to that. I do not want the Government to continue to rent these houses after the war.

Mr. FALL. Then the Senator will have to agree with me as to my general objections to this bill.

Mr. OVERMAN. I might do that, but I am talking about this amendment. If a community wants to put up 15 per cent in money for this purpose, I can not see why it should not be allowed to do so.

Mr. FALL. It leaves it perpetually, under the bill, in the hands of the Secretary of Labor.

Mr. OVERMAN. No; it does not. My amendment does not do that. The community loses it. My idea was that if they want to come to my town and build houses, if they determine to build them there, if my town wants to put up 15 per cent provided they will put sewerage there, they should be allowed to do it.

Mr. FALL. Who is going to do it? Who holds the title?

Mr. OVERMAN. The Government holds the title. Under any condition it holds the title; does it not?

Mr. FALL. Certainly.

Mr. OVERMAN. That is what I understand. I know the Senator's objection to the bill, and I am not arguing that matter with him now; but I say if this bill passes, notwithstanding the Senator's objection, would the Senator object to my amendment? That is the point.

Mr. FALL. Yes.

Mr. OVERMAN. The Senator would not object to my amendment if the bill passed; would he?

Mr. FALL. I would not object to the Senator's amendment, possibly, if I did not object to the bill itself.

Mr. OVERMAN. That is what I understand.

Mr. FALL. That is, if the Senator can get through a comprehensive amendment along the lines that he is discussing, by which individuals will agree to take a portion of the burden away from the Government, I will cheerfully vote for it, providing there is not a provision for everlasting and eternal socialism—not state socialism, but socialism—being fastened upon this Government.

Mr. OVERMAN. Of course, I am against that as much as the Senator is; but when this bill is up here I think if a community wants to put up some of the money it should be allowed to do so. It is going to pass. Let us put in this amendment.

Mr. FALL. There is no objection to that. You can go on and produce your houses and turn them over to the Government. We will accept them.

As I say, I do not care to go into a full discussion of this measure now. I am going to discuss it at some little length—not as fully as I should like to do, because of the anxiety of the Senator who has it in charge to get it through—but I am opposed to this amendment because, as I say, it is not surrounded by the proper protection in the first place, and it simply leaves the whole matter in the hands of the Secretary of Labor to administer in perpetuity. As to this particular amendment, I am objecting to it because, while I do not desire for one moment to reflect upon the absolute integrity and sincerity of the Senator, in my judgment, and I say it very frankly, I think this is a real estate deal to have the United States Government build and lay out roads and a new town for somebody. I acquit the Senator of any knowledge of any such plan or purpose, of course.

Mr. OVERMAN. I know the Senator does, Mr. President; but the Senator knows that this is being done all the time by the Shipping Board and the Emergency Fleet Corporation, and this is only, as I thought, giving an opportunity to the Government to get part of its money back.

Mr. FALL. There is no difficulty about that. The Government will take anything that anybody will give it, just like some communities will take anything that they can get from the Government.

Mr. CALDER. Mr. President, I think the amendment offered by the Senator from North Carolina is well intentioned, and in line with the operations that are now being carried on by the Shipping Board. Some weeks ago Congress appropriated $50,000,000 to be utilized by the Shipping Board for the purpose of creating housing facilities near the shipbuilding plants of the Nation. It was my privilege last Saturday to visit Newport News, and while there to talk with the president of the Newport

News Shipbuilding Co., Mr. Homer Ferguson, as to the method he was pursuing in solving the housing problems for the men employed in his plant. I was advised by him that a subsidiary company of the Newport News Shipbuilding Co. had purchased a tract of land of several hundred acres. They propose giving this land to the Government. It is their intention to make streets, they to ultimately put in water supply and sewer accommodations, and the Government is asked to furnish sufficient money to build houses upon this tract. Under the terms of the contract, as Mr. Ferguson explained to me, the Government had agreed to advance $3,000,000. This, with the improvements made on the land, was to be divided up so that the Government would have a first lien on each individual house and the lot accompanying it for all of the money it had advanced on that particular piece of property. The local company is to take a second lien for the cost of the land. It is expected that these houses will be sold to workmen in the shipyard and mortgages given for the full value of the property, payable in monthly installments. The contract further provides, as I understand, that at the end of three years some Federal agency will appraise the property, and if the war is over and value of the property has decreased, the Government will strike off not exceeding 20 per cent of its investment, and it is believed that the Government will get back substantially 80 per cent of its outlay.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. Certainly.

Mr. SMOOT. From what the Senator says, I take it for granted that the object of the bill is to allow some person who owns an addition somewhere near some city where the Government expects to build these homes to sell that land, based upon the fact that the Government is going to put up so many buildings there and make that a center, thus enhancing the value of the land in that addition. It looks to me as though that is the object of it.

Mr. CALDER. I do not want to accuse the Newport News Shipbuilding Co. of having any such idea in mind; but I do say that the ultimate result of what the Government is doing will be to enhance the value of the land in the neighborhood of this property.

Mr. FALL. Mr. President, will the Senator yield to me?

Mr. CALDER. Certainly.

Mr. FALL. The Senator has just given us some very interesting information. From what I have heard of the gentleman with whom he was in conference, I have a high opinion of him and of his ability along certain lines. They have entered into a contract now, the Government and the Newport News Shipbuilding Co.

Mr. CALDER. No; a company composed of some members interested in the Newport News Shipbuilding Co.

Mr. FALL. A real estate company. It is a contract between the real estate company and the Government?

Mr. CALDER. The Shipping Board.

Mr. FALL. What authority had anyone to make such a contract on behalf of the Government?

Mr. CALDER. I presume that under the terms of the act passed by Congress some weeks ago the Shipping Board felt that it had the authority.

Mr. FALL. This would confirm such a contract if it had been made. There has been no authority for it heretofore, and this would ratify it, if the amendment of the Senator from North Carolina is adopted.

Mr. CALDER. In conversation with gentlemen at Newport News they assume that under the terms of the act passed the Shipping Board had authority to make the contract.

Mr. FALL. To go in partners with certain individuals?

Mr. CALDER. In a measure; yes.

The PRESIDING OFFICER. The Senator from New York will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3771.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. The Senator from Delaware.

Mr. THOMAS. I desire to offer an amendment to the bill which has just been laid aside, and I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. CALDER. I had the floor. Do I lose the floor?

The PRESIDING OFFICER. The unfinished business is now before the Senate, and the Senator from Delaware is recognized.

Mr. WOLCOTT. For the information of the junior Senator from New York I will state that I had the floor yesterday when the unfinished business was before the Senate, and I take it that under the rule I will resume the floor to-day when the unfinished business again comes before the Senate.

Mr. GALLINGER. The Senator from Delaware is correct. I chanced to be occupying the chair at the time of the adjournment. The Senator from Delaware was recognized and announced that he would continue the discussion of the measure to-day.

The PRESIDING OFFICER. The Chair thinks that the Senator from Delaware is entitled to the floor.

Mr. NEW. I ask the Senator from Delaware to yield that I may present an amendment to the bill which has just been laid aside, in order that it may be printed and laid upon the desks of Senators to-morrow, when I shall speak to it.

The PRESIDING OFFICER. The amendment will be received and printed.

Mr. FRELINGHUYSEN. Will the Senator from Delaware yield to me for a moment?

Mr. WOLCOTT. I yield.

Mr. FRELINGHUYSEN. I wish to offer two amendments to the previous bill and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received and lie on the table.

Mr. TOWNSEND. I should like to offer an amendment to the bill and have it printed.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. WOLCOTT. Mr. President, I desire as briefly as possible to submit some views upon the bill familiarly known as the Overman bill, the bill being the one which authorizes the President to coordinate or consolidate executive bureaus, and so forth. The purpose of the bill is set forth in the first six or seven lines, and that purpose I will indicate by reading the language of the bill in those few lines:

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized—

And so forth.

Those few lines very briefly state the objects and purposes of the bill.

Of course, if the bill in its provisions contributes materially to the accomplishment of those purposes no Senator would have any objection to the bill. There are some Senators who, however, take a different point of view, namely, that the powers granted by the bill do not in any way materially contribute to those very laudable purposes.

The first section of the bill authorizes the President, in such manner as he may deem best fitted to carry out the purposes that I have described, to redistribute the functions, the duties, and powers by law conferred upon any executive department, commission, bureau, agency, office, or officer.

The second section of the bill provides that in the carrying out of these purposes which I have mentioned the President may utilize, coordinate, or consolidate any executive or administrative commission, bureaus, agencies, offices, or officers now existing by law; that he may transfer any functions or powers from one existing department, commission, bureau or agency, office or officer to another, and that he may transfer the personnel or part thereof from one commission, and so forth, to another, either in whole or in part, by way of assignment.

The other sections of the bill are not so important as the two sections I have just mentioned. I shall, therefore, not undertake to analyze those other sections.

This bill has been assailed as unconstitutional in that it undertakes to delegate to the Executive powers which, under the Constitution, properly belong to the legislative branch of the Government. I see no merit in this contention. I shall not, however, elaborate my views in this respect, being content to adopt for myself the views on this point so ably presented on yesterday by the senior Senator from Tennessee [Mr. SHIELDS].

Mr. President, I wish first to emphasize the point that this bill does not undertake to confer any substantive power upon the President. It does not give the President, and by the President I mean impersonally to refer to the Chief Executive and Commander in Chief of the Army and Navy, any power of a sub-

stantive nature that he does not already possess. It simply authorizes him to transfer the powers he now possesses from one official to another, the result of which is that the President is given no additional power, but is simply authorized to execute the powers he already has through officers or officials or bureaus or commissions other than those now designated by law as the proper ones to exercise the powers thus already conferred upon him.

Senators conceive that the bill grants to the President an alarmingly large quantity of power. It is so alarmingly large to them that their fears are exercised and they can not bring themselves to the point of view that it is wise to grant the President such powers. While the bill in the two sections I have just mentioned unquestionably does grant large powers, not of a substantive nature, however, yet it is hedged about with limitations contained in the bill itself.

I have heard Senators in discussing this bill argue that under its terms the President can destroy the whole executive machinery which Congress for 125 years or more has been busy constructing and setting up. They take the position that the executive department is a perfect machine, the result of the wisdom of 125 years of American statesmen laboring here in Congress, and that this bill undertakes to give the President power with the destroying hand to disrupt the whole machinery of government so constructed by these many years of legislative effort.

Mr. President, the bill has its limitations. I take it that there is first a common-sense limitation imposed upon the President when he comes to undertake to exercise the powers conferred by the bill. The President is engaged in the leadership of a great task. The main business of the country to-day is the fighting of this gigantic war. The President would be guilty of that lack of common sense which the ordinary man has if in the presence of this great undertaking, enough to consume the attention of the greatest man in the country, he were to undertake to waste time to reorganize the civil departments of the Government in respects that have nothing to do with the prosecution of the war. The President is not going, of course, as a matter of common sense, to undertake to deal with processes of civil administration when he has the immense and all-consuming task of undertaking to handle our affairs in the conduct of this great war.

I say outside of the terms of the bill, therefore, there is a common-sense limitation to be placed upon these powers by which we are entitled, as sensible men, to conclude that the President is not going to undertake to reform, to reorganize, and reconstruct all the departments of the Government.

Therefore, when I hear Senators get on their feet and express such alarm at what the President is going to do in all departments of the Government, I confess, Mr. President, that I listen somewhat with impatience, because I can not bring myself to believe that as a matter of common sense the President is going to undertake to do any of the absurd and ridiculous things that Senators charge him with a purpose or an intent of trying to do in case the bill becomes a law. The bill, in section 1, contains a limitation in terms, the language being as follows:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

Mr. President, that is a real limitation. I very much disagree with the distinguished and able senior Senator from Iowa [Mr. CUMMINS] when he states, as he did the other day, that the limitation contained in that proviso amounts to nothing. I quite thoroughly disagree with that proposition. With that proviso in the bill, in case it remains in the bill when it becomes a law, Congress must be understood to have meant something when the proviso was enacted. If the proviso remains a part of the bill, of course, the President is still left to judge in his discretion whether or not a particular and proposed change that he contemplates does relate to the conduct of the war. I recognize that. I recognize that if the President is bent upon violating the spirit of this proviso he can, if in his folly he chose to do so, go to the extreme length that Senators fear he might go. But, Mr. President, until the Chief Executive of the country has given the Congress some reason to believe that he will pervert the language of Congress, that he will deliberately violate the spirit and intent of Congress, that he will for some Machiavellian purpose try to do that which he knows, by the language employed in the bill Congress does not mean him to do, until he demonstrates he is a man of that character, I for one decline to accept the point of view that the proviso amounts to nothing. I say it does amount to something.

The President can not but be guided by that proviso, and bona fide have it in mind when he undertakes to change or in anywise redistribute the functions of the executive departments. Unless he honestly and sincerely believes that the proposed change relates to the conduct of the war, I insist that he will not advocate or order the change unless, with all the facts before him, knowing the full situation as he knows it better than any man in Congress, he, in his honest opinion, believes the proposed redistribution is necessary; and in such case I am quite willing that he should make such change without having to come to Congress for specific authority.

There is another limitation in this bill which makes it so that any change the President might effect shall last only for a limited period, that period being during the war and one year, I believe, thereafter. I can see no particular reason why it should extend to a whole year after the end of the war. That is immaterial, however, now; but at all events there can be no permanent reconstruction of the executive departments of the Government under the bill, because whatever change takes place the departments will be restored to their present condition a year after the ending of the war.

So, Mr. President, let us assume the extravagant thing, that if this bill becomes a law the President of the United States will do the extreme and absurd things that Senators apprehend he might do, which I do not think he will do, yet the fact is that, assuming that he is going to use these powers in a destructive way the very worst thing that can happen is that it will last only during this war. I think I have made myself clear, however, to the effect that I do not apprehend any such disastrous consequences growing from this bill as do Senators who have addressed themselves to it on previous occasions.

Mr. CUMMINS. Mr. President——

Mr. WOLCOTT. I yield to the Senator.

Mr. CUMMINS. Inasmuch as the Senator from Delaware referred to me, I want to correct him about one possible inference in what he has said. I hope nothing that has fallen from me would lead to the conclusion that I think the President would recklessly or foolishly exercise the powers of this bill. I have never asserted that he would be likely to do anything of that kind.

But taking the Interstate Commerce Commission as an example again, that has been used so often, the Senator from Delaware knows that when we were considering the railway bill recently passed it was urged before the committee and afterwards upon the floor of the Senate that it was necessary that the President should have exclusive final power over railway rates in order to enable him to successfully prosecute the war. In my solicitude, therefore, for the preservation of some of the powers of the Interstate Commerce Commission I am not conjecturing with regard to what he would consider a subject relating to the conduct of the war; I think the Senator from Delaware will agree with me that, looked at from the standpoint of the administration, it does relate to the conduct of the war.

Mr. WOLCOTT. Mr. President, I do not recall that I asserted that the Senator from Iowa had expressed his belief that the President would deliberately embark upon a career of reckless administering of this law. What I said was that the Senator from Iowa, as I recall, asserted it as his opinion that this proviso confining the power of the President to matters relating to the conduct of the war amounted to nothing.

Mr. CUMMINS rose.

Mr. WOLCOTT. I yield to the Senator. If I am incorrect I wish to be corrected.

Mr. CUMMINS. I said substantially what the Senator from Delaware has just imputed to me, and I said it because I believe, and I think most people believe, that everything which concerns the Government of the United States and the welfare of this people at this time is in some manner related to the conduct of the war.

Mr. WOLCOTT. Unquestionably that is true, Mr. President. All governmental activities relate in some degree, though it may be in a very remote degree, to the conduct of the war. In the application of the language of the proviso I take it that the President would be guided somewhat by the line of reasoning that applies in the application of damage suit law, where the doctrine of proximate and remote cause is applicable. I do say and believe that before the President undertakes to exercise any power under this act he will be convinced in his mind that there is a real, genuine, material connection between the proposed act and the conduct of the war.

Touching the Interstate Commerce Commission, to which the Senator referred a moment ago, I shall not be diverted to discuss that at this moment, because unless I depart from the line of discussion which I have in mind I shall have something to say about the Interstate Commerce Commission later on.

Mr. President, the scope of this bill, notwithstanding its limitation, I conceive is broad. But that fact does not alarm me. That is the thing which commends the bill to me. I want broad powers given to the President in the exercise of his duty as Chief

Executive and Commander in Chief at this particular time. If I have any complaint against the bill at all, it is that it is not broad enough. Our undertaking right now is a big one. It is not only the biggest war the country has ever been engaged in, but it is the biggest business proposition any administration has ever had thrust upon it, and in the presence of such a large task we have got to confer broad and ample powers on the President, and in so far as the bill undertakes to do that I commend it. The broader it is, within the limits of the Constitution, the more I favor it. The more restricted it is, the less am I drawn to it. Our Army has jumped to 1,700,000 men, our Navy to a total of men and officers of three hundred and twenty-one odd thousand. We have had to train and equip, feed and clothe, provide with guns and munitions, provide with everything that goes to sustain an Army and a Navy of this immense magnitude, expanded suddenly to its present size, and we are contemplating increasing the establishment still more. That is a big task, Mr. President. We have had to provide camps, we have had to train thousands of officers, we have had placed upon this administration a task the like of which I dare to assert no other administration in the history of the country has dealt with or in future will ever have to deal with.

As illustrating the violent changes in our whole life, particularly industrial life, that this war has occasioned I want to read from the testimony of Mr. Catchings, president of the United States Chamber of Commerce, who appeared before the Military Affairs Committee in one of their recent investigations. That testimony appears on page 1891 of the third part of the hearings before that committee. Mr. Catchings said:

> We have, Mr. Senator, approached this situation largely from that standpoint—
>
> The industrial standpoint.
>
> In our judgment the situation in industry is most unfortunate. We are having withdrawn from industry an amount of labor and material which is measured by the gigantic sum of $19,000,000,000. I doubt if the gross output of all of our business of every sort and description has ever exceeded $45,000,000,000 to $50,000,000,000. Certainly it has never exceeded $80,000,000,000. I think that can be taken unquestionably as an outside figure. We know that the total value of all the wealth of the United States is not more than $225,000,000,000. Now, we are going to withdraw from our industry in one year, according to the program, one-tenth, approximately, of all our total wealth. We are going to withdraw one-half of our annual output.

Those figures are significant, Mr. President, because of the things they connote, a revolution complete in our whole life, and the President, because he is the Executive and Commander in Chief of the Army and Navy, is at the head of this whole complete enterprise, this thing which in its ramifications is so remote that it is impossible to conceive where it touches. In the presence of such a task as this I say the Chief Executive ought to be vested with broad and ample powers to meet whatever situation might arise from day to day.

If we had to-day an organization that was, in the judgment of those who constructed it, capable of taking care of such a big task, still there would be danger, because of the enormity of it, that the organization might break down in its functioning. But at the outbreak of the war our organization had by no means been built wholly or even approximately up to the point where it could hope with entire satisfaction to approach this big task. It has been compelled to be developed suddenly—overnight, so to speak—and to expect it to do so perfectly is as foolish as to expect a corner grocery store at some country crossroads where general merchandise has been handled to smoothly and satisfactorily expand in a week's time to the size of a John Wanamaker or a Sears & Roebuck affair. If there was such an expansion as that, of course, there would be occasional failure; of course there would be unfortunate fallings down here and there.

Mr. President, this governmental machine of ours has been compelled to be developed to an extent overnight, which I think justly entitles the comparison to be made of the development of the little store I have just mentioned to a vast retail mail-order house or to some huge Sears & Roebuck concern.

It is inevitable that changes must be made in this Government from day to day. No man can foresee a week hence what changes wisdom would suggest. There must be from day to day, as the days go on, change and more change. As experience suggests to the Executive that at this particular spot the organization is not functioning properly, he will of course desire to have a change made, and somebody will have to make it. The question is, Shall we leave it to the discretion of the Executive or compel him to come here to Congress for little bills to authorize him to do this and to do that?

The changes that are needed I classify as being of two sorts. A great deal of the complication in the machinery, I have no doubt, results from mere departmental rules. The senior Senator from Georgia [Mr. SMITH], the other day in his address, pointed out an experience he had when he was Secretary of the Interior, indicating the intricacies of the business in the Interior Department occasioned solely by departmental practices. This statute, of course, is not needed to correct any such defects as those that arise from departmental rules or practices; the head of the department can get rid of them in a moment's time by issuing the proper order.

But there is another class of changes which from time to time will be necessary, and those changes are necessary in matters that are fixed not by departmental rules or practices but by statutes passed by Congress that make rigid the machinery, statutes that allow the machinery no flexibility, statutes that define the rut in which the Government must travel in this time of great emergency. To meet such defects as those existing by reason of statutes or arising out of statutes or statutory enactments this bill is absolutely necessary.

It has been very frequently said here on the floor that there are no changes the President might desire that he could not already effect without the enactment of this bill. I challenge that statement, Mr. President. I do not propose to point out in detail what statutory restrictions and shackles there are which have been placed upon the arm of the Executive and which this bill is designed to remove. I do not propose, I say, to point out the changes that are necessary; but I do propose to point out to the Senate the fact that if the Executive is not bound by statute in his actions as Chief Executive, then the Congress in numerous instances in the past has been engaged in the folly of passing legislation here, the very purpose of which is to free the Executive from statutory restrictions. These statutes, which have been frequently passed in Congress from time to time, are predicated upon the theory that while the Constitution lays upon the Executive the duty to see that the laws are faithfully executed, yet when Congress gives him an officer with functions through whom he is to execute the laws, the President must keep within the four corners of the act creating that particular officer, and must execute the law strictly in the manner defined by the statute.

On February 14, 1903, Congress passed an act creating the General Staff. If the President has power to do as he pleases in handling the Army and Navy and its organization, then it was never necessary for Congress to pass that act. The act provides for the creation of the General Staff, and specifically authorizes the President to assign officers by detail to that General Staff. Furthermore, this General Staff act provides that—

> upon being relieved from duty in the General Staff Corps officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

Mr. President, if the President of the United States, as Commander in Chief, is not restricted by statute in the exercise of his powers, then it was never necessary to specifically authorize him by statute to detail officers to the General Staff. This General Staff act further employs this language in defining the duties of the General Staff Corps: It says that amongst those duties this is one, to "perform such other military duties not otherwise assigned by law as may be" from time to time prescribed by the President. Again recognizing the fact that in the Army the President is not free to do as he chooses, he is restricted in his operations by statutes.

In 1916 an act of Congress was passed authorizing the Treasury Department, the Department of Commerce, the Federal Trade Commission, or any other departments or independent establishments of the Government to detail from time to time such officials and employees to the United States Tariff Commission as the President may direct.

If it be true that the President has power in the administration of his office to act in the way of transferring officers from here to there, or assigning them from this duty to that, as is contended by some Senators, why was it necessary for Congress to pass this act specifically authorizing him to transfer or detail officers from these various departments to the Tariff Commission? Other acts of the same character which Congress has passed are as follows:

In 1880 Congress authorized the President to detail temporarily three competent naval officers for the service of the War Department in the inspection of transport vessels.

In 1880 the Secretary of War was authorized to detail two officers of the Ordnance Corps to serve with the Geological Survey.

In 1890 the President was authorized to detail the Chief Signal Officer to have charge of the Weather Bureau and to assign four other Army officers to that bureau.

In 1917 the Secretary of War and the Secretary of the Navy were authorized to detail Army and Navy surgeons to the Bureau of War-Risk Insurance.

In 1902 the President was authorized to utilize the Public Health and Marine-Hospital Service in times of threatened or actual war to such an extent and in such manner as shall promote the public interest, without, however, in anywise impairing the efficiency of the service for the purposes for which the same was created and is maintained.

In 1915 it was directed by act of Congress that the Coast Guard shall operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct.

In 1916 the President was authorized, in his discretion, in the time of national emergency to transfer to the service and jurisdiction of the Navy Department or of the War Department such vessels, equipment, stations, and personnel of the Lighthouse Service as he may deem to the best interests of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriation for the department to which the transfer is made.

In 1917, again, the President was authorized, in his like discretion, to transfer to the service and jurisdiction of the War Department or of the Navy Department such vessels, equipment, stations, and personnel of the Coast and Geodetic Survey as he may deem to the best interests of the country.

The act creating the Department of Commerce and Labor authorized the transfer of numerous officers with their functions to, and the consolidating of them in, the new department.

Mr. President, all of these acts which I have enumerated are predicated upon the theory that the President could not do any of the things therein specifically authorized, unless he had statutory authority from the Congress of the United States.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Delaware yield to the Senator from Iowa?

Mr. WOLCOTT. I yield to the Senator.

Mr. CUMMINS. As one who is opposed to certain parts of this bill, I would not have it thought that I am of the opinion that the President can disregard these statutes relating to the organization of our military forces.

Mr. WOLCOTT. If I may interrupt the Senator, does the Senator's statement also apply to the civil department of the Government as to which the President must act?

Mr. CUMMINS. I could not answer that question generally, but I have no reason to doubt the constitutionality of the statutes relating to other parts of the Government. The Senator from Delaware will remember that, under the Constitution, Congress is expressly given authority "to raise and support armies" and "regulation of the land and naval forces." So these laws which have been passed relating to that subject could not, of course, be disregarded by the President; and if we want to relieve him of the obligation to carry them out we must pass a statute for that purpose.

My opposition to this bill is not founded upon the theory that the President can set aside all the legislation of Congress with respect to departments of the Government. I am perfectly willing to give him absolute and plenary authority to deal with all these departments of the Government. My opposition to the bill is based entirely upon the fact that the bill embraces functions and departments of the Government with which the President has had nothing whatsoever to do in the past and concerning which he ought to have nothing whatsoever to do. The Senator from Delaware can not go faster or farther than I am willing to go in giving the President authority to coordinate, consolidate, and transfer the powers and functions in those departments of the Government which are ordinarily known as the executive departments.

Mr. WOLCOTT. Mr. President, I had not meant to be understood that the Senator from Iowa was one of those who believed that the President could do everything which the advocates of this bill desire to give him authority to do without the passage of the bill. I have not placed the Senator in that category; but there are Senators here who have argued on the floor that the Overman bill is not necessary because the President can do all that the advocates of the bill say he should be permitted to do, even without the passage of the bill. It is to that group of Senators, or to the argument of that group of Senators, that I have just been addressing my remarks.

Mr. President, from time to time very frequently Congress has been engaged in passing little bills specifically authorizing the President to do various things, and those things, to a very large extent, connected with the prosecution of the war.

The junior Senator from North Carolina [Mr. OVERMAN], whose name graces this bill, called the bills to which I have just referred "popgun bills," bills that are going through Congress here and with which Congress ought not to be bothered, and that the President ought not to be compelled to come to Congress at this time when we are at war and ask for. I should prefer to call them "peanut bills," little bills coming here that require legislation in Congress to be passed to authorize the President to do some little thing that is absolutely necessary but not in itself, perhaps, of very great consequence. The whole legislative machinery is busy with jacks and crowbars rolling a little legislative peanut from one House of Congress to the other, and Congress ought not to be bothered with such things, nor ought the President have to await the laborious processes of Congress to get such things to the point where he could act upon them.

I hold in my hand a bill which went through the Senate last March, which in itself I think is not one of the little peanut bills; I think it is a bill of some considerable importance. That bill is known as Senate bill 3982. Its title is "To suspend certain restrictions on the purchase and distribution of military stores and supplies, and for other purposes." It provides as follows:

That so much of section 1133, United States Revised Statutes, and of section 9 of an act of Congress entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as restricts the purchase and distribution of military stores and supplies and the work of construction and repair to officers of the Quartermaster Corps, be, and the same is hereby, suspended for the period of the present war.

Section 1133 of the Revised Statutes, as I recall, lays the duty on the Quartermaster's Corps to purchase the Army supplies and places upon it the charge of the work of construction and repair. Such power is limited by the section to the Quartermaster Corps. This bill was passed by the Senate suspending that statute. Let me show the Senate as to that bill, which seems of great importance, how slowly has been its progress through Congress. It was introduced on February 28 of this year; on March 4 it was reported to the Senate without amendment; on March 23 it was read the third time and passed. It was nearly a month in getting through the Senate. On March 29 it was referred to the House Committee on Military Affairs, where it is now pending.

The bill, as I have said, was introduced on February 28; two months nearly have elapsed, and the bill is not yet out of the Military Affairs Committee of the other House.

Mr. President, we need some legislation that would authorize the President, in case he deems such a thing necessary as is contained in Senate bill 3982, to do it offhand. We should not compel him to come to Congress and ask authority specifically that he might do things which strictly and solely relate to the conduct of the war, and which need to be done quickly.

There is no question that the Government is hampered by red tape. It seems to be a fatal disposition of human nature to get involved in red tape. Things must be done according to rule; they must follow the beaten path of precedent; there must be checks and balances; this man must see to this thing and that man must see to that thing. That is true in all the walks of life. The thing which we call "red tape" is everywhere inclined to unwind itself and entangle the feet of those who want to move forward and accomplish results. The red tape of which I speak is due, as I have suggested, to departmental rules in part and to statutes in part. I wish to illustrate to the Senate the operation of red tape not in governmental matters but in matters which in the days of the courtly French were connected with what was known as court etiquette. What I am about to read has nothing to do with government, but it does illustrate rather forcefully, to my mind, the disposition of those who have something to do to become involved in form and red tape. I read from E. J. Lowell's book entitled "The Eve of the French Revolution," published by Houghton, Mifflin Co. in 1892. The extract is from page 19, and is as follows:

Madame Campan, long a waiting woman of Marie Antoinette, has left an account of the toilet of the Queen and of the little occurrences that might interrupt it. The whole performance, she says, was a masterpiece of etiquette; everything about it was governed by rules. The lady of honor and the lady of the bedchamber, both, if they were there together, assisted by the first woman and the two other women, did the principal service; but there were distinctions among them.

Mr. President, this sounds very much like a governmental operation. Of course, it is applied to the Queen's bedchamber, and yet it is a very apt illustration. Resuming:

The lady of the bedchamber put on the skirt and presented the gown. The lady of honor poured out the water to wash the Queen's hands and put on the chemise. When a princess of the royal family or a princess of the blood was present at the toilet, the lady of honor gave up the latter function to her. To a princess of the royal family—that is to say, to the sister, sister-in-law, or aunt of the King, she handed the garment directly, but to a princess of the blood—the King's cousin by blood or marriage—she did not yield this service. In the latter case the lady of honor handed the chemise to the first woman, who presented it to the princess of the blood. Every one of these ladies observed these customs scrupulously, as appertaining to her rank.

One winter's day it happened that the Queen, entirely undressed, was about to put on her chemise. Madame Campan was holding it unfolded. The lady of honor came in, made haste to take off her gloves, and took the chemise. While she still had it in her hands there came a knock at the door, which was immediately opened. The newcomer was the Duchess of Orleans, a princess of the blood. Her highness's gloves were taken off, she advanced to take the shift, but the lady of honor must not give it directly to her, and therefore passed it back to Madame Campan, who gave it to the princess. Just then there came another knock at the door—

Now, see who comes in and upsets it all—

and the Countess of Provence, known as Madame, and sister-in-law to the King was ushered in. The Duchess of Orleans presented the chemise to her. Meanwhile the Queen kept her arms crossed on her breast and looked cold. Madame saw her disagreeable position and, without waiting to take off her gloves—

She cut the red tape, so to speak—

merely threw away her handkerchief and put the chemise on the Queen.

Mr. President, I submit that in many instances the country is standing with its arms across its breast, remaining cold while functionaries are indulging in all the form and nonsense of red tape, imposed upon them in part, to be sure, by departmental rules, but in large measure and in many ways imposed upon them by Congress itself. It is now high time that the executive branch of this Government should be unshackled and Congress should confer full and ample power upon the President to do that which ought to be done, without all this nonsense, delay, and folly.

I think that this bill, in the powers conferred, is not quite so broad as some Senators contend. I have already expressed my opinion that the bill does not even embrace the pet of the senior Senator from Iowa [Mr. CUMMINS], to wit, the Interstate Commerce Commission. I know that in that respect I very radically differ from his view.

Mr. CUMMINS. Mr. President——

Mr. WOLCOTT. I yield to the Senator.

Mr. CUMMINS. I think the Senator from Delaware, on reflection, will withdraw a part of his suggestion. I have no pet; the Interstate Commerce Commission is no more my pet than the President of the United States is my pet. I am simply trying to do what I regard as best for this country.

Mr. WOLCOTT. I recognize that desire of the Senator, and I am far from being one of those who has any word of criticism against the Senator's course. I used the term rather facetiously. The Senator is, I take it, and all the country knows it, very much interested in the Interstate Commerce Commission and the problems connected with the operations of that commission. That was all I meant by referring to it as the Senator's pet.

I do not agree at all that the President can do anything with the Interstate Commerce Commission under this bill that will destroy the commission. In the first place, I have very serious doubt whether the commission is within the terms of the bill.

I think that as to the matter that is vital in the commission's operations, to wit, the rate-making power, it exercises a judicial function, while this bill authorizes the President to transfer only functions that are exercised by executive and administrative commissions and bureaus. In so far as the Interstate Commerce Commission has any power to fix rates, practices, and regulations that are to govern the railroads of the country in their operations, I think it is not at all within the scope of the bill; and, in the second place, if it were, I do not believe the President could, after the exercise of serious reflection, say that the making of rates was so related to the conduct of the war that he deemed it necessary to transfer that power, for instance, to the Director General of Railroads. Such action as that I would consider an abuse of power on the part of the President. It would be in substance transferring the cause of the litigant—and the Director General of Railroads technically would be the litigant before the Interstate Commerce Commission—from the judge, to wit, the commission, to the litigant himself; and I can not conceive for a moment that such a thing would ever be done by the President in case this bill becomes law.

Furthermore, I question whether the rate-making power left in the Interstate Commerce Commission amounts to much anyhow. That matter has been discussed to some extent upon this floor, and I shall not review the argument upon it or express my views. The situation, as I see it, is that during this war, and while the railroads are under the control of the Government in essence and substance, the Director General is going to fix the rates.

When we come to the matter of valuing the railroads, a function that the Interstate Commerce Commission is performing, and which some Senators think the President will take out of the hands of the commission and transfer to some one else, I am fully persuaded that the President could not do that under this bill. Certainly the valuation of the railroads has no relation to the conduct of the war, and, if it were undertaken to be transferred, the job never could be completed before the end of this war; which, in turn, emphasizes my point of view that the valuation of the railroads can have no relation, even a remote relation, to the conduct of the war. I have all the confidence in the world that if the bill becomes a law the valuation of the railroads will proceed as heretofore, without interruption or change.

Mr. CUMMINS. Mr. President——

Mr. WOLCOTT. I yield to the Senator.

Mr. CUMMINS. In order that the Senator from Delaware may know, if he does not already know, the view held by those—and I am not one of them—who think that the valuation of the railroads now in progress before the Interstate Commerce Commission has something to do with the conduct of the war or has some relation to the conduct of the war, I suggest—and I suggest it because I should like to have the opinion of the Senator from Delaware upon it—that the Government has undertaken to finance the railroads during the war; it has undertaken, under some circumstances, to buy their bonds or find a market for their bonds; it has undertaken, in other instances, to advance money to the railroads. It is said that the valuation of a property directly affects the market for the securities issued upon the basis of that property, and it is contended—and I am not now speaking inadvisedly—that, inasmuch as the Government has in a sense guaranteed the market for the securities issued upon railroad property, therefore the valuation of the property, although originally inaugurated to furnish a basis for rates, is now directly connected with the prosecution of the war and ought to be taken out of the hands of the Interstate Commerce Commission and given to some other person or officer.

Mr. WOLCOTT. I do not agree that such a relation as the Senator has just pointed out can in all fairness be said to connect the valuation of the railroads with the conduct of the present war. I do not wish to pause to discuss the question for any length of time, because, after all, I consider it more or less unimportant. I do not know how long this valuation has been going on, but I understand it has been proceeding for three or four years. However, it is yet three or four years in the future before it will ever be finished; and certainly there is great likelihood that the war will be over long before the valuation of the railroads will ever be completed. That circumstance points very forcefully to me the thought that the valuing of the railroads has absolutely nothing to do with the conduct of the war; and, furthermore, I am not sure that the valuation of securities is dependent upon the valuation of the railroads as it might be found by the commission. The value of securities in the judgment of most investors is based rather upon the earning power than upon actual assets. A very fine piece of land that is at the bottom of a river is not much good; the productive yield of a thing is, in the main, what makes its value. So that I do not think that even by a wild stretch of reasoning the matter of valuing the railroads is within the scope of this bill at all.

Mr. KELLOGG. Mr. President——

Mr. WOLCOTT. I yield to the Senator from Minnesota.

Mr. KELLOGG. As I understand, the Senator from Delaware does not believe that the duties of the Interstate Commerce Commission relative to the railroads have anything to do with the conduct of the war, and therefore that the President could not, under this bill, transfer their authority to anyone else?

Mr. WOLCOTT. No; the Senator misunderstands my position. My position is that in the vital matter of regulating rates and prescribing rules and regulations, and so on, the Interstate Commerce Commission exercises a judicial function and therefore is not within the terms of the bill, which applies only to executive and administrative functions, commissions, and so on.

Mr. KELLOGG. In that case, then——

The VICE PRESIDENT. The hour of 3 o'clock having arrived, the Senate is now operating under a unanimous-consent agreement which provides that no Senator shall speak more than once nor longer than 30 minutes on the bill, nor more than once nor longer than 20 minutes upon an amendment offered thereto. The present occupant of the Chair has heretofore ruled that under such a unanimous-consent agreement as this, when an amendment is pending it is only to the amendment that a Senator can address himself. Arguments will proceed for 20 minutes, therefore, there being a pending amendment.

Mr. WOLCOTT. Mr. President, a parliamentary inquiry. If I should not conclude in 20 minutes will it be possible for me then to avail myself of the 30 minutes on the bill?

The VICE PRESIDENT. Not under the ruling that the Chair has heretofore made. We will get rid of the amendments first, and then we will talk upon the bill.

Mr. KELLOGG. Then, as I understand the Senator, the duties performed by the commission relative to the fixing and regulation of rates, fares, and charges have no relation to the war——

Mr. WOLCOTT. No; I have not said that.

Mr. KELLOGG. And under this bill the President could not take those duties away and give them to somebody else?

Mr. WOLCOTT. No; the Senator still misunderstands me. I have not said that the regulation of rates has no relation to the war. I say that in performing the function of regulating rates the Interstate Commerce Commission is not acting as an executive or administrative body. It is performing, in my opinion, a judicial function, and the bill therefore can not reach it, not because the thing that it is doing has no relation to the war but because it is a judicial function, the bill being confined only to executive and administrative functions.

Mr. KELLOGG. Then the position of the Senator from Delaware is, that being a judicial function, this bill does not reach that function, and the President could not take away that judicial function?

Mr. WOLCOTT. Yes.

Mr. KELLOGG. Then there can be no objection to excepting those functions from the bill, can there?

Mr. WOLCOTT. Personally I do not care whether they are excepted or not. I think I stated that in the committee, and I have stated it on the floor. I shall vote, however, against excepting them, because for my part I do not know what proposition is going to come up next to except something else which I might consider unobjectionable, and then something else, and thus I might be led into a series of votes the last one of which I would not care to cast. Viewing the bill as I do, I see no reason why the Interstate Commerce Commission should be excepted from its provisions. I think it is not included in its provisions, and to except from the bill something that is not in it seems to me to be an absurdity.

Mr. KELLOGG. I should like to ask the Senator one further question, and then I will not interrupt him again. Is not the Senator aware of the fact that the Supreme Court of the United States has held over and over again that the duties of the commission were administrative or executive and were not judicial?

Mr. WOLCOTT. No; I am not aware of that, Mr. President; and I assert that the Supreme Court has never ruled upon that point. I am quite aware of the decisions referred to the other day by the Senator from Iowa [Mr. CUMMINS]. I think I supplemented his references by a reference of my own to a Supreme Court decision reviewing the State of Mississippi Railroad Commission cases, in which the Supreme Court, in the course of its opinion, referring to such commissions, used the word "administrative"; but there is no ruling on that point, there is no decision on the point, there is no finding, so far as I am aware, by the Supreme Court that the Interstate Commerce Commission is an administrative commission and not a judicial commission.

Mr. CUMMINS. Mr. President——

Mr. WOLCOTT. I only have 20 minutes, but I will yield to the Senator.

Mr. CUMMINS. There is one question that I am sure the Senator would want me to ask him. There is a distinction between passing on a rate which has been charged, and of which complaint is made, and fixing a rate for the future. The former involves a judicial inquiry, and is a judicial function; but I am sure the Senator from Delaware knows that all courts, from time immemorial, have held that determining a rate that is to be applied in the future is not a judicial function, and you can not clothe courts with the power to determine a rate for the future.

Mr. WOLCOTT. I am not aware of that, Mr. President. If that is the law, it is contrary to my notions of what the law ought to be, yet I have oftentimes found that my notions of what the law ought to be did not exactly coincide with those of the courts, which unfortunately disagreed with me.

However, referring to the observation of the distinguished Senator from Iowa [Mr. CUMMINS], I wish to observe that if the passing upon a rate that already has been charged is a judicial function, that is in harmony with what I have been arguing as to the judicial quality of the commission's acts; and if passing upon future rates is not competent to be conferred on courts, then the commission can not be said to possess such a power at all, and the power is therefore not in anywise involved in this discussion.

I desire to call attention to the practice of the Roman people in the matter of creating a dictator.

The glories that were Rome's, which historians applaud and the world admires, came to the seven-hilled city during the centuries of her life as a Republic. In war her legions excelled the achievements of the Greek phalanx and followed victory through the whole of the civilized world until her eagles screamed upon the very fringes of wild barbarism. Rome has, by her ancient past, inclined men to believe that republics, notwithstanding their theoretical weakness, due to a division of authority, yet are powerful to wage vigorous war against peoples of whatever form of government, however concentrated and autocratic, and therefore theoretically swift may be their action.

Yet, Mr. President, the magnificence of Rome's martial glory was achieved, not entirely by her ordinary and peace-time agencies. In times of extreme national stress that great people of ancient days possessed the wisdom to see the folly of clinging too tenaciously to their conceptions of what is wise in governmental machinery in times of peace as a means sufficient to amply and safely serve them in times of serious war. They realized the danger to their arms if the dual consulate should continue to divide authority in matters of war and even of civil administration and control in time of war.

Accordingly their constitution provided for the appointment of a dictator, upon occasions of great emergency. In this official were vested full and complete powers not only over the army but as well over the life and property of the citizen in his mere civil relations. The whole imperium was in the dictator's keeping. Plutarch mentions the fact that after Hannibal, following his sensational march over the Alps, had defeated the Romans at Trebia, and marching through Tuscany had slain 15,000 of them at Lake Thrasymenus, the Romans in their consternation resorted to the dictatorship, selecting Fabius Maximus for that high and all-powerful office. As indicating the extent and power of his authority as dictator, the same writer further tells us that Fabius appeared in public with 24 lictors carrying before him the fasces, the emblems of the authority of the two consuls (each of whom were entitled to be preceded by 12). But the dictator so superseded all ordinary authority that upon meeting the consul who survived Thrasymenus, preceded as usual by his 12 lictors, Fabius ordered him to dismiss his lictors and the other ensigns of his employment and to join him as a private man, thereby emphasizing the complete concentration of all power in the one dominant figure whom the crisis had called forth as the leader.

For 500 years, Rome at various crises in her history invoked the *lex de dictatore creando*. From glory to glory she went and, though in war a dictator arose, yet the liberties of her people were in no wise endangered. From the plow came a dictator on two occasions and back to the plow he went upon the disappearance of the dangers that threatened his country.

Mr. President, I do not mention this historical illustration in order to advocate similar measures in this country. I am not asking that this great Republic of the twentieth century borrow from her sister Republic of antiquity, the office and functions of the Roman dictator. Let no Senator misunderstand me. Our system has no place for such an office. It is contrary to the genius of our institutions. I mention the practice of Rome in this particular, only that I may show how the ancient Romans, whose genius for law and science of government, has never, perhaps even to this day, been excelled or surpassed, regarded as necessary in time of war the concentration of power and the focalizing of authority in one responsible head.

This bill, of course, does not undertake to constitute of the President a dictator. It does, however, and herein is its merit, adopt to a very slight degree the underlying wisdom of the Romans by undertaking to give the President a free hand in reshaping and reforming the executive and administrative powers of the Government, already conferred upon him, and to that extent, and that extent only, it gives him dictatorial power. It does not allow him to exercise any authority beyond that which he already has. It only gives to him that freedom of action which the head of any great successful business has in the assigning of duties, the coordinating and correlating of functions among those who are in his behalf exercising the lawful authority already bestowed upon him.

I wish to read again from the testimony of Mr. Catchings before the Military Affairs Committee upon this very point of centralizing, not all power, but executive power, the power that directs. I read from the testimony of Mr. Catchings, on page 1906, of the hearings before the Military Affairs Committee, where he said:

The thing that we are trying to impress upon you—

Upon the committee—

is that the experience of business men has been universally that without central control and responsibility no enterprise, large or small, could succeed.

Very recently—in fact, this morning—I received through the mails a copy of a letter which has been addressed to the President of the United States Senate, dated April 20. This letter contains a copy of resolutions adopted by the Chamber of Commerce of the United States at its Chicago meeting on April 10, 11, and 12 of the present year. I shall ask that the resolutions be inserted. I wish, however, to read from them:

Resolved, That we favor prompt action by Congress which will confer upon the President power to bring about for the period of the war such reassignment of functions and readjustment of relations among the various departments and special bureaus actively engaged in war work (as well as the power to create new agencies)—

This bill, of course, does not embrace that power—

as may from time to time prove necessary by changing conditions, to the end that adequate control over the operation of such agencies may be secured; and

Resolved, That the board of directors is hereby requested to continue its efforts for centralization of control and responsibility and to present the views of this chamber to the Chief Executive and to the Congress of the United States of America.

I ask that the full preamble and resolutions may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, D. C., April 20, 1918.

The honorable the PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: I have the honor to transmit to you the following resolution upon the subject of "Central control of Government war buying," unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of America, held in Chicago, Ill., April 10, 11, and 12, 1918.

Very truly, yours.

ELLIOT H. GOODWIN, *Secretary.*

Whereas the Chamber of Commerce of the United States from the beginning of our participation in the war has continuously urged the necessity for centralization of control over the war buying of the Government, in order to secure the best possible results and at the same time protect and conserve the economic strength of the Nation; and

Whereas it seems to us clear that additional legislation is needed to provide such centralization of authority and responsibility:

Resolved, That we favor prompt action by Congress which will confer upon the President power to bring about for the period of the war such reassignment of functions and readjustment of relations among the various departments and special bureaus actively engaged in war work (as well as the power to create new agencies) as may from time to time prove necessary by changing conditions, to the end that adequate control over the operation of such agencies may be secured; and

Resolved, That the board of directors is hereby requested to continue its efforts for centralization of control and responsibility and to present the views of this chamber to the Chief Executive and to the Congress of the United States of America.

Mr. WOLCOTT. Mr. President, everybody recognizes that there must be a change of some kind in our war machinery. The Military Affairs Committee recognize it. I had intended to go somewhat into detail into the reasons making these changes necessary, but my time is too limited. The Military Affairs Committee recognize the necessity. They brought in here two bills suggesting changes that seemed to them to be wise. All of the witnesses appearing before the Military Affairs Committee—Mr. Baruch, Mr. Willard, Mr. Catchings, Mr. Gifford, and Mr. Coffin, representatives of the best business intelligence of this country—advocated the change centralizing authority in the Executive. The President recognizes it. It seems to me that everybody who has given any thought at all to the question recognizes that something must be done to vitalize the war power, the executive arm of this Government, to enable the President in exercising his functions as Chief Executive and Commander in Chief to have a wide discretion and to coordinate and consolidate the powers which Congress in the exercise of its legislative authority has already conferred upon him.

Shakespeare says in "A Midsummer-Night's Dream":

> Such tricks hath strong imagination,
> That, if it would but apprehend some joy,
> It comprehends some bringer of that joy;
> Or in the night, imagining some fear,
> How easy is a bush suppos'd a bear!

Mr. President, with all due respect to the Senators who have stood upon this floor and denounced the Overman bill because it contains things that are said to be destructive of the best traditions and principles of the American Government, I say they are wandering about in the night, and they are seeing bushes which they imagine to be bears. There is no danger at all in this bill. Those who advocate it have stated frankly what it does. Instead of destroying the executive arm of the Government or the machinery that Congress has constructed, it confers upon the President a power which will bring to bear all the mighty force of America in the struggle in which she is now engaged; and instead of having this dillydallying along through this war, if this bill is passed there will be power vested in the President to gather up the energy of this country and carry it through the fight in the very best and most speedy manner possible.

I sincerely hope that the bill as it came out of the committee will pass.

Mr. CHAMBERLAIN. Mr. President, I shall of necessity be compelled to be brief in what I shall have to say, and owing to the fact that I am limited to 20 minutes, I will ask that I may not be interrupted in the few observations I shall make.

On the 12th day of December last the Military Affairs Committee of the Senate began to hold hearings for the purpose of ascertaining the condition of war preparations, and from that time until now the committee has been almost constantly engaged in this work. Instead of making a report in detail as to what the committee thought was necessary to be done in order to speed up preparations and for a successful prosecution of the war, they embodied their views in two bills—one entitled "A bill to increase and expedite the supply of munitions," which was introduced January 4, 1918, and reported back favorably, with certain amendments, to the Senate on January 18, 1918, and the other was a bill "to establish a war cabinet and to define the jurisdiction and authority thereof." This latter bill was introduced in the Senate on January 21, 1918, and was referred to the committee on January 24, 1918. A majority of the committee seemed in favor of reporting this bill back to the Senate favorably, but it has never been formally reported, and is now pending before the committee.

While these bills were pending before the committee, the Senate may remember that on the 22d of January, 1918, the President issued a public statement in criticism of certain remarks which were made by me in New York in reference to the War Department and of the departments and bureaus of the Government, in which he said, amongst other things:

Nothing helpful or likely to speed or facilitate the war tasks of the Government has come out of such criticism and investigation. I have not been consulted about them and have learned of them only at second hand, but their proposal came after effective measures of reorganization had been thoughtfully and maturely perfected, and inasmuch as these measures have been the result of experience, they are much more likely than any others to be effective, if the Congress will but remove a few statutory obstacles of rigid departmental organization which stand in their way.

From that view, of course, the committee differed, as was evidenced by the bills which they presented for the consideration of the Senate. I thought then and I think now that those bills would have been the best solution of the difficulties which have confronted us nearly ever since we entered the war. One of these bills, creating a director of munitions, would have centralized under one head the purchasing, providing for, supervising, and controlling the procurement, manufacture, transportation, and distribution of munitions of war, which practically included, under the definition contained in the bill, everything that entered into the equipment and mobilization of troops, as well as everything that was necessary to arm and fit these troops for service on the battle line.

With the powers conferred upon him, acting under the authority of the President, he would have had the power to mobilize industrial life as well as the procurement and purchase of all supplies, doing away with the innumerable purchasing agencies of the Government, which were frequently found in the field competing against each other for the things necessary to equip an army. To accomplish these purposes he was vested with the power to coordinate the agencies of the Government and to utilize the services of any such agencies. A condition which confronted the British Army for the first year of war suggested to the committee the creation of a director of munitions, so that America might profit by the mistakes of one of its most powerful allies. It was intended for a helpful measure and not by way of criticism of conditions; and yet none know better than the members of the Military Affairs Committee, who have heard all of the testimony on the subject of our war preparations, that severe criticism might in many instances have been entirely justified.

The Senators will remember that I had the temerity at one time to criticize the departments for inefficiencies, and I was taken severely to task for it in the public statement of the President, to which I call attention, in which he said:

To add, as Senator CHAMBERLAIN did, that there is inefficiency in every department and bureau of the Government, is to show such ignorance of actual conditions as to make it impossible to attach any importance to his statement.

This, however, is past history, and I am only calling attention to it to show that these inefficiencies in the departments and the lack of coordination in nearly all of them, and particularly in the War Department at the time the statement was made, were, in part, the considerations which led the committee to suggest the bills heretofore mentioned. If the criticism which I indulged in displayed an ignorance of actual con-

ditions such as to make it impossible to attach any importance thereto, what must be said of the criticisms of the distinguished Senator from North Carolina, who has this pending bill in charge, for he has stated on the floor of the Senate more than once that there were great inefficiencies and defects in all of the departments and bureaus of the Government, and he has quoted the lack of coordination and these inefficiencies, in part at least, as grounds for the enactment of the bill which he has in charge. I think I am justified in saying that these suggestions meet with the approval and espousal of the President himself, as evidenced by a letter which was published a few days ago. The Senator from North Carolina was very properly commended most highly for what he had done in reference to the pending bill.

Mr. President, I ask to have inserted in the RECORD at this point extracts from the speech of the distinguished Senator from North Carolina, made in support of the pending bill.

The VICE PRESIDENT. If there is no objection, the matter will be inserted in the RECORD without reading.

The matter referred to is as follows:

Mr. OVERMAN. Mr. President, so far as I am concerned, even if these were not war times, I would be in favor of this bill. *Everybody familiar with the history of this country knows, and especially, perhaps, I will say to the Senator from Utah* [Mr. SMOOT] *and those 18 members of the Appropriations Committee, with whom I have the honor to serve, know that there is the most utter confusion and great duplication of work among the departments of this Government.* No man knew that or could know it better than former President Taft. Before he became President of the United States he had been Solicitor of the Treasury; he had been Secretary of War; he had been Governor General of the Philippine Islands, and he knew the conditions existing.

In January, 1912, he sent to Congress a message in writing, in which he said that the departments, bureaus, and agencies of the Government had been built up by Congress during a hundred years without any system, without any coordination, and that there was utter confusion and duplication of work everywhere. In response to that message, in which he asked for a hundred thousand dollars to appoint an efficiency commission to look into the matter, the necessary legislation was enacted, and subsequently a report was made by the commission. After reading that report, Mr. Aldrich, a great Senator from the State of Rhode Island, said upon the floor of the Senate that if we would carry on the Government as any business concern is carried on we could save the enormous sum of $300,000,000 annually. *Mr. President, if this Government was run according to business methods, he was not far wrong in his statement.*

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Mr. President, everybody has been making criticism about the "red tape" in the departments. The President wishes to cut it. Let us give him the scissors with which to do so.

Mr. President, before I show the action of President Taft in these matters, which I want to read, let us see what the provisions of this bill are. It has certain provisions and certain limitations. What does it propose to do? Simply, during the term of the war, to redistribute functions. What functions? New functions? No. What functions? Functions that Congress has enacted; functions that it is the duty of the President, as Commander in Chief and as President, to discharge in executing these laws. How shall he execute them? He tells you how he wants to execute them. *He does not want new laws or any substantive power, but he wants the authority simply to redistribute these functions, so that he may coordinate the great machinery of this Government, which is now loose, with a monkey wrench in it, with no lubricating oil, and running rusty.* He asks you to give him the authority to redistribute these functions, and also authority to transfer certain agencies and to transfer certain persons from one bureau to another. That is about all there is in the bill, with what limitations, Mr. President? Let us see what the limitations are.

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For 100 years these departments have been built up with bureaus and agencies having no relation to each other. I say in time of peace they ought to be correlated and coordinated and brought together, and that duplication should stop in this country.

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Senators, look at these bills that are coming here, estimates by the millions and the billions, made by some department's chief. The President can not look over them. He does not have time to scrutinize them, and he can not do it. That is what Mr. Taft was talking about. The President can not know what is going on. There is nobody to revise what they do—

"Appropriation bills have been without uniformity or common principle governing them; there have been practically no accounts showing what the Government owns, and only a partial representation of what it owes; appropriations have been overencumbered without the facts being known; officers of Government have had no regular or systematic method of having brought to their attention the costs of governmental administration, operation, and maintenance, and therefore could not judge as to the economy or waste; there has been inadequate means whereby those who serve with fidelity and efficiency might make a record of accomplishment and be distinguished from those who were inefficient and wasteful; functions and establishments have been duplicated, even multiplied, a confusing conflict and unnecessary expense; lack of full information has made intelligent direction impossible and cooperation between different branches of the service difficult."

I could stand here and read the report of this commission that Congress created, appropriating $200,000, and showing the confusion existing and woeful wasting of money by duplication of work. I wish Senators would read it to show the confusion and the want of correlation and coordination in every one of these departments, bureaus, commissions, and agencies which Congress has from time to time established without any scientific ideas of government. We have the most unscientific Government in the world.

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Mr. President, within the last 12 months we have appropriated more than $23,000,000,000 without a financial policy. Estimates for departmental expenditures have literally poured into Congress day by day without any centralized scrutiny, revision, or control. The President has no power and no organization to sift them down to the rock-bottom needs of the Government. The estimates for appropriations are being sent into Congress according to old statutory regulations made to meet the needs of other days when the entire expense of the Government was less than half a billion dollars a year. There has been no readjustment of our methods of finance since we entered the war. The Public Treasury bears a relationship to the conduct of the war in no less a degree than the Army and the Navy. A strong financial policy, worked out and enforced with vigor and efficiency, is absolutely necessary to insure the proper carrying out of the military and naval program.

Mr. CHAMBERLAIN. The enactment of the pending bill is urged for these and other defects in the bureaus and departments of the Government, and it is proposed therein to vest in the President substantially the same powers that were proposed in the director of munitions bill, reported upon favorably by the Military Affairs Committee and now on the calendar of the Senate, so that he might coordinate the different bureaus and agencies of the Government through such agency as he might see fit to appoint; and I want to say now that, while I still feel and believe that the director of munitions bill was the best solution of a question which it is now sought to adjust by the pending measure, I shall nevertheless support the bill that has been presented by the President through the distinguished Senator from North Carolina, although I would prefer to see the Interstate Commerce Commission and the Federal banking system exempted from its operations; I shall vote for an amendment looking to that end, but, whether it is adopted or not, I shall support the pending measure, because in principle it embodies the purposes of the two bills which had the favorable consideration of the Committee on Military Affairs.

I do not share with some of my colleagues the fear that the President will abuse the power which is sought to be given him here, however much at times I may have differed from him in reference to important matters of policy and of legislation, nor however unjust I may feel that he has been toward me personally in reference to these matters. I have absolute confidence in his integrity of purpose, and am sure that he will do all in his power under the provisions of the bill to make America fit to fight; and wherever there are errors made, they will be errors of judgment and not of heart. I shall vote, therefore, to give him all the power as Commander in Chief of the Army and Navy of the United States that he deems necessary to enable him to successfully prosecute the war. And I believe I may say for the committee that whether they favor the pending measure or not, it will not be the disposition of the committee to undertake to press the bills which the committee favor and so attempt to place in the hands of the Commander in Chief of the Army and Navy implements which in this emergency he says he does not want.

May I insert, Mr. President, a short statement from the War Cabinet Report for the Year 1917, presented to Parliament by command of His Majesty, the King of England, on the subject of the ministry of munitions in 1917?

The VICE PRESIDENT. If there be no objection, the matter will be inserted without reading.

The matter referred to is as follows:

"By the end of 1916 the main manufacturing program of the ministry of munitions, including the establishment of the national factories, had already reached fruition, and, as had been demonstrated from the beginning of the Battle of the Somme in July, the new organization was capable of producing a huge volume of supplies. During the year 1917 this manufacturing capacity still further matured, and the volume of output has been maintained and extended. Moreover, the administrative experience of two years has established a definite method and procedure which renders possible an ever-increasing accuracy of adjustment and forecast. It would be hard to overemphasize the importance to the army and its leaders of this growing confidence in the undertakings of the ministry of munitions.

"As the demand has increased so the ambit of the control exercised by the ministry has widened. Fresh trades, processes, stages of manufactures, and sources of supply have been brought within its sphere, and what was at first almost exclusively a manufacturing problem becomes more and more, as the limit of expansion is approached, a problem of securing raw materials, transport, and man power.

"In Mr. Churchill's words:

"'The conditions under which the ministry of munitions was created were those of intense war emergency. The vital need for supplying the armies in the field with adequate, abundant, and finally overwhelming supplies of ammunition, guns, and war material of all kinds necessitated and justified every expedient and the suspension of all ordinary rules. The immense and then unmeasured resources of the United Kingdom afforded an ample field for the enterprise and energy of departmental direction and for the organizing capacity and bold initiative of British business men. Supplies were freely drawn from all parts of the Empire and purchases from neutral

States were used to supplement any deficiencies. As new needs arose they were met. Department was added to department. Military requirements were not only satisfied but anticipated. Vast programs were successfully carried through. The British armies became the best equipped and most formidably armed in Europe. This process still continues and will become increasingly pronounced.

"'But after these great efforts, and in the fourth year of the war, we are no longer tapping the stored-up resources of national industry or mobilizing them and applying them for the first time of war. The magnitude of the effort and of the achievement approximates continually to the limits of possibility. Already in many directions the frontiers are in sight. It is, therefore, not necessary simply to expand, but to go back over ground already covered, and by more economical processes, by closer organization, and by thrifty and harmonious methods to glean and gather a further reinforcement of war power.'"

Mr. CHAMBERLAIN. Mr. President, from this statement it will be seen that the ministry of munitions in Great Britain has done a great work, although it was not deemed necessary to create it until some time after the war was entered upon.

The bill now pending, Mr. President, has for its purpose, amongst others, the coordinating of the different agencies of the Government in order to greater efficiency, just as that was the purpose of the bill to create a director of munitions, and I have no doubt but that if the bill passes it will be accomplished. As a matter of fact, the President on the 4th of March, 1918, designated Mr. Bernard M. Baruch as chairman of the War Industries Board, defining the functions of the board and the duties of the chairman at length; and the powers and duties therein conferred are practically those that would have been conferred upon the director of munitions under the bill intended to create such an officer.

I ask to have printed in the RECORD, without reading, as a part of my remarks a copy of the letter of the President referred to, together with the organization and functions of the Requirements Division of the War Industries Board, which has been accomplished under the letter referred to, and also the Commodity Sections of the War Industries Board, with the personnel in charge of each subject, as it was recently furnished me by the chairman of the board.

The VICE PRESIDENT. If there be no objection, it is so ordered.

The matter referred to is as follows:

THE WHITE HOUSE,
Washington, 4 March, 1918.

MY DEAR MR. BARUCH: I am writing to ask if you will not accept appointment as chairman of the War Industries Board, and I am going to take the liberty at the same time of outlining the functions, the constitution, and action of the board as I think they should now be established.

The functions of the board should be:

(1) The creation of new facilities and the disclosing—if necessary, the opening up—of new or additional sources of supply.

(2) The conversion of existing facilities, where necessary, to new uses.

(3) The studious conservation of resources and facilities by scientific, commercial, and industrial economies.

(4) Advice to the several purchasing agencies of the Government with regard to the prices to be paid.

(5) The determination, wherever necessary, of priorities of production and of delivery and of the proportions of any given article to be made immediately accessible to the several purchasing agencies when the supply of that article is insufficient, either temporarily or permanently.

(6) The making of purchases for the allies.

The board should be constituted as at present and should retain, so far as necessary and so far as consistent with the character and purposes of the reorganization, its present advisory agencies; but the ultimate decision of all questions, except the determination of prices, should rest always with the chairman, the other members acting in a cooperative and advisory capacity. The further organization of advice I will indicate below.

In the determination of priorities of production, when it is not possible to have the full supply of any article that is needed produced at once, the chairman should be assisted, and so far as practicable guided, by the present priorities organization or its equivalent.

In the determination of priorities of delivery, when they must be determined, he should be assisted when necessary, in addition to the present advisory priorities organization, by the advice and cooperation of a committee constituted for the purpose, and consisting of official representatives of the Food Administration, the Fuel Administration, the Railway Administration, the Shipping Board, and the War Trade Board, in order that when a priority of delivery has been determined there may be common, consistent, and concerted action to carry it into effect.

In the determination of prices the chairman should be governed by the advice of a committee consisting, besides himself, of the members of the board immediately charged with the study of raw materials and of manufactured products, of the labor member of the board, of the chairman of the Federal Trade Commission, the chairman of the Tariff Commission, and the Fuel Administrator.

The chairman should be constantly and systemmatically informed of all contracts, purchases, and deliveries, in order that he may have always before him a schematized analysis of the progress of business in the several supply divisions of the Government in all departments.

The duties of the chairman are:

(1) To act for the joint and several benefit of all the supply departments of the Government.

(2) To let alone what is being successfully done and interfere as little as possible with the present normal processes of purchase and delivery in the several departments.

(3) To guide and assist wherever the need for guidance or assistance may be revealed; for example, in the allocation of contracts, in obtaining access to materials in any way preempted, or in the disclosure of sources of supply.

(4) To determine what is to be done when there is any competitive or other conflict of interest between departments in the matter of supplies; for example, when there is not a sufficient immediate supply for all and there must be a decision as to priority of need or delivery, or when there is competition for the same source of manufacture or supply, or when contracts have not been placed in such a way as to get advantage of the full productive capacity of the country.

(5) To see that contracts and deliveries are followed up where such assistance as is indicated under (3) and (4) above has proved to be necessary.

(6) To anticipate the prospective needs of the several supply departments of the Government and their feasible adjustment to the industry of the country as far in advance as possible, in order that as definite an outlook and opportunity for planning as possible may be afforded the business men of the country.

In brief, he should act as the general eye of all supply departments in the field of industry.

Cordially and sincerely, yours,

WOODROW WILSON.

Mr. BERNARD M. BARUCH,
Washington, D. C.

COMMODITY SECTIONS OF THE WAR INDUSTRIES BOARD.

RAW MATERIALS.

Director of steel supply: J. Leonard Replogle.
Steel products: Frank Purnell.
Pig iron: J. A. McLauchlans.
Rails, alloy steel projectile bars: Paul Mackall.
Nonferrous metals: Pope Yeatman, E. C. Thurston.
Chemical and explosives section:
Alcohol, explosives, nitrates, alkalies, chlorine: L. L. Summers, C. H. MacDowell.
Acids: A. E. Wells.
Sulphur and pyrites: William G. Woolfolk.
Coal gas products: ———
Carbide, nitrogen: J. M. Morehead.
Oxygen, acetylene, rare gases: ———
Wood distillation products, platinum, formaldehyde: C. H. Conner.
Commandeering, requisitioning, distribution: ———
Manganese, chrome, ferroalloys: H. W. Sanford.
Mica: J. H. Adams.
Pharmaceutical products: ———
Technical division—
Electro chemicals: Dr. Samuel A. Tucker.
Dyestuffs and organic chemicals: Dr. H. R. Moody.
Tin, including pig tin and tin plate: George N. Armsby.
Lumber: R. H. Downman.
Building materials: Richard L. Humphries.
Cotton linters: George R. James.

FINISHED PRODUCTS—CONVERSION OF INDUSTRY.

Director: George N. Peek.
Cotton duck: Spencer Turner (?).
Linen thread: George F. Smith.
Production: S. M. Vauclain.
Automotive: H. L. Horning.

Director: George N. Peek—Continued.
Machine tool: G. E. Merryweather.
Animal and hand drawn vehicles and wood products: E. E. Parsonage.
Cranes: A. C. Brown.
Electrical equipment: Walter Robbins.
Optical glass and instruments: G. E. Chatillon.
Wire and cable: Le Roy Clark.
Hide and leather: G. F. C. Stout.
Chain: John S. Schmidt.

Additional sections will be provided as found necessary and departments will be notified.

LABOR.

All industries service sections and others having to do with labor are requested to cooperate with Mr. Hugh Frayne.

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ORGANIZATION AND FUNCTIONS OF REQUIREMENTS DIVISION OF WAR INDUSTRIES BOARD.

In order that the responsibilities which the President has laid upon the chairman of the War Industries Board, as outlined in his letter of March 4, 1918, may be discharged there has been created a "requirements division" of the said board, to which each supply division of each department of this Government and the allied purchasing commission shall furnish, "as far in advance as possible," statements with as much detail as practicable of their "prospective needs" of raw materials and finished products. The President has decreed that the chairman is to be constantly and systematically informed of all contracts and purchases in order that he may have always before him a schematized analysis of the progress of business in the several divisions of the Government in all the departments, and in order that this may be accomplished the statements above mentioned will include not only those commodities, materials, or products, of which a present or threatened shortage exists, but also those of which the supply is ample, and will also include not only commodities, materials, and products required by several different departments or nations, but also those required by one department only.

In the procurement of materials and finished products in which no shortage exists and where no allocation seems necessary or desirable, the requirements division will so advise the department presenting the requirements, which will thereupon proceed with the purchase in pursuance with their established practice.

NOTICE OF REQUIREMENTS.

Section 1. The statements above mentioned will from time to time and as far in advance as possible of the date required, be presented to the requirements division by the member or members thereof representing the department in which the requirements originate, or by the representative of the allied purchasing commission. Where the requirements are novel or unusual either with respect to the amount of the proposed expenditure, quantities involved, or location proposed, or where the requirements division for any reason deems it desirable that the project be considered in conference between the head of the department in which it originates and the chairman of the War Industries Board, the matter shall be immediately called to the attention of the chairman of the War Industries Board, and also submitted to the board at its next meeting without, however, delaying reference to and consideration by the appropriate commodity section.

COMMODITY SECTIONS.

Section 2. The chairman of the War Industries Board shall utilize existing sections and, where necessary, create additional sections to handle raw materials and finished products, of which there is an actual or threatened shortage, or the price and production of which should be controlled, in order that the United States Government, its allies, and the civilian population may be protected as far as possible. These sections shall be designated "commodity sections" and each shall be in charge of an executive officer to be designated "chief" of such section.

Each section chief shall create and maintain such organization and keep such records as may be prescribed by the authority appointing him.

MEMBERS OF COMMODITY SECTIONS.

Section 3. There shall be attached to each commodity section representatives (hereinafter called members) of each of the supply departments of the Government interested in the commodity in question. Each member shall be named by his department head. Since each member will have regular duties to perform in connection with the supply department which he represents, he will therefore give to the commodity section to which he is attached only so much time as may be necessary to perform the duties herein prescribed, and will not be charged with the executive conduct of the business of the section, but will have access to all data and information collected by the section, and will in turn supply the section with all information he may have or can procure pertaining to the commodity in question.

DUTIES OF COMMODITY.

Section 4. Upon receipt from the requirements division of statements embodying the requirements of any department of this Government or of its allies, it shall be the duty of the chief of the section to carefully study and consider same, and procure from all available sources information and data which will be helpful in the allocation of such requirements. Meetings of each commodity section shall be called by the chief thereof at such times as will interfere as little as possible with the other duties of the members; at such meetings the requirements referred to the section shall be considered, and wherever possible the allocation of materials or facilities to meet such requirements shall be determined. In the event any member is dissatisfied with the decision reached he may, at his election, file a protest with the section chief and also with the head of his division or department. The latter may, at his election, appeal to the War Industries Board, whose decision, after giving all interested parties an opportunity to be heard, shall be final, subject only to modification by agreement between the chairman of the War Industries Board and the respective Secretaries of War and the Navy and the chairman of the Shipping Board to the extent of their respective interests. A record of each meeting will be preserved in the office of the chief of the section, the decisions reached at meetings will be reduced to writing in a succinct form, and a copy thereof will be transmitted to (1) the chairman of the requirements division; (2) to each member of the section; (3) to the director of Army purchases; (4) to the Paymaster General of the Navy; (5) to the vice president and general manager of the Emergency Fleet Corporation; (6) to the priorities commissioner; and (7) to such other official or officials as may be from time to time designated by the chairman of the War Industries Board.

Each commodity section will also from time to time consider the necessity for expansion of existing sources of production or the creation of new facilities and the disclosing, if necessary the opening up, of additional sources of supply and the conversion of existing facilities to new uses.

Each section chief will be charged with the responsibility of collecting from the several departments of the Government, from the manufacturers and producers and from committees representing them, and especially from the war service committee, or committees created under the supervision of the Chamber of Commerce of the United States, and from any and all other reliable and available sources information concerning the production of the particular commodity or commodities with which his section has to deal, including available supplies, new sources of supply, methods for increasing production, etc. These data and information will at all times be available to the several interested departments, the price committee, the priorities committee, and any other agency that may be designated by the chairman of the War Industries Board.

Each commodity section shall consider market conditions pertaining to the materials or commodities over which it has jurisdiction, and shall, where deemed advisable, recommend purchase plans to the several purchasing departments. In cases where it becomes necessary to control an industry in whole or in part by means of allotments the appropriate section will determine the allotments of materials, commodities, and facilities to the several departments of this Government and to its allies, and also the extent to which manufacturers and others, whether serving the civilian population or engaged in the manufacture of war supplies, shall be rationed.

SPECIAL COMMODITY SECTIONS.

Section 5. Where the requirements deal with a commodity listed, where a shortage exists or where an allocation seems desirable, but for which no regular section has been established, such requirements will be considered by a special section created for such purpose by the requirements division, which shall perform the same functions as are performed by the regular commodity section.

PRIORITIES.

Section 6. When a commodity section comes to make its final report on the allocation of any specific requirements, the chief of such section shall notify a member of the priorities committee, to be designated for such purpose by the priorities commissioner, who shall, with the section chief and the member, consider and tentatively determine the priority rating which such requirements shall take when orders therefor shall have been placed. Such tentative rating shall be observed by the priori-

ties committee in connection with all applications for priority on orders covering such requirements unless the priorities committee should (because of conditions changing in the time intervening between the time of the fixing of the tentative rating and the application for priorities, or other good causes) conclude such rating to be improper; in which event the section chief and each member of the section fixing the tentative rating shall be notified and have an opportunity to be heard before such rating shall be charged. In the event a change is made, the section chief or any member may appeal from such decision in the manner prescribed by that portion of the organization plan of the War Industries Board governing priorities.

Section 7. It shall be no part of the task of the War Industries Board to make inspections of products for which orders have been placed, to keep in touch with production, or follow up delays, which duties devolve upon the several governmental supply departments. Each supply department, however, will promptly and fully advise the requirements division whenever serious delays in deliveries or shortages in requirements occur or are threatened.

Section 8. The requirements division shall be composed of Mr. Alex. Legge, chairman; Mr. James Inglis, executive secretary; Mr. Edwin B. Parker, priorities; Mr. George N. Peek, finished products; Mr. J. Leonard Replogle, iron, steel, and steel products; Mr. L. L. Summers, chemicals and explosives; Mr. Pope Yeatman, nonferrous metals; Mr. J. A. Carr, representing allied purchasing commission; one or more representatives of the War Department; one or more representatives of the Navy Department; one or more representatives of the United States Shipping Board, Emergency Fleet Corporation; and a representative of the railroad administration.

The chairman of the War Industries Board shall from time to time agree with the Secretary of War, the Secretary of the Navy, and the chairman of the Shipping Board, respectively, as to the number of representatives from their respective departments, and when the number shall have been so determined such representatives shall be selected by the Secretary of War, the Secretary of the Navy, and the chairman of the Shipping Board, respectively.

The Fuel Administrator, the Food Administrator, and the American Red Cross shall each designate a representative who shall attend meetings of the requirements division whenever they are prepared to present plans or projects under consideration, the consummation of which will require materials, supplies, facilities, electrical power, fuel, or transportation affecting the industries of the United States.

MEETINGS.

Section 9. Meetings of the members of this division shall be held in the office of its chairman at 9.30 a. m. each day, at which all advices of requirements received since the preceding meeting and all other matters affecting requirements in which the members of the division as a whole shall be interested will be considered, after which the statements of requirements shall be segregated as far as need be, and referred by the executive secretary to the appropriate commodity section.

Mr. CHAMBERLAIN. I desire to state that the appointment of a chairman of the War Industries Board, with power to act with finality, and whose decision is practically final, meets with my hearty approval, and I am of the opinion, from what I have seen of the present chairman, that he will render to the Government in this great emergency distinguished and effective service. He shows a disposition now to take the bit in his own teeth, determined to cut away from red-tape methods which have so enmeshed officials in the past as to make progress physically impossible.

I believe that under his management and under the powers likely to be conferred upon him if the pending bill passes, he will do for this Government what it has lacked for the last few years, and that is a force capable not only of organizing our industrial life so that there might be a maximum of production of all that is necessary for a successful prosecution of the war but coordinating as well the purchase of all materials for the Government in the best and most effective way.

I am led to a brief discussion now of the pending measure in connection with the bill proposed by the Military Committee to create a director of munitions for the reason that there was a disposition in some quarters to criticize the committee for presenting their bill to the Senate, and to say that such criticism was unwarranted, because the pending measure appears to have followed very closely along the same lines as the one proposed by that committee, and is based upon the same considerations as those which moved the committee to action.

I believe that the Senate and the country will agree with me that the investigation held by the Military Affairs Committee has resulted in relieving many inefficients from duty in the war establishment. At nearly every place in the department where there was lack of coordination, whether in the Ordnance, Quartermaster's, or other bureaus, there has been almost a complete reorganization, with the result that men have been placed at the head of these bureaus of known capacity for doing things, and prominent civilians have been named to assist in every part of the service.

Of the men of affairs who testified before the Military Committee in support of centralized power and authority were such men as Mr. Daniel Willard, Mr. Bernard M. Baruch, Mr. Waddill Catchings, and Mr. W. S. Gifford, and I ask permission to have inserted in the RECORD statements from these gentlemen, giving their views as to the necessity of this centralized control. It is the principle involved in the bill for the creation of a director of munitions and it is the principle involved in the pending bill, though it is possible that the pending measure goes a little further than these gentlemen insisted upon.

The VICE PRESIDENT. If there be no objection, it is so ordered.

The matter referred to is as follows:

Mr. Daniel Willard testified, amongst other things, as follows:

The CHAIRMAN. Did you, in the course of your duties in connection with the advisory committee, as its chairman, ascertain that there was any lack of coordination in the various governmental departments, like the Quartermaster General's Department and the Ordnance Department and the Department of the Navy? I am speaking of the supply departments.

Mr. WILLARD. I think that was generally recognized. It was a feature of the system to be expected. There were some 10 or 12 separate purchasing agencies, and no machinery had been provided to bring about coordination.

The CHAIRMAN. In other words, these different agencies were sometimes in the field as competitiors for the same commodity?

Mr. WILLARD. That was a matter of no special concern when there was a sufficient quantity of the commodity to go around. In times of peace very little trouble came from that, but in times of war they soon exhausted the supply, and then it was necessary, of course, that some other agency should be developed to prevent destructive competition and stimulate production.

The CHAIRMAN. What agency was developed?

Mr. WILLARD. Such agency as exists at the present was the outgrowth of the advisory commission. That is the agency to-day that is trying to meet the situation.

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Mr. WILLARD. In common with a good many people, I suppose, I thought one of the first things we should have done after entering the war was to provide for what people are in the habit of speaking of as a minister of munitions.

That term had been used in England and, as I understood it, I thought that would be the thing that we ought to have here to meet this situation. When I became chairman of the War Industries Board I still held that same opinion. I thought there ought to be a minister of munitions. I did not think this plan would work.

I discussed the matter with the Secretary of War, and he said that there were undoubtedly defects in this plan, but before definitely deciding that question, or, rather, he hoped I would keep my mind open on the subject until we had seen if it might not be possible to correct the defects of this plan, finding out first of all what the defects were.

While I had very little confidence that we could make this plan work at first, I undertook to approach it as he desired. Of course, it was clear that if we were not to have a central outside purchasing agency, one purchasing agency, to do all of these things, then the next thing to do was to make the existing agencies the most efficient possible. We had to look to that.

We went through—I say "we." We had many discussions—Gen. Wheeler, Gen. Goethals, Secretary Baker, Col. McRoberts, and others—trying to find out just what could be done with the organizations we had.

Assuming that the 12 or 14 purchasing departments of the Army and Navy can and will be put on an efficient basis, and then that the five purchase departments of the Army will be brought into one head, as proposed, under Col. Pierce, and the several departments of the Navy brought under one head, as is proposed, and it does not require much change there, then we will have in effect the Army and Navy, the Shipping Board, and the allied purchasing agency as the four large buying agencies here in our markets.

To prevent competition between those agencies it is necessary to have some outside body to coordinate, or do what you may call it. The War Industries Board is intended to meet that situation.

To determine questions of priority, or relative urgency, having decided to buy something, to determine who shall have it first, is the function that has to be performed by some outside agency, and the War Industries Board is doing that.

Then there still remains the necessity of developing sources of raw material, and the War Industries Board is provided to do that.

The question of developing sources of finished products, or capacity for finished products, the War Industries Board is provided to do.

And then the much more important question of conversion of industries in order to prevent too much disturbance of industry, and we have already provided to do that.

This plan, with the personnel that goes with it, and the functions of the War Industries Board as they are now working it, will work. It can work, it can be made to work, but it is faulty in just one way. After all, it is purely voluntary; that is the weakness of it.

If everyone would cooperate, this plan could be made to work. It covers it all. I do not think it is necessary that one man should do all the immense volume of purchasing that is being done by our Government. I do not know that it is a practicable thing to do. They do not do that in England.

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Mr. Bernard M. Baruch testified, amongst other things, as follows:

The CHAIRMAN. In what other respect do you think the general plan should go further?

Mr. BARUCH. *I think that the purchases should be centralized in one agency, directly under the President, and not as a Cabinet officer.*

Senator WADSWORTH. *Not as a Cabinet officer?*

Mr. BARUCH. *I do not think that is necessary, because I look upon this as a war measure and one that should cease with the war.*

Senator WADSWORTH. Do you think that agency should be established by law for the duration of the war, or for a short period thereafter—a reasonable period thereafter?

Mr. BARUCH. Yes, sir; if necessary, for a period long enough after the war to give an opportunity for this individual or agency to help demobilize the industry, which is just as important as the mobilization.

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Senator FRELINGHUYSEN. Mr. Baruch, under your suggestion who is going to direct the various activities of these committees? The President does not have time.

Mr. BARUCH. No; this agency that is to be established.

Senator FRELINGHUYSEN. The War Industries Board?

Mr. BARUCH. Some call it one and some another.

Senator FRELINGHUYSEN. Whatever it is.

Mr. BARUCH. I say an individual.

Senator FRELINGHUYSEN. You say an individual?

Mr. BARUCH. Yes, sir.

Senator FRELINGHUYSEN. Then, practically, he would be a minister of munitions, because he would practically govern and control all of these various committees having to do with the purchase of all war supplies.

Mr. BARUCH. That minister of munitions is rather an abused term, in my mind. I would go further than the English system.

Senator FRELINGHUYSEN. In what way?

Mr. BARUCH. As I understand it, the Admiralty is not under the minister of munitions.

Senator FRELINGHUYSEN. You would put all buying under one head?

Mr. BARUCH. Yes, sir. I would not interfere, for instance, with the agency we have in the Navy, where the buying is all centralized, and in the view that I have, and as I understand it, I would not in any way destroy most of the agencies that have already been established and are in process of establishment.

Senator MCKELLAR. You would take those in the Army and in the Navy and put them under one head and centralize them?

Mr. BARUCH. Yes.

Senator FRELINGHUYSEN. And make all of those committees subservient to one authority?

Mr. BARUCH. Yes, sir.

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Senator WADSWORTH. Will you develop before the committee your ideas as to the most efficient kind of organization we could have to carry on the industrial efforts that this country must put forth during the next few years, because, if I may say so, I am one of those who believe that this is an enormous industrial contest.

Mr. BARUCH. In that I concur.

Senator WADSWORTH. And that we can not bring our strength to bear in the proportion that it should be brought to bear unless we organize our industries and our sources of supply and our means of transportation.

Mr. BARUCH. I think the efforts of the advisory commission in the beginning were an evidence of the fact that they thought this was an industrial war, because they reached out in the quick and only way they could, to try to reach those industries, the only agencies they could possibly think of.

Senator WADSWORTH. Will you go ahead in your own way and tell us what you think of this situation?

Mr. BARUCH. I presume what you wish me to express an opinion upon is this agency to be established?

Senator WADSWORTH. Yes.

Mr. BARUCH. *As I said before, I believe that you should have a highly centralized authority created, acting under the direction of the President. He undoubtedly would use this agency. It may be in the form of an individual or a commission.*

Senator MCKELLAR. *Which would you prefer?*

Mr. BARUCH. *A single authority, sir.*

Senator MCKELLAR. *An individual?*

Mr. BARUCH. *With full authority, so responsibility can be fixed definitely. The difficulty with divided authority is that you do not know where to fix the responsibility.*

Senator MCKELLAR. I agree with you thoroughly. Go right ahead.

Mr. BARUCH. It seems to be in the minds of many to destroy many of the splendid things that have been done, but in my opinion it would not be necessary, and I must concur with Mr. Willard and say that whereas there may be things and there are things to criticize, there has been a lot done.

The CHAIRMAN. I do not think the committee feels that all of this system should be abolished.

Senator WADSWORTH. Not at all. Utilize wherever possible.

Mr. BARUCH. I believe it should be utilized. As I said, a great many of these agencies are in the right direction, but they have not gone far enough, and they ought to go further, so as to have this definitely fixed in this individual acting under authority, because all of the authority should be given to the President; that is, a man who is responsible.

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Senator NEW. Mr. Baruch, the Secretary of War, in testifying here a day or two ago, gave it as his opinion that the creation of this central agency would create an impossible task for the man put at the head of it; that you could not find anybody who could carry through the plan, substantially the plan that you are proposing, as I understand it. I would like to ask your opinion as to that.

Mr. BARUCH. I differ with you.

Senator NEW. You differ with me?

The CHAIRMAN. He is doing it now, is he not? He is the head now?

Mr. BARUCH. Yes, sir. He might be correct. That is a difference of opinion.

Senator NEW. But you differ with him in your view of that?

Mr. BARUCH. *I do not think this individual man could do all of the things himself. I believe in centralizing the authority and decentralizing the execution of the authority.*

Senator MCKELLAR. Then you think it would be perfectly all right to have immediately under this centralized individual authority the various departments as they now exist; for instance, the Quartermaster General's Department, Chief of Ordnance, Chief of Engineers, Chief Signal Officer, and the Surgeon General, acting directly under that individual. Is that correct?

Mr. BARUCH. Yes; and he may not interfere with their activities at all.

Senator MCKELLAR. And your idea is that he would just simply use those agencies, changing them to make them more effectual and to coordinate them and to bring about the very best results. Is that your plan?

Mr. BARUCH. Quite right, sir.

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Mr. W. S. Gifford testified:

The CHAIRMAN. *What do you find in this whole category of preparing for war as the great desideratum? What is there lacking to make the War Department and the Navy Department a coordinated whole for the purpose of the war?*

Mr. GIFFORD. *I think, Senator, it is very much the subject I was just talking about. It is a lack of one program and one executive authority for dealing with these war industries.* It is a lack of dealing with the industries of the country and getting all the production from these industries of the country. I do not believe that this abnormal expansion or conversion of facilities meets the needs.

The CHAIRMAN. The Council of National Defense is a legal body created by law, but there are many functions it performs through various committees that are practically voluntary organizations.

Mr. GIFFORD. Yes, sir.

The CHAIRMAN. And it depends entirely on the voluntary efforts for the proper performance of the duties. In other words, being a voluntary organization, it may quit if it wants to. There is no compulsion.

Mr. GIFFORD. I do not know that there is any compulsion. Even the hired man, or the man who gets more than a dollar a year, is not compelled to serve. I do not know that I quite get your point.

The CHAIRMAN. There is no responsible directing head to any of these organizations, is there?

Mr. GIFFORD. I would not say that, Senator, but it is obvious that it is a good deal more difficult to have a responsible directing head of an organization made up of volunteers than an organization made up of staff people.

The CHAIRMAN. Do you think there should be a central head?

Mr. GIFFORD. Yes, sir; I do. I am now referring, however, wholly to the war industries situation and not to those other activities of the Council of National Defense.

The CHAIRMAN. Did you see the program mapped out by the Secretary of War for coordination?

Mr. GIFFORD. Yes sir; I have seen it.

The CHAIRMAN. Is there anything lacking about that to make it a perfect system?

Mr. GIFFORD. Nothing but the power to carry it into effect. If this still remains under the Council of National Defense——

The CHAIRMAN. The President is at the head and the Council of National Defense comes next.

Mr. GIFFORD. The Council of National Defense has no power, Senator.

The CHAIRMAN. But under his diagram, he gives it power, does he not?

Mr. GIFFORD. This diagram must necessarily; yes, sir. We must assume, I suppose, that the Secretary of War or the Secretary of the Navy, our allies, and our Shipping Board will, because the President requests it, refer certain matters to this body for advice and adjudication, but it certainly has no legal power to definitely do anything except to tell the Army what it thinks it should do.

The CHAIRMAN. It is still an advisory proposition?

Mr. GIFFORD. It would seem so to me.

The CHAIRMAN. Mr. Willard testified that the great weakness of that system as proposed by the Secretary of War was that the Council of National Defense, the War Industries Board, the administrative division, and the clearance committee, all of which intervene between the President and the Army, had no directing power. They simply act in an advisory capacity. What do you think?

Mr. GIFFORD. I think that is so. I agree with that.

The CHAIRMAN. Is there anything that can be substituted in place of those four bodies?

Mr. GIFFORD. My view would be that if the President had the power to appoint a director on the War Industries Board, I would prefer one man. I would prefer a one-man board, where direct executive work could be done. Then, if it were made possible by Executive order, we will say, for the President to transfer from the War Department, the Navy Department, or the Shipping Board, any purchasing committee which it might develop should properly be centralized from those departments into this section, as the scheme works along, we would transfer such things as had to be centralized, such as steel, for instance. No one questions, for instance, that steel will have to be centralized. It will have to be centralized somewhere. We can not have it handled by the Army, the Shipping Board, the Navy, and our allies. If they could be transferred out of the various departments and put under direct war industries, you would have a workable organization that would not be so comprehensive and so detailed as to break down in its functioning, and yet you would attain the object of taking care of these vital needs, which I call the war industries.

The CHAIRMAN. Suppose you had a central head. It does not make any difference what you call him. If we could empower him, under the rules and regulations to be adopted by the President, the President being the supreme head, to utilize all the branches of the Government, wouldn't that be better than to rely upon these different agencies to do it under a volunteer system? Would it not be better to have one direct head with power to call to his assistance the Council of National Defense, the War Industries Board, the administrative division, the clearance committee, or any other agencies?

Mr. GIFFORD. I think so. I do not think that the war industries under that scheme would need it.

The CHAIRMAN. You would not need it?

Mr. GIFFORD. No.

The CHAIRMAN. Of course, this organization would still be continued by a director of war industries who had the power. He could continue it as it is or change it when it suited his convenience.

Mr. GIFFORD. I think in putting one man in charge it would be much better to make the change a gradual one. A man could not try to take all of the departments, have a sort of picture puzzle, and put the whole thing into one department, but any scheme of this kind would work better, I think, by taking the thing over as it is.

The CHAIRMAN. And let the man in charge make the changes gradually?

Mr. GIFFORD. Yes, sir.

The CHAIRMAN. I do not say that any strong man would undertake to wipe this off the map and do away with it altogether and organize the subdivisions.

Mr. GIFFORD. If he did, and he would be right about it, then we have been working along the wrong lines.

The CHAIRMAN. I assume that any man who was put in charge would undertake to retain those organizations and eliminate them by degrees where the elimination seems proper.

Mr. GIFFORD. I think so.

The CHAIRMAN. That is your opinion?

Mr. GIFFORD. Yes, sir.

I think if you have not seen this it would be interesting if I mentioned this article in the New York Times of December 30 relative to the English situation. I have given a great deal of study to this question. I find that there have been some misunderstandings about it here.

The CHAIRMAN. You have studied the English system?

Mr. GIFFORD. Yes, sir. This article says, on the subject of purchases for the Government, that the subject has received the attention of the Associated Chambers of Commerce in England, and a memorandum has been prepared which has been submitted to the various ministers:

"The council desires to record its opinion that such diversity of control, which permits competitive purchasing, does not make for economical and efficient national production. They are informed that orders for supplies are placed by the ministry of munitions, the Admiralty, the war office, and the air board, acting as the chief services, and that each of these has separate departments which operate, frequently without consultation, in competition with each other."

Now, I think we can do better than that.

The CHAIRMAN. What would you suggest?

Mr. GIFFORD. I think this scheme is better, with the power.

The CHAIRMAN. With the power?

Mr. GIFFORD. Yes; a good deal better.

The CHAIRMAN. Do you mean that the system that the Secretary of War has worked out is better?

Mr. GIFFORD. This system, with the single man at the top, with power to say to the Army and Navy, "Now, beginning such and such a date all explosives will be handled so and so." Then it may develop, as I said, that you had better say that all matters relating to gun forgings will be taken out of the Ordnance Department.

The CHAIRMAN. I do not think there is any question about that, although there is a difference of opinion.

Senator BECKHAM. Does the English director of munitions purchase for the Admiralty?

Mr. GIFFORD. No, sir.

Senator BECKHAM. How do they avoid competition?

Mr. GIFFORD. They do not. They have the same trouble we have, after three and a half years of war.

The CHAIRMAN. You have so much to do and so many troubles of your own that I doubt if you have had time to look at this bill.

Mr. GIFFORD. I have read a number of them, Senator.

The CHAIRMAN. I wish you would take one of the bills, or take them all, if you will, or you might take the one before this committee as a basis, and make such changes in it, by way of suggestion, as you think would carry out the things that you have in view. The committee has not committed itself to any plan, and we want your help.

Mr. GIFFORD. I would be very glad to give it.

The CHAIRMAN. The central thought is a central figure of power to do these things.

Mr. GIFFORD. Yes, sir.

Mr. Waddill Catchings testified:

Senator WADSWORTH. What impressions have you derived from your observation of the conditions during the last six or seven months in your conversations with business men and your observations in the departments?

Mr. CATCHINGS. I think, Mr. Senator, that this statement expresses the views of business men universally, that they are impressed with a lack of central control and responsibility and of general planning in connection with the work.

Senator WADSWORTH. What effect does that lack of central control have upon the situation?

Mr. CATCHINGS. It has the effect that we set forth in the statement, in our judgment, a very harmful effect in that our program is not balanced. We do not believe that one activity is properly related to another.

It has been manifest, in our judgment, for months that the shipping program was the principal program, and yet there has been no effective method of giving that program the right of way or the support which it should have, and we are clearly not producing the ships and will not produce the ships for many months which we would have produced in our judgment, had there been some effective method of getting singleness of action.

Senator HITCHCOCK. Has that been the fault of the personnel of the Shipping Board or, rather, the fault of the system?

Mr. CATCHINGS. I want to express very emphatically the judgment of all of us repeatedly stated that it is not a question of personnel in any respect, but that you are endeavoring to conduct the war with machinery that is utterly inadequate and could not be made successful, in our judgment, by any men.

The CHAIRMAN. Is that not indicated in this as well as in many other instances. It is said now on testimony that seems to us unimpeachable that there are 127 vessels in New York ready to be loaded and ready to transport supplies across the Atlantic, but that they can not get coal. Is not that a lack of coordination somewhere that should not exist?

Mr. CATCHINGS. Yes. In our judgment a condition such as that is inevitable from the present method of conducting affairs. In our judgment a planning for coal for ships in December in New York Harbor should be made in June or July of the year before, and it is utterly impossible to handle situations of this sort when they arise.

The CHAIRMAN. In other words, there should be a program laid down and worked to?

Mr. CATCHINGS. Absolutely; and in our judgment no program can be laid down unless there is centralized control and responsibility. At the present time there is none. It is an indisputable fact that there is no one actually engaged in the formulation of a broad program concerning all of our efforts in connection with the war. In our judgment, we are engaged in the greatest enterprise that has ever confronted any nation, and in that enterprise we are failing to observe the fundamentals of success of any enterprise, however small or large, which is to have some one actively in charge of the enterprise, planning in regard to its difficulties, foreseeing them, making arrangements to meet them. At the present time, through our organization which existed in time of peace, we have a great many independent activities doing surprisingly well under the conditions with individual features of the situation, but we absolutely have no general control or program of any sort. It appears every day. It is not open to dispute. I doubt if there is a man closely in touch with the situation here who feels that there is any adequate central control at the present time

Senator WADSWORTH. What effect does this lack of centralization and control have upon the several industries who are anxious to assist the Government?

Mr. CATCHINGS. We have, Mr. Senator, approached this situation largely from that standpoint. In our judgment the situation in industry is most unfortunate. We are having withdrawn from industry an amount of labor and material which is measured by the gigantic sum of $19 000 000,000. I doubt if the gross output of all of our business of every sort and description has ever exceeded $45,000,000,000 to $50,000,000,000. Certainly it has never exceeded $80,000,000,000. I think that can be taken unquestionably as an outside figure. We know that the total value of all the wealth of the United States is not more than $225,000,000,000. Now, we are going to withdraw from our industry in one year, according to the program, one-tenth, approximately, of all our total wealth. We are going to withdraw one-half of our annual output.

That means just as we have recognized in industry and have declared for months, industrial effort must be subordinated to these war-time activities, and we have no guide. We are on a sea without a chart. Our experience is no longer helpful. We have no longer the play of supply and demand to guide us. No man can foresee what conditions are going to exist in business in two or three months. He has no way of knowing. All of our experience is suddenly cast aside, and we have been declaring for months that in this situation there is need for a definite, clear, positive program on the part of the Government.

There must be some kind of leadership in this situation. We have a very great fear with regard to industry. We fear that there is going to be a reduction in output along many lines of so-called nonessentials in favor of the production of essentials. We believe that it is quite likely that that production of essentials will be far beyond any possibility of transportation to the other side, and that that will result in an interruption in the production of essentials, and that then, having stopped your production of so-called nonessentials and being able no longer to produce essentials because you can not transport them to France, we believe that we will be facing a very disastrous and serious situation.

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Mr. CATCHINGS. Speaking for the United States Chamber of Commerce, it seemed to us well that we come to you with definite approval of what we have to say; and this statement which I am about to read was prepared with the unanimous support of our committee and approved with a unanimous vote of the board of directors at the chamber of commerce at its meeting on yesterday, so that in this statement we are voicing the regularly secured opinion of the body. [Reading:]

"Your committee was originally constituted on June 12, 1917, as the committee of the Chamber of Commerce of the United States on cooperation with the Council of National Defense. The chairman of your committee, by resolution of the Council of National Defense, was appointed assistant to its director, with no duties, however, except those arising as chairman of the chamber's committee. The appointment was made to enable your committee to familiarize itself with the methods employed by the Council of National Defense, the Government's requirements for war materials and supplies, to assist in organizing industry for war service, and to transmit to the industries of the country such information as would make it practicable to produce the needed materials and supplies with as little disturbance as possible to sound industrial conditions.

"It soon became evident that, notwithstanding the intimate relationship established, your committee was unable to secure information regarding the Government's program and requirements, for the obvious reason that there was no centralized power from which such comprehensive information could be obtained. In fact, there was no central authority engaged in securing such information or in formulating general plans to meet the rapidly developing industrial problems of the war.

"When, on July 13, your committee stated in a war bulletin that there was need for a central agency to control the procuring of war materials and supplies, to formulate programs, to reach decisions, to stop debate, and to take decisive action, your committee was but making public statement of views held by many officials of the Government and others in intimate contact with the situation.

"On the other hand, it is true that many in the Government departments were fearful that any effort to create a central control would interfere with the immediate activities of the departments and disorganize and interrupt the efforts to meet the requirements of the army which was being formed. The essential difference of view, therefore, was, on the one hand, between expanding what existed with the addition of independent activities, such as the Food and Fuel Administrations, and, on the other hand, creating, through central control and responsibility, an organization designed to meet the emergency.

"Toward the end of July the need of centralized authority and responsibility in connection with the procuring of war supplies and materials was recognized in the appointment of the War Industries Board. Unfortunately, the statutory power and responsibility to make war purchases remained scattered in the various Government departments. This has made it necessary for the War Industries Board, in its efforts to secure coordination to rely only upon the common desire and purpose of all Government officials.

"In a bulletin issued on August 10 your committee pointed out that the War Industries Board had no authority to decide inevitable differences of opinion between independent activities or to formulate policies subordinating one war-time activity to another. Furthermore, the bulletin stated that, not being an official department of the Government engaged in procuring war materials and supplies, the War Industries Board was not in a position to plan and execute board programs to meet the great industrial problems of the war.

"In discussing this difference of opinion with officials of the Government it was evident that there was agreement regarding the purpose to be accomplished, but that the Government officials did not agree with your committee regarding the means of securing centralized responsibility and authority.

"The war convention of American business at Atlantic City, called by the national chamber in September, afforded the opportunity to submit this vital subject to business men from all sections of the country. After exhaustive discussion the following resolution was unanimously adopted:

"'*Resolved by the representatives of American business met in war convention*, That all war buying should be assembled under the control of one board or executive department; and be it further

"'*Resolved*, That this war-supply board or department should be given full power to procure war supplies to the best advantage to the Government as to price, quality, and delivery and in a way to maintain essential industrial life without disturbing social and economic conditions, including the power to fix prices not only to the Government but to the public on essential products and to distribute output in a manner to promote the national defense and the maintenance of our industrial structure; and be it further

"'*Resolved*, That Congress be hereby requested to pass such statute as may be necessary to give the President of the United States all power necessary to concentrate in this manner the resources and the industrial energy of our country toward winning the war; and be it further

"'*Resolved*, That the national chamber do its utmost to make effective the purposes of these resolutions.'

"Toward carrying out the purpose of this resolution, and in the hope that the authorities would initiate the measures advocated, your committee held conferences with the Secretary of War, chairman of the Council of National Defense, early in October. Your committee stated that their intimate knowledge of what had been done by the Government to meet the problems of the war enabled them fully to appreciate the splendid work which had been done, but at the same time this committee could not ignore the fact that differences regarding the fundamental principle of authorized central control had not been overcome. They stated that the concentration of industrial energy and resources toward winning the war could come about only to the extent that the Government afforded the necessary leadership, and that without central control and responsibility for withdrawing from industry materials and labor measured by the vast sum of $19,000,000,000, confusion and possible disaster would result.

"On the 14th day of November, 1917, after months of careful study of the situation, this committee submitted a report which was unanimously adopted by 28 members of the board of directors of the Chamber of Commerce of the United States. That report contained in substance the following statements of facts and conclusions:

"1. It is clear that without our efforts and resources the war can not be won.

"2. With the experience of both friend and foe to guide us we continue to rely upon the executive organization inherited from the times of our peaceful isolation, reinforced only by the Food Administration, the Fuel Administration, the War Trade Board, and the committees and boards formed under the Council of National Defense, the principal one of which is the War Industries Board. There has been created no department of munitions or war supplies, war supply board, or similar agency of whatever name, able to bring about centralized control or cooperation between the various Government activities engaged in procuring war materials and supplies.

"3. We are forced to the conviction that disaster is inevitable unless prompt provision is made to centralize the control of the industrial energy and material resources of the country.

"Much helpful advice is available to Government purchasing officers and effective machinery has been created through the War Industries Board for avoiding competition and conflict between the various departments. There have recently been numerous changes improving the Government's existing organization. The Quartermaster's Department, Ordnance Department, and other divisions of the War Department have had changes made in their internal organizations which have greatly increased their effectiveness. In the War Department a council has been created which should bring about greater coordination in the efforts of this branch of the Government's activities. Messrs. Hoover, Hurley, and Garfield have been asked to sit with the Council of National Defense at certain of its sessions. However, a great independent activity has recently been set up in connection with the Government's administration of the railroads.

"No statutory authority has been asked for the War Industries Board, nor has the Council of National Defense been given, by statute, authority to do more than investigate and report. The numerous scattered and independent activities in connection with the procuring of war supplies and materials have not been brought under one control, nor has any agency been constituted responsible for directing the Government's war-time industrial activities.

"Your committee believes that the failure to be guided by the fundamental principle that centralized responsibility and control is needed for the success of any enterprise will inevitably result in ill-balanced effort. There will be unintentional interference with vitally important programs such as that in connection with shipping; there will be production far beyond our capacity of ocean transportation; our allies will be deprived of supplies which we would desire to give them; effort will be expended in the creation of unneeded new facilities; collateral problems, such as the housing of employees, will be neglected until they seriously interfere with other programs; the distribution of essential materials, such as coal, will not be where most needed in connection with the war; vast quantities of materials and labor will be used in unnecessary activities; and, in general, there will be the atmosphere of confusion which comes from inability to secure prompt decision.

"From the beginning your committee has worked consistently along the line of the experience of other nations now at war and of the business principles of consolidation and responsibility expressed in the resolution adopted at the war convention of American business in Atlantic City that 'all war buying,' in whatever departments, boards, and administrations now located, 'should be assembled under the control of one board or executive department.' Although concerned over the delay in the effective development of such a system, your committee has refrained from presenting further reports on the subject during recent weeks while plans have been under consideration by the departments and the War Industries Board. It has, however, continued to urge the principles for which the chamber has declared. In doing this it does not advocate or oppose any particular plan, being intent only upon the establishment of such machinery as will bring about unquestioned central control and responsibility.

"The new plan for making the War Industries Board a coordinating body having now been announced, your committee feels it essential at this time to recommend to the board of directors publication to our members of a statement which, while reviewing the situation, will make clear the divergence between the views of the committee and the policy of this new plan. It heartily approves the steps taken by the Secretary of War in consolidating the organization of the War Department, increasing the personnel, and improving its efficiency by drawing in business men of experience in organization, but it can not agree with the statement that such reorganization of this department takes the place in any degree of a department of munitions or a board of central control. Similar improvements in other departments, boards, and administrations would but tend to develop a decentralized system of purchasing instead of providing for a centralized system. However efficient the War Department, the Navy Department, the War Industries Board, the Shipping Board, the War Trade Board, the Fuel Administration, the Food Administration, the Railway Administration may become, the need for centralized control is but the more emphasized thereby.

"Equally, the more efficient they become the less the actual authority and control of the War Industries Board and its chairman in centralized purchasing. That body which has served from its inception to the present time as the only centralizing agency that has yet been created to which the committee has looked with hopefulness as the body out of which a centralized control of purchasing for all departments might be evolved in view of the disposition to grant it ever-increasing powers, becomes, under the present theory, not a centralized control but, at least, an efficient clearing house to which department officers with whom will rest the responsibility for production refer their orders before they are placed.

"If a department of munitions, war-industries administrator, or war supply board, with full power over and responsibility for the procurement of munitions and supplies is now established it is still necessary to provide more complete coordination of the various new administrations and agencies of the Government whose separate activities affect the efficient conduct of the war program as a whole. We do not believe it is necessary or advisable, as the situation now exists, to bring the Food Administration, the Fuel Administration, the Railroad Administration, the War Trade Board, or the Shipping Board under the control of the authority responsible for buying.

"At the same time the work of these agencies involves the maintenance of the financial and economic strength of the country and the effective use of our industrial resources. We therefore believe that there should be created some small board or council with no other duty than to have constant supervision over and general direction of the work of these adminstrations, and such additional agencies of similar character as may be created from time to time. Our view is that such a small council should sit continuously, devoting itself to constructive planning, and settling conflicts which may arise from time to time between these administrations and boards, and adjusting the activities of one agency to another as the war needs of the country may require.

"No one who has been given the opportunity to inquire into the situation can refrain from expression of appreciation of the spirit by which all charged with this great work are animated, or of the splendid accomplishments which may be seen in many directions. Whatever may be the organization or method by which the Government endeavors to meet its great problems, American business may be trusted to give its unfailing support. But men of experience in production and distribution would be failing in their duty if they did not express their conviction, drawn from their experience, that whatever may be the form, the need for centralized control and responsibility is demonstrated by all industrial experience."

Mr. CHAMBERLAIN. The Military Affairs Committee was subjected to more or less criticism in some quarters because of the war cabinet bill, to which allusions have been made, which was prepared by and in the committee, as embodying their views as one of the essentials necessary to a successful prosecution of the war. As I understand the pending measure, it does not involve the creation of a war cabinet or council, and yet I believe under its terms the President might have power, if power is needed, to appoint such a cabinet or council. In fact, a war council, I am advised, has been appointed, composed of Hon. Newton D. Baker, Secretary of War, Hon. Benedict Crowell, Assistant Secretary of War, members ex-officio; E. R. Stettinius, Second Assistant Secretary of War; Maj. Gen. P. C. March, Acting Chief of Staff; Maj. Gen. H. G. Sharpe, Quartermaster General; Maj. Gen. William Crozier, Chief of Ordnance; Maj. Gen. E. M. Weaver, Chief of Coast Artillery; Maj. Gen. E. H. Crowder, Judge Advocate General; Brig. Gen. Palmer E. Pierce; Mr. Charles Day; Maj. Gen. George R. Goethals, Acting Quartermaster General.

What its powers and duties are I am not at this moment advised, but I am sure it is not exercising as broad functions as the war cabinet bill of the committee had in mind, and that was, under the direction of the President, to plan in advance for all the things necessary to be done in future with reference to the conduct of the war. I will not undertake to discuss it, because its terms or its purposes may be defective, but wherein it is defective it might have been corrected by amendment and discussion. I simply desire to say with reference to it that the committee did not act immediately with reference to that measure. It was suggested by the evident lack of coordination in the department and failure to arrange for the future, whether for 90 days, or 6 months, or a year in advance, as to the necessity for troops here or abroad, and matters of a kindred nature.

The question of a proper body to do this work was discussed in Great Britain and a measure creating a war cabinet finally adopted. That it has proven successful I call the attention of the Senate to "The war cabinet report for 1917," to which I have heretofore referred, and I ask to have inserted in the RECORD a few passages from the chapter of this report on administrative organization.

The VICE PRESIDENT. If there be no objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

"The most important constitutional development in the United Kingdom during the last year has been the introduction of the war cabinet system. This change was the direct outcome of the war itself. As the magnitude of the war increased it became evident that the cabinet system of peace days was in-

adequate to cope with the novel conditions. The enlarged scope of Government activity and the consequent creation of several new departments made a cabinet, consisting of all the departmental ministers, meeting under the chairmanship of the prime minister, far too unwieldy for the practical conduct of the war. It was extremely difficult for so large a body to give that resolute central direction which became more imperative the more the population and resources of the nation had to be organized for a single purpose—the defeat of German militarism. Even the development of a comparatively small war committee did not entirely meet the needs of the case, as the final responsibility rested not with them, but with the cabinet.

"With the change of government, therefore, a new method of governmental organization was introduced. The system of the war cabinet distinguishes between the body which is responsible for the supreme direction of the war and the ministers who have charge of the great administrative departments of state. The general direction of the policy of His Majesty's Government during the war rests with the war cabinet, whose members, with one exception, are relieved of the day-to-day preoccupations of administrative work, and whose time is therefore entirely available for initiating policy and for the work of coordinating the great departments of state. The original members of the war cabinet were: The prime minister, the Right Hon. Earl Curzon, the Right Hon. Viscount Milner, the Right Hon. A. Bonar Law, and the Right Hon. Arthur Henderson. Since then the Right Hon. Sir Edward Carson had been added to the war cabinet and the Right Hon. G. N. Barnes has taken the place of Mr. Henderson. In addition, in June, 1917, the war cabinet invited Gen. Smuts, who had attended the meetings of the imperial war cabinet as the representative of the Government of the Union of South Africa, to attend the meetings of the war cabinet during his stay in the British Isles. The only exception to the principle laid down above, that the members of the war cabinet should be free from administrative duties, was in the case of Dr. Bonar Law, who filled the office of the chancellor as the chief representative of the Government in the House of Commons.

"The method of working the war cabinet is as follows: At each meeting the cabinet begins by hearing reports as to the progress of the war since the preceding day. Unless it wishes to confine its deliberations to general questions of policy, it then proceeds to deal with questions awaiting its decision. As these questions in the vast majority of cases affect one or more of the administrative departments, almost all its meetings are attended by the ministers and their chief departmental officials concerned. The majority of the sessions of the war cabinet consist, therefore, of a series of meetings between members of the war cabinet and those responsible for executive action at which questions of policy concerning those departments are discussed and settled. Questions of overlapping or conflict between departments are determined and the general lines of policy throughout every branch of the administration coordinated so as to form part of a consistent war plan. Ministers have full discretion to bring with them any experts, either from their own departments or from outside, whose advice they consider would be useful. The extent to which this policy of inviting expert assistance is carried may be judged from the fact that from December 9, 1916, to December, 1917, no less than 248 persons other than members of the war cabinet and the secretariat have attended its meetings. These include experts on foreign, dominion, Indian, colonial affairs, finance, man power, labor, munitions and industry, shipping and shipbuilding, agriculture, food control, education, trade, railways, and local government, etc. The secretary of state for foreign affairs, the first sea lord of the admiralty, and the chief of the imperial general staff attend at every meeting to communicate the latest intelligence in regard to the war and to consult with the war cabinet on questions that arise from day to day. Under this system the war cabinet has held more than 300 meetings in the past year. This fact in itself indicates the great change which has taken place in the work of the cabinet."

Mr. CHAMBERLAIN. It will thus be seen that the committee was undertaking to profit by the mistakes of the British Government and to organize a cabinet which would give all its time to the consideration of the same questions in this country which the same body considered in Great Britain and which it was deemed necessary to a successful issue.

Mr. President, my time is up and I regret that I can not discuss more at length the reasons which urge me to support the measures which our committee favor and those which induce me to support the pending measure. I shall, however, give the principle involved in it my cordial support, thus conferring upon the Commander in Chief of the Army and Navy the power or authority which he feels is necessary to the successful termination of the war.

Mr. BORAH obtained the floor.

The VICE PRESIDENT. The Chair does not know whether the Senator from Idaho was present when the Chair ruled that the discussion now is upon amendments and is limited to 20 minutes.

Mr. BORAH. Mr. President, it has been stated in this debate that if this measure should become a law the President could confer the functions of the Department of Justice upon the postmaster at Washington. Assuming, for the sake of the argument, that under the terms of the bill the President could transfer the functions of the Department of Justice to the postmaster at Washington, that is not to my mind a conclusive argument against the bill. If that rule were to be adopted, practically all the measures which we have passed conferring upon the President discretionary powers would need to be recalled, and we would have to adopt an entirely different rule with reference to legislation in the future.

It seems to me, Mr. President, that there is only one rule by which a Senator can be guided in these somewhat doubtful and somewhat unmarked times so far as legislation is concerned, and that is to determine, in the first instance, whether or not the bill is one which Congress has the right under the Constitution to pass, and, secondly, if it is a measure which under the Constitution we have a right to pass, whether or not in his judgment it is necessary or will be helpful in the great enterprise in which we are now engaged.

If he should determine these two propositions in the affirmative, I do not see how he can withhold his vote upon the theory that the powers may be executed incompetently or willfully. The people who are to execute these powers are responsible to the same tribunal to which we are responsible. They have been selected under the machinery of the Government and in accordance with the provisions of the Constitution to perform the functions which pertain to their different offices, and if we conclude that we have the power to pass a law and that the measure is one which could be used effectively to accomplish the thing which we all desire to accomplish, it seems to me we are not in a position to withhold our votes upon the theory that such a thing as transferring the functions of the Department of Justice to an incompetent person might take place. We can not assume that powers needful for the prosecution of the war will be used willfully to retard its prosecution.

Under that rule, Mr President, we have already passed an act known as the corporation finance act, by which the President could bring to utter ruin and disaster any business of the country. We have passed a bill whose wide discretionary powers would enable him to disrupt particular lines of business now actively engaged in any enterprise in this country.

If we were to assume that these powers were to be exercised incompetently or willfully we have already passed measures which would make it utterly impossible for us to accomplish the great object which we are now hoping to accomplish.

I am going to determine, therefore, Mr. President, if I may, whether or not this is a measure which under the Constitution we have the power to pass, and, secondly, whether or not it seems to be one which will be helpful and beneficial in the execution of the enterprise in which we are now engaged.

In the first place, I desire to analyze the bill briefly to see what are its terms. The act is limited to the period of the war. At the end of the war all the different functions of these different departments will be restored to the integrity which they enjoyed prior to the passage of this measure. In other words, it is not within the power of the President to effectuate any permanent changes in our departments or our bureaus. The President can work no permanent changes in the executive or administrative functions of the Government. He can only choose his agencies and transfer the functions of the different departments and bureaus during the time we are actually engaged in the prosecution of the war. After that all powers and functions go back to their accustomed places.

We need have no fear, therefore, of any permanent changes being wrought under this measure, because not only does the measure provide that it is a war measure, but it now specifically provides that at the close of the war these different functions and agencies shall resume the positions and the functions which they now occupy.

We are therefore, Mr. President, doing this and nothing more. We are conferring upon the President the right and the power to choose his agencies among the different agencies and administrative functions of the Government, by which he will execute the functions of the Government during this emergency, and nothing more.

So far as I am concerned, I do not regard that as a particularly strong feature of the bill, but there were those who felt that there ought not to be any power granted which would effectuate a permanent change in our institutions, and that is the way the bill now stands.

The bill deals alone with the subject of the executive agencies of the Government. It does not assume to enter any other field except that of the executive and the administrative functions, and its authorization with reference to these functions or agencies is for the redistribution of those agencies, and that alone.

Mr. WILLIAMS. A redistribution of the power of the agencies.

Mr. BORAH. Very well, a redistribution of the powers of the agencies. The President must find somewhere within the sum total of powers now granted to these different agencies the agency which he is going to use and the functions which he will seek to have in operation by the different departments. He can not add to any department, he can not create anything; he simply must use the agencies which are now in existence somewhere and in some way, if he chooses to do so, in carrying on the war.

Mr. REED. I rose to ask the Senator to yield, but his time is short and I do not want to interrupt him.

Mr. BORAH. I am entirely willing to yield to the Senator for a question.

Mr. REED. I think it would hardly be fair. When I rose I had forgotten the time limit.

Mr. BORAH. I am perfectly willing to have the Senator ask me a question.

Mr. REED. The Senator has just made a statement that there are no new powers to be exercised, leaving the inference that it is a mere transfer of power from one board or one tribunal to some other board or tribunal; but is it not true that we have created numerous boards, each board to be composed of a certain number of men, and frequently those men possess certain qualifications and in many instances the approval of the Senate is required? Is it not true that all those functions might be transferred to one individual, and is it not a very different thing to lodge the power in a board or tribunal or in a number of boards or tribunals and to concentrate all those powers in the hands of one individual? Now, if the Senator will permit me to illustrate it, the Federal Reserve Board is composed of five members. Certain qualifications are prescribed. Is it not quite a different thing to have a board of that kind with power lodged in it and to have the board wiped out except one man?

Mr. BORAH. Mr. President, the language of the bill is as follows:

> The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary.

I am not interested, because I am not going to argue that feature, as to what the President might in a willful way do. For instance, the President might assign to the most incompetent and most inconsequential and obscure clerk in the State Department the performance of functions which ought to be performed by the Secretary of State himself. The President might select some incompetent and obscure clerk in the Department of Justice and assign to him duties which ought to be performed by competent men who have been confirmed by the Senate. But, Mr. President, what the bill says, and in that light it ought to be construed in all fairness, is that the President is to have the privilege of redistributing the agencies and functions of the different agencies and departments of the Government. He goes into this wide range of bureaus and departments and multitude of functions and selects from them any agency which he sees fit to select to perform a function of some other department, but when the agent is selected, when he is chosen, he must perform that function in accordance with the laws the Congress of the United States has written.

If the President should bestow upon the postmaster at Washington the functions of the Department of Justice, he would have to perform them in accordance with the laws that were upon the statute books of the United States. He can not change the law. He is not permitted to change the law. He may transfer the function from one department to the other, but when transferred it must be performed in accordance with the law which prescribes the functions of the particular department.

So I say, Mr. President, that the only thing we do here or seek to do is to enable the President to choose this or that department, this or that agency, to perform this or that particular duty in this great multitude of agencies and departments with which we have to deal at this time.

I do not find in the bill any language which changes the first section so far as the use of these powers is concerned, and I do not think the measure would bear any other construction than that which has been placed upon it.

As has been said upon the floor of the Senate, there is a vast amount of power which this bill apparently confers upon the President which he already possesses. In my humble opinion, the greater portion of the powers to be exercised under this bill could be exercised now by the President without any authority whatever. There are some things, undoubtedly, which the measure requires authority to do, but in a great measure he is now authorized to perform those functions.

Again, the bill provides:

> That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

That is inserted in the bill to enable Congress to pass upon the matter of the elimination of any functions or the abolishment of any bureau and also to draw to the attention of the Commander in Chief, the Executive, the fact that if any of these bureaus are found to be unnecessary or any of the functions unnecessary it shall be reported to Congress, so that Congress may avail itself of any benefit of the experience of these years or of any knowledge that may be derived from the experience which we are to have with reference to this change.

It has been known for years in Washington that our bureaus were duplicating work, that they were duplicating expenditures, and that there was a condition of affairs which needed rehabilitation and reorganization and recoordination—or coordination, rather—because it has never been properly coordinated. During Mr. Taft's administration he called that matter particularly to the attention of the Senate, and in a message which has been read to the Senate pointed out wherein these bureaus and departments have become cumbersome and expensive and unwieldly and ineffective. That was in a time of peace. All the more are they so in a time of war, when more efficiency, more celerity, and more effectiveness is required upon the part of the Government.

So the President is authorized to redistribute these functions in behalf of efficiency and effectiveness, and then we provide in the bill that should it be found that it ought to be permanent, the Congress of the United States is entitled to pass upon it.

I think, Mr. President, that my view of this bill is different from that of some of my colleagues upon this side of the Chamber is due to the fact that I think we have gone far toward transforming this Republic into a bureaucracy. There is scarcely any vital principle of government to-day that the Congress of the United States has not transferred to some commission or to some bureau. The most vital functions connected with government are now in the hands of those who are neither elected nor subject to recall by the people of the United States.

Mr. WILLIAMS. Nor appointed, even.

Mr. BORAH. Nor appointed. If there is any form or conception of government more burdensome upon the people, more extravagant and venal, more wasteful of human energy, and more paralyzing to human initiative than a bureaucracy, God in his infinite mercy has not yet permitted it to curse the human race. Bureaucracy is now the worst form of government of which we know.

And yet this war has revealed to us that we have much bureaucracy. Red tape, overlapping, duplication of effort, duplication of expenditures, lack of initiative, always attendant upon bureaucracy, departmental jealousy, absence of coordination, inefficiency are menacing next to the foreign foe. It is because we have entangled this young giant in the enervating meshes of a thorough, blood-sucking, tax-eating bureaucracy that we now find ourselves embarrassed and impeded in the most stupendous task ever laid upon a great people. This condition is not the growth of a day or of a few years. It is the result of legislative and governmental tendencies of the last quarter of a century.

So I say, Mr. President, that in all probability my view in favor of this bill is due to the fact that I believe there ought to be a complete rehabilitation and a complete readjustment of our departments and our bureaus in behalf of efficiency and for the purpose of getting more effective service out of the Government agencies. We do not give the President power to effectuate this permanently, but we do give him the power to change the functions during the war and then avail ourselves of the benefit of it in case it should be found to be of permanent value.

Mr. President, I was about to take up the other subject—the constitutionality of the bill—but my time is so limited that there is no need of going into it in so brief a time, and I shall discuss that upon another amendment.

Mr. WILLIAMS. Mr. President, every patriotic American who loves the American Republic, who loves the cause of liberty and democracy and the free pursuit of happiness throughout the world loves to listen to the voice of the Senator from Idaho [Mr. BORAH] whenever he talks in this Chamber. I wish that every Democrat and every Republican in this Chamber, including myself, were a mere duplication of the Senator from Idaho, who has kept his head level, himself in poise, his soul in loyalty, and his interests undisturbed by war passion.

Mr. President, some time ago there were a lot of gentlemen who wanted "a committee on the conduct of the war." Why did they say they wanted it? They said they wanted it in order to make the executive departments more efficient than they already were. They wanted to take out of the hands of the Chief Executive the executive functions of the Government and place them to a certain extent, if not altogether, in the hands of a congressional committee.

The President of the United States recognizes that everything is not going all right all the time and he comes to Congress and says, "I do not think that a committee on the conduct of the war representing the legislative branch of the Government is exactly the right way to carry on the war, but if you will give me power to put square pegs in square holes and round pegs in round holes and take square pegs out of round holes and round pegs out of square holes, I can improve the efficiency of the various executive bureaus of the Government and decrease its inefficiency." That is all there is to this bill in the ordinary common-sense apprehension of a plain Mississippian, Mr. President.

In so far as an attempt of Congress to carry on a war is concerned, the experience of the Continental Congress in interfering with George Washington and Gen. Greene, the experience of the legislative committees of the two Houses upon the conduct of the war in interfering with Stanton and Welles and Lincoln during the Civil War, and the experience of the various committees of the Confederate Congress in seeking to thwart Jefferson Davis and his generals are sufficient warnings to everybody who has any historical sense. There can be no reason under the sun for an attempt to put the onus and burden of carrying on this war upon a legislative committee except partisan feeling or hatred of the President of the United States or suspicion of him. I challenge anybody to mention any other reason except one of those three.

That every man has a right to suspect the President of the United States goes without saying. That every man has a right to distrust the President of the United States, if he do distrust him, and to express that distrust, goes also without saying, but I happen not to be one of the men

I say to you to-day, following in the footsteps of Washington in the war that gained our nationality; following in the footsteps of Lincoln in the war that gained these reunited States, much more firmly united than they were before; following in the footsteps of all the men who have ever conducted a great war anywhere upon this earth, that the men who talk about divided legislative and executive authority are fools, and the men who talk about not intrusting to somebody somewhere centered and unified and harmonized authority are fools. They can not carry on war. It reminds me of what Teddy Roosevelt said about the Secretary of War or Navy or somebody at the beginning of the Spanish-American War. He said he had a conversation with him one day, and the Secretary said—I believe it was the Secretary of War, though it might have been the Secretary of the Navy—but whatever the Secretary, he said, "I had this thing in beautiful running order, and all at once comes along this damned war and destroys it all." [Laughter.]

Mr. President, the sole object of this bill is to harmonize executive action; to unify executive purpose; and the sole way of winning a war is to arm the Executive wi thsufficient power to win it.

The old Romans were fools about a great many things; they were barbarians about some things; but they gave to the world a system of law that controlled it for a thousand years; they gave to it a system of public roads that are an example until to-day. They knew nothing about real democracy, and that is the rock upon which they split; but they did know something about carrying on war. Whatever else they were deficient in, they were not deficient in that. They were the war-making power of the world until Germany arose, dreaming that she should found a new empire as a successor of the old Roman Empire and take over world dominion. The old Romans, under a republic and later, understood this about war, that when you came to the critical point you had to have a dictator. They knew that neither the patricians of the capitol nor the plebeians upon the cross streets of Rome could carry on war. The State legislatures and the Congress of the United States can not carry on war. You have got to give somewhere to somebody—selecting the right man if God, under His grace, gives you sufficient wisdom to select him—the power to do this thing and to take charge of it with responsibility. In the war in France we have selected Pershing. I think he is the right man; I hope he is. If he is not, then the President of the United States, as military dictator during the war, has the power to remove him and to put somebody else in his place.

The real war is being carried on over there in France—not here; not by these talks; not by my voice; not by the voices of any of you. I passed through the Senate day before yesterday and I saw one of the most distinguished Senators in this body speaking to four auditors, and one of those four was so deaf he could not here it thunder. That is a part of your legislative and congressional and senatorial life. What do you think that has to do with winning the war? More men, more guns, more munitions! Still more men, still more guns, still more munitions, sent to France as fast as you can get them there! Thoroughly trained or half trained or quarter trained! Send men there as quickly as you can. That is the war-winning slogan.

You and I are sitting here talking about the provisions of a bill to give the President power to do what? To put a square peg in a square hole and a round peg in a round hole. If he finds out that there is a square peg in a round hole or a round peg in a square hole he wants to dismiss one or both or to exchange them. That is all of this bill. That is absolutely all that is in this bill; that is the common sense of it; that is the Mississippi nigger dialect of it.

Your motive in opposing this bill—each one of you—what is your motive? Have you any which is of national import, of international consequence, of war importance? You know you have not. What is this bill intended to help us do? It is intended to help the Executive to cut red tape in the departments. What do most of you who have been stabbing the Executive under the fifth rib while talking about your loyalty—and I am not speaking to any one of you personally; I am leaving each one of you to designate himself as a man who has been pursuing that sort of avocation, if you choose—what has any man in this body who, while protesting loyalty out loud, has been engaged in putting secretly a dagger under the fifth rib of the Executive; what has been your chief charge? It was that there was "too much red tape." The President comes to you and asks you, "For God's sake let me cut the red tape; let me do away with the little technical requirements that prevent me from putting Jones in Smith's place when Jones can do the work of Smith and Smith can not do it, and I have found out that Smith can not do it, and the only recourse I have is to remove Smith, who might do very well somewhere else, and when I can not even appoint Jones to Smith's place, because of rules and regulations."

Some of you have been here talking a long time—I refer not to any man personally, except the man who rises to confess that he has been—talking about the inefficiency of the executive departments; the inefficiency of all the work that we have been doing; the red tape that keeps us back; the man in the department who, when anybody goes to him and says, "I have got something here that can hurt the enemy; I have something here that can help the American Republic," "passes the buck" to the next fellow; and when you go to him he passes the buck to the yet next fellow. After all that, the President of the United States comes in and says, "I want to stop 'passing the buck'; I want to 'cut the red tape out'; I want to put a square peg in a square hole; I want to put a round peg in a round hole; I want authority to carry on this war efficiently as far as the executive department, constitutionally nominally under my control, is concerned," and you say, "Nay, nay Pauline!"

Go back to history a while and see the crowd of Senators and Representatives that daily, I might say hourly, under the Federal Government criticized Lincoln and Stanton and Welles—Welles, the greatest of them all, so far as mere efficiency went. Go into the history of the country on the other side of the Ohio and the Potomac Rivers and find fellows who were always criticizing Jeff Davis, because Jeff Davis *would* keep Robert E. Lee and Stonewall Jackson and Albert Sidney Johnston in command of the armies. Why, these wiseacres, in the rear as legislators, without any information, thought that certain distinguished politicians in their respective States ought to have command of the army. Go back and study it all up. Above all things, Mr. President, let Senators study—oh, the almost divine art of "passing the buck." Shipping Board? Yes. Airplane Board? Yes. War Department? Yes. One or another bureau

of the department? Yes. "Whom shall I see?" "Smith." Smith passes the buck to Jones, and Jones passes the buck to Williams, and Williams passes the buck to Robinson, and Robinson passes the buck to Knox; and so we go.

The President is asking you to relieve him of the necessity of passing the buck. He is asking you, for God's sake, to give more elasticity of action, harmony of policy, unity of purpose, and make him, so far as the executive departments of this Government are concerned, during the war dictator, if you please—yes; at least military dictator. If you do not give to the Executive sufficient authority whereby at least the executive department of the Government—not the legislative, not the judicial, but at least the executive department of the Government—can be harmonized with itself, can be unified in purpose, can avoid duplication, can avoid "passing the buck," then this war may be won, but it will be won by the grace of God in Europe without our help. It may be won, and it will be won, because God is our chief ally; not the gods of the Vandals and the Goths—Thor and Woden and Frey—not the god of "might is right," but the God in whose opinion always right must in the long run be might, because right will not otherwise have the gentleness and the love and the humane purpose behind it that will make it might in the long run. We may win it, but, so far as we Americans are concerned, we shall have very little to do with it unless we have one captain here, as we have now, thank God, one captain in Europe—Foch.

Mr. President, until we can make at least of the executive departments of the United States Government one function, one purpose, one will, one object, and one love our way is doubtful.

The VICE PRESIDENT. The Senator's time has expired.

Mr. STERLING. Mr. President, the distinguished Senator from Mississippi [Mr. WILLIAMS] has attempted to draw a lesson from Roman history. Let me go back just a little farther than Roman history, and refer to the laws of Draco, said by his historian to have been written in blood; but, Mr. President, the laws of Draco, severe and drastic though they were, had this virtue, the virtue of certainty, and the citizens of the city—State of Athens—knew by that first-written Athenian Code what the law was, what their rights were under the law, what the penalties were for a violation of the law; and so much did they admire Draco for the promulgation of this written code that it is said they killed him with their kindness, and in their enthusiasm and gratitude by covering him at the theater with their cloaks and their caps, thus suffocating him.

The point I desire to make, Mr. President, has direct reference to the bill we are now considering. It has been said that the most celebrated system of jurisprudence known to the world begins as it ends with a code. How did that first code, the Code of the Twelve Tables, come to be written? Because of the uncertainty of the customary law, if there was such a thing as customary law, because of the demands of the plebeians of Rome that the laws be reduced to writing, in order that every citizen there might know what his rights were under the law and what the penalties were for a violation of the law. Out of a feeling of insecurity, out of a system of arbitrary rule and the exercise of arbitrary power before a written code comes into existence, has grown the demand ever for the written code.

What is the application? It is in the tremendous and sweeping powers conferred by this bill on the Chief Executive of the United States. The bill is certain in one thing only, and that is in the tremendous powers it confers; but it is uncertain altogether as to the extent and manner of the exercise of the powers conferred.

Mr. President, we have heard here from day to day, and we heard it in the discussion before the Judiciary Committee, continued reference to subordinate divisions, bureaus, and branches under the several executive departments of the Government. There was very little discussion, as there has been here on the floor of the Senate, relative to the power conferred upon the President in regard to the executive departments themselves; and his power under the terms of this bill to suspend, in effect, the powers and the functions of the executive departments, and each and every one of them. What are these "functions"? Let me give you the definition of the word "function" as found in the Century Dictionary:

> Function: Power of acting; faculty; that power of acting in a specific way which appertains to a thing by virtue of its special constitution; that mode of action or operation which is proper to any organ, faculty, office, structure, etc.

And this, according to the dictionary, is the most usual signification of the term.

Mr. President, have we considered for any length of time at all here in this discussion the powers and functions of the several executive departments, and in view of what those powers and functions are, have we asked ourselves the question as to whether we want to put it in the power of the Chief Executive to redistribute those powers and functions? Who distributed them in the first place? Redistribution implies a distribution to begin with. Congress distributed them and, in my judgment, Congress is the only power that could create the different executive departments and clothe them with certain powers and functions for the carrying on of the Government's activities.

First, by act of 1789, it is provided that—

> There shall be at the seat of government an executive department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

Among the powers and functions of that department are those relating to correspondence and negotiations with the public ministers from foreign States or princes, the instructions to ministers or consuls from the United States. The Secretary of State has the custody and charge of the seal of the United States and of the Department of State. He gives notice of the ratification of any amendment to the Constitution of the United States. It is h' duty to lay before Congress annually a statement of all changes in the commercial systems of other nations, whether by treaties, duties, or other regulations as shall have been communicated to the department. The Department of State, under the direction of the Secretary of State, is the means or instrument through which all the business with foreign governments is conducted, and is the great department for the adjustment of our foreign relations, whether they relate to commerce, whether they relate to citizenship in foreign countries, whether they relate to treaties of peace or a state of war. Who wants the President now to have the power to redistribute the powers and functions of the State Department? And yet the bill in terms gives that power.

> There shall be at the seat of government an executive department to be known as the Department of War, and a Secretary, who shall be the head thereof.

So of all the several departments, with changes mutatis mutandis, as we may say, to suit the different departments and according to the proper designation of their heads. It is the function of the Secretary of War to define and prescribe the supplies to be purchased by the Army through the Quartermaster's Department and the duties and powers respecting such purchases, to make regulations for the transportation of supplies to the Army, the garrisons and recruiting places, and for their safekeeping. The transportation of troops and munitions of war is within the province of the Secretary of War; also meteorological observations at military stations, signal stations, lifesaving stations, and all the establishment thereof are within the jurisdiction of the Secretary of War. The survey of rivers and harbors, as we all know, is within the jurisdiction of the Secretary of War.

The President, however, will have the power under the bill we are now considering to redistribute the functions and powers of the Department of War, and this in time of war. Do we want to write in the Federal statute book a provision that will give him that power? Where is the necessity for it?

I am not discussing, Mr. President, this question from the constitutional standpoint but from the standpoint of the necessity and the policy, the wise, sound policy of a law like this.

> There shall be at the seat of Government an executive department to be known as the Department of the Treasury, and a Secretary of the Treasury shall be the head thereof.

We know in a general way what the tremendous duties and powers of the Secretary of the Treasury are. He prepares plans for the improvement and management of the revenue and for the support of the public credit; he has the superintendence of the collection of duties on imports and tonnage, the issuance of instructions to the several collectors, receivers, depositories, and officers in regard to the receipt of Treasury notes, United States notes, and other securities. Then come within the Treasury Department, as we know, the auditors for the various departments; first, the Auditor for the Treasury Department itself, and then an auditor for each of the other great departments of the Government. Senators here on this floor have criticized the provisions of the law in regard to the auditors holding these great and necessary places of responsibility. All the accounts of the Interior Department, of the Department of Agriculture, and of every other department are audited by the auditors for that department in the Treasury Department. Who would do away with the functions of the Treasury Department or of the several auditors of the Treasury Department, essential as they all are to the supervision of accounts and the management of the fiscal affairs of the Government? Who would do away with that other function or branch of the Treasury Department, the Comptroller of the Currency, who supervises and regulates the issuance of all the currency of the country under Federal law?

Yet we are considering a bill that gives the President power to suspend or redistribute—which, I think, in practical terms are the same thing—all the powers and functions of the Treasury Department.

So I might go through all the departments, Mr. President. I have enumerated only a part of them. But there they are.

The great Department of State was first created by act of Congress at its first session to symbolize and represent the equal sovereignty of this Nation among the other sovereignties of the world, to deal with them and treat with them in regard to our rights, our commerce, our citizens, and in regard to the great issues that make for war or peace. To whom or to what would you distribute these high powers and functions?

The Department of the Treasury has from the beginning been the one great business department of the Government. What would become of our financial resources and of our credit if the function of managing our fiscal affairs were handed over to the War Department in this redistribution or to the Department of the Navy or to the Department of Labor?

Mr. President, the Department of War and the Department of the Navy represent the Nation in arms; they guard, conserve, and marshal the armed forces as the last resort for the protection of our territory, the preservation of our national integrity, the safeguarding of our citizens, the vindication of their rights, and the rights of the Nation. Is it contemplated that that function shall be turned over to some other department, such as the Department of the Interior, for example? Yet on the face of it, Senators, that is the power conferred upon the President, to take the great departments of the Government and redistribute their powers and functions at his will and at his discretion.

Mr. President, reference has been made and was made by the Senator from Mississippi to Washington's views. We read here on the 22d day of every February the Farewell Address of that great statesman and chieftain, and here is one single paragraph from that notable address:

> It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, it reminds me of the saying that "all despotism is bad, but the worst is that which works under the machinery of free government."

What I say is wholly impersonal; it is no reflection upon the President, nor do I for a moment mistrust his motives, but there is no necessity for such a grant of power as this bill contains.

So, Mr. President, considering the different aspects of this bill, considering, too, the matters brought forward in argument, I find nothing to justify my vote for the bill; and I may say that I have voted earnestly and enthusiastically for every so-called war measure. I would be willing, if it were necessary in the prosecution of this war, that the President be given the power to undo the work of the last 130 years in creating and in building up these departments. Nay, I would be willing that the President might be made supreme dictator, if I thought it necessary in order to win the war, trusting, Mr. President, for an era of peace, trusting to the sober judgment of our citizenship, trusting to our love of free institutions to bring us back again to real, free, representative government. But without such necessity I can not consent to support the measure in its present form.

Mr. NELSON obtained the floor.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. NELSON. Yes, sir.

Mr. OVERMAN. I ask that when the session of the Senate closes this afternoon it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Now?

Mr. OVERMAN. Not now; no.

Mr. SMOOT. That when the Senate recesses——

Mr. OVERMAN. That when the Senate recesses to-day, it recess to meet to-morrow at 12 o'clock. In other words, I want a recess instead of an adjournment. I ask unanimous consent that at the close of to-day's proceedings the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Suppose some Senator comes in and moves to adjourn?

Mr. OVERMAN. I will put it the other way, then. I move that not later than 6 o'clock the Senate take a recess until 12 o'clock to-morrow. My purpose is to have a recess taken earlier than that, but not later than 6 o'clock.

The VICE PRESIDENT. The Senator from North Carolina moves that not later than 6 o'clock to-day the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to.

Mr. NELSON. Mr. President, I was interested in the remarks of the Senator from South Dakota [Mr. STERLING], describing the dangers of despotism and of a despotic form of government; but I want to point out to him, and I shall point out to him before I get through, that he has voted for and supported in this Chamber far more despotic measures than this bill.

This bill had scarcely been cradled in the Judiciary Committee—and in what I am about to say I do not refer to what occurred in the committee room or to what occurred in this Chamber—before a campaign of Schrecklichkeit—if I may use a German term for it, which is very expressive—was inaugurated against this bill and the great dangers that would befall the Government if such legislation should be enacted. Why, Mr. President, the Senator from Idaho [Mr. BORAH] gave a very good summary of this bill. It authorizes the President to use all the officials in any of the executive departments or other departments of the Government; it authorizes him to redistribute them and to gather them together and utilize them for the purposes of this war, to carry on the war successfully. There is nothing in the bill that authorizes him to destroy any department of the Government, or to destroy any functions of any department of the Government. He simply has the right to take them from one branch or service of the Government and utilize them in another branch of the Government. That is all the bill is—nothing more.

The assumption that has been made here in the argument that the President would destroy these departments, root them up, destroy their functions, and dismantle the Government is wholly gratuitous. There is no foundation for it; and there is no more foundation for the assumption that if this power is conferred upon the President he will exercise the power despotically for the purpose of destroying or ruining the Government or any department of it.

Look at the powers we have conferred on the President already. Let me call your attention to them.

In the act of June 15, 1917, called the spy law, we gave the President most extraordinary power under the embargo provisions of the law. Let me read them to you:

> Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation.

There is a power far more drastic than this. This relates simply to utilizing the different officials of the Government. Here was a power under which, if the President saw fit to exercise it, he could make an absolute embargo and stop our entire foreign commerce, if he was such a reprobate as some of the arguments we have heard in this Chamber would indicate that he might be.

Let me call your attention further to another law, the food-control law, and see what extraordinary powers were given to the President in reference to the economic life and entire welfare of the American people. I read from the act commonly called the food-control act of August 10, 1917, and I call the attention of Senators to the powers given to the President in that act:

> SEC. 10. That the President is authorized, from time to time, to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy.

Then, by section 11—

> That the President is authorized, from time to time, to purchase, to store, to provide storage facilities for, and to sell for cash at reasonable prices—

And so forth. I want to say to the Senator from South Dakota that here far greater powers are conferred upon the President than in this bill, which only relates to the administration of the Government. If these powers were exercised by a despot and in the manner suggested by the Senator from South Dakota in reference to the pending bill, he could wreck and destroy entirely our economic life.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from South Dakota?

Mr. STERLING. Will the Senator permit an interruption, since he has referred to my position?

Mr. NELSON. Yes, sir.

Mr. STERLING. I did not intend to say nor to intimate for a moment——

Mr. NELSON. The Senator can ask me a question, but my time is short, and I can not yield for more than a question.

Mr. STERLING. I thought that under these circumstances I might be permitted to make a statement. If the Senator objects, however, I will refrain.

Mr. NELSON. The Senator knows I have but a short time. If he wants to ask a question, I will yield.

Mr. STERLING. I will say to the Senator that I recognize that, and I do not want to take his time.

Mr. NELSON. Now I read from section 12 of the same act:

That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition—

And so forth. Compare the powers that I have read with the powers given the President in the bill under consideration.

I read from section 13:

That whenever the President finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations governing, or may either wholly or partly prohibit, operations, practices, and transactions at, on, in, or under the rules of any exchange, board of trade, or similar institution or place of business as he may find essential in order to prevent, correct, or remove such evil practices.

The President is given full and plenary authority in those cases.

I read from section 14:

That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits of the guaranty provided for in this section, he is authorized, from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit.

He is authorized to fix prices.

The powers which we have given to the President in all these cases are absolute powers, and they pertain to the economic life and well-being of the American people. If the President were likely to prove a despot, if the President were likely to be oblivious of his high duties to this country, here are greater powers, under which he can do far more harm than under this bill.

Section 16 reaches my brethren who are engaged in distilling liquor and making beer:

That the President is authorized and directed to commandeer any or all distilled spirits in bond.

Just think of that! I want to call the attention of my good friend from South Dakota to the great danger that the country might suffer from the President's commandeering the distilled spirits of the country.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Minnesota yield to the Senator from South Dakota for a question?

Mr. NELSON. I do.

Mr. STERLING. Does the Senator think that it would prejudice the people of South Dakota, or that they would object to the exercise of that power right now by the President of the United States?

Mr. NELSON. They might consider it despotic power.

Then I read from the food-production law, section 2:

That the Secretary of Agriculture, with the approval of the President, is authorized to investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and the basic facts—

In reference to food, and so forth, and to lay down certain rules. I will not take the time of the Senate to read all of it.

So if we look at these different statutes we have given the President already extraordinary powers, far more than this bill confers, in reference to matters that concern the economic life and the welfare of the American people. Has he exercised those powers improperly? I think not. The only direction in which there has been much criticism has been in respect to one of his subordinates, Mr. Garfield, in reference to the coal situation, but no one, so far as I know, will accuse the President of having exercised all the great powers conferred by this legislation in an undue and injudicious manner to the injury or detriment of the American people.

It seems to me passing strange, after we have given all these powers to the President, that we should haggle about giving the President the power to utilize all the officials in the various departments of the Government, to have them articulate and operate together for the purpose of carrying on the war. That is all there is in this bill, and nothing more. It is an administrative bill. In order to make it a bad bill you have got to assume that the President would have the power under this bill to wreck and destroy the different executive departments; that he would have the power to tear up this Government, root and branch, when, if you take the bill in its entirety, it simply gives the President the power to utilize all the forces in the several departments of the Government.

I agree with the Senator from Pennsylvania [Mr. KNOX] in the remarks he made the other day, namely, that nearly all the powers that this bill proposes to vest in the President he already has. Let me quote from the RECORD what the Senator from Pennsylvania said:

Mr. KNOX. I think the President of the United States has the authority to require every executive officer and every department of the Government to do anything that he directs to be done in order to prosecute this war to a successful conclusion. I think he has the power to delegate from one Cabinet officer to another the discharge of any particular duty that he thinks such a Cabinet officer can discharge better than the one upon whom it would normally be incumbent. I do certainly think that the President has all those powers.

Again, I quote from him:

Mr. KNOX. I have the very highest respect for those advising the President of the United States; but if that responsibility were cast upon me, as I have read the Overman bill, in so far as it proposes to authorize the President to utilize and coordinate executive activities, so far as I can see what it means from its language and so far as I am informed in this particular by those who are back of the bill, I would not hesitate a second to advise the President of the United States that he now fully possesses that power.

Mr. President, those are my views. But there is another class of men here in the Senate who take a different view of the matter. They insist that this legislation confers upon the President greater and more extraordinary powers than he ever possessed before, and that he possesses hardly any of these powers. Then, Mr. President, the situation is this—and we had a similar situation in the history of this country a few years ago. In 1909, I think, there was a great raid made in California to secure the oil lands of the country under the mining laws of the country. The attention of President Taft was called to the matter by the Interior Department—the fact that there was danger of the Government losing all its oil lands, and that it was necessary for the President to withdraw those oil lands from settlement and location in order to save them for the United States—and he made a withdrawal of those public lands. That withdrawal was questioned; his authority to make it was denied; and so President Taft, recognizing the fact that his authority to make those withdrawals was questioned in some quarters, recommended legislation to meet it.

I read from the decision of the Supreme Court in the case of United States *v.* Midwest Oil Co. (236 U. S., p. 482). Here is what the opinion states, referring to the act that we passed conferring upon the President the power of withdrawal:

The legislative history of the statute shows that there was no such intent and no purpose to make the act retroactive or to disaffirm what the agent in charge had already done. The proclamation of September 27, 1909, withdrawing oil lands from private acquisition—

That is the withdrawal to which I referred—

was of far-reaching consequence, both to individuals and to the public. It gave rise to much discussion, and the old question as to the authority of the President to make these orders was again raised. Various bills were introduced on the subject, and the President himself sent a message to Congress calling attention to the existence of the doubt and suggesting the desirability of legislation to expressly grant the power and ratify what had been done. A bill passed the House containing such ratification and authorizing future withdrawals. When the bill came to the Senate it was referred to a committee and, as its members did not agree in their view of the law, two reports were made. The majority, after a review of the practice of the department, the acquiescence of Congress in the practice, and the decisions of the courts, reported that the President already had a general power of withdrawal, and recommended the passage of the pending bill, inasmuch as it operated to restrict the greater power already possessed. But having regard to the fact that private persons on withdrawn land had raised a question as to the validity of the order and that such question presented a matter for judicial determination, Congress was studious to avoid doing anything which would affect either the public or private rights. It therefore used language which showed not only that the statute was not intended to be retrospective but was not to be construed either as a recognition, enlargement, or repudiation of rights like those asserted by appellees.

To my mind, the situation that confronts us in reference to this legislation is this: We have on the one side able Senators, like the great Senator from Pennsylvania [Mr. KNOX], holding that the President has practically all these powers, and we have on the other side able Senators, like the Senator from South Dakota [Mr. STERLING], the Senator from Georgia [Mr. SMITH], and the Senator from Missouri [Mr. REED], who question his having these powers. Under the circumstances it seems to me that we had better put the question at rest, pass this law, and give the President this power. I am no more afraid of the

President misusing this power than I was afraid of his misusing the embargo power or the powers given in respect to the foods in this country and other matters of that kind. We have a right to assume that the President of the United States will do nothing to wreck or destroy this Government of any of its functions.

For these reasons, which I have briefly stated, I can not, for the life of me, see any lurking danger that pertains to this bill.

But it is said—and I understand some of the opponents of this bill now have come to the conclusion—that the only things that ought to be left out are the Interstate Commerce Commission and the Federal Trade Commission. There are a good many of the branches of the Government that are not in the executive departments, and yet it is absolutely necessary to utilize them and function them in aid of the war. Take the Shipping Board, that has charge of all our shipping construction and has charge of the operation of our ships. Take the Federal Trade Commission, that has a good deal to do with investigating the question of prices, which is committed to the President under the food-control law. That commission can furnish him much valuable data and information on the subject.

With respect to the Interstate Commerce Commission, Mr. President, by our railroad legislation we have conferred power upon the President to regulate and control the railroads. I want to call the attention of the Senate to one provision of the law. I read from the law that we passed at this session of Congress, the railroad law:

> That during the period of Federal control, whenever in his opinion the public interest requires, the President may initiate rates, fares, charges, classifications, regulations, and practices by filing the same with the Interstate Commerce Commission.

And we provided that the charges, fares, classifications, and so forth, shall not be suspended by the commission pending its final determination.

When you have given the President of the United States this plenary power to initiate and regulate rates, why should he, who is not a railroad man and not an expert in these matters, be debarred from utilizing the Interstate Commerce Commission and the force of that commission?

Mr. WADSWORTH. Mr. President, does the Senator say he is debarred?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New York?

Mr. NELSON. I do not say he is debarred, but I say those who insist on that amendment contend that he is. I refer to those who insist that the Interstate Commerce Commission shall be omitted from this bill.

Mr. WADSWORTH. Does the Senator say that if that amendment is adopted the President will be debarred from consulting the Interstate Commerce Commission?

Mr. NELSON. Well, he could not utilize any of it, if that is the purpose of the amendment.

Mr. SMITH of Georgia. Not at all, Mr. President.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. NELSON. The purpose of the amendment is to cut him off from utilizing it in carrying out the provisions of this bill.

Mr. SMITH of Georgia. The purpose of the amendment is to preserve the Interstate Commerce Commission.

Mr. NELSON. Let me ask the Senator what there is destructive of the Interstate Commerce Commission in allowing the President to utilize it? Will the Senator tell me where the destruction will be?

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. SMITH of Georgia. I will answer the Senator. This bill gives to the President the power to transfer every function of the Interstate Commerce Commission to the Director of Railroads, which wipes it out.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HARDING. I offer an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. That action will be taken.

Mr. WADSWORTH. I desire to offer an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered. All those who favor the motion to take a recess until 12 o'clock to-morrow will say "aye." [A pause.] Those opposed will say "no." [A pause.] The motion is agreed to, and the Senate stands in recess until to-morrow at 12 o'clock.

Thereupon (at 5 o'clock p. m.) the Senate took a recess until to morrow, Thursday, April 25, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 24, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, our God, Architect of the universe and Father of all souls, take away from us all selfish and petty ambitions, and inspire us with high and holy purposes, that we may serve Thee, in a loving and willing service to our fellow men here, now, and always, in the spirit of Him who gave Himself a supreme sacrifice for the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

ACCOUNTS AND EXPENDITURES OF THE POST OFFICE DEPARTMENT.

Mr. BELL. Mr. Speaker, I am directed by the Committee on the Post Office and Post Roads to move a change of reference of House resolution 307. This resolution has been referred, we think erroneously, to the Committee on Expenditures in the Post Office Department. We believe that it should be referred to the Committee on the Post Office and Post Roads.

The SPEAKER. The gentleman from Georgia asks unanimous consent——

Mr. BELL. I move——

The SPEAKER. The gentleman does not have to move if he can get unanimous consent. The gentleman asks unanimous consent to rerefer House resolution 307 to the Committee on the Post Office and Post Roads. Is there objection?

Mr. STAFFORD. Reserving the right to object—I see the gentleman from Colorado [Mr. KEATING] is on his feet, and I will yield to him.

Mr. KEATING. Reserving the right to object, I merely want to say that this resolution has been referred to the Committee on Expenditures in the Post Office Department, and that committee has devoted two days to hearings on the subject and is prepared to proceed with those hearings. The committee, however, does not desire to take charge of the resolution unless it is satisfactory to the House, and we are perfectly willing to submit the whole question to the House, believing that the Speaker did not make a mistake when he referred the resolution to our committee. Believing that, I will object to the unanimous consent.

The SPEAKER. The gentleman from Colorado objects, and the gentleman from Georgia moves——

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Is a motion of this kind in order on Calendar Wednesday?

The SPEAKER. The Chair thinks so—motions to refer bills——

Mr. STAFFORD. Mr. Speaker, will the Chair indulge me just a moment on the question of order, whether a motion to rerefer is in order on Calendar Wednesday?

The SPEAKER. If there is any dispute about it, we will take it up in the morning. The Chair wants to preserve Calendar Wednesday just as much as anybody else does.

NATIONAL BANKS.

The SPEAKER. The unfinished business to-day is H. R. 11020, to amend certain sections of the national banking act, a bill reported from the Committee on Banking and Currency.

Mr. PHELAN. Mr. Speaker, when we adjourned on the last Calendar Wednesday there was an amendment pending, which I will ask the Clerk to report.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment by Mr. ALMON: Page 5, line 15, after the word "building," strike out the following: "For its accommodation in the transaction of its business."

Mr. PHELAN. I ask unanimous consent that debate on this section and all amendments thereto be now concluded.

Mr. WALSH. I object to that. It has been three weeks since we considered this measure, and it has passed out of the minds of a great many Members.

Mr. PHELAN. I move that all debate on this section and all amendments thereto be now closed.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. PHELAN. I withdraw my motion, Mr. Speaker.

The SPEAKER. What does the gentleman from Massachusetts [Mr. WALSH] desire to do about it?

Mr. PHELAN. Mr. Speaker, we discussed this fully. It is not an amendment of any great consequence. The bill was

discussed at some length when we had it up on the last Calendar Wednesday, and it is the desire of both the Republican and the Democratic members of the Banking and Currency Committee to dispose of this bill. There are other important bills coming up.

Mr. WALSH. Oh, yes; of course it is the desire of the committee to dispose of all of its bills.

Mr. GARNER. Mr. Speaker, will the Committee on Banking and Currency occupy the entire day?

Mr. PHELAN. Undoubtedly we will take the entire day. If anybody wants to talk on this amendment I am certainly willing to grant a reasonable time, but I am afraid of wasting time, that is all.

Mr. WALSH. We are wasting time by taking this day for the Banking and Currency Committee. I will withdraw my point of order.

Mr. PHELAN. I renew my request for unanimous consent.

Mr. WALSH. And I object, Mr. Speaker.

Mr. PHELAN. Does anybody desire to debate this?

Mr. WALSH. Mr. Speaker, it has been three weeks since we considered this measure, and a great many Members were not here when the House adjourned on the last Calendar Wednesday.

We are now asked to vote upon an amendment which is not familiar to a great many Members, and I think it is only fair that the gentleman having this measure in charge should briefly refresh the recollection of Members as to what this amendment is and what it provides. After that is done, let us have a vote on it.

Mr. PHELAN. I shall be glad to do that. Will the gentleman object to unanimous consent that we have 10 minutes on the amendment, and let the gentleman from Alabama [Mr. ALMON], who offered the amendment, have five minutes?

Mr. WALSH. I have no objection at all to that, but the House should know what it is asked to vote upon.

Mr. PHELAN. I ask unanimous consent that all debate on this section and all amendments thereto be closed in 10 minutes, 5 minutes to be given to the gentleman from Alabama [Mr. ALMON], a member of the committee.

The SPEAKER. The gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent that there be 10 minutes' debate on this section and all amendments, at the end of which time it shall be voted on, and that five minutes of the time be given to the gentleman from Alabama [Mr. ALMON]. Is there objection?

Mr. GARNER. That would not prohibit the offering of other amendments to this section, would it?

Mr. WALSH. No; but it would stop the debate.

Mr. GARNER. I know it would stop the debate.

The SPEAKER. Has the gentleman from Texas an amendment he wants to offer?

Mr. GARNER. No; but I did not want to preclude the opportunity for offering amendments.

The SPEAKER. The Chair will state that at the end of 10 minutes, if any gentleman has an amendment to offer, he can offer it and have it voted on without debate. Evidently this cuts off any discussion of other amendments. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. ALMON] is recognized for five minutes.

Mr. WALDOW. Mr. Speaker, can we have the amendment read?

The SPEAKER. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment by Mr. ALMON: Page 5, line 15, strike out the words "for its accommodation in the transaction of its business."

Mr. ALMON. Mr. Speaker, I offer that amendment to remove any doubt about what would be a proper construction of this section. It may be a wise provision to limit national banks in erecting buildings not to exceed the amount of the paid-up capital stock. However, I think that a national bank in the construction of a bank building should not be confined to the construction of the building to be used solely for banking purposes. I believe they should be authorized to erect an office building to be used in part for banking purposes and other parts to be used in the ordinary way of an office building.

This bill reads as reported by the committee:

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years; nor shall any such association hereafter invest in a site and bank building or bank and office building for its accommodation in the transaction of its business, an amount in excess of its paid-in and unimpaired capital stock.

I understand that it is the contention of some members of the Banking and Currency Committee that under that provision in the bill the national banks would be authorized to erect an office building to be used a part for banking purposes and rent the other part. However, there is some doubt, and I see no objection to striking out the words "for its accommodation in the transaction of its business."

Mr. PHELAN. Mr. Speaker, when the gentleman from Alabama offered his amendment I made no objection to it. I think it is clear whether the words are in or out. I originally agreed to accept the amendment, but some of the committee members thought it was clearer with the words in than with them out, and so I had to withdraw my acceptance of the amendment. I think it is clear and that there is no need of the words going out.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PHELAN. Mr. Speaker, in accordance with the agreement and understanding with the ranking Republican member of the committee I now move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that the title be amended to conform with the text.

The SPEAKER. The gentleman asks unanimous consent that the title be amended in accordance with the amendment, which the Clerk will read:

The Clerk read as follows:

Strike out in the title the words "fifty-two hundred" and the words "and fifty-two hundred and thirty-nine" and insert after the words "fifty-two hundred and twenty-two" the word "and."

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that on April 23, 1918, they had presented to the President of the United States for his approval the following bill:

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3476. An act to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army.

AUTHORIZING NATIONAL BANKS TO CONTRIBUTE TO THE RED CROSS.

Mr. PHELAN. Mr. Speaker, I call up the bill H. R. 9457, authorizing national banks to make contributions to the American National Red Cross.

The Clerk read the bill, as follows:

Be it enacted, etc., That during the continuance of the state of war now existing it shall be lawful for any national banking association to contribute to the American National Red Cross, out of any net profits otherwise available under law for the declaration of dividends, such sum or sums as the directors of said association shall deem expedient. Each association shall report to the Comptroller of the Currency within 10 days after the making of any such contribution the amount of such contribution and the amount of net earnings in excess of such contribution. Such report shall be attested by the president or cashier of the association in like manner as the report of the declaration of any dividend.

SEC. 2. That all sums so contributed shall be utilized by the American National Red Cross in furnishing volunteer aid to the sick and wounded of the combatant armies, the voluntary relief of the Army and Navy of the United States, and the relief and mitigation of the suffering caused by the war to the people of the United States and their allied nations.

Mr. WALSH. Mr. Speaker, I make the point that no quorum is present. This is a very important measure and ought to have the earnest consideration of every Member of the House.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper was ordered to close the doors and the Sergeant at Arms to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Flynn	Kennedy, R. I.	Sanders, N. Y.
Barnhart	Fordney	Kettner	Saunders, Va.
Beshlin	Foster	King	Scott, Iowa
Blackmon	Gallagher	Kreider	Scott, Pa.
Brodbeck	Gallivan	LaGuardia	Scully
Buchanan	Glass	Lunn	Shackleford
Butler	Godwin, N. C.	McClintic	Sherley
Caldwell	Graham, Pa.	McCormick	Shouse
Carew	Gray, Ala.	McCulloch	Slemp
Chandler, N. Y.	Gray, N. J.	McLaughlin, Pa.	Smith, Idaho
Clark, Pa.	Gregg	Mann	Smith, Thomas F.
Cooper, Ohio	Griffin	Martin	Snell
Costello	Hamill, Pa.	Mondell	Stephens, Nebr.
Curry, Cal.	Hamilton, N. Y.	Mott	Strong
Dale, N. Y.	Harrison, Va.	Mudd	Sullivan
Davis	Haugen	Nichols, Mich.	Sumners
Denison	Heintz	Norton	Switzer
Dent	Hicks	Oliver, N. Y.	Talbott
Dewalt	Hood	Porter	Templeton
Dies	Howard	Powers	Thompson
Dooling	Jacoway	Price	Tinkham
Drukker	James	Rankin	Venable
Dupré	Johnson, S. Dak.	Riordan	Voigt
Dyer	Jones	Roberts	Watson, Pa.
Eagan	Kahn	Rodenberg	Winslow
Edmonds	Kearns	Rowland	Wright
Estopinal	Kelley, Mich.	Rucker	
Fairchild, G. W.	Kennedy, Iowa	Sanders, La.	

The SPEAKER. Three hundred and twenty Members have answered to their names, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. PHELAN. Mr. Speaker, in view of the fact that there will probably be a very long discussion on the bill I have just called up, I desire to withdraw it, and will call up the bill H. R. 11283.

Mr. MADDEN. Mr. Speaker, what is to become of the bill that the gentleman is going to withdraw? I want to know whether it is going off the calendar or will be called up later in the afternoon?

The SPEAKER. It does not go off the calendar. It remains on the calendar.

Mr. MADDEN. Then I want an understanding that it is not going to be called up at some time during the day after everybody goes away from here.

The SPEAKER. The trouble about that is that the gentleman has the right to withdraw the bill without asking the consent of anyone up to the time that it is voted on.

Mr. MADDEN. It is only fair——

Mr. PHELAN. Mr. Speaker, I shall answer the gentleman, and to satisfy the gentleman's mind I will say that I shall not call up the bill to-day without giving full notice to that side of the House; and at the present time, unless the committee desires otherwise, my opinion is that I shall not call it up. I shall act, however, in accordance with what the committee desires, but I shall not do anything without notifying that side of the House.

Mr. MILLER of Minnesota. Mr. Speaker, there are many on this side who are strongly in favor of the passage of this bill and who want to see it pass. I have not any knowledge how many there are, or how many there are against it, but I know that I have heard in the last 15 minutes a large number of men on this side say that they are disappointed at its being withdrawn.

Mr. MADDEN. Mr. Speaker, it is a bill providing that somebody may take my money and some other person's money and give it to somebody else.

AMENDING CERTAIN SECTIONS OF FEDERAL RESERVE ACT AND REVISED STATUTES.

Mr. PHELAN. The committee desires to get something disposed of to-day, and I think the disposition of the committee will be not to call up that bill. If that is their disposition, I shall not do it. I now call up the bill H. R. 11283, to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Massachusetts calls up a bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act approved December 23, 1913, known as the Federal reserve act, be amended and reenacted by striking out that part of such section which reads as follows:

"Directors of class A and class B shall be chosen in the following manner:

"The chairman of the board of directors of the Federal reserve bank of the district in which the bank is situated or, pending the appointment of such chairman, the organization committee shall classify the member banks of the district into three general groups or divisions. Each group shall contain as nearly as may be one-third of the aggregate number of the member banks of the district, and shall consist, as nearly as may be, of banks of similar capitalization. The groups shall be designated by number by the chairman.

"At a regularly called meeting of the board of directors of each member bank in the district it shall elect by ballot a district reserve elector and shall certify his name to the chairman of the board of directors of the Federal reserve bank of the district. The chairman shall make lists of the district reserve electors thus named by banks in each of the aforesaid three groups and shall transmit one list to each elector in each group.

"Each member bank shall be permitted to nominate to the chairman one candidate for director of class A and one candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within 15 days after its completion, be furnished by the chairman to each elector.

"Every director shall, within 15 days after the receipt of the said list, certify to the chairman his first, second, and other choices of a director of class A and class B, respectively, upon a preferential ballot, on a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each elector shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate," and by substituting therefor the following:

"Directors of class A and class B shall be chosen in the following manner:

"The Federal Reserve Board shall classify the member banks of the district into three general groups or divisions, designating each group by number. Each group shall consist as nearly as may be of banks of similar capitalization. Each member bank shall be permitted to nominate to the chairman of the board of directors of the Federal reserve bank of the district one candidate for director of class A and one candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within 15 days after its completion, be furnished by the chairman to each member bank. Each member bank by a resolution of the board or by an amendment to its by-laws shall authorize its president, cashier, or some other officer to cast the vote of the member bank in the elections of class A and class B directors.

"Within 15 days after receipt of the list of candidates the duly authorized officer of a member bank shall certify to the chairman his first, second, and other choices for director of Class A and Class B, respectively, upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of Class A, and for a director of Class B, but shall not vote more than one choice for any one candidate." No officer or director of a member bank shall be eligible to serve as a Class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a Class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

SEC. 2. That section 11 (k) of the Federal reserve act be amended and reenacted to read as follows:

"(k) To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located.

"Whenever the laws of such State authorize or permit the exercise of any or all of the foregoing powers by State banks, trust companies, or other corporations which compete with national banks the granting to and the exercise of such powers by national banks shall not be deemed to be in contravention of State or local law within the meaning of this act.

"National banks exercising any or all of the powers enumerated in this subsection shall segregate all assets held in any fiduciary capacity from the general assets of the bank and shall keep a separate set of books and records showing in proper detail all transactions engaged in under authority of this subsection. Such books and records shall be open to inspection by the State authorities to the same extent as the books and records of corporations organized under State law which exercise fiduciary powers, but nothing in this act shall be construed as authorizing the State authorities to examine the books, records, and assets of the national bank which are not held in trust under authority of this subsection.

"No national bank shall receive in its trust department deposits of current funds subject to check or the deposit of checks, drafts, bills of exchange, or other items for collection or exchange purposes. Funds deposited or held in trust by the bank awaiting investment shall be carried in a separate account and shall not be used by the bank in the conduct of its business unless it shall first set aside in the trust department United States bonds or other securities approved by the Federal Reserve Board.

"In the event of the failure of such bank the owners of the funds held in trust for investment shall have a lien on the bonds or other securities so set apart in addition to their claim against the estate of the bank.

"Whenever the laws of a State require corporations acting in a fiduciary capacity, to deposit securities with the State authorities for the protection of private or court trusts, national banks so acting shall be required to make similar deposits and securities so deposited shall be held for the protection of private or court trusts, as provided by the State law.

"National banks in such cases shall not be required to execute the bond usually required of individuals if State corporations under similar circumstances are exempt from this requirement.

"National banks shall have power to execute such bond when so required by the laws of the State.

"In any case in which the laws of a State require that a corporation acting as trustee, executor, administrator, or in any capacity specified in this section, shall take an oath or make an affidavit, the president, vice president, cashier, or trust officer of such national bank may take the necessary oath or execute the necessary affidavit.

"It shall be unlawful for any national banking association to lend any officer, director, or employee any funds held in trust under the powers conferred by this section. Any officer, director, or employee making such loan, or to whom such loan is made, may be fined not more than $5,000 or imprisoned not more than five years, or may be both fined and imprisoned, in the discretion of the court.

"In passing upon applications for permission to exercise the powers enumerated in this subsection the Federal Reserve Board may take into consideration the amount of capital and surplus of the applying bank, whether or not such capital and surplus is sufficient under the circumstances of the case, the needs of the community to be served, and any other facts and circumstances that seem to it proper, and may grant or refuse the application accordingly: *Provided*, That no permit shall be issued to any national banking association having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers."

SEC. 3. That the ninth paragraph of section 16 of the Federal reserve act, as amended by the acts approved September 7, 1916, and June 21, 1917, be further amended and reenacted so as to read as follows:

"In order to furnish suitable notes for circulation as Federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of $5, $10, $20, $50, $100, $500, $1,000, $5,000, $10,000 as may be required to supply the Federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this act and shall bear the distinctive numbers of the several Federal reserve banks through which they are issued."

SEC. 4. That paragraphs (b) and (c) of section 19 of the Federal reserve act, as amended by the acts approved August 15, 1914, and June 21, 1917, be further amended and reenacted to read as follows:

"(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits: *Provided, however*, That if located in the outlying districts of a reserve city or in territory added to such a city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraph (a) hereof.

"(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits: *Provided, however*, That if located in the outlying districts of a central reserve city or in territory added to such city by the extension of its corporate charter, it may, upon the affirmative vote of five members of the Federal Reserve Board, hold and maintain the reserve balances specified in paragraphs (a) or (b) thereof."

SEC. 5. That section 22 of the Federal reserve act, as amended by the act of June 21, 1917, be further amended and reenacted to read as follows:

"(a) No member bank and no officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any bank examiner. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than $5,000, or both; and may be fined a further sum equal to the money so loaned or gratuity given.

"Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned one year or fined not more than $5,000, or both, and may be fined a further sum equal to the money so loaned or gratuity given, and shall forever thereafter be disqualified from holding office as a national bank examiner.

"(b) No national bank examiner shall perform any other service for compensation while holding such office for any bank or officer, director, or employee thereof.

"No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or of either House thereof, or any committee of Congress, or of either House duly authorized. Any bank examiner violating the provisions of this subsection shall be imprisoned not more than one year or fined not more than $5,000, or both.

"(c) Except as herein provided, any officer, director, employee, or attorney of a member bank who stipulates for or receives or consents or agrees to receive any fee, commission, gift, or thing of value from any person, firm, or corporation, for procuring or endeavoring to procure for such person, firm, or corporation, or for any other person, firm, or corporation, any loan from or the purchase or discount of any paper, note, draft, check, or bill of exchange by such member bank shall be deemed guilty of a misdemeanor and shall be imprisoned not more than one year or fined not more than $5,000, or both.

"(d) Any member bank may contract for, or purchase from, any of its directors or from any firm of which any of its directors is a member, any securities or other property, when (and not otherwise) such purchase is made in the regular course of business upon terms not less favorable to the bank than those offered to others, or when such purchase is authorized by a majority of the board of directors not interested in the sale of such securities or property, such authority to be evidenced by the affirmative vote or written assent of such directors: *Provided, however*, That when any director, or firm of which any director is a member, acting for or on behalf of others, sells securities or other property to a member bank, the Federal Reserve Board by regulation may, in any or all cases, require a full disclosure to be made, on forms to be prescribed by it, of all commissions or other considerations received, and whenever such director or firm, acting in his or its own behalf, sells securities or other property to the bank the Federal Reserve Board, by regulation, may require a full disclosure of all profit realized from such sale.

"Any member bank may sell securities or other property to any of its directors, or to a firm of which any of its directors is a member, in the regular course of business on terms not more favorable to such director or firm than those offered to others, or when such sale is authorized by a majority of the board of directors of a member bank to be evidenced by their affirmative vote or written assent: *Provided, however*, That nothing in this subsection contained shall be construed as authorizing member banks to purchase or sell securities or other property which such banks are not otherwise authorized by law to purchase or sell.

"(e) No member bank shall pay to any director, officer, attorney, or employee a greater rate of interest on the deposit of such director, officer, attorney, or employee than that paid to other depositors on similar deposits with such member bank.

"(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation."

SEC. 7. That section 5208 of the Revised Statutes as amended by the act of July 12, 1882, and section 5209 of the Revised Statutes as amended by the acts of April 6, 1869, and July 8, 1870, be, and the same are hereby, amended and reenacted to read as follows:

"SEC. 5208. It shall be unlawful for any officer, director, agent, or employee of any Federal reserve bank, or of any member bank as defined in the act of December 23, 1913, known as the Federal reserve act, to certify any check drawn upon such Federal reserve bank or member bank unless the person, firm, or corporation drawing the check has on deposit with such Federal reserve bank or member bank, at the time such check is certified, an amount of money not less than the amount specified in such check. Any check so certified by a duly authorized officer, director, agent, or employee shall be a good and valid obligation against such Federal reserve bank or member bank; but the act of any officer, director, agent, or employee of any such Federal reserve bank or member bank in violation of this section shall, in the discretion of the Federal Reserve Board, subject such Federal reserve bank to the penalties imposed by section 11, subsection (h), of the Federal reserve act, and shall subject such member bank if a national bank to the liabilities and proceedings on the part of the Comptroller of the Currency provided for in section 5234, Revised Statutes, and shall, in the discretion of the Federal Reserve Board, subject any other member bank to the penalties imposed by section 9 of said Federal reserve act for the violation of any of the provisions of said act. Any officer, director, agent, or employee of any Federal reserve bank or member bank who shall willfully violate the provisions of this section, or who shall resort to any device, or receive any fictitious obligation, directly or collaterally, in order to evade the provisions thereof, or who shall certify a check before the amount thereof shall have been regularly entered to the credit of the drawer upon the books of the bank, shall be deemed guilty of a misdemeanor and shall, on conviction thereof in any district court of the United States, be fined not more than $5,000, or shall be imprisoned for not more than five years, or both, in the discretion of the court.

"SEC. 5209. Any officer, director, agent, or employee of any Federal reserve bank, or of any member bank as defined in the act of December 23, 1913, known as the Federal reserve act, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of such Federal reserve bank or member bank, or who, without authority from the directors of such Federal reserve bank or member bank, issues or puts in circulation any of the notes of such Federal reserve bank or member bank, or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of such Federal reserve bank or member bank, with intent in any case to injure or defraud such Federal reserve bank or member bank, or any other company, body politic or corporate, or any individual person, or to deceive any officer of such Federal reserve bank or member bank, or the Comptroller of the Currency, or any agent or examiner appointed to examine the affairs of such Federal reserve bank or member bank, or the Federal Reserve Board; and every receiver of a national banking association who, with like intent to defraud or injure, embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or assets of his trust, and every person who, with like intent, aids or abets any officer, director, agent, employee, or receiver in any violation of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States shall be fined not more than $5,000 or shall be imprisoned for not more than five years, or both, in the discretion of the court.

"Any Federal reserve agent, or any agent or employee of such Federal reserve agent, or of the Federal Reserve Board, who embezzles, abstracts, or willfully misapplies any moneys, funds, or securities intrusted to his care, or without complying with or in violation of the provisions of the Federal reserve act, issues or puts in circulation any Federal reserve notes shall be guilty of a misdemeanor, and upon conviction in any district court of the United States shall be fined not more than $5,000 or imprisoned for not more than five years, or both, in the discretion of the court."

Mr. PHELAN. Mr. Speaker, this bill amends certain provisions of the Federal reserve act, and two provisions of the Revised Statutes relating to national banks. The first section of the bill provides for some changes in the method of election of class A and class B directors of the Federal reserve banks. The first change takes certain words out of the Federal reserve act. Under the Federal reserve act the Federal Reserve Board is obliged in grouping banks whereby directors may be elected

to make the banks as nearly as possible of the same capitalization and also to make the number of banks in each group as nearly as possible equal. This amendment removes the provision relative to making them as nearly as possible of the same number. The purpose is this: The principle in the Federal reserve act in the election of directors is that the three classes of banks—the large, the medium sized, and the small—shall each have representation upon the Federal Reserve Board. Where it is necessary to make the capitalization as nearly as possible equal, and at the same time the number, it has been found impossible to put the same number of large banks in a group as the number of medium sized and small, because there are fewer large banks. As a result, the present law makes it difficult if not impossible to do what was actually intended. This provision leaves it to the discretion of the Federal Reserve Board as to the number which shall go in each group, leaving in the law, however, the provision that the banks in each group shall be as nearly as possible of the same capitalization. In other words, it enables the board to carry out the plain intent of the original Federal reserve act.

The second change in the first section provides for a different method of electing these directors. Under the present law every member bank chooses an elector, and that elector in common with other electors chooses the directors of class A and class B of the Federal reserve banks. This difficulty has arisen:

Because of the failure of the banks to hold meetings and elect reserve electors and for other reasons, a very small proportion of the banks in some districts is taking any part at all in the election of the Federal reserve bank directors. We have recommended a change be made so that the president or the cashier or some other officer of the bank may, by proper action of the bank, cast its vote in the election of Federal reserve bank directors so that the banks may vote much more easily, and in that way participate to a greater extent in the naming of the directors. In addition to that, in the first section we have added some words to the present law which will be found on page 4, line 10, down to line 19, inclusive, as follows:

No officer or director of a member bank shall be eligible to serve as a class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

These provisions are added also to carry out the original intention of the Federal reserve act. Under the first paragraph I read this will be required hereafter, that if the small banks select a director they must select him, if he is a director of any bank, from a directorate of some one of that group. In other words, the small banks will not be permitted to select as their representative a man who is a director in one of the large banks. The second paragraph I read.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. In a moment. The second paragraph makes this further provision, that if a man is a director in what might be termed a large bank, he can not be elected a Federal reserve bank director except to represent the group of large banks. In other words, if a man is a director in banks coming within the three groups or within two groups, he can represent only that group in which the bank of largest or larger capitalization happens to come. The purpose is this: We find in some of the Federal reserve bank districts that two or sometimes, I think, even three of the Federal reserve directors in class A are men who are the big bankers, men who are directors in banks of the groups of largest capitalization, but because they also happen to be directors of small banks, are then elected to represent the smaller group. Although it is not entirely pertinent at this point, I might add that in some cases the smaller banks can dominate to the exclusion of the large banks. The intention of the Federal reserve act was that there should be representation for all kinds of banks; that the larger banks should have Federal reserve directors fitted to represent them, the medium-sized banks directors to represent them, and the small banks directors to represent them, but the provisions were not secure enough to prevent what has actually happened, and it is the purpose of the committee in offering this amendment to make provision by law whereby the plain intent of the Federal reserve act shall be carried out.

Mr. STAFFORD. Will the gentleman yield?

Mr. PHELAN. I will now yield.

Mr. STAFFORD. My memory may not serve me correctly, but I was under the impression that the Federal reserve act in the selection of the respective groups of directors from the respective classes of banks, that the group of banks would have the authority to select any person of their own group whom they choose to represent them, and that they could by that means elect a member who was perhaps a member also of another class, though their vote would determine who should be their representative. Am I in error as to my recollection of the law?

Mr. PHELAN. If I understood the gentleman, he stated the situation exactly as it is.

Mr. STAFFORD. If that is the fact, why should not the banks of a certain class have the privilege of selecting a director, even though that director might be a representative of one of another class of banks? Why should not the smaller banks be privileged to select the man they choose, even though perchance he may be a director in some other class of banks?

Mr. PHELAN. Well, for two reasons. The first is that it is difficult, under some conditions, to get the banks to participate as freely as they should, and a few banks can control the whole situation. In the second place, some men, because of their power and the fact that they are directors of those big banks and of smaller banks—a chain of banks—may be able to exercise such power as to get the positions. Men do not truly and genuinely represent that class of banks when the banks, if they had those influences removed, would not select that kind of men to represent them. We feel that the smaller banks ought to have representatives who will represent them for their interest, and not for other interests interfering with that representation. For that reason we have purposely made it impossible to have the present practice continued.

Mr. CANNON. Will the gentleman allow me?

Mr. PHELAN. I will yield to the gentleman.

Mr. CANNON. I understand now that the small bank has just as many votes as the large bank under the law. Is that right?

Mr. PHELAN. Yes; except the banks are grouped, the gentleman will understand. There will be one group of large banks, another group of small banks, another group of medium-sized banks, and each group elects one director of class A and one director of class B.

Mr. CANNON. That is the law now?

Mr. PHELAN. That is the present law; yes.

Mr. CANNON. That is to say, if one man has $10,000,000 and is a candidate, and another has $100,000 and is a candidate, the $100,000 man can not vote for the $10,000,000 man or against him. Is that it?

Mr. PHELAN. Under the present law he can vote for the man who is to represent the large bank. Under the present law the smaller group can take the $10,000,000 man if they want to, but they can not vote for him in common with the larger bank. They are put in a separate class, and the votes do not come together under the present law.

Mr. CANNON. That is to say, the small banks can not vote for the directors of the large banks?

Mr. PHELAN. Well, under the present law——

Mr. CANNON. I mean under the present law.

Mr. PHELAN. They can not select——

Mr. CANNON. In other words, they are put in three groups—one small, one medium class, and one large?

Mr. PHELAN. These groups exist to-day, and the only difference is this: The groups are just the same. We have one group of large banks, one group of medium-sized banks, and one group of small banks. Now, the directors in the first group elect a man of class A. The directors of the second group elect a man of class A, and the third group in similar manner. Under the present law the directors, or rather the electors, of the group of small banks can elect a man who is a director in a large bank if they see fit to do so. Under the law as we have arranged it here, if this amendment goes through Congress, a man who is a director of a large bank can not represent these smaller banks.

Mr. SNYDER. Is not this what the gentleman means? Under the law to-day all three groups can elect one man to represent them in all three groups. In other words, a director who is elected, who represents a large bank, can also be elected to represent a medium-sized bank?

Mr. PHELAN. Not the same man. But take the case of the Federal reserve bank in Chicago. My recollection is that two of your directors out there are directors in perhaps the largest banks in the city of Chicago.

Mr. CANNON. One the First National and the other the Commercial.

Mr. PHELAN. One of those men is elected under the present law to represent the large banks and the other man is elected to represent either the medium size or the small banks—I do not know which—but these men are both directors of large

banks. What we desire to do is to have men on the boards of these Federal reserve banks who are truly representative of the smaller banks, just as others should be representative of medium-sized and large banks. That is the purpose of the amendment. That section gave national banks the power to act——

Mr. STAFFORD. Before you leave section 1 may I direct the chairman's attention to a typographical error in the quotation marks following the word "candidate," in line 10, page 4?

Mr. PHELAN. What is the error?

Mr. STAFFORD. I do not think there should be any quotation marks there. They should be before the word "Any" in line 15. You are amending the law.

Mr. PHELAN. Well, there was a mistake in the paragraphing. The word "No," on page 4, line 10, starts the new matter. That should have been made a separate paragraph there. The present law ends with the word "candidate."

Mr. STAFFORD. If that is the new paragraph it is not printed as such, and we are considering the bill as printed. Therefore, I suggest to the gentleman that the quotation marks should be eliminated there and placed before the word "Any," and also following the word "director" in line 19.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that that change be made, namely, that the quotation marks in the middle of line 10, page 4, after the word "candidate," be stricken out and quotation marks be put after the word "director," on line 14, and before the word "Any," on line 15, and after the word "director," in line 19.

Mr. STAFFORD. The gentleman is in error in placing quotation marks after the word "director," in line 14. That would only come after the section.

Mr. PHELAN. I see. Strike out the quotation marks after the word "candidate," on line 10 of page 4, and insert quotation marks after the word "director," on line 19, on the same page, and before the word "Any," in line 15.

The SPEAKER. The Clerk will report the change which the gentleman asks unanimous consent to have made.

The Clerk read as follows:

Mr. PHELAN moves to amend, on page 4, line 10, by striking out the quotation marks after the word "candidate"; insert quotation marks before the word "Any," in line 15; and insert quotation marks after the word "director," in line 19.

The SPEAKER. While the amendment stage has not been reached, the gentleman from Massachusetts [Mr. PHELAN] asks unanimous consent to make the changes indicated by the Clerk. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. Will the gentleman yield?

Mr. PHELAN. I yield to the gentleman from New York.

Mr. PLATT. I was going to ask the gentleman, as to the quotation marks, if he pointed out that, on page 3, line 10, the Federal Reserve Board is put in as classifying these banks, whereas under the present law the directors of the Federal banks will do it.

Mr. PHELAN. I will say to the gentleman that if he notices any typographical change that ought to be made he can take it up later.

Mr. PLATT. It is a change in the present law.

Mr. PHELAN. If the gentleman will keep it in mind, he can take it up a little later.

Section 2 refers to section 11 (k) of the Federal reserve act. Under that section certain fiduciary powers may be granted to the national banks of the country. The amendment we offer extends those powers so as to include other fiduciary powers, ordinarily exercised by State banks. You will find those additions on page 4:

Registrar of stocks and bonds, guardian of estates, assignee, receiver, committee of estates of lunatics, or in any other fiduciary capacity—

And so no. Those words have been added so as to give national banks under the restrictions of the bill the power to exercise similar fiduciary capacities to those exercised by State banks.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. PHELAN. Yes.

Mr. COOPER of Wisconsin. I notice in lines 10 and 11, page 5, beginning in line 9, this language:

The granting to and the exercise of such powers by national banks shall not be deemed to be in contravention of State or local law within the meaning of this act.

What is meant by "within the meaning of this act"?

Mr. PHELAN. I was just going to take that up.

Mr. COOPER of Wisconsin. Those words, "shall not be deemed to be in contravention of State or local law within the meaning of this act," are rather vague.

Mr. PHELAN. The gentleman has just referred to another change of considerable importance in the present law. The United States Supreme Court has already interpreted the present law, and it has held this—if I may be excused for attempting to paraphrase, with a full knowledge of the danger of paraphrasing—it has held this, in effect: That the Federal Reserve Board, under powers conferred in section 11 (k), may grant these fiduciary powers to national banks where the States permit that to be done, and also that the Federal Reserve Board may grant these fiduciary powers to national banks where the States do not give any such authority to national banks, but do give it to State banks, but do not prohibit national banks from receiving such authority.

Now, we have gone a step further and, acting in full accord with what the decision of the Supreme Court says we can do, have added this further provision, to the effect that the Federal Reserve Board shall have the power under the limitations of the act to grant these fiduciary powers to national banks, even though in the State law there is expressly or by implication some prohibition to the granting of this power to national banks, with, however, this provision: That that shall apply only where a similar power is granted to State banks, trust companies, or other competing corporations.

In other words, we have endeavored by this amendment to make provision whereby national banks shall be put upon precisely the same footing with reference to these fiduciary powers, so far as that can be done by our law, with State banks, trust companies, and other competing corporations.

Mr. ROBBINS. Before you leave that section, may I ask if it is your intention here to enlarge the rights of national banks so as to be equal with the powers now conferred on trust companies by the laws of the various States creating them?

Mr. PHELAN. I will not say that. I will say that where we are granting these fiduciary powers we intend that the national bank shall have the right to exercise those powers if the Federal Reserve Board desires to grant it wherever the State grants similar powers to State banks, trust companies, and competing corporations.

That is somewhat different from the case as the gentleman states it. Let me give you a case that you will understand: In the State of New York there is a statute which prohibits the exercise of fiduciary powers except by trust companies organized under the provisions of the same statute. In all probability under that New York State law the Federal Reserve Board, under the act as it stands, could not grant a similar power to a national bank in New York State, because in New York State the State law prohibits the exercise of these powers except to those trust companies. We intend to give the Federal Reserve Board the power to enable the national banks in New York State to exercise these powers as they are exercised by trust companies in New York State.

Mr. ROBBINS. I see, Mr. Speaker; but in the State of Pennsylvania we have four kinds of banks—national banks, trust companies, State banks, and private banks. All these banks are subject to examination, three by the examiners of the State of Pennsylvania and national banks by the Federal agents. Under that system of law we have established in the State of Pennsylvania a well-established system of trust companies transacting fiduciary obligations and discharging trust relations. Now, you propose here to permit the national bank to invade that field, either for the purpose of establishing a new field of banking for the national bank or to force the trust companies into the Federal Reserve System. What is your purpose, and what is your reason for granting this new power to national banks?

Mr. PHELAN. There may be a number of reasons, but I will state the principal reason. We intend, so far as we can by national law, not to permit the State to grant powers in discrimination against national banks. We intend that national banks shall not be discriminated against when it is unnecessary, and it is in order to prevent that discrimination that we are recommending this amendment to the present law.

Mr. ROBBINS. There is no complaint from the national banks in our Commonwealth about that situation. Here you propose now to permit the national banks to invade a field that the trust companies have developed and that they occupy and in which they discharge these fiduciary obligations to the entire satisfaction of the people. I think that is unfair. I think it is uncalled for. I think there is no necessity for it.

Mr. PHELAN. I have been informed that in many parts of the United States the trust companies themselves not only are willing that national banks shall have these powers, but are rather desirous that they should have them on this ground, that they depart from the narrow ground of selfish interest, so far as their own competition with national banks is concerned, and take this position, that they believe fiduciary powers should be exercised by certain corporate entities.

Mr. ROBBINS. Yes.

Mr. PHELAN. They think trust powers in certain cases can be better executed by them than by individuals, and they regard it as better to extend this power so that any organization like a national bank, which can exercise these powers to the benefit of the community, shall be included. In other words, they are putting it on a broad ground, and in many cases they favor this proposition.

Mr. ROBBINS. I do not wish to provoke discussion unnecessarily with the gentleman at this time, but let me suggest this: The trust companies in the States are creatures of the States. The national banks are not. The trust companies of the States are subject to the examination of the courts of the States. The national banks are not; and the effect of this provision of this bill, if approved, will be to drive the trust companies out of business.

Mr. PHELAN. Excuse me right there; we went all over that ground. I am perfectly willing to yield all the time necessary, but I do not want to use all the time myself. We went all over that question ourselves with the greatest care. Those suggestions came up in the committee room. I will call the gentleman's attention to this fact, that the probate court judge or other judge having jurisdiction is supreme master of the situation. If the national bank endeavors to do anything which he thinks is in violation of the trust, he has absolute power to remove that national bank as trustee and appoint any other trustee in his place. All that we are doing by the law is to say that the Federal Reserve Board may enable these banks to act as trustees; but we do not, and, in my own opinion, I think probably we can not say that the national bank could be made a trustee or continued as a trustee if the probate judge having charge of the estate, or other judge, as the case may be, thought that the national bank was not properly executing its trust, so that the probate or other court is absolute master, in the final analysis.

Mr. ROBBINS. I doubt very much whether that would work out that way at all. I do not think this provision ought to be passed. I do not approve of it.

Mr. PHELAN. We have made some other provisions in this section to safeguard the interests of the beneficiary and to guarantee that the trust shall be most carefully executed. They are enumerated in the report better or more briefly, perhaps, than I can take them up here on the floor, but they are all matters intended to safeguard the proper care of the trust funds.

Now, as to section 3——

Mr. STEELE. At that point will the gentleman yield for a question?

Mr. PHELAN. Certainly.

Mr. STEELE. Under the Federal reserve act, as I recollect the provision, the funds of the bank itself are withdrawn from State taxation; and is there any provision here, if you are going to withdraw fiduciary funds from State control and place them under Federal control, that determines whether those funds would still be subject to State taxation or whether it would still be an exclusively Federal function outside of the State jurisdiction?

Mr. PHELAN. I do not recall that the Federal reserve act in any particular removes from taxation by the State funds held by national banks.

Mr. STEELE. Not particularly, but if it does become a Federal function it would not be subject to State taxation unless Congress gave its consent to such taxation.

Mr. PHELAN. The gentleman refers, I think, to the old national banking act.

Mr. STEELE. Yes. The same principle would apply here, unless there was some provision on the subject, I should say.

Mr. PHELAN. That is——

Mr. STEELE. If you withdraw these trust funds from State control and place them under Federal control, under the Federal banking system, then you place them under a Federal function——

Mr. PHELAN. Yes.

Mr. STEELE. Which would not ordinarily be subject to State taxation.

Mr. PHELAN. I see what the gentleman means.

Mr. STEELE. My inquiry is whether there is any provision in this bill dealing with that subject?

Mr. PHELAN. There is no provision in this bill dealing with that subject; no.

Mr. STEELE. Then the conclusion would necessarily follow that these funds would not be subject to State taxation.

Mr. PHELAN. I think not. I get the purpose of the gentleman. The national banking act provides that a national bank can not be taxed by the State——

Mr. STEELE. Except on its capital stock and real estate.

Mr. PHELAN. Except on its real estate. The capital stock is taxed in the hands of the holders of that stock. But I do not believe that under any interpretation this would mean that a national bank acting as a trustee for funds which are not its own, which can not under any interpretation be called assets of the bank itself, will be excepted from taxation as a trustee, but taxes would be imposed just as in the case of any other trustee. I do not believe that the national banking act would be construed in that way. The bill certainly does not make any provision that they shall be exempt.

Mr. MADDEN. It ought to make provision that they should be taxed, though.

Mr. PHELAN. I do not think that question would cause any trouble.

Mr. STEELE. I think it would.

Mr. HUSTED. I note that the Federal Reserve Board, under the provisions of this bill, in passing upon applications for permission to exercise the powers enumerated, is required to take into consideration the amount of capital and surplus of the applying bank, and is prohibited from issuing a permit to any national bank having a capital and surplus less than the capital and surplus required by State law of State banks, trust companies, and corporations exercising such powers.

Mr. PHELAN. Yes.

Mr. HUSTED. Assume the two cases of two banks competing for business in the same community, one conforming to this requirement as to capital and surplus and the other bank not being strong enough to do so. Would not the enactment of this act, in the gentleman's opinion, give the stronger bank a very great advantage over the smaller bank in its competition for business in that community.

Mr. PHELAN. I presume it would be an advantage, yes; but here was the situation that confronted us. We were demanding that national banks should not be discriminated against in the various States. In fairness, even if we had the power, we ought not to endeavor to discriminate against State banks by the passage of our law. Now, if we had the power, and exercised it, and granted to banks of $25,000 capitalization this fiduciary power when a State would not permit a bank of such small capitalization to have such power, we would be discriminating against State banks, and indirectly against the State itself. We wanted to avoid any such difficulty.

Mr. HUSTED. I appreciate that, and sympathize with the purpose of the committee; but it seemed to me that this might work great injustice against the small banks which were unable to comply with the requirements of this section by enabling strong banks to get this business, which would bring other business along with it.

Mr. PHELAN. If that is an evil, I think it is the lesser of two evils.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has 28 minutes.

Mr. PHELAN. If the gentleman will be brief I will be glad to yield.

Mr. STAFFORD. I am always brief when addressing myself to the very concise gentleman from Massachusetts. Do I understand that this fund, deposited in a national bank in a separate department, will be impressed with the fiduciary character, so that it can not be utilized by the bank for its general purposes, and that thereby the bank does not become a debtor to the depositor, whether he is a trustee or not?

Mr. PHELAN. No.

Mr. STAFFORD. If it become a debtor, then the funds would still be relieved from the obligation of taxation.

Mr. PHELAN. I am not so sure of that.

Mr. STAFFORD. As I understood the reply of the gentleman from Massachusetts to the inquiry of the gentleman from Pennsylvania——

Mr. PHELAN. Let me interrupt——

Mr. STAFFORD It was that these funds would be impressed with the trust character, so that they would still be subject to the taxation of the State.

Mr. PHELAN. Yes; but that is no different than any other trustee, because then the bank as a trustee has to its credit a deposit of the bank in its independent capacity, and that deposit—the right to draw that money—is the asset it holds as a trustee; and if I am correct it can be taxed on that just the same as I, an individual, could be taxed on the same thing, the difference being that the bank now as an independent personality has the fund, and the money itself, or the fund, would not be taxable; but if the right to draw that money is taxable in any place in the hands of an individual, I think it would be just as much taxable to the bank as to a trustee. In other words, there are two items there—one to the bank as a bank, the other to the bank as trustee.

Mr. FESS. Will the gentleman yield for a question?

Mr. PHELAN. Yes.

Mr. FESS. On page 5, line 19, where the State authorities are permitted to inspect these accounts, is not that a rather unusual procedure for the State authorities to inspect a national institution?

Mr. PHELAN. The gentleman's question is very pertinent. It is rather unusual, except that we have carefully safeguarded it so that it will be a very proper inspection. The State officials can inspect the assets of the trust—the trust fund. They can go into a national bank and examine those things that are segregated in the trust fund, but they can not go into the bank itself and look at any assets outside of the trust fund. In other words, it is simply limited to what the bank holds segregated in the trust, and you will see that no harm or injury can be done.

Mr. FESS. The gentleman thinks that by opening up to the State authority the inspection any danger would be averted?

Mr. PHELAN. We prohibit them from going into the bank itself and examining the general funds of the bank. They can go in and see whether the bank has so much stock, which it represents it has as trustee, or so many bonds; they can look at the books of the trust as they can of an individual trust, but when they try to step over into the assets of the bank then they are stopped.

Section 3 amends the present law so that Federal reserve notes may be issued of a larger denomination than at the present time. Under the present law $100 is the largest Federal reserve note permissible to be printed. Under our amendment we permit Federal reserve notes of $500, $1,000, $5,000, and $10,000 to be issued by the Federal reserve banks.

Mr. DEMPSEY. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. DEMPSEY. I intended to ask this question before the gentleman took up section 3. It is on the same line as the question propounded by the gentleman from Pennsylvania [Mr. STEELE]. The legal ownership of this trust fund is in the bank. The bank is just as much the legal owner of the trust bonds as though they belonged to them and were a part of its assets. Has the gentleman considered the question of the taxability by the State from that standpoint?

Mr. PHELAN. I answered that in my answer to the gentleman from Pennsylvania [Mr. STEELE]. I would like to answer the gentleman more fully, but I would like to finish the bill in my own time.

We permit Federal reserve notes of larger denominations to be issued. The purpose is to conserve the gold supply, a very important thing to be done. At the present time certain individuals, corporations, and banks in particular, like notes of large denominations, which makes it easier for exchange purposes to pay off balances, and for other purposes.

At the present time the only notes of large denominations that they can get are gold certificates. They have no desire to have that kind of a certificate if they could get Federal reserve notes of large denominations. They are constantly withdrawing from the banks the large gold certificates, and thus constantly drawing on the gold supply of the Federal reserve banks. If Federal reserve banks can issue Federal reserve notes of a larger denomination every bank will be as willing to take them as it will the gold certificates, and the gold certificates can be retained by the Federal reserve banks. That is the whole purpose of the section.

Mr. ROBBINS. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. ROBBINS. During the recent months I have had applications from Pittsburgh for more currency of small denomination—one and two dollar notes—for pay-roll purposes. Why would it not be an advantage to have bills of that denomination for that purpose? Why do you shut them out, which creates this stringency?

Mr. PHELAN. I think the stringency has been overcome, or will shortly be overcome, because there was a bill passed a few months ago enabling national banks to issue $1 and $2 notes, whereas under the law existing at the time they were permitted to issue nothing below $5 notes. I suppose there is a national-bank circulation of between seven hundred and eight hundred million dollars. This act gave authority to the national banks to issue the small notes. They now have the power, and they did not have the power. That is what led to the stringency. But there are other reasons why it is hardly advisable to issue Federal reserve notes of small denominations, which I do not wish to take time now to explain. I will say that in the bill passed Monday provision is made whereby one or two dollar notes can be issued by Federal reserve banks. I think the advisability of this, however, is very doubtful.

Mr. FESS. The gentleman makes a distinction between Federal reserve notes and Federal reserve bank notes.

Mr. PHELAN. I did not intend to use those two terms. I made a distinction between gold certificates and Federal reserve notes. The distinction is between the gold certificate and the notes issued by the Federal reserve bank.

Mr. FESS. Did we authorize the issue of $1 bills of greenback denomination?

Mr. PHELAN. I think we have not made any authorization referring to greenbacks at all, either in this Congress or any Congress of which I have been a Member.

Mr. FESS. Here is a note of the United States. Is it not a Federal reserve bank note?

Mr. PHELAN. No; it is a legal-tender note. I suppose it would be called a greenback.

Mr. FESS. Then we have authorized the issue of greenbacks.

Mr. PHELAN. No; the greenback was issued before I was born.

Mr. FESS. There were no greenbacks of a less denomination than $5 until we changed it.

Mr. PHELAN. The change we made referred to the national-bank notes.

Mr. FESS. It referred to greenbacks also, for this is issued in 1917. Will the gentleman allow me to ask one question more? Is it the policy to ultimately make the Federal reserve notes our exclusive paper money?

Mr. PHELAN. I do not know that that is the purpose. I think the desire of many interested in the subject is to have the Federal reserve notes used to the largest extent as our currency.

Mr. FESS. You have reduced from $100 denomination to $5 denomination the Federal reserve note.

Mr. PHELAN. Oh, no; it is the other way. We have not permitted the issue of Federal reserve notes of over $100 denomination up to date. The only change we are making in this bill is to include $500, $1,000, $5,000, and $10,000 notes. If I may go on, the next section, section 4, takes up section 19 of the Federal reserve act.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman one question.

Mr. PHELAN. If the gentleman will let me finish the bill, I shall be glad then to answer any question; but my time is almost used up.

Mr. STAFFORD. Can not some arrangements be made whereby some of the time allotted on this side may be granted to the gentleman, so that he can properly respond to inquiries directed to him?

Mr. PHELAN. I do not like to monopolize the time, but I should be glad to answer any question that I can.

Mr. STAFFORD. The gentleman has charge of the bill and inquiries are being made in good faith.

The SPEAKER. The gentleman has 15 minutes remaining, and he can ask for additional time by unanimous consent.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for one-half hour.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Massachusetts be extended for one-half hour. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the disposition of that side with reference to further debate upon the bill?

Mr. McFADDEN. Mr. Speaker, I might say that there has been no arrangement made and I have had no calls for time. There are gentlemen on this side who I know will probably want to talk. I will suggest that we have some agreement, if that is necessary.

The SPEAKER. The Chair would suggest to all gentlemen that under the new rule about Calendar Wednesday only two hours will be allowed, but the House has power to extend the time.

Mr. McFADDEN. Mr. Speaker, I might say that the gentleman is making a very careful explanation and analysis of the bill, and unless some gentleman on this side desires time beyond 30 minutes—I shall not consume over 10 minutes—I will be perfectly willing to yield 30 minutes of the hour to the gentleman from Massachusetts.

Mr. WALSH. Of course, the gentleman from Pennsylvania does not know what questions may come up.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Massachusetts be extended for 30 minutes. Is there objection?

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. That will not vary the rule of two hours of general debate?

The SPEAKER. No.

Mr. WINGO. That would mean that his additional time would come off the two hours?

The SPEAKER. Oh, no; it simply extends his hour to an hour and a half.

Mr. ROBBINS. Is no time allowed for debate on this bill under the five-minute rule?

Mr. STAFFORD. This is a House bill, and the gentleman is privileged to move the previous question at any time after two hours of debate.

The SPEAKER. The gentleman is correct.

Mr. MADDEN. Inasmuch as that is the case, and as nobody is in the House, except a few Members, to listen to the explanation—something that all Members ought to know—I make the point of order that there is no quorum present.

Mr. PHELAN. I hope the gentleman will withdraw that.

Mr. MADDEN. How can Members consider a bill like this if they are not here?

Mr. MOORE of Pennsylvania. This vitally affects large institutions in my city and State, and I want to get more information about it.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, there is a point of order of no quorum pending.

The SPEAKER. Does the gentleman insist upon his point of no quorum?

Mr. MADDEN. Yes.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Ferris	Jones	Rodenberg
Beshlin	Flood	Kearns	Rowland
Booher	Flynn	Kelley, Mich.	Rucker
Brodbeck	Focht	Kennedy, R. I.	Sanders, La.
Buchanan	Fordney	Kettner	Saunders, Va.
Butler	Foster	King	Scott, Iowa
Caldwell	Gallagher	Kreider	Scott, Pa.
Carew	Gallivan	LaGuardia	Scully
Chandler, N. Y.	Gandy	Lunn	Shackleford
Cleary	Garrett, Tex.	McClintic	Sherwood
Collier	Glass	McCormick	Shouse
Cooper, Ohio	Godwin, N. C.	McCulloch	Slemp
Copley	Goodall	McLaughlin, Pa.	Small
Costello	Gray, Ala.	Mann	Smith, T. F.
Crago	Gray, N. J.	Martin	Snell
Curry, Cal.	Greene, Vt.	Meeker	Stephens, Nebr.
Dale, Vt.	Gregg	Miller, Wash	Stevenson
Davis	Griest	Mondell	Strong
Dempsey	Griffin	Moon	Sullivan
Denison	Hamilton, N. Y.	Mudd	Sumners
Dewalt	Heintz	Neely	Switzer
Dies	Hensley	Nichols, Mich.	Talbott
Dill	Hicks	Norton	Templeton
Donovan	Hilliard	Oliver, N. Y.	Thompson
Dooling	Holland	Osborne	Tinkham
Drukker	Hood	Porter	Venable
Dupré	Howard	Powers	Voigt
Dyer	Husted	Price	Watson, Pa.
Eagan	Jacoway	Purnell	Watson, Va.
Edmonds	James	Rankin	Wheeler
Estopinal	Johnson, Ky.	Riordan	Wright
Fairchild, G. W.	Johnson, S. Dak.	Roberts	

The SPEAKER pro tempore (Mr. CRISP). Three hundred and three gentlemen have answered to their names; a quorum is present.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will unlock the doors.

Mr. WINGO. Mr. Speaker, just a moment. At the time the point of no quorum was raised there was pending a request for unanimous consent to extend the time of the gentleman from Massachusetts 30 minutes.

The SPEAKER pro tempore. The present occupant of the chair, of course, was not in the chair at that time.

Mr. WINGO. That is the reason I made the suggestion; that is the pending question.

The SPEAKER pro tempore. The Chair will submit the request. Request is made that the time of the gentleman from Massachusetts [Mr. PHELAN] be extended 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PHELAN. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. DENT], for the purpose of asking a conference.

SALE OF WAR MUNITIONS TO COBELLIGERENTS.

Mr. DENT. Mr. Speaker, I desire to call up the bill (S. 3803) to authorize the President to sell munitions to our cobelligerents. The gentleman from California [Mr. KAHN] understands the bill. The House amended that bill, and the Senate disagreed to the amendment, and I ask that the House insist on its amendment and agree to the conference.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill S. 3803, that the House insist on its amendment to the Senate bill and agree to the conference on the same asked by the Senate. Is there objection?

Mr. KAHN. Mr. Speaker, reserving the right to object, there are some Members on this side who want to know what that bill is, and I would like, if the gentleman will yield me about two minutes——

Mr. DENT. Briefly stated, this is a bill which authorizes the President of the United States to sell munitions or war supplies to our allies or cobelligerents and also to dispose of certain property which has become obsolete to private purposes and corporations. The bill passed the House about two weeks ago, but the House amended the Senate bill so as to change this feature. The Senate bill authorized each bureau or department to take the proceeds of the sale and apply them to its own purposes. The House amended that bill authorizing the covering of those proceeds into the Public Treasury. That is the amendment we are insisting upon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. DENT, Mr. FIELDS, and Mr. KAHN.

AMENDING CERTAIN SECTIONS OF THE FEDERAL RESERVE ACT AND REVISED STATUTES.

Mr. PHELAN. Mr. Speaker, I had just concluded speaking about section 3 of this bill. Section 4 is an amendment to the present law with reference to the reserve requirements. Section 4 amends the present law in this respect. It permits the Federal Reserve Board to let down the reserve requirements in the case of particular banks which I shall specify. It permits the Federal Reserve Board in the case of banks situated in outlying districts of central reserve cities, which are New York, Chicago, and St. Louis, and in territory which has been incorporated within the municipal limits of those cities through expansion, to require of banks in such sections only such reserves as are required of banks in reserve cities or only such reserves as are required of country banks as the board may decide. It has a similar provision with reference to banks similarly located in reserve cities, so that in the case of those banks the Federal Reserve Board may require only those reserves required of country banks. Let me illustrate. Suppose some small bank is situated in the outskirts of the city of Chicago with a small capitalization at the present time. That bank, although its business may be purely local in its nature, is required to keep the same reserve as the largest bank in the city of Chicago. This bill will permit the Federal Reserve Board to require of that bank only 7 per cent reserve, the same reserve required of a country bank, or 10 per cent reserve, the same reserve required of a reserve city bank, instead of a 13 per cent reserve now required of that bank as a bank situated in a central reserve city. Another illustration: In the city of Boston, which is a reserve city, a bank with small capitalization may be situated in some outlying territory. The Federal Reserve Board under this amendment may require of that bank that it shall keep in reserve only the same reserve required of a country bank; that is, a bank situated in a small city; that is, 7 per cent reserve instead of 10 per cent. The purpose is to permit the Federal Reserve Board to let down the high reserve requirements when there is no occasion, from a business view, at all that those high reserve requirements should be maintained.

Section 5 is an important amendment to the present law. It amends section 22 of the Federal reserve act. When the committee reported the Federal reserve act it put in section 22 among the other provisions. At that time the committee had certain definite things in mind which it intended to prohibit. Those things were prohibited under that section, but owing to some confusion in interpretation of construction of that section a great deal of doubt arose in the minds of bankers and others concerned as to just what could and could not be done or what was or was not prohibited under that section. Subsequently the

section has been amended in an effort to clarify the provisions of the original section, but there still has been confusion, so that bank directors, for example, and bank officers in particular have in some instances been in doubt whether or not they could borrow money from their own bank. This and many other instances arose which cause confusion and doubt. There was nobody who could tell authoritatively as to what could or could not be done, because no attorney connnected with the Federal Reserve Board or Treasury Department or anyone connected with the Department of Justice could tell what a court would hold, nor was any such individual authorized to give a definite construction of the section. We have amended the section in such a way that I think there is absolutely no uncertainty about it. When we have so clarified it we have at the same time modified it greatly, and I think the modification we have made will not only meet with the approval of the people at large, but will meet with the approval of the bank directors and officials themselves, and, in fact, will be heartily indorsed by them. Indeed, that has been the case so far as we have heard from anybody relative to this provision.

Mr. STAFFORD. Will the gentleman yield?

Mr. PHELAN. Gladly.

Mr. STAFFORD. Will the gentleman inform the House as to the provisions of the existing law sought to be modified by the existing law as to the authority that banks now have to purchase securities from directors direct or from any firm of which the director is a member?

Mr. PHELAN. If the gentleman will just wait one minute, I will answer that question.

In the bill subsections (a) and (b) are simply reenactments of existing law. We have not changed a word in those subsections.

Mr. STAFFORD. If the gentleman will permit, there is a typographical omission, to which I wish to direct his attention, in paragraph (c), on page 11, line 17, which may have already been called to his attention. After the word "not," in line 17, the word "more" should be inserted.

Mr. PHELAN. In the remaining subsections we have greatly modified the present law, and under the bill as amended this is the situation: Under subsection (c) the director of a bank will be prohibited—or any official, for that matter—from getting any commission through any service rendered by him in obtaining a loan or getting a note or other similar obligation discounted at the bank. There has been an evil practice in this country, whereby men on the inside would get commissions on the side for favors done outsiders who wanted to have their notes discounted or who wanted to borrow money. This subsection is aimed to prevent that evil from being continued. I will say that that is already provided for in the present law, but this clarifies it and confines it to that general purpose.

Under subsection (e) provision is made whereby a director, officer, attorney, or employee of a bank can not get a higher rate of interest on his deposit than anybody outside of the bank. The justice of it is so plain that it needs no explanation.

Now, in subsection (d) we have modified the present law.

Mr. MOORE of Pennsylvania. Where is the gentleman starting?

Mr. PHELAN. In subsection (d), at the bottom of page 11. At the present time I think there is no doubt that a man can not sit on a board of directors of a bank and at the same time, either as an individual or as a member of a firm or corporation, sell securities to that bank. For example, John Smith could not be a director of the First National Bank of Washington and at the same time sell the First National Bank bonds, stocks, or other similar securities. That is the present law. The enactment of the law resulted in driving men in the security business off the boards of directors of national banks in many places in the United States. The banks have complained that the services of those men could very well be employed as experts in securities the banks purchased, whether from that particular concern or some other concern, and that it was very advantageous to have such men on the board of directors. We have permitted under this subsection men to serve in those capacities, directors or officials of the bank, and at the same time not be permitted from selling securities to the bank, but we have put in such provision that the interests of the banks are carefully safeguarded, so that men holding those positions may not be able to sell the bank securities at a disadvantage to the bank. Close examination of the sections will show how carefully that has been safeguarded.

Mr. STAFFORD. Will the gentleman yield?

Mr. PHELAN. Gladly.

Mr. STAFFORD. Wherein is the banking situation improved by allowing a bank to purchase securities from a director, even though the provision states upon terms not less favorable to the bank than those offered to others? Certainly the bank is not generally in the business of purchasing securities, and I can well imagine a case where a director might use some ulterior influence to induce the bank to purchase securities, even at market value, not to the advantage of the bank, but to his own direct advantage, and even with the support of the majority of the board of directors as is provided in this section when they are offered at other than the prevailing quotations. What is the pressing need, from the bank situation, that we should come to the relief of a director, perchance, who is in the brokerage business for the selling of securities?

Mr. PHELAN. I will answer the gentleman. If we regard the banking business simply from the point of theory, I think the argument would tend all this way, that a man ought not to sit on a board of directors and do any business himself directly with that bank, even to the extent of borrowing money from it. Speaking of it as a purely banking question, it would be better that a director of a bank should not be allowed to borrow from that bank. But in this country our banking business has grown up in a different way. We have a large number, between 7,000 and 8,000 national banks, and in all these little communities the very men who are likely to do the borrowing from the banks are the men who will do most to make the banks strong as directors. For one reason, it is because of the multiplicity of the banks. It has been the custom, it has been the way the banking business has grown up, and although it is not entirely consistent with the best banking principles, we have to meet a practical situation. Always, therefore, directors could borrow from their own banks, and up to the time we passed the Federal reserve act there was practically no limitation on that.

The same applies, although to a less degree, perhaps, to men engaged in various security businesses. In the larger cities in particular, men who engage in the sale of securities of various kinds would be of great value to banks and their boards of directors because of the familiarity not only with securities they sell but with securities of various kinds sold all over the United States. Many banks have said that directors of that kind have been of great advantage, and they have missed those men when they have been taken off the board. Hence the committee felt we ought to go at this thing in a liberal spirit, provided we safeguarded things so that it is difficult if not impossible for an abuse to grow up out of what we frame; that we ought so far as possible to liberalize the provisions relative to the board of directors of these various banks.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. GREEN of Iowa. Yes.

Mr. STEVENSON. In response to the suggestion that directors should not be allowed to sell stock and bonds to banks, there is nothing in the present law that prevents them from selling them without limitation, is there? I do not find anything in the present law that prevents their selling them. This provision is framed with a desire to regulate it and make it safer.

Mr. STAFFORD. I do not believe there has been a good argument advanced so far why this privilege should be granted to them.

Mr. PHELAN. The present law provides that they shall not sit on the boards that pass upon the purchase of those stocks and bonds from themselves. This provision includes real estate as well as securities. There are many cases where it is likely to embarrass the banks if this is not clarified in this way.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. GREEN of Iowa. I do not profess to be informed as to these cases, but the gentleman was speaking with reference to the custom in the small banks. I know that there is one bank in my district that advertises that no officer, agent, or employee of the bank owes the bank one cent. It keeps that as a standing advertisement. I also heard the gentleman who is the president of that bank state—probably it was too sweeping an assertion—that no bank had ever failed and lost the depositors one dollar unless there had been loans made to some of the officers of the bank.

Mr. PHELAN. That may apply to the gentleman's town, but in my city the principal business men of the city—it is a big industrial city—are directors of those banks, and any bank that is being formed will go out and look for those men, because those men know the business community and know what is going on, and through their own business activity they can better protect the interests of the bank than others could do. This is generally true throughout the United States. In our national banking system the loss to the depositors since the national banking system was established in the sixties has been so small as to be almost negligible, in spite of occasional national-bank failures.

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. FORDNEY. Under the law the only kind of bank that the Federal Government has control over is the national bank, and the law prohibits the national bank from loaning to any man or any set of men more than 10 per cent of the capital and surplus.

Mr. PHELAN. Yes.

Mr. FORDNEY. Why does the gentleman believe that no bank should loan a director of that bank? Why do you make that suggestion? What reason have you why the bank should not loan to the director of that bank?

Mr. PHELAN. I am afraid the gentleman did not fully understand me. I said that, looking at it simply and purely from the point of view of theory, it would be better not to have that practice engaged in, but I am in favor of permitting them to do it because of the way the banking business is done in this country, and because of practice and because of custom we are reporting a bill here which clarifies the situation. Under it there will be very few limitations put upon directors of banks from borrowing from their banks, and they are given greater powers than are permitted them under the present existing law. Do I make myself clear?

Mr. FORDNEY. Yes, sir.

Mr. PHELAN. I was simply discussing it from the point of view of banking theory when loans were made to officers and directors of those banks.

Mr. FORDNEY. I was simply discussing the matter from the point of view of the gentleman from Iowa [Mr. GREEN], that no losses were sustained by banks where loans were not made to officers and directors. I will say that the bank is better able to know the value of a loan made to an officer or director than to any other customer of that bank, and I know no good reason why a loan should not be made to an officer or director as freely as to any other customer of the bank.

Mr. PHELAN. I think that with the provision that we put in this law, with the proper administration of the law by the proper officials charged with the administration of the law, there is no danger or little danger of what the gentleman from Iowa suggests.

The other amendment simply provides for penalties in case any of these provisions are violated by the various officials mentioned.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. WINGO. If my colleague will permit me, I would suggest to the gentleman from Iowa [Mr. GREEN] and to the gentleman from Wisconsin [Mr. STAFFORD] that by subdivision (c) and subdivision (d) we attempt to clear up a proposition that is set forth in section 22 of the Federal reserve act. The second paragraph, or the second subdivision, in the Federal reserve act had this language:

Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such bank: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least a majority of the members of the board of directors of such member bank—

And so on. That language which I read to you was compromise language. We labored in the Committee on Banking and Currency over that proposition for a week, and we added a phrase here and cut out one there, and the result is we have a compromise provision in the present law that a great many of the lawyers differ about as to what it means.

Here is what we intended to provide by it: First, to prevent an undue advantage being taken of national banks and member banks by directors sitting on the board and purchasing for the bank securities from other corporations of which they are directors. Another was to prevent the officers or employees of the bank from getting commissions for loans made by the bank. In the present bill we separate those two propositions clearly and treat them in unequivocal language.

There is a difference of opinion as to what the present law does. I differ with the gentleman from Massachusetts as to just what the present law does. I contended at the time that we did not reach what we said we were reaching. But there is no question but that this paragraph in this bill will clarify and give what those interested on both sides will agree is a fair, clear statement of what we intended to do when we enacted the present law.

Mr. PHELAN. At any rate, there has been a great deal of confusion in the interpretation, and we have made it absolutely certain what is meant. We have put the bank directors in a position where they will not have to ask anybody what they can do. They can go right ahead and do everything within reason without making any inquiry of anybody as to what they can do in this respect. There is no section in this bill which will so fully relieve bank directors and officers as to the uncertainty now existing regarding their powers.

I will add that we have been extremely liberal. We have incorporated in this amendment provisions which they did not even ask for, because I think it was their impression that the committee was much more desirous of restricting them than the committee actually was.

Mr. JUUL. If I understood the gentleman correctly, he stated that the privileges granted under subsection (d) were so guarded that practically no harm could come from the powers granted in the section. Yet I find by looking over the section fairly carefully that the only restriction imposed in the bill is that when any director, or any firm of which he is a member, acting for or on behalf of others, sells securities or other property to a member bank, the Federal Reserve Board by regulation may, in any or all cases, require a full disclosure to be made, and that when they sell such securities and the directors vote for it they are required to go on record in writing as having voted for it. Now, what good will that do after the bank is filled up with worthless securities and there is nothing left in cash?

Mr. PHELAN. This is a technical subject.

Mr. JUUL. I understand.

Mr. PHELAN. It is very easy to get a little confused about it, but I will ask the gentleman to read the whole section.

Mr. JUUL. Will the gentleman pardon me for finishing my question? The safeguard that is offered is that the directors must give an affirmative vote or a written assent to the transaction. Is not that correct?

Mr. PHELAN. Will the gentleman repeat that question?

Mr. JUUL. You say here—

Such authority to be evidenced by the affirmative vote or written assent of such directors.

In other words, they may do anything in the way of buying securities from themselves in their capacity as business men. They may come in, in their capacity as business men, and sell securities to the bank, and then sit in their capacity as directors of the bank, and if they go on record in writing they may buy anything they like.

Mr. PHELAN. That is not the situation.

Mr. JUUL. Does not the subsection say that?

Mr. PHELAN. The section provides that a member bank may purchase securities, and that includes real estate. I want the gentleman to keep that in mind; for instance, real estate that they buy on a foreclosure process.

Mr. JUUL. They are compelled to buy in that case.

Mr. PHELAN. Just a minute. They may buy these securities on the same terms as anybody else. So that in that case, where it is an offering of securities on the market, the bank, when it buys just as an individual buys, is in just the same position as anybody else, and there is practically no danger and no trouble, but such purchase is to be authorized by a majority not interested in the transaction, such authority to be evidenced by the affirmative vote or written assent in those cases where the purchase price is different from the market price, as the gentleman will notice. So that in the ordinary case the bank is protected, because it is buying the securities just as anybody else is buying them, and the market determines the price. The bank is protected in the other case, because if a contingency should arise where it needed to buy something at a different price from somebody else to protect the interests of the bank, then it would be protected by requiring the written assent or majority vote of a majority of the bank directors not interested in the transaction, men who will not have any desire to help the seller of the securities, because there is nothing to come to them from the sale; and also protected by the requirement that in any case the Federal Reserve Board may require a full disclosure, and if there is anything of that kind that is the least bit suspicious I have no doubt that the Federal Reserve Board will require such disclosure. If that is not safeguarding it the committee does not know any reasonable method in which it can safeguard it.

Mr. JUUL. I will ask the gentleman if it is not tempting Director Brown to sell to-day, and Smith and Jones, who are not selling to-day, to vote with Brown? To-morrow the gentleman

who was selling to-day sits in his capacity as a director and passes on the transaction wherein another director comes in and wants to sell something.

Mr. PHELAN. I agree that anything is possible; but if you can conceive of men sitting on a board of directors and swapping back and forth in that way, when these men know that they have got to get a majority vote of the other directors, and know that the Federal Reserve Board in five minutes can order a disclosure of that thing, and if any underhanded business is going on will show them up to the whole world, then I think we might just as well not attempt to legislate on this matter. We have got to presume that men are going to be reasonably honest——

Mr. JUUL. The country from New York to San Francisco is strewn with the wrecks of banks whose directors have loaned funds to themselves and done that and sold securities to themselves that they never would have accepted from outsiders.

Mr. PHELAN. The difference has been that in those cases the men who have been doing it have been in the majority. Enough of the directors have been interested and have profited from it so that they would vote for it, whereas here the men who vote, or give their written assent, are men who receive no benefit except where the benefit is to the bank, and not from the sale. And moreover the transactions to which the gentleman refers have been done in such a way that they would not reach the public light until some time subsequently. But with the watch that the comptroller and the Federal Reserve Board will have upon these banks, and their power to order a full disclosure, I think there is no danger of what the gentleman anticipates.

Mr. WALSH. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. WALSH. The gentleman has given a very full explanation of the changes made in the law by this bill, and he may have answered the question that I am about to ask. I notice the rather unusual form of stating the first amendment in this measure, and I wondered why the other amendments were not stated in the same way. The committee set forth the language as it now stands in the act, and then the amendment as it will appear. They state the language that they strike out or amend, and the language as it will appear. In the second amendment, all that they set forth is the act as it is amended, as has been customary in the past. May I ask the reason for making the distinction between the first amendment and the various other sections that are amended?

Mr. PHELAN. That question is a pertinent one. My recollection as to the reason for that is this, that, if you will notice, in the other sections we could very positively identify what we wanted stricken out and what we wanted to put in place thereof, whereas in the first section of the amendment we are taking out something right in the middle of the section, not marked out as a subsection or as a section. We thought the easiest and most convenient way of indicating just what we wanted to strike out and just what we wanted to replace in place of what was stricken out was by doing it in this manner. For example, these words, page 1, line 7, "directors of class A and class B shall be chosen in the following manner," come right along in another section, without any different marks separating them in their particular section. In the second section it says "eleven (K)," and that identifies a particular subsection standing in the Federal reserve act all by itself. In the first section we could not very well identify it so closely, and hence we repeated the words of the present law.

Mr. WALSH. It will appear now, if this should become a law—the Federal reserve act will appear with this section repeated, the language amending it following it; a part of the amendment will be a repetition of the section as it is and as it is amended.

Mr. PHELAN. That all depends on how they publish the Federal reserve act.

Mr. WALSH. They will have to publish it as Congress passes it.

Mr. PHELAN. They will have to leave the section as it is, because there will be no authoritative issue of the laws until Congress passes a revised edition. As the statutes come out they will come out separately, as the gentleman knows. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes.

Mr. PHELAN. I want to reserve some part of my time. The next two sections, while long and complicated and I think extremely difficult to understand without some study yet in reality are very simple when it is understood what is done. They simply apply the existing law with reference to national banks to the Federal reserve banks. In other words, strange as it may seem, there is no statute law punishing officers or employees of the Federal reserve banks for overcertification of checks and other offenses. There is such a statute relative to national banks. We make these statutes which punish a man for committing the offenses enumerated while they are officers and employees of national banks apply to the officers and employees of Federal reserve banks. While there is a great deal of language in the sections, that is what is done.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. PHELAN. Yes.

Mr. GREEN of Iowa. I note on page 15, after the recital on page 14, it makes it unlawful to certify checks not on deposit, and provides that anyone who shall certify a check before the amount thereof shall be regularly entered to the credit of the drawer upon the books of the bank, shall be deemed guilty of a misdemeanor. It seems to me it would be better to keep the form you have on the previous page and say unless the money is on deposit. For the reason that in large banks money is taken in at one counter and checked or drawn out at another, and yet it may not have been entered on the books of deposit.

Mr. PHELAN. That point is very well taken, and I think without any doubt if we had been writing the original law we might have written it differently. That provision is in the present law. It has been in the national bank law a great many years and no trouble has arisen, which seems to indicate that the Comptroller's Office, or whoever has the power, has construed that reasonably and fairly so that no one will be taken up simply because he has not made a bookkeeping entry except in regular course. I think the gentleman's point, however, is very well taken.

Mr. CANNON. But it is on the ticket of deposit.

Mr. PHELAN. They have interpreted it, I think, liberally.

Mr. TOWNER. Will the gentleman yield?

Mr. PHELAN. I will yield to the gentleman; but, as I said, I want a little time left.

Mr. McFADDEN. I am willing to yield to the gentleman 10 minutes.

The SPEAKER pro tempore. The gentleman from Pennsylvania has not been recognized, but the Chair, of course, will recognize him later.

Mr. WINGO. Let the gentleman from Massachusetts reserve the balance of his time and then let the gentleman from Pennsylvania be recognized.

Mr. PHELAN. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has 10 minutes remaining.

Mr. McFADDEN was recognized.

Mr. McFADDEN. Mr. Speaker, I yield 10 minutes of my time to the gentleman from Massachusetts [Mr. PHELAN] and reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 20 minutes.

Mr. PHELAN. Now I will yield to the gentleman from Iowa.

Mr. TOWNER. I want to call the attention of the chairman of the committee to the form of this bill, to the matter that was spoken of by the gentleman's colleague from Massachusetts. I do not think I ever saw before a bill in this form, and I believe it would be very objectionable, in my judgment, if it passed in this form. Of course the only possible object of repeating the existing law in full is for the information of the committee in its deliberations. But now if this bill is enacted into law and should not be changed in the Senate, we will have a law amending an existing law in which the existing law will be recited in full and an amendment in the nature of a substitute will be stated in full. That is an anomaly in legislation. It ought not to be published in that way, and thus be set out in our Statutes at Large.

It would certainly be better before the bill is passed finally to state that the act is amended to read as follows—reciting the substitute enactment.

Mr. PHELAN. The only important thing is to make absolutely certain what we intend to do. We could reenact section 4 of the Federal reserve act, which would take more space and cause more confusion. The reason why we put it in this way I have already stated, to have it in such a way as to make it clear what change we intend to make.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. There are several penal clauses in the latter part of the bill.

Mr. PHELAN. Yes.

Mr. MOORE of Pennsylvania. Are they new?

Mr. PHELAN. I just explained, and probably the gentleman was not in the Chamber at the time.

Mr. MOORE of Pennsylvania. I was not sure that they were new.

Mr. PHELAN. We have applied the language of the national bank act relative to the punishment of officers and employees for certain offenses to the employees and officials of the Federal reserve banks. Under the existing law, for example, there is no statute providing for the punishment of an employee of a Federal reserve bank who overcertifies a bank check, and probably there is no law applying directly to the case of an employee of a Federal reserve bank who embezzles. We have simply applied those statutes of the national bank act to the officials and employees of Federal reserve banks.

Mr. MOORE of Pennsylvania. Those provisions were not included in the original Federal reserve act.

Mr. PHELAN. To apply to Federal reserve banks, they were not.

Mr. MOORE of Pennsylvania. Have such offenses arisen throughout the country as to give occasion for the enactment of this law?

Mr. PHELAN. I will say confidentially to the gentleman that there is a man now serving time about whose conviction there is considerable doubt as to whether or not they had any authority to put him in jail, just because of the lack of a provision of this kind.

Mr. MOORE of Pennsylvania. That answers the question. These changes are made necessary by reason of occurrences that have taken place since the enactment of the Federal reserve law?

Mr. PHELAN. Yes.

Mr. SIEGEL. Mr. Speaker, I wish the gentleman would return to section 7, on page 13, of the bill.

Mr. PHELAN. Yes.

Mr. SIEGEL. And now turn to page 9, section 5. Should not section 7 be section 6? Is not that a misprint?

Mr. PHELAN. Yes; that is.

Mr. SIEGEL. I suggest that that can be corrected by unanimous consent.

Mr. PHELAN. We can attend to that later on.

Mr. JUUL. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. JUUL. I just want to ask the gentleman if he desires to make a correction in lines 22, 23, and 24, on page 16? The violation of the act is classified here as a misdemeanor, and yet it carries a penitentiary sentence of five years. Should not that be a felony?

Mr. PHELAN. I will say to the gentleman that that question was considered in the committee and there is a good deal of justification for the gentleman's suggestion, but we felt this way about it: That same thing applies to many of our Federal statutes, resulting in great confusion, and we felt, in view of that, that we better not make any change in existing law at this time; it might continue the debate and bring us into a great many difficulties, but we think that at some time or other our statutes ought to be gone over very carefully for the purpose of so amending them that that difficulty will be taken care of.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. COOPER of Wisconsin. The point raised by the gentleman from Illinois [Mr. JUUL] is an important one, because of the discretion vested in the court by this bill. The gentleman will observe that the convicted person is to be fined not more than $5,000 nor imprisoned not more than five years. In some States in my State at least, the sentence of a year in the penitentiary is a sentence for a felony. A State prison incarceration for a year means conviction for a felony. If you call it a misdemeanor and leave it to a court to imprison for not more than five years, must he not imprison the convicted man for less than one year in order to make the sentence conform to the definition of a misdemeanor?

Mr. PHELAN. I doubt it.

Mr. COOPER of Wisconsin. These are interpreted in the light of the statutes of the State where the law is enforced in the Federal court.

Mr. PHELAN. I doubt if that would be done.

Mr. COOPER of Wisconsin. There ought to be no doubt about it, because a man who embezzles trust funds in a bank ought to go to the penitentiary for not less than five years.

Mr. PHELAN. I agree with the gentleman that it is an important question, but in trying to pass bank amendments we did not want to get into a question which applies not only to this but to many other statutes adopted by Congress.

Mr. COOPER of Wisconsin. Why not strike out the word "misdemeanor" and leave in the language "shall be fined not more than $5,000 or imprisoned more than one year"?

Mr. PHELAN. We have tried to reenact existing law. We do not want to get into that question now, and we have thought it better some time later to endeavor to go over these statutes.

Mr. COOPER of Wisconsin. We are proposing to enact a penal statute right here, as far as this particular provision is concerned. Why not make it exact and do away with any ambiguity; just strike out the word "misdemeanor" and leave in the language "shall be fined not more than $5,000 or imprisoned more than one year."

Mr. PHELAN. I reserve the remainder of my time.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I make a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Fairchild, G. W.	Kearns	Rowland
Anthony	Flynn	Kelley, Mich.	Rubey
Austin	Foster	Kennedy, R. I.	Rucker
Beshlin	Frear	Kettner	Sanders, La.
Brodbeck	Gallagher	King	Sanders, N. Y.
Brumbaugh	Gallivan	Kinkaid	Saunders, Va.
Buchanan	Gandy	Kreider	Scott, Iowa
Butler	Garland	LaGuardia	Scott, Pa.
Caldwell	Glass	Lehlbach	Scully
Campbell, Kans.	Godwin, N. C.	Lesher	Sells
Candler, Miss.	Graham, Pa.	Lever	Shackleford
Carew	Gray, Ala.	Lunn	Sherley
Carter, Mass.	Gray, N. J.	McArthur	Shouse
Chandler, N. Y.	Green, Iowa	McClintic	Slemp
Church	Greene, Vt.	McCormick	Small
Clark, Fla.	Gregg	McCulloch	Smith, Idaho
Clark, Pa.	Griest	McLaughlin, Mich.	Snell
Cooper, Ohio	Griffin	McLaughlin, Pa.	Steenerson
Copley	Hamill	Mann	Stephens, Nebr.
Costello	Hamilton, N. Y.	Martin	Strong
Crago	Haugen	Meeker	Sullivan
Curry, Cal.	Hayes	Merritt	Sumners
Dale, N. Y.	Heaton	Mondell	Swift
Davidson	Heflin	Mudd	Switzer
Decker	Heintz	Nicholls, S. C.	Taylor, Colo.
Denison	Hicks	Nichols, Mich.	Templeton
Dewalt	Hood	Norton	Thompson
Dill	Houston	Oliver, N. Y.	Tinkham
Dixon	Howard	Porter	Vare
Dooling	Hull, Iowa	Pou	Venable
Doremus	Humphreys	Powers	Voigt
Drukker	Hutchinson	Price	Ward
Dupré	Igoe	Purnell	Wason
Dyer	Jacoway	Ragsdale	Watson, Pa.
Eagan	James	Rainey, H. T.	Webb
Edmonds	Johnson, S. Dak.	Rankin	Wheeler
Estopinal	Jones	Riordan	Wright
Evans	Kahn	Rodenberg	Young, N. Dak.

The SPEAKER pro tempore. Two hundred and seventy-seven Members have answered to their names; a quorum is present.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will unlock the doors.

Mr. McFADDEN. Mr. Speaker, I do not want to go into a long discussion of this measure, because the gentleman from Massachusetts [Mr. PHELAN], who has charge of the bill, has made a very careful detailed statement covering the various sections of this measure. I would, however, like to make a few observations in regard to the Federal reserve act and the reason for these amendments. We have heard ever since the passage of the Federal reserve act, those of us who are on this side of the House, that that act was a perfect instrument, but from my knowledge and experience here in the House for three years we have been continually amending this so-called perfect act, until now there are pending in the various committees probably thirty-odd amendments, which would therefore seem to prove beyond all question that the Federal reserve act was not a perfect act. So far as these special amendments are concerned, the first amendment corrects an error in the law actually worked out in its operation. I heartily approve of this, because I do not believe that the same men who control large banks should also control the actions of the smaller banks. In the formation of the Federal reserve act you will all remember that the banks were classified into groups—the large banks in a group, the medium-sized banks and the small banks into two separate groups, and each of these three classes of banks were to have representation on the regional board of directors. This act corrects an error which has developed in that law in the

selection of directors. Section 2 attempts to correct a flaw in the original enactment of the Federal reserve act. One might think from the discussion which has taken place here to-day that this section 2 is an entirely new provision. That is not so. These powers were intended to be extended to member banks in the original act, and this is only a modification because of the objections which were raised by the State banks and trust companies. This matter was taken into the courts and has been tested out. The enactment of this section into the law finally in the Supreme Court will permit these banks to have the powers which were originally intended in the Federal reserve act. I believe that if it did have for its purpose the driving out of business the State banks and trust companies, and would place them under the Federal Reserve System, that that would be a strong argument for the enactment of this section. I do not think, however, that is the case. I do not believe that it will so work out. Now, so far as the other sections of this bill are concerned, they are merely correcting various phases of the present law that are necessary to make it workable, and I do not care to discuss them. I am therefore going to yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I am glad the gentleman from Pennsylvania [Mr. MCFADDEN], who is acting this afternoon as the ranking member of the minority on this bill, has made his clear statement about "the perfect act" we are now amending. When the Federal reserve act was passed it was generally announced that it was "a perfect piece of constructive legislation." That was widely commented upon during the last campaign. It has tended, it is true, to bring the various banking forces of the country together into a sort of central bank, which the party in power had previously denounced, but people believed that it was a good piece of legislation, and due credit was given to those who originated it and brought it into effect. But it is true also that that act has been amended from time to time. Experience is a great teacher. Experience has shown that in some instances this so-called perfect piece of legislation has not been so perfect as its authors believed it to be. It appears from the amendments that we are asked to adopt to-day that there were certain oversights not hitherto caught up with in previous amendments to the act, as, for instance, the penal clause relating to the use of certified checks——

Mr. ROSE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. ROSE. I would like to know whether this present act takes away or attempts to take away any of the rights enjoyed by the trust companies under State banking laws?

Mr. MOORE of Pennsylvania. It certainly does, and as soon as I get through with one or two suggestions about the things which were overlooked in the original Federal reserve act——

Mr. FOCHT. Will the gentleman permit?

Mr. MOORE of Pennsylvania (continuing). I shall be glad to revert to this trust-company question.

Mr. FOCHT. Reverting to the genesis of this act, I would like to have the gentleman say something as to the relationship of Senator Aldrich, whether the Democratic Party did not take up the bill where Senator Aldrich left off, and is responsible for the necessity of these amendments?

Mr. MOORE of Pennsylvania. Well, I have steadfastly refused to discuss politics during these strenuous war times [laughter], but I am inclined to think that the so-called Vreeland-Aldrich law was a very able forerunner for the Federal reserve act and afforded very great relief in strenuous financial times, now happily past. But, of course, the Vreeland-Aldrich Act was "an offensive partisan" measure, which it was necessary should be supplanted by "a perfectly nonpartisan" financial measure, which the present Federal reserve act is represented to be.

Mr. SLOAN. The large outstanding fact of the proposed Aldrich-Vreeland Act was a central bank, was it not?

Mr. MOORE of Pennsylvania. The Vreeland-Aldrich Act did not contemplate a central bank. It was intended to relieve a situation of financial stress, and when brought into full force and effect by an administration whose champions had vigorously and bitterly opposed it, it did prove effective—a sort of life-saver.

Mr. SLOAN. As I understand, you are speaking of one part of the Aldrich-Vreeland Act, but I referred to the Aldrich-Vreeland system of banks which had for its principal feature the central bank.

Mr. MOORE of Pennsylvania. I decline to go into the matter of politics, even at the suggestion of my friend from Nebraska, and must confine myself to the financial phases of this bill.

Mr. SLOAN. The gentleman has always kept out of politics, but I thought to-day he might let me in.

Mr. MOORE of Pennsylvania. I will ask the gentleman from Nebraska, who is coming very rapidly to higher honors in his great State, if he knows that when we passed the Federal reserve act we omitted punishment for an officer of a bank who might grant a gratuity to a bank examiner?

Mr. SLOAN. I did not know that. I thought with a perfect system we would have perfect men.

Mr. MOORE of Pennsylvania. If the gentleman did not know that, I will inform him that we are catching up with that oversight, which occurred when we passed the Federal reserve act.

Mr. SNYDER. Mr. Chairman——

Mr. MOORE of Pennsylvania. I will ask the gentleman from New York [Mr. SNYDER] if he was aware when we passed the Federal reserve act that we made no provision for the punishment of those who might improperly and unlawfully permit the issue of certified checks? Did the gentleman know that?

Mr. SNYDER. I do not recall that.

Mr. MOORE of Pennsylvania. I will inform the gentleman from New York, who is usually well versed in financial matters and does not dabble in politics, that we are correcting that now.

Mr. SNYDER. I want to ask the gentleman if he recalls that when the war originally broke out and the money stringency came on that the Aldrich-Vreeland Act was used to the extent of issuing $375,000,000 of currency?

Mr. MOORE of Pennsylvania. I will not subscribe to the exact figures stated by the gentleman, but I believe the gentleman's recollection is absolutely correct when he infers that when the Democratic Party was in great stress over a probable financial stringency in the United States—some time before the war—it resorted with alacrity, with avidity, I might say, and without regard to politics, to the Vreeland-Aldrich Act to relieve the situation.

Mr. SNYDER. I just wanted to call the gentleman's attention to that in passing.

Mr. MOORE of Pennsylvania. I am going to ask the gentleman, so long as he is on his feet, if he is aware that when we passed the Federal reserve act no provision was made for the punishment of a Federal reserve agent or of a Federal reserve board that permitted the misplacement or abstraction or willful misapplication of moneys, funds, or securities intrusted to their care?

Mr. SNYDER. I am not familiar with that.

Mr. MOORE of Pennsylvania. There are lots of things the gentleman from New York and some others of us evidently have not caught up with. I am only advising the gentleman from Nebraska and the gentleman from New York and other gentlemen who are inquiring about this bill that we are now going through the process of perfecting a perfect bill; that we are now, through the happy auspices of the eloquent and assiduous gentleman from Massachusetts [Mr. PHELAN], who heads the committee to-day, catching up with those things we overlooked in those good old days when we did talk politics.

There is one thing in this bill, however, to which I wish to call attention, and that is section 2, which proposes to give to the Federal reserve banks all the rights and privileges that trust companies now enjoy under the laws of a State; and I say to the gentleman from Massachusetts that that section will have a serious effect upon the trust companies of Pennsylvania. Some reference has been made to those of New York, I think——

Mr. WINGO. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WINGO. Does the gentleman understand we granted authority for the purpose of doing business under this act beyond that which exists in the present law?

Mr. MOORE of Pennsylvania. No; but I think the gentleman is setting up the Federal banks here to absorb the business that is now done by well-established trust companies in the State of Pennsylvania.

Mr. WINGO. We do that under existing law.

Mr. MOORE of Pennsylvania. I do not know why it should be emphasized in this bill, unless it is another case of perfecting the Federal reserve act.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. COOPER of Wisconsin. Is it not now the law that a trust company can enter the Federal Reserve System?

Mr. MOORE of Pennsylvania. I so understand it.

Mr. COOPER of Wisconsin. And some of them avail themselves of that.

Mr. MOORE of Pennsylvania. And some of them do not. I do not know why when a national bank has not been permitted

to become a trustee, or executor, or guardian, or a number of other things, and a trust company has been organized in good faith to give the public that service, and has made good, that the Federal reserve bank should come along and say: "Now that you are successful, we will absorb what you have done and take over your business." That is not a fair proposition, but it is the situation here.

Mr. ROSE. In the statement made a short time ago, you said that this bill would take away the rights of the trust companies.

Mr. MOORE of Pennsylvania. To a certain extent, yes; it competes with the trust companies and gives the Federal banks the right to absorb their business.

Mr. ROSE. It opens up competition.

Mr. MOORE of Pennsylvania. It undoubtedly does, and will put the Federal banks into the trust-company business.

But there is another objection to it, and I would like my friends on the other side to understand this objection: If there ever was any justification for Andrew Jackson's complaint against a central bank there is certainly justification to-day for the suggestion that by reason of the gradual absorption of business by the Federal Reserve System, the taking over of State banks, trust companies, and so forth, through the Federal Reserve System, there will be created what in effect will be the most powerful central bank that ever existed. I do not know whether that is the purpose of the bill, but it contributes to it.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point that there is no quorum present. It is evident that there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Gallagher	Lever	Saunders, Va.
Anthony	Gallivan	Lunn	Scott, Iowa
Austin	Gandy	McArthur	Scott, Pa.
Barnhart	Glass	McClintic	Scully
Beshlin	Glynn	McCormick	Sells
Booher	Godwin, N. C.	McCulloch	Shackleford
Brand	Graham, Ill.	McLaughlin, Mich.	Sherley
Brodbeck	Graham, Pa.	McLaughlin, Pa.	Shouse
Brumbaugh	Gray, Ala.	Mann	Sims
Buchanan	Gray, N. J.	Martin	Slemp
Butler	Green, Iowa	Meeker	Small
Caldwell	Greene, Vt.	Merritt	Smith, Idaho
Carew	Gregg	Mondell	Smith, C. B.
Carter, Mass.	Griest	Morin	Snell
Chandler, N. Y.	Griffin	Mott	Steenerson
Clark, Fla.	Hamill	Mudd	Stephens, Nebr.
Clark, Pa.	Hamilton, N. Y.	Nicholls, S. C.	Stiness
Cooper, Ohio	Harrison, Miss.	Nichols, Mich.	Strong
Copley	Haugen	Norton	Sullivan
Costello	Heaton	Oliver, N. Y.	Sumners
Curry, Cal.	Heflin	Osborne	Switzer
Dale, N. Y.	Heintz	Parker, N. J.	Tempie
Davidson	Hicks	Platt	Templeton
Denison	Hood	Porter	Thompson
Dent	Howard	Pou	Timberlake
Dewalt	Humphreys	Powers	Tinkham
Dooling	Hutchinson	Price	Vare
Doremus	James	Purnell	Venable
Drukker	Johnson, S. Dak.	Rainey, H. T.	Voigt
Dupré	Jones	Rankin	Wason
Dyer	Kahn	Reavis	Watson, Pa.
Eagan	Kearns	Riordan	Watson, Va.
Edmonds	Kelley, Mich.	Robinson	Weaver
Estopinal	Kennedy, R. I.	Rodenberg	Wilson, Ill.
Evans	Kettner	Rowland	Winslow
Fairchild, B. L.	King	Rubey	Wright
Fairchild, G. W.	Kinkaid	Rucker	Young, N. Dak.
Flynn	Kreider	Sanders, La.	
Foster	LaGuardia	Sanders, N. Y.	
Frear	Langley	Sanford	

The SPEAKER pro tempore. Two hundred and seventy-two Members have answered to their names, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. McFADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. ROBBINS. Mr. Speaker and gentlemen of the committee, I am delighted to have so large an audience here this afternoon to hear the discussion of this proposed amendment of the Federal reserve banking law.

I want to oppose very vigorously the enactment of section 2 of this bill. The Federal reserve banking act, which was passed in 1914 and amended down as late as June 21, 1917, provides in section 11, clause (k)—

> To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe.

That is the clause I want to call to your attention. This present bill now proposes to amend the Federal reserve bank act, and in section 2 of this bill, on page 4, line 25, it adds to the provision that I have just read these words:

> Guardian of estates, assignee, receiver, committee of estate of lunatics, or in any other fiduciary capacity in which State banks, trust companies, or other corporations which come into competition with national banks are permitted to act under the laws of the State in which the national bank is located.

Then follow, gentlemen of the committee, more than two pages and a half of provisions, practically three pages of provisions, for the operation and regulation of a complete system of trust accounts and investments, with penal provisions for the violation of these requirements under this provision, showing clearly that it is the intention of this bill and those who are advocating it to confer upon national banks the complete power to act as trust companies are now authorized to do when acting as trustees, committees, and so forth, and also to give bond and act in "any other fiduciary capacity" without any restriction whatever.

Now, those of us who have in our respective States a well-defined system of trust companies that have been organized under existing law must necessarily be confronted with a problem as to how this is going to affect our home situation and the present amicable relations existing between the banks and trust companies. Speaking for the State of Pennsylvania, from which I come and, in part, have the honor to represent here, and knowing something about its banking laws and the practical operation of its banks, both National, State, and trust companies, because we have in that State four well-defined systems of banking—national banks, trust companies, State banks, and private banks—I may remark that the State banks, trust companies, and private banks are all examined by examiners working under the authority of the State of Pennsylvania—examined every four months. The national banks, of course, are examined by the national-bank examiners under the jurisdiction of the United States. In 1885 and subsequently, by various statutes, we created in our State a system of trust companies, the last general law being approved on June 11, 1885, Public Law 451. These trust companies are empowered to act as guardians, receivers, insure titles, and act as committees of lunacy, guardians, and so forth, and to act in other fiduciary relations, including those of bondsmen in our orphans' and common pleas courts. But all those trust institutions, gentlemen of the committee, are under the control of the particular court which appoints them. If a trust company is in the orphans' court, as in the case of the settlement of an estate by an administrator or an executor, it is required to file accounts, which are examined in the orphans' court by an auditor appointed for that purpose. It is compelled to go into court and render an account to the court of any trust funds in its hands, and these funds can be invested only under the direction of the court. If these trust companies are acting as committees of lunacy, they are subject to the jurisdiction of our court of common pleas, and they are bound to go into court for permission and approval of every act which they commit in the discharge of that trust, and at the expiration of the trust they must file an account, and it is audited and disposed of in that court by due process of law.

Here you propose to put the national banks in the situation of these trust companies, with full power and authority to perform all these acts. No State court will have sufficient jurisdiction over these national banks because they are institutions created by Federal statute.

Mr. McFADDEN. Will the gentleman yield?

Mr. ROBBINS. I yield to the gentleman.

Mr. McFADDEN. I want to ask the gentleman if he is not aware that at the present time this right is given in the national-bank law and that in many States of the Union national banks exercise this right at the present time? The reason for modifying the act in this form is because the trust companies and State banks objected to these rights, and the matter was carried up to the Supreme Court of the United States, and this legislation is in conformity with a decision of the Supreme Court.

Mr. ROBBINS. Yes; in the beginning of my remarks I read these very words in the Federal reserve bank act, which confers the power that the national banks now have authority to exercise. But the Supreme Court of the United States in Two hundred and forty-fourth United States Reports, page 516, in

the case of the National Bank of Bay City, Mich., against Fellows, passed upon this clause (k) of section 11 of the Federal reserve act, which this bill now proposes to amend, and the court held, which will be of interest to the lawyers of this House:

A business not inherently such—

I quote from the syllabus, which is a brief statement of the law as it is adjudicated in the case, the decision being quite a long one—

that Congress may empower banks to engage in it may nevertheless become appropriate to their functions if, by State law, State banking corporations, trust companies, or other rivals of national banks are permitted to carry it on.

Further on the court, in passing on section 11, clause (k), says of the act of December 23, 1913, establishing the Federal Reserve Board, as follows:

To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe, is, as here construed, a valid exercise of the power of Congress. The section authorizes the specified functions to be exercised by national banks when the right to perform them is given by State law, or is deducible therefrom through being so conferred on State banks or corporations whose business in some degree rivals that of national banks; and it gives administrative power to the Reserve Board as a means of coordinating such functions, in their exercise by national banks, with the reasonable and nondiscriminating provisions of State law regulating their exercise as to State corporations.

That section confers certain limited powers on national banks, but it does not allow them to become trustees, executors, bondsmen, or receivers, or "act in any other fiduciary capacity." It does not allow them to enter indiscriminately into the field that has heretofore been given over to trust companies exclusively, in my State at least, and, I believe, in every other State of this Union.

Mr. ROSE. Will the gentleman yield?

Mr. ROBBINS. I yield to the gentleman.

Mr. ROSE. What is the gentleman's judgment as to this question: If this bill should pass, would not the national banks come under the same laws as to examining and filing accounts in court and having them passed on by auditors as trust companies now do?

Mr. ROBBINS. Not without further legislation of Congress. The State courts are very jealous and careful and exceedingly cautious about invading the field occupied by national banks, and I know that in the State of Pennsylvania they never do.

Mr. PHELAN. The gentleman does not mean that the courts could not require the same rendering of accounts that is required under State law?

Mr. ROBBINS. I will say this, from my experience in the courts of common pleas, the orphans' court of the State of Pennsylvania, and the quarter sessions courts—and I have had some experience in them—they will not invade the province of the national banks, because they are created by act of Congress, and are answerable to the Federal courts, and are exclusively in the Federal jurisdiction, either criminal or civil. The State courts are very careful not to invade that jurisdiction.

Mr. STEVENSON. Did the gentleman overlook lines 18 to 21 on page 5 of this bill?

Mr. ROBBINS. Not at all. These lines contain an express limitation restricting the examination to be made.

Mr. STEVENSON. Those lines provide that—

Such books and records shall be open to inspection by the State authorities to the same extent as the books and records of corporations organized under State law which exercise fiduciary powers.

Mr. ROBBINS. I have read that section, but it does not give the authority to our local courts. I think that refers to a bank examiner and provides that he may go in there and examine these accounts only so far as trust funds under State jurisdiction are concerned, and grants no authority should such permission be withheld.

Now, let us look at the practical situation should this legislation be enacted and enforced in Pennsylvania. During the last 30 years in Pennsylvania we have developed great trust companies, because before the general act of 1885 was passed we chartered these companies in Pennsylvania by special legislation and they enjoyed special privileges, like the company for insurance of lives and granting annuities, in Philadelphia. Our trust companies incorporated under our general law have grown up into strong financial institutions, like the Union Trust Co. in the city of Pittsburgh, whose capital and surplus amount to more than $34,000,000. This bill does not preserve these institutions when they exist under special statutes conferring special franchises or under general law and possess general powers.

Now, gentlemen, why not frankly state the real purpose of this bill? Why not strip the mask off of it and be honest about it? Your purpose here is to force these trust companies into the Federal Reserve System. That is what you intend to do, and it will affect more or less the special privileges and franchises that these companies hold and enjoy, under which they have been doing business in many instances for more than half a century, some of them, and will affect the rights that they have already acquired and have long enjoyed under the laws of our State. I object to this. There is no necessity for it. The banks and trust companies in Pennsylvania have grown up side by side and are serving our people harmoniously and peacefully. Neither one of them is demanding this legislation. No national bank is here complaining that its rights are to be restricted or invaded. No trust company is here complaining that the national banks are impinging upon its rights or encroaching on its business. The situation has developed in my State to the entire satisfaction of all our financial institutions, gentlemen, and I ask you to think about it seriously before you force this legislation upon our banks and trust companies.

In some cases an ownership has developed by which the trust companies own the banks, and in other cases by which the banks own the trust companies. There is no quarrel among them. They act in harmony. One supplements the other, and in that great Commonwealth they transact the business of our people in perfect harmony and to the perfect satisfaction of all of their constituency. Now you are about to drag into this law a proposed amendment whereby you confer upon the national banks these extraordinary powers, under the guise of an amendment to the Federal banking law, which is an unnecessary and an unwise thing to do. Why do you not bring it in here as an amendment to the national banking law in such a way that it can be considered squarely on its own merits, and give us a chance to discuss it and consider it, instead of dragging it in here under a sort of subterfuge, as an amendment to the Federal reserve act, tied up with other amendments that may drag this vicious proposition through, for a purpose that is not fair and that is partially concealed? The real purpose of this provision is simply to force these trust companies into the Federal Reserve System willy-nilly, whether they wish it or not. I protest against it as unfair to the trust companies and financial interests of my State of Pennsylvania and as vicious and unnecessary legislation.

Mr. McFADDEN. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 20 minutes remaining.

Mr. McFADDEN. I do not know that I care to use any more of my time.

Mr. PHELAN. Inasmuch as the gentleman from Pennsylvania does not want to use any more time, I move the previous question on the bill and amendments to final passage.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. If that motion prevails, will that preclude the right to offer amendments?

The SPEAKER pro tempore. If there are any amendments pending in the bill they will be voted upon, but if no amendments are pending, and the previous question is ordered, no further amendments can be offered.

Mr. MOORE of Pennsylvania. It was my desire to move to strike out section 2, which brings the trust companies within the scope of this bill. Will I be precluded from making that motion?

The SPEAKER pro tempore. The gentleman will be precluded from offering an amendment to the bill except by a motion to recommit.

Mr. MOORE of Pennsylvania. Would it be in order for me to make that motion now?

The SPEAKER pro tempore. Not after the gentleman has moved the previous question.

Mr. MOORE of Pennsylvania. Would it be in order now to ask the gentleman from Massachusetts if he would permit a motion to be made to strike out section 2 before he insists on the previous question?

The SPEAKER pro tempore. The Chair thinks that is not a parliamentary inquiry.

Mr. MOORE of Pennsylvania. I admit that it is a little far-fetched.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. McFADDEN], having more time, would it be his privilege to yield to the gentleman from Pennsylvania for the purpose of offering an amendment?

The SPEAKER pro tempore. No; for two reasons. The gentleman from Pennsylvania, having time for debate, can yield

it for debate, but if he yields for an amendment he loses the floor. Another reason, the gentleman from Pennsylvania, who had the floor, surrendered the balance of his time when the gentleman from Massachusetts took the floor and moved the previous question.

Mr. STAFFORD. If the gentleman from Pennsylvania had not yielded the floor, the ruling of the Chair would be that he could yield to the gentleman from Pennsylvania for the purpose of offering an amendment?

Mr. MOORE of Pennsylvania. Did not the Speaker—not the present occupant of the chair—but the Speaker of the House, during the earlier stages of the discussion of this bill, with the knowledge and approval of the gentleman from Massachusetts, say that there would be opportunity to offer amendments to the bill?

Mr. WINGO and Mr. GARNER. Regular order!

Mr. WALSH. Mr. Speaker, I make a point of order that no quorum is present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that no quorum is present, and the Chair will count. [After counting.] One hundred and fifty-one Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms directed to notify the absentees, the Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Flood	LaGuardia	Saunders, Va.
Anthony	Flynn	Lever	Scott, Iowa
Austin	Focht	Linthicum	Scott, Pa.
Beshlin	Foster	Lunn	Scully
Booher	Freeman	McClintic	Sears
Brand	Gallagher	McCormick	Shackleford
Brumbaugh	Gallivan	McCulloch	Sherley
Buchanan	Glass	McLaughlin, Mich.	Shouse
Butler	Godwin, N. C.	McLaughlin, Pa.	Slemp
Byrns, Tenn.	Goodall	Mann	Small
Caldwell	Graham, Ill.	Martin	Smith, Idaho
Campbell, Pa.	Graham, Pa.	Meeker	Smith, Chas. B.
Candler, Miss.	Gray, Ala.	Merritt	Snell
Carew	Gray, N. J.	Mondell	Snyder
Chandler, N. Y.	Green, Iowa	Montague	Steenerson
Church	Greene, Vt.	Morin	Stephens, Nebr.
Clark, Fla.	Gregg	Mott	Stiness
Clark, Pa.	Griest	Mudd	Strong
Collier	Griffin	Nelson	Sullivan
Connelly, Kans.	Hamill	Nichols, Mich.	Sumners
Cooper, Ohio	Hamilton, N. Y.	Norton	Switzer
Copley	Haugen	Oliver, N. Y.	Taylor, Colo.
Costello	Heaton	Olney	Templeton
Cramton	Heflin	Overstreet	Thompson
Curry, Cal.	Heintz	Parker, N. J.	Timberlake
Dale, N. Y.	Hicks	Porter	Tinkham
Davidson	Hood	Powers	Towner
Decker	Howard	Price	Vare
Denison	Hutchinson	Purnell	Venable
Dent	Igoe	Rainey, Henry T.	Voigt
Dewalt	Jacoway	Rankin	Walker
Dooling	James	Riordan	Wason
Drukker	Johnson, S. Dak.	Roberts	Watson, Pa.
Dupré	Jones	Robinson	Watson, Va.
Dyer	Kahn	Rodenberg	Webb
Eagan	Kearns	Rowland	Whaley
Edmonds	Kelley, Mich.	Rubey	Wilson, Ill.
Estopinal	Kennedy, R. I.	Rucker	Winslow
Evans	Kettner	Sanders, La.	Wright
Fairchild, B. L.	King	Sanders, N. Y.	Young, N. Dak.
Fairchild, G. W.	Kreider	Sanford	

The SPEAKER pro tempore. Two hundred and sixty-six Members have answered to their names on this call, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts to order the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. No amendments are pending. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to recommit, and send the motion to the desk and ask to have it read.

The Clerk read as follows:

Mr. MOORE of Pennsylvania moves to recommit the bill H. R. 11283 to the Committee on Banking and Currency, with instructions to report the same forthwith with an amendment striking out section 2.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 28, noes 117.

So the motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. PHELAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT OF INCOME AND EXCESS-PROFITS TAXES.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to insert in the CONGRESSIONAL RECORD a letter from the Commissioner of Internal Revenue relative to permission to pay income and excess-profits taxes in advance. Some weeks ago I received a letter from the commissioner in which he set forth that such might be done, and I replied by saying that I had been informed that some revenue collectors had refused to accept partial payments—installment payments.

Mr. TREADWAY. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. In a moment. I wrote him to that effect, and I have a reply setting forth that the department on receipt of that letter had issued a circular letter to all internal-revenue collectors carrying instructions to accept partial payments. I ask unanimous consent to insert both the letter and the circular order in the RECORD.

Mr. MADDEN. Mr. Speaker, reserving the right to object, I know personally of a case where a collector in an Indiana district refused to accept the payment of $12,500.

Mr. BARNHART. So do I, and that is the reason why I wrote the commissioner; and I have the reply saying that the revenue collectors have all been instructed to accept installment payments.

Mr. MADDEN. Of course, it is not any favor to be permitted to pay in advance.

The SPEAKER pro tempore. All this debate is by unanimous consent.

Mr. MADDEN. Yes; I am reserving the right to object. What does the Commissioner of Internal Revenue say to the possibility of getting an opportunity afforded to people to be permitted to pay their taxes in installments after the date they become due?

Mr. BARNHART. I inquired about that by telephone, and the commissioner said that he had no legal authority to permit taxes to become delinquent; he could not do that; he could only act as directed by law; but he states that the excess-profits and the internal-revenue taxes may be paid in installments in advance just as we pay our local, State, and county taxes, all within the fiscal year, in two installments. At least we do that in Indiana, and I think you do in Illinois.

Mr. MADDEN. No; we always pay in one sum.

Mr. BARNHART. You pay within the fiscal year, but the department says that unless there is some enactment to the contrary that the collectors have no alternative except to consider the taxes delinquent after the time fixed at the end of the fiscal year, which closes, as I understand, on the 1st of July.

Mr. MADDEN. As far as I have been able to ascertain, there is no disposition on the part of the Congress to embarrass the department, but I feel quite sure if the department would indicate that it has no objection to the division of the payment into quarterly or half yearly installments we would be able to get legislation.

Mr. BARNHART. That is what is indicated in this communication.

The SPEAKER pro tempore. Is there objection?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, is not this a matter of great interest to all Members of the House? We have all been importuned to see if something can not be done about the paying by installment of the excess-profits taxes. I understand the gentleman makes the request that this letter be inserted in the RECORD. Is it not of sufficient interest to the membership of the House here present to have it read by the Clerk at this time rather than insert it in the RECORD?

Mr. STAFFORD. Mr. Speaker, the letter referred to relates only to the paying of present taxes in advance and not in deferred payments. I understand a letter has been addressed by the Commissioner of Internal Revenue to the gentleman from Pennsylvania [Mr. MCFADDEN] with respect to the matter of deferred payments.

Mr. TREADWAY. I ask that the gentleman modify——

Mr. BLACK and Mr. SHALLENBERGER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded, and the regular order is, Is there objection to the request of the gentleman from Indiana to extend his remarks in the RECORD by inserting the letter indicated?

Mr. MCFADDEN. Mr. Speaker, reserving the right to object——

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 22, 1918.

Hon. H. A. BARNHART,
House of Representatives, Washington, D. C.

MY DEAR MR. BARNHART: Receipt is acknowledged of your letter of the 17th instant, in which you make reference to a statement contained in a letter from this office that there will be no objection to making payment of income and excess-profits taxes by installments, provided such payment is made in advance. You state that you are receiving information that when partial payments are offered to collectors of internal revenue they are refused, and in view of the fact that you have advised taxpayers that installment payments will be accepted provided they are made in advance you wish to be advised what reply should be made to those taxpayers whose tenders of advance payments are refused by collectors.

In reply, you are informed that as soon as the attention of this office was called to the fact that collectors of internal revenue were refusing to accept advance payments of income and excess-profits taxes, a mimeographed letter (copy herewith) was addressed to collectors of internal revenue, which letter will, without doubt, result in the acceptance of all partial payments of taxes made in advance by taxpayers.

Sincerely, yours,

DANIEL C. ROPER, *Commissioner.*

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, April 12, 1918.

To collectors of internal revenue:

It has come to the attention of this office that some collectors have been refusing to accept advance payments on income and excess-profits taxes from individuals and corporations when payment has been tendered subsequent to the filing of the return, but prior to the issuance of notice of assessment.

Collectors should accept, up to the due date of the tax, advance payments in whole or in part of the tax shown on the return. Of course, no discount is permissible on partial payments unless made in accordance with section 1009 of the act of October 3, 1917.

In this connection, special attention is called to article 40, Regulations No. 33, Revised, and the detailed instructions contained in T. D. 2622, amended by T. D.'s 2674 and 2695. Taxpayers have a right to take advantage of the discount at the rate of 3 per cent per annum, if payment is made in accordance with section 1009 and with the Treasury decisions referred to on or before May 15, 1918.

Proper record should be maintained of payments received under the above-named conditions in order that notation may be entered later on assessment lists upon their return from Washington.

Each notice of assessment hereafter sent to taxpayers will be accompanied by a copy of the attached form letter, in the hope that taxpayers will be encouraged to assist in relieving the congestion which will result on June 15.

DANIEL C. ROPER, *Commissioner.*

LEAVE OF ABSENCE.

By unanimous consent, Mr. HOWARD was granted leave of absence for two days, on account of illness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, April 25, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copies of communication from the chairman of the Interstate Commerce Commission submitting deficiency estimates of appropriation required by the Interstate Commerce Commission (H. Doc. No. 1066); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Postmaster General submitting deficiency estimate of appropriation for the payment of indemnities, domestic mail, payable from postal revenue (H. Doc. No. 1067); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a claim for damages by river and harbor work adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 1068); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WHALEY, from the Committee on the Judiciary, to which was referred the bill (S. 2180) to approve mutual cession of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States, reported the same without amendment, accompanied by a report (No. 510), which said bill and report were referred to the House Calendar.

Mr. DIXON, from the Committee on Ways and Means, to which was referred the bill (H. R. 11243) providing for the establishment of the port of San Juan, customs district of Porto Rico, as a port of entry for immediate transportation without appraisement of dutiable merchandise, reported the same without amendment, accompanied by a report (No. 509), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HUDDLESTON, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 11658) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 511), which said bill and report were referred to the Private Calendar.

Mr. BESHLIN, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 512), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 11510) granting a pension to H. R. Dodd, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 11656) to remove all distinctions between members of the Regular Army, the National Army, and the National Guard in the service of the United States of America; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 11657) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 11659) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HASKELL: A bill (H. R. 11660) to provide one-half railroad fares to "persons in military service" upon all passenger trains of the railroads and systems of transportation in the possession, use, control, and operation of the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 11661) to add certain lands to the Yellowstone National Park; to the Committee on the Public Lands.

Also, a bill (H. R. 11662) donating to the town of Thermopolis, Wyo., two brass or bronze cannon; to the Committee on Military Affairs.

By Mr. CHANDLER of Oklahoma: Resolution (H. Res. 322) requesting certain information from the Secretary of the Interior; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HUDDLESTON: A bill (H. R. 11658) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BESHLIN: A bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the

Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ASHBROOK: A bill (H. R. 11664) granting an increase of pension to James Devall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11665) granting an increase of pension to John Frank Uhl; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 11666) granting an increase of pension to Byron Wilcox; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11667) for the relief of Mathilda Peddicord, wife of Henry W. Peddicord, deceased; to the Committee on War Claims.

By Mr. CRAMTON: A bill (H. R. 11668) granting an increase of pension to Hannah J. Clark; to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 11669) granting an increase of pension to Lawrence Mericle; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 11670) granting a pension to A. Josephine Kinback; to the Committee on Pensions.

Also, a bill (H. R. 11671) granting an increase of pension to John J. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11672) granting a pension to Frances Horan; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 11673) for the relief of John K. Ashley, jr.; to the Committee on Claims.

By Mr. GRIEST: A bill (H. R. 11674) granting an increase of pension to William D. Campbell; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 11675) to restore Maj. Robert H. Peck, of the Regular Army, to the place in the lineal list he would have occupied had he not been separated from the service; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 11676) granting a pension to George F. Holladay; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11677) granting a pension to Samuel L. Lilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11678) granting a pension to Thomas Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting a pension to Addeline King; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11680) granting an increase of pension to Jacob Miller; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 11681) granting an increase of pension to Alice A. Thorburn; to the Committee on Pensions.

By Mr. LAZARO: A bill (H. R. 11682) for the relief of the estate of Henry Ware, deceased; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 11683) for the relief of the William Gordon Corporation; to the Committee on Claims.

By Mr. MUDD: A bill (H. R. 11684) for the relief of John Jakes; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 11685) granting an increase of pension to Samuel Davis; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11686) granting an increase of pension to George W. Hollenbank; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11687) granting an increase of pension to Myron S. Towne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11688) granting an increase of pension to George W. Silvers; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 11689) for the relief of Marion Banta; to the Committee on Claims.

By Mr. SHERWOOD: A bill (H. R. 11690) granting an increase of pension to Stephen Clifford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Memorial of the Chamber of Commerce of the United States of America relative to central control of Government war buying; to the Committee on Military Affairs.

By Mr. CRISP: Petition of Colony Post No. 14, Department of Georgia, Grand Army of the Republic, for increase of pension of Union soldiers; to the Committee on Invalid Pensions.

By Mr. ESCH: Resolution of the Chamber of Commerce of the United States relative to central control of Government war buying; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of the Boot and Shoe Travelers' Association opposing the increase of second-class postage rates and the zone system; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of the Presbytery of Monmouth, Ill., with a constituency of 30,000, because of the crying need in these critical times for conservation of food and man power, urging anew and with deepening conviction prompt action in giving the country full war prohibition by new legislative action; to the Committee on the Judiciary.

By Mr. KELLEY of Michigan: Petition of the Ladies' Unity Club, of Walled Lake, Mich., protesting against zone rate of postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petition of Levenson & Zenitz, of Baltimore, Md., against passage of House bill 10591, relative to regulating selling on installment plan; to the Committee on the District of Columbia.

Also, memorial of the Baltimore (Md.) Chamber of Commerce, favoring exemption of the Interstate Commerce Commission from the operations of the Overman bill; to the Committee on Military Affairs.

Also, petition of the Women's Civic League of Baltimore, Md., favoring passage of House bill 6490; to the Committee on Education.

Also, petitions of P. F. Collier & Son and the Enoch Pratt Free Library, of Baltimore, Md., against the zone system for periodicals; to the Committee on Ways and Means.

Also, petition of Baltimore (Md.) Belting Co., favoring amending food-control bill to embrace other commodities, including hides and leather; to the Committee on Agriculture.

By Mr. MAGEE: Petition of the Syracuse Assistant Pressmen and Feeder's Union, No. 32, protesting against the zone system of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Resolution of the California Federation of Women's Clubs, in session at Oakland, Cal., and indorsed by the Friday Morning Club of Los Angeles, petitioning the President and Congress to immediately prohibit the beverage-liquor traffic as a war measure; to the Committee on the Judiciary.

By Mr. SNELL: Resolutions of the senate of the State of New York, that this legislature associates itself with the public's progressive enlightened demand for the retention and extension of the mail-tube system as a necessity of the post office and a relief to the congestion of the already overcrowded thoroughfares of our larger cities; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profit taxes from the Ford Manufacturing Co., Waterford, N. Y.; Broder & Co., Max Greenburg & Co., New York; H. A. Meldram Co., Sinclair, Rooney & Co., the William Hengerer Co., Buffalo, N. Y.; Franklin D'Olier & Co., Notaseme Hosiery Co., Jacob Miller Sons Co., Schell, Longstreth & Co., Philadelphia, Pa.; Shaker Knitting Mills Co., Chicago, Ill.; to the Committee on Ways and Means.

By Mr. STINESS: Petition of 119 citizens of Rhode Island, favoring adequate punishment for spies and traitors in the United States; to the Committee on the Judiciary.

By Mr. TILSON: Petition of the Wallingford (Conn.) Central Labor Union, favoring the election of and recall of Federal judges by the people; to the Committee on the Judiciary.

SENATE.

THURSDAY, *April 25, 1918.*

(Legislative day of Wednesday, April 24, 1918.)

The Senate met at 12 o'clock noon.

The Vice President being absent, the President pro tempore assumed the chair.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Jones, Wash.	Nugent
Baird	France	Kirby	Overman
Bankhead	Gallinger	Lenroot	Page
Beckham	Gerry	Lodge	Poindexter
Brandegee	Gronna	McCumber	Pomerene
Chamberlain	Hale	McKellar	Ransdell
Culberson	Harding	McLean	Sanisbury
Cummins	Hardwick	McNary	Shafroth
Curtis	Henderson	Martin	Sheppard
Dillingham	Hollis	Nelson	Sherman
Fall	Johnson, Cal.	New	Smith, Ariz.
Fernald	Jones, N. Mex.	Norris	Smith, Ga.

Smoot	Thomas	Underwood	Williams
Sterling	Thompson	Vardaman	Wolcott
Sutherland	Tillman	Wadsworth	
Swanson	Trammell	Walsh	

Mr. HENDERSON. I wish to announce that the senior Senator from Nevada [Mr. PITTMAN] is absent in the liberty-loan campaign. I ask that this announcement may stand for the day.

Mr. KIRBY. I desire to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is detained in the liberty-loan campaign. I wish also to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness, and that the Senator from California [Mr. PHELAN] and the Senator from Tennessee [Mr. SHIELDS] are absent on official business.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

LIBERTY-LOAN PARADE.

The PRESIDENT pro tempore. With the permission of the Senate, the Chair will lay before the Senate a communication regarding the liberty-loan parade, which the Secretary will read.

The Secretary read as follows:

LIBERTY LOAN COMMITTEE,
Washington, D. C., April 21, 1918.

Hon. THOMAS R. MARSHALL,
Vice President of the United States,
The Capitol, Washington, D. C.

MY DEAR MR. VICE PRESIDENT: Pursuant to the proclamation of President Wilson the citizens of Washington will observe Liberty Day next Friday afternoon with a liberty bond buyers' parade, which will leave the Peace Monument at 2 o'clock sharp.

This will be a parade of all men and women in Washington who have bought liberty bonds of the third issue.

As chairman of the liberty bond buyers' parade committee, I am directed to extend an invitation to you and the Members and employees of the Senate to take part in this practical demonstration of interest in the boys "over there."

I am sure that the participation of the Members of the Senate in this demonstration would be a marked example to the country.

Kindly have this invitation placed before the Senate at its meeting to-morrow, Monday, as the time is short.

Yours, very truly,

CHAS. J. COLUMBUS,
Chairman Liberty Bond Buyers' Committee.

Mr. MARTIN. Mr. President, in order that Senators and the officers and employees of the Senate may have an opportunity to participate in the liberty-loan parade, which commences at 2 o'clock to-morrow afternoon, I move that to-morrow at 1.30 o'clock p. m. the Senate shall stand adjourned until 12 o'clock noon the following day.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. HOLLIS. Mr. President, in the past few days there has been some discussion in the Senate about the Mooney case in San Francisco. I have taken no part in that discussion; I have not investigated the matter and have no opinion as to whether Mr. Mooney was fairly convicted or not; but in view of what has been said about the attempt to create a strike on account of the Mooney case, I desire to place in the RECORD a statement issued by Mr. Gompers, president of the American Federation of Labor, in which he vigorously condemns any effort to incite strikes in connection with the Mooney case.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The communication is as follows:

STATEMENT ISSUED BY SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

WASHINGTON, D. C., *April 22, 1918.*

The machinations of the prosecution in the Mooney trial justifies the judgment that he was found guilty on perjured evidence; it is greatly regrettable that the California courts refused to consider this claim which was discovered since the trial. Every legal action has been and will be taken by the bona fide labor movement of the United States to secure justice for Mooney. Any attempt to incite a strike of the workers of a trade or industry of a locality, State, or of the Nation, is not only violative of the laws of the national and international unions of America but is repugnant to the rights and the interests of the workers themselves. Such an attempt either to incite or order a local or general strike is unjustifiable and dangerously prejudicial to the lives of our sons and brothers fighting in France for the safety of the homes, freedom, and democracy the world over. In addition, such an agitation as has been inaugurated can only react against Mooney.

Men of labor, let us, with all fair-minded citizens, endeavor to secure justice for Mooney, but let us put forth our efforts on a line that will insure commendation, not condemnation coupled with failure.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11020. An act to amend and reenact sections 5136, 5137, 5139, 5147, 5172, 5222, and 5230 of the Revised Statutes of the United States; and

H. R. 11283. An act to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army, and it was thereupon signed by the President pro tempore.

TRENTINO REFUGEES IN ITALY.

Mr. CALDER. Mr. President, at the outbreak of this war FIORELLO H. LAGUARDIA, a brilliant young lawyer of Italian parentage and a Representative in Congress from New York City, offered his services to the War Department. He was commissioned a captain in the United States Army, and since October 1 has served in an aero squadron in Italy. Because of his familiarity with the Italian language, he has often been called upon by our ambassador in Italy to speak at many Italian affairs of importance, notably the Italian Parliament, representing the ambassador and our Government. Recently in Milan, after speaking at an immense mass meeting in that city, he was approached by a committee representing the Trentino refugees, who submitted to him a petition setting forth some of their troubles. He has sent this petition to me—I received it in this morning's mail—and I ask unanimous consent that Capt. LAGUARDIA's letter and the petition be printed in the RECORD.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

CAMP OVEST, FOGGIA, ITALY, *March 20, 1918.*

Hon. WILLIAM CALDER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I inclose herewith copy of translation of a letter which was handed to me by a committee of Trentino refugees at Milan after I had addressed a meeting held under the auspices of the Parliamentary Union at the Scala Theater of that city. I was so impressed with the sincerity and the determination of these unfortunate people that I deemed it worthy of transmitting to you.

Sincerely,

F. LAGUARDIA.

[Commission of Emigration, Trentino. Organized by virtue of the prefectoral decree of Apr. 12, 1916, and approved by Royal decree July 25, 1916. No. 1142.]

MILAN, *February 4, 1918.*

To the Hon. Mr. LAGUARDIA,
Member of the American Congress:

The Trentino refugees in Italy no longer have here their former representatives.

The deputy from Trent, Cesare Battisti, after having preached the necessity of the war in all Italian cities, was made a prisoner while fighting and was hung by the Austrians.

The deputies from Rovereto and from the Trentino Valleys, the mayors and the local authorities, the influential men, are in Austria, either under sentence or interned. They had not fled, believing it their duty to await at their posts the prompt arrival of the liberating army.

At present, therefore, the Trentino refugees in Italy are forming for themselves a vast association, which will unite them all, so that with full authority can be made known to the allies the Italianism and the right of Trentino to become united to Italy and saved from destruction.

In the meantime the Trentino commission of emigration is speaking in their name.

We want the allies all to know that Trentino is a country completely Italian in race, in language, in customs, and that among this solid mass there is not 1 per cent of Teuton; that she has clung desperately to her language; and that her peoples have stood against German violence and German deceit, but that the war has exhausted and destroyed all her material, if not yet her moral forces; and that should she be compelled to remain Austrian we would be irremediably obliterated by the renewed exasperated preponderance of our enemies, the Germans; that they have already confiscated our land and our property; they have deported more than a hundred thousand persons from their country, to their ruin or death.

Trentino is of no value to Austria other than as an arm for dominating Italy; on the other hand, Italy can never live freely with such a wedge in her heart. We are an honest little people, trampled on and crushed, massacred, and dispersed, but who do not wish to perish.

We do not wish to perish, and therefore we must be rescued from Austrian—that is, German—power. We have proclaimed all this loudly and in the face of danger. There is no need of a new plebiscite. This would be to-day a nasty derision.

It has been proclaimed by our deputies elected by universal suffrage. They are dead, incarcerated, or interned, and thir voices to-day are stifled. It has been proclaimed by our mayors and our chiefs, including the clergy and the bishop who shared the same fate. It has been proclaimed by the thousands of citizens condemned for high treason and whose property was confiscated; our prisoners who came from Russia, about 2,000, while many thousands have demanded it who are now in part, perhaps, arriving in America from Siberia; all the deported ones have demanded it, but above all our volunteers, who have no voice but who with the ready offer of their lives cry out to the world the will and the needs of Trentino.

All of this we want to say and to prove to the allies, and especially to America and to her great President.

We do not presume to think that our words and our grief can influence the decisions of your country, but since Mr. Wilson, in one of the most noble programs known to history, has solemnly proclaimed the right of small, oppressed nationalities to live, we want America

to know that if there is a little, oppressed people menaced with destruction, solidly Italian, necessary to complete and assure the independence of Italy it is Trentino; that she looks with firm faith to the great American Nation, which proclaims and sustains to-day the rights of peoples as France and America once proclaimed and sustained the rights of the individual, and that she will not withdraw until final and complete victory.

We present these considerations to you personally, trusting that, conforming to your very noble and categorical affirmations for final victory expressed by you, and trusting also to the warm sympathy of America for our country, you will cause to be heard the sorrowful but proud voice of Trentino, ready for every sacrifice, however great, for the triumph of her legitimate and sacred revindication.

CARLO ESTERLE.
FRANCO CHIVELLI.
GINO MARZANI.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4437) to amend section 11 (a), title 1, Part II, of the act to increase the revenue, and for other purposes, approved September 8, 1916; to the Committee on Finance.

By Mr. KING:

A bill (S. 4438) for the relief of Duchesne and Uinta school districts, in the State of Utah; to the Committee on Indian Affairs.

A bill (S. 4439) to provide for the survey of a national highway connecting certain national monuments in the States of Utah, Arizona, and New Mexico; to the Committee on Public Lands.

A bill (S. 4440) to authorize the judges of the United States Court of Customs Appeals to be assigned to any district or circuit court of appeals of the United States, and conferring the jurisdiction of said courts upon them while so assigned; to the Committee on the Judiciary.

By Mr. REED:

A bill (S. 4441) granting a pension to Charles Edwards (with accompanying papers);

A bill (S. 4442) granting an increase of pension to Louisa Schenk (with accompanying papers); and

A bill (S. 4443) granting a pension to Elizabeth Rider (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4444) to pension widows and minor children of officers and enlisted men who served in the War with Spain, Philippine insurrection, or in China; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4445) granting the consent of Congress to Marion and Horry Counties, S. C., to construct a bridge across Little Peedee River; to the Committee on Commerce.

INDIAN GRAZING LANDS IN UTAH.

Mr. KING submitted the following resolution (S. Res. 232), which was referred to the Committee on Agriculture and Forestry:

Whereas in the counties of Duchesne and Uinta, in the State of Utah, there is a large body of Indian lands known as Indian grazing lands, which has not been allotted in severalty to the Indians of the Ute Tribe, which lands adjoin the Ashley National Forest in the State of Utah; and

Whereas said lands are valuable for grazing purposes and contain areas which are also specially adapted to agricultural use and occupation; and

Whereas said lands are not being utilized for any beneficial purpose and are excluded from the use of the white settlers in said counties; and

Whereas the said Indians, for whose use said lands have ostensibly been set apart, are unable to occupy or make any economic or beneficial use of the same; and

Whereas said Indians, for whose use said lands have been segregated and set apart, are not making an economic or adequate use of said lands, and will not in the future be able to make an economic or adequate use of said lands: Now, therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to report to the Senate the present status of the said so-called Indian grazing lands in Duchesne and Uinta Counties, Utah, and what means may be taken to extinguish the Indian title to said lands and open the same to use, settlement, and occupation, and whether it is convenient and advantageous to add said lands, or any part thereof, to the Uinta National Forest.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On April 22, 1918:

S. 3388. An act to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes.

On April 23, 1918:

S. 4292. An act to conserve the gold supply of the United States; to permit the settlement in silver of trade balances adverse to the United States; to provide silver for subsidiary coinage and for commercial use; to assist foreign governments at war with the enemies of the United States; and for the above purposes to stabilize the price and encourage the production of silver.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles and referred to the Committee on Banking and Currency:

H. R. 11020. An act to amend and reenact sections 5136, 5137, 5139, 5147, 5172, 5222, and 5230 of the Revised Statutes of the United States; and

H. R. 11283. An act to amend and reenact sections 4, 11, 16, 19, and 22 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

The PRESIDENT pro tempore. The Secretary will report the pending amendment.

The SECRETARY. The pending amendment is the last amendment proposed by the Committee on the Judiciary which was passed over, and is to be found on page 2, line 23, after the word "executive" to insert the words "or administrative."

Mr. GALLINGER. Mr. President, I have not occupied any time in the discussion of this bill, and for that reason I feel justified in taking a very few minutes to discuss a matter which is somewhat foreign to the amendment that has been submitted, but which nevertheless has an indirect bearing upon the legislation which is now under consideration.

In a recent issue of the Manchester (N. H.) Mirror, a widely read Republican newspaper, under the caption "Congressional slacking," appears the following editorial, which I ask to have read from the desk, after which I will occupy a few minutes in pointing out its glaring inaccuracies. I ask that the article may be read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and the Secretary will read.

The Secretary read as follows:

The conduct of our national law makers for the last few months has justified the accusation that of all the important war factors in the United States Congress is the only one that has not yet put itself on a war basis.

Congressional methods were never anything to brag about in times of piping peace.

When Congress continues to function on the same old ineffective plane in the midst of the world's supreme crisis, it becomes intolerable.

A Massachusetts Congressman not long ago got up in meeting and told his colleagues what he thought of their frittering away of precious time, their loafing in committee rooms, their endless postponements, their political scheming, their elaborate faultfinding with other departments of Government while neglecting constructive action of their own and refusing to pass bills imperatively needed for the prosecution of the war.

After that speech the House spent two whole days in vocal condemnation of the offending Member.

And nearly every other Member must have known, nevertheless, that most of his strictures were true.

Washington correspondents say that the law makers among themselves frankly recognize their failure so far in this session, and even "laugh and joke about it," that their pose of injured dignity under criticism is for public effect.

However that may be, the record thus far is a shameful one.

Congress neglected to pass legislation enabling the Government to issue its third liberty loan until the Secretary of the Treasury, in despair, only a few days before the date for opening the loan, forced its hand by arranging and publishing the terms and conditions of the loan without authority.

Congress has persistently refused to do anything about the second Army draft until time for starting it has passed, and the War Department has been compelled to inaugurate it by makeshift methods.

Measures meant to give the executive department needed authority for departmental reorganization have dragged along interminably.

Appointments have been held up.

Imperative appropriation bills have not been passed.

Laws for dealing adequately with spies and traitors are still lacking.

It has almost seemed, at times, that Congress has stopped functioning.

There are some signs of improvement now, due possibly to the fact that the menace of the big German drive has penetrated to some congressional minds not hitherto awakened.

There is room for much more improvement.

And if it doesn't appear soon, the country will deal very drastically, in the fall elections, with numerous Congressmen of both parties.

Mr. GALLINGER. Mr. President, I have examined the CONGRESSIONAL RECORD in connection with the matter which the editor of that paper makes the statement that two days were con-

sumed in the other House in debating something connected with a Member of that body, and I discover that one hour was occupied by a Member of the House in a speech which he made, and that was the amount of time which was consumed. There is quite a difference between one hour and two days.

As to the liberty loan, it is perfectly well known to every Member of this body that the arrangements were not made for launching that loan until the time arrived when it was launched, because of the fact that the Secretary of the Treasury was undecided in his own mind what rate of interest the bonds should bear. Hence, Congress was not in any way responsible for a delay in that matter, and the loan could not have been launched any sooner than it was under the circumstances which then existed.

Mr. President, at the present session of Congress there have been passed and approved by the President 58 public laws and resolutions, 36 of which are essentially war measures, and the others bear a close relation to the war.

Two other war bills are now in the hands of the President awaiting his signature, and there are in conference, and will soon be enacted, four other purely war measures.

In addition to the above, each House has passed a number of war bills that are now under consideration by the other House, and which will doubtless soon become laws.

Regarding the matter of appropriations, concerning which the newspaper editorial finds fault, the facts are that both Houses have acted on appropriation bills, as follows: The Agricultural appropriation bill, carrying $28,291,283; the Indian appropriation bill, carrying $11,119,850; and the legislative appropriation bill, carrying $70,023,965.75, all of which are now in conference. The Diplomatic and Consular appropriation bill, carrying $7,937,376.66; the urgent deficiency appropriation bill, carrying $5,356,666,016.93; and the further urgent deficiency bill, carrying $731,901,789.46, have become laws. The total amount appropriated by those measures is $6,205,940,281.80, to which may be added very large amounts carried in general legislative bills, such as $50,000,000 for the Shipping Board housing bill, and another bill that has passed the House and is now under consideration by the Senate, which will doubtless be passed in a few days, makes a further appropriation of $60,000,000 for housing purposes, and it is understood that another deficiency bill will soon be acted on.

Mr. President, the plain, palpable truth is that the number of important measures already enacted into law, designed to strengthen the hands of the President in the vigorous prosecution of the war, for all of which bills I have voted, should satisfy every reasonable man that Congress has done its full duty, and it greatly surprises me that so influential and careful a newspaper as the Manchester Mirror should join in the cry that Congress is culpably negligent in the matter of war legislation—an assertion that the record absolutely disproves. If there is any "slacking" in the prosecution of the war, it is not in Congress, and this foolish charge, iterated and reiterated in the press, should be stopped, and the blame placed at the door of those responsible for whatever delays or mismanagement may exist.

Mr. McCUMBER. I wish to ask the Senator if a single department has had to wait one minute for money necessary to carry on this war?

Mr. GALLINGER. So far as I have observed, and as a Member of the Committee on Appropriations I have looked into that matter somewhat, the question the Senator asks answers itself. No department has had to wait. On the contrary, more money has been appropriated than has been used, and no interest is suffering because of the lack of prompt action on the part of Congress in the matter of appropriations.

Mr. GALLINGER subsequently said: Mr. President, earlier in the day I made some brief observations on the appropriations made during the present session. I have in my hand an address delivered by the senior Senator from Massachusetts [Mr. LODGE] on October 11, 1917, before the Massachusetts Historical Society, entitled "Recent Congressional Legislation," which deals with matters of that kind. I ask unanimous consent to have it printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The address referred to is as follows:

[Address of Senator HENRY CABOT LODGE before the Massachusetts Historical Society, October 11, 1917.]

RECENT CONGRESSIONAL LEGISLATION.

"I have not had the pleasure and satisfaction of presiding over a meeting of the society since last November. This enforced absence, however, has been my misfortune and not my fault. I have been the victim of circumstances. But I have felt that after this long interval, if I could have the indulgence of the society, I should like to say something in regard to the events of the past year. That period has been signalized by one of the greatest events of modern history and it has been a year crowded with great events. I refer, of course, to the entrance of the United States into the world war. When Canning uttered his famous declaration in the House of Commons, that he would call in the New World to redress the balance of the old, he little thought how that declaration would be carried out. We have entered the war and we are now engaged in the great effort to redress the balance of the Old World.

"I am going to say a few words about what led up to this momentous action on the part of the United States and what has been done since. It will be remembered that the last election turned and was decided upon the assertion that the President had kept the peace, and that he would continue to keep the peace. Many Democrats, I think, voted for the Republican candidate, but many more Republicans voted for Mr. Wilson on the sole ground that he had kept the peace, and although the margins in many States were narrow the result was decisive.

"The President, on the 18th of December, almost immediately after the assembling of Congress, sent to the powers, the other nations of the world, what was known as the 'peace note,' which seemed to be the logical deduction from the election which had just taken place. It so chanced that the note appeared almost simultaneously with Germany's first attempt to bring about some sort of German peace, an unlucky coincidence. The President followed up his note by an address to the Senate in favor of a league for peace, what might be called a peace plan. That was on January 22, 1917. Both the peace note and the peace plan brought forth much criticism and caused but little satisfaction here. It is not, therefore, without interest in this connection to consider for a moment their reception in Germany which does not seem to have accorded entirely with the enthusiasm of Count Bernstorff, who in a New York newspaper compared the President's note to the Star of Bethlehem.

"There has just been published a book entitled 'My Four Years in Germany,' by Mr. Gerard, which is very interesting and very instructive as to the effect of the President's position in the winter of 1916–1917 upon German opinion. It appears from Mr. Gerard's book that all the leading members of the Government as well as the German press—and I suppose Germans generally, although that does not matter—all felt that after the election carried upon the peace issue, and after the President's peace note, there was no possibility of the United States going into the war; that neither the President could advise war nor that the people would follow him into war if he should advise it. They were also dissatisfied with the "peace plan" because it was not in every respect as consonant with German plans and as thoroughly friendly to Germany as they expected and desired it to be.

"This attitude of the German mind is an interesting illustration of the point at which the Germans have been curiously inefficient—their utter failure to form any just judgment of the psychology of other nations. They were perfectly confident that England would not come into the war. They believed England to be on the verge of civil war, and it broke on them with a shock of tremendous surprise when England went unitedly into the war upon the invasion of Belgium. We learn from Mr. Gerard's book that a similar surprise was occasioned in Germany when we acted and went to war with practical unanimity.

"I do not think that the fact of this German belief in our determination to have peace at any price was decisive of their action; I believe that they would have taken the same action in any event, but they were nevertheless proceeding upon that belief. They followed up the President's plan for peace by declaring a new submarine zone, and stated in their note to us that we could send one ship, painted as nearly as one could make out like a barber's pole, once a week to some given port, but that with this insulting exception they were going to make the new submarine campaign ruthless and all destructive. The chancellor stated that this new campaign had been delayed merely because they were waiting until they had completed a sufficient number of submarines. Perhaps you may not all realize just what that statement meant. It meant that the assurances which they had given to this country after the *Sussex* incident were absolutely false and that every note they wrote was false, and that they knew them to be false and meant them to be so; that they had no idea of carrying out any one of those assurances. Therefore, when they issued their declaration of the new zone they, of course, broke all the assurances which they had given this country, and thereupon the President severed relations with Germany on the 3d of February, 1917.

"The Congress was then drawing toward its last days. It was a period of very deep anxiety and very severe strain, because it was not at all clear what we were going to do. The President asked for authority from Congress to arm merchantmen. A bill for that purpose passed the House and came to the Senate in the closing days of February. It was reported unanimously from the Foreign Relations Committee, but in the Senate a resistance in the form of parliamentary obstruction developed on the part of a small group of Senators, who have since, with a few exceptions, been resisting or seeking to injure directly or indirectly all war legislation. Owing to the fact that we were in the last day of the session the cloture could not be applied; there was not time for it, and there was, therefore, no method of giving the President by law the authority asked for. I was inclined myself to agree with him that he could have armed the merchantmen without specific authority from Congress. The importance of congressional action, it seemed to me then, was that in this way we gave the crews of merchantmen and all men on board a military status and took them out of the possibility of being treated as pirates. There was a defect in our existing laws which ought to have been covered. But however that may be, the bill failed and Congress adjourned.

"The President at first was inclined not to call the new Congress until the last possible moment. There were three large regular appropriation bills which went over, and this made it necessary in any event to summon Congress before the end of the fiscal year, which was June 30. But overt acts continued to be committed by the German Government, and on the 21st of March the President called Congress in extraordinary session. Congress convened on the 2d of April and the President came before the Houses that same evening and delivered the message which all the world read, a most admirable message and a very powerful statement of the American case. Four days later Congress passed the war resolution declaring that a state of war existed with Germany, and it was at once signed by the President.

"As I have been to a certain extent a participant in what has happened since that time, I thought that the society would permit me to call attention to the conditions we in Congress were obliged to meet and to what we have done. You see reports from day to day in the newspapers, but perhaps the facts have not been all brought to your attention in a single statement.

"It is to be remembered, in the first place, that we were practically wholly unprepared. There was a strong movement for preparation immediately after the war in Europe opened in 1914. At that time the President discountenanced the movement and referred to those who were urging preparation as nervous and excited. A year later he had changed his mind, and he made, as you all recall, a tour through the country strongly urging preparation. The Secretary of War had a plan for increasing the Regular Army, having what he termed a "continental army" as a reserve, of 400,000 men, and also for making large expenditures for munitions. Unfortunately, the chairman of the House Military Committee, Mr. Hay, of Virginia, who has since been made a judge, had held that position for many years and had always resisted doing anything for the proper increase of the Regular Army. He, too, had a characteristic plan which really did nothing, and the President accepted Mr. Hay's plan. This resulted in the retirement of Mr. Garrison from the Cabinet. I think that I am speaking within bounds when I say that Mr. Hay by his policy did more injury to this country at a great crisis than any one man I have ever known of in either branch of Congress. Therefore, when war was declared two precious years had been wasted and practically nothing done in the way of preparation for the Army. Even the Regular Army appropriation bill for this year had not been passed on March 4. It was one of the bills which had gone over.

"The Navy fared better. The chairman of the House Committee on Naval Affairs is Mr. PADGETT, of Tennessee; he has been for many years chairman of that committee, has a remarkable knowledge of everything connected with the Navy, and is a very wise and liberal-minded man. Mr. PADGETT in 1916 prepared a bill which had in it a good deal of legislation in addition to the appropriations, and in due course it came over to the Senate. It so happened that I was one of the subcommittee of two to whom the bill was referred, and as the full committee adopted the bill without a change, and as the Senate subsequently adopted the committee bill without a change, I think I may say that Senator SWANSON, of Virginia, who, owing to the illness of Senator TILLMAN, was the acting chairman of the committee, and to whom the country owes a great debt, and I really framed the Senate amendments, 250 in number. I mention this merely because I am trying to show what happened to the Navy and what a benefit even this one year of preparation proved to be.

"The naval bill of 1916 was really a great legislative measure with incidental appropriations. We legislated for the Naval Reserve; we created the Naval Militia; we provided for taking over in time of war the Revenue-Cutter Service and the Coast Survey Service. We revised the law in regard to the personnel of the Navy, regulating promotions, and a vast mass of other detail legislation, all making for the preparation of the Navy. We appropriated $313,000,000, covering the largest program ever made in this country, and as large, I think, as has ever been made in almost any country for a single year, and it seemed at that moment a very large amount. To-day it seems very moderate.

"That bill passed in August, 1916. Last winter we passed another naval bill with comparatively little legislation in it, for not much was needed, but we increased the appropriations. We gave the President $150,000,000 for the purchase of submarine chasers and patrol boats and to expedite the building of vessels already contracted for, and we made further large authorizations. This bill appropriated over $500,000,000. It was the 3d of March when that bill became law, only a month before war was declared. The other bill was passed less than a year before. Yet the fact that even this amount of preparation had been made has been of inestimable value. And if you will pause a moment to think you will recall how little has been said about preparation in the Navy since the war began and comparatively little money voted—I say comparatively—a good many hundred millions have been added, but comparatively it has been little. The Navy was able to move at once. Before April had expired we had destroyers on the coast of Ireland, and we have been adding to them steadily, until now we have a very formidable fleet of that character on the other side of the water.

"There has been a great deal done in Congress in addition to this. Great powers have been granted to the President, necessary powers, as I think, wisely granted, as I hope. We have created a Shipping Board with enormous powers and enormous appropriations, which is taking over practically all the shipping of the United States. We were very unfortunate in the man who was first made chairman of that board—Mr. Denman, of California. I do not need to go into details; it is enough to say that his operations in the board caused a delay of something like five months, and instead of beginning to get vessels early next spring we shall be lucky if we get any by next July.

"We also established a Food Commission and a Coal Commission, and they are engaged in an experiment which is to me of immense interest. History tends to show that all attempts at price fixing have been failures, but we are now attempting to lower prices—not only to fix prices but to lower prices except labor prices and costs—and at the same time to stimulate production, increase confidence, reduce profits, and place huge loans. I am anxious to see how well it works. It is an ambitious program. If it works successfully it will be a great benefit, but I venture to think that there are risks and uncertainties connected with it.

"We have also a commission on railroad transportation to determine priority of shipments.

"The part of all this work with which I came in closest contact was that which fell upon Congress, the work which Congress was called upon to do and which could be done only by Congress. Congress has its defects; nobody is more aware of them than I, but sometimes it is without reason made a packhorse for every fault that can be found or imagined. The newspapers steadily charged Congress with intolerable delay and that we were wasting time in discussions. The best answer to this charge is to state what Congress actually has accomplished. I might say in addition that Mr. Balfour and the heads of other missions who were here spoke not only in praise but with wonder at the amount that was accomplished in Congress; and the newspapers, I think, in getting impatient of debate, hardly stopped to consider that we could not pass and ought not to have passed without discussion bills which entirely revolutionized what we are pleased to call our constitutional privileges and rights, and that it was inevitable and proper that there should be some discussion about them. Delays, grievous delays, there have been but not in the legislative branch of the Government.

"Now, as to this question of congressional delay. I shall not take long, but I think it may interest the society to know what the Congress has actually done since the declaration of war on

the 6th day of April. We first passed a general deficiency appropriation act appropriating $\$163,000,000$, of which $\$100,000,000$ was for national security and defense and for each and every purpose connected with the war.

"We passed an act authorizing the issue of bonds to meet measures for national security. This act appropriated $\$3,000,000,000$ for establishing credits for foreign governments and $\$2,000,000,000$ to meet domestic expenditures, and a certain additional amount to consolidate and take up some small outstanding loans.

"We passed an act giving an additional midshipman to each Senator and each congressional district.

"We passed the regular appropriation act carrying $\$223,000,000$ for the support of the Army for the regular fiscal year.

"We passed an act authorizing the President to increase temporarily the Military Establishment of the United States—this was the act which authorized the selective draft of a million men—and there was a great deal of subsidiary legislation connected with it. Members will recall that it took England and Canada some three years to pass conscription acts.

"We passed a resolution authorizing the President to take over for the United States shipping owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war. This covered the German vessels, something over 500,000 tons. They are now all in the service, practically, and serving as transports for our troops.

"We passed an act to increase the commission and warrant and enlisted strength of the Navy from 87,000 to 150,000 men and of the Marine Corps from 17,000 to 30,000.

"We passed the regular act making appropriations for the Military Academy.

"We passed an act amending the war-risk insurance act; and then the regular act appropriating $\$147,000,000$ for the sundry civil expenses.

"We passed the deficiency bill appropriating $\$3,281,000,000$ for the Military and Naval Establishments, and this act appropriated, among other things, $\$405,000,000$ for an emergency shipping fund.

"We passed an act to punish acts of interference with foreign relations known as the espionage bill. It contained really 12 different bills which had been introduced on these subjects, consolidated into one measure.

"We passed an act—I am leaving out many small ones—we passed an act appropriating $\$640,000,000$ to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, prepare, and operate airships; and also an act in connection with it authorizing the United States to take possession of a site for a permanent aviation station.

"We passed the river and harbor bill, carrying $\$27,000,000$, which looks very moderate at this time.

"We passed an act enlarging the Interstate Commerce Commission;

"An act appropriating $\$11,346,400$ to stimulate food production;

"An act known as the food and fuel act, appropriating $\$162,500,000$ for the conservation of food products and fuel;

"An act to authorize an additional issue of war bonds. This is the second bond issue, under which the present loan is being made. This act makes an additional appropriation of $\$4,000,000,000$ to extend credit in the United States to our allies and for the expenses incident to the preparation and issue of bonds and certificates; and it authorizes an additional issue of $\$3,000,000,000$ of bonds to meet the loans to foreign governments—that covers the $\$3,000,000,000$ of the first act—and an additional issue of one-year certificates of indebtedness beyond the $\$2,000,000,000$ and an issue of five-year war-saving certificates, making $\$5,000,000,000$, carrying all together $\$7,000,000,000$ of new loans.

"We have just passed an act appropriating $\$5,650,000,000$ to supply deficiencies in the appropriation for the fiscal year 1918. This is the largest appropriation act ever passed by this or any other country.

"We passed an act to define, regulate, and punish trading with the enemy, and for other purposes, which appropriates $\$450,000$. That is the 'trading with the enemy act,' a very important act.

"We passed an act to provide revenues to defray war expenses, and for other purposes. This provides approximately $\$2,500,000,000$ of revenue to defray the expense of Government. That is the tax bill, of which I shall say a word presently.

"We passed an act to provide a military and naval family allowance, compensation and insurance fund, known as the soldiers' insurance act.

"Finally, a further act authorizing the Shipping Board to license the use of vessels of foreign registry and construction for the coastwise trade for the period of the war and 120 days thereafter.

"I think this is a very remarkable list of measures which have been passed in six months. The bill which caused the greatest difficulty and consumed the most time was the revenue bill. Bills to spend money and bills to borrow money reaching into the billions passed in a few days and sometimes in a few hours. There was no opposition to either spending or borrowing in Congress or in the country so far as we could see. But when it came to imposing taxes the scene changed and cheerfulness and unanimity disappeared. The bill came over from the House on the 25th of May, and the Committee on Finance, of which I happened to be a member, had that bill for over two months in committee, meeting every day for six or seven hours a day—literally every day. We then had three weeks of debate in the Senate, where there were differences of opinion which had not appeared before on the bond bills and the appropriation bills, and it then went to conference, where it remained for nearly three weeks, and which was the most disagreeable part of the whole business. The House appeared to be obstinate; the Senate, of course, was firm. The result was a great deal of debate, which filled whole days for three weeks, including Sundays. The result is that we have now imposed upon this country for the fiscal year 1917, including the taxes already imposed by existing law, between $\$3,800,000,000$ and $\$4,000,000,000$, a larger sum to take from a people in taxation than has ever been attempted by any nation in the world. I was one of those who thought that we went too far; that we went beyond the line of safety in the taxation of profits and of incomes; and I am afraid we have done so, but we had great difficulty in holding the rates at the figures established by the committee. To give you an idea of what these taxes amount to, the percentage of expenditures to be raised by direct taxation is 36.02 per cent. The highest proportion of taxes to loans in providing for expenditures in time of war was in the last year of our Civil War, when we raised as much as 30 per cent of the expenditures by taxation. We are now raising 36.02 per cent, and the percentage to be met by Government obligations is 63.98 per cent. The percentages raised by direct taxation by other countries involved in the present war after three years of war are:

	Per cent.
England	26
France	14.12
Germany	14⅞
Canada	8

"It is, of course, sound finance to take a large proportion of the expenditures from taxation, but this principle can easily be carried too far, can in fact be made ruinous. And what a strong element in Congress were disposed to overlook was the fact that it was essential to our financial stability and success to keep business as productive and active as possible. For that purpose you must have a certain surplus, so that business can extend and maintain itself. You also must look to that same surplus for all your loans. There was nothing else to do, nowhere else to go for money. When I tell you that it required a great effort and a strong contest in the Senate to defeat a proposition to put a tax of 76 per cent flat on all profits, war profits and peace profits alike, you can see that we have not been as excessive as some people desired, because there were Members of both House and Senate who thought this was an excellent time to seize upon 'criminal wealth.'

"Men, munitions, and money are the essential things. We have the money; the munitions, I am sorry to say, are only beginning to come in. I will give you one example which will give you an idea of what lack of preparation means. The departments came in on the 2d day of July and furnished us their estimates for the coming year—$\$5,563,000,000$—and we passed our original revenue bill, which was confined to war profits, on those figures. Twenty days later the heads of departments came in with additional estimates for appropriations reaching nearly six billions. When the last appropriation bill had passed, between the time that it came to the Senate and while the Senate committee had it under consideration for a report, they brought in $\$700,000,000$ additional estimate. One item let me speak of as an illustration. We had been told in past years that we were well off in field artillery. They came before us—Gen. Crozier, the head of the Ordnance Department, and others—came before us when these great estimates came in—additional estimates—and informed us that for an army of a million men we needed 16,000 pieces of field artillery, the bulk of them 3s which correspond to the French 75s; but all kinds, including mortars and up to as heavy as 9-inch guns, which would take

a year to make. We actually had 600 pieces of field artillery, only enough to train our troops here, and when war was declared no shells to speak of.

"Of course, this lack of preparedness has increased the expenditure enormously, because everything has to be done in such haste and in the most expensive way, but still, slowly with much stumbling and confusion, it is being done.

"I thought perhaps these figures—although figures are dry—might be of interest as a contemporary historical record in our proceedings.

"Before concluding, I wish to say one word about the situation as it appears to us in Washington. It is the intention of the President and the administration at this time, I know, to carry this war through; and that is the intention of the overwhelming majority in Congress; the settled purpose of many who were very reluctant to go to war as well as of many who thought we ought to have gone to war long before the time when we did. The Government, Congress, and President mean to carry the war through. Yet we see the newspapers filled with talk about peace, which all comes directly or indirectly from the enemy; it either emanates from Germany or is accidentally very like what the Germans are suggesting. We have had a note from the Pope, we have had resolutions in Congress, and we have had a great deal of general irresponsible talk about peace. This talk all proceeds, with slight variations, on the basis of the status quo ante bellum. To my mind—and I know this is the view of the administration—every man—the President, who delivered the war message, and Congress, who voted for war—would be guilty of the blackest of crimes if they were willing to make a peace on the status quo ante bellum and recreate the situation which existed before the war. If we send our armies and our young men abroad to be killed and wounded in northern France and in Flanders with no result but this, our entrance into war with such an intention was a crime which nothing can justify. The intent of Congress and the intent of the President, which I saw he reiterated only day before yesterday, was that there could be no peace until we could create a situation where no such war as this could recur. To make peace on the basis of the status quo ante bellum simply means that Germany will have a breathing space and the whole horror will come over again, with the chance that we shall not be all united as we are now. We must have peace and victory; complete victory; no other will stand or be worth having.

"The President in his letter to the Pope stated what is the absolute truth—that we have no one now we can negotiate with. We can not negotiate with a government which has declared that treaties are scraps of paper to be torn up when it feels like it. We can not make peace in the ordinary way. We can not in the first place make peace, except in company with our allies. There may be no written conventions or treaties, but it would brand us with everlasting dishonor and bring ruin to us also if we undertook to make a separate peace. Therefore there is only one alternative, and that is to bring Germany to her knees and force upon her a peace which we shall dictate and which will make the world safe—not merely safe for democracy, but safe for all the allied free countries to pursue their own way in security and work out their own salvation.

"If we had not gone into this war and Germany had won it we should have been the next victim and we should have been compelled to fight alone. We must win the war, we shall win this war. Of the final result I have no sort of doubt. But the feeling in Congress—I mean of the great majority of both Houses—is that any peace at all at this time or any argument for peace at this moment is little short of hostility to the United States and is distinctly helpful to Germany. Those charged with the responsibility of Government feel very strongly that the hour has not come for talk, idle talk about peace on German terms. I am sure that such is the feeling of the administration—as sure as I can be of anything which has been directly told to me. This is the situation in which the country stands to-day; this is the legislation which Congress has passed.

"I have taken much more time than I intended, but I trust the society will not think the hour misspent. I shall take the liberty of adding a financial statement by Senator SMOOT, of Utah, the highest and most careful authority on this subject in the Senate.

APPROPRIATIONS, ESTIMATED RECEIPTS, ETC.

[Statement prepared by Senator SMOOT.]

The direct appropriations made for the fiscal year ending June 30, 1918, total	$18,879,177,014.96
There have been contracts authorized by acts of Congress, in addition to direct appropriations, to be met by future appropriations by Congress amounting to	2,511,553,925.50
Included in the direct appropriations are the following items that will not be paid out of the appropriations authorized and for advances to foreign countries, which will be paid back to our Government with interest:	
The first war-risk insurance act, later repealed	$10,000,000.00
The sinking fund never set aside	60,000,000.00
Loans to foreign countries	7,000,000,000.00
Interest on loans to foreign countries	170,000,000.00
Total	7,240,000,000.00
Appropriations made	18,879,177,014.96
Deductions not direct payments for Government expenses	7,240,000,000.00
Actual Government expenses for year appropriated for	11,639,177,014.96
Revenues to be raised under existing laws:	
From acts in force before this present extra session of Congress	1,333,500,000.00
From the revenue act passed this session	2,534,870,000.00
From post-office receipts (provision for expenses of the Post Office Department is included in the annual appropriations)	325,000,000.00
Total revenue	4,193,370,000.00
Appropriations for expenses of the Government	11,639,177,014.96
Revenues of the Government	4,193,370,000.00
Balance to be provided for	7,445,807,014.96
The act of Sept. 24, 1917, authorizes an additional issue of bonds to meet expenditures of the Government of	3,538,945,460.00
From this it will be seen that the appropriations already made are not covered either by direct taxation or the authorization of a bond issue or other Government obligations amounting to the difference between	7,445,807,014.96
And	3,538,945,460.00
Or a balance of	3,906,861,554.96

"The next Congress will no doubt provide means for meeting this uncovered amount.

	Per cent.
The percentage to be raised by direct taxation is	36.02
The percentage to be met by Government obligations	63.98

The percentages raised by direct taxation by other countries involved in the present war, after three years of continuous and bloody war, are as follows:

England	26
France	14½
Germany	14⅔
Canada	8

"I also add some tables giving a few details of distribution and some comparisons relating to the appropriations of this memorable year. I am sure that these tables and Senator SMOOT's statement will be found very valuable for future reference:

APPROPRIATIONS.

Military Establishment and War Department, including sums in the Army, Military Academy, deficiency, fortifications, and other acts	$7,522,726,441.39
Naval Establishment and Navy Department, including sums in the naval, deficiency, and other acts	1,604,840,630.43
Shipping Board and Emergency Fleet Corporation	1,040,517,500.00
National defense fund placed at the disposal of the President	100,000,000.00
Loans to the allies	7,000,000,000.00
Control of foods and fuels and stimulation of agricultural production	173,846,400.00

Soldiers' and sailors' insurance and family allowances	$176,250,000.00
Interest on bonds and certificates (estimated)	200,000,000.00
All other expenses and services, including insurance of merchant vessels and their crews	102,047,244.55
Expenses of conducting the civil establishment of the Government, including pensions, etc	958,948,738.59
Total appropriations	18,879,177,014.96

CONTRACTS OR AUTHORIZATION IN ADDITION TO APPROPRIATIONS.

Military Establishment	$1,389,452,750.00
Naval Establishment	271,851,175.50
Shipping Board and Emergency Corporation	849,000,000.00
New building for the Treasury Department	1,250,000.00
Total contracts or authorizations	2,511,553,925.50
Grand total appropriations and authorizations	21,390,730,940.46
Sixty-fourth Congress, second session	1,977,210,200.05
Sixty-fifth Congress, first session	16,901,966,814.91
Contract authorizations, 1918	2,511,553,925.50
Total for fiscal year 1918	21,390,730,940.46
Total appropriations, 1918 (exclusive of $7,000,000,000 loans to the allies)	11,879,177,014.96
Total appropriations and contract authorizations (exclusive of $7,000,000,000 loans to the allies)	14,390,730,940.46

Mr. CUMMINS. Mr. President, I have no great interest in the pending amendment, for I think it makes very little difference whether it is voted in or voted out. The real issue between those of us who want some modification of the pending measure and other Senators will arise upon other amendments which will be offered to the bill. Nevertheless, I feel I ought to say a word with regard to the subject before this amendment is voted upon.

It seems to me that Senators have been very industriously during the last few days occupying themselves in the very ancient and honorable pastime of erecting a man of straw in order to gratify themselves in bruising and battering it around the Senate Chamber. What is the issue between those of us who believe there ought to be a modification of the bill and those who believe there ought not to be any change whatsoever made in it? I heard the very interesting and very excellent discourse of the Senator from Tennessee [Mr. MCKELLAR]. He did not propose a single thing in which I do not heartily concur and for which I shall not vote with the utmost sincerity, if I am given an opportunity to do so. I heard the observations of the Senator from Delaware [Mr. WOLCOTT]. They, too, were of a practical nature; and I think he is to be congratulated upon his clear and luminous exposition of some of the reforms that are sadly needed; but not a thing did he suggest that meets opposition upon the part of those who insist upon some change in the bill; and he demonstrated anew what we all have known for years, that there ought to be reform in the executive departments of the Government.

I listened yesterday afternoon to the daily lecture of the distinguished Senator from Mississippi [Mr. WILLIAMS]. He delivers it about the same hour every afternoon, and I think he ought to introduce some variety into the homily which he addresses to the Senate. It is very clear to me from his eloquent speech that he knows a great deal about a great many things, but his observations demonstrate with perfect clearness that he does not know anything whatsoever about the bill now under consideration and upon which we are to vote. Contrary to the advice and injunction of the orators of the ancient times he is insisting upon making a certain illustration, which he constantly uses, immortal by making it eternal. It has been brought before us so often that I feel that I must give very brief attention to the subject of holes and pegs.

Undoubtedly it is true that there are square holes and round holes in the executive departments. Congress made these holes, some of them round and some of them square, and I assume that it did it with reasonable intelligence; but I should like to ask the Senator from Mississippi, if he were here, who has selected the pegs which are filling these round holes and these square holes? Congress has had nothing to do with the form of the pegs which are to be inserted from time to time in these holes which legislation has made. What power is it that selects the pegs? What power is it that can remove a round peg from a square hole or a square peg from a round hole? I suggest that before it is insisted very much longer that the whole problem of fighting this war depends upon selecting the right kind of pegs for the right kind of holes, we inquire into the authority which selects the pegs and assigns them to their separate places. We need no additional legislation to select a square man for a square hole; we need no additional authority to be conferred upon the President to enable him to choose a round man for a round hole or a round position. These are things with which the Senate has nothing whatsoever to do, save to confirm, as it does with loyalty and fidelity, from time to time the selections which are made by the President.

I grow a little weary of being lectured day after day upon my disposition toward making the war successful and to select the most efficient agents for its prosecution, when I know that the President has full power with respect to the selection of all the officers of the Government; and I assume, contrary to the inference of the Senator from Mississippi, that he does his very best to fill a square hole with a square man and a round hole with a round man; and if he discovers that he is mistaken in any selection, knowing that he has full authority to lift the peg out of the hole and substitute another for it, he will do so speedily and for the general welfare of the country.

Mr. FALL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from Iowa yield to the Senator from New Mexico?

Mr. CUMMINS. Certainly.

Mr. FALL. Does the Senator know of any law which requires the President of the United States to select for either a round hole or a square hole a peg with a wooden head? [Laughter.]

Mr. CUMMINS. Well, Mr. President, I have concerned myself only with exterior forms, following the course of the discussion that we have heard so frequently, and I have not looked into the interior in order to satisfy myself with regard to the composition of the peg itself. [Laughter.] I want to follow the President so far as it is possible for me to do so; and, if he is satisfied with the peg, I am willing to concede that he has better opportunities than I have to examine its desirability.

What utter absurdity to stand here and condemn and denounce Senators who believe that there ought to be some modification of this bill upon the repeated assertion that there must be unity, there must be concert of purpose, and that we must have the right kind of pegs and the right kind of holes! We can not add to or take from the authority of the Chief Executive with regard to these selections, and this bill does not pretend to do so. I am very glad that the distinguished Senator from North Carolina [Mr. OVERMAN] has at least recognized the Constitution to the extent of not attempting to deprive the President of his constitutional authority to select and nominate and appoint the officers who are to carry on the Government of the United States.

I listened with my accustomed interest to the observations of the Senator from Idaho [Mr. BORAH]. He, too, entirely misapprehends the opposition to certain parts of this bill. No one opposes the bill because the power granted in it may be abused. We all understand that if power is necessary for the prosecution of the war we ought to confer it; and we all know that it may be abused. I am not opposing any part of this bill because I fear that the President will abuse the power given him. I assume that he will exercise it honestly, and according to his view of the Government of which he is the head and the necessities which he confronts. Nor am I impressed with the suggestion that because we have drifted into a bureaucratic Government, therefore we ought to grant these extraordinary powers.

I think that the Senator from Idaho is justified in his criticism of the tendency of Congress to repose too much power in bureaus and commissions. He and I have not disagreed with regard to that principle or policy of the Government. That means, however, that the Congress ought to do a vast amount of work which it has hitherto not done; that means that Congress, instead of investing these bureaus and commissions without number with powers and authority over the people of this country, should have legislated directly for their advantage and for their control and guidance. However, it seems to me quite illogical to insist that because we have in times past surrendered too much power to bureaus and commissions we should complete the crime against good legislation by now surrendering to the President of the United States all the legislative power which we can confer upon him.

This bill will not diminish the number of bureaus or the number of commissions; it will simply give to the President the authority to select some new bureau or some new commission to

exercise the functions which we have heretofore conferred upon those agencies which have been created in times that are past.

I come now to state—not to argue, for I have no opportunity, no chance to argue the matter at this time—my objection to this bill; and I believe it the objection of every Senator who proposes to vote against it in its present form. It is this: First, in the negative; I am not opposed to granting the President of the United States the power to coordinate, to consolidate, to transfer within the executive departments of the Government. While I do not think it necessary, and while I think it would be wiser if we would do this specifically instead of generally, I have no opposition to it save this, that I believe the Department of Justice ought not to be included within the blanket power that is conferred.

My opposition arises in this way: We have from year to year in times that are past created certain functions of government, and we have reposed the execution of those functions in commissions or departments entirely removed from the executive branch of the Government. We have done it, because we believed that the people of this country will be better governed and more certainly protected in the administration of the law in that form than in any other. We have created the Interstate Commerce Commission; we have created the Federal Reserve Board; we have created the Federal Trade Commission; we have created the Federal Farm Loan Board; we have created the Civil Service Commission; I need not particularize further, because all Senators have in mind this type of governmental authority. The President never has had any control whatsoever over any of these functions of the Government, save to select the officers who are to perform the various duties imposed upon these bureaus, commissions, and the like. It was in a former day thought to be distinctly wrong—and I am sure I have heard every Senator who stands for this bill declare that it was distinctly wrong—for the President to attempt in any way whatsoever to influence the decision or the conclusion of the bureaus which we have created in the manner I have suggested.

All that I ask is that these functions of government, which have no more to do with the prosecution of the war, with the defense of the country, than has any other activity of any citizen of the land, shall be immune from the operation of this bill. I do not want to give the President the power to transfer the functions and authority of the Interstate Commerce Commission to any person, to anybody, whether commission or bureau or what not. I know that he can not use that power for the prosecution of the war; I know that any attempt to disorganize or to destroy it will weaken the people in the great conflict in which they are engaged.

There has not been a single suggestion that any power that either of these bodies which I have pointed out—and there are many others—now exercise can be used for the better prosecution and more successful management or conduct of the war. The Lord knows I want to make this country as strong as it can be made. I have no other thought or desire in my mind or heart but to carry forward a Government that will utilize the strength of every man, woman, and child in it for the accomplishment of the great purpose to which we are now dedicated for the rescue of the civilization of which we are a part, and I hope a leader.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. CUMMINS. I have stated in this brief way the general ground of the opposition of those who want a modification of this bill.

Mr. OVERMAN. Mr. President, I want to appeal to the Senate to let us adopt this amendment. The real issue, as I understand, will come on the amendment suggested by the Senator from Iowa—probably several amendments with reference to the Interstate Commerce Commission. All the committee amendments but this one have been adopted, and I hope Senators will let this one be adopted. Then I suppose some Senator will introduce an amendment exempting the Interstate Commerce Commission, the Federal Trade Commission, and so forth.

Mr. THOMAS. Mr. President, before discussing the constitutional feature of this measure—for that is the only phase of it upon which I shall detain the Senate—I wish to digress for a moment to commend the President and congratulate the country upon the selection of Mr. John D. Ryan, upon whom has been conferred the great responsibility of the procurement, production, and manufacture of aircraft, and of all matters referring to the industrial side of our aviation program.

The Senator from Georgia [Mr. SMITH] a few days ago very properly spoke in the highest terms of Mr. Schwab, just before then selected to take charge of our shipping program. When I say, from my personal knowledge of Mr. Ryan—and I have known him for many years—that he measures up as fully to the requirements of his new position as does Mr. Schwab to the requirements of our shipping program, I perhaps say all that is necessary to assure the country that this branch of our war industry, in my judgment, is now placed in apt and efficient hands. I only trust that the President may be equally fortunate in the choice of other individuals upon whom these great responsibilities must rest.

Mr. President, I shall confine myself for a few moments to the consideration of the constitutionality of this measure. If the arguments which have been presented to support the proposition that we have no power to pass the bill be sound, of course it should be rejected, although, if its urgency were so great as to be an absolute essential to the efficient prosecution of the war, we might even then hesitate before finally rejecting it.

There is such a thing, Mr. President, as the laws of war in time of war. It may be difficult to define them, but it is perfectly easy to understand them, by illustration, when required to act. During the Civil War a part of the State of Virginia, opposed to the secession ordinance of that Commonwealth and resolved notwithstanding to remain in the Union, determined, without the consent of Virginia and regardless of constitutional limitations, to organize itself into a separate State and to seek admission into the Union. We know, historically, that that effort succeeded. At the time when the bill for the admission of West Virginia was under discussion in the House of Representatives Mr. Thaddeus Stevens, then the leader of the majority, said:

> I understand that these proceedings all take place, not under any pretense of legal or constitutional right, but in virtue of the laws of war and by the laws of nations. These laws are just what we choose to make them, so that they are not inconsistent with humanity.

That, Mr. President, is a very broad, perhaps too broad and comprehensive, definition of the laws of war—that they are just what we choose to make them, so they are not inconsistent with humanity.

Mr. Stevens proceeded:

> I say, then, that we may admit West Virginia as a new State, not by virtue of any provision of the Constitution but under our absolute power, which the laws of war give us in the circumstances in which we are placed. I shall vote for this bill upon that theory, and upon that alone, for I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding.

So that if it were necessary, Mr. President, for the salvation of our country to resort to the laws of war for the enactment of needed legislation we might find ample authority for it in many precedents of the Civil War, and perhaps some precedents in other wars to which the country has been subjected since its creation.

If I understand the arguments against the constitutionality of this measure, they may be summed up in the idea that we are conferring unusual executive powers upon the President, or that we are delegating legislative authority to him, or both.

Mr. President, if this bill purports to invest the President with executive authority, plainly it is beyond our power to do so, because the Congress has no executive authority unless the treaty-making power, a portion of which is conferred upon the Senate, and the power to confirm or reject appointments, which is also conferred upon the Senate, and the power to declare war, may be so considered. The Constitution in express terms declares that the executive authority shall be vested in a President of the United States—*the* executive power; not a portion of it, but all of it. In dealing with Congress the Constitution declares that—

> all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Not all legislative power is conferred upon Congress, but "all legislative powers herein granted" are so conferred. The executive power, however, is without limitation, conferred upon a President of the United States. Hence, any attempt upon the part of Congress to add to or to take from that executive authority would seem to be beyond our sphere and therefore impossible. If this bill sought to add to an executive authority already conferred, therefore it would be an idle task; first, because we have no such power to confer, and, second, because the Constitution itself has granted all of it to a President of the United States.

I must therefore conclude that whatever else may be said against the validity of this proposed measure it can not be attacked successfully upon the theory that it proposes to or can clothe the President with an executive power which he does not already possess as his constitutional prerogative.

There remains, therefore, the question whether we are delegating legislative authority to the Executive which it is beyond our constitutional power to do.

As was well stated by the Senator from Idaho [Mr. BORAH] yesterday, we are conferring no authority, we are conferring no

bureaucratic or departmental power, which has not by preexisting laws been provided for, together with the particular bureau or department which is to exercise it. This bill, unless amendments to it shall be offered, creates no new exercise of power. What it proposes to do is to enable the President of the United States to rearrange and redistribute authority already conferred so that efficiency may result, and a more vigorous prosecution of the war may be possible. I think it may be safely said that Congress might have clothed the President with authority to perform every function which is now performed by the State Department, the War Department, the Treasury Department, the Interstate Commerce Commission, the Federal Reserve Board, and the multitude of other agencies which have been created, and appointments to which, for the discharge of these duties, are made by the President, subject to confirmation by the Senate.

Who can doubt, for example, that in the creation of the Federal Reserve Board Congress, had it been so disposed, might have directly clothed the President with every function exercised by that body, and also clothed him with the authority to designate those who would assist him in the discharge of these duties? If it be true—and I think it can not be questioned—that our original legislation might have been directed to the President himself instead of these various bureaus, then it equally follows that we may now clothe him with the authority to redistribute these agencies, to remove from one department this authority and to clothe some other department with that authority, just in proportion as it may seem to be essential to the unusual duties which now devolve upon the Executive. So that we are merely doing now by this bill something which could have been done in the first instance. Whether it be wise, whether it be expedient to do so, is quite another question; but I am concerned now solely with the proposition whether Congress can constitutionally clothe the President with these powers of redistribution.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. THOMAS. I do.

Mr. SHIELDS. I will ask the Senator whether his attention has been called to the statute originally creating the War, Navy, and State Departments, wherein it is provided that these powers, while conferred upon the three Secretaries, are to be executed under the direction and control of the President?

Mr. THOMAS. Oh, yes.

Mr. SHIELDS. So that, therefore, at one time they were all vested in the President.

Mr. THOMAS. Oh, yes.

Mr. SHIELDS. And, furthermore, by amendments, much of the authority now proposed to be vested is vested in the Secretaries. They are all authorized to redistribute the functions of their departments, just as this bill authorizes the President to do.

Mr. THOMAS. Yes, Mr. President, I am familiar with these facts, and also with the fact that in creating the Treasury Department Congress departed from that method of legislation and clothed the Treasury Department directly with powers which were to be exercised not under, but independent of, the control of the President.

Mr. President, certainly centralization is essential to the prosecution of the war. No man can doubt that. In my judgment, it has become highly essential to the effective operation of governmental functions in times of peace. This Government must, and will after the war, be more highly centralized than it has been in times past. The agencies of the Government, the various matters over which it exercises jurisdiction, the tremendous scope of Executive authority, essentially require for efficient and systematic and economic government a greater centralization of authority than is now possessed and exercised. I think the obvious necessity of this condition had much to do with influencing President Taft to appoint the commission upon a rearrangement of our governmental agencies, which, as we know, made its report some time ago; and there can be no doubt but that had Congress acted upon the recommendations of Mr. Taft's commission and by legislation had empowered him to redistribute, rearrange, consolidate, and eliminate these various bureaus and agencies so as to produce greater efficiency and economy in government, no man could have successfully questioned our power to have done so; and that is precisely what we are attempting to do at present.

Of course, we are always confronted with the possibility of the abuse of authority when it is granted. That contingency is inseparable from any important legislation. We must, independently of that possibility, act without regard to it, if we are to succeed in our legislative task, relying upon the wisdom, the patriotism, and the force of public opinion to control its exercise. Moreover, Mr. President, government must exercise its judgment in administration not alone by the standards of written law but as well by those of wisdom, justice, and expediency, as times and events may require. Mr. Burke has given expression to this thought in the following language:

> The laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of powers which are left at large to the prudence and uprightness of ministers of state. Even all the use and potency of the laws depends upon them. Without them your Commonwealth is no better than a scheme upon paper, and not a living, active, effective organization.

I am of opinion this bill is not subject to any constitutional objection.

Mr. SHERMAN. Mr. President, I heard yesterday with great pleasure the remarks of the senior Senator from Mississippi [Mr. WILLIAMS]. I always listen to him, with his learning and his pleasing power of expression, as an entertainment. The principal argument he used was the peg-and-hole argument. I have heard it many times from the same Senator. I always hear it with pleasure although repeated, because he gives it with such variations it never becomes stale, flat, and unprofitable by that repetition. Because of his pleasing diction, his copious vocabulary, and his exuberant imagination, I listened with the usual pleasure to his comments upon the bill. The substance of his argument was embodied in a paragraph which is as follows:

> I do not think that a committee on the conduct of the war representing the legislative branch of the Government is exactly the right way to carry on the war, but if you will give me power to put square pegs in square holes and round pegs in round holes and take square pegs out of round holes and round pegs out of square holes, I can improve the efficiency of the various executive bureaus of the Government and decrease its inefficiency.

To avoid these misfits in the executive department, its honored head must possess an elementary knowledge of contour, outline, form, and space, with sometimes the happy faculty of making a good guess on the length of the peg and the depth of the hole, as well as an intuition of what the contents of the hole are likely to be. An error in the latter instinct frequently leads to sore disappointment and grievous recriminations. Many a hunter has come to grief by thrusting his hand into a hole not previously investigated. A good mechanical joint requires not only the right union of form and material but a close fit. Lacking this, destructive friction, delays, and ultimate dissolution of the machinery ensues.

A political master mechanic if inspecting the executive power house with practiced ear and eye would hear sounds and see things indicating not only a want of a correlation of forces but would distinguish a loose clatter caused by empty holes from pegs too short to reach through and naked pegs resulting from inexcusably shallow holes.

An inquisitive or censorious loiterer might casually inquire what mechanical engineer framed this clacking libel that outraged his suffering ears. He might implore some passer-by to vouchsafe him the information how long this creaking pandemonium had disturbed the peace of the neighborhood or threatened its lives. On learning over five years had elapsed no doubt a stormy blast of his vociferous indignation would mount to an empyrean altitude.

It might be assumed the Government supply house is filled with pegs both round and square. Holes could be procured ad libitum as needed by the very simple and obvious process of pulling out the misfit pegs inserted during the last five years by the same fellow who says it can not be done. He does not require any new holes either. In addition to those turned over to him by his predecessor he has created over 100,000 new holes. Now he is dissatisfied because he has made a mistake in the kind of holes or getting the wrong pegs in the right place. As near as the uncultured populace can understand, being without university degrees or capital letters after their signatures, when they undertake to grasp this departmental chaos by any visible handhold it is this: He now wants power to scrap the outfit and let him start in fresh. One that can not make a better batting average pegging holes on a five-year circuit had better let Congress help him awhile till he learns more about human pegs. Otherwise, if he knocks down all the material in the departments he might never be able to set it up again during war times. He might get nervous and excited like some of us were three or four years ago when he was too proud to fight, told foreigners there must be peace without victory, advised watchful waiting, and later reminded us all around our respective homes that he had "kept us out of war."

He had a chance to practice on the Shipping Board ever since September 7, 1916. There was a brand new lot of holes. The pegs were human shipbuilders. They were plentiful in the

American supply house. He promptly filled the holes with two lawyers under suspicion of political activities, a lumberman well along in years who knew as much about shipbuilding as I do of theology. The fourth man had operated steamships, and the fifth had a lifetime experience in both building and operating ships. The last-named competent man sized up the pegs thrust into the board's organization holes and unanimously retired while it was reasonably quiet. It was not a lack of power or an assortment of holes and pegs the matter. It was color blindness that made a politician look like a shipbuilder. One time while he was experimenting with his peculiar ideas about pegs and the five holes on the board, a delegation of steel manufacturers came to Washington. They wanted to see him about shipbuilding. In the absorbing pursuit of pegging holes he could not possibly see them. He found time only to say he was thinking about commandeering their plants and turning the steel business over to some great captain of human language like Victor Murdock, just as he is now having them investigate the packing-house business to know how to furnish the Army and Navy with meats. Then he went on with his peg game. After three misfits he found Hurley and Piez, who pegged into the right holes promptly. These men thought somebody like Schwab, who had been run out of town with the rest of the steel delegation a year or two ago, would be useful. The last three are the only pegs which the President has fitted in on this end of the administration cribbage board. The only thing to keep him awake nights on the Shipping Board now is Raymond Stevens, who is the vermiform appendix of that body. He is a peg that never fit any place. He is liable to get inflamed most any day and have to be amputated. Uncle Sam would be like other millionaires if he does have appendicitis from this useless member of his anatomy. This appendix has already cost him several million dollars by its impossible antics with pay rolls and appropriations. I mention him as an appendix because he is a peg that never fit any hole, square or round. All anyone can do with him is to just let him stick out and keep him from being sore.

Mr. GALLINGER. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. GALLINGER. Has not the Senator observed that Mr. Stevens is now in Europe conferring with the great shipmasters of England on the shipping question?

Mr. SHERMAN. I had understood that he was absent in a foreign post, but I did not know definitely what his motive was, and thanking the Senator from New Hampshire for the information to be added here to this mine of information, whether he will come back with any practical knowledge of shipbuilding I very much doubt. I am perfectly willing that he should have steamship passage and expenses paid, however, for the sake of being out of the United States. That would be a net gain to the Government. [Laughter on the floor and in the galleries.]

The PRESIDENT pro tempore. The occupants of the galleries must preserve order. The Presiding Officer under the rules will be compelled to clear the galleries if disorder occurs.

Mr. SHERMAN. Right at the beginning of his superintendency of governmental mechanism he appointed my beloved friend and neighbor, Mr. Bryan, Secretary of State. The new Secretary had a multifarious knowledge of many things, a marathon record for continuous unquenchable oratory, an inexhaustible capacity for the absorption of Chautauqua gate money, and an unappeasable yearning to bankrupt the plutocrats of the entire country. It was not material whether diplomacy and our foreign relations were either square or round holes. His celebrated letter on the San Domingo matter showed that it was immaterial whether the right peg got into the right hole or not, so the peg was "a deserving Democrat." The President once expressed a curiosity to a certain editor to know if some dignified way might not be discovered of knocking Mr. Bryan into a cocked hat. The President solved his own conundrum by appointing him Secretary of State. Grape juice and an incurable propensity to pacificism accomplished their fiendish designs. The free-silver peg sank without a gurgle into the clutches of the Chautauqua profiteer.

Lindley Garrison was a square peg in a square hole. He began to gear up the machinery to operate. He soon became uncongenial among many pegs in the wrong kind of holes. The President did not do much to make him feel at home in the Cabinet family, so he resigned. The President looked over his pegs once more. He got hold of a pacifist peg and jammed it into the muzzle of a war hole. Everybody was comfortable again around the Cabinet table, but the public has been much concerned—even worried—ever since.

Then W. B. Wilson became the Secretary of Labor peg and Mr. Burleson the Postmaster General. One used to work for the Erie Railroad. Mr. Burleson used to run a cotton farm in Texas. Both agree on socialism. They both agreed further on being official misfits in the holes where the President put them. They differed on convict labor in Texas, but agreed to stand it off against the interior finish of the jails in Maryland.

A coterie of single-tax pegs have been crowded into Democratic holes. It is a painful fit, but even a single taxer can stifle his lifetime convictions of yesterday to get on the Government pay roll. He can then draw a salary from unprincipled Democrats and rascally Republicans who hold real estate. He can console himself by meditating on the iniquity of consuming the unearned increment of Democratic politics. This pleasure is aggravated by observing that many of the unterrified faithful who carried their wards by unprecedented majorities are loitering on the curbstone without recognition in the Capitol of an ungrateful Republic.

Mr. SHAFROTH. Mr. President, the Senator from Iowa [Mr. CUMMINS] a few moments ago made the statement that no one had suggested a single benefit or detriment to the war which could be effected by independent bureaus such as the Federal Reserve Board and banks or the Interstate Commerce Commission and their appointees.

Mr. President, it seems to me that the Senator has overlooked the powers of these great bureaus. It is true they are independent of the Executive, but it is that very independence which creates possibilities of delaying or hindering the prosecution of the war.

What is there more necessary to the prosecution of a war than to have finances, than to have a banking system that will advance the necessary funds, and what detriment could persons who are connected with the Federal reserve banks be with relation to the supply or payment of money for the Government?

We must take into consideration that these independent bureaus have a power to injure as well as a power to aid and assist. We can not raise an army without money. We can not have ships built without money; we can not have munitions of war manufactured without money, and yet an amendment is offered to except from the operation of this act this great bureau, so necessary to keep the finances of the Government in good condition.

Mr. President, I want to suggest to the Senator from Iowa the fact that great injury could be done by the officers of the Federal reserve banks if they were opposed to the war and great hindrance in the successful prosecution thereof could be effected. The United States Government keeps a large amount of money in the Federal reserve banks. Suppose the officers thereof should say, "We will not honor the checks or drafts of the Secretary of the Treasury," would it not hamper, would it not injure, would it not seriously deter the preparation for the conflict? Would it not deter the operation of the war and the successful prosecution of it?

Mr. President, one may say that is improbable. That is true, it is not likely to occur; but the limitation of all powers is imposed for the purpose of preventing possible abuses. Unless some central authority has the power to remove an officer who would commit such an act, we have the condition of having an independent body which might exercise powers which would hinder and delay the prosecution of the war.

Mr. President, take any of the functions of the Federal reserve banks. Suppose officers should say, "We do not believe in obeying the law as to the reserves; we are not going to have a gold reserve back of their currency." That, of course, would injure our standing and injure our credit. Is it possible that officers clothed with power to issue currency would not be in position to aid or retard or effect the prosecution of the war?

Mr. President, the officers of the Federal reserve banks are replete with great powers that can aid the war, with great capacity to be a detriment to the prosecution of the war, and it seems to me that that system above all others should be included in the operation of this law.

Mr. President, the Senator from Iowa believes in vesting power in the President. He says he is not afraid of usurpation of power. Unquestionably the concentration of power is absolutely necessary in war. I fully agree with him. The very laws that we would all be against in a time of peace become absolutely necessary when we are in war. When we talk about concentration we know that the President must have the power of changing not only a clerk here and there, but he must have the power to change or transpose men who are in the very highest authority.

Some Senators have said this bill is of very little moment because the President already has the power to make these changes. If that is true, then it seems to me there is not much harm to be done by the passage of the law.

But, Mr. President, I am one of those persons who believe that there is great power conferred in this bill; that it is not merely the authority of removal of clerks from one depart-

ment to another, but that it involves the grant of such powers as will determine whether or not these great bureaus are going to lend their aid and assistance in the prosecution of the war or whether or not they are going to act as a deterring force in the prosecution of the same.

It is true that abuses are not likely to occur, but you have got to pick out an extreme illustration to make clear the importance of including all bureaus in the operation of this measure. It is true that we would have the right of removal by probably an impeachment of the officer, but what does that mean?

Mr. SMITH of Georgia. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. SMITH of Georgia. Has not the President the right to remove a member of the Federal Reserve Board?

Mr. SHAFROTH. I do not say that express provision is not given, and he must be confirmed by the Senate—and it may be there are decisions to that effect—but, as a matter of fact, the power vested in the President in this bill would unquestionably give it to him, and there should be no hesitation about exercising it in an appropriate case.

It is said, you know, that in the impeachment trial of Andrew Johnson the contention was made that the President could not remove a Cabinet officer. No Cabinet officer ever has been removed, because the ordinary courtesy and propriety require that such officers should tender their resignations. But, Mr. President, this bill should give to the President the power to remove not only the members of the Federal Reserve Board but the officers of any of the Federal reserve banks. I do not believe that the President has the power to remove the directors of a Federal reserve bank, for they are not appointed by the President. That power exists somewhere to remove them, but it does not exist in the President. Those banks are the ones that would have the power to aid and assist in or to deter in the prosecution of the war. Some of the directors of the Federal reserve banks are selected by the Government and some are placed there by the independent action of the national banks.

Mr. SMITH of Georgia. There are some of them who are put there by the men who own stock in the Federal reserve banks.

Mr. SHAFROTH. Yes, sir.

Mr SMITH of Georgia. Ought not the men whose money is in the banks have a right to put somebody there to represent them?

Mr. SHAFROTH. Well, Mr. President, I will say that some of the safeguards and checks that in time of peace are so commendable and proper become retardant factors and should be set aside in times of war. The Government directors evidently are the persons who could not be removed by the President, and I have not any doubt that many of the men who carry out the administrative measures and who are appointed, not by the President but by the boards themselves, could not be removed by the President.

Mr. President, these matters are of great moment. I believe that in the prosecution of a war, when the very life and existence of our Government is at stake, we should bend every energy and use every power of the Government for the purpose of expediting the prosecution of the war, and for the purpose of preventing those persons who might hinder or impede the prosecution of the war from doing so, so that their influence could not be effective. We have the greatest war of all history on hand; it is going to take billions and billions of dollars to end it. Every Senator in this Chamber wants it ended successfully for the arms of the United States. We should present every measure and should pass every measure that will tend to have that effect.

Mr. President, suppose the question were to arise as to a Federal reserve bank, whether certain powers that it possesses should be exercised. Suppose its officers should say: "We will not extend any credit and will not issue any Federal reserve notes; you have complied with the law; you have presented your security; you have presented your gold reserve, but we will not issue any note." Should not the man charged with the duty of prosecuting effectively the war have the power to remove them, although they are not appointed by him?

Is it not absolutely necessary to the successful prosecution of this war that we should have these Federal reserve notes and that the credit of the Government be extended through the Federal reserve banks?

Mr. President, suppose the officers were to say, "We will issue notes without any security." They have the physical power to do it, though it is not likely they would attempt it. It seems to me, therefore, that no one will deny that this system is intimately connected with the operations which are necessary in the successful prosecution of the war and that their proper cooperation is indispensable to the proper conduct of the war.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield to the Senator.

Mr. GALLINGER. I am trying to follow the Senator carefully, and I desire to ask, Does the Senator mean to argue that we ought to give the President power to reverse the action of the Federal Reserve Board on all occasions that he sees fit to do so?

Mr. SHAFROTH. No; not on all occasions. There are certain discretionary powers which are vested in them, and as to those discretionary powers I doubt very much whether such action on the part of the President could be taken.

Mr. GALLINGER. I apprehend that the Senator has not any anxiety, so far as the Federal Reserve Board is concerned, that it will do anything relative to the finances of the country that will be inimical to the prosecution of the war?

Mr. SHAFROTH. No; Mr. President, I have the very highest regard for the officers of the Federal reserve banks and also for the Federal Reserve Board. They are composed of most excellent, honorable gentlemen.

Mr. GALLINGER. I thought that was the Senator's position.

Mr. SHAFROTH. But, Mr. President, it is a question of possibilities. The Senator from Iowa [Mr. CUMMINS] has stated that nobody has suggested that their action could be of any benefit or detriment to the prosecution of the war and therefore should be excepted from the bill. It seems to me when I cite, then, instances of where their action could be of inestimable benefit or of great detriment, it conclusively shows the necessity of having them included in this bill. For similar reasons it seems to me that it is very important that the Interstate Commerce Commission and their appointees should also be included in it.

Mr. GALLINGER. Then, Mr. President, if the Senator will permit me further, logically the Senator's argument reaches this point, that we ought to pass over all the functions and powers of the Federal Reserve Board and of the Interstate Commerce Commission to the President. That is the conclusion, is it not?

Mr. SHAFROTH. I must say that, if there is a conflict upon the question of the action of the Federal Reserve Board with relation to matters that are plain and clear, the President ought to have the right and the power to remove or to transfer whomsoever he desires from that position, otherwise there would not be any head to the conduct of the war.

Mr. President, as to the appointment of Government directors of Federal reserve banks, the President has no power to appoint them. The Federal Reserve Board might say, "We will not appoint directors at all," and thus prevent temporarily the operation of the banks. I think the Federal Reserve System is one of the most indispensable agencies that could possibly be devised to be used to the advantage or to the detriment of the successful prosecution of the war. For those reasons, it seems to me that it ought to be included in the bill.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I yield to the Senator.

Mr. SMITH of Georgia. The Senator's view therefore is that this bill extends the control of the President to the management of the 12 reserve banks as well as to the Federal Reserve Board?

Mr. SHAFROTH. Mr. President, I believe the President has no power, nor does this bill give him any power, of directing what they should do; but when the President finds that a man is absolutely unfaithful to the trust which is reposed in him he will have a right under this proposed legislation to remove him or to change him whether he appointed him or not. I regard this bill as not merely a bill for the transfer of clerks, but I believe it is a bill which gives great power to the President. For that reason I believe that the President should have the power to remove any of the officers for unfaithfulness in office.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. SHAFROTH. I do.

Mr. LODGE. Does not the Senator from Colorado think that the President now has, and always has had, the power of removal of any officer?

Mr. SHAFROTH. As I stated a little while ago, the directors of these banks are appointed by the board and not by the President. Of course, I have no doubt that a suggestion from him to the Federal Reserve Board that one of the Federal reserve-bank directors, or even the president of a Federal reserve bank, ought to be removed would meet with the response which the President would desire; but the power does not exist in the President, because no one can remove except the power that

appoints; and inasmuch as the Federal reserve-bank presidents and the Federal reserve-bank directors who represent the Government are not subject to appointment by the President he has no power to remove them.

Of course, Mr. President, these things are not likely to occur, because the people and officers of the United States are patriotic; but it seems to me that we ought to put all the power that is necessary for the prosecution of the war into the hands of the Commander in Chief of the Army and Navy of the United States. I am perfectly willing to trust the President in that respect. The President's whole course in public life has been in favor of the rights and liberties of the people; and so long as there is a limitation in the bill to the effect that it shall only be operative during the period of the war there is no danger of usurpation; there is no danger of the exercise arbitrarily of power, except as to those matters which are vitally connected with the proper prosecution of the war.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him further?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. SHAFROTH. I yield.

Mr. GALLINGER. Mr. President, the Senator and I sat patiently in the committee room of the Committee on Finance, as did the Senator from Georgia [Mr. SMITH] and the Senator from Massachusetts [Mr. LODGE], for a good many days listening to arguments in behalf of the creation of a great financial corporation, having $500,000,000 at its disposal to start with and authority to multiply that by eight, making $4,500,000,000 in all, the Secretary of the Treasury being largely in control of that corporation. Would the Senator, after our trials and tribulations in considering and passing that bill—and it is a law now—pass that over to the President to deal with as he pleases?

Mr. SHAFROTH. Mr. President, suppose the members of that board arbitrarily and willfully should conclude that they want to obstruct the prosecution of the war and should use their efforts in that direction, I will ask the Senator if it would be possible to conduct the war properly if such an independent body could operate against the very measures which the President deems necessary for the successful prosecution of the war?

Mr. GALLINGER. The Secretary of the Treasury is not likely to do that, and he is the controlling power.

Mr. SHAFROTH. Oh, no; he is not likely to do that; but the contention has been made that such officers as those to whom I have referred could take no action looking either toward the advancement or the retarding of the prosecution of the war, and therefore should be excepted from this bill.

Mr. GALLINGER. Of course, we can conceive anything; we can conceive that the President might do things that were not justifiable.

Mr. SHAFROTH. Certainly; that is true.

Mr. GALLINGER. We can conceive that there may be foundation for a rumor that is now out, which is absolutely without foundation, that the President actually desires peace; we can conceive that; but it is not really conceivable in the minds of intelligent men.

Mr. SHAFROTH. Well, Mr. President, the question is whether we are going to give this power over independent bureaus. I think this power is necessary in the prosecution of war and should be given to the Commander in Chief of the Army and Navy. It seems to me that there are possibilities—not probabilities, I concede, but possibilities—that there might be a retarding or an acceleration of this war by reason of the use of the powers that are vested in independent boards, and the power of removal or exchange should, therefore, exist in the President.

I have not touched upon the expeditious and economic effect of the coordination and consolidation of bureaus and the elimination of delays and red tape therein, which I will present at another time.

The PRESIDENT pro tempore. The Senator's time has expired. The question is on agreeing to the amendment reported by the committee.

Mr. CALDER. Mr. President, the pending bill permitting the President to coordinate the different departments of the Government and the different bureaus in those departments ought to be amended as suggested by the Senator from Georgia [Mr. SMITH]. Personally, I can see no reason for including in the purview of this measure the Interstate Commerce Commission or the Federal Reserve Board; nor, for that matter, the Departments of State, Commerce, Agriculture, Justice, Labor, or Post Office. In fact, the only two departments that really need to be rearranged in these war times are the War and Navy, and I trust the bill will be amended to include just these two departments.

In time of war the Executive must necessarily be clothed with extraordinary powers, and on every occasion since the outbreak of the war I have been willing to give the President the power necessary to carry this conflict to a successful conclusion. Senators have discussed this measure at length, and others will before the bill is finally voted on, but I shall occupy the time of the Senate but for a few moments. It seems to me in this war, as in every other war, the first thing to be considered is to see that the country is really unified and can be depended upon to stand back of the Government. Of this to-day there can be no doubt. The Nation is completely unified. It was not in the beginning, but now from every portion of the land there is abundant evidence of the fact that the vast majority of the people of this Nation have determined to see the conflict through. It has been brought home to them through the fact that nearly every family in the land has one or more of its sons in the Army or Navy. It is now their war—the people's war—and they will do their full duty under the circumstances.

Then, too, wars are won by intelligent, patriotic leadership. At the beginning of this war we found a disposition on the part of men who are of the President's political party to insist that the slightest criticism from those of opposite political belief indicated that they were anxious to make political capital out of the war situation. In the beginning the idea that a Republican could be of more value to the Nation than a Democrat was seriously objected to. It is true that some men who came here were of the Republican faith. Only those were taken, however, who were willing to tender their services without compensation, and even some of these were frowned upon. The Government did not seem to realize that only men should be selected for the important posts who were best qualified to fill them.

I have often wondered why the President in naming the men for the Shipping Board did not pick out at least one shipbuilder. I recall that when one of the members of that board was appointed I objected to his confirmation solely on the ground that he knew nothing about the business in which he was to be engaged, and for that I was accused of being unpatriotic.

Now, the President has begun to realize that we must select the best-equipped men if we are to win, even if they are of opposite political faith, and so we have Mr. Vanderlip in the Treasury; Mr. Schwab on the Shipping Board; Mr. Stettinius and Mr. Keppel in the War Department; and even the advice of Mr. Taft has been asked in the Department of Labor. Some changes have also been made in the military personnel of the War Department. We have Gen. March as Acting Chief of Staff and Gen. Goethals, Assistant Chief of Staff and Acting Quartermaster General. These with the other men who have served as the heads of the various bureaus in the Military Establishment since the war began and have occupied very important places—Gen. Crowder, Provost Marshal General and Judge Advocate General; Gen. McCain, The Adjutant General; and Gen. Gorgas at the head of the Medical Department of the Army—these officers, Mr. President, are fast putting confidence in the Army through their disposition to handle these matters as they ought to be.

But, after all, has not the President sufficient authority to do all those things without our enacting this legislation? Is it not largely a question of leadership? It seems to me that with the mistakes that have been made already, and many of them have been remedied, there is just one thing to do now. Let us build our military and industrial establishment on the theory that in the end we are going to fight this war out alone. It is true, Mr. President, that we do not expect that such will be the situation, but if we prepare on the basis that it will be, if we at once provide for the registration of every man and woman in the country between the ages of 18 and 50 and after that registration give each one of them the job to do that he or she is best equipped for, and then provide as rapidly as it can be trained and equipped an Army of at least 5,000,000 men—if we do that the whole world will know that the spirit of the entire Nation is behind the Government, and then we will come to certain victory.

Despite all the mistakes and extravagances we have not done so badly in the 12½ months we have been in this war. Stop and think, Senators, that on the day we declared war we had an Army—a mobile Army in continental United States—of approximately 50,000 men with a National Guard of barely 100,000. To-day our Army consists of approximately 1,900,000 men, and we have increased our Navy from 50,000 to 300,000.

We are just getting this vast war machine into motion and when it gets its full momentum no power on earth can withstand it.

It has often been argued that an autocracy is the only government that can make war successfully. It seemed in the beginning that this was so, but when we appreciate the fact that at

the very outbreak of this conflict we were able to enact a measure calling for the drafting of the youth of our land with hardly a protest you can understand that a free country—a Republic organized such as ours, if the country is unified—in the end can build a military machine greater than even that of an autocracy.

And so, Mr. President, without involving ourselves in differences over a measure, much of which is not fundamentally essential, let us amend this bill permitting the President to reorganize and coordinate all the functions of the War and Navy Departments, and then enact legislation registering all the men and all the women of the Nation and organize them in the broadest possible way to insure the biggest military and industrial armies the world has ever seen. When this is done, then we can be certain that the war will be won. If this is not done, or if we delay in doing it, perhaps like Russia and Belgium, Serbia and Roumania, our Nation may be destroyed almost before we have started or, like France, we may be pushed to the very edge of the precipice, or, like England and Italy, may drain our country dry of both its men and its money, and even then with uncertain result.

Let us leave nothing to chance. Then the war will be won in a much shorter period than the people of the world have any idea of at present.

Mr. BRANDEGEE. Mr. President, I only want to speak about one minute on this bill, I think.

I ask that the bill, with the committee amendments, be printed in the RECORD at the beginning of my remarks, so that it will be apparent to what I refer.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Without objection, it is so ordered.

The bill (S. 3771) introduced by Mr. OVERMAN on February 6, 1918, and reported by Mr. OVERMAN March 21, 1918, with amendments, is as follows:

A bill authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Be it enacted, etc., That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be filed with the head of the department affected and constitute a public record: *Provided*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force: *Provided further*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it, either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

SEC. 3. That for the purpose of carrying out the provisions of this act, any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 4. That should the President, in redistributing the functions among the executive agencies as provided in this act, conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper.

SEC. 5. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

Upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law my be provided, any authorization of the President under this act to the contrary notwithstanding.

Mr. BRANDEGEE. Mr. President, the bill provides:

The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act.

Then it provides that he shall make such regulations and issue such orders as he may deem necessary.

SEC. 2. That in carrying out the purposes of this act the President is authorized to utilize, coordinate—

Whatever that may mean in law—

or consolidate any executive or administrative commissions, bureaus, agencies, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto.

Mr. President, there are three departments to this Government—the executive, the legislative, and the judicial. Every executive department of this Government was created by an act of Congress, by a United States statute. Their powers and jurisdictions are conferred by Congress. They have no power, no duties, no functions, except those that Congress conferred upon them. When Congress passed the statutes that created these executive departments and commissions and agencies and officers, it defined and delimited their jurisdictions by statutes. That was a legislative act. Now, it is solemnly proposed to the legislative branch of the Government that it confer upon the executive branch of the Government the authority to divest departments, commissions, officers, and agencies of the authority with which Congress clothed them by statute, and to allow the President to reinvest them with other authorities and jurisdictions.

Mr. President, in my opinion, as a lawyer, that is an utterly impotent and impudent attempt, for Congress to abdicate its legislative power and attempt to confer it upon the executive branch of the Government. If it was a legislative act and required a legislative act in the beginning to create an executive department or commission and to define its jurisdiction, it is equally a legislative act to withdraw that jurisdiction in order to take it away from one commission or bureau and to confer it upon another.

The various executive departments and agents and commissions of this Government have been created by Congress, as I have said. Their jurisdiction has been carefully limited and delimited and hedged about with various checks and balances, designed for the particular department or officer. Now, it is proposed to cast into a melting pot all the powers that Congress has ever given to any and all executive departments and agencies of this Government, and to attempt to confer upon the executive branch of the Government the power, overnight and from minute to minute, to dip his executive spoon into this mass of porridge and ladle out such portions as he may please of this great mass of authority with which Congress has vested the executive departments since the foundation of this Government. It is attempted to authorize him to ladle it out teaspoonful by teaspoonful, from minute to minute, between two days, overnight, if necessary in his opinion; to vest the powers of the Treasury Department to-day in the Interstate Commerce Commission; to vest the powers of the Interstate Commerce Commission in the Comptroller of the Currency; to vest the powers which Congress reposed in a Fuel Administrator in the Food Administrator; and to vest the powers of the Food Administrator in a clerk of the War Department; to take the powers that Congress conferred upon the Federal Reserve Board and turn them over to any agency, officer, or commission that is in existence now by law.

Mr. President, I do not believe that we ought to come to that in this free country. If the President thinks that one department ought to have more power, or that another department ought to have other power, and can give a good reason for it, any minute that he will come before Congress and say so, Congress by legislative act will grant that power or change it to suit the occasion. But to say that Congress must abdicate, must turn over its legislative functions to the Executive, is to ask something that can not be done under our Constitution, even if we were craven enough to want to do it.

There is no rhyme or reason in any such request or any such bill as this, in my humble opinion. It is hard enough to place responsibility now; it is hard enough to find out who is responsible for blunders and inefficiency and delays; but when you give the President of the United States, if it could be done constitutionally, the power to shift these functions and responsibilities from minute to minute from one set of his appointees to another, how is the American people ever to locate the responsibility or to tell which officials are efficient and which officials are inefficient?

This is done in the name of democracy, Mr. President. This is done in the name of pitiless publicity, of turning on the light, of not doing anything in a dark corner, of open diplomacy, and to make the world safe for democracy; and we are asked to confer upon the President powers which in my opinion we can not confer under the Constitution, and which we ought not to confer if we could.

In my opinion the bill is not worth the paper it is written on. Thank God, we have a Supreme Court in this country yet; and

I think that court will be zealous and anxious to maintain in all their pristine purity the three separate departments of this Government, so that in waging a war to make the world safe for democracy, or to make the United States safe for the Democratic Party, it shall not be necessary to set up an autocracy in this country, and an irresponsible autocracy at that.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. BRANDEGEE. I do.

Mr. McKELLAR. The Senator is of the view that this bill is unconstitutional. I will ask him if the act from which I am about to read does not confer upon the President substantially the same kind of power that the proposed bill does:

The Bureau of Efficiency shall investigate duplication of service in the various executive departments of the Government, including bureaus and divisions, and make a report to the President, who is hereby authorized, after such report shall have been made to him, whenever he finds such duplication to exist, to abolish the same.

If he is given such authority as that, is it not just what the Senator is complaining of now as being unconstitutional? In other words, this act is what is known as the Bureau of Efficiency act, and it was passed on March 3, 1917. The Senator was then a Member of the Senate, and the RECORD does not show that the Senator voted against that act. If the present bill is unconstitutional, why is not the act of 1917, which I have just read, unconstitutional also, in that it gives the President the right to abolish an office?

Mr. BRANDEGEE. Mr. President, I do not recall the act to which the Senator refers. It may well be that the act to which he refers is unconstitutional. I do not know. I have given the matter no consideration. I may have voted for many an unconstitutional thing since I have been in Congress. Very likely I have. I have tried to vote against some things that I thought were unconstitutional, and have been properly and duly berated as not being sufficiently progressive and up to date in so doing. Nevertheless, I have my opinion, and my nerve is still stiff and firm.

Mr. McKELLAR. Mr. President, if the Senator will indulge me again, I will say that the reason why I mention this matter is because of the very great respect I have for the Senator's opinion. Just a few days ago, as the Senator will recall, he was before our committee, and I agreed with him very fully in his views as to the constitutionality of the particular matter then before us. I have very great respect for the Senator's views; and yet I can not see the difference in principle between the powers conferred upon the President in the act of 1917 which I have just read, and which everybody seems to think is constitutional, and the powers conferred in the bill we now have before us.

Mr. BRANDEGEE. Mr. President, it may be that there is no difference; and if that is so I do not blame the Senator for not being able to see the difference. It may be that the other act is unconstitutional. I will ask him if he will be kind enough to read it again. I did not quite comprehend what he read.

Mr. McKELLAR. I call the Senator's attention especially to the last clause:

The Bureau of Efficiency shall investigate duplication of service in the various executive departments of the Government, including bureaus and divisions, and make a report to the President, who is hereby authorized, after such report shall have been made to him, whenever he finds such duplication to exist, to abolish the same.

Of course the Senator can see that that gives the President the undoubted right, upon the report of that bureau, to abolish offices that Congress has created, and yet, in my judgment, because the Executive was authorized to do that with the executive branch of the Government, that does not confer legislative power upon the President, but it is an executive function.

Mr. BRANDEGEE. Mr. President, I want to say to the Senator that I think I can clearly distinguish between the situation in the act to which he has referred and the status of this bill in this respect——

Mr. McKELLAR. That was really what I desired to hear the Senator do.

Mr. BRANDEGEE. It is one thing for Congress to pass a statute authorizing the President, when he ascertains a particular set of facts to exist, to put into operation the statute that Congress has passed or to suspend it, and it is another thing for Congress to authorize the President to pass legislative acts. We are continually, in every tariff bill that we pass, putting in provisions to the effect that if the President shall at any time ascertain that any foreign nation is discriminating against our goods, then he is authorized to raise the duties or to lower them within certain limits and according to a certain rule that Congress establishes. That is not conferring legislative power upon the executive branch. We do the legislating and authorize the Executive, as a mere administrative act, to press the button when he ascertains a certain fact to exist. That is not legislating, and that is the distinction I make between the two acts.

Mr. McKELLAR. Will the Senator yield?

Mr. BRANDEGEE. I yield.

Mr. McKELLAR. The Senator will recall that even there a great many people believed that the very kind of power that was granted under the tariff act to which the Senator evidently refers gave the President the right to suspend the operation of the law in certain cases. It was contended very vehemently on the floor that the act was unconstitutional because it gave the President legislative power over purely legislative matters, yet when it went to the Supreme Court, I believe in the noteworthy opinion of Field against Clark, it was declared to be constitutional and not unconstitutional as it was claimed.

Mr. BRANDEGEE. I hear what the Senator says—that some people may have thought that the act was unconstitutional. What has that got to do with this case? It may be that they were wrong in thinking that it was unconstitutional to authorize the President to do those things. The Supreme Court decided that they were wrong. If there was any such contention made that has nothing to do with this case, in my opinion.

Mr. McKELLAR. I was just going to say that, in my judgment, it was a case exactly in point, and that the present bill does not confer upon the Executive any greater legislative power than was conferred by the various provisions of the tariff act to which the Senator refers.

Mr. BRANDEGEE. It is not a question of greater or less legislative power. Congress can not confer any legislative power upon the Executive. You might just as well offer a bill here that the inferior courts, which have been established by Congress under the Constitution, could rearrange their own jurisdiction, and that the judges of the circuit court of appeals and the district judges should meet together and take all the authority that Congress had ever conferred upon them, mix it up in a bowl, and redistribute it between the district court and the circuit court of appeals. Does anybody think you can confer legislative power upon the judicial branch of the Government? Does anybody think you can confer legislative power upon the executive branch of the Government? The executive branch of the Government has its well-defined duties under the Constitution. If Congress is willing, it can abdicate its functions and pass a bill that all the statutes Congress has ever enacted in relation to the executive department, the Interstate Commerce Commission, the Federal Reserve Board, the Food Administration, the Fuel Administration, the Post Office Department, the Secretary of the Treasury, the Cabinet officials shall be thrown into a melting pot and the pot handed over to the President with his executive ladle to stir it up and ladle it out from time to time to such agencies, officials, officers, administrative commissions, and so forth, as he may from minute to minute take a whim to do. We have passed such laws for a hundred years as Congress has thought were necessary to guard the Treasury Department and the currency of this country. We have passed laws founding a great Federal Reserve Banking System in this country, and every bank and trust company is controlled by statutes that Congress made with a view of having them left there to control the Treasury Department. Now you are asked to say to the President that he may unscramble the whole business and those statutes and powers and cast down the limitations and checks and balances that we have erected, and that he may confer them upon the Comptroller of the Currency or the Food Commissioner.

My God! We are just entering this war. Is it necessary to change our whole form of government before we have begun to fight?

Mr. SMITH of Georgia. Did the Senator gather from the statement of the Senator from Colorado [Mr. SHAFROTH] that this power extends to the 12 reserve banks, which are governmental agencies, and that their business could be taken from any one of them and transferred to any one of these agencies?

Mr. BRANDEGEE. I heard it, but it is so absurd that I paid no attention to it, really.

The PRESIDING OFFICER. The time of the Senator from Connecticut has expired.

Mr. BRANDEGEE. Could I not speak for half an hour on the bill?

The PRESIDING OFFICER. Yes; but only 20 minutes on an amendment.

Mr. BRANDEGEE. And there is an amendment now before the Senate?

The PRESIDING OFFICER. That is the rule laid down by the Vice President.

Mr. BRANDEGEE. I will resume my remarks on the next amendment, if the Chair pleases.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the committee.

Mr. SMITH of Georgia. Mr. President, it has been suggested that if we should vote upon the pending amendment and then have no other amendment offered, there being no amendment before the Senate the 30 minutes rule will apply. At some time it must apply. I was rather surprised at the ruling of the Vice President. When we made this agreement I thought it meant that at any time during the progress of the debate, no matter whether it was the bill or an amendment which was before the Senate a Senator could use his 30 minutes, and it would be charged to him no matter when used.

Mr. OVERMAN. If the Senator will yield to me, I this morning tried to get the Senate to pass on this amendment so that the bill would be before the Senate if no one offered an amendment, with all the committee amendments out of the way, and Senators could speak on the bill for 30 minutes and 20 minutes thereafter on any amendment that was proposed.

Mr. SMITH of Georgia. Anyone could offer an amendment at any time he saw fit, and if the ruling of the Chair is correct the 30 minutes allowed for debate upon the bill itself is postponed until there is not an amendment pending of any kind.

The PRESIDING OFFICER. The present occupant of the chair recalls that always heretofore, when there has been a time limit, there has also been a unanimous-consent agreement to vote, so that those who delayed speaking on the bill were cut off; but under this unanimous-consent agreement, as there is no time fixed for a final vote on the bill, there will be an opportunity for everyone to speak for 30 minutes on the bill. The committee amendment is pending, and the Chair feels obliged to rule in accordance with the ruling of the Vice President, which was not appealed from.

Mr. SMITH of Georgia. It was not appealed from, but I doubted its effect. I really did not catch its import when it was made. It is a matter that can easily be taken care of in subsequent unanimous-consent agreements, so that it will not be so material except in the present case.

Mr. BRANDEGEE. I simply want to say——

The PRESIDING OFFICER. The Senator from Connecticut is speaking in the time of the Senator from Georgia, who has the floor.

Mr. BRANDEGEE. If the Senator from Georgia will be kind enough to yield for me.

Mr. SMITH of Georgia. I yield to the Senator.

Mr. BRANDEGEE. I have no complaint about the ruling of the Chair at all. The Chair may be entirely correct. While the technical matter before the Senate at the time was the amendment, I really was not speaking on the amendment; I was directing my remarks to the bill, and I assumed that I would have half an hour on the bill. But it makes no difference one way or the other.

The PRESIDING OFFICER. The Senator may not have been aware of it, but he was speaking on the amendment.

Mr. SMITH of Georgia. Mr. President, I agree with a number of Senators who feel that this amendment is not near so material as the amendments we intend to offer to the bill. I have spoken upon this amendment, but not within the 20 minutes' limit. I undertook to point out that the effect of the term "administrative" was to broaden very much the character of agencies that could be used by the President beyond the character limited by the word "executive," and I called attention to distinctions given by the Standard Dictionary between the word "administrative" as compared with the word "executive," applied to governmental officials. It is the view in all the dictionaries, I think, that the word "administrative" extends to officers beyond those who have some definite thing to execute and to any kind of agency connected with the administration. Therefore it will apply to most of the advisory committees, to the War Industries Board, the Food Control Commission, the War Finance Corporation, and to all the different agencies that can be or could be created.

Mr. OVERMAN. I understood from the Senator that it did not make much difference about this amendment, because that question will come up on the amendment the Senator proposes to introduce hereafter and also upon the amendment offered by the Senator from Iowa [Mr. CUMMINS]. Therefore the fight need not be made on this amendment.

Mr. SMITH of Georgia. I simply called attention to what I considered to be the objectionable feature of the use of the word "administrative." I regarded it as vastly more important, however, to exempt entirely from the operation of the bill the Federal Reserve Board, the Interstate Commerce Commission, the War Finance Corporation, and agencies of that character that must be created by legislation under their present organization in order to maintain stability in the operation of the industries and the business of the country.

The Senator from New Hampshire [Mr. GALLINGER] read an extract from a paper this morning which criticized Congress for not acting more rapidly and closed by charging that Congress was about ceasing to function. My view is that the tendency of the Senate to cease to function grows out of the tendency to abandon and delegate its responsibilities to the President; that its fault has been not in taking too much time but in not taking time enough. When we appropriated $5,500,000,000 to new business undertakings in the War Department, if we had really taken time to consider what we were doing, and if we had taken time to consider that we were appropriating $3,000,000,000 to the War Department to be used by the Ordnance Bureau in the construction of plants for the manufacture of cannon and guns and powder, and in the construction of cannon and guns and powder, it would have occurred to us as we went on with the discussion—certainly to some one out of the 96—that we had provided no business men to conduct this enormous responsibility.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. I will ask the Senator from Georgia if Congress has any power to provide the man?

Mr. SMITH of Georgia. Congress could not have selected the man, but Congress could have provided that there should be created a commission or a man and broaden the authority from Army officers to civilians, and the very discussion of the subject, the very discussion of the need of a real man brought to the attention of the country, would in all probability have brought a man before 12 months had elapsed capable of handling the work.

Mr. KELLOGG. But, after all, the President is the only power to select the man.

Mr. SMITH of Georgia. That is true, but what I am suggesting is this: One man can not meet the responsibility that we have placed on the President. One Senator or five Senators might not have done it, but if we had taken our time to discuss this subject, exercising our duty to prescribe rules and regulations for the government of the Army and the Navy, if we had directed that this money should be used through some kind of an agency suited to the work, if we had taken time, some one in the Senate would have thought of the necessity to provide a real organizing executive to direct the work.

How has the present action finally developed? It has really come to the country from the work of the Committee on Military Affairs. I am not complaining about the failure of any one person to do what might have been done; I am seeking to call attention to the fact that one person's mind can not do it, that one imagination can not reach it, and that the functioning of the Senate, though it takes some time, hastens wise action. The functioning of the Committee on Military Affairs beginning last fall has helped bring action. If we instead of hurrying when we appropriated the $5,500,000,000 had taken 30 days to discuss it, we would have probably saved 11 months in the proper use of the money.

I have taken occasion before to express my extreme gratification that we at last are to have a man who I believe measures up to the task of building ships. I do not know a great deal about it, but I have much confidence in the judgment of the Senator from Colorado [Mr. THOMAS], and what I hear of the new director of flying machine construction I like. I believe we are to have a man with organizing and administrative powers in charge of building fighting flying machines. I hope by some way we will get into the Ordnance Department a real business force to be conducted by men of independence and determination who will decline to be tied down by foolish red tape not prescribed by statute, but, as is all red tape, departmental rules and practice. There is not any red tape in the War Department prescribed by statute; it is simply red tape which lack of administrative force in administration has left there.

Mr. VARDAMAN. I should like to ask the Senator if the power has not from the beginning of this war been lodged in the President to name the man who is to perform the function he has just described? Has he not the power?

Mr. SMITH of Georgia. I think so. I have no doubt of it.

Mr. VARDAMAN. The Senator said that Congress had loaded upon the President more responsibility than any human mind could possibly discharge. Has the Senator had any intimation from the President that he has been overloaded?

Mr. SMITH of Georgia. I was presenting my view of the subject and no one else's. I was presenting my own view, and I

was suggesting to the Senate that instead of being frightened by these criticisms that we do not hurry, if we will take our time and consider these questions, their consideration by the Senate will help hurry up action elsewhere and cause more intelligent and more forceful and better action elsewhere. If we had really functioned as a Senate fixing rules and regulations for the government of the $5,500,000,000, if we had discussed what we expected done in the way of organization instead of responding to the demands for instant action, I believe the country would have saved many months that have been lost.

I shall not discuss at this time the Federal Reserve Board. I listened with deep interest to the statement of the junior Senator from Colorado [Mr. SHAFROTH], who openly declared that in his judgment this bill extended the power or the use of the Federal Reserve Board to any other agency, and maintained that the President ought to have the power to transfer the functions of this board.

He extended this view even to the 12 Federal reserve banks.

I am disposed to think the bill as drawn extends to 12 Federal reserve banks. They are governmental agencies in a sense. It may be and probably is that the right of private property invested in the reserve banks would make unconstitutional a provision passed by Congress which authorizes the President to take control of them, but the line of thought which the Senator from Colorado presented shows the menace to our Federal reserve banking system of the bill as it is drawn.

Mr. BRANDEGEE. Did not the Senator understand the Senator from Colorado to state that in practice the President could go to the Federal Reserve Board and make them remove the directors of the Federal reserve bank and put in others?

Mr. SMITH of Georgia. Yes; it was his view that the bill gives that authority.

Mr. FALL. Conceding that the bill does give the authority to the President, or might be construed to give the authority to the President, to take over the property of the bank, even the private individual property of the bank, would that be more unconstitutional than the right sought to be given in what is known as the housing bill to take over the privately occupied dwelling of an individual?

Mr. SMITH of Georgia. I think the housing bill is very extreme. I have not voted for that provision and I have not determined to vote for it.

I think probably it might be best without any amendment presented for awhile to let each Senator who desires to use his 30 minutes discuss this entire bill. Then I expect to introduce some amendments. I expect to offer an amendment at the close of section 1:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Federal Reserve Board.

If the Senate should see fit to adopt that amendment, then I shall offer an additional amendment adding the Interstate Commerce Commission, and adding such other special branches as can be offered, and test out the view of the Senate on the subject. I desire to remove entirely the civil establishment from the operation of the bill. I would vastly prefer that that should be done; but the great harm to the country which I see in the bill as it is drawn is the power to place in suspense or destroy the responsibility of the Federal reserve bank and the Interstate Commerce Commission. As to those two I think serious injury would be produced by the bill. I think the bulk of the changes if any take place in the other branches of our civil establishment will be mistakes if made at this time, when the war is on and when they will be made hurriedly. I do not think the changes will accomplish good. I think whatever is done will be harmful, but the great opportunity to do a serious injury, to impair the industries of the country and the banking system of the country, is found in the authority to disarrange the Federal reserve bank and the Interstate Commerce Commission. I consider a grevious danger carried in these two powers.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. VARDAMAN. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will read it.

The SECRETARY. On page 2, line 23, after the word "executive," insert the words "or administrative."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. Speeches under the 30-minute rule are now in order, unless an amendment is offered.

Mr. NELSON. There is another committee amendment following that.

The PRESIDING OFFICER. The Chair is informed that the amendments of the committee have now been adopted.

Mr. NELSON. The following amendment then has been adopted.

Mr. OVERMAN. I am correct in the impression that all the committee amendments have been adopted?

The PRESIDING OFFICER. The Chair is so informed.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized to speak for 30 minutes.

Mr. CUMMINS. Mr. President, I intend in the very few minutes that I shall occupy to speak with reference to only one phase of the pending measure. Others will discuss it from different standpoints. That this bill unmodified and amended will confer upon the President the authority to transfer all the powers and functions which Congress has granted to the Interstate Commerce Commission to any other agency of the Government, whether that agency be a bureau, a department, a commission, or an officer existing by virtue of the statutes of the United States, must be admitted.

The Senator from Delaware [Mr. WOLCOTT] expressed some doubt with regard to the scope of the bill or the interpretation of the bill in that regard, but he has not insisted very strongly upon his view in such respect. That the Interstate Commerce Commission is an agency of the Government created by Congress there can be no question. In my opinion, it is not only an agency of the Government, but it is both executive and administrative in its character.

When the Senator from Delaware was discussing the matter I asked him a question for which I ought to apologize. I asked him to define the term or word "executive" in this connection.

Mr. WOLCOTT. I think the Senator from Iowa is in error. He asked that question, as I recall, of the Senator from Tennessee [Mr. MCKELLAR].

Mr. CUMMINS. I accept the correction of the Senator from Delaware. It was of the Senator from Tennessee that I asked the question.

Mr. MCKELLAR. My attention was diverted for the moment, and I did not hear the statement the Senator made. Will he repeat it?

Mr. CUMMINS. I stated that during the course of the observations of the Senator from Delaware—I now substitute the Senator from Tennessee, because I think the correction made by the Senator from Delaware is in accordance with the fact—I asked him to define the term "executive power" as used in the Constitution of the United States. I knew very well that he could not define it, for I do not think that any person can define it. I am quite sure that I would not attempt a definition myself, for there is no definition of that term that will not be found in collision with the practices of the Government or some practice of the Government in the last 125 years.

It is sufficient to say that there is a sense in which the Interstate Commerce Commission, or the Federal Reserve Board, or the Tariff Commission, or the Federal Farm-Loan Board is executive—that is to say, these governmental agencies attempt to carry into execution a law of Congress—but they are not executive in the sense in which we use the word when we refer to the executive department of the Government. The term as applied to them has come to mean those departments over which the President customarily exercises his power and which are closely and intimately related to the office of President of the United States. That the Interstate Commerce Commission is administrative in its work there can be no doubt whatsoever. The Supreme Court of the United States has repeatedly recognized and described it as an administrative body; and I intend, in my further discussion of the matter, to assume that the language in this bill will include the Interstate Commerce Commission.

Congress created the Interstate Commerce Commission for the purpose of insuring to the people of this country fair and reasonable rates for the transportation of their commerce, as well as to protect the railway or transportation systems of the United States against undue encroachments on their rights and privileges at the hands of the several Commonwealths of the Union. Anyone who is at all familiar with the history of our systems of regulation, both Federal and State, will have no doubt what the purpose was on the part of Congress. That was the first attempt, you will remember, of Congress to regulate interstate commerce. It preceded the further and, possibly, the more comprehensive attempt of the antitrust law which went into effect in 1890. The interstate-commerce law was passed, as you all know, in 1887. Congress created the Interstate Commerce Commission, prescribed the number of its membership, and reserved, as it must necessarily have reserved, the right to approve or reject the selections which the President might from time to time make in order to fill the offices that had thus been established. It is entirely and wholly an agency of Congress. While its duties are judicial in their general color and complexion,

they are not judicial as determined or tested by the Constitution or by our general acceptance of that word.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield for a question.

Mr. McKELLAR. I merely desire to ask the Senator a question. Does not the same view that the Senator has expressed about the Interstate Commerce Commission hold in regard to the Treasury Department of the Government—that it is peculiarly the agent of the Congress instead of the agent of the President?

Mr. CUMMINS. In a sense every agency of the Government is an agency of Congress; that is, if Congress creates the agency, that is true. It is not true, however, in the same sense that it is true with regard to the Interstate Commerce Commission.

Mr. McKELLAR. Inasmuch as the Treasury Department, however, has to do with the revenues of the Government, which are appropriated or raised altogether by Congress, is not the Secretary of the Treasury just as peculiarly an arm of the legislative branch of the Government as is the Interstate Commerce Commission?

Mr. CUMMINS. Not as peculiarly so. The office of Secretary of the Treasury is in large part ministerial. The duties of the Interstate Commerce Commission are not ministerial in any sense, for there is a vast difference between an executive act and a ministerial act. An executive act may involve the exercise of discretion; a ministerial act can not ordinarily involve the exercise of discretion. But it matters not if there is a close parallel between the Secretary of the Treasury and the Interstate Commerce Commission, my argument remains the same. Congress created the Interstate Commerce Commission; it prescribed its membership; it carefully defined its duties and powers, all for the purpose of protecting the people. Congress would not have passed a law giving these powers and duties to a single person. They are too vital to the welfare of the country, and they are of a character that could not possibly be safely exercised by a single person.

Suppose we had before us at this moment a bill which proposed to transfer all the powers and the duties of the Interstate Commerce Commission to a single person; assume further that that person is the Director General of Railways, under the law which we passed a few weeks ago; is there a single Senator here or elsewhere who would vote for a bill which would take from nine men trained in the subject over which they are given power, skilled in the intricacies of transportation, who through years of experience have become familiar with the needs and demands of the various localities of the country—would you, I ask the Senator from Tennessee, if such a bill were present here now transferring all these powers and duties from a board of nine men, composed as I have suggested, to a single man, no matter how honest he might be? Would you vote to entrust to any one man these vast and intricate and vital powers for the government and control of our transportation—not the transportation of Government material or of Government troops, but the transprtation upon which the commerce of the country and the industry of the people are founded? Would the Senator from Tennessee vote for such a bill?

Mr. McKELLAR. Mr. President, I would not vote for a bill of that kind, but this bill applies only to a temporary situation. As a matter of fact, I think the Senator from Iowa and I have both already voted for a law that practically does the same thing in the recent railroad bill, which was passed by this body—I will not say the Senator voted for it—but it was passed, I think, practically by unanimous consent. However, I want to ask the Senator this question: Suppose since the Government has taken over the railroads and has put them in the hands of a Director General, the President should conclude that these nine experts, or some of them, could be well utilized in aiding the Director General in carrying on the railroad business of the country as conducted by the Government, does not the Senator think that the President ought to have the right to utilize the services of these well-known railroad experts in aiding the Government in carrying on this great branch of governmental endeavor at this time?

Mr. CUMMINS. Undoubtedly.

Mr. McKELLAR. That is all this bill does.

Mr. CUMMINS. But that is not all of this bill. That is the difficulty about it.

Mr. McKELLAR. That is what can be done under this bill.

Mr. CUMMINS. That is the fallacy about the argument of those who are advocating the passage of this bill unchanged. Of course, that could be done, but that is not all that could be done; it is a very small part of the powers which are proposed to be conferred in the bill.

I have no objection to authorizing the President—he has the power now—to call upon the members of the Interstate Commerce Commission for all the information they have. Not three months ago the President invoked the services of the members of the Interstate Commerce Commission for the composition of the railway bill, to which the Senator from Tennessee [Mr. McKELLAR] has referred, and they rendered all the aid which men could render in framing and preparing and presenting the measure which we passed.

But I want again to correct the Senator from Tennessee. I did not vote for the railway bill. That is one of the sins that can never be laid at my door. I was quite willing that the President should be in possession of the railroads; I think he ought to have taken possession of them long before he did; but the railway bill which we passed contained so many objectionable provisions which could not possibly be employed for either the prosecution of the war or for the advantage of the people that I could not vote for it, knowing that the President already had full and complete authority, so far as the operation of the property and the utilization of all of the resources of transportation were concerned.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator.

Mr. KELLOGG. I should like to call the attention of the Senator from Iowa and of the Senator from Tennessee to the provision of the law which we passed, which is known as the railroad law. It authorizes the President to "avail himself of the advice, assistance, and cooperation of the Interstate Commerce Commission and of the members and employees thereof," and he "may also call upon any department, commission, or board of the Government for such services as he may deem expedient."

Mr. CUMMINS. Mr. President, I am very much obliged to the Senator from Minnesota for calling that matter specifically to the attention not only of the Senator from Tennessee but to the attention of all Senators. This bill can not be defended upon any such pretense as the desire on the part of the President or the Director General of Railroads to secure information that may be lodged in the Interstate Commerce Commission, or for aid that he may require from any member of that commission. He has that right now, as he has always had it.

It is not true, as seems to be supposed by so many Senators, that we have entirely emasculated and destroyed the Interstate Commerce Commission in the railroad law, objectionable as some of the provisions of that law may be. I am afraid to go any further, however, in that direction. If you think you are safe in transferring the powers of the Interstate Commerce Commission to a single person, see what is being done now. The Senate, on the passage of that bill through this body, attached an amendment to it that preserved from the operation of the bill, if that were necessary, the right of the several States to tax these properties in their accustomed manner.

There was added to that amendment in conference, as I remember, a provision which practically nullified it, although in the hands of a competent and unprejudiced board it might still have effected the things which were intended by the author of the amendment. What has happened now? The Director General has addressed, according to the public press, the governor of every State in the Union upon the subject of taxation, and has asked the governors to use their influence, not to retain taxation of the railroads at the present point, but to reduce the taxes which have heretofore been levied upon these properties by the several States. Why? In order to increase the net revenue of these properties, which it is hoped may finally find its way into the Treasury of the United States. If this persuasion which has now been initiated shall be unavailing, mark my word, it will not be six months until the Director General will be using the power which we gave to him in that bill to destroy the systems of taxation of the several States. What does that mean? It means that the people of the various Commonwealths, deprived of the revenue which they have heretofore enjoyed from this source, must increase the burdens laid upon other kinds of property.

Mr. BORAH. Mr. President, this bill would not change that situation, would it?

Mr. CUMMINS. It would not; I am simply trying to point out the dangers that are to be feared in the transfer of the power of the Interstate Commerce Commission to any single man, I care not how honest he may be. He will be a man with an obsession, he will be a man with something to accomplish;

it may be right and it may be wrong; but I, for one, will never vote to grant any such power to a single man. The experience of the whole world has repudiated ventures of that character. I mention this simply to point out the things that may be apprehended in the future administration of the Interstate Commerce Commission.

Mr. OVERMAN. Wherein is that power granted of which the Senator speaks?

Mr. CUMMINS. I will be very glad to read it to the Senator.

Mr. OVERMAN. Does the Senator refer to the railroad bill?

Mr. CUMMINS. It is in the railroad bill.

Mr. OVERMAN. Oh, I thought the Senator was referring to the pending bill.

Mr. CUMMINS. The power granted in this bill is to take the authority away from the nine men who have been lifted up by the President himself as men fit to administer this law. I do not agree with him in regard to all these men, for I think some of them ought not to have been appointed; but, as a whole, they constitute the safest depositary of the power which we desire to grant that can possibly be conceived.

Mr. OVERMAN. I can not conceive how, under the railroad bill, that can be done, and I should like the Senator to read the provision; or if there is some other bill which the Senate has passed that would give the power to the Government to increase taxes in the States, I should like to know about that.

Mr. CUMMINS. I have just answered the Senator from Idaho that the bill we are now considering does not change that.

Mr. OVERMAN. The Senator says the power is somewhere else. I should like to know where it is, because if the Senate passed a bill with any such provision in it, I should like to know it.

Mr. CUMMINS. I will read the provision in the railroad bill. It is section 15, and reads as follows:

> That nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except—

As I remember, this is what was added—

> except wherein such laws, powers, or regulations may affect the transportation of troops, war materials, Government supplies, or the issue of stocks and bonds.

Mr. McKELLAR rose.

Mr. CUMMINS. I am very sorry, but I can not yield for any extended discussion, because my time is limited.

Mr. President, it will not be long until the Director General of Railways will say to the States, "Your taxation of these instrumentalities interferes with the issue of stocks and bonds, or interferes with the efficiency of the railroads in rendering the Government service, and for that reason we set aside the several laws of the States relating to taxation." It may not occur; but I am not willing—and I was not willing originally—to vote to make it possible that such a contingency should arise, especially as no one has ever pointed out or ever can point out any safety for this country with the power of the Interstate Commerce Commission in one man's hands that does not exist in the hands of the nine men who constitute the commission.

I pass from that to what is left with the Interstate Commerce Commission and what we are asked to authorize the President to take away and confer upon any person whom he may select. Section 10 of the railway act begins:

> That carriers while under Federal control shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control or with any order of the President.

It is my opinion that the power of the President over the subject as granted in the railway law does not embrace the power and duty of the Interstate Commerce Commission to proceed with its valuation of railway property. At this time that power is secure; at this time that duty is complete; and, if Congress makes the appropriations necessary to enable the commission to go forward, the work which has been pursued for the last three years and a half or more will go on; and when we come to resume the discussion of the real and proper relation between the Government of the United States and these railways, when we come to ascertain whether we shall become the owner of these vast properties or whether we shall redivide and reconstruct the systems in order to eliminate some of the difficult problems which have grown up under our former system of regulation, we will have not, it is true, a valuation in its proper sense, but we will have collected all of the information necessary to reach a conclusion with respect to the true value of the properties. It makes no difference whether the Government becomes the owner or whether it undertakes some other plan of regulation and control, the value of the properties is of the highest importance; it is an essential element, in any consideration, which we may give to this subject.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BRANDEGEE. Mr. President, as I was saying a few moments ago when I was speaking upon the committee amendment, I regard the pending bill as a clear attempt to delegate legislative power to the executive branch of the Government; hence, I regard it as utterly unconstitutional, and I think the Supreme Court will set it aside as soon as it can properly be brought before it if we should pass the bill.

The Senator from Georgia [Mr. SMITH] has indicated that he is to offer several amendments to the bill, and if I understand the purport of the amendments I shall certainly advocate them and vote for them; but even then, Mr. President, I regard it as perilous to pass this bill. It is wrong in principle. It will not make any difference how many amendments the Senate puts onto this bill. If any Senator thinks that he is going to help defeat this bill by putting some amendments on it and making it a little less objectionable, he is pursuing a vain hope. If the Senate adopts any amendments to this bill, they will simply furnish the conference committee a handle with which to strike out all the amendments of the Senate to the bill, and the bill will be reported right back here from the conference committee just as it was drawn by the President, and then we will have to swallow it whole or reject it in toto; that is all there is to it. So that no one will accomplish anything, even if he gets proper amendments attached to the bill. The one amendment that ought to be offered and carried to this bill is to strike out all after the enacting clause. Then we should know where we stand.

Has any Member of either branch of Congress the slightest idea what use the President would make of this vast power which we propose to hand to him en bloc, to carve up into such sized cubes as his whim may from minute to minute dictate? No one knows a single thing that he intends to do. Does he know himself? He says he does not. I think I violate no confidence when I state to the Senate and to the country that the Committee on the Judiciary that considered the bill for weeks with the strongest opposition developing there, sent a committee of its members or certain individual members of the committee to ask the President if he would not be kind enough to inform us what he wanted to do; and the answer came back that he was unable to do so, because he did not know what he wanted to do. He wanted the power to do anything that he might want to do in the future; and since then it has come to my ears unofficially that he has been sending for Senators and notifying them formally that he would regard the vote of any Senator against this bill just as it is drawn here as a vote of a lack of confidence in him!

Well, now, the President has his veto power. Having that, it does not seem to me to be quite seemly that he should not only draw bills in advance and send them over here with orders to pass them without the dotting of an "i" or the crossing of a "t," but that he should accompany them with a notice that if any Senator ventures to have a different opinion of the legality of a measure from his opinion he will regard it as a vote of lack of confidence in him.

I noticed in that great palladium of our liberties, the New York World, yesterday or day before yesterday, an article by the Washington correspondent of that literary production in which it was said that the President demanded to know the names of the Senators who were going to vote against this bill. He demanded to know their names! Well, all he has to do is to read the CONGRESSIONAL RECORD, and he will find out quickly enough. There will be a roll call on the bill, probably. I do not know of any Senator who is afraid to have his name go in, no matter which way he is going to vote on the bill.

Why does not the President specify what he wants to do? What is the hindrance that is placed now upon the executive branch of the Government? Who appoints these fellows that are inefficient and are duplicating work? Why, they are all his agents now. He can chop off their heads at any minute. Many of them were confirmed over strong protest in the Senate; but they are his agents, and he can remove them. He says they do not coordinate. Why does he not make them coordinate? He is their boss. He can summon the heads of any executive department or of any bureau or of any commission into his office and say: "You gentlemen are not coordinating. Now, coordinate. Go ahead and coordinate. If you do not, I will do some coordinating, and off your heads will go." What is the use of his complaining to us that he can not make his own servants obey his orders or carry out his own policies?

We are asked now to put in escrow all the powers that Congress has ever granted to any executive department, commission, agency, or officer, tie them up in one bag, and hand them over to the President for him to do with as he may see fit from minute to minute, so that if he confers the powers of the Comptroller of the Currency upon the Food Commissioner and that official makes a blunder which causes public clamor and criticism, and somebody gets up in Congress and attempts to criticize him or to show wherein he is acting wrongly, the President says: "Ah! The pea is under the other shell. I took it away from him an hour and a half ago, and have now conferred it upon Dr. Garfield"; and there would be no possible way in which this free democracy and this republican form of government could ever find who was responsible, except we know in a general way that the President would be responsible, because he would hold the bag, with all the powers in it.

But they say: "You must not criticize the President"; and I have just read in the newspaper an article in which the Associated Press says you must not criticize the President during war. The Senator from Illinois, the distinguished mold of fashion, stands up here and ululates and bleats, "We are at war, and he is our Commander in Chief! He must have all the power necessary to win the war."

Well, the President is Commander in Chief of the Army and Navy. He is not commander in chief of Congress, and he is not commander in chief of the American people. We are not yet under military rule, and I do not think we shall be. But here is the Democratic Party, in complete control of all three branches of this Government, the party that has stood up preaching the faith of its sanctified leader, Thomas Jefferson, for 75 years here, denouncing the concentration of power at Washington and claiming that they were for the rule of the people and home rule, proposing to confer upon the President of the United States, simply because he is Commander in Chief of the Army and Navy, and can order vessels around and order generals around, the power to reorganize all the executive departments of this Government. Why, it is an amazing, an astounding, an utterly unheard-of and utterly unnecessary thing to pass.

The Senator from Vermont [Mr. DILLINGHAM], I believe, a member of the Judiciary Committee, went over to see the President about this bill, and tried to find out what the President had in mind. He could not find out anything about it, except that the President said: "I want the power. I do not know what I am going to do with it; I do not know that I shall do anything with it, but I want the power."

Well, if Congress abdicates all its functions and turns over all its powers to the executive branch of the Government and then adjourns, how much do you think you are going to know about this war? Is not the Congress of the United States a part of the Government of the United States? Or have the people actually come to believe that the Executive is the Government of the United States?

Why, the President of the United States now is more powerful than any monarch in the world. Nobody knows what will be done with these powers. Why should we pass a bill under the plain language of which the powers of the Interstate Commerce Commission could be transferred to the Director of Railroads? Why should we pass a bill the language of which would permit the powers of the Federal Reserve Board to be transferred to the Department of the Interior? Is there any excuse for it?

"Ah," they say, "you distrust the President." Why, Mr. President, if somebody introduced a bill here providing that in the future the President could make all the appropriations needed by the Army and Navy, and somebody should object to it, they would say: "Ah, you distrust the President."

I do not distrust the President. I know that he is a patriotic, loyal American. I distrust his judgment of men, Mr. President; and I think his selection of men has warranted my distrust. I do not think he is a good judge of men. I think he has made some egregious blunders; but I do not distrust the President's integrity, nor his patriotism. I simply know that he is human. He is not infallible. Why bundle up all these powers and hand them to him?

If such a fundamental bill as this is necessary, why should not the President write a message to Congress and tell us why it is necessary? Why write a letter to a particular Senator, and hand him the bill, and say: "Get this through, and anybody that does not vote for it is my enemy"? Here is a great measure. We do not hear one word from the Chief Executive about it. He sends for some one Senator, or writes some Senator a letter, and says: "Go to it, and put it through. I will not have any amendments to it. I do not care what the discussion in the Senate is; it is all trivial. Hurry up—for God's sake, hurry up—and give me the power."

Is that what the President means by taking common council with Congress? Is that what he means when he complains of a lack of coordination? Is it reasonable? Is it fair?

Here is the legislative branch of the Government, with its organized committees and its lawyers and business men and its men representative of the people who sent them here, just as much as the President is a representative of the people. We represent the particular sections, and we are selected because our constituents have confidence in us. There is not a Senator on this floor who ever got to the United States Senate unless there was something in him, unless the majority, at least, of his people trusted him. We are all elected by the people themselves now, and not by legislatures. Is it so that argument and debate are to be foreclosed, that bills are to be drawn by Deputy Attorneys General and chiefs of departments and sent over here with an "O. K.; pass this," signed by the President, with orders to vote down all amendments before they are offered, or before it is known what they are? Is that taking common counsel and coordination?

We have three coordinate branches of this Government, and they ought to coordinate. That was the intention of the framers of the Constitution. When the Senator from Oregon [Mr. CHAMBERLAIN] the other day, in a magnificent speech, in which he had the goods and the testimony of the living witnesses from the primary authority, stood up here and exposed certain defects and inefficiencies in the War Department, the President of his own political party, the Commander in Chief, denounced him as a liar. He said he had committed a willful distortion of the truth; and then, by some intellectual process of jugglery of which he is a master, he stated that therefore he was compelled to assume that he was against all his policies. Is that a good exhibition to make to the country of coordinating? The Senator from Oregon, the chairman of the great Military Affairs Committee, is responsible for every piece of effective war legislation that has gone through this Congress. If it had not been for him, we would not have had any Army; and yet his Commander in Chief treats him in that way, and calls it taking common counsel and coordinating! He assumes the right to criticize us. I reserve the right to criticize him when I think he needs it, although the Associated Press may not dare to do so.

The administration has pretty nearly got the country by the throat. It controls all the banks and trust companies through the Federal Reserve Board. It controls the whole shipbuilding industry. It controls all the railroads of the country through the Director of Railroads. It controls the food of the country through the Food Administration. It controls the production of the country by fixing the prices of wheat and other farm products. It controls the coal mines and the fuel of the country, and now we are asked to sign a blank deed and hand it over to the President to control everything and everybody in all the executive departments, and to redefine their jurisdiction!

Why, we have carefully attempted in statutes for a hundred years to put certain limitations and checks upon certain departments, and then, when the President has named his chief for the head of one of those departments and sends him over here, we have confirmed that man to administer those duties because in our opinion he had special fitness for those duties. Now, the President wants power to take all of one group of duties and bestow those duties and powers upon a man that the Senate never confirmed at all for that position. I might be willing to confirm Dr. Garfield for a fuel administrator, but it does not follow from that that I ought to hand the President a written power of attorney to make him Secretary of the Treasury at any time he wanted to, because he might not make a good Secretary of the Treasury. In other words, by a process of indirection, the provisions of this bill deprive the Senate of its constitutional right to confirm the heads of the executive departments and bureaus and commissions of this Government; and we seem to be proud to divest ourselves, or to attempt to divest ourselves, of the powers that the Constitution confers upon Congress.

I do not propose to be a Senator like a little white poodle dog or a spaniel running between the White House and the Capitol with a ball in my mouth and carrying orders back and forth, or delivering them. We are Senators of the United States, and our responsibility is just as heavy and our action is just as important as that of the executive departments. If any Senator or any Member of the House feels at times humiliated by the criticisms of Congress in the newspapers, and the jokes that are made upon it, and the denunciations that are rained upon it for its impotency and its lack of independence and originality

and backbone, it is our own fault because men will not stand up and vote their honest convictions. I will venture to say that there are not one-third of the Senators on the Democratic side of this Chamber who in their hearts are proud to vote for this bill, or believe that it is a good bill to pass, and yet they line up and vote for it—why? Because they want to stand in with the administration; because they do not want the President to send a telegram down through Mr. Tumulty or somebody to the Democratic committee, or through Mr. Vance McCormick, and say: "Send me up a man who will be good and do just as I tell him to. I can not manage this fellow. Send me up somebody that will be a cuckoo." That is the reason why they are going to vote for it. A government of the people and by the people, a great democracy of 100,000,000 free men, all come to heel just like a lot of little trained dogs in a dog show.

This sort of thing makes me sick, Mr. President, and I will not vote for the bill in any form.

Mr. SMITH of Georgia. Mr. President, it is my purpose to offer, a little later, the following amendment:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Interstate Commerce Commission or the Federal Reserve Board.

In offering that amendment I do not wish to be understood as meaning that the bill would be perfect if that amendment were adopted.

The PRESIDING OFFICER. Does the Senator from Georgia offer the amendment now?

Mr. SMITH of Georgia. Not yet. I am simply explaining that I intend to do so later. I wanted it understood, however, before I offered the amendment, that I did so because I thought it would take two of the most objectionable features out of the bill, not that the bill would cease to be objectionable.

The Senator from Connecticut [Mr. BRANDEGEE] has called our attention to the fact that the Constitution provides that all but the inferior officers are to be nominated by the President, by and with the advice and consent of the Senate. I do not know just what that means. Certainly some officers are not inferior officers. By this bill we propose to transfer, at the will of the President, the responsibilities of every major office to anybody he may name, though the new recipient of the duties was never confirmed by the Senate. I do not say it is unconstitutional. I do not know how far Congress can go in abdicating its responsibilities without passing unconstitutional legislation. I only know that for one I will not vote for such a measure, constitutional or unconstitutional.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. SMITH of Georgia. Yes.

Mr. BORAH. I take it that the measure would be just as unconstitutional after the adoption of the Senator's amendment as before.

Mr. SMITH of Georgia. Yes; but it would not be as dangerous to the country, for the reason that while there may be disturbances of government caused by it in spots, if you preserve the Federal Reserve Board and the Interstate Commerce Commission in my opinion you save from injury the banking system of the country and the industries of the Nation.

Mr. BORAH. The situation has resolved itself, then, into this, that it is a question of expediency as to how much we shall include rather than a question of the constitutional principle whether or not the bill should pass at all.

Mr. SMITH of Georgia. I did not say that I thought the bill was unconstitutional, even as it is.

Mr. BORAH. I do not know that the Senator has said so; but a number of Senators have advanced the theory that it is unconstitutional, but seemed to indicate that if certain amendments were adopted they would accept it.

Mr. SMITH of Georgia. I can not speak for them. I am speaking for myself. I have just said that I did not know how far Congress could go, in the transfer of responsibilities that the Constitution certainly authorized Congress to perform, without making the legislation itself unconstitutional. The Supreme Court has held that measures that went very far in the delegation of what might be construed as legislative responsibilities were not unconstitutional; and I have no fixed opinion as to where the power of delegation ends, if it ends anywhere, except in the discretion of Congress itself. Therefore, as to that question, the Senator from Idaho will have to ask some other Senator. What I am urging is that the worst part of this delegation is that delegation which reaches to agencies that are the most far-reaching in our industrial and commercial life.

The President might carry out the suggestions contained in the memorandum of the Senator from North Carolina, and consolidate certain features of the Agricultural Department with the office of Commissioner of Education. It would be a blunder, it would be foolish; but it would not strike at our industrial or commercial life. It would be a mistake that would soon be rectified. He might follow the suggestion made by the Senator from Tennessee and undertake to consolidate our Federal Trade Commission with a somewhat similar branch in the Department of Commerce. They are engaged in different work. The work is specialized and different in the two bureaus. I think it would be a blunder to make the consolidation, but it would not reach our industrial and our commercial life. It would be a less important blunder than to tear to pieces our Federal Reserve Board and our Interstate Commerce Commission.

The junior Senator from Colorado [Mr. SHAFROTH] frankly stated upon the floor that he favored giving the right to the President to interfere with the Federal Reserve Board. The act creating the board gives him the right to remove its members at pleasure; but when he makes a removal he must send another name to the Senate for confirmation, and we exercise our responsibility in saying whether the proposed new member is suitable. But this bill would let the President take all the duties of the Federal Reserve Board, which we have so carefully guarded in our banking and currency legislation, and transfer them to the Comptroller of the Currency or to an auditor of the Treasury Department. The Senator from Colorado goes further and says that the 12 Federal reserve banks are administrative agencies, and that the President would have the right to name the directors of any one of those banks, or name some other Government agent to operate them. I do not say that I accept that view, but I mention it to show you what an able lawyer and a great Senator thinks could be done. The men around the President might take the same position.

Why do I say that jeopardizes the commerce of the country? Because the banks of the United States have conducted their business, continuing and expanding credits and functioned during the war just as well as they did in peace, relying with confidence upon the organization we created and upon the officers of the Federal Reserve Board. If the views of the Senator from Colorado should be executed, the whole banking system of the country would be jarred from ocean to ocean, and you would see a curtailment of credits and a running to cover by the banks everywhere, in fear that wreck and ruin was ahead of them. Instead of the superb response to the needs of the country, which the banks have been giving for 12 months past, you would force them into contraction, you would force them to bring on liquidation, and you would break down the banking system and the credits of our country.

Senators, are we to vote for a bill with such a provision in it because any President has demanded it? I would tear up my commission and go home before I would deal such a blow to my country. Whip the Germans? No man lives who desires to whip the Germans more than I do. I would rather see this country of ours sunk 500 feet below sea level, and the oceans sweeping together over us all, than to have the Prussians treat the American people as they have treated the Belgians. I would rather wipe out whatever I have, and bury all my children and grandchildren and relatives, than to submit to the domination of the brutal Hun. It is because I wish to whip the Germans, it is because I know that the strength of my country must be maintained to whip them, that I oppose this unwise—to state it mildly—this inexcusable proposition to involve the entire banking system of our country in a state of uncertainty and doubt and almost ruin.

Now, when we come to the Interstate Commerce Commission there is still retained in that commission a power to hear and reverse action by the railroad managers; at least, there is a semijudicial tribunal, perhaps a legislative commission, charged with giving a party injured a formal hearing. Just what the Interstate Commerce Commission is I do not know. It is partly judicial, partly legislative, and partly administrative. It is a creation by Congress to perform a duty that rests upon Congress. But it has been created with certain limitations and directions which require from it the exercise of our congressional authority to pass upon facts and questions of law in a semijudicial way.

What is our Interstate Commerce Commission? A board of nine men, a number of whom have been upon it for years. They have been confirmed by the Senate. They have been studying the question of discriminatory rates for years. As a part of their force there are many examiners who have been trained for years, many of them having come up from civil-service clerks, who are now receiving $5,000 a year as assistants. It is an organized, trained body of men charged with responsibility by the Congress of the United States—the lawmaking power in this country. What is it that is proposed? That we

shall let the President name anybody he sees fit, man or woman, if a Government officer or agency, to perform the duties that we have placed upon this great tribunal. Why? To win the war. How win the war? What does the President know about it that the Senate does not?

There are a dozen men in the Senate who know more about the Interstate Commerce Commission and its duties than the President or any man who ever was President. I would not trust any one Senator here alone to transfer the functions of the Interstate Commerce Commission; I would not transfer that authority to the entire Committee on Interstate Commerce of the Senate. If a change takes place in the functions of the Interstate Commerce Commission I wish it to come before Congress as a legislative measure and let it be considered by both bodies of Congress. That is the wise and constitutional course.

What change does the President wish to make in the Federal Reserve Board or the Interstate Commerce Commission? We have begged the Judiciary Committee to send and find out. We have begged them to obtain information. The answer we got was no. Things for change come up every day. We were told that was all the answer we could get. What has come up in the past 12 months during the war which should be changed? We received no answer. What kind of men are we that we lay down our responsibility at the mere bidding without explanation and without information?

Oh, yes; we got information and explanation. The Senator from North Carolina told us all about it. He said it was to win the war. Just as logically he could ask the Senator from Connecticut to crawl around this room to win this war. There would be just as much reason to believe it would win the war as that conferring power upon the President to interfere with the civil establishment would win the the war. There is not a reason why; there is not an indication how.

Gentlemen, are we to jeopardize the industrial and commercial interests of our country without knowing why? I invite you to point out a change that should take place in either of these organizations. I invite those who represent the President to tell us, to treat us with respect, to regard our capacity as legislators. If we pass this bill as it is, we ought not to have any respect from any source; if we abandon our legislative responsibilities and say "take it all, do as you please," we would say to the President you know more about their duties than both Houses of Congress, or perhaps even we would say Dr. Garfield knows more than Congress.

The country ought to lose respect for all such legislators. We can not do it, gentlemen. If that is the kind of legislation that is to be done, if that is what my people want, I wish them to put somebody else in my place. I know it will hurt our country if the President tinkers with either of those two organizations. Either he is going to or he is not going to. If he is not going to, there is no use to put them in the bill; and if he is intending to interfere with them, I know he will hurt my country and help the Germans, and I protest against their being included in the bill.

I can not, therefore, as a loyal citizen of the United States, desiring more the defeat of the Germans than anything else, consent to jeopardize the industries and the commerce necessary to aid in this war just because there is a bill here containing that provision. The Senator from North Carolina has been commended for objecting to any amendment. Senators, what will the country think of us if we do it? What will we deserve to have all men think of us? Either that we do not think or we would not think.

I hope, therefore, that a little later on when I offer these amendments they may receive from the Senate a majority, protecting the bill from the things that will do the most harm and that will help the Germans most. The balance of the bill may inconvenience us and disarrange some of our domestic affairs, but I am not sure that any of the other changes will help the Germans win the war. I use the eloquent and vigorous language of the Senator from North Carolina. I only wish the Senate to understand that in offering the amendment which I shall do a little later I do not in any sense mean that I think it is all that ought to be done. I only mean that I think it is absolutely essential that these of our executive organizations should be freed from the danger of change without legislative consideration.

Mr. KIRBY. Mr. President, some day I am minded to take into my confidence the American people and tell them what I think about some of the Members of the Senate. I am not going to do it to-day, however, but I am going to address myself to this bill and briefly. I spoke in favor of it on February 15, and certainly it can not be said that the Senate has been proceeding without careful deliberation or with undue or unnecessary haste. But the time has come when this bill ought to be passed. As one of the Senators said the other day, the time for peace talk has ended. It ended on the day when war was declared, and the time for prolonged discussion in the United States Senate that unnecessarily obstructs the passage of war legislation is also about past.

It seems to me that some of the Senators who were so swift to declare the war are laying down on the fight when it becomes necessary here to pass some legislation that the administration and all others acquainted with the conditions have regarded necessary for the successful prosecution of the war.

Some have said, What is the necessity for this legislation? Let us see. We have in our war establishment or in our machinery for conducting war several different boards and agencies. We have the Shipping Board, that is authorized to buy steel, that needs steel urgently, and that has the money to pay for it. We have a like agency in the War Department and in the Navy Department and the railroad department, all agencies of the Government. Now, all that need steel have authority to buy steel and all have the money to buy with.

Now, what is the condition? The supply of steel is limited. Who is there to say what particular one of these departments shall have what steel is on hand or what shall be paid for it? Nobody. There is no man, no governmental agency, in the United States to-day that can act by direct legislative authority to the exclusion of any other agency in the purchase of steel. There is an example, and that is a condition that is intended to be remedied by this bill.

The Secretary of War thought in building this machine this sort of condition might be avoided; that we might not duplicate effort; that we might eliminate competition among Government agencies and save the Government money; that we might say to one particular agency, "Your need is more urgent than that of the others, and you shall have the steel." He thought that condition might be brought about by the War Industries Board at the top of all these organizations, a voluntary organization, mind you, because all members of that organization are heads of departments under the direct authority of the President and may be removed by him. He thought by conference and adjustment and agreement that all such conditions might be remedied.

But what was the result? We had a great long tirade and unsparing criticism from the Senator from New York [Mr. WADSWORTH]. We had another from the Senator from Massachusetts [Mr. WEEKS]. We had another from the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of our Military Affairs Committee, and yet another from the Senator from Nebraska [Mr. HITCHCOCK].

What said these Senators? They said it was impossible with this sort of an organization to conduct the war successfully; that there was a lack of concrete power, a lack of singleness of purpose, a lack of unity of action; that there was diversity of authority and loss of power; and that we must have some statutory, some direct and express authority in order to have this condition remedied. They proposed a minister-of-munitions bill. They proposed a war-cabinet bill. To this minister of munitions and to this war cabinet they gave all the powers and more than are proposed to be granted to the President here. Some of the powers proposed to be granted in the latter bill would have taken the conduct or direction of the war virtually out of the President's control and necessarily hindered and obstructed him in carrying on the war. If any one of them denies that let him stand up now and say so.

Mr. WADSWORTH. Mr. President, I deny it. There was nothing in the war-cabinet bill and there was nothing in the director-of-munitions bill which would authorize taking away from the Interstate Commerce Commission any of its functions.

Mr. KIRBY. And there is nothing in this bill which authorizes taking away from the Interstate Commerce Commission any of its functions. It is true the Senator from Georgia [Mr. SMITH] has seen fit to convince himself that there is a great bogy in this bill along that line. He has erected a mighty straw man here in proportions grand and tall, and he has punched him full of holes and torn him down and trampled him into the dust, but the inference that he draws is not warranted. It is not within the scope of this bill.

The distinguished Senator from Iowa [Mr. CUMMINS], a great lawyer, who understands the working of the Interstate Commerce Commission, and all of us agree that it is of great benefit in this Government of ours and has protected the people against extortion and outrage and robbery by our railroads, corporations, and common carriers; we all agree to that; but that Senator, great lawyer as he is, will not dare stand on this floor and say that the power of the Interstate Commerce Commission to review a rate, to determine the reasonableness of it, is an

executive or an administrative function, and only the agencies whose functions are executive or administrative can be affected by this bill. Now, that is the condition we find here. We can conjure up these things, we can say they are wrong as conjured up, but let a Senator point out where this bill will do it. It can not be done.

These other gentlemen have said we needed some unity of action, some direct express authority to do these things, to coordinate these agencies; and Willard, who was chairman of the National Council of Defense, a great railroad president; this man Gifford, who was secretary and statistician for the council; Catchings, who was the chairman of the United States Chamber of Commerce, each and every one of them, and two others, whose names I do not recall, the great men who were here and saw this organization as it was builded up, saw this agency increased here, saw one added over there, said it might be improved only in one way. How? By creating some authority that would be plenary; that would be concrete and elastic; that could be directly used by the President; that where there was shown to be conflict or friction it might be removed with this additional authority or this express elastic authority; that where there was shown to be slack in the operation of the machine, that slack might be taken up; that where it was not operating as smoothly as it might or with as much celerity as it should, that might be increased and more power added to it. It is like you had a great train to cross the mountains. You might not be able to carry it over with one engine, but you would not want two engines to go across the continent with that train only to help over the mountains when the condition arose and the necessity for the use of the second engine.

It is like a lighting plant here in the city; when it gets to the point where the usual power will not carry the peak of the load, you hang on another dynamo. You use the power where the power is needed and when it is needed. That is the purpose of this bill.

The Senator from Georgia has said, as has the Senator from Connecticut, that we do not want to destroy all the agencies that have been created from the beginning of the United States up to now; that Congress in its wisdom has thought that this broad executive power that has been granted to the President should be exercised in certain ways, and provided by laws, vehicles, procedures, and methods for its exercise. The Senator says we do not want to destroy all these vehicles; we do not want to destroy all these methods which the Congress in its wisdom has devised. That is true. We do not want to destroy them, and this bill provides the only method whereby we can have the additional concentrated power so imperatively needed without destroying them. If you pass a bill providing for a minister of munitions and give him certain duties and powers, it would necessarily repeal all other laws that affect that subject and are in conflict with the act, and destroy to that extent all former agencies exercising that authority. If you pass the other bill, the war-cabinet bill, it would do likewise, and there would be no authority remaining for the exercise of such powers except as contained in that particular bill.

This bill in its operation leaves all the existing agencies in the exercise of their proper functions when they are discharging them as they ought to be discharged, and only in case the necessity arises and the thing needed to be done can not be done to the interest of the Government by the agency in its accustomed operation is it expected that this authority will be used to change conditions and to improve them. Then, when the war is over and the need for the exercise of the power granted in this bill is ended, all the agencies affected by it immediately snap back to their present positions, to continue the exercise of their powers and functions as formerly under existing laws, that have at most only been suspended during the war and not repealed or abrogated by the passage of this bill.

Now, what is there so radically wrong about that proposition? There is nothing in this bill, I maintain, that can possibly affect the Federal Reserve Board and the Federal reserve banks or that will affect the operation of the Interstate Commerce Commission.

You know that the President has already been given authority to initiate rates and that they may be put into effect or inaugurated without the review by the Interstate Commerce Commission to determine whether they are reasonable as has always obtained heretofore. That authority has already been expressly granted, and certainly there is no need to confer it by or infer it from this bill. The other authority can not be withdrawn from the agency where it is placed—the Interstate Commerce Commission—the right to review and to declare reasonableness of rates, because its exercise is a judicial function and not an executive or administrative function, which latter only can be affected by the passage of this bill.

I am not going to talk longer, as I spoke on the subject two months ago. There may be a wide misunderstanding about the purpose and effect of the measure, but from the way some Senators have talked about it here to-day there is no occasion for it; and I want to say here now that I shall expect, as he has already indicated he will do, the chairman of the Committee on Military Affairs to support it. I shall expect the Senator from Nebraska, who has said we need a minister of munitions and need a war-cabinet bill to support this measure. I shall expect likewise the two distinguished Republican Senators who have insisted that such legislation alone can save the War Department from being absolutely puerile and useless to support this bill, because it contains the same grant of power, elastic power, and the right to use these agencies that all these gentlemen have said must be given before there was a probability of a successful conduct of the war.

I do not believe that any Senator here expects that we shall be other than successful in waging this war against the Germans yonder. I believe it is the purpose of every true American to stand by the flag of the country and that it shall be borne on to victory yonder. I think the best thing Congress can do at this time is to have regard for necessary war legislation and to pass it without too much delay. I think it should speedily finish up the appropriation bills. It should pass a revenue bill that would increase the revenue $2,000,000,000 a year, say. Then I believe we ought to go home and let the executive departments wage this war. Let them conduct the war. Let them deliver the blow with the Army that this machine has been here lately in process of raising and organizing. Congress can not direct the fight, and it is about time we got down to realize that fact and put all the instruments that can be possibly used at the disposal of the other departments and let the war go on.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. KIRBY. Yes.

Mr. NORRIS. As I take it, the Senator himself—and I was in that class—was opposed to the so-called munitions bill and the war-cabinet bill.

Mr. KIRBY. Yes.

Mr. NORRIS. The Senator has just argued that those who favored those bills, for the reason they favored them, ought to favor this measure. Would it not follow that he and I ought for the same reason to oppose this bill?

Mr. KIRBY. My only reason for objecting to some of the matters in the munitions bill and the war-cabinet bill was because the Secretary of War said we had eliminated the difficulty by putting these other fellows at the top here; that since we have the Secretary of War and the Secretary of the Navy and the other men at the top of all these departments in the War Industries Board, and since the President is supreme over all and can remove any of them, he believed by that indirect power and pressure the situation could be controlled.

Mr. NORRIS. If that be true, then what is the use of this bill?

Mr. KIRBY. The Secretary of War has concluded there is necessity for it, and the President has found since he has gone along that it can not be done so well. Take the matter of buying steel——

Mr. NORRIS. May I ask the Senator a question?

Mr. KIRBY. Certainly.

Mr. NORRIS. If the Secretary of War was wrong in the other conclusion, then does it not follow that the Senator himself and myself were wrong in opposing the munitions and war-cabinet bills?

Mr. KIRBY. Not at all. I might agree that some of the provisions of the bill were right and I might have supported it under different conditions. The people at the top in the management of the war said, "We can do it better this way without interference," and I thought we should let them do it that way, where they were in charge, and thought it could be done. They have come to this other idea. They have said that this is the best way to do it, and why? Not because they dislike that, but because the machine so recently developed has not worked as completely as they thought it might do. There are certain agencies in these departments that work by their right being prescribed by law, and if this man has the authority and if he has the need for the particular stuff that ought to be bought and the money to buy it with, he might not listen to somebody else who says the railroads ought to have the steel, that the Shipping Board ought to have the steel, that the War Department or the Navy Department ought to have the steel. That is where the trouble comes now. They have tried to adjust it. It takes too much conference, too much agreement, too much

adjustment, and wastes too much time to get down to final action and results.

Mr. NORRIS. May I ask the Senator a question again?

Mr. KIRBY. Certainly.

Mr. NORRIS. I understand he is of the opinion that the passage of this bill will not give the President the authority to interfere with the Interstate Commerce Commission or the Federal Reserve Board.

Mr. KIRBY. Yes.

Mr. NORRIS. There are other Senators here who are without any question honest and able, who have given a great deal of study to the subject, who think that it would give the President that power. As far as I am concerned, I would not like to see those powers interfered with, and I would like to give to the President every power that could possibly be given him to aid him in carrying on the war. If the Senator feels that way, does he not think that as long as there is a substantial doubt among Senators who believe that we are giving him that power the remedy would be to amend the bill by taking the particular boards I have mentioned out of the bill?

Mr. KIRBY. I do not think so, and for this reason: This is a war measure which was intended to remedy a condition that needed remedying. Nobody now is authorized to decide what particular one of these agencies which have need of the steel on hand should have it. They all have the authority to buy and the money to pay for it, and nobody now, except a voluntary priority board, has authority to say who shall have the steel—whether the railroads, the Navy, the Army, or the Shipping Board. This agency the President might appoint would be supreme over them all for that particular purpose, so as to give the steel to the Navy, if it needs it most, and to send it out now.

Mr. NORRIS. The President would still have that power, with the exceptions I have noted.

Mr. KIRBY. Just a minute.

Mr. NORRIS. He should distribute the steel without any trouble.

Mr. KIRBY. When we get down to the question of the Interstate Commerce Commission is there anything wrong with the Interstate Commerce Commission? Has anybody complained about its action recently, about its having done anything unjustly or with having usurped any power? No. Has any complaint been made about the other commission? No. Have we not given power to strengthen the Federal Reserve Board, the Federal Trade Corporation to finance the world, as it were, at least the United States, while the war is going on? There is nothing wrong with these agencies. There is no remedy expected to be applied to them. Do you think the President has time to go around to disorganize and derange and to destroy your agencies that have done nothing but good and against which there is no complaint in order that he might remedy a particular condition?

This is a bill it seems to me that ought to be passed, and I have given you the reasons. It is an elastic authority; it is a direct authority; it is a complete authority, supreme over all these agencies. It will eliminate competition and will eliminate diversity of action. It will save the Government money, it will save the Government time, and it will apply the resources to the war conditions where they are needed at the time when they are needed, and it will accelerate our preparation for war. It will make us stronger when we come to deliver the blow which will render the world free from this menace across the sea, and I believe the bill ought to be passed and without any further delay. We have had it under discussion for two months and a half. That is all I care to say.

Mr. KNOX. Mr. President, I have no desire and do not intend to make an argument upon this measure beyond stating some of the reasons why I am constrained to oppose it in its present form.

I hear nothing from my constituency in the way of a demand that I shall assist in striking a blow that will scuttle the constitutional construction of our Government as created within the boundaries of the Commonwealth that I have the honor to represent, in part, or that would violate the traditions of that great State within whose borders rest those famous shrines of liberty—Valley Forge, where the contest of endurance was fought out, and Gettysburg, where the contest of arms was fought out.

Before stating my reasons for opposing the bill I wish to say that I do not desire to get into a controversy about any disputed questions of law in relation to this matter. I merely wish to put into the RECORD the reasons why I oppose the bill in its present form. Speaking broadly and divesting the bill of its verbiage, it provides, in my judgment, for two things. The first I shall put in the language of the distinguished Senator from Mississippi [Mr. WILLIAMS], who addressed the Senate yesterday afternoon, in which he stated that the sole object of the bill is to harmonize executive action and unify executive purpose. I do not agree that that is the sole object of the bill, but I accept it as defining the purpose of the first section of the bill. I think it is fair to say that the first section of the bill contemplates the harmonizing of executive action and the unification of executive purpose; and, Mr. President, so far as that portion of the bill is concerned, I entirely agree that it may be passed without injury to the country, although, as I have said before, I see no necessity for its passage for that purpose.

The distinguished senior Senator from Minnesota [Mr. NELSON] yesterday did me the honor to quote what I said upon that subject upon a former occasion, and whatever doubt I might have entertained as to the soundness of my views, those views are confirmed by the high authority of his approval. The Senator said:

> I agree with the Senator from Pennsylvania [Mr. KNOX] in the remarks he made the other day, namely, that nearly all the powers that this bill proposes to vest in the President he already has. Let me quote from the RECORD what the Senator from Pennsylvania said:
>
> "Mr. KNOX. I think the President of the United States has the authority to require every executive officer and every department of the Government to do anything that he directs to be done in order to prosecute this war to a successful conclusion. I think he has the power to delegate from one Cabinet officer to another the discharge of any particular duty that he thinks such a Cabinet officer can discharge better than the one upon whom it would normally be incumbent. I do certainly think that the President has all those powers."
>
> Again, I quote from him:
>
> "Mr. KNOX. I have the very highest respect for those advising the President of the United States; but if that responsibility were cast upon me, as I have read the Overman bill, in so far as it proposes to authorize the President to utilize and coordinate executive activities, so far as I can see what it means from its language and so far as I am informed in this particular by those who are back of the bill, I would not hesitate a second to advise the President of the United States that he now fully possesses that power."

Or, in other words, to revert again to the language used by the Senator from Mississippi yesterday, I think that, to the extent the bill is intended to harmonize executive action and to unify executive purpose, it is at least harmless.

Mr. President, there is one other suggestion that I desire to make in connection with bringing about a new condition or a new scheme of coordination in the executive departments. There are two arguments made for the necessity of this bill. The one is the necessity for coordination; and the second argument is the necessity of doing away with duplication of work. I desire to read to the Senate what the President of the United States has said about new schemes that are proposed for coordination, and then I propose to read next what the Congress of the United States has said and has done in regard to obviating excessive duplication of work in the executive departments.

You will all recall, Mr. President, that in January, 1918, a letter was read to the Senate, which was addressed to the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN], dated the 11th day of January, 1918, and signed by the President of the United States. The President in that letter said:

> THE WHITE HOUSE,
> *Washington, January 11, 1918.*
>
> MY DEAR SENATOR: When you and Senator HITCHCOCK were at the White House the other evening we were discussing various suggestions of coordination and means of speeding up the military program, and among other things you told me that you had in mind a bill for the creation of a munitions ministry.
>
> That, of course, set my mind to work on that particular suggestion, and I feel that I ought to say to you, now that the matter is clear in my mind, that I hope sincerely no such recoordination will be attempted. For one thing, it would naturally include the Navy as well as the Army and would, so far as the Navy is concerned, bring about, I fear, a dislocation of activities which would cause delay where there is none that is avoidable; and in regard to the Army, I think that nothing substantial would be accomplished. Indeed, I believe that delay would inevitably be produced by such a measure.

Now, here come the golden words—

> I have had in the last few months a great deal of experience in trying to coordinate things, and upon every fresh coordination delay inevitably results, and not only delay, but all sorts of cross currents of demoralization which are very serious impediments to the effective conduct of business.

And yet we are besought to force upon the President or to put upon the President without any word of authority from him that he desires the power—a new, complicated, untried, undefined, and undefinable scheme of coordination unguided by the light of his experience.

Mr. President, a few days later we had still further information from the White House in regard to schemes that had sprung from the brain of senatorial wisdom, seeking to advise the President how he might coordinate and carry on his activities as the Chief Executive of the United States; and this time it was in a letter to the Senator from Kentucky [Mr. JAMES], which reads as follows:

THE WHITE HOUSE,
Washington, January 23, 1918.

MY DEAR SENATOR: You have been kind enough to tell me that you had heard that I had written a letter to the chairman of the Senate Military Affairs Committee concerning the idea of a munitions minister, and you asked me whether I did write such a letter. I did, and am glad to send you herewith a copy of it.

The consultation referred to with Senator CHAMBERLAIN, to whom the letter is addressed, was upon the subject of the various difficulties and delays that had been encountered by the War Department, as shown by the testimony before the Senate committee, and the Senator merely mentioned to me that he had a bill in mind to create a munitions ministry. He gave me no detail of the bill he had in mind, and it was only when I learned afterwards from others of the real character of the proposals that I felt it my duty to write to the Senator and apprise him of my attitude. I assumed from what I heard later that that particular proposal had been abandoned, and I was referring in my statement of the other day to the very surprising proposal to create a superior war cabinet of a type unknown to our practice or institutions.

A just protest from his point of view against the violation of the practices and traditions of our institutions in creating a superior Cabinet for a specific purpose, whose powers, jurisdiction, and scope could no more compare with the super-President who would be created by this bill than the twinkling of the tiniest star with the shining brightness of the sun.

Mr. President, there is no man in this Chamber who is not willing to do all he can do, more perhaps than he ought to do, to uphold the hands of the President in this war; but the time has not come, the foe is not yet at our door, for the sake of whose repulsion we should be required to turn our backs upon the spirit of our institutions and to wreck the machinery of our Government that has been over a hundred years in construction.

Mr. President, I had difficulty in reaching a conclusion about this measure; but at last a thought came to my mind which clarified my duty, which made it perfectly easy for me to answer the question: "Shall I vote yea or nay upon this measure?" and I ask each Senator to put this question to himself: Should you vote for this bill unless you would be willing to vote specifically for anything that is possible under the bill? For instance, if you believe that under the provisions of this bill the powers of the Federal Reserve Board could be transferred to a minor official of the United States Government, or the Federal reserve banks could be merged in any insignificant national bank of the country, and that bill stood alone, would you vote for that bill? If you would not, you should not vote for a bill that includes that power. If a bill was proposed to transfer the functions of the Interstate Commerce Commission to an inferior officer of the Government, would you vote for that bill if it stood alone? If you would not, you should not vote for this bill.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. KNOX. I yield.

Mr. OVERMAN. I take it, from what the Senator from Pennsylvania has said, that he would not vote for such a bill as he has described.

Mr. KNOX. I certainly would not.

Mr. OVERMAN. Does the Senator from Pennsylvania assume to himself more honesty, more statesmanship, and a higher sense of duty than are possessed by the great Executive head of this Government?

Mr. KNOX. Mr. President, I am glad to answer that question. I challenge the Senator from North Carolina to recall from his memory or to search to-morrow morning the RECORD of what I have said this afternoon, or to go over anything that I have said heretofore on the floor of the Senate since the declaration of war, from which he can draw any conclusion that I have assumed anything upon my own part. I am stating, sir, what I started out to state; I am giving the reasons why I am going to vote against this bill.

Mr. OVERMAN. That is the question I want to put to the Senator. He says he would not vote for such a bill as that which he has described, nor would any other Senator vote for such a bill. Then the Senator is bound, under the same reasoning, to say that under this bill the President of the United States, acting for the people of this country, with statesmanship and ability and honesty, would not transfer the authority in the manner which the Senator has suggested. Is not that a just conclusion from what the Senator says?

Mr. KNOX. Mr. President, I am arguing that we ought not to vote for a bill that gives the President such authority unless we would vote specifically for a measure that gave him that authority, and nothing else.

Mr. OVERMAN. And I intend to vote for this measure on the assumption that the President would exercise the powers conferred with the same honesty and the same ability as would the Senator from Pennsylvania, and, therefore, would not attempt to interfere with the Federal Reserve Board.

Mr. KNOX. I think the question of the President's patriotism, the question of the President's ability, the question of the President's honesty has been lugged into this matter by the ears. I am not discussing anything in relation to the President or his characteristics. I am willing to concede that the President is, of patriots, the most patriotic; of honest men, the most honest; of wise men, the most omniscient; but that has no reference whatever to the point that I am seeking—although I am afraid not very clearly—to make upon that particular proposition, and for the benefit of the Senator from North Carolina I will repeat it. I will not vote for this or any other measure which, in my judgment, contains authority to do anything that I would not directly vote to confer upon the President. That is the test which I have applied to myself. I ask no other Senator to apply it to himself unless he seeks to do what I think we all ought to do—our plain duty under all the circumstances.

Mr. McKELLAR. Mr. President——

Mr. KNOX. We can only act each according to his own light.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. KNOX. I decline to yield at present. We can only act each according to his own light. Mine, humble though it be, leads me in this direction. Distinguished Senators upon the other side or upon this side of the Chamber, acting from superior light, may reach different conclusions, but I am merely attempting to state my own. I shall be glad now to yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from Pennsylvania a question. He says he would not vote for any measure which contained authority to the President to perform an act, which authority he would not vote for directly and specifically to give the President. The Senator, of course, understands that the President under the present law could appoint 10 citizens of German birth, who had been naturalized, as members of his Cabinet. The Senator would not wish to restrict the President's power of appointment of his Cabinet simply because he has the authority under the present law to appoint 10 naturalized German citizens, if he sees fit, as members of his Cabinet, would he?

Mr. KNOX. The President does not have any authority under any statute that I ever voted for or will vote for; he gets his authority under the Constitution of the United States.

Mr. McKELLAR. But he has that authority under the Constitution of the United States, and, under specific laws passed in pursuance thereof, to appoint any qualified citizen to his Cabinet; and the Senator would not want to limit that general authority, would he?

Mr KNOX. I must ask the Senator from Tennessee to permit me to go on, as I have only a few minutes more, and I wish to make one or two further observations.

Applying my test specifically to the provisions of the second section of the bill, I might cite, by way of illustration, half a dozen cases where I would not vote for a specific bill for the purpose of lodging certain powers in the President or in anybody else; but, as the Interstate Commerce Commission has been the case most usually cited, I will use that illustration as well. Senators know that the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes" is a power conferred upon the Congress of the United States, and upon it exclusively. The very first time that clause of the Constitution came to the Supreme Court for interpretation the court said: This power rests exclusively in the Congress; it is complete; it has no limitations. We all know that at the time the Constitution was written, and for many years thereafter, this power practically laid dormant; there was nothing upon which the power could operate; commerce between the States was meager and conducted, such as there was of it, in such a small and humble manner—such as by stage coach and wagon—that there was no occasion to invoke the Federal authority over such commerce.

By and by the canal, then the railroad, then the expansion of population beyond the Alleghenies, then beyond the Mississippi, and on to the Pacific coast, the closer relations between the States, the growing population of the country, the increased manufacturing activities springing up, and the opening of the Great Plains for agriculture, created a large and a vast commerce between the States and between the United States and foreign countries, which eventually demanded regulation at the hands of Congress in order to protect the public against the unjust practices of the railroads, the steamship companies, and other instrumentalities of transportation. Then it was, Mr. President, that the Congress, realizing it to be its duty to lay the regulatory hand upon transportation, conceived the idea of creating

a great commission to carry out a great policy. That policy was the policy of Congress; it was a policy with which no other coordinate branch of the Government had anything to do in formulating or in putting into the form of law, except as the President, as a part of the legislative branch of the Government, signed the bill by which the Interstate Commerce Commission was created.

The policy established by that measure, stated in a sentence, was that the people of the United States were entitled to have the highways of commerce kept open to all upon equal and reasonable terms. In order that that policy should be carried out and that the small man with a small consignment of goods should stand upon the same footing as the man with trainloads of goods upon these highways of the Republic, the Congress created a commission to supervise the lines of transportation, to hear complaints where injustice was alleged, to pass upon the reasonableness of rates and the fairness of practices, the manner of the distribution of cars, and, generally, to see that all were treated alike upon the common highway.

That, Mr. President, is not an executive commission; it is an administrative commission, and if we were to undertake to transfer the execution of the policy of Congress to any official of the United States, no matter how distinguished or how capable or how patriotic he might be, we would be abdicating our function of supervision over the policy which we established and the commission which we created.

Now, as to the constitutionality of this bill, I do not propose to get into the web and the mazes of a technical discussion of constitutional law. It may be technically true, Mr. President, although I do not accept the proposition, that we may confirm a man for a high office and then immediately confer upon the President of the United States the power to transfer the performance of the functions and duties of that office to somebody else. But is it ethically sound? The Constitution of the United States provides in respect to all but minor offices that the officer shall be confirmed by the Senate. The President's power is a limited power. The President has the power to nominate to this body a man whom he believes to be qualified for an office, but the Constitution says that man shall not receive the appointment or obtain his commission unless he is confirmed by the Senate. Why? It is impossible for the President of the United States to be so well acquainted with the population of the country as to be able to make a solitary judgment upon the question of a man's capability. So the theory is that when a man's name is sent to the Senate the Senators from the particular State will know more about him than the President himself, and that the Senators from the other States will seek information from the Senators from the State from which the appointment has been made. In a particular case Smith, of Pennsylvania, is appointed to an office. You come to me and ask me what I know about Smith, if you are trying to do your duty, and you will perhaps be largely governed by the judgment which I express as to his character and his ability.

Now, Mr. President, can we be said loyally to adhere to the spirit, even if we are adhering to the letter of the Constitution, if we confirm a man to-day for a particular office because of his character, because of his ability, and because of his aptitude, and then pass a law that enables the President to transfer that official to some other duty or put some minor official in his place upon whose character, ability, and aptitude we have not passed? You are keeping the word of promise to the ear but breaking it to the hope in a transaction of that kind.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Delaware.

Mr. KNOX. I have only a moment or two longer, and then I will yield the floor.

Mr. WOLCOTT. I wish to ask the Senator a question, but if it would encroach too much upon his time I will not ask it.

Mr. KNOX. I will inquire how much time I have, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania began his speech at 3.57, but there was an interruption when a message from the House was received. The Senator has three minutes more.

Mr. KNOX. Mr. President, I prefer to conclude my remarks, then, without interruption.

Mr. President, in conclusion, I wish to say that another thought has occurred to me in connection with this bill. I think this whole proceeding is belittling the President. I think those who advised him that this measure was desirable or necessary have put him in a false position. They have put him in a position where he is reaching for crutches when he has wings, pinioned with power and with all the country's resources. He did not need such legislation as this when he appointed Mr. Baruch at the head of the War Industries Board; he did not rely upon such legislation as this when he called Mr. Schwab, the great captain of industry, to take charge of the shipbuilding of the United States; nor did he think it was necessary to have such legislation in the selection of Mr. Ryan to look after the Aircraft Board. Three appointments have in fact advanced the program of war. If this measure is intended to speed the war, if this measure is intended to bring the war to a successful and speedy conclusion, I ask you to compare the petty things that it contemplates being done with the great things the President himself has accomplished without recourse to any such authority.

Mr. FALL. Mr. President, I am in rather thorough agreement with the Senator from Georgia [Mr. SMITH] in the statement that Congress has been abrogating its powers. I, however, am inclined to believe that the limitation has run; that it is too late to raise that question.

I do not intend to discuss generally at this time my idea as to the duty of Congress with reference to the national defense; but I do believe that the Constitution of the United States did not intend to create a dictatorship when it named the President as the Commander in Chief of the Army. I disagree entirely with that theory of government. I think that when the Constitution vested in the Congress of the United States the power to defend the country in time of war, it meant something.

I have always believed that the commander in chief of an army must be responsible to some power. I do not believe that the Constitution contemplated that the Commander in Chief, Gen. Wilson, should be responsible only and solely to the Chief Executive, President Wilson. However, it is too late to discuss those questions.

At an early period in this war legislation I undertook, by introducing a bill here with reference to the armed-neutrality measure of the President, to differentiate as I saw the difference and as I see it now. To provide that the President might have authority to arm ships was one thing. To provide that the owners or the crews of those ships might have authority to fire on the national vessels of another country was another thing. The one is an executive power, properly to be exercised by the President by a simple order allowing the ships to sail from a port with certain guns upon them. The other is a legislative power vested, in my judgment, solely in the legislature by the Constitution of the United States. This difference has been very thoroughly impressed upon my mind, but it is too late to discuss it. The Congress of the United States had the authority—and, in my judgment, it was its duty—if it was necessary at all to create a board of food control to create that board itself, to provide for the appointment of officers, to retain jurisdiction over the acts of those officers, and to retain to itself the power to hold those officers responsible for the performance of those duties, which, in my judgment, it clearly could do. The Congress of the United States has vested all those powers in the President of the United States.

We are now confronted, as has been said more than once, by a condition. The President of the United States—as the President—not as the Commander in Chief of the Army—has more power vested in him by the Constitution of the United States than is vested by the Constitution of Germany or Prussia in the Kaiser to-day. The President of France is elected by the French Assembly. The Prime Minister of England is chosen by the Parliament. The Parliament is conducting the war from the English standpoint, and the corresponding French body is conducting it from the French standpoint. Under our theory of Government, as it has been expounded and as we are now pursuing it, should this bill, an administration measure, be defeated, it could have no result whatsoever, except a purely negative result. The theory which has been adopted by so many of our lawyers and apparently adopted by our legislature in the carrying on of war is that the power of Congress is purely a negative power; that it can only refuse to grant some authority or to vote money for the carrying on of the war. I do not believe that the constitutional provision that no appropriation for the Army should be made for longer than two years was the only legislative limitation intended by that instrument to be imposed upon the power of the Commander in Chief of the Army; but, as I say, it is entirely too late to discuss those propositions.

The bill before us now I do not construe as it is construed by the eminent Senator who just preceded me and by so many others who are objecting to its passage. I think this bill should be entitled "A bill to fix administrative responsibility." In my judgment that is the effect of it, and for that reason I shall support it. I agree with many of the Senators who have said that for all practical purposes the Chief Executive possesses the necessary powers which will be given him, or which are at-

tempted to be given him, by this bill. The condition which confronts us is this: The American people are told from day to day that the President can not prosecute this war successfully because of limitations placed upon his power by the Congress of the United States, or, as they put it, because of the failure of the Congress of the United States to confer the proper authority upon him.

Why, Mr. President, if the army of camouflage artists who are in the service of the different departments of this Government, either through the press or otherwise, could be sent to the trenches in France, they could relieve every Frenchman who is engaged in attempting to screen the heavy artillery or the boys in the trenches with their rifles. I maintain that the President has the necessary power already. I want to fix upon him the absolute responsibility for his acts. I want the people of the United States to understand that if there is a disgraceful controversy between John Skelton Williams, representing the transportation interests of this Government, upon the one hand, and Garfield, representing or misrepresenting the coal production, on the other, it is a family row in in the White House; that it is the President quarreling with the President; that it is not the fault of Congress; that there is no lack of authority vested in the President to consolidate John Skelton Williams and Garfield, if he chooses to do so, now. But it is given out every day that because of the failure of Congress to act the President is hampered in performing his duty as Chief Executive and the Commander in Chief. In my judgment there is not one word of truth in this charge; but Congress stands responsible, through the efforts of these camouflage artists, to the people of the United States, rather than the President of the United States, who is responsible.

Mr. Hoover is no creation of Congress. Mr. Hoover is Woodrow Wilson. The authority which he exercises is vested in the President of the United States by the terms of the act, not in Mr. Hoover. The authority which is exercised by Mr. Garfield is vested in the President of the United States, not in Mr. Garfield. The President of the United States was responsible, and is yet responsible, for clogging the wheels of business of this country under the Garfield order. The President of the United States and not Garfield is responsible for refusal to even listen to the respectful request voiced by this body in its resolution asking that the operation of that order be deferred. Let the responsibility fall where it should—upon the President of the United States—and by the terms of this bill, when enacted into law, the man on the farm, the man in the factory, the man in the office, the men here in the Senate, the people in the galleries, can understand that no longer can these hired writers supporting the administration charge the Congress with a responsibility which does not rest upon them. Then the people, looking to the White House, the true throne of all administrative power—as the President himself has expressed it in some of his writings—can understand clearly, with the underbrush cut away, that the President is responsible for the conduct of this war, and he alone. If he is successful in its administration, as I said a few days ago, let his be the success. Congress will not perform its constitutional duties, in my judgment. It has so far refused to do so. As was said by the eloquent Senator from Mississippi [Mr. WILLIAMS], it has "passed the buck." Having vested the authority in every instance in the Chief Executive, let it be understood by the people of the United States that his, and his alone, is the responsibility, and let us hear no more criticism, in so far as Congress is concerned, of our failure or refusal to act.

The condition with which we are confronted is a state of mind. It is a temperament. The President of the United States, in my judgment, is a man of very peculiar temperament. It has been a very interesting study for me to devote a few minutes from time to time to an attempt to arrive at the method by which he reaches various conclusions upon various subjects. In my studies along this line I have delved into the writings of the eminent author, Dr. Wilson, from time to time and have been very much impressed with passages from his various books and speeches. One of those which I have in mind now I have before me in the shape of an extract from Congressional Government, by Dr. Wilson, which was published in 1885, during the administration of Grover Cleveland. I think nothing could be more instructive than for us to contemplate for a moment the Presidency as Dr. Wilson understands it and his ideal President.

I read from pages 41 and 42 of Congressional Government. Dr. Wilson said:

> The President * * * was constituted one of the three great coordinate branches of the Government; his functions were made of the highest dignity; his privileges many and substantial—so great, indeed, that it has pleased the fancy of some writers to parade them as exceeding those of the British Crown; and there can be little doubt that, had the presidential chair always been filled by men of commanding character, of acknowledged ability, and of thorough political training, it would have continued to be a seat of the highest authority and consideration, the true center of the Federal structure, the real throne of administration, and the frequent source of policies. Washington and his Cabinet commanded the ear of Congress, and gave shape to its deliberations; Adams, though often crossed and thwarted, gave character to the Government; and Jefferson, as President no less than as Secretary of State, was the real leader of his party. But the prestige of the presidential office has declined with the character of the Presidents.

Mr. President, there is no doubt in the world that in the minds of many, possibly of a majority, of the good citizens of this United States, the Government of the United States is now in the hands of the ideal President. There is no doubt in my mind now that the President himself has achieved the ideals in the mind of Dr. Wilson; that the present Executive, in the judgment of the present Excutive, combines all the great qualities of Washington and of Adams as a President, and all the great qualities of Thomas Jefferson as the leader of his party. As a matter of fact, it has been rather impressed upon me that the latter is considered by the President at times the greatest achievement of all, because he is constantly telling us that he is the leader of his party. Unfortunately for us, not only are the vast powers, the enormous powers, practically all the powers, vested in the President of the United States to conduct this war but we have combined with that the difficulty of laboring under the form of a party government, and not at this time alone the form of a party government, but the form of a partisan government. You will all admit, the Senators upon the other side will admit, that these are facts which I am stating to-day. There is no question about the fact that a great committee, controlled by the majority Senators upon the other side, can not allow the selection as chairman of that committee of the man most eminently qualified of all others possibly of this body or in either body of Congress, purely because of partisan politics.

Unfortunately, we are confronted with that state of affairs—the fact that this is a party government. I am not criticising the Democrats more than I would criticize the Republicans if they were in power. Very likely, under our party form of government, if there were a Republican majority in this body it would be just as partisan, and would refuse to surrender any part of its committee control or patronage, just as the refusal would come from the other side.

It is unfortunate for us in time of war that we have a partisan Government. It is unfortunate, I may say, in my judgment, that we have at this time in the White House a President whose conception of the enormous burden resting upon him as a party leader is so vivid at all times in his mind. Those matters are unfortunate, but the difficulties are the fault of our form of Government and not of the present generation. We must meet them, therefore. We must understand that the President of the United States wants all power. We must understand that under our party system of government he is going to get it. I am going to assist in giving him every particle of power which he asks for as necessary to carry on this war, because in my judgment the Congress will not assume the power, and it is necessary for some one to have it.

As I said in the beginning, I say now, as we are drawing to the conclusion of this war legislation let us give the President no opportunity or reason to say that the Congress has not absolute confidence in his ability and his patriotism or that it will hesitate at any moment to give him all the power that he demands.

I have confidence in the President's patriotism. I know that he is a man of very great ability. I have no confidence whatsoever in his judgment of men. He looks to himself as the ultimate source of all power, and I want to drive home to him the understanding that his is the ultimate responsibility for the exercise of that power. This is the reason that will dictate my vote upon this bill.

In so far as the amendments offered concerning the Federal Reserve Board and the Interstate Commerce Commission are concerned, Mr. President, I am not at all impressed with the arguments which have been made in favor of excluding from the operation of this bill the power to interfere with the duties of these two boards, except as those arguments have been advanced by sincere Senators, able Senators, in whose judgment I have very great confidence. As a personal matter, because of their very great interest and feeling in the matter, which I know is only dictated by their sincere convictions, I am rather inclined to vote for the amendments excluding the Federal Reserve Board and the Interstate Commerce Commission from the operation of this bill. Under the general theory upon which I am proceeding in voting for the bill, I regret that these Senators have proposed such amendments. I regret that they have placed me in a position where, not considering the matter of any importance upon the one hand or the other, I am

rather inclined to vote as they think is best in this particular matter. I would very much prefer that there should be no exception whatsoever. However, I can not see where in the future any friend of the President can claim that by excluding from the operation of this bill the Interstate Commerce Commission upon the one hand and the Federal Reserve Board upon the other we have restricted the President in any way so that he can not perform his duties as Commander in Chief of the Army. Should he raise that question, should he say to the Congress, or should one of his servile followers say, that by such exclusion we have in any way whatsoever tied his hands so that he can not properly carry on this war, I will unhesitatingly vote at any time to place those two departments of the Government within the provisions of this bill.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The bill is in Committee of the Whole and subject to amendment. If there be no amendment to be proposed——

Mr. JONES of Washington. Mr. President, there are Senators here who I know have amendments that they desire to offer.

The PRESIDING OFFICER. Amendments are in order. There is no amendment pending.

Mr. WADSWORTH. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated by the Secretary.

The SECRETARY. On page 3, after section 2, it is proposed to insert a new section, as follows:

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of airplanes, airplane engines, and aircraft equipment as in his judgment may be advantageous, and further to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of airplanes, airplane engines, and aircraft equipment.

Mr. WADSWORTH. Mr. President, the object of the amendment which I have offered must be apparent to every Senator who has heard it read.

May I say, in brief explanation—if any explanation is needed—that the so-called Overman bill by implication, at least, forbids the creation of any new agency by the President or any new bureau by any department chief, as I read the bill. The Senate will remember that the Senate Committee on Military Affairs, after a most exhaustive investigation of the aircraft situation, made a report stating the exact facts as of April 1, 1918, and among its recommendations urged that the production of aircraft, airplane engines, and aircraft equipment be placed under a single executive head, responsible to the President. In making this recommendation it followed the example of the administrations of more than one foreign government engaged in this war, and engaged likewise in the production of great air fleets. It also followed consistently the opinion of the committee, as voiced early in this year, in reporting the so-called director of munitions bill, which, much as this amendment would provide, authorized the President to create a directorship of munitions, and to transfer to that officer the production and manufacture of such munitions of war as the President deemed wise.

The Senate will remember that this morning there was published in the public press an announcement that Mr. John D. Ryan had been placed in charge of the production of aircraft and aircraft material; but upon an examination of that announcement it will be found that Mr. John D. Ryan, while placed at the head of a division of the War Department whose business it will be to supervise the production of aircraft and aircraft material, is, by virtue of his position as a chief of division, subordinate to the Assistant Secretaries of War and to the Secretary of War himself; and that the great problem of the production of aircraft and airplane engines, even under the admirable step in advance that was taken by the President and reflected in the order issued to-day, is still subordinate to the Secretary of War, and still subordinate to his assistants, as I read the order; and Mr. Ryan's position will not be that of a strong, independent, single-headed executive.

Furthermore, as I look upon it, unless some such amendment as I have proposed is adopted, either in a separate bill or as an amendment to the Overman bill—and I thought this was an opportune time to propose this legislation—unless some such amendment is adopted, as I understand the statutes, Mr. Ryan, as Chief of the Division of Aircraft Production, will not be clothed with the power of making contracts and spending money, for he does not occupy an office authorized by an act of Congress to expend money, and for whose support appropriations have been made.

I am not entirely certain that my colleagues upon the Senate Committee on Military Affairs agree with me in every respect in my opinion of the proper method of organizing and putting through this aircraft program; but suffice it to say, Senators, that I am convinced that unless we put this program in the hands of the ablest man we can find in the United States—and it may very well be that no better man can be found than Mr. Ryan—and at the same time give him all the scope and power necessary to make the decisions himself, without reference to any one else—except, of course, the President of the United States—we will jeopardize the prompt progress of this work.

The amendment that I have offered adds to the Overman bill this additional power to be placed in the hands of the President, not the Secretary of War, by which he can create a separate and distinct executive agency, if he sees fit—I leave it to him—and clothe that agency with all the control and jurisdiction over the manufacture and production of an air fleet that he thinks that agency should possess, and at the same time authorizes him to transfer to that agency any or all appropriations heretofore made for the manufacture of airplanes, airplane engines, and aircraft equipment.

Mr. President, I feel very deeply upon this question. Of course, I have not the time nor the inclination, at this hour of the day, nor under the limitations placed upon me by the unanimous-consent agreement, to go into a long discussion of the progress thus far made in our aircraft program. It is not a pleasant or a pretty story to tell. I have every confidence that Mr. Ryan can do infinitely better than the organization which he is succeeding; but I should have the more confidence in his ability to carry this thing to a successful conclusion at a comparative early date were I sure that he was not hampered by any superior authority in all our Government, except the President of the United States alone.

Mr. OVERMAN. I feel that there are very strong reasons for such legislation, and I think the Overman bill is carrying out just what the Senator from New York wants to accomplish. Before passing on this amendment I want to examine the acts establishing the Aircraft Board. I think there were two acts passed. I ask the Senator from New York if there were not two acts passed regarding the Aircraft Board.

Mr. WADSWORTH. There is no legislation pending upon the aircraft problem, so far as I know.

Mr. OVERMAN. I am talking about the act which we passed appropriating $640,000,000 for the Aircraft Board.

Mr. WADSWORTH. Let me assure the Senator from North Carolina that this amendment in no way can affect the functions of the Aircraft Board. The Aircraft Board has no functions except to sit at a table and debate, and that has been the great trouble.

Mr. OVERMAN. That has been the trouble, not only there but elsewhere.

Mr. WADSWORTH. And the Overman bill as written does not cure it.

Mr. OVERMAN. I think it does. The President is authorized to transfer functions and powers already granted by Congress. He appointed Mr. Ryan, who, as the Senator says, is a very capable man. I admit that there is a great deal of confusion there. There is an Aircraft Board, and certain officers appointed and certain duties imposed upon them and certain money appropriated for the purpose. This bill does not authorize the President to use any funds appropriated by Congress except for the purpose for which the money was appropriated. In the act we passed $640,000,000 was appropriated. We created a board with certain functions. Mr. Ryan is at the head of it. Why can not the Overman bill transfer to Mr. Ryan the functions created by the act establishing the board and establishing the officers who have fallen down and put into Mr. Ryan's hands the money and tell him to go on and do the work?

Mr. WADSWORTH. My answer to the Senator from North Carolina is that functions such as he has described can not be transferred to Mr. Ryan because they do not exist.

Mr. OVERMAN. I say I want to examine the acts. I know we passed an act here of about eight pages establishing the board and providing for certain officers and appropriating a certain sum of money. That is what I want to see, whether under this bill those functions could be transferred to some one who will carry out the will of Congress.

Mr. WADSWORTH. The trouble is that Mr. Ryan does not exist as a governmental agency, as I view it under the terms of this bill.

Mr. OVERMAN. I think he is an administrative agent. That is what I want to accomplish.

Mr. WADSWORTH. My object is to give him real power. I am somewhat weary of these pretended improvements in the administration of this war machinery.

Mr. OVERMAN. That is what I want to give him—real power.

Mr. WADSWORTH. I want something real created. That is why I wanted a director of munitions, because he would be a real agent.

Mr. OVERMAN. That is why I am advocating the Overman bill; it is because I want to see something real.

Mr. WADSWORTH. The Overman bill says nothing, and thus far has meant nothing, because no one knows what can or will be done under it. This is some definite thing directed at the most difficult problem that now confronts our war-making machine.

Mr. OVERMAN. We have tried to carry out the views of the President.

Mr. WADSWORTH. Does the Senator desire to have the amendment go over until to-morrow?

Mr. OVERMAN. If the Senator desires.

Mr. WADSWORTH. I shall not insist on a vote this afternoon if the Senator wants to look into the question.

Mr. OVERMAN. I said I would like to examine the law. There are two acts which have already been passed on the subject of airplanes, and there is confusion in the two acts themselves, as the Senator knows. I want to examine the acts and see whether under this bill we can do the thing we want to do. I think we can, but I am not sure about it. I started out by saying that I wanted to examine those two acts, because I want to do not only with regard to the Aircraft Board but other boards just what the Senator wants to do in regard to the Aircraft Board.

Mr. KIRBY. I hope the Senator in charge of the bill will accept the amendment. I believe it only makes clear the purpose of the bill and is not inconsistent with it.

Mr. OVERMAN. I am not opposing the amendment.

Mr. KIRBY. I say I hope the Senator will accept it.

Mr. THOMAS. Mr. President, the Senator from North Carolina has referred to two aircraft laws enacted at the last session. It may be that there are two; indeed, I think there are; but I do not believe that they are contradictory to each other. I have here public act No. 48 of the Sixty-fifth Congress, which is entitled "An act to create the Aircraft Board and provide for its maintenance."

Section 2 determines that the number shall not be more than nine in all, and of whom the nine shall consist.

Section 3 fixes the tenure of office of the members.

Section 4 is the important one. Therefore I will read it:

That the board is hereby empowered, under the direction and control of and as authorized by the Secretary of War and the Secretary of the Navy, respectively, on behalf of the Departments of War and Navy, to supervise and direct, in accordance with the requirements prescribed or approved by the respective departments, the purchase, production, and manufacture of aircraft, engines, and all ordnance and instruments used in connection therewith, and accessories and materials therefor, including the purchase, lease, acquisition, or construction of plants for the manufacture of aircraft, engines, and accessories: *Provided*, That the board may make recommendations as to contracts and their distribution in connection with the foregoing, but every contract shall be made by the already constituted authorities of the respective departments.

It would seem, Mr. President, from the recitals of section 4 that the contention of the Senator from New York is sound, and unless his amendment or something which will be its equivalent is adopted either as a part of this bill or as an independent law, the new director of the Aircraft Board or of aircraft production may find himself entirely without power to make his work effective.

I quite agree with the Senator from New York that the time has come—indeed, we have been painfully conscious of it for some time—when efficiency and activity shall characterize the work of the Aircraft Board. We want battle planes. The need for them is crying. The need for them has existed for a long time. The President has appointed the right man for the right place. Let us place this amendment in the bill and give him the power which he must possess over every branch of production to the end that we may as soon as possible supply the Army across the sea with its needed equipment of fighting planes of every description. I regard this as one of the most important amendments that has been or will be offered.

Mr. OVERMAN. I agree that something like this ought to be done, but there is another act to which I wish to call the attention of the Senator. The first act is dated July 24, 1917. Then Congress passed another act.

Mr. THOMAS. This is the later act.

Mr. OVERMAN. Yes; Congress is always legislating and doing nothing. That is what I am talking about. We pass an act here and do not accomplish what we want to accomplish. I want to do what the Senator from New York wants to do.

Mr. WADSWORTH. The Senator remembers, of course, that the act from which the Senator from Colorado has just read was drafted by the Administration and sent to the Senate.

Mr. OVERMAN. I think so.

Mr. WADSWORTH. It has been a failure, and I want to improve it.

Mr. OVERMAN. The act which was passed July 24, 1917, the first act establishing the Aircraft Board, contains five or six pages, and I want to examine it. I am in sympathy with the view of the Senator from New York as to what ought to be done. I think there is merit in his amendment. I am opposed to creating any new agency in this bill, and I struck it out because I doubted whether we ought to give the President the power to create any new agency and to transfer these functions to some agency which Congress had not created. Congress has passed two acts, and still we have confusion. We are passing acts every day. Here I have on my desk a bill that has been in Congress for months, asked by the War Department, to transfer from the Quartermaster Department, because the President has no discretion under the limitations of the law, to the Provost Marshal's Office certain engineers to aid in construction work. It was here in the Senate on the calendar I do not know how long and could not be gotten up. It finally passed the Senate without any objection, and is now resting in the House of Representatives. It is no wonder that we have delays when we have to pass acts every time the President wants to do anything. We do not question it; it is passed here without objection, and when we pass an act we have to pass another act and then another act. How can we fight the war in that way?

Mr. WADSWORTH. Will the Senator inform the Senate how we can fight the war if the Senate is going to adjourn at 1.30 to-morrow?

Mr. OVERMAN. That is not my fault. I have tried to get this bill through, but, as we know, to-morrow is a holiday.

Mr. WADSWORTH. It should not be a holiday for the Senate of the United States. If the matter is as pressing as the Senator from North Carolina states we ought to stay here and work.

Mr. OVERMAN. I agree with the Senator fully but the Senate has agreed to adjourn, and I can not help that. It is a great holiday. The President issued a proclamation, and every city in the United States will observe it as a holiday, and the people are to assemble everywhere. Of course I could make no objection to it.

Mr. TOWNSEND. Mr. President, I have been surprised at the statement of the Senator from North Carolina in his condemnation of the bills which have been rushed through the Senate. I wanted to ask the Senator if there has been a single administration or war bill brought up here that has not been backed by the administration and prepared outside the halls of Congress, and has not the objection to their consideration on the floor always been that they were not properly prepared, and that they did not reperesent clearly the ideas which their advocates claimed they represented?

Mr. OVERMAN. I agree with the Senator. I want to give the President power instead of having him come to Congress and ask for every little bill required to be passed to consolidate and transfer the functions. I want to give him the power so that there may be some harmony and that business principles may be followed in conducting the war.

Mr. TOWNSEND. Do I understand the Senator now to advocate the proposition that all the emergency bills which have been presented to us, claimed as necessary for carrying on the war, are now mistakes and that we should sweep them all out of existence?

Mr. OVERMAN. I do not.

Mr. TOWNSEND. And give the power to the President to do as he wishes?

Mr. OVERMAN. Surely not, Mr. President. I would not think of such a thing; but I said we had to pass the bills. I do not know who drafted the bills. I voted for them because I thought they were necessary. Now, after the power has been given by Congress, and this Overman bill only refers to powers that have been given by Congress it allows the President to transfer the functions.

Mr. NORRIS. Will the Senator permit me to ask him a question?

Mr. OVERMAN. Certainly; I will be glad to answer it.

Mr. NORRIS. In reference to the act the Senator refers to, the one approved in July, I think, does not the Senator remember very distinctly that the day that bill was reported to the Senate we had unanimous consent to consider the unfinished business, and we were operating under a unanimous-consent agreement, and that at 2 o'clock we had to take up the unfinished business under that agreement?

I do not remember the bill we had up, but it was some bill we had to dispose of, and in the meantime if anything could be disposed of it had to be done during the morning hour. The

act to which the Senator refers and which he says was the first bill, and it was the longest bill, that outlined an aircraft program was reported to the Senate and called up during the morning hour. A demand was made that it should be passed by the Senate during the morning hour, and a Senator on the other side made an objection or debated it and took up the time, and it was not passed that day. The next day during the morning hour the bill was passed; and that was the only consideration the Senate gave to it.

Does the Senator remember that the first day when it came in the morning papers of New York in an Associated Press dispatch said, and it was published all over the United States, telling the Senate and the country that on that day this aircraft bill was coming up and that two Senators or three, I think, whom it mentioned by name, were expected to object to it; that the New York World, I think it was, had a long editorial on the very day that it was brought in, published in the morning before the bill was taken up here at 12, denouncing in very severe terms the men who it was said were going to object to its consideration that day; and that one Senator was denounced all over the United States through an Associated Press dispatch because he was going to object to that bill? When it came up the Senator mentioned never said a word. He did not object, and later upon the floor he stated as a question of privilege that he had never read the bill; that he did not know it was coming up that day, and that he had no objection whatever to it.

Those are the circumstances under which that bill passed the Senate. I mention that because the Senator from Colorado [Mr. THOMAS] very aptly said the other day if we would give a little better consideration to some of these bills we would not be under the necessity afterwards of passing other bills and amending them, and finding we had done poor work. But the very act the Senator mentioned was passed during the morning hour and it was passed, as I remember now, the next day after it was reported, when it had less than four hours for consideration, although it carried an appropriation of $640,000,000.

Mr. OVERMAN. I have no doubt the Senator's recollection is right about it. Of course, I do not remember everything. I do not think I read that editorial, although I may have done so. I say we ought to have given more consideration to that bill, as we should consider all bills that come before us, but we need not delay them for a month.

Mr. NORRIS. If the Senator will permit me a little further, at the time I had a personal conversation with the Senator from North Dakota [Mr. GRONNA] after I had read the dispatch, and he discovered later that it was an Associated Press dispatch in which the announcement was made. It went all over his State, and he received letters of condemnation from all over the United States. He said on the floor of the Senate that he had never talked to a soul on earth in regard to the bill; that he did not have any idea the bill was coming up, and had never read it.

Mr OVERMAN. I agree with all the Senator has said. As I said, we have passed so many bills without full consideration that we need this Overman bill.

Mr. NORRIS. We were pushed along by the press of the country——

The PRESIDENT pro tempore. The Chair must insist that Senators shall address the Chair, because every minute that is occupied by interruptions is charged against the Senator who has the floor.

Mr. OVERMAN. I wish to say that if the Overman bill does not do what the amendment proposes, I am inclined to accept the amendment. I want to do just what it proposes. I will look over the two acts to-night, and if I find this bill does not carry out what the Senator from New York proposes I shall be inclined to accept his amendment.

Mr. THOMAS. I am very glad to hear the Senator say so. As a matter of course he should be given the privilege of examining the two laws before the amendment is pressed. I merely wish to call attention to the fact that the law which I read was approved the 1st of October last, and it is therefore the latest expression of the lawmaking power on the subject. It is a general principle of construction that if there be a conflict between statutes the last expression of the legislature shall prevail. I do not assume that there is any contradiction between the first and the second of these acts; but it is the law upon the subject; and therefore the amendment offered by the Senator from New York is imperatively necessary in my judgment. I am satisfied that even if the construction of his bill by the Senator from North Carolina should convince him that it is already sufficiently broad to provide for the conditions outlined in the amendment of the Senator from New York, we should nevertheless adopt the amendment, because in that case it certainly can do no harm.

Mr. SMOOT. I understood the Senator from North Carolina to ask that the amendment offered by the Senator from New York should go over until to-morrow.

Mr. OVERMAN. It was understood that the amendment would go over.

The PRESIDENT pro tempore. That is the pending amendment.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m., Thursday, April 25, 1918) the Senate took a recess until to-morrow, Friday, April 26, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 25, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the spirit of heroism resident in the soul of man, which, in the supreme moment, lifts him out of himself and makes him divine; that it is not confined to any class or people, but is universal, suggesting the common origin of man in the one God and Father of us all; manifesting itself in the quiet walks of life, as in times of distress; in peace, as in war; in every home, hamlet, town, city, nation, round the world.

It is the charm of literature, art, and religious achievements and gilds the pages of history, sacred and profane, rears monuments in every nation to its heroes.

In this hour of peril heroes are in the making, not only at the front, amid the roar of shot and shell, but in the home; fathers, mothers, wives, children are asking, not will he come back, but has he gone to serve his country and humanity; a heroism sublime and worthy of all commendation, in attestation of the world's great Exemplar, in His heroic sacrifice. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. TILSON. I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by me before the Aeronautical Engineers of America in New York City a short time ago on the subject of our aviation program.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by inserting an address that he made in New York City on the subject of aeronautics. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 9832) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town.

QUESTION OF PERSONAL PRIVILEGE.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to a question of privilege affecting the dignity and proceedings of the House.

The SPEAKER. The gentleman will state it.

Mr. WALSH. In the CONGRESSIONAL RECORD of April 24 appears a speech delivered by the gentleman from Alabama [Mr. HEFLIN] entitled "Mr. HEFLIN's reply to Hon. WILLIAM E. MASON, of Illinois." This speech, with one or two minor corrections, I think, in punctuation or abbreviation and transposition of words, and possibly one or two words omitted, is an exact duplicate of the speech made by the gentleman from Alabama [Mr. HEFLIN] on April 23. The gentleman from Alabama did not ask nor was he granted permission to extend his remarks in the RECORD upon the question of personal privilege to which he rose. And my point is that no Member has the right, after having made a speech upon the floor of the House

which is duly inserted and printed in the RECORD, to have that speech again printed in the back of the RECORD upon the following or any other day, without consent being given. Of course, I can understand how the gentleman from Alabama, considering that his motives had been impugned, should desire the greatest publicity to the statements which he made. It may be that he intended to have these remarks inserted in some other publication, the Reclamation Record, or some other document that is printed by the Government, but certainly no permission was given the gentleman to extend his remarks in the CONGRESSIONAL RECORD and to reprint the exact proceedings of April 23 in the RECORD of April 24 when those proceedings had been once printed.

Now, I submit that, with the great shortage of paper with which the Printing Office is confronted, it is hardly becoming the dignity of the House to permit such a matter as this to go by without notice. If there were errors in the remarks of the gentleman from Alabama, or if there were errors in the proceedings of the House upon the date when he rose to his question of personal privilege, they could easily have been corrected by him upon request. But certainly there is nothing in the rules of the House that permit this wholesale extension and repetition of proceedings that have once been printed. Therefore, in order to bring the matter properly before the House——

Mr. HEFLIN. I want to be heard, Mr. Speaker, on that.

Mr. WALSH (continuing). I move that the record of the proceedings [Mr. HEFLIN'S speech] appearing in the RECORD for April 24 be expunged from the RECORD.

The SPEAKER. The gentleman from Massachusetts moves that the speech of the gentleman from Alabama [Mr. HEFLIN], appearing in the RECORD of April 24, be stricken from the RECORD.

Mr. HEFLIN. Mr. Speaker, I want to be heard on the subject.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. I rise to be heard on the motion.

Mr. WALSH. I have not yielded the floor. I will yield to the gentleman if he desires to be heard.

The SPEAKER. How much time does the gentleman desire?

Mr. HEFLIN. I do not know, Mr. Speaker. Will I have right in my own time to speak?

The SPEAKER. The practice and the rule is that the gentleman from Massachusetts has an hour, and at the end of the time, if he wants to move the previous question, or at any time during that period, he has the right to do it. If at the end of the hour he does not move the previous question, the Chair will recognize the gentleman from Alabama or any other gentleman who wants to be recognized.

Mr. HEFLIN. I hope the gentleman will not move the previous question. I would like to be heard. I do not want very much time.

Mr. WALSH. I think it only fair that I yield to the gentleman.

Mr. HEFLIN. Fifteen minutes?

Mr. WALSH. I think he ought to make explanation in less time than that.

Mr. HEFLIN. I do not know. Give me 10 minutes.

Mr. WALSH. I yield 10 minutes to the gentleman.

The SPEAKER. The gentleman from Alabama is recognized for 10 minutes.

Mr. HEFLIN. Mr. Speaker, I gave my speech day before yesterday to the messenger, Mr. Robinson, who comes around from time to time to get the manuscript of gentlemen who address the House. I said to him, "I do not want them to make any mistakes in this." He said they would not, but they did. Now, I do not know whether anybody had anything to do with causing the mistake or not. I do not suppose they did, but that RECORD made me say that I was proceeding under the rule "for political purposes" [laughter], and I disclaimed any such intention from the very start of my speech, and I said that what I was doing was my patriotic duty as I saw it.

I recall, Mr. Speaker, on a former occasion that I had 25,000 copies of a speech printed, and they made an error in that speech at the Printing Office, and Mr. Smith, the RECORD clerk, made them print the whole copy over again, because they had done me a wrong and had made a mistake in the print of that speech.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. MADDEN. The gentleman was paying for that?

Mr. HEFLIN. I did not pay for the next copy.

Mr. MADDEN. I know; but if they had not printed according to instructions they would be compelled to print it over. But the gentleman paid the bill?

Mr. HEFLIN. Yes. But now the gentleman would permit somebody in the Printing Office to do me an injustice and have the speech containing that injustice go all over the country and put me in a wrong light and make me appear to be saying what I did not say.

I know, Mr. Speaker, that the gentleman from Massachusetts [Mr. WALSH] has suggested that I could have gotten up here and have had the permanent RECORD corrected; but that is not sufficient. This RECORD will be the RECORD that will be read all over the country, and the permanent RECORD would not be read, maybe, for a year; and they have put me in a false position before the House and the country.

I want the gentleman to read what is in the RECORD of April 23, beginning with the words—

I have commended the course of men on both sides, but because I see fit to reply to a Member's speech that he makes upon the floor of this House.

Listen:

I hold, Mr. Speaker, and I believe the Speaker will hold, since the matter is laid before him, that I am proceeding in the line of privilege provided for for political purposes. No; gentlemen. Nothing is further than in the rules. I am not attacking the gentleman from Illinois that from my mind, although one paper in my State has played up his speech, published it in full, and attacking me—a strange thing.

Did you ever hear of such a mixed-up mess of stuff? [Laughter.]

Here is the way they made the mistake: They cut these pages apart; they have 25 men setting up the type at once. They take the scissors and cut the pages, and one man is setting up one part here and another man is setting up another part yonder. That is the way they cut it up. I submit to the gentleman from Massachusetts that I was entirely correct in my position.

I will tell you how I got it published again. I went out here and asked Mr. Smith, the RECORD clerk, how this happened. He called them up, and they said they would look into it. I said, "I want that speech printed again, or I will bring it to the attention of the House." He took it up with the Printing Office, and they said, "Tell Mr. HEFLIN it will be printed again." Then he asked me what heading to put on it, and I said, "Just say 'Mr. HEFLIN'S reply to Mr. MASON.'" That is all.

Mr. Speaker, the first RECORD has gone to the country, and I want the corrected RECORD to follow.

It is not sufficient, I repeat, in a case of this kind to correct the permanent RECORD. The RECORD as printed to-day is correct. The printing of the corrected copy harms no one. Of course, the gentleman from Massachusetts wants to save the cost of paper. There are just four pages. I do not think you can make the American people believe that this is purely a matter of trying to save 35 cents and four sheets of paper. [Laughter.] Now, I hope the gentleman, after my explanation, will not insist upon his motion.

Mr. WALSH. Will the gentleman yield for a moment?

Mr. HEFLIN. I will.

Mr. WALSH. I observe the difference in the paragraph which the gentleman has directed attention to and that the lines became transposed; but it does seem to me that the speech ought to go out from one RECORD or the other, and that if the first proceedings are incorrect it will be just to the gentleman to strike it out there.

Mr. HEFLIN. I have no objection to striking out the speech in the first RECORD and letting this other stand. I ask unanimous consent that that be done.

Mr. WALSH. Mr. Speaker, I withdraw the motion that I made.

The SPEAKER pro tempore (Mr. GARNER). The gentleman from Alabama asks unanimous consent that the first remarks in the RECORD containing his reply to the gentleman from Illinois be stricken from the RECORD.

Mr. HEFLIN. The first insertion.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WALSH. Now I withdraw the motion I made.

The SPEAKER pro tempore. The gentleman from Massachusetts withdraws his motion.

SPRING WHEAT.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the spring-wheat situation.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks as indicated. Is there objection?

Mr. WALSH. The gentleman's own remarks?

Mr. STEENERSON. The hearings on that subject.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MR. LAGUARDIA IN ITALY.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Speaker, a Member of this House whom all of us know, and whom we have learned to respect and admire during the time of his service here, has manifested splendid patriotism by jeopardizing his political fortunes and the pleasure of his service here by taking upon himself the uniform of our country, and for several months he has been serving in Italy in charge of the student flyers of our country there. The Associated Press of this country some weeks ago carried a brief outline of a most remarkable speech made by Representative LAGUARDIA, of whom I am now speaking. [Applause.] This speech was made at Milan, in Italy. Those of us who have not had the privilege of learning the condition of things in the locality of the city of Milan at the time he made this speech, and for many weeks prior thereto, can hardly appreciate the significance of his remarks to his auditors that day, and the meaning those words carried to these people in a region where apprehension prevails, where disaster was imminent, where patriots had begun to lose hope. It appears that shortly after that address a committee of Italians that had been appropriately appointed by the Crown for a certain governmental purpose, and who more particularly represented the Italians of Trentino, a part of Austrian territory but entirely Italian in nationality, addressed a communication to Mr. LAGUARDIA, which reveals much of the Italian thought and contains a distinct message that I think the membership of the House will be glad to hear. I desire, therefore, to ask that the Clerk in my time read this letter which the committee sent to Representative LAGUARDIA.

The SPEAKER pro tempore. Without objection, the Clerk will read it.

The Clerk read as follows:

[Commission of Emigration, Trentino. Organized by virtue of the prefectoral decree of Apr. 12, 1916, and approved by Royal decree July 25, 1916; No. 1142.]

MILAN, *February 4, 1918.*

To the Hon. Mr. LAGUARDIA,
Member of the American Congress:

The Trentino refugees in Italy no longer have here their former representatives.

The deputy from Trent, Cesare Battisti, after having preached the necessity of the war in all Italian cities, was made a prisoner while fighting and was hung by the Austrians.

The deputies from Rovereto and from the Trentino valleys, the mayors, and the local authorities, and the influential men are in Austria either under sentence or interned. They had not fled, believing it their duty to await at their posts the prompt arrival of the liberating army.

At present, therefore, the Trentino refugees in Italy are forming for themselves a vast association which will unite them all, so that with full authority can be made known to the allies, the Italianism and the right of Trentino to become united to Italy and saved from destruction.

In the meantime the Trentino Commission of Emigration is speaking in their name.

We want the allies all to know that Trentino is a country completely Italian in race, in language, in customs, and that among this solid mass there is not 1 per cent of Teuton; that she has clung desperately to her language; and that her peoples have stood against German violence and German deceit, but that the war has exhausted and destroyed all her material if not yet her moral forces; and that should she be compelled to remain Austrian we would be irremediably obliterated by the renewed exasperated preponderance of our enemies, the Germans; that they have already confiscated our land and our property; they have deported more than a hundred thousand persons from their country to their ruin or death.

Trentino is of no value to Austria other than as an arm for dominating Italy; on the other hand, Italy can never live freely with such a wedge in her heart. We are an honest little people, trampled on and crushed, massacred and dispersed, but who do not wish to perish.

We do not wish to perish, and therefore we must be rescued from Austrian—that is, German—power. We have proclaimed all this loudly, and in the face of danger. There is no need of a new plebiscite. This would be to-day a nasty derision. It has been proclaimed by our deputies elected by universal suffrage. They are dead, incarcerated, or interned, and their voices to-day are stifled. It has been proclaimed by our mayors and our chiefs, including the clergy and the bishop, who shared the same fate. It has been proclaimed by the thousands of citizens condemned for high treason and whose property was confiscated; our prisoners who came from Russia, about 2,000, while many thousands have demanded it who are now in part, perhaps, arriving in America from Siberia; all the deported ones have demanded it, but above all our volunteers who have no voice but who with the ready offer of their lives cry out to the world the will and the needs of Trentino.

All of this we want to say and to prove to the allies and especially to America and to her great President.

We do not presume to think that our words and our grief can influence the decisions of your country, but since Wilson, in one of the most noble programs known to history, has solemnly proclaimed the right of small, oppressed nationalities to live, we want America to know that if there is a little oppressed people, menaced with destruction, solidly Italian, necessary to complete and assure the independence of Italy it is Trentino; that she looks with firm faith to the great American Nation, which proclaims and sustains to-day the rights of peoples, as France and America once proclaimed and sustained the rights of the individual, and that she will not withdraw until a final and complete victory.

We present these considerations to you personally trusting that conforming to your very noble and categorical affirmations for final victory expressed by you, and trusting also to the warm sympathy of America for our country, you will cause to be heard the sorrowful but proud voice of Trentino, ready for every sacrifice, however great, for the triumph of her legitimate and sacred revindication.

CARLO ESTERLE.
FRANCO CRIVELLI.
GINO MARZANI.

ACCOUNTS AND EXPENDITURES OF THE POST OFFICE DEPARTMENT.

Mr. BELL. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads I move a change of reference of H. Res. 307. This resolution having been referred to the Committee on Expenditures in the Post Office Department, I move that it be rereferred to the Committee on the Post Office and Post Roads.

Mr. KEATING. Mr. Speaker, I want to reserve a point of order on the motion. May I ask the gentleman if it would be agreeable to him and to the House that we have 10 minutes' debate on this subject, in order that the House may know what it is voting on? I would suggest that the gentleman from Georgia be given five minutes in which to state the position of the Committee on Post Offices and Post Roads, and that I be given five minutes in which to reply on behalf of the Committee on Expenditures in the Post Office Department.

Mr. BELL. I will say that it would be agreeable to me to make it 10 minutes on a side.

Mr. KEATING. I think five minutes will be sufficient.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the time be made 20 minutes.

Mr. KEATING. I do not think we are justified in taking up the time of the House to a greater extent than 10 minutes.

Mr. MADDEN. That is for the House to decide.

The SPEAKER pro tempore. The gentleman from Georgia has the floor.

Mr. KEATING. Mr. Speaker, I ask unanimous consent, pending the gentleman's motion, that 10 minutes be allowed on this motion, 5 minutes to be controlled by the gentleman from Georgia [Mr. BELL] and 5 minutes by myself.

Mr. BELL. Mr. Speaker, two or three gentlemen want 4 or 5 minutes each, and I would be glad if the gentleman from Colorado will agree to 10 minutes on a side.

Mr. KEATING. I think the whole thing can be disposed of in 10 minutes.

Mr. BELL. Mr. Speaker, I ask unanimous consent that there be 20 minutes debate, 10 minutes to be controlled by myself and 10 minutes by the gentleman from Colorado.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that 20 minutes be allowed for debate, 10 minutes to be controlled by himself and 10 minutes by the gentleman from Colorado [Mr. KEATING]. Is there objection?

There was no objection.

Mr. BELL. Will the gentleman from Colorado proceed?

Mr. KEATING. No; "the gentleman from Colorado" feels that he should have the last word on this proposition.

Mr. WALSH. Mr. Speaker, does the gentleman from Colorado withdraw his point of order which he made but did not state?

Mr. KEATING. I have not.

Mr. WALSH. Then, I make the point of order that we can not discuss this matter with the point of order pending.

Mr. KEATING. The point of order, Mr. Speaker, I have no desire to press if we can arrange the matter of debate. The point of order is this: Under the rules of the House a motion to re-refer a bill must be presented immediately after the reading of the Journal. That is the rule. Other business has been permitted to intervene. The gentleman from Minnesota [Mr. MILLER] delivered a speech, and therefore the motion of the gentleman from Georgia is not in order. But, so far as I am concerned, I am willing to have the matter decided this morning in order that the question of jurisdiction may be determined. Under that suggestion I feel that my original unanimous-consent request should be granted—that is, that 10 minutes' debate should be allowed, 5 minutes to the gentleman from Georgia and 5 minutes to myself.

The SPEAKER pro tempore. The House has given unanimous consent for 10 minutes on a side. The Chair does not think that the spirit of the rule has been violated because the House gave unanimous consent to the gentleman from Minnesota, and therefore the Chair overrules the point of order and recognizes the gentleman from Georgia for 10 minutes.

Mr. BELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, this resolution now before the Committee on Expenditures in the Post Office Department, and upon which that committee has begun an investigation without any authority whatever, had written on the back of the resolution when filed in the basket the following language:

Directing the Committee on Expenditures in the Post Office Department to institute an examination of the accounts and expenditures of the Post Office Department, and for other purposes.

That is the entire scope of the jurisdiction of the Committee on Expenditures in the Post Office Department as stated on the outside of the resolution; and, while I do not believe that it was written on the back of the resolution to deceive the Speaker, it certainly did deceive the Speaker into referring the resolution to a committee that had no jurisdiction over the subject matter of the resolution. The first paragraph of the resolution reads in the same language that I have just read, but all the rest of the resolution deals with questions that are not within the jurisdiction of the Committee on Expenditures in the Post Office Department. For example, it says:

The committee is further directed to institute and carry forward an investigation into the conduct and administration of the affairs of the Post Office Department in so far as they concern and apply to the collection, sorting, forwarding, distribution, and handling in any way of mail of the American Expeditionary Force either in this country or abroad.

The committee is further directed to institute and carry forward an investigation into the conduct and administration of the affairs of the Post Office Department in so far as they concern the mail of any of the organizations of the armies of the United States, either Regular, National, or National Guard, within the confines of the United States or any of its Territories or dependencies.

Then it gives them jurisdiction to institute and carry forward an investigation into the conduct and administration of the affairs of the Post Office Department in so far as they concern the mail between the cities of Washington and New York. It goes further and says:

The committee shall further make such recommendations as to reforms in methods and procedure in the department under investigation as may be justified by the evidence taken and as will affect economy and promote efficiency in the future administration of its affairs.

I submit that this resolution goes beyond the jurisdiction of the Committee on Expenditures in the Post Office Department, and that the jurisdiction belongs to the Post Office Committee.

Then it provides that it may appoint a subcommittee, which may administer oaths, appoint experts, send for persons and papers, and may, in effect, reorganize the Post Office Department.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. I have not seen the resolution nor heard of it, but if what the gentleman says is correct, it increases the jurisdiction and ought to go to the Committee on Rules.

Mr. MADDEN. This resolution certainly does not belong to the Committee on Expenditures in the Post Office Department; but even assuming that it did, I maintain that the Committee on Expenditures in the Post Office Department, and no other committee of the House, would have authority, by the mere introduction of a resolution, to begin an investigation. It would be compelled to wait until the House had passed the resolution before it assumed authority.

That is not all. It has been said by men on the floor of the House that the reason why they wanted the resolution to remain in the possession of the Committee on Expenditures in the Post Office Department is that the Post Office Committee will not investigate. I deny that. I deny the truth of the statement made by any man in this House to the effect that the Post Office Committee will not investigate these matters. The Post Office Committee has never faltered in the performance of its duty. I maintain that the statements to the effect that the Post Office Committee would not investigate are intended to deceive Members of the House in order that they may vote authority for an investigation as to matters over which the Committee on Expenditures has no jurisdiction whatever.

I do not think it is fair. I do not think that any committee ought to investigate until this House authorizes it; and surely this resolution is not in such form to-day that the committee over which the gentleman from Colorado [Mr. KEATING] presides would have the right to begin an investigation. I have no objection to an investigation of the Post Office Department. I would welcome any investigation that the House might order; and, as one member of the Post Office Committee, I would do in this case as I have always done in every case—perform my duty fearlessly, without fear or favor to any man.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. KEATING. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FRANCIS], the author of the resolution.

Mr. FRANCIS. Mr. Speaker, as to the indorsement on the resolution, I imagine that was put on it by the Clerk, because the resolution when introduced by me on April 11 had no indorsement whatsoever.

There is a great deal of unnecessary to-do over the jurisdiction of this committee. There is nothing extraordinary or unusual about this resolution. When I sat down to prepare this resolution I took my book of rules to see what the jurisdiction of the Committee on Expenditures in the Post Office Department, of which I am a member, was, and the first paragraph of the resolution is taken verbatim from the statement in the rules of the jurisdiction of the committee.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. FRANCIS. In a moment. When it comes to the rest of the resolution, I turned back to the records of the House in the Sixty-second Congress, first session, where I found a precedent for the resolution, and that is House resolution No. 109, introduced by the gentleman from Virginia [Mr. SAUNDERS], which was referred to the Committee on Expenditures in the Post Office Department, and in substance the entire resolution as I have introduced it at this session is based on the resolution introduced by Mr. SAUNDERS in the Sixty-second Congress. That resolution was referred to the Committee on Expenditures in the Post Office Department, was considered by the Committee on Expenditures in the Post Office Department, and was reported out to this House, and on a unanimous-consent day was adopted by this House, and it is a square precedent. In order to enlighten the Members a little further on this, I shall point out that the resolution of the gentleman from Virginia——

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. FRANCIS. Yes.

Mr. GARRETT of Tennessee. May I direct the attention of the gentleman to the fact that this resolution directs an investigation to be made? This resolution has not been passed.

Mr. FRANCIS. What is the gentleman's question?

Mr. GARRETT of Tennessee. The question is, What authority has the committee to act?

Mr. FRANCIS. If the gentleman will permit, the gentleman from Colorado [Mr. KEATING] will answer that. If my resolution is all wrong, then the resolution that was introduced by the gentleman from Virginia [Mr. SAUNDERS] was all wrong, for I have followed his resolution.

His resolution provides, first, that the Committee on Expenditures in the Post Office Department shall investigate as to whether abuses exist to the prejudice of the public welfare, and that it shall further investigate the amount of work done and the number of hours devoted by postmasters and officials to their work, and that it shall further investigate the time devoted by postmasters to private enterprise and personal vocation; and, further, what degree of public interest has been disregarded in the establishment and discontinuance of post offices, and finally the extent to which postmasters have contributed to the expenses of political campaigns. The rest of the resolution of the gentleman from Virginia [Mr. SAUNDERS], which occupies a page and three-quarters, provides that the committee shall make such recommendations as to reforms in methods and procedure in the department under investigation as may be justified by the evidence taken, and that will effect economy and promote efficiency in the future administration of its affairs. From there on to the end my resolution is taken verbatim from the resolution of the gentleman from Virginia. When the resolution was called up on unanimous-consent day the gentleman from Illinois [Mr. MANN] was in the Chamber, and he asked several critical questions in regard to the resolution; and Mr. SAUNDERS rose to its defense and it went through without any opposition whatsoever; and I submit that my resolution is properly before the Committee on Expenditures in the Post Office Department and should be left there.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. FRANCIS. Yes.

Mr. GORDON. The Saunders resolution, to which the gentleman has referred, related wholly and entirely to past events, did it not?

Mr. FRANCIS. No.

Mr. GORDON. I wish the gentleman would read from some clause there that does not relate to something wholly and entirely in the past, and I call the gentleman's attention to the fact that jurisdiction over expenditures in all of these departments is limited to past events.

Mr. KEATING. How can we investigate expenditures until they have been made? Necessarily they relate to events in the past. [Applause.]

Mr. FRANCIS. The first paragraph provides that the Committee on Expenditures is directed to carry forward an investi-

gation as to whether abuses exist. That refers to the present as well as to the past.

Mr. GORDON. It refers to past expenditures wholly and entirely.

Mr. FRANCIS. I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Speaker, I just wanted to say to the gentleman that the first paragraph of this resolution, of course, confines the committee to an investigation of expenditures, and they have that right without any resolution.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. KEATING. Mr. Speaker——

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

Mr. KEATING. No; I have not the time. As the gentleman from New York [Mr. FRANCIS], the author of the resolution, has stated, he has a perfect precedent in the Saunders resolution adopted by this House in the Sixty-second Congress. That resolution was referred by the Speaker to the Committee on Expenditures in the Post Office Department, reported back from that committee, adopted by this House, and an investigation held. The Committee on Expenditures of the present House might have taken advantage of this situation, might have met and reported upon this resolution, and in that way have clinched its jurisdiction. We were notified five or six days ago that this question would be raised. We preferred not to indulge in any sharp practice. We wanted the House to settle this question of jurisdiction. The Committte on Expenditures in the Post Office Department is charged with the duty of investigating the expenditures of the Post Office Department. This Congress has granted the Post Office Department a great appropriation for the purpose of establishing a mail service between this country and the expeditionary forces in Europe. How has that money been expended? Has the Post Office Department made good? Are the soldiers in Europe receiving the kind of service that Congress intended the money should provide? I submit that those questions are clearly within the jurisdiction of the Committee on Expenditures in the Post Office Department, and those are the only questions we have attempted to consider.

Gentlemen have said that without waiting for the passage of the resolution we have initiated a hearing, or an "investigation," as they have described it. They confuse a hearing on a resolution which has been referred to a committee with a formal investigation where witnesses may be sworn. The Committee on Expenditures in the Post Office Department, when this resolution was referred to it, undertook to ascertain if there was necessity for the kind of investigation provided in the resolution, and we called upon certain officials of the Post Office Department to appear and give us information as to how they had expended the money provided by Congress for the purpose of furnishing mail service between this country and Europe. We expected to follow that by ascertaining the kind of mail service they had provided for the Army camps.

The committee has proceeded without the suggestion of partisanship. It has not desired to embarrass the Post Office Department or any other department of the Government.

The committee has felt that this House and the people of this country wanted to know what was wrong with the mail service between this country and France, and it has proceeded in a proper fashion to ascertain the material facts. After it has procured sufficient facts upon which to base a report to this House, it will come back to this House and report on this resolution.

Mr. MADDEN. Will the gentleman yield?

Mr. KEATING. I will.

Mr. MADDEN. Does the gentleman think he has authority to investigate under this resolution before the House acts upon the resolution?

Mr. KEATING. The gentleman from Colorado is not "investigating." The gentleman from Illinois is confusing an investigation with a hearing. Why every committee of this House when a bill or a resolution is referred to it, if the bill or resolution is of sufficient importance, conducts a hearing which will enable members of the committee to determine whether they want to recommend the adoption of the bill or resolution to the House, and that is all the Committee on Expenditures in the Post Office Department has done, and I submit it is well within its jurisdiction.

Mr. GOOD. Will the gentleman yield?

Mr. KEATING. I will.

Mr. GOOD. Is not it true, if it is as stated by the gentleman from Illinois, that if there is a change to be made it ought not to go to the Committee on the Post Office and Post Roads but ought to go to the Committee on Rules; that is, providing any change is to be made at all?

Mr. KEATING. Under the precedents of the House, the precedents established in the Sixty-second Congress by the party now in control of the House, led by the distinguished gentleman from Virginia [Mr. SAUNDERS], the place for this resolution is the Committee on Expenditures in the Post Office Department, and the Speaker or whoever made the reference did exactly right in sending it to that committee. [Applause.]

Mr. BELL. Mr. Speaker, I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, I seem to have been drawn in an unexpected fashion into this controversy. It is true that I was the patron of the resolution referred to, but I made no request for the reference of that resolution to the Committee on Expenditures, or to any other committee. It was referred in due course, and the reference was never contested. Hence no precedent has been created. Many bills are erroneously referred. These references are sometimes contested, and sometimes not. In the case of the resolution referred to by the gentleman from New York, I submit that upon the facts an unchallenged reference does not establish the correctness, and propriety of that reference. Given time to make the necessary inquiry, I could point out many references that on motion could have been corrected, if that correction had been desired. Such erroneous references do not create binding precedents. At best they can be regarded as persuasive only. The resolution in question plainly does not belong to the Committee on Expenditures in the Post Office Department. Looking to the Manual it will be noted that all subjects relating to the post office, and post roads belong to the Committee on the Post Office. That is a sweeping grant of power. The Committee on Expenditures in the Post Office has a limited jurisdiction, relating to certain defined subjects. That jurisdiction is fixed by the precise and guarded language in the Manual defining the scope of the work of this committee. There is no sweeping grant of power to the Committee on Expenditures. What it may do is summed up under a number of detailed heads. Unquestionably a portion of this resolution relates to powers that belong to the Committee on Expenditures, but I take it as a matter of sound parliamentary law that you can not associate matter that in large degree belongs to one committee, with other matter in lesser degree that belongs to another committee, and then claim jurisdiction of the whole subject matter for the latter committee. Yet that is precisely what is proposed to be done by this resolution. Permit me to read the resolution, because the language used clearly indicates to which of the two committees now contending for jurisdiction, the resolution ought to be referred. The first paragraph unquestionably contains matter that belongs to the Committee on Expenditures in the Post Office Department. Reading further, we find the following:

> The committee is further directed to institute and carry forward an investigation into the conduct and administration of the affairs of the Post Office Department in so far as they concern and apply to the collection, sorting, forwarding, distribution, and handling in any way of mail of the American expeditionary forces either in this country or abroad.

The Manual provides that subjects relating to the post office shall be referred to the Post Office Committee. Having that sweeping statement in mind, is there doubt in the mind of any Member of this House, that the investigation proposed in the language cited, is a subject appropriately belonging to the Post Office Committee?

A comprehensive and searching investigation into the administration of the Post Office Department, in an important field is proposed. It is not a matter of figures, of details, of expenditures, of accounts, but of inquiry into general departmental capabilities on a large scale in a wide field. Surely this is a subject relating to the post office. The same comments may be made on the investigations proposed in the paragraphs which follow the paragraph cited. They are not investigations of details of accounts and expenditures, but are inquiries relating to general administration of large activities at home and abroad. The committee to which the general subject of the Post Office Department is committed, should conduct such inquiries.

There is just one further suggestion I wish to make in this connection. If the Committee on Expenditures in the Post Office Department has the right to conduct these investigations, by virtue of the language used in the first paragraph of the resolution, then all that follows that paragraph so far as it relates to the investigations proposed, is surplusage.

If the Committee on Expenditures is entitled to proceed by virtue of the authority afforded by the Manual, then they ought to rest on that language, and content themselves with asking

for the power to compel the attendance of witnesses to administer oaths. Obviously the committee distrusted its authority to conduct these specific investigations, and preferred to secure it by specific grant. The resolution associates matters plainly belonging to the Committee on Expenditures, with matter that belongs to the Committee on Post Offices and Post Roads, with a view to conferring jurisdiction of the entire subject matter upon the Committee on Expenditures. More of the matters proposed to be done by this resolution belong to the Committee on Post Offices, than to the Committee on Expenditures. Hence as between these committees, this resolution should be referred to the Post Office Committee.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. BELL] has a minute and a half left.

Mr. GARRETT of Tennessee. Without interfering with the gentleman from Georgia, is it agreeable to the gentleman?

Mr. KEATING. Mr. Speaker, with all due respect, I think I must object to that. We must go on.

Mr. GARRETT of Tennessee. All I want to do is to speak in the interest of orderly procedure. I am not at all interested in the contest between the two committees.

Mr. KEATING. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent that he may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker and gentlemen of the House, I only take the floor to speak in the interest of orderly procedure. It is a matter of indifference to me to which committee this may go, the Committee on Expenditures in the Post Office Department or the Committee on the Post Office and Post Roads. But, as a matter of fact, under the practice of the House this resolution ought to go to the Committee on Rules. Why? Because it seeks to extend the power of one of the regular standing committees of the House, whether it be the Committee on the Post Office and Post Roads or the Committee on Expenditures in the Post Office Department, and in order to extend that power and authority, then, in the regular way, it ought to go to the Committee on Rules and be reported from that committee.

For instance, on page 3 it says:

The committee is further empowered to employ, from time to time, such stenographers as may be necessary—

And so forth.

That part of it would probably go to the Committee on Accounts, and the gentleman from New York [Mr. FRANCIS] will doubtless look after that when the time comes. It authorizes the administration of oaths. Under the unbroken practice, wherever there has been a contest, in order to obtain additional power under the rules, such resolutions as this have been referred to the Committee on Rules and reported from that committee.

Now, it is a matter of indifference to me. As I say, I only speak in the interest of orderly procedure, and it seems to me the gentleman from Georgia [Mr. BELL] might very well change his motion and refer it to the Committee on Rules rather than the Committee on the Post Office and Post Roads, because exactly the same question would arise again if it be referred to the Committee on the Post Office and Post Roads.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. GRAHAM of Illinois. I want to ask a question for my own satisfaction. Where a resolution or bill has matter that is within the jurisdiction of one committee and also subject matter that is clearly within the jurisdiction of another committee, how is the committee to which the resolution or bill should be referred determined?

Mr. GARRETT of Tennessee. Those questions often arise, but those are legislative propositions, if the gentleman will permit. This is not a legislative proposition. This is a question of investigation and the question of power to be conferred upon a committee. This does not involve legislation in any way. It involves the question of what power should be given to a committee, and for that reason ought to go to the Committee on Rules, the regular committee of the House that deals with those matters.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

Mr. SIEGEL. Mr. Speaker——

Mr. GARRETT of Tennessee. I yield to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Any investigation that has to be conducted in this matter has to take in three departments, the War Department, the Post Office Department, and the transportation department in France. Now, the sole question in my mind is, which committee has full powers to conduct such an investigation, as there are 37,000 bags of mail over there at one of the ports, belonging to the American troops, undistributed at the present time.

Mr. GARRETT of Tennessee. If the gentleman will permit, we really have not reached that stage yet. The gentleman from Colorado [Mr. KEATING] stated that such hearings as have been had were wholly for the purpose of determining whether this resolution should be reported to the House, if I understood the gentleman correctly.

Mr. KEATING. The gentleman is correct.

Mr. GARRETT of Tennessee. We have not reached that stage of investigation as yet, except on the question of whether the resolution should be reported to the House and acted upon by the House.

Mr. KEATING. If there was a state of affairs that would justify it.

Mr. GARRETT of Tennessee. And that being the case, I submit to the gentleman from Colorado [Mr. KEATING] and the gentleman from Georgia [Mr. BELL], in the interests of orderly procedure it ought to go to the Committee on Rules.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Will the gentleman from Tennessee yield?

Mr. GARRETT of Tennessee. I will.

Mr. MADDEN. A parliamentary inquiry. I wish to ask the Chair if it would be possible, under the existing conditions, the Committee on the Post Office and Post Roads having directed the gentleman from Georgia [Mr. BELL] to move to transfer this bill to the Committee on the Post Office and Post Roads, for him to move to send the resolution to the Committee on Rules?

The SPEAKER pro tempore. The opinion of the Chair is that it would not be in order unless the chairman of the committee would authorize him to move that it go to the Committee on Rules.

Mr. SAUNDERS of Virginia. As it can not be amended on the floor, the gentleman can not ask for another reference. He could ask unanimous consent, if desired, to have it referred to the Committee on the Post Office and Post Roads.

The SPEAKER pro tempore. That is correct. The gentleman from Georgia [Mr. BELL] could withdraw his motion, and if to-morrow morning the committee offered a resolution to refer it, they could refer it there.

The time of the gentleman from Tennessee [Mr. GARRETT] has expired. The gentleman from Georgia [Mr. BELL] is recognized for one minute.

Mr. BELL. Mr. Speaker, I can not tell whether or not this resolution should be referred to the Committee on Rules. But it is very clear and evident to my mind that it does not belong to the Committee on Expenditures in the Post Office Department. There is but one portion of this resolution that the Committee on Expenditures in the Post Office Department has any jurisdiction over whatever, and that is the first paragraph. This is a sweeping resolution, and it empowers the Committee on Expenditures in the Post Office Department to investigate the conduct and the administration of affairs of the Post Office Department in domestic and foreign mails. This they have no jurisdiction over whatever. It has been intimated, so I am informed, and I believe said——

Mr. KEATING. Mr. Speaker, will the gentleman yield for a question?

Mr. BELL. Yes.

Mr. KEATING. If the gentleman were a member of the Committee on Expenditures in the Post Office Department how would he proceed to investigate the expenditures in the foreign mail service that he has referred to without finding out how the money was expended?

Mr. BELL. I would go to the Post Office Department for the information.

Mr. KEATING. That is what the Committee on Expenditures in the Post Office Department has done. That is all that it has done.

Mr. BELL. It is further stated that the Committee on the Post Office and Post Roads would not make the investigation. We resent that. We would, but we would not until the resolution is referred to our committee. When that is done we will make an investigation. I think we have jurisdiction over it.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, pending the putting of the motion, I ask unanimous consent that this resolution be referred to the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the resolution be referred to the Committee on Rules. Is there objection?

Mr. KEATING. I object.

The SPEAKER pro tempore. The gentleman from Colorado objects. The question is on agreeing to the motion made by the gentleman from Georgia [Mr. BELL].

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. KEATING. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 69, noes 91.

Mr. BELL. I ask for tellers, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia asks for tellers.

Mr MADDEN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Illinois asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Clerk will call the roll. Those who favor the motion of the gentleman from Georgia will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 156, nays 151, answered "present" 9, not voting 114, as follows:

YEAS—156.

Alexander	Donovan	Lazaro	Saunders, Va.
Almon	Doolittle	Lea, Cal.	Schall
Ashbrook	Doremus	Lee, Ga.	Sears
Aswell	Doughton	Lesher	Shallenberger
Ayres	Drane	Linthicum	Sherley
Bankhead	Eagle	Lonergan	Sisson
Barkley	Edmonds	McAndrews	Slayden
Beakes	Evans	McKenzie	Small
Bell	Fisher	McKeown	Smith, C. B.
Black	Flood	McLemore	Smith, T. F.
Blackmon	Foster	Madden	Snook
Blanton	Fuller, Mass.	Maher	Steagall
Borland	Gallivan	Mansfield	Stedman
Brand	Gandy	Montague	Steele
Britten	Garner	Moon	Steenerson
Brodbeck	Garrett, Tex.	Nicholls, S. C.	Stephens, Miss.
Brumbaugh	Glass	Oldfield	Sterling, Ill.
Byrnes, S. C.	Goodwin, Ark.	Oliver, Ala.	Sterling, Pa.
Byrns, Tenn.	Gordon	Oliver, N. Y.	Stevenson
Candler, Miss.	Graham, Ill.	Olney	Tague
Cannon	Griffin	O'Shaunessy	Taylor, Ark.
Caraway	Hardy	Overstreet	Thomas
Carlin	Hayden	Padgett	Tillman
Carter, Okla.	Heaton	Paige	Vinson
Claypool	Helm	Park	Walker
Cleary	Helvering	Phelan	Walsh
Coady	Hensley	Quin	Watkins
Collier	Holland	Ragsdale	Watson, Va.
Connally, Tex.	Houston	Rainey, J. W.	Weaver
Cox	Hull, Iowa	Ramseyer	Welling
Crisp	Hull, Tenn.	Randall	Welty
Decker	Igoe	Rayburn	Whaley
Delaney	Ireland	Riordan	Williams
Dent	Johnson, Ky.	Robinson	Wilson Ill.
Denton	Juul	Romjue	Wilson, La.
Dickinson	Kehoe	Rouse	Wilson, Tex.
Dies	Key, Ohio	Rubey	Wise
Dixon	Kincheloe	Russell	Wright
Dominick	Larsen	Sabath	Young, Tex.

NAYS—151.

Anderson	Foss	Kinkaid	Reed
Anthony	Focht	Knutson	Robbins
Bacharach	Fordney	Kraus	Roberts
Baer	Francis	La Follette	Rogers
Bland	Frear	Langley	Rose
Booher	Freeman	Lehlbach	Rowe
Bowers	French	Little	Sanders, Ind.
Browne	Fuller, Ill.	Lobeck	Sanders, N. Y.
Burroughs	Garland	London	Sanford
Butler	Gillett	Longworth	Scott, Mich.
Campbell, Kans.	Glynn	Lufkin	Sherwood
Carter, Mass.	Good	Lundeen	Siegel
Cary	Goodall	McArthur	Sinnott
Chandler, Okla.	Gould	McCulloch	Sloan
Church	Green, Iowa	McKinley	Smith, Idaho
Classon	Greene, Mass.	McLaughlin, Mich.	Smith, Mich.
Connelly, Kans.	Greene, Vt.	Magee	Stafford
Cooper, Wis.	Hadley	Mapes	Stiness
Crago	Hamilton, Mich.	Mays	Sweet
Cramton	Hamlin	Merritt	Temple
Crosser	Haskell	Miller, Minn.	Timberlake
Currie, Mich.	Hastings	Miller, Wash.	Treadway
Dallinger	Haugen	Moores, Ind.	Van Dyke
Darrow	Hawley	Morgan	Vestal
Davidson	Hayes	Morin	Voigt
Davis	Hersey	Mott	Volstead
Dill	Hilliard	Mudd	Waldow
Dillon	Hollingsworth	Neely	Walton
Dowell	Huddleston	Nolan	Ward
Dunn	Humphreys	Osborne	Wason
Elliott	Hutchinson	Overmyer	Wheeler
Ellsworth	Johnson, Wash.	Parker, N. Y.	White, Me.
Emerson	Kahn	Peters	White, Ohio
Esch	Keating	Pratt	Winslow
Fairchild, B. L.	Kelly, Pa.	Purnell	Woods, Iowa
Fairchild, G. W.	Kennedy, Iowa	Raker	Woodyard
Fairfield	Kennedy, R. I.	Ramsey	Young, N. Dak.
Farr	Kiess, Pa.	Reavis	

ANSWERED "PRESENT"—9.

Barnhart	Fields	Moore, Pa.	Rodenberg
Browning	Garrett, Tenn.	Pou	Wingo
Cantrill			

NOT VOTING—114.

Austin	Foss	LaGuardia	Scully
Beshlin	Gallagher	Lever	Sells
Buchanan	Gard	Littlepage	Shackleford
Burnett	Godwin, N. C.	Lunn	Shouse
Caldwell	Graham, Pa.	McClintic	Sims
Campbell, Pa.	Gray, Ala.	McCormick	Slemp
Carew	Gray, N. J.	McFadden	Snell
Chandler, N. Y.	Gregg	McLaughlin, Pa.	Snyder
Clark, Fla.	Griest	Mann	Stephens, Nebr.
Clark, Pa.	Hamill	Martin	Strong
Cooper, Ohio	Hamilton, N. Y.	Mason	Sullivan
Cooper, W. Va.	Harrison, Miss.	Meeker	Sumners
Copley	Harrison, Va.	Mondell	Swift
Costello	Heflin	Nelson	Switzer
Curry, Cal.	Heintz	Nichols, Mich.	Talbott
Dale, N. Y.	Hicks	Norton	Taylor, Colo.
Dale, Vt.	Hood	Parker, N. J.	Templeton
Dempsey	Howard	Platt	Thompson
Denison	Husted	Polk	Tilson
Dewalt	Jacoway	Porter	Tinkham
Dooling	James	Powers	Towner
Drukker	Johnson, S. Dak.	Price	Vare
Dupré	Jones	Rainey, H. T.	Venable
Dyer	Kearns	Rankin	Watson, Pa.
Eagan	Kelley, Mich.	Rowland	Webb
Elston	Kettner	Rucker	Wood, Ind.
Estopinal	King	Sanders, La.	Zihlman
Ferris	Kitchin	Scott, Iowa	
Flynn	Kreider	Scott, Pa.	

So the motion of Mr. BELL was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. JONES with Mr. HAMILTON of New York.

Mr. KETTNER with Mr. KEARNS.

Mr. MCCLINTIC with Mr. HUSTED.

Mr. POLK with Mr. KING.

Mr. HARRISON of Mississippi with Mr. JOHNSON of South Dakota.

Mr. HOWARD with Mr. MCFADDEN.

Mr. LEVER with Mr. HICKS.

Mr. PRICE with Mr. KELLEY of Michigan.

Mr. HOOD with Mr. KREIDER.

Mr. MARTIN with Mr. WOOD of Indiana.

Mr. HENRY T. RAINEY with Mr. MASON.

Mr. HARRISON of Virginia with Mr. PLATT.

Mr. RUCKER with Miss RANKIN.

Mr. KITCHIN with Mr. MANN.

Mr. SHACKLEFORD with Mr. ROWLAND.

Mr. SHOUSE with Mr. SNELL.

Mr. SIMS with Mr. MEEKER.

Mr. STEPHENS of Nebraska with Mr. STRONG.

Mr. SULLIVAN with Mr. SWIFT.

Mr. SUMNERS with Mr. MONDELL.

Mr. TAYLOR of Colorado with Mr. SWITZER.

Mr. THOMPSON with Mr. TILSON.

Mr. VENABLE with Mr. TOWNER.

Mr. WEBB with Mr. TINKHAM.

Mr. JACOWAY with Mr. ZIHLMAN.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. GALLAGHER with Mr. NORTON.

Mr. BESHLIN with Mr. MCLAUGHLIN of Pennsylvania.

Mr. TALBOTT with Mr. BROWNING.

Mr. DALE of New York with Mr. DALE of Vermont.

Mr. LUNN with Mr. NICHOLS of Michigan.

Mr. GRAY of Alabama with Mr. WATSON of Pennsylvania.

Mr. LITTLEPAGE with Mr. JAMES.

Mr. SCULLY with Mr. PORTER.

Mr. DUPRÉ with Mr. SNYDER.

Mr. BUCHANAN with Mr. CLARK of Pennsylvania.

Mr. CAREW with Mr. COPLEY.

Mr. DEWALT with Mr. CHANDLER of New York.

Mr. FLYNN with Mr. DRUKKER.

Mr. BURNETT with Mr. DEMPSEY.

Mr. DOOLING with Mr. AUSTIN.

Mr. CLARK of Florida with Mr. DENISON.

Mr. FERRIS with Mr. COOPER of Ohio.

Mr. CALDWELL with Mr. COSTELLO.

Mr. EAGAN with Mr. DYER.

Mr. GARD with Mr. ELSTON.

Mr. GODWIN of North Carolina with Mr. COOPER of West Virginia.

Mr. CAMPBELL of Pennsylvania with Mr. FOSS.

Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.

Mr. GREGG with Mr. GRAY of New Jersey.

Mr. HAMILL with Mr. GRIEST.

Mr. MASON. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore. Was the gentleman in the Hall listening when his name should have been called?

Mr. MASON. I am not absolutely sure whether I was or not. I did not hear my name called.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

Mr. FERRIS. Mr. Speaker, I desire to vote. I am not sure that I can bring myself within the rule. I was behind the railing and had just come in.

The SPEAKER pro tempore. The gentleman does not bring himself within the rule.

Mr. HEFLIN. Mr. Speaker, was this a call of the House or just a roll call?

The SPEAKER pro tempore. A yea-and-nay vote.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. This resolution goes to the Committee on the Post Office and Post Roads.

On motion of Mr. SAUNDERS of Virginia, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

HERVEY E. DAMERON (H. REPT. NO. 518).

Mr. PARK. Mr. Speaker, I desire to present a privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The gentleman from Georgia offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 321.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Hervey E. Dameron, clerk to WILLIAM A. JONES, a Representative from the State of Virginia at the time of his death, April 17, 1918, the sum of $166.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

Mr. PARK. Mr. Speaker, this is the usual resolution.

The resolution was agreed to.

BERT W. KENNEDY AND FRANK W. COLLIER (H. REPT. NO. 519).

Mr. PARK. Mr. Speaker, I offer another privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The gentleman from Georgia offers a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 315.

Resolved, That the salaries of the messengers to the minority, Bert W. Kennedy and Frank W. Collier, be increased to $1,800 each: *Provided*, That the said increase be paid out of the contingent fund of the House of Representatives until otherwise provided by law.

Mr. PARK. Mr. Speaker, there are four of these messengers who do the same service, two of whom draw $1,800, and this is to equalize the pay of the others.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WALSH. We could not hear what the gentleman from Georgia said.

Mr. PARK. I stated that there are four of these men who perform similar service, two of whom get $1,800 and the others $1,500. This resolution is to equalize their pay.

Mr. STAFFORD. Mr. Speaker, if the gentleman will yield. I will say that we are all acquainted with the worthy gentlemen, Messrs. Kennedy and Collier, whose salaries this resolution seeks to increase. I wish to inquire whether the committee has made any investigation as to whether this will occasion an increase of the salaries of other employees performing similar duties?

Mr. PARK. Nothing like that has been discussed in the committee, and I know of nothing of that kind.

Mr. STAFFORD. For instance, there is on the Republican side Mr. Chaffee, who has charge of the telephone booths, and who is engaged from before the House convenes until its close in very exacting service. He receives a salary of $1,500. There are other employees of the House, perhaps on the Democratic side, who perform like service, who are receiving $1,500. I wish to inquire whether the Committee on Accounts have considered any general raise of the salaries of the employees of the House?

Mr. PARK. No; we are not considering any.

Mr. STAFFORD. And whether this will be used as a precedent to increase the salaries of other employees of the House?

Mr. PARK. We only consider those matters when they are introduced in the regular way and referred to the committee through the regular channel. The committee has not discussed or considered anything of the kind indicated by the gentleman.

Mr. STAFFORD. Does not the gentleman recognize the need of increasing the salaries of other employees of the House if we are going to increase the salaries of some?

Mr. PARK. We will consider that when we come to it.

Mr. STAFFORD. The committee has not considered it up to the present time?

Mr. PARK. It has not been called to our attention.

Mr. FORDNEY. Mr. Speaker, I wish to say that on our side of the House there are five men, three of whom receive $1,800. The other two receive $1,500. They do practically the same work.

Mr. STAFFORD. I am now pointing out another gentleman who does even more exacting work. That is the telephone page, Mr. Chaffee, who receives $1,500.

Mr. FORDNEY. I have no objection to increasing his salary, but I am speaking now of these two men, who are old employees. I have no objection to anyone having a raise who is entitled to it. I know of no reason why these two men should not have it.

Mr. STAFFORD. The purpose of my inquiry is to ascertain whether the committee have made any investigation as to general increases of the salaries of House employees, or whether they are just singling out a few worthy employees for increases.

Mr. PARK. I have answered the gentleman three or four times. The matter has not been called to the attention of the committee, and, so far as I know, has not been called to the attention of any member of the committee. We are simply seeking to do for that side what was done for this side.

Mr. STAFFORD. Then, as I understand the chairman of the committee, the majority employees performing the same service are receiving $1,800, and it is now proposed to give these minority employees the same amount?

Mr. PARK. The gentleman is correct.

Mr. KITCHIN. One of the gentlemen who has been mentioned by the gentleman from Wisconsin had his salary increased from $1,200 to $1,500 in the last session.

Mr. STAFFORD. I am quite aware of that fact; but I am also quite well aware of the fact that the gentleman who is performing even more exacting duties than the gentlemen whose salaries have been advanced is receiving only $1,500.

Mr. FERRIS. Mr. Speaker, this resolution raises the salaries of what two employees?

Mr. PARK. Mr. Kennedy and Mr. Collier.

Mr. FERRIS. I know Mr. Kennedy, but I do not know Mr. Collier.

Mr. FORDNEY. The gentleman does not know him by name, but he sees him here every day. I introduced this resolution. I knew nothing about the other employees. The committee acted upon the resolution at my request. I asked for only two raises. I have no objection to others, of course.

Mr. FERRIS. I wanted to inquire of the chairman of the committee if there has been any effort to equalize the salaries of the assistant clerks to committees?

Mr. PARK. That matter has not been considered by the committee.

Mr. FERRIS. For example, the assistant clerk to my committee, which is a busy committee, only gets $1,200. You can not hold an assistant clerk any longer at that salary. I have used the salary, giving half to a messenger and half to another clerk in order to get along. I find that almost all of the other assistant clerks are getting $1,500 to $1,800. I am not complaining, but it seems to me that some time the salaries of these clerks ought to be equalized so that the assistant clerks will get the same pay. I wondered if the gentleman had given any attention to this class of employees.

Mr. PARK. No; it has not been called to the attention of the committee.

The resolution was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL (H. REPT. NO. 515).

Mr. SISSON, from the Committee on Appropriations, by direction of that committee, reported a bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, which was read a first and second time and with accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. STAFFORD reserved all points of order on the bill.

THE REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of S. J. Res. 124, providing for the registration of young men who have become 21 since the 5th day of June, 1917.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent for the present consideration of S. J. Res. 124, of which the Clerk will read the title.

The Clerk read as follows:

Joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of

the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, may I ask the chairman of the Committee on Military Affairs if it is absolutely necessary that this legislation should be brought about now in order to supply an army of the United States?

Mr. DENT. I will state to the gentleman that that is the opinion of the War Department. They expect to have this registration on the 5th of June, the anniversary of the first draft, and unless this bill becomes a law shortly the machinery can not be put into operation.

Mr. FOSTER. I asked that question for the reason that by a special rule we have a bill which I am very desirous of having disposed of at the earliest date possible. Of course, if the War Department says that in order to secure this army it is necessary for this legislation to be passed now, I shall be obliged to give way.

Mr. DENT. I will state further that if there is no objection to the present consideration of this resolution, I propose to submit another request which will limit debate to two hours, and that is agreed to by the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, I understand that as soon as this is disposed of it will be in order to take up the other matter which I referred to.

The SPEAKER pro tempore. That is the present opinion of the occupant of the chair.

Mr. FOSTER. With the statement of the gentleman from Alabama that the War Department believes that this legislation is necessary to secure an army, I shall not object.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, I ask unanimous consent that debate on this resolution be limited to two hours, one half to be controlled by the gentleman from California [Mr. KAHN] and the other half by myself; that during the debate such amendments may be offered as any Member desires; and that at the expiration of two hours of debate the previous question shall be considered as ordered on the bill and all pending amendments to final passage.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that general debate on this resolution be limited to two hours, one half to be controlled by the gentleman from California [Mr. KAHN] and the other half by himself, and that during the general debate amendments may be offered, and at the end of that time the previous question shall be considered as ordered on the bill and all amendments to final passage. Is there objection?

Mr. CANNON. Mr. Speaker, reserving the right to object, I do not know what amendments may be offered, and I have no objection to having a vote at the end of two hours' debate on the bill. As I say, I have no information of what amendments may be offered, but an amendment might be offered that should be debated under the five-minute rule. Is the gentleman aware as to whether amendments will be offered?

Mr. DENT. I only know of two amendments that are likely to be offered outside of the committee amendments. One relates to the action of the Military Committee of the House in striking out that part of the Senate resolution which exempts divinity and medical students, and the other is an amendment which was offered in the committee, which is not a part of the resolution, providing that those who are registered under this resolution shall go to the foot of the list.

Mr. DOWELL. I did not hear what the gentleman said the first one was.

Mr. DENT. The first one relates to the action of the House in striking out the exemption of divinity and medical students.

Mr. CANNON. That has not been enacted.

Mr. DENT. No; but the gentleman asked me what amendments I thought would be offered.

Mr. CANNON. That is a subject for consideration in Committee of the Whole.

Mr. DENT. This bill is on the House Calendar.

Mr. CANNON. The gentleman can move the previous question at any time. These amendments might give rise to debate where a number of Members would want a little time.

Mr. DENT. If we can have a general understanding in regard to it, I do not believe that the debate is going to last two hours. There is no member of the committee on the Democratic side who has asked me for any time, and I know of nobody that wants any, except on one amendment. I do not know that the debate will last two hours, but if anything should happen by which any amendment is offered, or anything that should develop that is not now anticipated, there will be no difficulty in extending the time.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Resolved, etc., That all male persons, citizens of the United States or residing in the United States, who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, shall be subject to registration in accordance with regulations to be prescribed by the President, and that upon proclamation by the President, stating the time and place of such registration, it shall be the duty of all such persons, except such persons as in said proclamation may be exempted from registration, to present themselves for and submit to registration under the provisions of the act approved May 18, 1917, and they shall be registered in the same manner and subject to the same requirements and liabilities as those previously registered under the terms of said act.

SEC. 2. That after the day set under section 1 hereof for the registration by proclamation by the President at such intervals as the President may from time to time prescribe, the President may require that all male persons, citizens of the United States or residing in the United States, who have attained the age of 21 years since the last preceding date of registration, and on or before the next day set for the registration by proclamation by the President, except such persons as in the proclamation by the President stating the time and place of such registration may be exempted from registration, shall be registered in the same manner and subject to the same requirements and liabilities as those previously registered under the terms of said act: *Provided*, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917; and that students entering such theological or divinity schools after the approval of this act and during the continuance of the war, and who would be subject to any future registration as provided for in this act, may upon the recommendation or request of the president or dean of such school be exempt from the selective draft by order of the President.

SEC. 3. That all such persons when registered shall be liable to military service and to draft under the terms of said act approved May 18, 1917, under such regulations as the President may prescribe not inconsistent with the terms of said act.

SEC. 4. That all such persons shall be subject to the terms and provisions and liabilities of said act approved May 18, 1917, in all respects as if they had been registered under the terms of said act, and every such person shall be deemed to have notice of the requirements of said act and of this joint resolution upon the publication of any such proclamation by the President.

With the following committee amendments:

Page 1, line 4, after the word "States," strike out the word "or" and insert the words "and all male persons."

Page 2, lines 7 and 8, strike out the words "in said proclamation may be exempted from registration" and insert the words "are exempt from registration under the act of May 18, 1917, and any act or acts amendatory thereof."

Page 2, line 12, strike out the word "the" where it occurs the second time in the line and insert the word "said."

Page 2, line 21, after the word "States," strike out the word "or" and insert the words "and all male persons."

Page 2, line 25, and page 3, lines 1 and 2, strike out the words "in the proclamation by the President stating the time and place of such registration may be exempted from registration" and insert the words "are exempt from registration under the act of May 18, 1917, and any act or acts amendatory thereof."

Page 3, line 7, after the word "act," strike out the remainder of the section.

Mr. DENT. Mr. Speaker, I think this resolution is so well understood by the House that a very brief statement of it only is necessary. It provides, in short, that there shall be registered and subject to the draft all young men arriving at the age of 21 years since the 5th day of July of last year, and automatically each year during the present emergency. The House Committee on Military Affairs amended the resolution as passed by the Senate by limiting its provisions to the present emergency, so that it will be perfectly manifest that it is war legislation and intended only for this emergency. The second amendment proposed by the Committee on Military Affairs of the House, striking out the word "or" in line 4 and inserting the words "and all male persons," was intended manifestly, as appears upon its face, to get a registration, although not liable to military service, of all persons, including aliens, in the country within this age, which would not have been done under the resolution as passed by the Senate. The next amendment on page 2 changes the language in the resolution as passed by the Senate. The language of the resolution as passed by the Senate excepts from the registration such persons as in said proclamation of the President may be exempted from registration. I do not know and the committee did not know whether or not that was intended to enlarge the power of the President to add to those exempted from registration, but the Committee thought that the language should be more

specific and clear and provide for the exemption of those who were exempted from registration under the original draft, and such is the effect of that amendment. The only other amendment is the amendment striking out the proviso exempting theological and medical students from registration.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman state who were exempted under the original act?

Mr. DENT. The Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States and Territories and the District of Columbia, regularly or duly ordained ministers of religion, students who at the time of the approval of the act were preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States.

Mr. HAMILTON of Michigan. And the committee restricted the exemption list which is given to the President to the original list?

Mr. DENT. Yes. Mr. Speaker, I reserve the remainder of my time.

Mr. KAHN. Mr. Speaker, in view of the very clear statement made by the chairman of the committee, I do not desire to take up any of the time of the House at this time, but I yield 10 minutes to the gentleman from Pennsylvania [Mr. DARROW].

Mr. DARROW. Mr. Speaker, I send to the Clerk's desk a statement from the Philadelphia Chamber of Commerce, which I ask to have read in my time.

The SPEAKER pro tempore. Without objection the Clerk will read.

There was no objection.

The Clerk read as follows:

The war shipping committee of the Philadelphia Chamber of Commerce, in the face of the present necessity for proper housing of workmen at Hog Island made manifest by the action of the Emergency Fleet Corporation in commandeering homes in West Philadelphia, wish to call the attention of the citizens of Philadelphia and their Congressmen, as well as the officers of the Emergency Fleet Corporation, to the great need of pushing forward in some form the project of building houses in the available districts of West and South Philadelphia.

The building season is now at hand, and the work should be commenced promptly in order that the houses should be available at the earliest possible date.

Mr. DARROW. Mr. Speaker, a situation has recently arisen in Philadelphia of sufficient importance, I feel, to engage the attention of the House. It involves an unfortunate and congested condition, due to efforts to house our new shipyard employees. Last week several hundred citizens of the section of Philadelphia known as West Philadelphia met in Liberty Hall to discuss ways and means to prevent real estate speculators from depriving the tenants in that locality of their homes. I may say that this locality is adjacent to the Hog Island Shipyard, and near those other great war industrial plants such as the Baldwin Locomotive Works, the Remington Arms Co., the Westinghouse, and numerous others, and the demand for houses there has become extreme.

Following that meeting hundreds of protests have come to me as the Representative of that district saying that the writers had been ordered to either buy these houses or vacate. A certain number of days have been given for the tenants to purchase or get out. On Monday last I joined a delegation of these people and met the United States district attorney, Mr. Kane, in the Federal building. We found in the list of those who are being evicted many Government employees, men who are working at the Hog Island plant, men who are working on the railroads, letter carriers, and families dependent upon husbands, sons, or brothers who are in the service. There was one particularly pathetic case in this list among many others. This was the case of a woman who has three sons upon whom she was entirely dependent. One of the sons is with the Army in France, another is in the draft, and the third one is in the hospital. This woman was notified that within so many days she must either purchase the house in which she lives or get out on the street. I told her to absolutely ignore the notice, no matter from what source it came, as she was protected by the soldiers' and sailors' civil rights law, and that advice was confirmed by the United States district attorney.

Now, the proposition, it seems to me, is this: Owing to the vast number of people coming into this section to work in the various Government plants there are not houses enough to take care of them, and real estate men, who are willing to trade upon the necessities of the people, have evidently been taking advantage of this situation. It would seem from these hundreds of communications, which set forth the complaints of the citizens, that real estate operators to a certain extent have agreed among themselves to turn these people out in order that they may sell these houses at increased prices or secure a higher rental. I felt as if this was only a profiteering conspiracy on the part of real estate operators, but it now seems to have developed into a commandeering proposition on the part of the Emergency Fleet Corporation.

This morning I called upon Mr. Hurley, president of the Shipping Board, and he tells me that they have commandeered 500 houses in that locality; that it is not their purpose to take houses that are occupied, but only to take houses in the course of erection and those that are vacant. But I must confess I can not fully see the difference between compelling or having some one else to cause these people to vacate these houses, whether done directly or indirectly by the Emergency Fleet Corporation. These people are a patriotic people. They have, as far as their limited means would permit, subscribed to the liberty bonds, and they have been told that if they can buy liberty bonds they can buy houses. It is impossible, however, with the limited amount of money that they can save to purchase houses. They may not, and some of them are not, able to meet these terms, but they can and do buy $50 or $100 bonds, as I know from many cases that have come to my attention. I do not wish to criticize the Shipping Board; in fact, I have been one who has on all occasions commended their work, especially in the Hog Island plant. The amount of work they have done there under adverse circumstances is almost beyond the belief of man, and the great progress made so overreaches and overlaps the mistakes and extravagance they have made that it is entitled to our commendation and not to our condemnation. But in this matter I can not help but feel that an error has been made. The board was given an opportunity to erect houses, and I think that is the only solution——

Mr. MOORE of Pennsylvania. Will my colleague yield?

Mr. DARROW. I will.

Mr. MOORE of Pennsylvania. What has become of the housing proposition itself?

Mr. DARROW. The authority has been given, and I think that this is one of the points where it was recognized to be needed more than any other. I think for some unforeseen reason the housing program has been, temporarily at least, set aside and that they have not proceeded along that line.

Mr. MOORE of Pennsylvania. The gentleman has been a patriotic Member of the House, and I know he has been a defender of the purposes of the Shipping Board and would not make a complaint unless he felt warranted in doing it. May I ask the gentleman if it is not true that the Emergency Fleet Corporation, or at least the American International Corporation, started this housing business, so far as planning is concerned, at least three months ago, but has not produced any houses up to date?

Mr. DARROW. I think the gentleman is quite correct.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DARROW. May I have two or three minutes more?

Mr. KAHN. I yield two minutes additional to the gentleman.

Mr. DARROW. Mr. Speaker, I would like to send this editorial from one of our newspapers to the desk and have it read.

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point for one more question?

Mr. DARROW. I will.

Mr. MOORE of Pennsylvania. This is a matter of such grave importance in connection with the general housing plan I think it ought to be clearly understood. The Shipping Board has had the power to go ahead with the housing for some time. The law was enacted and, I think, went into effect the 1st of March, giving power to commandeer or construct, and so forth; yet nothing has been done in the matter of house construction up to the present time. As a matter of fact, building plans have been changed, and transportation arrangements have been negotiated with a view of using houses already occupied rather than to construct new ones. That is the fact.

Mr. DARROW. So I understand.

Mr. MOORE of Pennsylvania. Does the gentleman know whether or not the Shipping Board has abandoned its plans of erecting houses near by the yard?

Mr. DARROW. I understand the Shipping Board decided or gave out yesterday or to-day that they would probably go ahead now and build some houses.

Mr. MOORE of Pennsylvania. Some additional houses? And meanwhile the fact is that the occupants of the houses in West Philadelphia, some of whose sons are already in the public service or in France, and some of whom are already doing war work for the Government, are facing eviction.

Mr. DARROW. That is true.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DARROW. May I have five minutes additional?

Mr. KAHN. I yield the gentleman five minutes additional.

Mr. DARROW. I would ask that the editorial be read. It is from the Philadelphia Inquirer of yesterday.

The SPEAKER pro tempore. The editorial will be read in the time of the gentleman.

The Clerk read as follows:

SEIZING HOUSES FOR HOG ISLAND WORKERS.

For months the Emergency Fleet Corporation amused itself by drawing plans for the erection of houses for Hog Island workers. Tired of its game, it now seizes houses over the heads of tenants and turns them into the streets to hunt for other houses which have no existence.

It is a serious matter, this eviction, and wholly without justification, since dwellings could and should have been erected by wholesale long ago. The resort to it is but another evidence of the incompetency that has stamped itself all over the Emergency Fleet Corporation and the Federal Shipping Board from the start.

Building operations have practically ceased in this city, and the demand for dwellings far outruns the supply. Only the Government can build. Only the Government can command the materials and the labor. It should have attended to the needs of Hog Island by constructive methods. Instead, the Emergency Fleet Corporation has played with red tape and wasted weeks upon weeks of valuable time, only to deprive numerous families of the roofs that have sheltered them.

Surely it was high time that Mr. Schwab was brought in to build ships. It is a pity that he was not brought in long ago and given authority to build houses as well.

Mr. DARROW. Mr. Speaker, I only have introduced this editorial to show the situation there, not that I approve of all the criticisms made, though I do think that paper has the reputation of being conservative and not given to extreme statements; but the people are aroused, and I felt that it was time something was done to relieve the situation and begin the construction of houses that have been authorized by Congress.

Mr. FESS. Will my friend yield?

Mr. DARROW. I will.

Mr. FESS. In the statement that the gentleman does not approve of all that the editorial states, the gentleman does, however, approve of the statement that the country will have confidence now of what the Shipbuilding Corporation will do under the leadership of Mr. Schwab.

Mr. DARROW. Absolutely; not that they may not have had that confidence before, but they will feel doubly secure now. [Applause.]

Mr. FESS. I think so.

Mr. DARROW. I yield back the remainder of my time to the gentleman from California.

Mr. KAHN. Mr. Speaker, how much time does the gentleman yield back?

The SPEAKER pro tempore. The gentleman used four minutes.

Mr. KAHN. Will the gentleman from Alabama [Mr. DENT], the chairman of the committee, now use some of his time?

Mr. DENT. I will say that I do not know as anyone on this side desires time. If the gentleman from Kentucky [Mr. FIELDS] desires time, I will yield to him.

Mr. ROBBINS. Mr. Speaker, I want to ask a question of one of these gentlemen in charge of this bill. First, how many men will this bill furnish?

Mr. KAHN. It is estimated there will be between 700,000 and 1,000,000 men who will be registered under the bill.

Mr. DENT. Annually.

Mr. ROBBINS. It is stated here in the letter appended to the committee report, signed by the Secretary of War, that this new classification plan of the War Department will segregate in class 1 those registrants who can serve the Nation with the least possible disturbance of the economic conditions. Is it the intention to classify in class 1 all of these young men who have attained the age of 21 since the registration day under the selective-draft law?

Mr. KAHN. They will all be given the questionnaires, and they will fill them out as the registrants have done heretofore. Then the local boards will classify them accordingly.

Mr. ROBBINS. They will be classified under the act of May 18, 1917—known as the general draft law?

Mr. KAHN. No. They will be classified in accordance with the bill that was passed here the other day, the quota bill. They will be given questionnaires, just as the registrants under the first registration law were given them, and according to their answers to the questionnaires they will be classified.

Mr. FESS. Will the gentleman yield for a question?

Mr. KAHN. Yes; I will yield.

Mr. FESS. Under this bill, if the annual increment to the Army would be from 700,000 to 1,000,000, after all exemptions are taken, what is the estimate of the increment of actual fighting soldiers?

Mr. KAHN. Well, the War Department, of course, can not give us more than just an estimate. It is probable that we can depend upon 500,000 to 700,000 men ready to go to the colors.

Mr. FESS. If the gentleman will permit, Col. Repington made the statement that Germany could not put in action, with all exemptions counted out and ascertained, of the age of from 16 to 18, more than 440,000 a year, while Great Britain would put in probably 350,000 and France 250,000, exempting all classes of legal exemption. If that statement were true, and if this army is to be an army of that number, it looks favorable to us.

Mr. KAHN. How true the figures are that come out of Germany I do not know. There was an article in the newspapers the other day to the effect that Germany was just calling out her class of 1918 or 1919, and that 550,000 soldiers were included in that class. Now, those are German soldiers; but the armies of the central powers also include the soldiers of Austria, Turkey, and Bulgaria. How many soldiers these countries will be able to furnish every year I do not know. The 550,000 referred to in the dispatches are Germans, so that I take it the central powers will be able to furnish a great many more than 400,000 soldiers a year.

Mr. FESS. Would the 550,000 count out exemptions?

Mr. KAHN. Oh, yes.

Mr. FESS. You mean 550,000 fighting men?

Mr. KAHN. According to the cablegrams that were printed, it means 550,000 men who have been trained and who are now going into the army—trained men trained under the German system.

Mr. FESS. We certainly can beat Germany on numbers.

Mr. KAHN. There is no doubt but that we are going to beat Germany in every way. [Applause.] But the sooner we begin raising armies to do it the quicker we will be able to do it. [Applause.]

Mr. FESS. I agree with you on that.

Mr. KAHN. Mr. Speaker, I yield to the gentleman from Washington [Mr. JOHNSON].

The SPEAKER pro tempore. The gentleman from Washington is recognized.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask the chairman of the Committee on Military Affairs as to the status of Senate bill 3426, the commandeering bill, which, I understand, passed the Senate and was referred to the Committee on Military Affairs.

Mr. DENT. What is the title?

Mr. JOHNSON of Washington. The bill is known as the commandeering bill. Its purpose is the taking over by the Government of sawmills, logging camps, logging lands, and the like. I have a telegram from a prominent logging operator in Hoquiam, Wash., which is the center of the spruce industry and where millions of feet of that stock are being gotten out at breakneck speed for aeroplane stock. He telegraphs that Col. Brice P. Disque, who represents the Government in the United States Signal Corps, with headquarters at Portland, Oreg., and who is in complete charge of the spruce production, is greatly hampered for lack of this commandeer law.

Col. Disque, it seems, needs this law in order to take timber from lands of nonresident owners, for commandeering rights of way and the like, and for the cutting of red tape. When I first heard of that bill, which was introduced by Senator CHAMBERLAIN, I felt there would be opposition in the timber country by the timber owners to its far-reaching powers, but I concluded that if Col. Disque needed such a law I would assist in pressing it as a war necessity. This I am prepared to do in spite of its radical features. It pleases me to learn that such men as the author of this telegram, Mr. Polson, are quick to sink any personal objections and to call for action on the part of the House, inasmuch as the Senate has already acted. Therefore I ask the distinguished gentleman from Alabama about the present status of the bill.

Mr. DENT. I will say to the gentleman that when that bill passed the Senate and came over to the House it was referred to the Committee on Military Affairs, and I took the position that the Committee on Military Affairs did not have jurisdiction of the subject matter. But the Speaker having referred it to us, and nobody seeming to care for it, it was allowed to remain with our committee, but no formal action was taken by the committee, and from the sentiment of the committee I question whether any favorable action will be taken.

Mr. JOHNSON of Washington. I am free to say that I thought that the bill would be found in another committee. I desire to ask the gentleman if the bill has been looked upon as a war necessity, or rather, has it been called for by the War Department?

Mr. DENT. We have had absolutely nothing from the War Department in relation to it at all.

Mr. JOHNSON of Washington. Then I take it that the bill is not likely to come soon to the House Calendar. If, however, the committee sees fit at any time to revive the bill, I shall be glad to present the statements of Mr. Polson and others and

to secure a statement in detail from Col. Disque. Before taking my seat, Mr. Speaker, I should like to say that I believe that all of those in authority at the War Department and elsewhere engaged in pressing the war to a successful conclusion are well informed as to the great speeding-up process that has gone steadily for a solid year in the district which I have the honor to represent. Personal differences have disappeared out there. Personal objections to laws which seem drastic are not made. Red tape is quickly cut. Action is the thing. We are delivering the goods. Aberdeen turned over the first Government contract wooden ship in the United States. Hoquiam has furnished spruce stock faster than it could be used. Tacoma gave the site for the largest cantonment, and built it first, cheapest, and best, and the 10 counties in my district were the first in the State of Washington to report their third liberty-loan quota oversubscribed. [Applause.]

Mr. KAHN. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. HULL].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 10 minutes.

Mr. HULL of Iowa. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. Without objection, the amendment offered by the gentleman will be reported for information.

The Clerk read as follows:

Mr. HULL of Iowa offers the following amendment: Page 2, line 16, after the word "act," insert:

"*Provided*, That those persons registered under the provisions of this act shall be placed at the bottom of the list of those liable for military service in the several classes to which they are assigned, under such rules and regulations as the President may prescribe."

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALSH. Is this amendment to be considered as now pending?

The SPEAKER pro tempore. By unanimous consent. That was the understanding.

Mr. WALSH. Well, the Speaker said, "Without objection, it will be reported for information."

The SPEAKER pro tempore. That was an inadvertence.

Mr. HULL of Iowa. Mr. Speaker, I do not think it is necessary to take up very much of your time. The amendment explains itself. It seems to me the only fair way to induct these young men into the service is to place them where they naturally come. Unless you do this and the War Department should adopt a proposed plan of its own, this will happen: In some districts there is quite a list of waiting men who have been selected for six or eight months. Their liability to military service has been fixed. The whole community knows where they come in. They are all anxious to go and ready to go. They have had time to prepare themselves. Now you are going to pass a law to bring some young men into the service. Most of these young men are going to school to-day. They know nothing about what we are doing down here, and on the day of registration or a few days before they come to the age of 21. Of course, they come under the provisions of this act. Now, if the War Department adopts its plan, in your district and in my district some of these young men, by chance, of course, will be placed at the head of the list. He will have to drop his school work and go to war before those who have had their liability to military service fixed for nearly 10 months. This is unfair to the young man, and will be so construed by the people back home.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. WALSH. Under this new plan will the liability to service of these young men be determined by drawing out numbered pellets as heretofore?

Mr. HULL of Iowa. Yes. In either case it is only a question as to which plan you take, whether you put these men at the bottom of the list or let them take a chance to come in at the head of the list. I say it is unjust to the men who have already been selected, and it is unjust to the men you are going to select.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. FIELDS. The War Department does not oppose this plan that the gentleman suggests?

Mr. HULL of Iowa. I am glad the gentleman has asked that question. The War Department is not opposed to it, and Gen. Crowder is not opposed to it. However, he has thought of a different plan. I want to read to you his testimony on this very point. It is in the hearings. I asked him:

Mr. HULL. Assuming the bill is passed, would there be any objection on the part of the department to having these boys drawn in at the end of class 1, instead of mixing them in as a whole? It would not change the effectiveness of the law, but it does seem to me it would look a little bit better to the country than it would if you mixed them all in at once.

Gen. CROWDER. I do not know how that would appeal to the country, but I do not see any objection to it.

There are two ways of doing it. Yours is one way and mine is the other. I do not know whether the country would want to follow this new class with any special solicitude and defer their being called until all the men now in class 1 were exhausted or whether they would prefer to see them integrated at once. As the bill is drawn, we can pursue either method, and in the absence of direction by Congress we will consider both methods. I only mention the other way as the way that has commended itself to my judgment. I can not see any special equity in the man who has become 21 years of age since June 5.

Mr. HULL. In all probability, if we did not direct you, you would mix them right in?

Gen. CROWDER. I would go before the Secretary of War and explain it to him and take his direction in regard to it. Just at present I am inclined to favor the direct integrating of the two classes.

Mr. HULL. You would not object to Congress putting these men at the end of class 1?

Gen. CROWDER. No.

So you can see that he is very positive there.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. HULL of Iowa. Yes.

Mr. MILLER of Minnesota. Referring to the statement made by the gentleman a few moments ago about certain individuals in each registration district having been already listed, as he knows, to go if the War Department's plan or Gen. Crowder's should be adopted, is it likely that he would put any of these new registrants in ahead of those who have already been cited to appear?

Mr. HULL of Iowa. Certainly. That is his very plan, to have two numbers, one set up of those who have already been listed, and another of these new registrants. And if by chance, as will probably happen, a man in your district is drawn at the head of the list, that young man goes ahead of those who are already listed.

Mr. MILLER of Minnesota. But these men who have already been listed to go have been drawn already?

Mr. HULL of Iowa. Yes.

Mr. MILLER of Minnesota. Now, would not these young men be deferred anyhow until after those who have been listed heretofore have gone?

Mr. HULL of Iowa. Certainly not, if Gen. Crowder's plan is adopted. It is the right of this Congress to say which plan they prefer, and now is the time. If you adopt my amendment, that can not happen. It is to prevent this very thing that I advocate its passage.

Mr. LEHLBACH. I think the gentleman will agree that the rule is that the older a man is the more useful he is, both to his family and to the community industrially. Now, what is the merit of taking the men all the way up to 31 and sending them first, when they have responsibilities and are useful to their dependents and to the various industries, while saving to the end those who are without responsibilities, and who are not so useful?

Mr. HULL of Iowa. Because you have previously selected them. The gentleman's argument would lead to the drafting of boys under 21, in order that we might leave older ones already chosen at home.

Mr. LEHLBACH. No; we limited it to those above 21.

Mr. HULL of Iowa. Oh, well, that may come; that is, the drafting of boys under 21.

Mr. McKENZIE. Will my colleague yield?

Mr. HULL of Iowa. Yes.

Mr. McKENZIE. I simply desire to ask my colleague if in offering this amendment he does so because he believes it will be the best for the military service of our country, or for the Military Establishment, or if he is prompted in offering this amendment by the solicitude which he may have for certain individuals?

Mr. HULL of Iowa. I will say to the gentleman that it is as a military measure I advocate this amendment. To win this war we must, in my opinion, keep the masses of the people enthusiastic for war, and one of the ways to do this is to convince them that we are treating those who must bear the burden fairly in all ways.

Mr. KAHN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. KAHN. In answering the gentleman from New Jersey [Mr. LEHLBACH] the gentleman said, "Oh, you are in favor of enlisting the men under 21," and then wound up by saying, "Perhaps that will come." Of course the gentleman realizes that we are in war and that we have got to win the war, and if the time should ever come in this country when it will be necessary to take the young men under 21 in order to fill our armies, does the gentleman mean to have it understood that he will refuse to vote for their enrollment?

Mr. HULL of Iowa. I certainly shall not when that time comes, but I shall as long as we can find men able to go who are older than that. We should all give heed to the advice of the

War Department, but when in our own opinion they are making a mistake we should fearlessly stand up and call the attention of this representative body to the same. I am willing to make any sacrifice, even to the last drop of our blood, in order to win this war; but I appeal to you to proceed in a decent manner, conserving our strength and manliness in all ways.

Mr. MILLER of Minnesota. Having entered into this subject, which is an interesting one, will the gentleman state if, in his opinion, men older than 21 are by reason of that fact better fitted to perform military service than are young men of 20?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KAHN. I yield to the gentleman two minutes to answer that question.

The SPEAKER pro tempore. The gentleman is recognized for two minutes additional.

Mr. MILLER of Minnesota. Why does the gentleman oppose training young men of 20, and why does he favor training young men over 21? Is military efficiency promoted by men who are over 21 in preference to those who are only 20?

Mr. HULL of Iowa. The gentleman is mistaken in saying that I am now opposing training men under 21; that is not the question at all. I simply believe it is better to use older ones, and when you do draft the younger blood put it in where it belongs or treat it as a human being having some rights. Older men are better fighters.

Mr. MILLER of Minnesota. Upon what does the gentleman base that statement?

Mr. HULL of Iowa. On the testimony of men who have been at the front in Europe, that the form of warfare there to-day breaks down young men, that it takes older men to perform it.

Mr. GORDON. Will the gentleman yield to me?

Mr. HULL of Iowa. Yes.

Mr. GORDON. I want to ask the gentleman if there has ever been any testimony introduced before our committee in support of the theory that a lot of fellows have got, that boys under 20 are better soldiers than men up to 40?

Mr. HULL of Iowa. I think there has been some testimony along this line, but it is all mixed up with the question of volunteers so much that I do not care to discuss it.

Mr. GORDON. But nobody proposes to draft minors, except for training, do they?

Mr. HULL of Iowa. Not yet.

Mr. GORDON. No.

Mr. HULL of Iowa. I want to call the attention of the gentlemen here to the fact that unless you adopt this amendment—if the War Department adopts their plan—you in your districts will be appealed to to save some young man for a few months until he can get ready. You will say then that you have not got the power and that you can do nothing. You have the power to-day, and it is a perfectly fair proposition for you to adopt this amendment. The War Department does not object to it. Do not be afraid of what people are saying about you back in your district; stand up and vote your own convictions; it is better to have your own self-esteem and to know that you have tried to do what you considered right in times of stress like these than it is to be reelected. [Applause.]

Mr. KAHN. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, on the face of the proposition submitted by the gentleman from Iowa [Mr. HULL] in his amendment to put at the foot of the class the men who will be drawn under the provisions of this resolution as coming of age since the last registration was made, there is a very natural appeal to the sentimental aspects of the subject. On its face it would seem as if that were the fair way to manage the business. If one did not go down below these superficial aspects very deeply it might even carry conviction as a matter of course that the obvious logic of the situation was that the young man who comes in last should be drawn last. It is true, moreover, that the Provost Marshal General has said that it did not make any particular difference to him which way it was done. That, of course, is a very easy statement for the Provost Marshal General to make under the circumstances, inasmuch as Congress having passed a law it is his business to carry out the law in the way it is passed, and in this respect, at least, it really does not make any difference to him. It is also obvious from the statement that was read by the gentleman from Iowa [Mr. HULL] that the Provost Marshal General did have a preferential method which he hopes to carry out. The ultimate effect of either method probably will not be such as to disturb the real military man power that the country will have at any given date, so that in general terms the Provost Marshal General might easily waive it aside for the present, knowing that if it did begin to affect the situation seriously there would be some way out under military exigency or the power of Congress to give him affirmative authority to make the change. And it is much easier to have this resolution go through and get the boys in anyway than to spend much time in fixing just what should be done with them afterwards.

Now, it seems to me that doing this thing in a practical manner, dismissing for the time being solicitude for the boys when they become 21, dismissing the sentimentality that may attach to it, and coming down to the practical, cold-blooded consideration of the solemn and appalling fact that we are engaged in a life and death struggle of this Nation in the most awful war of recorded history; coming down to that as the premise from which we shall reason, it seems to me that we ought to give the soldiers to the Army with the least possible restrictions on the use to be made of them by the military commanders. It seems to me that we ought to give our soldiers to the country unhampered and unfettered by any needless restrictions as to just when and where and how and in what time they may be used.

It may be argued, as I have suggested, that this is a very small matter; that it simply puts a little farther down the calendar the right to use A as related to the time that B and other men drawn before him are to be used. And yet it is conceivable that under such exigencies as might arise the War Department might want to reach its hand out and gather up any number of men within a certain age, with certain qualifications, that would correspond to particular requisites for military service, and coming down the list find itself obstructed by an apparently innocuous clause inserted in a resolution saying that you can not touch the boys you want to use now until other men you do not want to use have been used before them.

Mr. GORDON. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GORDON. Is not the gentleman giving an erroneous construction to this amendment? There is nothing in the amendment that requires them to use men they do not want to use before they use those that they do want.

Mr. GREENE of Vermont. I have not intentionally.

Mr. GORDON. There is nothing in it to prevent their calling the man to-morrow after the man they have drafted before.

Mr. GREENE of Vermont. The gentleman has answered his own question.

Mr. GORDON. If they are in the same class; and ought not that to be done?

Mr. GREENE of Vermont. If the gentleman does not see it I have wasted my time. The very purpose of putting these men at the foot of the list is to compel the use of other men before they are called. I say that there should be no needless restrictions on the power of the department to use any man anywhere and at any time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, there is no military question involved in this amendment. It will not affect the number of men that are to be drawn. The Military Establishment will get just as many men under one plan as under the other. It is a question for Congress to decide whether the men of the first draft shall be called before the men of the succeeding drafts shall be called, or whether the men of later drafts shall be integrated into the first draft and taken along with the men of that draft.

I think I violate no confidence when I say that this amendment was a tie vote in committee. There was as much argument in the committee for it as against it.

Here is the proposition that Gen. Crowder said that to his mind would appeal to him, although he did not oppose this one. His plan is to integrate the new classes into the old, and he will give the men of the new draft order numbers the same as he did under the draft of June 5, 1917, except that the order number will be 1 "a," 2 "a," 500 "a," and so on down the line. Then when he draws number 1 of the 1917 register, number 1 "a" of the 1918 register goes in with him. When he draws 500 under the 1917 register he will draw 500 "a" under the 1918 registration, and so on down the line.

If that plan is pursued here is what will happen in some cases. If the war continues three or four years some men of the 1917 registration will still remain uncalled, while some of the 1920 and 1921 registration will be immediately called. I believe it is a good business proposition, and I believe it is best for the Army to draw from the oldest class first. As I have said, it does not affect the number of men, but it makes conditions more satisfactory in the country, and in my opinion the Army more effective. We will know how many men are unexhausted

in class 1. When the new registration is had and they will know from reports how many men are likely to be called, and when the class will be reached, and young men will not be so disturbed in their school courses or in learning their respective trades or professions. They will be permitted oftentimes to complete their education by calling in their stead men who are 25 or 28 or 30 years old. I say it will make conditions more satisfactory in the country, and in my opinion it will be best for the Military Establishment. Some men, both in and out of the Military Establishment, have wanted to fight this war from the start with boys under 21. This bill as reported does not propose that very thing, but it borders close on to it and is a step in the direction of that principle, hence the necessity of this amendment.

Mr. BARKLEY. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. BARKLEY. Under the operation of the draft law all those who have become 21 years of age since the last registration, and those taken under the first draft who will be 32 and 33, will still be subject to the draft under the original registration.

Mr. FIELDS. Yes.

Mr. BARKLEY. If this amendment be adopted, would it not result in having men 32 and 33 years of age who are beyond the draft age being called before men who are 21 and 22 years of age, coming under this 1918 registration, would be called, if they fall within class 1?

Mr. FIELDS. Let us take it from that viewpoint. The man who is 31 years of age in class 1 is, generally speaking, unattached.

Mr. BARKLEY. He may not be unattached.

Mr. FIELDS. He is, as a rule, or he would not have been put into class 1. He is under the same obligation to his Government as the man who is 21. Why would it not be better to call him and let the man who is 21, who probably has not completed his education, go ahead and complete his education? Then there is another viewpoint. There is a class of men in the country who are unattached, who drift about from place to place, while the boy 21 years of age is on the farm or at home, as a rule.

Mr. BARKLEY. I appreciate that; but why should we be any more solicitous now of the boy who is just arriving at 21 than we were last year of the boys who then arrived at 21 years of age, and many of whom were called and are now in the Army?

Mr. FIELDS. I make no distinction between them. A man who was 21 on the 6th day of June last year is to-day under the same obligation to his Government as the man who was 21 on the 4th day of June; but as between calling men who are 29 or 30 years of age, and who are in class 1, and men who are 21 years of age and who have not completed their education, I would call the older men, and I think it is fair and right. Then there is another point worth considering. The country will know under my plan exactly what the result will be if we work from the head of the class, utilizing the older registrants first. I believe that any business institution would take that view of it, and I think it will make conditions better throughout the country. I sincerely hope that the amendment offered by the gentleman from Iowa [Mr. HULL] will be adopted by the House.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. FESS. I understand that the desire of those supporting the amendment will be to permit those who are coming 21 to continue their college work. It goes without saying that most of them have finished high-school work, because the high-school age would not extend to 21 years.

Mr. FIELDS. Yes.

Mr. FESS. I have a little doubt in my mind as to just how effectively a college boy can work after he is put into class 1, and he knows that the draft is likely to take him. I am of opinion that he can not do anything, and he might as well go to the Army at once.

Mr. FIELDS. That does not mean that the boys will quit entering college. They should be given all the advantages that can be given to them, without interfering with the effectiveness of the Military Establishment.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. GREENE of Vermont. Is it the gentleman's idea that a man who already has those superior social opportunities and benefits in life which enable him to go to college, for instance, shall be put into that other classification not included in Gen. Crowder's questionnaire, "to him that hath to him shall be given," and that he shall be benefited by this thing just because he is already getting more than 90 per cent of the rest of the boys get normally?

Mr. FIELDS. No. I said a moment ago that the country boy of 21 is on the farm, and if the gentleman wants me to be frank about it I will say that it means much to the agricultural interests of this country to have him remain on the farm as long as possible and to have some definite knowledge if possible as to when his call will come. The adoption of this amendment will produce that result to a great extent.

Mr. GREENE of Vermont. It also means a good deal to the agriculturists and all others to have a country to work in at all, does it not?

Mr. FIELDS. We should consider the effectiveness of the Military Establishment first, but it does not affect the effectiveness of the Military Establishment whether you select the one plan or the other, except that the plan that I advocate will give to the Army more mature men than will the other plan.

Mr. GREENE of Vermont. It simply means that you have needlessly tied around the War Department's control of these men some hampering strings, which do not affect the Military Establishment, the gentleman says?

Mr. FIELDS. Not at all. The Military Establishment will have authority to call just as many men under one plan as under the other.

Mr. GREENE of Vermont. And yet affect the use of the people in it.

Mr. FIELDS. Not at all.

Mr. GREENE of Vermont. Then why tie them on?

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. BARKLEY. Is there any larger proportion of these boys who are 21 on the farm than there are of men in class 1 who are now between 25 and 30 years of age that are on the farm?

Mr. FIELDS. That is my contention, and I think I am correct, because men drift off into public works as they advance in years.

Mr. BARKLEY. I think the gentleman will find that the closer a man is to 30, the more settled he is. If he is on a farm, the more likely he is to stay there.

Mr. FIELDS. We know that at first the country child is on the farm, and he is at home, but as he grows older he drifts out into his chosen profession or vocation; therefore the man of 21 who is reared on the farm is more apt to be on the farm than is the man of 30 who is unmarried or unsettled in life.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. SHALLENBERGER. When we are choosing between men of 30 or 31 and men of 21, is it not fair to conclude that the man who has become 30 years of age and who has not become essential, industrially or socially, who has no family, is a better man to put into the ranks than the boy who is just coming 21 years of age, who has had no opportunity whatever?

Mr. FIELDS. I thank the gentleman from Nebraska for raising that question. I intended to allude to it, but I was interrupted. Here is another proposition, from a military point of view: These men who are now 30 years old are growing away from their efficiency; they are growing away from the military service. Suppose the war goes on for 8 or 10 years and you utilize young men in their stead, and 10 years from now they have become incapacitated, in part, by age and the young man, who would be in the prime of life, has been taken to the Army. Would it not be a better business proposition, would it not be a better military proposition, to use the man who is growing out of his military usefulness first? Is it not conserving the military strength of the country to begin at the head of the class and work down? There is no argument on earth against it. The man of 21 has 10 years longer to live, 10 years more of usefulness ahead of him, than the man of 31.

Mr. McKENZIE. Will the gentleman yield?

Mr. FIELDS. I will yield to the gentleman.

Mr. McKENZIE. Does not my colleague favor the proposition of enrolling all men between the ages of 21 and 40?

Mr. FIELDS. Yes; I voted for it last year.

Mr. McKENZIE. Does not that answer the argument that the gentleman is making?

Mr. FIELDS. But we have not done that; we are dealing with conditions that confront us at this time.

Mr. GREENE of Vermont. Will the gentleman permit me to ask him a question?

Mr. FIELDS. I am delighted always to yield to my friend.

Mr. GREENE of Vermont. I thank the gentleman. What is to become——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FIELDS. I hope the amendment will be adopted.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, now this argument resolves itself into this. The chairman says that Gen. Crowder will do it by regulations if he does not change his mind, but, of course, he changes his mind sometimes. A year ago, with great circumstance and eclat, we had a drawing which was supposed to fix the order in which everybody who was registered should be called into the military service, and did fix that order. Of course it fixed the order of some who did not want to serve and resulted in some friction and objection, and in order to meet that objection the bill was amended in certain respects. I do not intend to discuss that, because I am not going to thrash over ground that we have already passed. I do say that there is no argument that can be made either upon the ground of military efficiency or any other ground, no legitimate argument that can be made against this amendment. As the gentleman from Kentucky [Mr. FIELDS] just stated before he left the floor the men who were registered last year are under the provisions of law liable to render military service whenever called, and those who are unattached or have waived all exemptions are put in class 1, and they are there now, and this proposition would permit under regulations to be adopted any time anybody in the War Department thought best, to defer these men who are in class 1, and put in these boys who have just become 21 years of age. I think the action of the Congress in repudiating the result of the drawing was very unwise, but that has been done. If that drawing, which everybody conceded was the fairest thing connected with the administration of the draft law, had continued in force nobody would seriously have proposed taking these boys who become 21 years old after the registration was had and put them in ahead of anybody older in years who is in the same class. Now, it seems to me for every possible reason that anybody can think of the older man should be taken first because, according to the contention of some gentlemen when a man gets to be 30—and Congress adopted that maximum age limit upon the theory that a man over 30 was not so good for military service as a man under it—if that is true, do you not believe you are conserving the military strength of the country by taking these older men rather than the youngest men you can lay your hands on?

Mr. BARKLEY. Will the gentleman yield?

Mr. GORDON. I will.

Mr. BARKLEY. If that theory is correct, why not direct the War Department to take the man of 31 before the man of 30 is taken and to take the man of 30 before the man of 29, and come on down the list of the different classes?

Mr. GORDON. That is the question that was thrashed out when this draft law was enacted. It was thought best not to take men between 21 and 40 for reasons satisfactory to the military authorities, although the proposition to eliminate the age limits of 21 to 40 only got six votes in this House. There were only six men who stood up here and voted for the amendment of the gentleman from Minnesota [Mr. MILLER] to make the age 19 to 25. Of course, the plan at that time was to draft all those between 19 and 25, and the army of the first 1,000,000 men was to be made of boys 19 and 20 years of age. I wonder how many men in the American Congress to-day would be proud to hold up their heads if the 1,000,000 men, or whatever the number is we have over there, were boys of 19 and 20 years of age?

Mr. BARKLEY. Will the gentleman yield for another question?

Mr. GORDON. Yes.

Mr. BARKLEY. If the gentlemen's theory is correct and the age limit was from 21 to 40, then we ought to take the man of 40 before we come to the man of 39, and so on down.

Mr. GORDON. Not at all. You take them in the order they were drawn. They are all equally liable for military service, and the Congress stated that a man between the age of 21 and 30, inclusive, was liable, but the obligation is equal upon all in that classification.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GORDON. I will.

Mr. GREENE of Vermont. When the gentleman says the obligation is equal on all men in a class, then why does he give those boys who have become 21 a preferred situation?

Mr. GORDON. Because when we passed the draft law we said they were not liable to military service. We are passing a new law that provides that when they shall have arrived at the minimum military-service age they shall become liable.

Now, if we are doing that, why not allow them to come in in the regular way in which they grow into military service?

Mr. GREENE of Vermont. In the original allotment men of 21 had to take their chances with men of 31 as to whether they went at the head of the list or not. Why not now?

Mr. GORDON. They do not now. If you had voted with me they would have taken their chances in a drawing of lots, but under the law now and this joint resolution, these boys can be put in ahead of those drafted a year ago.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. GORDON. I would like to have some man point out one logical reason consistent with the votes already cast by this House, against this amendment. There is not any. The only argument I have heard that had any force at all is the statement of the chairman of the committee to the effect that he did not care much about it, because Crowder said he was going to do it anyway. The trouble is, Crowder changes his mind sometimes.

Mr. KAHN. So does the President.

Mr. GORDON. All men do. If anybody can give me one reason against this amendment I will vote against it.

Mr. McKENZIE. Can my colleague give any good reason, from a military standpoint, why these boys that are going to be registered now should be put in a preferred class?

Mr. GORDON. This does not put them in a preferred class. It simply puts them into the military service after the men that we declared a year ago are the men that ought to fight for us. The best military reason I can think of is the reason that actuated you when you voted for the bill to fix the age for military service between 21 and 31. I do not agree that 30 years is the highest point. I think men under 40 are better men to fight than boys under 20. Do not make any mistake about my position. I am talking to men who voted for this draft law which made 30 the maximum age limit, but who want to put boys in now, so that a lot of these fellows will grow out of their military obligation. And I do not want to do that.

Mr. McKENZIE. I will state my question in another way. Can my colleague give any good military reason why these men who are to be registered should not be integrated with those in class 1?

Mr. GORDON. They have not become of the age. This Congress says we ought to impose military service upon them, too, some of them, and I say when they shall become of that age they ought to go in the order in which they are drafted. We drafted the other men a year ago——

Mr. McKENZIE. If my colleague will pardon me, he has not answered my question. What I want to know is, whether you or anyone advocating this amendment can give any good military reason why these boys who have arrived at the age of 21 should not be integrated now with the men now drafted?

Mr. GORDON. I will give you one definite reason and it is this: That the older men are better men for the military service than boys of 21.

Mr. MILLER of Minnesota. Who says so?

Mr. GORDON. I say so. This bill applies to men who are not yet of age.

Now, of course we could stand here and argue all summer about the question of whether men under 40 are better men for soldiers than boys under 20, but I think it is a foolish proposition for any man of common sense to try to argue, especially in a war like this.

Mr. GREENE of Vermont. This is merely a good-natured suggestion. You do not mean to leave the impression that this bill applies only to men of 21?

Mr. GORDON. It applies to everyone who has reached 21 since June 5, 1917, or may hereafter do so.

Mr. FIELDS. Will the gentleman yield?

Mr. GORDON. I will.

Mr. FIELDS. If the men of the older ages in the draft to-day are not as effective as the men of 21, they will still be less effective two or three or four years from now.

Mr. GORDON. Of course they are growing more ineffective all the time as they are getting older.

Mr. BARKLEY. Let us take two boys, one who is 21 on the 4th of June and the other one 21 on the 6th day of June.

Mr. GORDON. That is an example of the maxim "De minimis non curat lex."

Mr. BARKLEY. The first was compelled to register; the second did not register. Now, can the gentleman point out any reason in fairness why one of those boys by reason of the difference of two days in their birthdays should be given deferred classification?

Mr. GORDON. No; and this does not give him a deferred classification. Of course, you have got to adopt some arbitrary rule. Congress said it did not propose to draft boys to send to Europe until they were of age. Congress was appealed to for 21 years as a minimum. I think the reasons excellent. Of course, if you are going to split hairs by talking about one that

became 21 before registration day and the other 21 on the day after, that is not practical. The obligation is equal, except that the law made one liable and did not make the other one liable. You have got to adopt some arbitrary rule. What do you say about a man who became 31 on the 4th day of June? The latter is liable under the present law and is a year older than he was then. Why not put him in, then, if he is in class 1? He is drafted and has known it for a year. Congress has imposed this liability and burden upon him. It applies to those boys, every one of them, that have become of age since the 5th of last June, and will apply to everyone in the future who becomes 21 years of age.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER pro tempore. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Speaker, I have listened here to my good friend from Ohio [Mr. GORDON]. The Hull amendment came up in the committee, and I took the view there that I take here, that it could accomplish no good purpose, and that it is nonsensical sentimentality.

We are in a war and a serious war. The resolution that this Congress passed a few days ago provided that all of class 1 throughout the entire Republic should be exhausted before class 2 should be invaded in any bailiwick in the United States. Now, this resolution before the House provides that every young man who has reached the age of 21 years since the 5th day of June, 1917, the registration day, shall at once become subject to the draft law.

And let me animadvert, my friends, for one moment to the proposition that the draft law is now the policy of the Nation. We should lay aside our views as to a volunteer army. My good friend from Ohio [Mr. GORDON] and myself both entertained those views when we had the original draft law up, but after we were whipped and the Democratic majority on the committee was whipped on the floor of this House, I say, as Democrats and patriots, it is the duty of all of us to stand behind this administration and stand behind the War Department and amend this draft law just as the President and the War Department desire. I shall stand for that throughout the war.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Kentucky?

Mr. QUIN. I can not yield now.

Mr. FIELDS. This proposition was not up at that time.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. QUIN. The proposition before us now is to get the most men in class 1 available for service in the Army without in anywise hampering the farms, the industries, and the other productive activities of this Republic during the progress of this great war. How else could it be done, and how better could it be done than to take in this million young men who have become of age since June 5 last and place them in the general pot of the draft, to be called into the Army whenever the Government needs them? No doubt three-fourths of those will be placed in class 1. Those young men without any dependents upon them will be placed in class 1, and why should they be deferred down to the bottom class? All of the men who reach the age of 21 years in this Republic each and all owe the same duty to this Government to go and fight its battles and follow its flag, in France or anywhere else. If they all owe that duty, why is it that the Government should put in a special-privileged class the boy who did not happen to be 21 years of age on June 5, 1917, but who has reached that age since then?

As a military proposition, my friend from Ohio said he would ask any man to assign a single reason against the Hull amendment. I can assign several against it. I say that the law and the Government owes no more right or privilege to any one citizen than it does to another; that a man who is 25 years of age and in class 1 owes no more to this Government than the man who is now 21 years of age; and the War Department wants to put all of them into a general hodgepodge to fill up class 1, so that nowhere will poor men be called away from their families, from their wives and children, so that no man who is really essential on the farm in producing food for the people of this Republic and to maintain our armies shall be taken, so that no man who is essential in the production of ships shall be taken, and——

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Mississippi yield to the gentleman from Kentucky?

Mr. QUIN. I can not yield. I would love to yield to the gentleman, but I can not.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. QUIN. So that those I have just mentioned will not be taken away from those industries. And for that reason we need to have a surplus in class 1, that can be drawn from all the time. And, my friends, this is no little matter. This is an important matter. In my judgment, the War Department is exactly right.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Can the gentleman from Alabama give me five minutes more?

Mr. KNUTSON. I would like to ask the gentleman a question, if I may.

Mr. DENT. Can the gentleman get along with three minutes?

Mr. QUIN. I will try to.

Mr. KNUTSON. Will the gentleman yield?

Mr. QUIN. I can not yield.

Mr. KNUTSON. Just for one question.

Mr. QUIN. I would love to yield to my friend, but all I have is three minutes, and I would like to discuss this matter.

Mr. KNUTSON. I will not insist on it, then.

Mr. QUIN. I thank my good friend. [Laughter.] The proposition that the War Department put before our committee and which the committee brought here is for the best military interests of this country. It is for the best industrial interests of this country. It is for the best interests of every farm in this Republic and it is for the best interests of all the people of the United States; and certainly, in my judgment, it is the one thing that we should do to perfect this draft law, so that a hardship will be worked upon no one. The young men who have reached the age of 21 since the 5th of June last year all owe to the Government the same responsibility as the man who is 31, and they can be best spared from the farm and from the industries to go to the fighting line, and obviate the taking away of poor farming and laboring men who have whiskers on their faces and a whole lot of little children around their hearthstones requiring to be fed and clothed. [Applause.]

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. QUIN. Yes.

Mr. FIELDS. This does not propose any more.

Mr. QUIN. The effect of it is that, and my friend from Kentucky knows it is bound to be that. The effect of this resolution—and if any man will analyze it he is bound to see that that will be the result—the effect will be to take the men who have no responsibilities upon them. It would take the men who can be free to go and fight without disturbing home relations, except their fathers and mothers, of course.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. QUIN. Yes.

Mr. GREENE of Vermont. Is it not true that when the first draft was drawn the boy who was then 21 and eligible had to take his chance, whether he would be one of the first drawn in the numbers and go to the head of the list?

Mr. QUIN. Certainly.

Mr. GREENE of Vermont. Is it not fair that these young men should take the same chance?

Mr. QUIN. Certainly.

Mr. GORDON. You have abolished the drawing. They did not take any chance.

Mr. QUIN. We must get an effective army without destroying the industries of this country. Every man in this House knows that from one end of the country to the other the cry came, "Do not take the man off the farm; we must raise food." The War Department, knowing that, asked us to pass this bill, so that they will have a reservoir of men there and that the farmers who are married will be left untouched and will produce the necessary food.

Mr. GREENE of Vermont. Has the drawing been abolished?

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. KAHN. Mr. Speaker, I yield the gentleman from Mississippi [Mr. QUIN] three minutes of my time.

Mr. GREENE of Vermont. Has the drawing been abolished?

Mr. QUIN. No, sir. The draft law is operating now just as it did when we began. The trouble about it is that the gentleman from Ohio [Mr. GORDON] has that sentimental idea running through his mind that you owe more to the boy of 21 years of age than you do the man 25 years of age. I can see that there is some reason for that in sentiment, but when you are in a cyclone you are going to run into the first place of safety.

We are in great danger, and we need this reservoir of young men to draw upon.

Mr. GORDON. Do you think we will get away from this cyclone by taking the men of 21 rather than the men of 31 in the same class?

Mr. QUIN. The man of 31 is going to be taken, like the boy of 21.

Mr. GORDON. No; he is not.

Mr. QUIN. That is what the law provides.

Mr. GORDON. No; that is what our amendment provides—for taking the men of 31 first.

Mr. QUIN. You want to exhaust all of them before you take a single one who has become of age since the 5th of June, 1917. That is nonsense. It can not be for the best interests of this Government. It can not be the military reason. The military reason is to take every man who becomes 21 years of age and place him in the general hotchpotch, to be drawn upon to fight for this country. Who opposes that? When you take a young man 21 years old you do not take a man away from his wife and children but you take a single man without anything to keep him back home, except, of course, his love for his father and mother and brothers and sisters.

Mr. JOHN W. RAINEY. Will the gentleman yield for a question?

Mr. QUIN. I yield to the gentleman.

Mr. JOHN W. RAINEY. Is the gentleman in favor of taking a young man of 21 years of age and depriving him of the opportunity to develop himself, to perfect himself in a trade or profession?

Mr. QUIN. Oh, my goodness, my friend! We can not stop to talk now about developing ourselves in trades. We need men to fight on the western line in Europe. The English are being driven back, the French are being driven back, the Americans are being killed and wounded, and yet we talk here about giving some man time to learn a trade.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUIN. Give me another minute.

Mr. KAHN. I do not want to destroy that peroration, and I will give the gentleman another minute. [Applause.]

Mr. QUIN. Talk about developing, talk about going to school when our flag is about to drag in the dirt! When the Germans, who propose to destroy our civilization and take away our property, our liberties, and our lives, are pushing forward upon us you propose to allow men above 21 years of age to be talking about going to school or sitting around in the parlor. They ought to be willing and ready to go out and follow their flag and go over the top anywhere for this Government. [Applause.] This is no time for us to talk about young men over 21 years old wanting to go to school. Why, we understand that all men would love to be at home. All men would love the opportunities of developing themselves, to become intellectual giants or statesmen or great men in the world's affairs, but the duty they owe their Government is to protect the Nation, so that all, poor and rich, high and low alike, may serve the Government that, in turn, will protect their liberties. [Applause.]

Mr. KAHN. I yield 10 minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker and gentlemen of the House, practically all the battles of this country have been fought by boys under 21. This Congress has decided that the battles of this country hereafter shall be fought by men over 21. There is no particular hurry, then, why we should grab the boy the minute he is 21 and shove him into the firing line. The battle fields of the Republic, from Bunker Hill to Guiguinto, are rose red and crimson with the heart's blood of boys 16 to 21. What is the hurry to have them take their turn at bat now when there is a million older in the line that is waiting? Who was it that fought and fell from Gettysburg to Franklin, at Chancellorsville and Vicksburg, at Mission Ridge and Pea Ridge? The volunteer whose heroic figure and immortal fame will live forever, even though you have given him a discharge "without honor." You can see the little volunteer yet.

> Out of the focal and foremost fire,
> Out of the hospital walls as dire,
> Smitten of grapeshot and gangrene,
> Eighteenth battle and he sixteen,
> Specter such as you seldom see,
> Came little Griffin of Tennessee!

The minute he is 21 you want to throw him into the firing line. The gentleman from Illinois asks, Is there any good military reason why men of 31 should not be sent to the firing line before boys of 21? Why, surely. Anybody can tell that. Let us put it on a cold-blooded business basis, if the gentleman wishes. The boy of 21 has 10 years longer to live for the Republic and fight for the Republic, and to be used on the firing line, than the other one. The sensible plan is to preserve him and his 10 extra years—use the one that will last the least time. Why shove him in and get him killed at the same time that the boy of 31 goes in? In a few years the boy of 31 will cease to be useful, and long after that, when he is dead and gone, you can use the boy of 21. Lose a man of 30 and you lose 20 years. Lose a boy of 21 and you lose 30 years. Conserve him on the same principle that young trees are not cut down. Which is it that you strike down, the monarch of the forest or the little sapling? Why, the question answers itself.

The gentleman and soldier from Vermont stated it very aptly when he said that, in the first place, if you thought about it of course it seemed natural that you should let the boy of 21 wait; that, in effect, anybody of any sense of course would naturally expect to keep the boy of 21 until the last. And then he proceeded to argue the seal off the bond, a thing which he is mighty handy at doing. He can always give a good reason for anything. I marveled at his ability as a debater to tell why we should not take them. But suppose you were a man of 31 on the firing line, and suppose you had a brother of 21 on the firing line with you. Suppose they called for volunteers for a forlorn hope, which of you would go? If you were any man at all, you would go and send your mother's younger boy back to wait until the next time. That is what this Republic expects these men to do. It expects that the men of 31 will go first to the firing line, while it conserves the young strength of the youth of the Republic, which will last longer. Of course that is the sensible thing to do. There are enough boys of 16 to 21 lying in their graves who fought for the Republic and died for the Republic before they became of age and before they could have any mature judgment. Why should not the men of 21, who could vote when war was declared, and the men up to 31 go before the boys of 19 and 20, who did not have anything to say about it? There is plenty of patriotism in this Republic, and half the boys of 16 to 21 would be in the Army now if you would let them. You know that an army of volunteers would be full of boys. You voted against it. The men of 31 are patriotic. They have sound judgment and good sense, and they do their duty when you ask them, and they will want you to conserve our resources in the natural way, as the gentleman from Vermont suggested.

I have a matter in that connection to which I want to call your attention. There is plenty of patriotism in this country. Thank God, the American Republic is sound to the core and practically all of its citizens are loyal citizens. Ninety-five per cent of the Croatians in Kansas City, Kans., have bought liberty bonds, I learned to-day. I find a very curious thing here. It seems we have not even got to depend upon the boys of 19 or 20. We have agitated the woman question so much that we have gotten a response. It seems that the English send the boys into the firing line and appoint young women as army field clerks, from the letter I shall read.

I made a little talk here on the 9th of March as to the difference between men who go out and fight for their country and men who wear uniforms in the departments. Here is a letter from Miss Blanche A. O'Connor, who is in the department Judge Advocate's office in Chicago. I thought uniforms and shoulder straps were for fighting men, not for civilians with no military training doing civilian's work. That men in uniforms and shoulder straps should share the dangers of their comrades if they shared their honors. Yesterday the National Association of the Daughters of 1812 resolved to put no star on the service flag except for those who risk their lives or propose to risk their lives for their country. Miss O'Connor is of their opinion.

She refers to my talk in the House March 9, and says:

CHICAGO, *March 29, 1918.*

Hon. E. C. LITTLE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have read with a great deal of interest your discussion in a recent issue of the Army and Navy Gazette, and was particularly impressed with the following statement:

"The principal business of the American Army is to win the war. This war is not going to be won in Washington. * * * It is going to be won on the firing line. As far as I am concerned, I would like to see an order made to-morrow that every man with a uniform on in Washington be sent to the front, where they ought to be. This is not a place for soldiers."

As a woman Army field clerk, I also believe that the war can not be won in Chicago, and am taking the liberty of asking your good offices, in behalf of women Army field clerks for the following reasons:

In August, 1917, I was sworn in as a temporary Army field clerk to serve for the period of the war. I have been admitted to the Illinois bar three years, but being an experienced stenographer I desired to serve my country in some way. At that time the colonel judge advocate in charge believed that the place of men was in the field, and consequently women were employed in the office. Since that time three women have resigned and their places have been filled by young men within draft age. These young men were holding good positions when they were employed as Army field clerks, but I do not think it would be tactful or discreet, on my part, to say why I think they left civilian life to enter the service in this way. The fact remains that we have a large number of Army field clerks in Chicago in officers' uniform—young men within draft age. Their status is between that of an officer and an enlisted man. Their duties are purely clerical, and are such as can be performed by a woman, and in most instances better.

* * * * * * *

I would welcome an assignment to foreign service, as doubtless many other women now in the service would. I am equipped, I believe, both mentally and physically, for the work, and have a fairly accurate knowledge of the French language. Up to this time, however, the War Department has detailed only men in this capacity for overseas service. The woman Army field clerk has a military status, and to assign them to foreign service, particularly in the branch offices of the Army, would not be an untried experiment as to the fitness and capability of women, as is borne out by the fact that women are detailed in the Army and Navy Female Nurse Corps; the Surgeon General has made a recent ruling that women may be employed as bacteriologists and laboratory assistants; Gen. Pershing has called for contingents of telephone operators, and the branch offices of our Army in France, I believe, already have employed French women. All these units of women have been, and are now being, assigned to duties far more dangerous than would be the work of an Army field clerk. The morale of the Army has also been enhanced by the employment of women, as can be seen by the work of the women's canteen committee, Salvation Army, and other units, which have been working in the war zone.

The work which I am doing here in the central department could easily be filled by a woman who is a cripple or who has obligations which would prevent her from going to the front, and as my father served four years in the Confederate Army, and my mother saw four brothers volunteer in the Union ranks, I am necessarily of the opinion that every American young woman, physically able and who has had training in the military offices, should be sent to the front in the same manner as the women in England are employed, and more particularly at this critical time when men are so badly needed in the combatant forces.

Assuring you that I should, indeed, appreciate an indorsement on your part of the advisability of the employment of women Army field clerks in foreign service that I may leave the patriotic young men in this office "alone in their glory," "to pursue the even tenor of their ways," I remain,

Very respectfully, yours, BLANCHE A. O'CONNOR.

CHICAGO, *April 7, 1918.*

MY DEAR CONGRESSMAN LITTLE: I wish to thank you for your letter of April 2, and its kind expressions on my behalf.

I am glad to inclose an affidavit as to my service in the War Department of the United States Army, acknowledgment by The Adjutant General of the Army of my application for foreign service, and also copy of telegram appointing me from the civil-service list of lawyers to the position of law clerk in Washington. I have, however, declined the appointment, believing that the place of every American woman, with the requisite qualifications in the military service, is at the front, that no one may accuse her of not heeding the Biblical admonition of "Whosoever has set his hand to the plow, and turning back, is not fit to enter the Kingdom."

You will note that at the time my application was made some two months ago the department did not contemplate assigning women to duty in France. That they are employed almost exclusively in the base armies of the allies, more particularly England, would seem to be one of the logical reasons to be advanced for their being assigned by the United States Government.

* * * * * * *

Again assuring you of my appreciation of your efforts in behalf of women Army field clerks for their appointment to over-seas service, and of my utmost confidence in the outcome, I am

Very respectfully, yours,

BLANCHE A. O'CONNOR.

Mr. Speaker, there are in the departments many young men who would be glad to be relieved from the monotony of department work even if in uniform and proud of an opportunity to go to the front as their brothers and fathers and grandfathers before them. If there be those there who are reluctant; if there be those who are satisfied to work in bomb-proof safety, the newspapers have announced, since March 9, that the Chief of Staff has said men who were seeking to evade actual service and men who can well be spared would soon be sent from Washington. The young lady from Chicago in this letter I lay before the House suggests the plan by which the one can be spared and the other's wish be granted. She tells us that the English have women Army field clerks. She appears as the first volunteer for that service in the American Army, the sister in arms of those admirable nurses who have made so sweet and so gallant a record with our troops on a thousand fields. As she sensibly suggests, clerical work can be done here and at the front by women as well as by men, and every soldier can be spared for the shock of war. That her name is O'Connor is somewhat significant; that name is not unknown in the annals of war.

Already, gentlemen, all our young men hear the summons to the field, and our old men the rumble of the guns they have heard before. The call has been heard in the hearts of their sisters, and this letter spread on your records will tell the world for a thousand years that our people stand shoulder to shoulder to stake the last dollar, the last man, and the last woman that this mightiest Republic shall conquer or perish for those principles of equity and liberty which are the corner stones of human rights and a Christian civilization. Mr. Speaker, I want the House and the world to know that the women are ready to go to the front. Let the Huns take notice they fight a united Nation as in the brave days of old. [Applause.]

Mr. DENT. Mr. Speaker, I yield 10 minutes of my time to the gentleman from California, but before doing that I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I thank the gentleman from Alabama for his courtesy in yielding me this time, but the subject I desire to speak upon would take more than five minutes. I wish to talk seriously on the question of the preservation of the dead bodies of our soldiers. I have some data on that subject that I would like to present. I realize that this bill ought to be passed, and am in sympathy with the gentleman in charge of the bill in urging and hastening its passage. Therefore I yield back the balance of my time

Mr. DENT. Now, Mr. Chairman, I yield 10 minutes of my time to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have listened with much interest to this discussion. I am prepared to vote, so far as I am concerned, and do not know that I can make any statement that will cause anybody to vote as I do. I have constituents that will come in the 21-year-old class and some in the 31-year-old class, and all the way between. I think I shall vote for this amendment, and for this reason: Class 1a is the first to be called, and then you can take all the way through class 1. I am not an expert in military affairs, but all of them, I take it, are to be drawn before you come to class 2.

There are several classes that are exempt. For instance, if a man is unmarried and has dependents he is exempt. If a man is married, under certain conditions—and he is apt to be dependent unless he is awfully well heeled; then there are certain callings that are exempt, certain portions of the farmers, mechanics, and so on, as I understand it, and I wish to be corrected if I am wrong. Now, the man that is exempt, and if in class a 1, 2, 3, and 4, is a man that does not have any dependents and does not come in as a farmer or a mechanic and be exempt on that account. If he is healthy and passes the doctor, does not have dependents at all, is not exempt, I do not see why that man should not be called before the boy that is 21 years old on the 3d of June next, if that is the date.

That is all I want to say about it, therefore I shall vote for the amendment.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. MILLER of Minnesota. The gentleman does not mean to assume that all married men who have families dependent upon them are exempt?

Mr. GORDON. They are if they claim it.

Mr. MILLER of Minnesota. No; nothing like it.

Mr. CANNON. If they have dependents they are substantially exempt. I said that I was not an expert touching military affairs, but I apprehend that if they have dependents they are exempt. Anyway I am willing to let the boy that becomes 21 early in June next, if he is called—and class 1 will not be called for a year—I am willing that he shall have that additional year either to go to school or work on the farm or otherwise. [Applause.] Mr. Speaker, I yield back the balance of my time.

Mr. KAHN. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. MORIN].

Mr. MORIN. Mr. Speaker, much has been said on the floor of this House and by the newspapers throughout the country in relation to the number of commissioned officers on duty in the departments here in Washington, and I believe that there is a misunderstanding both among the Members of this House and the people of the country as to the actual number and class of officers that are on duty here.

Those statements have placed all these officers who are compelled to remain here on duty under the embarrassment of being in the class of slackers or of having been taken from civil life through political influence and given commissions for the purpose of avoiding military service in the field.

Such statements, I believe, are unfair and unjust to the brave, patriotic, and highly efficient officers who are compelled, much against their own will, to remain here in order to perform the important duties to which they have been assigned. So in order to have the correct information for the Members of the House and place these officers in the proper light before the people of the country, I requested Adjutant McCain for a statement of the number of men and the branch of the Army to which they are attached, which I now ask the Clerk to read.

The matter referred to is as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 25, 1918.

Hon. JOHN M. MORIN,
House of Representatives.

DEAR SIR: In response to your recent request for information relative to commissioned officers who have been assigned to duty in Washington in connection with the work of the various staff corps and departments, I have the honor to advise you as follows:

There has apparently been considerable misapprehension regarding both the kind of work performed by officers on staff duty and the number of them detailed in Washington. The public in general seems to be under the impression that staff duty and purely clerical duty are one and the same thing and that the work could be performed as well by a civilian as by

a commissioned officer; in short, that a staff officer is nothing other than a clerk in uniform. Moreover, the number of officers on duty in Washington is generally believed to be much larger than it really is, owing to the tempotary presence here of officers making personal reports to the department or on furlough from near-by camps and also, perhaps, because the novelty of the sight of an officer's uniform has not yet worn off and an exaggerated notion as to their number results.

The following figures have been compiled to show the total number of commissioned officers in the various staff corps and departments of the Army on March 23, 1918, and the number of these who were detailed for duty in Washington:

	Total.	On duty in Washington.
General Staff	165	79
Adjutant General's Department	331	47
Inspector General's Department	105	25
Quartermaster Corps	6,628	603
Engineer Corps	5,807	332
Ordnance Department	4,284	1,880
Signal Corps:		
Line Section	1,511	91
Aviation Section	8,825	525
Medical Corps	[1]24,425	534
Dental Corps	[1]5,628	13
Veterinary Corps	[1]1,803	15
Judge Advocate General's Department	165	42
Militia Bureau	7	7
Bureau of Insular Affairs	3	3
Chaplains	662	.....
Professors, Military Academy	7	.....
Director of Civilian Marksmanship	1	1
Total	60,357	4,198

[1] Only 16,979 commissioned officers of the Medical Corps, 1,814 of the Dental Corps, and 185 of the Veterinary Corps were on active duty March 23, 1918.

Of the total of 60,357 officers included in this summary it will be observed that 32,690, or over one-half, are in the Medical, Dental, and Veterinary Corps, in the Judge Advocate General's Department, professors at the United States Military Academy, and chaplains. Included in the list are also the executive chiefs of the various staff corps and departments and the officers of long military experience who act as their assistants and advisers. It certainly can not be held that the duties of these trained soldiers, physicians, dentists, lawyers, clergymen, etc., are susceptible of being performed by civilian clerks.

The Signal Corps is also included in the above summary as part of the staff of the Army, but the greater part of its commissioned personnel of 10,336 officers will eventually see active duty of the most dangerous character. A similar statement is applicable also in the case of the 5,807 officers of the Engineer Corps, which corps, it should be stated, is properly part of the line of the Army and not of the staff.

The present war has developed into a war of specialists. History affords us no precedent of the sort, and the presence in the armies of to-day of considerable numbers of highly trained specialists in mechanical, chemical, and other technical and scientific lines has become an absolute necessity. A considerable proportion of the balance of the number shown above is made up of these, notably in the cases of the Ordnance Department and the Quartermaster Corps.

In the comparatively few cases where Army officers are performing duties of a strictly clerical nature, it is to be observed that the work required of them is so highly confidential and demands such long hours that it has been deemed to be in the best interests of the service to place it in the hands of men amenable to military discipline. There is also a very limited number of instances of commissions having been granted to men of high standing in the business world and trained experts in their particular lines, who responded patriotically to the Government's appeal with a tender of their services. The services of these men are of great value to the department, and the granting to them of commissions in the Army in return therefor appeared to be the only adequate way of meeting their cases.

As shown above, there were, on the 23d instant, 4,198 staff officers actually on duty in Washington. The larger part of this number is made up of officers on purely temporary duty. The number varies considerably from day to day; but even though a month from now exactly the same number were still on duty here, this would not necessarily mean that it was still made up of the same individuals, for the personnel is constantly changing. An officer on duty in Washington to-day may to-morrow receive orders to proceed to Europe and his place here will be filled by another.

At the time the United States became involved in the war the number of commissioned officers in the Army, including the National Guard then in Federal service, was 9,524, while at the present time there is a total of approximately 128,000. In view of this tremendous increase it is but natural that the number of officers on duty in Washington should likewise have been greatly augmented. This increase in the commissioned strength of the Army had to be effected in the shortest possible time, and it is perfectly natural that some mistakes were made and commissions given in some cases to applicants who would not have received them had the time for determining their qualifications been more ample. As soon as an error of this sort becomes apparent, it is rectified, and whenever the department's attention is called to a specific case an investigation is immediately ordered. In line with this policy a considerable number of officers in the Medical Corps have recently been discharged from service, which accounts for the apparent discrepancy between the figures now furnished and those which I gave out about two months ago.

In conclusion, it is only just to those officers who are detailed to duty in Washington to state, in their behalf, that the assignment was not of their own choosing, and that there are few amongst them who would not welcome the receipt of orders transferring them to duty at the front. With the exception of those amongst them who hold commissions in the Medical and Dental Corps, they are not noncombatants, as seems to be generally believed, but will be called upon to perform regular duty with troops and will all, from time to time, as occasion arises, be ordered to the front.

Very respectfully,

H. P. MCCAIN,
The Adjutant General.

Mr. DENT. Mr. Speaker, I yield two minutes to the gentleman from Illinois, Mr. JOHN W. RAINEY. [Applause.]

Mr. JOHN W. RAINEY. Mr. Speaker, I directed a question to the gentleman from Mississippi inquiring whether or not he was in favor of having boys who have just attained maturity called immediately into the service and permit those who are already in the draft, men of more mature years who have no obligations or dependents, who have no profession or trades, to avoid service for some time to come, while the young man of 21 would be immediately pressed into service and the opportunity denied him of continuing his education, developing a profession, or learning a trade.

Had he answered my interrogatory I would not have inflicted myself upon this body, because of the limited time, and I want the chairman of the committee to know that I am grateful for the opportunity given me to say a few words.

The military authorities are willing, if this body so directs, that they call all who are in class 1 before mustering into service these young men who have attained the age of 21 years since May 18, 1917. Therefore, gentlemen, if we pass this amendment we will not in any way hamper or disturb the military authorities. Nothing in the world could induce me at this time, when the life of our Nation is in the balance, to handicap or embarrass the military authorities. I feel, like the gentleman from California, that if the time comes for the successful prosecution of this war if necessary we will call into service all boys from 18 and up, call on all Americans who are physically able to do battle to annihilate the Hun and to establish the principles of democracy, but until that time comes I favor this amendment and am unalterably opposed to taking the young man who has just reached 21 years of age, deprive him of higher education, a chance of advancement, and probably destroy his future career.

If this law is passed the young man will recognize that if the war continues he must eventually be called into service. He will have an opportunity during spare time to prepare himself in a military way, probably in his home town, by joining some military company that drill and prepare themselves in the evening and still the opportunity will be given him during the day to continue his studies.

It has been suggested that there should be no sentiment involved, which is true, because this is a practical question, a question of life and death, but it is absolutely impossible to eliminate sentiment from the hearts of the parents who are giving that which they hold most sacred in the world to their Government, and if, my friends, in this amendment we can alleviate the pain and anguish of the parents of these boys, help assuage their grief without working any hardship or disadvantage to the military authorities, I think their feelings should be taken into consideration.

I believe, and I think the majority of the Members of this House feel, that it is unjust to the young man of 21 to permit the military authorities at this time to call him into service until class 1 has been exhausted.

I believe, gentlemen, these young men should be given an opportunity to develop themselves physically and mentally until class 1 has been called into service.

I favor giving money, soldiers, ships, guns, shells, and whatever else necessary to win this war. I favor any just and honorable solution that will bring this conflict to a speedy and victorious termination, and I hold that the passage of this amendment will in no way retard our victory, which is inevitable.

Mr. DENT. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, the announcement that was made the other day that there were 62,000 commissioned officers in the noncombatant service and a little over that number in the active fighting line was a startling statement to me. I had never taken notice of the requirements of this branch of the service. The discussion has created a great deal of interest that is manifesting itself in a great deal of correspondence. I have had letters from men in the camps which comment upon the situation. Interested in the statement, I sought an interview with one of the officers here in the city with whom I am very well acquainted, and who is identified with a certain activity in the War Department which enables him to speak with authority. I desired to know why we had so many of the "safety-first" men, as they were stigmatized, and how many could be called slackers. He told me last night that this was a great injustice to the men—that the great majority were here by order and would prefer service in the field. He informed me that in his own division he had offered as a sort of premium the promise that he would recommend the officers under his charge for service overseas, provided they reached a certain stage of efficiency. His experience with the men

convinced him that such a prospect would insure a higher degree of service. He said that was the one persuasive, effective promise that he had made, which had resulted in greater efficiency. He also said the stigma of "swivel-chair" soldiers had produced such dissatisfaction among the men that a distinct demoralization had been observed throughout his division.

In another division there was a canvass made as to the number who would like to go overseas, and he told me that 100 per cent reported that they wanted over-sea service. It is significant that this canvass was made before the criticism was made here on the floor. This officer was broken in spirit in that he said that this criticism had so demoralized the morale of the men under him that they had come to a state of mind where they seemed to have no heart in the work here and demanded they be given a chance to go out into the service in the field away from Washington. He also made the statement that at least 50 per cent of those who are here, at least in his division, have been picked out of the camps and ordered here without their own consent. They had been selected on the basis of their record in the camps and were here under orders. They are fretful and insist upon getting from under this criticism which they declare is unjust to them, and they demand that in justice to themselves the criticism ought to be specific and not applied indiscriminately.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes. I yield to the gentleman from California.

Mr. KAHN. My colleague on the committee, Mr. MORIN, has just inserted in the RECORD a letter from The Adjutant General showing that there are only 4,000 of those young officers here in Washington, while the general impression is that there are 15,000 or 20,000 of them.

Mr. FESS. I think that will correct an error also. Many will read the figures used in the criticism as confined to the men in Washington. I have no doubt there are men here in uniform with commissions who have no right to wear them if judged from their merit. No doubt undue influence has been brought to bear upon those in authority to secure preferment. Indeed, my informant assured me there were. He said the staff would be glad, if called upon, to name quietly persons who could be dispensed with, and intimated that congressional influence had been employed to place these men. That such is the case may easily be conceived, and criticism to that degree should be allowed, but it ought to be specific.

Mr. Speaker, just a half moment to say that I think this general criticism is unfair to these men, and there ought to be some caution about these charges. Under modern warfare the number back of the line is not far from that on the line. It seems incredible, but that is the statement of authorities based upon experience in Europe. Then again, these men especially selected for this noncombatant service, where selected by Army and Navy authorities without outside influence, were chosen because of their fitness as displayed in civil life. It is quite apparent that caution was and must be counseled. I agree that where it can be done all the clerical work should be done by those not in draft age. It should especially be guarded against allowing anyone of influence to secure a place for anyone who desires to shirk military duty. This should be the purpose of us all. But it is unfair to the great number of commissioned men here to place them in such a class. In behalf of that group I hope those who make these statements will note the terrible effect in demoralizing our ability to be 100 per cent effective.

Mr. KAHN. Mr. Speaker, in the first place I hope that all of the committee amendments will be adopted. The committee considered the resolution very carefully, and was practically unanimous upon all the amendments that have been reported as committee amendments.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I have only five minutes, but I yield to the gentleman. I want to speak on the Hull amendment.

Mr. BARNHART. Mr. Speaker, the gentleman has just finished a statement in which I am interested and from which I infer that he is opposed to any interference with the officers who have been called from civil life and given commissions without any military training or experience. Does the gentleman from California think it is right that these men should be called from civil life and given these so-called "safety-zone" positions without any preparation whatever of a military character, and that men from the trenches who happen to meet them must salute them as their superiors? I am asking for information.

Mr. KAHN. Of course, that question will take me away from the discussion of this resolution which I have been very anxious to discuss. To answer it fully would take more time than I have at my disposal, but I will briefly answer the gentleman. I recognize the fact that the Army of the United States has been enormously expanded. I recognize the fact that experts are necessary in ordnance, in the Quartermaster's Department, in the Signal Corps, and in many branches of the Military Establishment, especially in the staff departments. Many of the men who fill the technical positions in the ordnance, for instance, are graduates of universities who are scientists; they are needed in the manufacture of powder, in making gas bombs, and in all of those activities in ordnance which are necessary for the winning of the war. At the very beginning many of these young men probably offered their services and showed their special aptitude in those lines. They were given commissions. That is how many of them were commissioned. Now, I will extend my remarks further, if the gentleman desires.

Mr. BARNHART. I hope the gentleman will correct the statement that these men are all college graduates.

Mr. KAHN. I did not intend to say they were all college graduates.

Mr. FARR. May I ask the gentleman a question?

Mr. KAHN. One moment. I want simply to say this about the pending matter. I do not think it is all important whether the Hull amendment be adopted or rejected. But I recognize the fact that we are in war; that we are in a desperate war and will need millions of men—perhaps many more millions than any of us feel at this time the country will be called upon to supply. Then why should we want to tie the hands of the War Department, which will have to furnish these armies? Why should we lay down to them a hard and fast rule under a law of Congress when in the emergencies that may arise during the continuation of the war the time may come when it will be advisable for the department to use its discretion and do that which is best for the country? That is why I shall not vote for the Hull amendment.

A great deal has been said here about young men 21 years of age. Do you not recognize the fact that in our Army to-day we probably have hundreds of thousands of young men who volunteered at 18 years of age? They are on the other side now, fighting for their country. Do you want to pull them out of the Army because they volunteered? According to the logic of the gentleman from Ohio [Mr. GORDON] and some of the other gentlemen who have spoken for the Hull amendment, the War Department should begin the draft first with those who are 31, then those who are 30, then those who are 29, and so on, until they come to the youngest on the list—those who are 21. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, just a few moments, and then I shall ask for a vote on this resolution. The proposition presented by the amendment of the gentleman from Iowa [Mr. HULL] I shall vote against for the simple reason, as given by the gentleman from California [Mr. KAHN], that it is a matter that should be left to regulation rather than to strict statutory law. I am informed by some members of the Provost Marshal General's Office that the amendment as offered by the gentleman from Iowa will be carried into effect by the War Department unless something happens that will necessitate a change in their minds. I think, therefore, this should be a matter that should be left to regulation rather than to the strict language of a statutory enactment. Now, one other question, Mr. Speaker, and I shall ask for a vote. Nothing has been said in this debate about the action of the committee in striking out the Senate amendment exempting theological and medical students. The committee thought that in registering young men coming of age that there ought to be no exemption. The committee was practically unanimous upon that proposition. It was urged that if we adopt the action of the Military Committee of the House that we will interfere with the education of young men studying for the ministry and the practice of medicine. That same proposition, so far as medical students are concerned, was presented when the original draft law was up last year, and both houses finally agreed to strike out the exemption in behalf of medical students. The President has absolute power as Commander in Chief of the Army to take care of medical students and theological students if this draft should so interfere with them as to affect the number of young men in those two professions.

Mr. ROBBINS. Will the gentleman yield?

Mr. DENT. I would like to finish this.

Mr. ROBBINS. Will the gentleman explain why he omitted from this bill the exemption of medical students and students of divinity, whereas in section 4 of the draft law it says there shall be an exception in their favor. Now the gentleman's committee has stricken out that exception in this bill. Will the gentleman explain that?

Mr. KAHN. If the gentleman from Alabama will permit, I can explain that. The exemptions are of those students who are already in the colleges, but this would exempt those who have gone into colleges since the last draft.

Mr. ROBBINS. Proposes to exempt them?

Mr. KAHN. No.

Mr. ROBBINS. Why are they not entitled to exemption as much as the others?

Mr. DENT. I did not yield for any colloquy. The gentleman from California has exactly explained the matter. The language of section 1 to which attention is called applies to the law as it was passed May 18, and, as the gentleman from California says, the other would extend the provisions of that law to the young men who have become 21 years of age since the 5th day of last June. Now, Mr. Speaker, I want to say one further thing upon this proposition, that if you leave the bill as it comes from the Committee on Military Affairs of the House, I repeat, the President of the United States can take care of the situation just as he did with the medical students under the present law. Besides that, under this law it is not intended and is not contemplated, as some gentlemen fear, that amendment will materially interfere with these students. It is not contemplated that every young man who is preparing for the ministry or for the medical profession shall be taken by the draft. There will be many of them who will not be taken I think we ought to have a uniform law without any exemptions whatever and leave it to the Commander in Chief of the Army to take care of whatever situation that may arise. Now, Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask for a separate vote on page 3, on the proviso in reference to the two classes——

The SPEAKER pro tempore. Is a separate vote demanded on any other committee amendment?

Mr. WALSH. Mr. Speaker, I think in the ordinary procedure the amendments are voted on seriatim as they occur in the bill.

The SPEAKER pro tempore. That is true, but it occurred to the Chair there would be no objection to voting on those amendments en bloc on which a separate vote is not demanded.

Mr. WALSH. I do not think that is contemplated by the rule.

The SPEAKER pro tempore. The Chair does not know of any rule prohibiting the adoption of amendments by unanimous consent.

Mr. WALSH. I think the rule provides in the Committee of the Whole the amendments shall be voted on as they occur in the bill. This is not in the Committee of the Whole.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LITTLE. Providing you put the question and the vote should be negative would there be any further vote on any other separate amendment, or all be defeated?

The SPEAKER pro tempore. All defeated.

Mr. LITTLE. Then I object.

The SPEAKER pro tempore. The gentleman from Kansas objects, and the Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment, page 1, line 3, after the word "That," insert the words "during the present emergency."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 4, after the word "States," strike out the word "or" and insert "and all male persons."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 7, after the word "as," strike out the words "in said proclamation may be exempted from registration," and insert in lieu thereof "are exempt from registration under the act of May 18, 1917, and any act or acts amendatory thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 12, after the word "of," strike out the word "the" and insert in lieu thereof the word "said."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 21, after the words "United States," strike out the word "or" and insert "and all male persons."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 2, line 25, after the word "as," strike out the words "in the proclamation by the President stating the time and place of such registration may be exempted from registration," and insert in lieu thereof the following: "are exempt from registration under the act of May 18, 1917, and any act or acts amendatory thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Page 3, line 7, after the word "act," strike out the proviso down to and including the word "President," in line 19.

Mr. WALSH. Mr. Speaker, that is not the proper way to report that amendment.

The Clerk reported the amendment, as follows:

Strike out the proviso, as follows:

"*Provided*, That students who are preparing for the ministry in recognized theological or divinity schools, and students who are preparing for the practice of medicine and surgery in recognized medical schools, at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917; and that students entering such theological or divinity schools after the approval of this act and during the continuance of the war, and who would be subject to any future registration as provided for in this act, may upon the recommendation or request of the president or dean of such school be exempt from the selective draft by order of the President."

Mr. JOHNSON of Kentucky. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. JOHNSON of Kentucky. I rise to ask for a division of the subject.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of Kentucky. The amendment relates to two classes of students, one theological students and the other medical students. The suggestion I make is that in line 9 the amendment be voted on with these words out:

And students who are preparing for the practice of medicine and surgery in recognized medical schools.

Now, I ask for a vote on the amendment with that language out.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. DENT. Mr. Speaker, if the question is going to be divided, I ask unanimous consent that the vote first be taken on that clause of the amendment exempting medical students.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the vote first be taken on the provision exempting medical students.

Mr. FESS. Any Member can demand a division, Mr. Speaker?

The SPEAKER pro tempore. Any Member can demand a division. The Chair was simply putting the request of the gentleman from Alabama for unanimous consent that the vote first be taken on striking out the provision excepting medical students. Is there objection?

Mr. ROBBINS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROBBINS. Will that prevent us from having a separate vote on the exclusion of students of divinity?

The SPEAKER pro tempore. It will not. Is there objection? [After a pause.] The Chair hears none. The question is on the portion of the amendment striking students of medical schools out of the committee amendment.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SLAYDEN. The effect of that will be, if the motion prevails, to exempt medical students?

Mr. GORDON. No; just the opposite.

The SPEAKER pro tempore. Just the reverse. The Clerk will report the amendment as it would exist in case the request of the gentleman from Alabama is adhered to.

The Clerk read as follows:

Page 3, line 7, after the word "act," strike out the following:

"*Provided*, That students who are preparing for the ministry in recognized theological or divinity schools at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917; and that students entering such theological or divinity schools after the approval of this act and during the continuance of the war, and who would be subject to any future registration as provided for in this act, may, upon the recommendation or request of the president or dean of such school, be exempt from the selective draft by order of the President."

Mr. BARKLEY. Mr. Speaker, I think the gentleman from Alabama [Mr. DENT] wanted a vote first on the language with medical students left in.

Mr. JOHNSON of Kentucky. He was reporting it as it would read with medical students stricken out.

Mr. BARKLEY. I thought he was reporting it as it was up to that point.

Mr. McKENZIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McKENZIE. A vote "aye" on this proposition as now reported by the Clerk means to sustain the action of the Committee on Military Affairs, does it not?

The SPEAKER pro tempore. That is the way the Chair understands it.

Mr. FESS. I think there is confusion here. If we divide the amendment and vote separately, first on one part of the division and secondly on the other part, the regular procedure would be to vote down the part we want to retain?

The SPEAKER pro tempore. The gentleman from Alabama has got unanimous consent to take up the part relating to medical students first. Now will the gentleman from Alabama make a motion so that the Chair may place it before the House as he understands it?

Mr. BLACK. Mr. Chairman, I would like to ask that the language that is to be stricken out be read.

The SPEAKER pro tempore. The Chair just had the Clerk read the amendment with the language left out, as he understood it. Without objection, the language to be stricken out will now be reported.

The Clerk read as follows:

Page 3, line 9, after the word "schools," strike out the following: "and students who are preparing for the practice of medicine and surgery in recognized medical schools."

The SPEAKER pro tempore. The question is on agreeing to that amendment.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JOHNSON of Kentucky. Do I understand that the language just read by the Clerk—that is, "students who are preparing for the practice of medicine and surgery in recognized medical schools"—has been stricken out?

The SPEAKER pro tempore. That has been stricken out.

Mr. JOHNSON of Kentucky. And a "yea" vote now would be to retain the rest of it?

The SPEAKER pro tempore. No. Having already stricken out the medical students, now the question is whether you would strike out the divinity students. The question is now on the amendment to strike out the language indicated.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 101, noes 2.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Kentucky makes the point of order that there is no quorum present. Evidently a quorum is not present. The Clerk will call the roll. The Doorkeeper will close the doors.

Mr. DENT. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. There is an automatic call. The Clerk will call the roll. Those in favor of the amendment striking out this language will answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 262, nays 29, answered "present" 3, not voting 136, as follows:

YEAS—262.

Alexander	Browning	Cooper, W. Va.	Elliott
Almon	Brumbaugh	Cooper, Wis.	Ellsworth
Anderson	Buchanan	Cox	Esch
Anthony	Burroughs	Crago	Fairchild, B. L.
Ashbrook	Butler	Crisp	Fairfield
Aswell	Byrnes, S. C	Currie, Mich.	Farr
Ayres	Byrns, Tenn.	Dallinger	Ferris
Bacharach	Campbell, Kans.	Darrow	Fess
Baer	Candler, Miss.	Davidson	Fields
Bankhead	Cannon	Davis	Fisher
Barkley	Cantrill	Dent	Flood
Barnhart	Caraway	Denton	Focht
Beakes	Carlin	Dickinson	Fordney
Bell	Carter, Mass.	Dies	Foster
Black	Carter, Okla.	Dill	Francis
Blackmon	Chandler, Okla.	Dillon	Frear
Bland	Church	Dixon	French
Blanton	Clark, Fla.	Doolittle	Fuller, Ill.
Booher	Classon	Doremus	Fuller, Mass.
Borland	Claypool	Doughton	Gandy
Bowers	Cleary	Dowell	Gard
Brand	Collier	Dunn	Garland
Britten	Connally, Tex.	Eagle	Garner
Browne	Connelly, Kans.	Edmonds	Garrett, Tex.
Gillett	Lea, Cal.	Peters	Stephens, Miss.
Glynn	Lehlbach	Pou	Sterling, Ill.
Good	Lesher	Purnell	Stevenson
Goodwin, Ark.	Lever	Quin	Stiness
Gordon	Little	Ragsdale	Sweet
Green, Iowa	Lobeck	Raker	Taylor, Ark.
Greene, Vt.	Longworth	Ramsey	Taylor, Colo.
Hadley	Lufkin	Ramseyer	Temple
Hamilton, Mich.	Lundeen	Rayburn	Thomas
Hamlin	McArthur	Reavis	Tillman
Hardy	McClintic	Reed	Timberlake
Haskell	McCulloch	Roberts	Towner
Hastings	McKenzie	Robinson	Treadway
Haugen	McKinley	Rogers	Van Dyke
Hawley	McLaughlin, Mich.	Romjue	Vestal
Hayden	McLemore	Rose	Vinson
Hayes	Madden	Rouse	Volstead
Heflin	Magee	Rowe	Waldow
Helm	Mansfield	Rubey	Walker
Helvering	Mapes	Russell	Walsh
Hensley	Mays	Sabath	Walton
Hersey	Miller, Minn.	Sanders, Ind.	Ward
Holland	Miller, Wash.	Sanders, N. Y.	Wason
Hollingsworth	Mondell	Saunders, Va	Watkins
Houston	Montague	Schall	Weaver
Huddleston	Moon	Scott, Mich.	Webb
Hull, Tenn.	Moore, Pa.	Sears	Welty
Humphreys	Morgan	Shallenberger	Wheeler
Hutchinson	Morin	Sherley	White, Me.
Ireland	Neely	Sherwood	White, Ohio
Johnson, Wash.	Nicholls, S. C.	Sims	Williams
Kahn	Nolan	Sinnott	Wilson, La.
Kehoe	Oldfield	Sisson	Wilson, Tex.
Kelly, Pa.	Oliver, Ala.	Slayden	Wingo
Kennedy, Iowa	Oliver, N. Y.	Sloan	Wise
Kiess, Pa.	Osborne	Small	Wood, Ind.
Kinkaid	Overmyer	Smith, Idaho	Woods, Iowa
Kitchin	Overstreet	Smith, Mich.	Woodyard
Knutson	Padgett	Snook	Young, N. Dak.
Kraus	Paige	Stafford	Young, Tex.
La Follette	Park	Steagall	
Langley	Parker, N. Y.	Stedman	

NAYS—29.

Cary	Greene, Mass.	Linthicum	Riordan
Coady	Hilliard	Lonergan	Robbins
Delaney	Igoe	Maher	Tague
Dominick	Johnson, Ky.	Mason	Watson, Va.
Donovan	Keating	Moores, Ind.	Whaley
Emerson	Kennedy, R. I.	O'Shaunessy	
Gallivan	Kincheloe	Phelan	
Graham, Ill.	Lazaro	Rainey, J. W.	

ANSWERED "PRESENT"—3.

London	McAndrews	Rodenberg

NOT VOTING—136.

Austin	Gallagher	LaGuardia	Scott, Pa.
Beshlin	Garrett, Tenn.	Larsen	Scully
Brodbeck	Glass	Lee, Ga.	Sells
Burnett	Godwin, N. C.	Littlepage	Shackleford
Caldwell	Goodall	Lunn	Sheuse
Campbell, Pa.	Gould	McCormick	Siegel
Carew	Graham, Pa.	McFadden	Slemp
Chandler, N. Y.	Gray, Ala.	McKeown	Smith, C. B.
Clark, Pa.	Gray, N. J.	McLaughlin, Pa.	Smith, T. F.
Cooper, Ohio	Gregg	Mann	Snell
Copley	Griest	Martin	Snyder
Costello	Griffin	Meeker	Steele
Cramton	Hamill	Merritt	Steenerson
Crosser	Hamilton, N. Y.	Mott	Stephens, Nebr.
Curry, Cal.	Harrison, Miss.	Mudd	Sterling, Pa.
Dale, N. Y.	Harrison, Va.	Nelson	Strong
Dale, Vt.	Heaton	Nichols, Mich.	Sullivan
Decker	Heintz	Norton	Sumners
Dempsey	Hicks	Olney	Swift
Denison	Hood	Parker, N. J.	Switzer
Dewalt	Howard	Platt	Talbott
Dooling	Hull, Iowa	Polk	Templeton
Drane	Husted	Porter	Thompson
Drukker	Jacoway	Powers	Tilson
Dupré	James	Pratt	Tinkham
Dyer	Johnson, S. Dak.	Price	Vare
Eagan	Jones	Rainey, H. T.	Venable
Elston	Juul	Randall	Voigt
Estopinal	Kearns	Rankin	Watson, Pa.
Evans	Kelley, Mich.	Rowland	Welling
Fairchild, G. W.	Kettner	Rucker	Wilson, Ill.
Flynn	Key, Ohio	Sanders, La.	Winslow
Foss	King	Sanford	Wright
Freeman	Kreider	Scott, Iowa	Zihlman

So the amendment to strike out was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. GODWIN of North Carolina with Mr. CLARK of Pennsylvania.

Mr. HARRISON of Mississippi with Mr. DENISON.

Mr. MARTIN with Mr. COOPER of Ohio.

Mr. HENRY T. RAINEY with Mr. ELSTON.

Mr. SUMNERS with Mr. HUSTED.

Mr. VENABLE with Mr. HICKS.

Mr. BRODBECK with Mr. MEEKER.

Mr. CROSSER with Mr. SWITZER.

Mr. DECKER with Mr. TINKHAM.

Mr. DRANE with Mr. CRAMTON.

Mr. MCANDREWS with Mr. MUDD.

Mr. EVANS with Mr. FREEMAN.

Mr. GARRETT of Tennessee with Mr. GOULD.
Mr. GLASS with Mr. JUUL.
Mr. GRIFFIN with Mr. GOODALL.
Mr. KEY of Ohio with Mr. MCCORMICK.
Mr. LARSEN with Mr. MERRITT.
Mr. LEE of Georgia with Mr. MOTT.
Mr. MCKEOWN with Mr. PARKER of New Jersey.
Mr. OLNEY with Mr. SIEGEL.
Mr. RANDALL with Mr. PRATT.
Mr. CHARLES B. SMITH with Mr. SANFORD.
Mr. STEELE with Mr. STEENERSON.
Mr. STERLING of Pennsylvania with Mr. WINSLOW.
Mr. WELLING with Mr. VOIGT.
Mr. WRIGHT with Mr. WILSON of Illinois.

Mr. BROWNING. Mr. Speaker, I have a pair with the gentleman from Maryland [Mr. TALBOTT]. I voted "yea." If he were present, I believe he would vote the same way, so I will let my vote stand.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will unlock the doors. The question is on the amendment offered by the gentleman from Iowa [Mr. HULL].

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the amendment may be again reported.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 2, line 16, after the word "act," insert the following:

"*Provided*, That those persons registered under the provisions of this act shall be placed at the bottom of the list of those liable for military service in the several classes to which they are assigned, under such rules and regulations as the President may prescribe."

The SPEAKER pro tempore. The question is on the amendment.

Mr. LITTLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LITTLE. Does that refer to the boys now becoming 21?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GORDON. It does, though.

The SPEAKER pro tempore. The amendment speaks for itself. The question is on the amendment.

The question being taken, on a division (demanded by Mr. FIELDS) there were—ayes 119, noes 81.

Accordingly the amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

By unanimous consent, leave was given to Mr. FIELDS, Mr. DARROW, Mr. FESS, and Mr. JOHN W. RAINEY to revise and extend their remarks in the RECORD.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LEHLBACH, for three days, to participate in the liberty-loan campaign;

To Mr. SIEGEL, for five days, on account of liberty-loan speeches he is to make;

To Mr. SANDERS of Louisiana, indefinitely, on account of important business; and

To Mr. SHOUSE, for 10 days, on account of illness.

ORDER OF BUSINESS TO-MORROW.

Mr. FOSTER. If the House will indulge me for a moment, I desire to say that it is now nearly 5 o'clock, and it seems rather late to go into the Committee of the Whole for the consideration of the mining bill. I want to give notice that to-morrow, immediately after the reading of the Journal, I shall call it up and pass it, if possible, to-morrow afternoon.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. GILLETT. I infer from the gentleman's statement that the report we have seen in the press that the House will adjourn to-morrow is a mistake.

Mr. FOSTER. I do not know anything about that. I have not had any request of that kind.

Mr. KITCHIN. It is not my intention to move an adjournment of the House to-morrow, but to stay here and do business. [Applause.] I do not think that the parade of the House or the Senate in this demonstration to-morrow would add 10 cents to the sale of the bonds. I think we ought to stay here and work. [Applause.]

ACCOUNTS AND EXPENDITURES OF THE POST OFFICE DEPARTMENT.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on the Post Office and Post Roads be discharged from the further consideration of H. Res. 307, and that the same be referred to the Committee on Rules.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the Committee on the Post Office and Post Roads be discharged from the further consideration of H. Res. 307, and that the same be referred to the Committee on Rules. Is there objection?

Mr. MOON. Mr. Speaker, I do not know that I have any objection to that motion. This bill was first referred to the Committee on Expenditures in the Post Office Department, which clearly had no jurisdiction of it, as determined by the House this morning. The House sent the bill to the Committee on the Post Office and Post Roads.

I doubt somewhat the propriety of a committee passing upon a resolution which confers special powers and privileges on that committee itself. I doubt, too, whether under parliamentary law this resolution ought to go to the Post Office Committee. For that reason, and for the further reason that it is not strictly a legislative resolution, but one that determines power over the investigation by the House, I think it ought to go to the Committee on Rules. I am not speaking for the Committee on the Post Office and Post Roads, because the committee has had no meeting; but expressing my own views, as chairman of that committee, I see no reason why, properly, this resolution should not go to the Committee on Rules rather than to the Committee on the Post Office and Post Roads.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9832. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Friday, April 26, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MANSFIELD, from the Committee on Expenditures in the Department of Justice, to which was referred the bill (H. R. 4246) to increase the salary of the United States district attorney for the district of Connecticut, reported the same with amendment, accompanied by a report (No. 513), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9747) to provide temporary increased rank for officers of the United States Coast Guard while operating as a part of the Navy during the period of the present war, and for other purposes, reported the same with amendment, accompanied by a report (No. 514), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 918) for the relief of William E. Johnson, reported the same without amendment, accompanied by a report (No. 516), which said bill and report were referred to the Private Calendar.

He also, from the Committee on Public Lands, to which was referred the bill (H. R. 4239) for the relief of Dora Gaines Delano, and for other purposes, reported the same without amendment, accompanied by a report (No. 517), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 11691) to provide for the purchase of a site and the erection of a building thereon at Marshfield, in the State of Oregon; to the Committee on Public Buildings and Grounds.

By Mr. SISSON: A bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. WELLING: A bill (H. R. 11693) for the relief of purchasers from the State of Utah of lands in sections 2, 16, 32, and 36 in said State; to the Committee on the Public Lands.

Also, a bill (H. R. 11694) to amend the public-building act approved March 4, 1913; to the Committee on the Public Lands.

By Mr. LANGLEY: Resolution (H. Res. 323) increasing the compensation of the majority and minority messengers in charge of telephones; to the Committee on Accounts.

By Mr. SWIFT: Memorial of the Legislature of the State of New York, favoring the entrance of the United States into a league of nations for the preservation of peace; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the Legislature of the State of New York, favoring the entrance of the United States into a league of nations to safeguard peace after the termination of the present war; to the Committee on Foreign Affairs.

By Mr. DOOLING: Memorial of the Legislature of the State of New York, favoring a league of nations to safeguard peace after the termination of the present war; to the Committee on Foreign Affairs.

By Mr. SAUNDERS of Virginia: A bill (H. R. 11695) to create a rural credits society and general insurance league to facilitate the increase in farm production, to create two fiscal and financial agents for the Government of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. HUTCHINSON: Resolution (H. Res. 324) to increase the salaries of the two chief pages of the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 11696) granting an increase of pension to Sallie Hager; to the Committee on Pensions.

By Mr. CLASSON: A bill (H. R. 11697) granting an increase of pension to Joseph Martell; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 11698) granting pension to Elizabeth Freeman; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 11699) granting an increase of pension to James Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11700) granting an increase of pension to Louis G. Murray; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 11701) granting an increase of pension to Alonzo Matteson; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11702) granting a pension to Miley Fitzgerald; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11703) granting an increase of pension to John A. J. Taylor; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 11704), granting a pension to Angelia Meredith; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 11705) granting an increase of pension to Victor Fousse; to the Committee on Pensions.

By Mr. WINGO: A bill (H. R. 11706) granting an increase of pension to Daniel Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11707) granting an increase of pension to Benjamin F. Ford; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11708) granting a pension to Julia L. Reed; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Letter of the Journal of Commerce, New York City, protesting against the zone system for second-class mail matter; to the Committee on Ways and Means.

Also, resolution passed at Easter week meeting of the United Irish-American Societies, concerning the independence of Ireland; to the Committee on Foreign Affairs.

Also, resolution of the Chamber of Commerce of the United States, favoring a budget system by the National Government; to the Committee on Appropriations.

By Mr. CARY: Petition of Women's Club of Stevens Point, Wis., against increase of second-class postage; to the Committee on Ways and Means.

By Mr. CURRY of California: Resolutions of the Liberty League of Woodland, Cal., petitioning Congress to enact a law to punish persons and organizations responsible for pro-German activities or for the publication or public utterance tending to impede the success of the United States in the war, etc.; to the Committee on the Judiciary.

By Mr. DALE of New York: Protests against the zone system for second-class postage rates by the Board of Commerce, Dunkirk, N. Y.; the Mount Washington Presbyterian Church, New York City; the International Confectioner (Inc.), New York City; the Westminister class of the West Presbyterian Church, Binghamton, N. Y.; the New York State Federation of Labor; and the National Civic Federation, New York and New Jersey section; to the Committee on Ways and Means.

By Mr. DOOLING: Memorial of the Boot and Shoe Travelers' Association against the zone system for second-class postage rates; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Chamber of Commerce of the United States, advocating a national budget system; to the Committee on Appropriations.

By Mr. FULLER of Illinois: Petition of the Chamber of Commerce of the United States, for a national budget system; to the Committee on Appropriations.

Also, petition of Mr. and Mrs. F. W. Willoughby, of Rockford, Ill., and of the Tacoma (Wash.) Business Woman's Club, opposing increase of second-class postage rates and the zone system; to the committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Memorial of Philadelphia Board of Trade, favoring establishment of a free port system in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: Resolutions adopted by the Southwestern Millers' League, urging the passage of House bill 10957; to the Committee on Coinage, Weights, and Measures.

Also, petition of Henry B. Smith and 19 others, all citizens of the State of Colorado, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of E. J. Coburn and 111 others, against appointment of United States representative to the Vatican; to the Committee on the Judiciary.

Also, memorial of Elmer J. Conburn and 109 others, of Columbiana County, Ohio, asking repeal of zone postal law relating to newspapers; to the Committee on the Post Office and Post Roads.

By Mr. LUNDEEN: Memorial of the Minneapolis Municipal Nonpartisan League, in convention at Minneapolis, Minn., April 21, asking the support of the President and the Democratic administration for the national suffrage amendment; also asking the Senate's support for equal suffrage in the interest of democracy at home; to the Committee on Woman Suffrage.

By Mr. RAKER: Resolution drawn up and signed by 30 members of the Pearldale Farm Center, Pearldale, Cal., protesting against the zone system and urging its repeal; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the California Federation of Women's Clubs, requesting prohibition as a war measure; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions favoring partial payments of war excess-profit taxes from Rudloph Schreiber, Blogg & Littaeur, New York City; Frank Gilbert Paper Co., Eddy Valve Co., Waterford, N. Y.; Hiss, McLean & Haskins, Binghamton, N. Y.; Larkin & Co., Buffalo, N. Y.; Bolton Worsted Mills, Methuen, Mass.; Klee Bros., Chicago, Ill.; to the Committee on Ways and Means.

By Mr. WELTY: Petitions of U. M. Cochran et al., of Delphos, and Col. Ed Ammon, of Gordon, Ohio, against increase in second-class postage; to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 26, 1918.*

(Legislative day of Wednesday, April 24, 1918.)

The Senate met at 11 o'clock a. m.

The VICE PRESIDENT resumed the chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9832) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of the Trades Assembly of Minneapolis, Minn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a memorial of the Buildings' Exchange of Minneapolis, Minn., remonstrating against the adoption of a proposed amendment to the naval appropriation bill penalizing the granting of bonuses and premiums for efficiency of employees, which was ordered to lie on the table.

He also presented a petition of Henry Morton Post, Grand Army of the Republic, Department of Minnesota, of St. Charles, Minn., praying for an increase in the pensions of veterans of the Civil War, which was ordered to lie on the table.

Mr. TOWNSEND presented resolutions adopted by sundry citizens of the fifth congressional district of Michigan, and resolutions adopted by sundry citizens of Grand Rapids, Mich., favoring an investigation by Congress into the arrest of suffragists who picketed at the White House and also of treatment accorded the several suffragists who were detained at Occoquan, Va., which were ordered to lie on the table.

He also presented a petition of the Association of Commerce of Grand Rapids, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a memorial of the Woman's Home Missionary Society of the First Methodist Episcopal Church of Clio, Mich., remonstrating against the enactment of legislation providing for the running of railroad tracks directly opposite the Lucy Webb Hayes National Training School and the Sibley Memorial Hospital, Washington, D. C., which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Augusta, Me., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Waldoboro, Me., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon, and the bills were postponed indefinitely:

A bill (S. 168) to grant an honorable discharge to John W. Jester; and

A bill (S. 171) for the relief of Thomas W. Miller.

He also, from the same committee, to which was referred the bill (S. 3124) for the relief of Francis M. Atherton, reported it without amendment and submitted a report (No. 409) thereon.

Mr. FRELINGHUYSEN, from the Committee on Military Affairs, submitted a report (No. 410) accompanied by a bill (S. 4451) to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 4446) granting an increase of pension to Charles A. Lauman (with accompanying paper); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4447) granting an increase of pension to Daniel M. Crockett (with accompanying papers);

A bill (S. 4448) granting an increase of pension to Francis A. Strout (with accompanying papers);

A bill (S. 4449) granting an increase of pension to Hosea Butterfield (with accompanying papers); and

A bill (S. 4450) granting an increase of pension to Sewall W. Hewett (with accompanying papers); to the Committee on Pensions.

UNITED STATES BOY SCOUTS.

Mr. SMOOT. Mr. President, I have received a number of letters from different parts of the United States in relation to the Boy Scouts of America. I have a letter from Hughes, Rounds, Schurman & Dwight, of New York, dated April 18, 1918, upon this subject. I have been requested to have it printed in the RECORD, so that it may be a notice to the people of the United States as to what is taking place in reference to an organization known in the United States as the United States Boy Scouts, giving an account of the small group of men who head the organization which many people in the United States have mistaken to be the Boy Scouts of America. I will not take the time of the Senate to read it, but ask that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, *April 18, 1918.*

HON. REED SMOOT,
Washington, D. C.

BOY SCOUTS OF AMERICA V. UNITED STATES BOY SCOUTS.

DEAR SIR: For some time a small group of men, headed by a jeweler and repairman known as L. W. Amerman, of 7 Maiden Lane, New York City, and John D. Gluck, a professional charity solicitor, of 28 East Twenty-eighth Street, New York City, has been endeavoring to trade upon the good name and standing of the Boy Scouts of America. They obtained control of a paper organization known as the United States Boy Scouts or as the Seventh Regiment United States Boy Scouts, and have been leading people to think that they were interested in the Boy Scouts of America, the well-known Boy Scout organization. They have no connection whatever with the Boy Scouts of America, and there is no such organization known as the Seventh Regiment United States Boy Scouts in the true Boy Scout organization.

As attorneys for the Boy Scouts of America, as well as from a desire to protect an organization of which we have the highest opinion, and which we know is conducting war work second to none, we desire to warn you against sending any communication or having anything to do with Gluck and Amerman until you have satisfied yourself thoroughly as to the facts and as to what use will be made of a letter from you by them. Our investigations show it to be a fact that in the past Gluck and Amerman have made use of the names of prominent men to obtain contributions for themselves by misleading these men to believe they were supporting the Boy Scouts of America.

It is not only unfortunate but it is unpatriotic for the group of men headed by Gluck and Amerman to make the efforts they have been making in the last two weeks to bring themselves in the public eye. Their efforts at any other time would be of little or no importance and would not affect the Boy Scouts of America, but just at this time the Boy Scouts of America are ready to begin a nation-wide campaign in behalf of the third liberty loan. In the second campaign the Boy Scouts of America obtained over 533,000 subscriptions, amounting to over $102,000,000, and even greater success is anticipated in view of the careful plans that have been made for the third campaign in conjunction with the Treasury Department.

The practical results of the efforts of Gluck and Amerman can be no other than to interfere with the success of the third liberty loan and to cause confusion and misunderstanding.

Very truly, yours,

HUGHES, ROUNDS, SCHURMAN & DWIGHT.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate the executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smoot
Baird	Henderson	Nugent	Sutherland
Bankhead	Hollis	Overman	Thomas
Beckham	Johnson, Cal.	Page	Thompson
Chamberlain	Jones, N. Mex.	Phelan	Tillman
Colt	Jones, Wash.	Poindexter	Townsend
Culberson	Kellogg	Pomerene	Trammell
Cummins	Kirby	Ransdell	Underwood
Dillingham	Knox	Reed	Vardaman
Fall	Lenroot	Saulsbury	Wadsworth
Fernald	Lodge	Shafroth	Walsh
Fletcher	McKellar	Sheppard	Warren
Frelinghuysen	McLean	Sherman	Williams
Gallinger	McNary	Shields	Wolcott
Gronna	Martin	Smith, Ariz.	
Hale	Nelson	Smith, Ga.	
Harding	New	Smith, S. C.	

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF] is necessarily absent owing to illness.

Mr. HENDERSON. I desire to announce the absence of my colleague [Mr. PITTMAN] in the liberty-loan campaign. I ask that this announcement may stand for the day.

Mr. KIRBY. I wish to announce the unavoidable absence of my colleague [Mr. ROBINSON], now engaged in the liberty-loan campaign.

Mr. GALLINGER. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] is detained on official business and that the Senator from Maryland [Mr. FRANCE] is unavoidably absent.

Mr. MARTIN. I wish to announce that my colleague [Mr. SWANSON] is necessarily detained on important public business.

Mr. BECKHAM. I announce that my colleague, the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. NORRIS. Mr. President, in connection with what was said yesterday by the Senator from North Carolina [Mr. OVERMAN] on the amendment of the Senator from New York, I think we ought to pause for just a moment to consider what the act the Senator from North Carolina referred to contains.

Mr. THOMAS. Will the Senator permit me?

Mr. NORRIS. Certainly.

Mr. THOMAS. I have an intimation from the Senator from North Carolina that he is disposed to accept the amendment of the Senator from New York so far as he can do it.

Mr. NORRIS. I desire, notwithstanding that fact, to submit a few observations, and the Senator from North Carolina will have an opportunity to accept it as soon as I conclude.

The act referred to by the Senator from North Carolina yesterday, in which he thought power was already lodged, is "An act to authorize the President to increase temporarily the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and to make appropriations therefor, and for other purposes."

In an interruption yesterday I called attention to the fact that at the time this act was passed a great deal of stress was laid in the newspaper dispatches upon the importance of the act, in reality threatening Senators if they interposed any objection to the passage of that bill. The articles appeared, as I remember it, the day the bill was reported to the Senate from the Military Affairs Committee, and carried in Associated Press dispatches were published all over the United States, mentioning several Senators by name and intimating that they were opposed to the bill and were going to obstruct its passage. There was, however, no objection from any source to the passage of the bill. Every Senator who said anything about it expressed himself in favor of its passage, and it was passed unanimously without a roll-call vote. The only objection, as I remember it, that was made was an amendment offered by the Senator from Georgia [Mr. HARDWICK] to the bill, and upon that there was a roll-call vote. The bill provided in section 3 as follows:

That to provide the additional enlisted men required by this act, the President is authorized to raise and maintain, by voluntary enlistment or by draft, such number of enlisted men—

And so forth.

The Senator from Georgia made a motion to strike out the words "or by draft," and in the argument which took place on that amendment it developed that those who favored the amendment believed that there ought to be no authority to draft men for the air service, because of the peculiar fitness a man must possess to go into that service, and that it should be done by enlistment. On the other side it was argued by the chairman o the committee that it was not intended to draft anybody, and he realized that it was not a practical proposition to draft men for the aircraft service. The amendment was defeated, and the bill was passed without amendment.

That bill was reported from the Committee on Military Affairs on the 17th day of July, and it was passed through the Senate without amendment on the 18th day of July. You must remember that at the time we had the food-control bill before the Senate as the unfinished business. I think it was the food-control bill. It was some bill anyway, so that very little time was devoted to this bill. Not more than an hour or two of debate took place on it. So the bill passed the Senate, and, having passed the House July 14, it was approved by the President on the 24th day of the same month, and has been a law ever since.

Because I intend to vote against the pending Overman bill if it is not amended by eliminating one or two of the bureaus of the Government, I think I ought to state if the so-called Overman bill is amended so that a few exceptions can be made of bureaus that, in my judgment, have nothing to do with the carrying on of the war and that ought not to be interfered with and the power ought not to be given to any official to interfere with them—with those amendments, I expect to vote for the bill.

But in connection with that, as has been developed in this debate, when you are asked to specify, as I think ought to be specified in the bill to be fair with everybody, just what powers are wanted, it is found difficult to specify them, because it is found that the authority in the President already exists. For that reason I want to call attention to this aircraft law, which passed the Senate without opposition and which has been on the statute books since the 24th day of July and under which all the Government activities in regard to the Aircraft Board and aircraft construction have taken place.

I believe it will be found that the existing law contains all the powers which the Wadsworth amendment to the Overman bill would give the President, although I have no objection to the Wadsworth amendment. The President ought to have the power; but for fear that some one may say that this is one of the powers which ought to be given to the President, I want to read from the law the power the President now possesses over the Aircraft Board and that he has possessed ever since the 24th day of last July. Section 2, in part, says:

That to provide the additional commissioned personnel required by this act the President is authorized to promote, appoint, detail, or attach as temporary officers in the Signal Corps, including the Aviation Section thereof, officers of the Regular Army, National Army, or National Guard, or the Officers' Reserve Corps, or to appoint temporarily enlisted men of the Regular Army, enlisted men of the Enlisted Reserve Corps, or persons from civil life.

I take it that he can appoint from all classes of people. There are practically no exceptions.

The bill passed at that time as an administration measure, prepared, as I understand it, by the administration, contained 12 pages and a number of sections. A great many of the powers given to the President by that act are specified in section 9, and I want to read section 9 of the law:

SEC. 9. That during the existing emergency authority is hereby given to the President, through the War Department, for the purchase, manufacture, maintenance, repair, and operation of airships and other aerial machines, including instruments and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, including guns, armament, ammunition, and all necessary spare parts and equipment connected therewith; and all necessary buildings for equipment and personnel in the Aviation Section and for the purchase, maintenance, repair, and operation, through the Chief Signal Officer of the Army, of all motor-propelled passenger and equipment carrying vehicles which may be necessary for the Aviation Section of the Signal Corps.

And during the existing emergency authority is hereby further given for the establishment, equipment, maintenance, and operation of aviation stations, including (a) the acquisition of land, or any interest in land, with any buildings and improvements thereon, by purchase, lease, donation, condemnation, or otherwise: *Provided*, That by order of the President any unappropriated or reserved public lands may be reserved from entry, designated, and used for such aviation stations; (b) the improvement of such land by clearing, grading, draining, seeding, and otherwise making the same suitable for the purpose intended; (c) the construction, maintenance, and repair of permanent or temporary barracks, quarters, hospitals, mess houses, administration, instructional and recreational buildings, hangars, magazines, storehouses, sheds, shops, garages, boathouses, docks, radio stations, laboratories, observation stations, and all other buildings and structures necessary or advisable; (d) procuring and introducing water, electric light and power, telephones, telegraph, and sewerage to aviation stations and buildings and structures thereon by the extension of existing systems or the creation of new systems and their maintenance, operation and repair, installation of plumbing, electric fixtures and telephones, fire apparatus and fire-alarm systems and the maintenance, operation, and repair of all such systems, fixtures, and apparatus; (e) construction and repair of roads, walks, sea walls, breakwaters, bridges and wharves, dredging, filling, and otherwise improving land and water sites; (f) purchase of stoves and other cooking and heating apparatus, kitchen and tableware, and furniture and equipment for kitchens, mess halls, offices, quarters, barracks, hospitals, and other buildings, screens, lockers, refrigerators, and all other necessary equipment; (g) purchase of gasoline, oil, fuel, and all supplies of every kind and character necessary or advisable for maintenance and operation of aviation stations, including electric light and power, telephones, water supply and sewerage service; (h) purchase and manufacture and installation of all kinds of machinery, tools, material, supplies, and equipment for construction, maintenance, and repair of aircraft, buildings, and improvements at aviation stations, or property or appliances used in connection with aviation.

And also for the purchase or manufacture and issue of special clothing, wearing apparel, and similar equipment for aviation purposes.

And also for the actual and necessary expenses of officers, enlisted men, and civilian employees of the Army and authorized agents sent on special duty at home and abroad for aviation purposes, including observation and investigation of foreign military operations and organization, manufacture of aircraft, and engines, also special courses in foreign aviation schools and manufacturing establishments, to be paid upon certificates of the Secretary of War certifying that the expenditures were necessary for military purposes.

And also for vocational training, including employment of necessary civilian instructors in important trades related to aviation, purchase of tools, equipment, materials, and machines required for such training, purchase of textbooks, books of reference, scientific and professional papers, periodicals and magazines, and instruments and material for theoretical and practical instruction at aviation schools and stations, and all other means to carry out the provisions of section 27 of the act approved June 3, 1916, authorizing, in addition to the military training of soldiers while in active service, means for securing educational and vocational training of a character to increase their military efficiency and enable them to return to civil life better equipped for industrial, commercial, and general business occupations.

And also to pay and otherwise provide for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service and such enlisted men as may be enlisted in the Aviation Section of the Signal Corps under the provisions of section 2 of the act to increase temporarily the Military Establishment of the United States, approved May 18, 1917, or any subsequent act temporarily increasing the commissioned or enlisted personnel of the Aviation Section of the Signal Corps and such civilian employees as may be necessary, for the payment of their traveling and other necessary expenses when not traveling with troops: *Provided*, That hereafter all reserve officers and enlisted men of the Aviation Section of the Signal Corps shall be paid by Quartermaster Corps disbursing officers from funds transferred to their credit from Signal Corps appropriations.

And also for the payment of all expenses in connection with the development of suitable types of aviation engines, airplanes, and other aircraft appurtenances, including the cost of sample engines, airplanes, and appurtenances, cost of any patents and other rights therein, and costs of investigation, experimentation, and research in respect thereto.

And also for the payment of all expenses in connection with the creation, expansion, acquisition, and development of plants, factories, and establishments for the manufacture of airplanes, aircraft, engines, and appurtenances, including provision for the purchase or lease of land with the buildings thereon, construction of permanent or temporary buildings for all purposes, purchase of machinery, tools, and employment of operatives, together with all administrative expenses necessary, the purchase and supply of raw and semifinished materials and of fuel and all other things necessary for creating and extending the production of airplanes, aircraft, engines, and all appurtenances.

And also for creating, maintaining, and operating at technical schools and colleges courses of instruction for aviation students, including cost of instruction, equipment, and supplies necessary for instruction and subsistence of students while receiving such instruction.

Provided, That, subject to the approval of the Secretary of War, motor-propelled vehicles, airplanes, engines, parts thereof, and appurtenances may be exchanged in part payment for new equipment of the same or similar character to be used for the same purpose as those proposed to be exchanged.

Provided further, That during the present emergency, officers and enlisted men of foreign armies attached to the Aviation Section of the Signal Corps as instructors or inspectors when traveling in the United States on official business pertaining to the Aviation Section of the Signal Corps shall be authorized, from funds appropriated by this act, the same mileage and transportation allowances as are authorized for officers or enlisted men of the Regular Army.

Then follows the section which appropriates the money for carrying out the various objects that are enumerated, the sum being $640,000,000.

Mr. POINDEXTER. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. POINDEXTER. Did the Senator from Nebraska say that something was left out of the bill?

Mr. NORRIS. I did not notice that anything was left out. In fact, I can not think of anything more that could be put into the bill. It seems to me that, in so far as the aviation proposition is concerned, the President, when he asked for the passage of that bill, put into it everything that he could think of, and we gave him everything we could think of in the way of power to carry it out.

The VICE PRESIDENT. The question is on the amendment of the Senator from New York [Mr. WADSWORTH].

Mr. OVERMAN. Mr. President, I have no right to speak further, having spoken on yesterday for about two minutes. I said to the Senator from New York that I would examine the bill which has been read by the Senator from Nebraska and see whether the authority provided for is not already granted in what is known as the Overman bill. I think it is, except the amendment goes further than the Overman bill in that it authorizes the President to create an agency. Therefore, so far as I am concerned, I accept the amendment and ask the Senate to adopt it. I think, however, the Senator from New York modified his amendment in one respect yesterday afternoon, as it now differs from the amendment which I have on my desk. I will ask the Senator if the amendment as now before the Senate does not differ somewhat from the shape in which it was previously offered? I ask that the amendment be read, as that will be the best way to ascertain its present form.

The VICE PRESIDENT. The amendment of the Senator from New York will be read.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

Mr. OVERMAN. Mr. President, I have no objection to that amendment.

Mr. GALLINGER. Mr. President, I have been reading the amendment, and I am attracted by the concluding sentence:

And, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

I will ask the Senator from New York if there is any money remaining of the large appropriation that has been heretofore made? I have been told that the $640,000,000—I believe that is the figure—that we appropriated has been exhausted, and that there is a deficit of a couple of hundred million dollars.

Mr. WADSWORTH. Mr. President, in reply to the Senator from New Hampshire, let me say that my recollection of the testimony before the Military Affairs Committee is that more than $640,000,000 have been obligated by outstanding contracts, but the fulfillment of those contracts is so very much behind time that actually something less than $300,000,000, according to my recollection, has been expended. So, in that sense, there is an unexpended balance, but every penny of the appropriation is obligated. This amendment—the language of which was very hastily drawn and probably somewhat crude—would simply permit the President to transfer any or all of that money which is now obligated, but as yet unexpended, from the Treasury to an executive agency which he might name, and have him expend it.

Mr. GALLINGER. The Senator, I assume, means that the money being obligated and the contracts having been made——

Mr. WADSWORTH. The contracts have been made.

Mr. GALLINGER. Those contracts, I suppose, could not well be disturbed under the terms of this amendment, could they?

Mr. WADSWORTH. I think not. The paymaster would merely be a different person.

Mr. GALLINGER. I think that is all. I simply desired to be informed on that point, because I had been told by various persons who seemed to think, at least, that they had accurate information that the appropriation had been exhausted, and that the board was now calling for more money; but there will be no money to transfer, and doubtless these contracts will remain.

Mr. OVERMAN. I can not hear the Senator, and, if he will please do so, I should like for him to speak louder.

Mr. GALLINGER. I will repeat. I was saying that I had been told by various persons that the large appropriation heretofore made had been exhausted, and I assume it is, in a business sense at least, because contracts have been made that will take all of the money appropriated, and a still further amount will be asked for. So there will be no money to be transferred; the contracts will remain in force, I take it, and this new organization, if it does very much business, will have to come to Congress to get more money, which doubtless we shall have to appropriate. I shall, however, vote for the amendment.

Mr. SMOOT. Mr. President, I wish to ask the Senator from New York if he is quite sure that the statement he has made in relation to the expenditure of the money appropriated for the building of airplanes is correct?

Mr. WADSWORTH. I base the statement, Mr. President, on the testimony of Col. Deeds, made before the Committee on Military Affairs. That very point was brought up, but it was in secret session, and I do not now remember whether a record was kept of that testimony. Perhaps the Senator from Colorado [Mr. THOMAS] may remember.

Mr. THOMAS. I think not.

Mr. WADSWORTH. But, in any event, I think it was the Senator from Colorado who brought up that point and questioned Col. Deeds as to the financial status, as it were, and we were informed, according to the best of my recollection, that more than $640,000,000 had been obligated, but that the actual expenditures to date were something less than $300,000,000. Fifty-odd million dollars of that was for the building of aviation training camps.

Mr. SMOOT. The reason I asked the question was that there has been an estimate submitted by the Treasury Department for $400,000,000 additional for the building of airplanes, and it was stated to the subcommittee of the Committee on Appropriations that that sum should be appropriated immediately. The estimate was submitted to the committee after the last urgent deficiency appropriation bill had been considered and reported to the Senate; but I have been informed, Mr. President, the statement was made that not only had they spent the $640,000,000 but that there was a deficit of $200,000,000 at the time the estimate was submitted, and that they wanted $200,000,000 more; or, in other words, $400,000,000, as provided for in the estimate of the Secretary of the Treasury.

Mr. WADSWORTH. Will the Senator yield?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. WADSWORTH. I am not surprised that the Senator is somewhat mystified at the state of affairs, because it is well known that we have all been mystified to a certain extent in connection with the aircraft program. On September 13 last the Secretary of War, in a public announcement through the Official Bulletin, stated that the Liberty motor had had its final test; five or six weeks later it was announced through the Official Bulletin that already, in October, 1917, all types of

battle airplanes, fighting machines, and fast scout machines were in process of manufacture; and on February 20, 1918, there was published an official statement to the effect that we were five months ahead of our aviation program, so that the Senator from Utah is not alone in his endeavor to find out the truth.

Mr. SMOOT. If the statement made by the Senator from New York be correct, of course the provisions of the amendment should remain as they are, and I think, perhaps, Mr. President, the words relating to the availability of the money heretofore appropriated ought to remain in the amendment, at any rate, because if there is no money available, of course it can not be transferred.

But I rose, Mr. President, to make the statement that has been so generally made, outside of this Chamber, at least, that not only has the $640,000,000 been expended, but there is a deficit of $200,000,000, and I know that that amount was asked for by the Secretary of the Treasury, and it was desired to include it in the last urgent deficiency appropriation bill because of the fact that it was a deficit.

I will say, Mr. President, that I am not positive as to whether or not the statement in regard to the expenditure of the $640,000,000 is correct, but I am positive as to the request that was made and as to the estimate that was submitted.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield to the Senator.

Mr. THOMAS. Mr. President, if the Senator will permit, I think that the obligations which have been assumed by the Aviation Section transcend the appropriation of $640,000,000 very materially, and doubtless the request of the Secretary was made because of the fact that these obligations must be met, and can only be met, by a deficiency or other appropriation in addition to that of last year.

Mr. SMOOT. If that is the case, then it should not be classed as a deficiency, because wherever there is a deficiency and an appropriation is made to cover it, it is understood that the money has actually been paid out of the Treasury of the United States, and the appropriation is made to cover the amount so paid from the Treasury.

Mr. THOMAS. I have no personal knowledge of the fact I am stating, but, unless that be the condition, I am unable to account for the correctness of the statement of Col. Deeds, which, I think, was made upon a very intimate knowledge of the actual conditions.

Mr. GALLINGER. Mr. President, just a word. The observations I made were for the purpose of developing the very thing that has been discussed. The Committee on Appropriations was asked to give an additional appropriation of $400,000,000 for aircraft production, and unquestionably that appropriation will have to be made; there is no doubt in the world about that.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York [Mr. WADSWORTH].

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, I had not expected to discuss this bill, but was going to content myself, as I have usually done in these unusual cases, by voting for the measure, with the hope that there was something in it at least that would result in benefit to war preparation. I knew there was no new law necessary in order to give the President power to do all the things which the advocates of this bill openly claim ought to be done. I have felt, and still feel, that we have already granted all the power that could possibly be used by the President in the conduct of the war.

I have known that from the beginning of the war we have been imposing upon various bills amendments which had no place there of right, but which were put upon them because there was an opportunity to do so in the hysterical condition in which the Congress and the country found themselves, and because somebody unknown to Congress wanted the provisions. I have known that many measures called "war emergency bills" have been introduced whose parentage was at the White House, or at least in the administration, and they were urged because it was stated they were absolutely important to the successful conduct of the war and that they should be passed immediately, although Congress was not permitted to know the reasons. The proponents of the pending bill admit that conditions in the executive and administrative branches of the Government are bad, that preparedness has been seriously delayed, and that practically all of the war divisions have fallen short of what the country needs and of what it had a right to demand.

One of the causes of this failure, it is claimed, is the confusion and duplication of work in various offices. The fact is, and the country ought to know it, that all of this confusion and duplication are in departments operated by men selected by the President—men appointed by him and subject at all times to his orders.

I do not know of a single department which has been justly criticized for failure that has not been in charge of men appointed by the President; and the President, who has the power to appoint, has the power to remove. There is not a single one of these officers who can not be removed by the order of the President the same as he was placed there by the President. He requires no law to discharge the incompetent, none to engage the competent. But I have realized that the President has not coordinated these departments. He has not seen fit to remove unfit men from office. He has not seen fit—not until very recently, at least—to select big men from the country to take charge of the Nation's great emergency business; and I have been willing to do anything to induce action in this regard by the President.

It is claimed now that if this bill is passed the President will do the things which he has claimed ought to have been done and which the proponents of the measure believe should be done, and therefore I have felt that possibly it was wise to give him this proposed law, even though it contained powers which are unconnected with the war and which no man ought to have in a Republic, although I believe he would not exercise those powers, and I want something done more than is being done by the United States to win the war. But the remarks on yesterday of the Senator from North Carolina [Mr. OVERMAN], who has charge of this bill, gave me a new insight into the measure which I had not had before. He insists now that the President ought not to be compelled to come to Congress every time he wants anything; that he has been coming to Congress in the past with these emergency measures, and now it is found that they were mistakes, and he should be given authority to undo them without being subject to the annoyance and delay of coming to Congress.

Mr. OVERMAN. No, Mr. President. The Senator, I know, does not intend to misrepresent me. I said that by reason of the condition of the laws we had had to pass 8 or 10 bills, and I illustrated it by saying that there is one here now; that the President, under the authority of my bill, could have made the transfer proposed in that bill without being compelled to come to Congress, but that by reason of the limitations of the statutes he had to come here and ask for these bills, to which nobody objected, and it took time to pass them. I think there were 8 bills or 10 bills that lay here in Congress for some time because of the delays in the committees, and so forth, whereas if the President had had the power to transfer in those cases, as this bill provides, he would not have had to come to Congress.

I illustrated my meaning by a bill I had in my pocket that had been before the committee asking simply to allow Gen. Crowder, the Judge Advocate General, to transfer some engineers from the Quartermaster Department to his department for the purpose of construction. He told us that he had to have those people, but the law so limited him that he could not make the transfer, whereas if he had had the power which the pending bill confers he could have made the transfer. I illustrated my point by that bill. While nobody objected to it, it lay in the committee a long time, and eventually came to the Senate and was placed on the calendar, and was finally passed by the Senate, and now it sleeps in the House, whereas he needed those men at once.

Mr. TOWNSEND. Mr. President, I understood the Senator very well, and to be sure about it I went over his printed remarks this morning, in order that I might not misunderstand the situation. The Senator also cited at the same time the fact that we had already passed two bills with reference to aviation, and stated that they were hurriedly passed, and intimated that they were mistakes. It is a fact that many bills have been passed under the whip of emergency, really at the command of the President, and now it is proposed to pass a law that will enable those laws to be diverted from the purpose for which they were enacted, or nullified if the President so desires.

Mr. President, I know of no Executive action necessary to the successful prosecution of the war that has been delayed by the failure of Congress to appropriate money or enact necessary legislation. Immature and unwise laws have been enacted by Executive order and under the overworked excuse, "Necessary to win the war." These laws have had a stated object. Now, it is proposed to change these laws by Executive decree, and to that end this bill is presented. I had supposed that its object was to give the President power to coordinate the duties and functions of the men he had appointed, but which he had discovered were not working well where he had placed them. After the Military Affairs Committee of the

Senate had discovered the woeful lack of coordination and achievement on the part of the men that the President had placed in control of war matters and had recommended reorganization, the President became a convert to the idea, but he insisted it must be his idea. He, however, became an advocate of coordination, and hence this bill. But how inconsistent he is. This bill is to correct duplication of work, and yet another measure is now before the Senate and being urged by the junior Senator from Virginia [Mr. SWANSON] as the most important war measure that has come before Congress, namely, the housing bill, so called. That bill, instead of coordinating, is separating the functions of government.

For instance, we passed not a great while ago an emergency bill appropriating $50,000,000 for building houses to expedite shipbuilding. It was claimed by those who advocated the bill that it was absolutely essential that it be passed at once, and it was passed immediately. Now it appears that none of that money has been expended. That emergency legislation, passed months ago, is still unused, although the emergency still exists; and we learn indirectly through the discussion on the bill that the cause of delay is that the Department of Labor objects to the Shipping Board expending this money; and yet the President has absolute control of the Secretary of Labor. Now, this other bill is introduced, an emergency bill, appropriating $60,000,000 dollars for housing Government employees or the employees of various shipyards and institutions of the Government. That money is to be expended by the Secretary of Labor. There is a confusion of duties, a duplication of the same duty by two different departments of the Government officered by appointment from the President himself. Mr. President, there must be some reason for this. The authors of this bill must have it in mind that possibly when we pass this housing bill, under authority of the so-called Overman bill, the President is going to coordinate or combine the two housing propositions, and, of course, it will all be under the Department of Labor. The President was wrong when he asked for the former law. May he not be wrong about the pending bill?

Mr. President, is it fair to the country and to the Congress to have matters conducted in this way? There is not any doubt that if the President would come to Congress and ask that he be given authority to combine and coordinate the various departments of the War and Navy, even though he has that power already, it would be regranted to him; but now we are asked that he shall not only absolutely control the affairs that affect the Army and the Navy, but that he shall control the affairs that affect the civil departments of the Government; and the persistence with which Senators insist that none of these civil powers shall be eliminated from the bill, when nobody has shown the necessity for their existence in the President, makes me feel that there is something back of this bill that we do not understand, especially after the statement of the Senator from North Carolina on yesterday.

Nobody, I take it, would openly come out and say that we ought to delegate to the President the power to make the laws of the country, and yet in no other way will the President be relieved of the necessity of coming to Congress once in a while for the things that he feels to be necessary to be written into law, but that is what the Senator complains about.

Mr. OVERMAN. No, Mr. President. I hate to interrupt the Senator, because if I do so it will be taken out of his time, but I think he misunderstood me; that is all. I do not want to take up his time.

Mr. TOWNSEND. Mr. President, as I said in the beginning, I want us to win this war. I want to do everything that I ought to do to help win the war, and I have voted unlimited power to the President for this purpose, but I dislike very much to have Congress stultify itself in this way, when the President apparently is unwilling to submit the reasons he has for asking for the passage of the bill. I understand that two Members of the Senate—one a Democrat and one a Republican—called on the President and asked him what specific powers he wanted, what he wanted to do, and his reply was, "It is difficult to express in words." He has not asked us for specific power. He has not come to us and stated, as I think he ought to have done, just what he needs that he does not have. Nobody would deny him any power that he needs, but is it right for Congress to sit here and vote blindly for legislation which it believes unwise simply because the friends of the President say he wants it and that he will give no reason for it?

Why, it has been stated frequently that the Senate and the Congress are falling into disrepute, because they have ceased to function. Why have they ceased to function? Because they allow bills to be prepared outside of the Congress and presented here, and thus with scarcely an opportunity to read them enact them into law. And then the very Senators who claimed to speak for the President when they urged immediate action afterwards arise in the Senate and accuse the Senate of having legislated hurriedly and unwisely. What is happening to this measure now? No two Senators agree on its purpose or on what can and will be done under it. Is this to be another mistake which the President may correct by his decree hereafter? Congress will justly be in disrepute if it continues to so legislate.

What objection can there be to the proposition of the senior Senator from Georgia [Mr. SMITH] of giving to the President—I know he possesses it now, but if he wants it repeated, all right—the power to coordinate and consolidate and operate the Departments of the War and Navy, the departments which have to do with the war? Nobody would object to that; but it is insisted that we must do here just what was done in the railroad bill. You put into that bill certain things which apply only to conditions of peace, because there was an opportunity to do it. It is a mistake, Senators, because we are not legislating wisely now. We are legislating under hysteria and should be careful lest we make vital mistakes; we are willing to meet the extraordinary conditions with extraordinary measures. But you ought not to ask us, the President ought not to ask us, to stultify ourselves by voting contrary to what we know to be right, what every Senator in this body knows to be right, simply because there is an emergency, and couple the necessity for consolidation with this proposition to control civil affairs, which in a republic are better controlled by the people's legislature than by an autocrat, however wise or benevolent.

So, Mr. President, I have been confused. As I said in the beginning, I intended to vote for this bill, believing that it contained many unnecessary things, many unwise things, but also believing that possibly it might be a spur to the President, who is Commander in Chief and must be held responsible, to do the things which the country is demanding and for lack of which it is suffering to-day.

When the Congress proposed to establish a director of munitions and a war cabinet, the President objected. He said he would not have them and the bills died. He then assumed to do about the same thing in another and less efficient way. I regret that he seems inclined to ignore Congress; but so long as he accomplishes the needs of war I shall not bitterly complain. I am glad his very opposition to the war measures proposed by the Military Affairs Committee has induced him to recognize the need of big men of experience and ability. If he wants to humiliate Congress, if he wants to say, "I will not take what you suggest; I will have my own way about it," I will submit to that if it helps to win the war, if it helps us to meet the supreme needs of the hour; but I want that done. I feel that it must be done.

Mr. WADSWORTH. Mr. President, there is a certain phase of this matter that I desire to bring to the attention of the Senate, and its recital must involve, in turn, a very brief review of the history of this legislation and other legislation seeking to accomplish the same object.

The Senate will remember that in the month of January the Committee on Military Affairs reported to the Senate a bill to create the office of director of munitions, an official to be appointed by the President and confirmed by the Senate, and to be given jurisdiction over the production and manufacture of those munitions of war which the President, in his discretion, might decide could be wisely allotted to such an officer. As the Senator from Michigan [Mr. TOWNSEND] has just stated, the President determined that that bill must not pass—or, in any event, that if it did pass he would veto it—and he declared at that time, by inference at least, that no improvement was necessary in the war-making machinery; and, in fact, his Secretary of War, in testimony before the Committee on Military Affairs, told the committee in so many words that no activity of the committee was useful; that he was entirely up to date. Those sentences will be found in the printed testimony as given by the Secretary of War. As the Senator from Michigan has truly stated, it was inevitable that the bill creating a director of munitions should, in effect, die, as, of course, it would be impracticable for the Congress to pass such an act merely to have it vetoed by the President.

Since the time when the Secretary of War informed the Committee on Military Affairs that none of its suggestions were of value and that he and his administration were up to date, there has been a very extensive reorganization of the War Department. That reorganization in a very large degree follows out those recommendations of the Committee on Military Affairs which were adjudged to be of no value by the Secretary. I have rejoiced from time to time when I have seen these reforms and improvements inaugurated in the War Department. I believed in January, as I believe to-day, that they were inevitable; that

they had to be done; that the force of events, more powerful than the prejudices and desires of mere persons, would eventually compel the administration to inaugurate and put into effect many of the reforms suggested by the Committee on Military Affairs. It would be interesting, if there were time to go into detail, to recite some of the things that have been done since the Secretary appeared before the committee and which the members of the committee, either jointly or severally, recommended should be done; but it would not throw any light upon this discussion, and I shall not indulge in it at this time.

To follow along the development of the idea of a director of munitions, an office which each of our allies in this war has created by the advice of the parliaments of those respective countries, but which we thus far have not in a statutory sense created, the Senate will remember that step by step during the last two months the chairman of the War Industries Board has, by Executive order, in one conspicuous instance at least, contained in a personal letter addressed by the President to Mr. Baruch, the chairman of the War Industries Board, been clothed with certain authority over the production and manufacture of certain materials needed in the waging of the war. Mr. Baruch appeared before the Military Affairs Committee two or three weeks ago and told us something of the power that he is exercising, and it occurred I think to every member of the committee instantly, upon hearing his testimony, that the administration must have made up its mind that a directorate of munitions was a pretty good thing after all.

Now, this has a very distinct relation to the terms of this bill, and the status of the chairman of the War Industries Board is a thing which should be thoroughly understood before we make up our minds to the belief that the bill introduced by the Senator from North Carolina will have any effect whatsoever upon Mr. Baruch's status or his duties.

The first day that the bill was brought before the Senate, and when the Senator from North Carolina had the floor, I undertook to secure from him a definition of the term "governmental agency." I had in mind also, had the colloquy lasted a little longer, but I did not care to press it, to ask the Senator from North Carolina what was meant by the term "executive and administrative agencies, commissions, bureaus, or offices." This short colloquy which occurred will be found on page 4505 of the RECORD:

Mr. WADSWORTH. Will the Senator inform the Senate as to the definition of the term "governmental agency"?

A term which I believe the Senator from North Carolina had used in his remarks.

Mr. OVERMAN. Any agency established by Congress.

I concur, with no great pride of opinion, in the definition given by the Senator from North Carolina. If it is true, as the Senator from North Carolina said upon that occasion, that the term "governmental agency" is confined to those agencies created by an act of Congress, the bill introduced by the Senator from North Carolina is not nearly as extensive in its provisions nor will it bring about many of the tremendous improvements claimed for it by him, for under its terms and in its operation the President is confined in this transfer and redistribution of function to the field occupied solely and entirely by executive and administrative offices, bureaus, boards, and commissions, which according to the definition given by the Senator from North Carolina, the introducer of the bill, and who must therefore reflect the ideas of the administration itself, means only those boards, offices, and bureaus that have been created by an act of Congress.

If this interpretation is correct, we find that the War Industries Board is not and can not be included in the term "executive agency" or "administrative agency," for the War Industries Board is merely one of the subcommittees of the advisory commission of the Council of National Defense. Let us see what the Council of National Defense is, and ascertain if it can be considered as an administrative or executive agency of the Government. The Council of National Defense was created by an act of Congress approved August 29, 1916, and in the printed copy on page 34 will be found the section which created the council:

SEC. 2. That a Council of National Defense is hereby established for the coordination of industries and resources for the national security and welfare, to consist of—

And then follow the designations of five Cabinet officers.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry—

And so forth.

The members of the advisory commission shall serve without compensation.

* * * * * * *

The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

And then this significant language:

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of the executive departments.

The Council of National Defense and its advisory commission, Mr. President, are not clothed with any executive power, and, in my humble judgment, can not be included in the category of executive or administrative agencies. Their functions are purely advisory.

Further on in the act the advisory commission or the council itself, I forget which, is authorized to appoint subcommittees for the purpose of subdividing this work of investigation and the making of recommendations following investigation. One of those subcommittees in the process of time grew to be the War Industries Board, and the War Industries Board is no more clothed with executive authority and power and can no more be termed an executive or administrative agency than can a committee of the Senate.

Many Senators defending this bill upon the floor have sought to persuade the Senate that under its terms the President could transfer executive and administrative functions from one officer now holding those functions to any other officer appointed according to law, but the bill expressly says that such transfers must be confined to officials, boards, and bureaus who are performing executive and administrative duties.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from New York yield to the Senator from Iowa?

Mr. WADSWORTH. I yield.

Mr. CUMMINS. The point just made by the Senator from New York has given me some concern. I am not sure but that his interpretation is correct, but I beg his attention to the peculiar phraseology used in section 2. The authority given to utilize, coordinate, or consolidate the commissions, bureaus, or agencies is limited, namely, to executive and administrative commissions, bureaus, or agencies, but the clause following reads:

To transfer—

That is, the President is authorized to transfer—

any duties or powers from one existing department—

And the word "department" was not used in the former clause—

commission, bureau, agency, office, or officer to another.

I have, I confess, some doubt about it in my mind, but I am rather inclined to believe that there is no limitation in that authority. It is not limited to executive and administrative commissions, departments, and bureaus. I suppose the Senator from New York has given thought to that peculiar omission in the clause?

Mr. WADSWORTH. I will say in reply to the Senator from Iowa that the terms of the bill and its purposes have been a mystery to me from the day it was introduced. I can not understand what it means. I am a layman in the law, but when I read at the bottom of the first page:

The President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary.

I am inclined to believe that he is confined in that redistribution to executive agencies.

Mr. CUMMINS. But the Senator from New York will observe that the first section deals with redistribution, and I agree with him that it is limited to the redistribution among executive departments, commissions, bureaus, and so forth. Section 3 then takes the matter up and introduces the authority to utilize and consolidate. There the bill is broadened by the introduction of the word "administrative," and then, in order to make assurance doubly sure, the President is given authority to transfer duties or powers, and in that part of the bill the qualifying words are omitted entirely. I do not know just how it will be interpreted, but if I were asked to interpret it I would say that this is a cumulative power, and that the last clause gives the President the power to transfer the powers and duties of any department, any bureau, any commission, or any office to another department, bureau, commission, or office.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. KELLOGG. I do not want to interrupt the Senator if he needs all his time.

Mr. WADSWORTH. I will yield to the Senator for a question or a statement, if he wishes.

Mr. KELLOGG. I wish to say that I am inclined to think the Senator from New York is correct about the construction of the bill being confined to executive duties, because all the officers of the Government are legislative, judicial, or executive officers. Do I understand the Senator's point to be that the Council of National Defense is not an executive office?

Mr. WADSWORTH. So I believe.

Mr. KELLOGG. That it is merely advisory?

Mr. WADSWORTH. Merely advisory; and so is the War Industries Board merely an advisory body. I do not know how confident the Senator from Iowa is in his construction of this language. I am not confident in my construction of it, I freely admit. But if the construction of the Senator from Iowa is the true construction it would follow that the President could continue indefinitely to appoint any number of subcommittees of the advisory commission of the Council of National Defense and construe the occupants of those offices as being eligible for exercising executive power. He could cover the United States with subcommittees of the Council of National Defense if the construction of the Senator from Iowa is correct, and I do not say that it is not. I am puzzled about this language. I am almost as much puzzled about it as some of the supporters of the bill.

Mr. CUMMINS. That would be impossible.

Mr. WADSWORTH. If the Senator from Iowa is correct in stating that the President could transfer any duties of an executive character now reposed in an office created by law to any existing department, commission, bureau, agency, or officer, then there is no limit whatsoever.

Mr. CUMMINS. I may say to the Senator from New York that this is not the first time the question has arisen. It is the first time it has arisen on the floor of the Senate, but it arose in the committee. The Senator from New York may have heard the Senator from Minnesota [Mr. NELSON] say that he offered the amendment inserting the word "administrative" in order to remove the advisory committee from the operation of the bill. I have no doubt he was correct in that. I think that was the purpose. But it was suggested then, and to my mind ever since, as being very peculiar that the same qualification, the same limitation, was not introduced in the succeeding phrase.

Mr. WADSWORTH. Mr. President, I have discussed this phase of the matter for the purpose partially of explaining my attitude with respect to the amendment which I offered yesterday and which the Senate adopted to-day. According to my reading of this language, Mr. Ryan, who upon yesterday was named as Chief of the Division of Aircraft Production in the War Department, is not an executive agency nor an administrative agency according to the definition given by the author of this bill, Mr. OVERMAN. My purpose in introducing the amendment was to make it possible for the President to give to Mr. Ryan executive powers in handling the aircraft program, for, according to my reading of this language, the bill would not permit such a thing. The Senator from Iowa thinks it would. The Senator from North Carolina thinks it would not, as I understand him.

Mr. OVERMAN. I said I agreed with what the Senator said, that it applied to a Government agency created by Congress. I contend that every man appointed under the national-defense act is an administrative agent provided by law giving the President the power to appoint.

Mr. WADSWORTH. But the act creating the Council of National Defense defines their duties, and they are directed to advise the President. That is not an executive office.

Mr. OVERMAN. They could not be created except by some law passed, and Mr. Ryan was appointed, if at all, under the national-defense act.

Mr. WADSWORTH. No, Mr. President; Mr. Ryan was not appointed according to any specific act of Congress. He was appointed by Executive order to be the head of a division, but the President can not confer upon Mr. Ryan under the terms of this bill, as I read it, the power to enter into a contract and expend Government money unless, of course, the amendment which I did offer was adopted.

Mr. OVERMAN. I think that is correct.

Mr. WADSWORTH. An officer who can not expend money and can not enter into contracts on behalf of the Government can scarcely be said to be holding an executive office in the true sense of the term.

Mr. OVERMAN. I think he is holding an executive administrative office; and the President can transfer functions that are not provided by law to such persons under the bill.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Washington?

Mr. WADSWORTH. I yield to the Senator from Washington.

Mr. POINDEXTER. The money that was appropriated for the procurement of aircraft was to be expended by the War Department, was it not?

Mr. WADSWORTH. It was.

Mr. POINDEXTER. The Secretary of War has authority to expend that money for the purposes for which it was appropriated, as I understand?

Mr. WADSWORTH. He has.

Mr. POINDEXTER. Gen. Squier was the head of the Signal Corps of the Army, which included, among its various duties, the Aviation Service. Is that correct?

Mr. WADSWORTH. That is true.

Mr. POINDEXTER. Now, I should like to ask the Senator from New York if there is not authority in the law for the President of the United States, who really is the responsible executive officer, to appoint officers of the Army or civilian employees of the Army to conduct and execute the various branches of this work over which the Secretary of War has complete legal authority, and the head of which, up to the present time at least, is Gen. Squier? Is there any limitation upon the existing authority of the President to segregate the details of this work, and through the Secretary of War or through Gen. Squier, or whoever takes Gen. Squier's place, to appoint military or civil officers to expend this money and to get the results which Congress expected when it appropriated it?

Mr. WADSWORTH. Of course, Mr. President, there is no restriction on the power of the President as Commander in Chief of the Army and Navy to order any Army officer to do anything; and, according to my judgment, he can establish any state of affairs inside the War Department or inside the Navy Department, in the matter of administration or the distribution of executive powers among Army and Navy officers under his authority as Commander in Chief; but this bill has been advertised all over the country as being far more sweeping than that. We are going to have the millennium under this bill, according to the prophecies of its advocates. The impression is being created—which I think is a false one—that under this bill the President can take a function of the War Department and give it to a member of an advisory committee of the Council of National Defense. I do not think he can. There will be no end to this puzzle, I fear.

I feel somewhat guilty in indulging in this discussion, because I am conscious of not getting anywhere; and, frankly, Senators, I have not heard any considerable group of Senators get anywhere in all this discussion as to what this bill really means; what it is intended to do or what is going to be done under its provisions.

The Senator from Arkansas [Mr. KIRBY] stated yesterday—and he has been a justice of the highest court of his home State—that this bill would not affect the Interstate Commerce Commission in the review of railway rates. It seems to me that early in the discussion, if I remember correctly, the Senator from North Carolina [Mr. OVERMAN] expressed it as his opinion at that time that the Interstate Commerce Commission was not included in this bill. I think that expression was drawn out in a colloquy with the junior Senator from Pennsylvania [Mr. KNOX]. The Senator from Iowa [Mr. CUMMINS], who has made a more extensive study of the railway and transportation problem than has any other Member of this body, states that it will affect the Interstate Commerce Commission. The Senator from Georgia [Mr. SMITH] states that it will affect the Federal Reserve Board. I do not know; the author of the bill can not tell us; and the President declines to say anything about it, though the bill comes from him. In spite of this doubt that has been thrown into the minds of able lawyers upon this floor, it is still insisted that this bill must pass without any amendment.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Georgia?

Mr. WADSWORTH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Surely no one questions that this bill gives the right to any President during the war to transfer the functions either of the Interstate Commerce Commission or of the Federal Reserve Board to any Government agency to which he may see fit to transfer them.

Mr. WADSWORTH. That is the view of the Senator from Georgia; I concur in it; but the Senator from Arkansas disagrees, and he is a supporter of the bill.

Mr. President, the introduction of this bill, the date of which is printed on its face as February 6, followed almost immediately the report from the Committee on Military Affairs of the di-

rector of munitions bill; a bill which was specific in its terms; a bill which every Senator could thoroughly understand; a bill which the administration could thoroughly understand; a bill which the entire public of the United States could understand; a bill introduced and reported to the Senate with the same object in view as this bill has, if we are to believe the introducer and supporters of this bill; and yet not even the introducer and supporters of this bill can tell what its field of power is. I am tempted to believe—I am not thoroughly convinced of it—but I am tempted to believe that this bill was introduced on February 6, within a few days of the report of the director of munitions bill, to befog the issue.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. FALL. The Senator from New York has just said that anyone whomsoever could without difficulty understand exactly the meaning of the bill to which he has referred, which was reported from the Military Affairs Committee—the director of munitions bill. Is that, in the judgment of the Senator, not the reason that it is impossible to pass it? [Laughter.]

Mr. WADSWORTH. It is a contributory reason, I have no doubt; but I regard it as unfortunate, Mr. President, that there should have been substituted for a bill such as the director of munitions bill, which had the same object in view as has been explained on the floor of the Senate by the Senator from North Carolina, and which is perfectly plain, and which everybody can understand—I regard it as unfortunate that there has been substituted for that a bill which no two men agree upon as to its terms and meaning; and I can not help being impressed with the idea, as I said a few moments ago, that there was a very clever purpose in view when this bill—Senate bill 3771—was introduced. The public attention was to be diverted from the director of munitions bill. Week after week has gone by since that time. Delays have accumulated. Time has been lost and millions of dollars have been spent ineffectively. The Overman bill may meet the situation, but no Senator, nor even the President, has been able to say when, where, or how.

Mr. LODGE. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. WADSWORTH. My time has expired.

Mr. LODGE. I will take my own time and ask the Senator a question. I was going to ask the Senator, in connection with what he was just saying, whether he had not overlooked what is the real purpose of the bill, which is to show that the Senators who have been thinking for themselves had failed to carry their bill, and that the President had carried substantially the same provisions in a bill of his own, thus deriving great personal satisfaction and comfort from it?

Mr. WADSWORTH. I could not answer the question of the Senator from Massachusetts unless I were a mind reader.

The PRESIDING OFFICER. The bill is still before the Senate and in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, about one hour ago I made a statement in relation to the appropriation asked for by the Secretary of the Treasury for the increase in the Aviation Signal Corps for the year 1918. I was mistaken in one particular. I stated that there was an additional appropriation of $200,000,000 asked for over and above the $200,000,000 deficit requested. Instead of being $200,000,000 it was $250,000,000. The amount I named was $50,000,000 too small.

In order that the RECORD may be straight in that matter and it may be seen that the $200,000,000 asked for was a deficit and the $250,000,000 was for authorized contracts yet to be made, I wish to read into the RECORD the letter of the Secretary of the Treasury, dated March 12, 1918, addressed to the President of the Senate, transmitting the estimate submitted by Benedict Crowell, Acting Secretary of War. The Secretary's letter reads as follows:

TREASURY DEPARTMENT,
Washington, March 12, 1918.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress copy of a communication from the Acting Secretary of War of the 11th instant, submitting a deficiency estimate of appropriation in the sum of $200,000,000, required by the Signal Corps of the Army for "Increase in aviation, Signal Corps, 1918," being additional to the appropriation of $640,000,000 made for this object in public act No. 29, July 24, 1917. In addition to the appropriation of $200,000,000 requested, the estimate also provides for contract authorizations not to exceed $250,000,000. The necessity for the appropriation and legislation asked and the reasons for their submission at this time are fully set forth in the letters of the Acting Secretary of War and the Chief Signal Officer herewith.

Respectfully, W. G. MCADOO, *Secretary.*

The letter of the Acting Secretary of War, dated March 11, 1918, reads as follows:

WAR DEPARTMENT,
Washington, March 11, 1918.

SIR: I have the honor to forward herewith, for transmission to Congress, a deficiency estimate for an additional appropriation of $200,000,000 required by the Signal Corps to cover deficiencies existing in the special appropriation of $640,000,000 made by Congress in the act approved July 24, 1917, to temporarily increase the Signal Corps of the Army and to purchase, manufacture, maintain, repair, and operate airships, and for other purposes therein specified.

In addition to the cash appropriation of $200,000,000 requested, the estimate provides for contract authorizations not to exceed $250,000,000. The Chief Signal Officer states that it will be necessary to incur obligations to that extent before the close of the current fiscal year in excess of the cash appropriations.

It is requested that this estimate be forwarded to Congress at the earliest possible date for consideration in connection with the pending urgent deficiency bill.

Very respectfully, BENEDICT CROWELL,
Acting Secretary of War.

The SECRETARY OF THE TREASURY.

Mr. President, that is the estimate I had reference to in the statement based upon the question asked by the Senator from New York.

Now, Mr. President, I ask the Senator from North Carolina, having the bill in charge, if he will not agree to adjourn at this time, because it is quite evident that we can not get a vote to-day; many Senators have already left the Chamber, and I think there will be no time conserved in holding the Senate in session during the remaining 20 minutes.

Mr. OVERMAN. The order of the Senate was to adjourn at half past 1 in order that Senators and the employees of the Senate might join the parade. I suppose that most Senators now here would like to have lunch, and it is very evident that we shall have no vote to-day. Therefore I ask unanimous consent that the Senate now take a recess until to-morrow at 12 o'clock.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

There being no objection, the Senate (at 1 o'clock and 10 minutes p. m., Friday, April 26, 1918) took a recess until to-morrow, Saturday, April 27, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 26, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, Heavenly Father, our wisdom, our strength, our courage, our fortitude, pour out upon us, we beseech Thee, abundantly of these gifts and teach us anew the old truth, "United, we stand; divided, we fall."

This day has been set apart by the President of the United States as Liberty Bond Day; and as our young men have responded bravely to give their strength, their courage, their fortitude, and even life, for the liberty we have inherited from our fathers, help us as a people to respond cheerfully, generously, bravely, to the call for means to uphold and sustain our Army and Navy, by giving of our substance to the call of the Nation, that we may stand behind the men behind the guns in this hour of peril. Money, life itself, is nothing without liberty.

Hear us, O Lord, and grant our petition in His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

NONCOMBATANT COMMISSIONED OFFICERS.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter addressed by the Democratic floor leader of the House, Mr. KITCHIN, to a citizen of Ohio, who addressed him a letter on the subject, concerning the desecration of the wearing of a soldier's uniform by a slacker.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated.

Mr. BUTLER. Mr. Speaker, this letter which I would like to insert appeared in the Cleveland Plain Dealer on April 20 of this year.

The SPEAKER. Is there objection?

There was no objection.

STATUE OF FREDERICK THE GREAT.

Mr. SHERWOOD. Mr. Speaker, on the 26th of February, 1909, I made a speech on this floor against placing a statue of Frederick the Great in this National Capital, for which I was criticized at the time. I ask unanimous consent to print in the RECORD an extract from that speech, about half a column.

The SPEAKER. The gentleman from Ohio asks unanimous consent to insert in the RECORD an extract from the speech he made concerning the statue of Frederick the Great. Is there objection?

Mr. ROBBINS. Mr. Speaker, reserving the right to object, would not the gentleman be content to publish also the fact that that statue has been removed from in front of the War College and packed away as old junk in the basement of the War College?

Mr. SHERWOOD. My only object in printing this speech now is that it now appears to be very timely and popular, though at the time I was criticized. It is just a short extract.

Mr. ROBBINS. I have no objection.

The SPEAKER. Of course, the gentleman's remark about the junk in the basement of the War College will appear in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

[From CONGRESSIONAL RECORD, dated Feb. 26, 1909, p. 3268.]

"The recent dedication of a statue of Frederick the Great in our National Capital indicates the flavor and character of our patriotic ideals. Here let me ask what did Frederick the Great stand for, and what does this statue stand for now? Just what Alexander the Great, Peter the Great, Julius Cæsar, and Napoleon Bonaparte stood for—the crushing out of weaker peoples by the cruel sword in order to build new empires upon their ruins, resting upon bayonets.

"And what did Frederick the Great achieve in his bloody career of empire building that should call for his statue in the Capital of a Republic? It is true he fought great battles and won great victories, but it is also true that in all the 50 battles he fought not one was for the benefit of a single human being, save the imperial head of the Hohenzollern dynasty. When the great Frederick fought the Russians at Zarndorf in August, 1758, he slaughtered 19,000 Russians and left 11,000 Prussians dead upon that awful field. He gave the order that no quarter be given the surrendered Russians, and all were put to the sword.

"It would be fitting and proper that a monument be erected to the German soldiers who fought in our wars, but here is no place for an empire builder who shed the blood of innocent thousands to perpetuate the rule of monarchial heredity.

"After setting up the statue of the great Frederick we can not refuse a place to one of Russia's czars, and France should ask for a statue of Louis XVI, for he sent an army and a navy to fight our battles for us and made the birth of this Republic possible.

"And surely Great Britain, owing to our recent covert alliance, has a right to demand a statue of one of her seventeenth century conquering kings. And should King Edward the Seventh select George the Third, an eighteenth century product, how would that figure look to the patriotic student of American history alongside of George Washington and Benjamin Franklin, Patrick Henry, and old John Adams? And after the monarchs of the Old World have all been represented here there will be no room in the Rotunda for that plain-faced citizen, in citizen's clothes—Abraham Lincoln—now standing under the great Dome. And Thomas Jefferson will have to be pushed aside to make room for some gilded statue with a crown, standing as a silent orator of kingly heredity under the heroic figure of the Goddess of Liberty.

"I hold that this National House of Representatives, the only representative body of the American people, and for the American people, should protest against the tendency so apparent during the administration of Theodore Roosevelt to cast aside the patriotic teachings of the fathers of the Republic and take on royal forms and symbols. This Capitol is all ours, and it should be kept as liberty's central home. It should never be desecrated with the statues of imperial conquerors or kings or emperors or czars, but forever consecrated to the ever-prescient spirit of democracy. We should keep the air of freedom's Capitol wholesome and pure, to illustrate and typify the heroic spirit that characterized the founders of the Republic—Washington and Jefferson and the illustrious peace-loving patriots of 137 years ago."

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 9832. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town.

AUGUST GEILFUSS.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. NICHOLLS of South Carolina. Mr. Speaker, recently an editorial was printed in the Spartanburg Journal, of Spartanburg, S. C., reflecting very much, as I considered, upon Senator TILLMAN and myself. The facts, briefly stated, are as follows: A very prominent citizen of my city was charged, or about to be charged, with a serious offense. He is an American citizen, was born here, and his parents were born here. It so happened that his grandparents, whom he never saw, were born in Germany. He came to us and presented the facts and we asked the district attorney to withhold a warrant arresting the man until a thorough investigation was made. We have been very much criticized on account of our action in asking a Government official to see that a thorough investigation was made before an injustice was done. I ask unanimous consent to publish in the RECORD the editorial referred to and also my answer to that editorial.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD by printing the editorial referred to and also his answer. Is there objection?

There was no objection.

The article and letter referred to are as follows:

[From the Spartanburg Journal.]

ANOTHER CHAPTER.

Congressman SAM J. NICHOLLS addresses a very able communication to the Spartanburg Herald this morning on the subject of the Geilfuss matter, and Mr. NICHOLLS puts up a very able defense for himself and for Mr. Geilfuss. Before Mr. NICHOLLS went to Congress he practiced criminal law in Spartanburg, and it is his business to put up defenses for accused people.

The Congressman has not addressed any communication to the Spartanburg Journal, and possibly we are making a mistake when we have anything to say on the subject, but this is a matter in which the public is so deeply interested that we feel we have a perfect right to discuss it. In so doing we would not question the patriotism of SAM NICHOLLS for one minute, because all of us in Spartanburg and practically everyone in South Carolina knows that there is no more patriotic spirit in Washington than SAM NICHOLLS, but we do believe that he has made a mistake in this instance, and we believe that he will eventually realize it. It was an unfortunate thing for SAM NICHOLLS and for the county that our Congressman had anything at all to do with this matter.

There are one or two things about this matter that we would like for some one to explain to us.

Why did Mr. Geilfuss, if he knew that he had done nothing wrong and was convinced that he had not committed any crime against the laws of the United States, see fit to go to Washington and ask Mr. TILLMAN and Mr. NICHOLLS to intercede for him. If he had done nothing, if he knew that he could not be convicted, why was it necessary for him to make the trip and lay so many facts before the officials?

Why could not this statement and investigation wait until a warrant was issued for his arrest and the case came on for a hearing?

Why did he have to take with him to Washington two supporters to substantiate what he said about the matter?

What right has the Representative of the people to issue orders to a Federal official that he must not arrest a man until after investigation has taken place? Why not arrest him and then let the investigation take place?

We honestly think that the charge against Mr. Geilfuss was a trumped-up affair and of little importance one way or the other, and if he had been tried and convicted of receiving goods stolen from the United States Government it would have amounted to little, but to save our life we can not see where this fact excuses Senator TILLMAN, Congressman NICHOLLS, and District Attorney Thurmond. Mr. NICHOLLS has been and is an able Representative in Congress for this district, but this is one time when our Congressman made a mistake, and if he addressed fifty letters to Spartanburg newspapers he will never be able to persuade the Spartanburg public that he was in the right.

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WASHINGTON, D. C., *April 22, 1918.*

EDITOR THE SPARTANBURG HERALD:

I am just in receipt of your paper of Saturday, April 20, and have read with a great deal of interest, on the first page, column 1, the article headed "High officials interested in Spartanburg case; some facts involved in rumors afloat concerning August Geilfuss's connection with case at Wadsworth. Senator TILLMAN sends telegram. Conviction of soldiers by court-martial threatened to involve local baker in violation of Federal law." I do not know who wrote this article, and I do not care, but I do know that from the facts which were presented to me in the matter it is absolutely unfair to Senator TILLMAN, Mr. Geilfuss, and myself. I do not care to get into a newspaper controversy, and am not trying to do so in this case. However, I believe, in justice to Senator TILLMAN, Mr. Geilfuss, and myself, some reply to the article and also to the editorial relative to the article should be made.

The facts that have been disclosed to me are as follows: Mr. W. M. Floyd, Mr. S. L. Rigby, and Mr. A. Geilfuss came to my office some days ago and told me that Mr. Geilfuss was expecting to be arrested on a charge of receiving stolen goods, the property of the United States Government. They also told me that they believed that certain people

in Spartanburg were trying to persecute Mr. Geilfuss and to injure his business because of the fact that they claimed he was pro-German. I had some testimonials from the chamber of commerce and other influential bodies of high standing in Spartanburg some months ago that Mr. Geilfuss was a loyal American citizen. These testimonials were published in the papers, and at the same time I wrote a letter to the papers stating that I believed, having known Mr. Geilfuss for years, that he was as loyal as any man in the country, to his Government. These gentlemen impressed me with the fact that somebody was trying to make capital out of the fact that Mr. Geilfuss was a German. It is true that Mr. Geilfuss is of German origin. I understand his grandparents were born in Germany, but his parents have lived in Charleston for years and he was born there, and I would trust him under any conditions to be loyal to this country. I do not think that anyone can question my loyalty, for the only brother that I had has been killed in France by the slaves of the Kaiser, and, aside from my love of country, my love of him would have made me hate the Kaiser and the German Army. I not only received information from the gentlemen that I have mentioned, but I also received a long letter from Hon. R. K. Carson, of Spartanburg, a man for whom I have the highest respect, and I would believe anything that he would tell me, who was disinterested in the case so far as Mr. Geilfuss was concerned, but who had attended the trial of the soldiers charged with stealing the property, giving me the facts as to what took place and urging that, if possible, I see that justice be done.

With all these facts before me, I carried Mr. Geilfuss, Mr. Floyd, and Mr. Rigby to Senator TILLMAN'S office, and we went over the matter thoroughly, they stating to him the circumstances just as they existed, which were about as follows, from Mr. Carson's letter and from the statements of these three gentlemen:

Mr. Geilfuss is a great lover of dogs. He has at this time 8 or 10 registered collies, and he has been very successful with his dogs at the different dog shows throughout the country in winning prizes. When Camp Wadsworth was established at Spartanburg, Mr. Geilfuss threw his home open to many of the soldiers who were there and has entertained them in true southern fashion. In talking with some of the soldiers, they told him that there were a great many bones at the camp, which were left after the meat had been cut off for the use of the soldiers, and that they thought he could obtain the bones for the purpose of feeding them to his dogs. Mr. Geilfuss offered to buy the bones, but, as they were absolutely useless to the Government, he was told by those in authority that he was welcome to take them free of charge, and for some months the Army trucks and occasionally Mr. Geilfuss's own trucks had been carrying sacks of bones to his house to be fed to his dogs. If there was any meat left on the bones that was fit to use in feeding the Army, Mr. Geilfuss had no knowledge of it whatever. The sacks were simply brought from the camp and the bones given to his dogs. On the occasion in question, when the military police seized and searched the sack which Mr. Geilfuss had carried in in his automobile, and which was thrown into the automobile without ever having been opened by him, they found 15 or 20 pounds of bones, together with two cans of condensed milk, two cans of peaches, and one can of pineapple. Of course Mr. Geilfuss does not know how these cans got in the sack. And, of course, I do not know. The only solution of the proposition that I can give is that some soldier had put them in the sack, intending to take them out afterwards for his own use before the sack was delivered to Mr. Geilfuss.

It is preposterous, in my judgment, to think that a man like Mr. Geilfuss, who has subscribed to every liberty-bond issue—in fact, taking out $2,000 in the last one—and a man shipping bread into five or six States, with the biggest bakery south of Washington, and who ships canned goods in by the carload, would be guilty of receiving about a dollar's worth of stolen goods.

These are the facts, briefly, which were stated to me by Mr. Carson, Mr. Floyd, Mr. Rigby, and Mr. Geilfuss. It was further stated to me that Maj. Shanton, who used to be one of Buffalo Bill's broncho busters, was in behind the matter and was seeking notoriety at the expense of one of the most prominent citizens of my city.

After learning these facts from Mr. Carson, Mr. Floyd, Mr. Rigby, and Mr. Geilfuss I became convinced that a great injustice was about to be done Mr. Geilfuss. I have known him for years, and the people of Spartanburg know that up to this time no man has ever questioned his honesty. In view of his past life and in view of the preposterous charge now made against him of stealing $26 worth of canned goods, I was fully convinced that the alleged prosecution was due entirely to the fact that Mr. Geilfuss was of German descent and had been charged by some people with being pro-German.

If Mr. Geilfuss has been guilty at any time of uttering a disloyal statement or entertaining a disloyal sentiment, I have never heard about it, and, on the contrary, in my presence, he has ever asserted his patriotic devotion to his country. My friends have always advised me that he had the same attitude when with them. If he has been guilty of any disloyalty to his country, he should be prosecuted for it, and, if guilty of it, I would be the last man to defend him. If he has been guilty of nothing that would justify any man in prosecuting him for disloyalty, they had no right to persecute him by charging him with petty larceny in stealing $26 worth of canned goods. I thought this an outrage and, in fairness, believed that it should be carefully investigated by the authorities before any warrant was issued against him. It is well enough to say that the issuance of a warrant does not mean conviction. But if you, Mr. Editor, were charged with stealing $26 worth of canned goods, from my knowledge of your past life, I would certainly intervene with the authorities that no warrant be issued until a careful investigation had been made; because I know that even though a jury afterwards declared you innocent, the fact that you were arrested for larceny would be heralded to the world, and the record would remain to embarrass you regardless of your guilt or innocence. In like manner Mr. Geilfuss, who does business in six States, would have his business injured, and the reputation that he has built up by years of hard work and honest living would be impaired, if not destroyed, in the twinkling of an eye. On the records there would be nothing to show that the prosecution was due merely to the fact that he had the misfortune to be born of German parents.

Loyalty is not a matter of ancestry. It is a matter of the heart. In my opinion there can be no punishment too severe for the man who is disloyal to his country, whether he be of German, English, or any other descent, but I think it would be cowardly to prosecute a man like Mr. Geilfuss for stealing canned goods for the sole reason that his grandparents were German and because they can find no evidence against him to justify his prosecution for disloyal utterances to his Government. No sane man in Spartanburg will believe that a man of Mr. Geilfuss's standing would connive with a soldier at Camp Wadsworth to steal condensed milk or pineapple, knowing, as he would, that he would be thereby placing his life, his liberty, and his character in the hands of a soldier in the United States Army whom he had never known before and who any moment could ruin him by reporting his theft. Anyone would know that Mr. Geilfuss has sense enough to know that the soldier could come to him next week, knowing that he is a man of some means, and demand $10,000 of him under threat of reporting him to the Government for stealing condensed milk.

I trust that politics is not responsible for these allegations as to Senator TILLMAN and myself at this time. I dislike to believe that any man is such a scoundrel that in order to attack either Senator TILLMAN or myself he is willing to ruin the life or the character of a man who has done as much for Spartanburg as has Gus Geilfuss.

As I have stated before, we called upon Senator TILLMAN and, after the facts were stated to him, he, like myself, felt very much outraged, and we did wire to Commissioner Gantt, at Spartanburg, not "ordering" him to do anything, because anybody but a fool knows that a Senator or Congressman has no right to "order" officials of the Government as to what they shall do. We wired Commissioner Gantt asking him not to issue a warrant until he heard from us. At the same time we wired to Hon. W. J. Thurmond, asking him to take the matter up with Commissioner Gantt and to hold same open pending a thorough investigation. All that Senator TILLMAN did, or all that I did in this matter, was to ask the Department of Justice not to have a man whom we considered absolutely innocent arrested until a thorough investigation had been made. I, of course, have copies of the telegrams, and also a copy of the letter which I wrote to Mr. Thurmond. The latter is rather lengthy, and I therefore have not put it in this statement, because of the space it would take up. However, if you desire it, I will be glad to send you a copy of same.

In your editorial you state: "The part of the gentlemen in Congress is so irregular, however, it is certainly worthy of mention, for if there is an authority for Senators and Congressmen to give orders to Federal magistrates it is not generally appreciated by the public." You know as well as I do that there is no such authority. You also know, however, or you should know, that the mere fact that a man happens to be a Member of the Senate of the United States or a Member of Congress does not preclude him from making a request of any official, whether he be State or Federal, to investigate a thing thoroughly in order that justice may be done. Recently, or to be more definite, during the Confederate reunion in Washington last June, a young man who works in one of the cotton mills in my district was unfortunate enough to come to Washington, get crazy drunk, pull out his pistol on Pennsylvania Avenue, and start shooting. One ball from his revolver happened to strike a lady whom he had never seen. He was arrested, put in jail, and appealed to me for help. I secured a bondsman for him and got him out, and am now interceding with the district attorney here, with a view of having his punishment made not so severe as it would be made under ordinary circumstances. I conceive it my duty as a Member of Congress to look after my constituents in every way possible when I think they are right; and, regardless of what the enemies of Mr. Geilfuss might say, as long as I am in Congress I propose to do my duty as I see it. I do not believe that District Attorney Thurmond or that Commissioner Gantt would take orders from any Member of the Senate or any Member of Congress. I do believe, however, that both these gentlemen are always willing to give heed to requests not only from men in official life but from any private citizen. I can not conceive that because a man has been honored by his people to represent them he loses his right as a private citizen to request of an official of the Government that justice be done. If that is the case, we should not be fighting now for world democracy.

As I have stated before, I think that the article in your paper, and also the editorial, are absolutely unfair. If I thought for a moment that Mr. Geilfuss was pro-German and was doing anything to deter us in bringing this war to a prompt, successful conclusion the people who know me will realize that I would never have turned my finger over for him, because, however, a man's grandparents happened to have been born in Germany, that does not convince me that he can not be a loyal American citizen. This fact has been brought very closely to my attention on account of my intimate connection with Hon. JULIUS KAHN, who is the ranking Republican member of the Military Affairs Committee, of which I have the honor to be a member. He was born in Germany and moved to this country from Germany. However, in a great many of the fights on the floor he has led the administration measures here for our Government.

The only object I had, and I know the only object that Senator TILLMAN had, in this matter was to try to see that Mr. Geilfuss got a square deal and not have his name besmirched without just cause.

In conclusion, I want to say that since being a Member of Congress I have tried to represent all my people justly, equally, and fairly. I intend to make the race again for Congress, upon the assumption that it is my duty, as well as my pleasure, to represent my people as before stated. If I thought, as your paper insinuates, that I had to sacrifice my principles or my rights as an American citizen for the simple reason that I am a Member of Congress, I would be glad to retire and let some other man who did not agree with my ideas fill this position. I have no apology to make to any man or set of men for my attitude in this matter.

I hope that you will give this communication the same publicity which you gave the article which I consider reflects very much upon Senator TILLMAN, District Attorney Thurmond, Commissioner Gantt, Mr. Geilfuss, and myself.

I am in receipt of letter from Mr. Wyche, assistant district attorney, in which he states that he had talked to Commissioner Gantt and had requested that no warrant be issued until a thorough investigation was made. This is what the law contemplates, and this is all that we asked.

Yours, very truly,

SAM J. NICHOLLS.

ELECTIONS TO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I nominate and move the election of the following members of committees, which I send to the desk and ask to have read.

The Clerk read as follows:

Committee nominations.

FINIS J. GARRETT, of Tennessee, to be chairman of the Committee on Insular Affairs; JOHN W. RAINEY, of Illinois, to be a member of the Committee on Agriculture.

The SPEAKER. Are there any other nominations?

Mr. GILLETT. Mr. Speaker, I would like to place in nomination, not for the same committee assignments, but because

I think it might all be taken care of in the same vote, the gentleman from Ohio, Mr. FESS, to be a Member of the Committee on Rules, to take the place of Mr. LENROOT.

The SPEAKER. The gentleman from Massachusetts nominates the gentleman from Ohio, Mr. FESS, as a member of the Committee on Rules. Is there any other nomination? [After a pause.] The question is on the motion of the gentleman from North Carolina [Mr. KITCHIN] to elect these various candidates to the committee places named.

The question was taken, and the motion was agreed to.

THE WAR.

Mr. WALDOW. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. WALDOW. Mr. Speaker, I have here a resolution adopted by the Senate and the Assembly of the State of New York, which I send to the desk and ask to have read in my time.

The SPEAKER. Without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

STATE OF NEW YORK,
IN ASSEMBLY, *April 12, 1918.*

By unanimous consent, Mr. Sage offered for the consideration of the joint assembly of senate and assembly the following resolution:

"Whereas the most important task before the United States is to win the war; and

"Whereas the war will not be won until the peaceful development of all free peoples is guaranteed by the strength of their own will: Therefore be it

"*Resolved by the Legislature of the State of New York (both houses concurring)*, That the State of New York pledges all its resources to the vigorous prosecution of the war until Prussian autocracy has been defeated; and be it further

"*Resolved*, That the State of New York favors the entrance of the United States after the war into a league of nations to safeguard the peace that must be won by the joint military forces of the allied nations; and be it further

"*Resolved*, That certified copies of these resolutions be sent by the Secretary of State to the President and to the presiding officers of both branches of Congress and to each of the Senators and Representatives from New York."

Which concurrent resolution was agreed to.

STATE OF NEW YORK, COUNTY OF ALBANY,
Office of the Clerk of the Assembly, ss:

I, Fred W. Hammond, clerk of the assembly, do hereby certify that I have compared the foregoing record of proceedings of the assembly of April 12, 1918, relative to the resolution therein set forth with the original thereof as contained in the original official copy of the journal of proceedings of the assembly of said date and that the same is a true and correct transcript of said journal of proceedings in so far as the same relates to said resolution and of the whole thereof.

In witness whereof I have hereunto set my hand this 23d day of April, 1918.

FRED W. HAMMOND,
Clerk of the Assembly.

Indorsed: Filed April 23, 1918. Francis M. Hugo, Secretary of State.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I have compared the preceding copy of resolution adopted by the Senate and Assembly of the State of New York with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 23d day of April, in the year 1918.

[SEAL.] C. W. TAFT,
Second Deputy Secretary of State.

The SPEAKER. The resolution is referred to the Committee on Foreign Affairs.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259.

Mr. PARK. Mr. Speaker, I have a privileged resolution——

Mr. FOSTER. Could it not wait until to-morrow? Is it going to take any discussion?

Mr. PARK. Well, I can not say that.

Mr. FOSTER. I would like to get in with this bill now.

Mr. PARK. Then I will wait until to-morrow.

Mr. FOSTER. If the gentleman will please wait.

The SPEAKER. The Chair would recognize the gentleman from Georgia if it is a pressing matter, but if it is not the Chair would wish him to wait until to-morrow.

Mr. PARK. We can wait until to-morrow.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11259.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

The CHAIRMAN. At the time the committee rose there was pending an amendment offered by the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, I think I shall ask permission to proceed for 10 minutes, although I do not think I shall use that time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Chairman, I ask that the amendment be reported.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the word "alloys," strike out the words "and chemical compounds."

Mr. LONGWORTH. Mr. Chairman, I offered this amendment the other evening just before the committee rose, and I asked that it should be considered as pending in order that I might further examine into this question and that the committee in charge might further examine into the question as to whether or not it would be wise to strike out the words "and chemical compounds." As I understand it, in the bill as originally drafted by the department and submitted to the committee, chemical compounds were not included, and in the hearings it was admitted by several witnesses that such a provision would immensely broaden the bill. I was inclined to think at the beginning that it would be very unwise to go so far as to include all the chemical compounds of these various metals and other substances provided for in the bill; so I made a rather careful investigation of the matter, and after talking with some gentlemen who are experts on this question I came to the conclusion that it would interfere with the objects sought to be accomplished by this bill if chemical compounds were not included. I have decided, therefore, not to press my amendment.

A word or two as to the merits of the bill. I am in very grave doubt, gentlemen, I confess, and the more I study this bill the graver my doubts become, as to the wisdom of its passage, and yet I think that I shall probably support it. There is no use in mincing words about it, though. It is another one of those socialistic price-fixing contraptions, a number of which we have enacted, and I think that few will say, so far, with much success. Then, too, it involves the expenditure of an amount of money that no one here can possibly guess. This revolving fund of $50,000,000 may amount to hundreds of millions of dollars more before we get through, and yet I doubt whether there is any other way now of immediately obtaining certain supplies that seem to be absolutely necessary for our effective participation in this war.

One point about this bill appeals to me rather strongly, and that is that the powers and duties conferred by it are to be administered by the Secretary of the Interior, whom I regard as undoubtedly the sanest, ablest, and the least politically selfish man in the Cabinet. [Applause.] Then, in so far as this bill will accomplish the permanent development of the industries mentioned, it is a good thing. I happened to be a member of the Committee on Ways and Means, which drafted the much maligned Payne law. At that time we seriously took up the question of the development and encouragement of most of the various industries described in this bill. We gave the question serious consideration, we had hearings, and we ended by imposing a substantial protective duty on almost every one of the materials named in this bill, with the idea of encouraging these industries to the extent that they would be able to fill all the needs of this Nation, both in peace and war times. As to whether or not those industries would have by this time developed to the extent necessary I, of course, can not tell, but the fact is they never had a chance, because within a very short time the Underwood law came along, and an entirely different method of treating these subjects was adopted. Duties in every case were reduced to a point where it was frankly intended that the importation of those various articles should be stimulated to the greatest possible degree. The industry at

home was deliberately intended to be discouraged and the importations of those materials encouraged in the development of a policy in precise juxtaposition to the policy proposed in this bill. In no case was a higher duty imposed than that which was expected to produce the largest revenue by encouraging the largest possible importation.

Take all the metals named in this bill. Under the Payne law a substantial protective duty was placed upon them. Under the Underwood law they were lumped in a bracket bearing a duty of 10 per cent ad valorem and importations, of course, were very greatly increased.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. LONGWORTH. I will.

Mr. SLOAN. I gather, then, from the view of the gentleman from Ohio that this is a species of protection, but at the expense of the American people and the United States Treasury, while the system of protection favored by the gentleman under the old law was at the expense of the foreigner and for the benefit of the United States Treasury. Is that correct?

Mr. LONGWORTH. I agree entirely with my colleague. Of course I do not desire to precipitate any political argument here. I am simply referring to the fact that if the system adopted at that time had been allowed to continue probably the necessity for this bill would not be apparent to-day.

Mr. SLOAN. Just one word. If mayhap the gentleman discovered anything political in any suggestion of mine, I trust he will withdraw it from the RECORD.

Mr. LONGWORTH. I, of course, acquit the gentleman of any such intention. He has conspicuously refrained from introducing politics into any debate during this session, and very properly so.

Mr. SHERLEY. I took your question and answer to be for the purpose of illustrating that you both believed in protective theories.

Mr. LONGWORTH. We do, and, apparently, so does the gentleman's party in this instance, for this measure is the most highly protective measure, in a sense, that one can conceive of, because we are to take the money directly from the Treasury and give it to certain gentlemen for the purpose of developing these industries.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. WALSH. You mean everything is protected except the Treasury?

Mr. LONGWORTH. Everything is protected in this bill except the Treasury. I thank the gentleman for his suggestion.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. LONGWORTH. I yield with pleasure to my friend from Texas.

Mr. SLAYDEN. I would like to ask the gentleman if these various commodities that it is intended to develop here do not now command a very high price in the markets of the world?

Mr. LONGWORTH. I presume they do.

Mr. SLAYDEN. A very high price.

Mr. LONGWORTH. And the reason they command such a high price is that their development in this country was interfered with, so that we are now not able to supply the needs of the market, and therefore the prices have immensely increased. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Chairman, may I have three minutes more?

The CHAIRMAN. The gentleman from Ohio asks unanimous consent for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Does not the gentleman think that these very high prices form sufficient inducement for the development of these enterprises without going into socialistic propositions?

Mr. LONGWORTH. Well, the gentleman may be right, and yet the responsible authorities of this administration come to us and say that the only way we can supply the requisite amount of these materials is to take money directly out of the Treasury and give it to the gentlemen whom they desire to subsidize.

Now, I am one of those who believe that this country should supply everything that is necessary for the happiness and prosperity of its people in time of peace and for their security in time of war—everything that is climatically possible to produce in this country. According to the reports that are before us now it is possible to produce to the full extent these specific articles which up to this time we have been relying on foreign countries to supply to us. Under the circumstances it seems to me that it will be difficult for gentlemen, no matter how or in what school of thought reared, to say after this war is over that if we are justified now in taking more than $50,000,000 from the Treasury of the American people and giving it directly to persons to build up these industries now, after this war is over it ought not to be the policy of this Government to see to it that in an indirect way, under a protective policy, these industries shall be perpetuated. [Applause.]

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

By unanimous consent Mr. LONGWORTH was given leave to revise and extend his remarks in the RECORD.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 2, line 15, after the word "thereafter," strike out down to and including the word "terminated," in line 17, and insert in lieu thereof the words "for such period of time as is hereinafter provided."

Mr. SANDERS of Indiana. Mr. Chairman, the question presented by this amendment is the question of whether or not the governmental control of these war minerals shall be definitely fixed or whether it shall be left, as is provided in the bill, to the judgment of the President. The amendment which I have offered is an amendment on page 2, line 15, to strike out this expression, "only until, in the judgment of the President, the agencies and activities herein provided for can be reasonably terminated." I propose that there be inserted in lieu thereof the following expression: "for such period of time as is hereinafter provided."

Mr. MADDEN. Can not you follow that with another amendment——

The CHAIRMAN. Does the gentleman yield?

Mr. SANDERS of Indiana. Not just now.

The reason I propose to make the amendment in this form in section 1 is that in section 23 a provision similar to that contained in section 1 is also found. And I want to discuss section 23 and section 1, because they contain the same proposition; and I shall later offer an amendment to section 23 which will definitely limit the time for governmental control to six months. And I want to take the liberty now——

Mr. MILLER of Minnesota. The gentleman means six months after the war is terminated?

Mr. SANDERS of Indiana. Six months after the termination of the present war.

Mr. MILLER of Minnesota. May I ask a question of the gentleman before he goes to another subject?

The CHAIRMAN. Does the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. MILLER of Minnesota. Can the gentleman inform us what prevailed upon the committee to put that language in section 1 to which he just referred? What reason did the committee have for putting in the very extraordinary language after the word "thereafter," the language that the gentleman proposes to strike out?

Mr. SANDERS of Indiana. I do not know.

Mr. MILLER of Minnesota. I think this language so unusual and inapt that it must have been put in by design. It could not have been by inadvertence.

Mr. SANDERS of Indiana. Section 23 prescribes the time when the provisions of the act shall cease and uses this language:

SEC. 23. That the provisions of this act shall cease to be in effect after the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President as soon as in his judgment the agencies and activities herein provided for can be reasonably terminated—

And so forth. Now, I propose, when we reach that section, to offer an amendment which will read as follows:

That the provisions of this act shall cease to be in effect at the end of six months after the existing state of war between the United States and Germany and between the United States and Austro-Hungary shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President; but the termination of this act shall not affect the exercise of such authority and power herein granted as shall be necessary to speedily wind up the affairs of any enterprise already entered upon or to carry out any guaranty or contract made pursuant to the terms thereof and such termination.

Mr. WINGO. Mr. Chairman, will the gentleman yield there?

Mr. SANDERS of Indiana. In just a moment. It will be noted that under the provisions of the bill as it is now drawn all of the Government control must last until all of the agencies and activities can be terminated. By a subsequent provision of the law the Secretary of the Interior is authorized to guarantee for a period not to exceed two years a certain price for any one

or more of these minerals. Therefore, for illustration, if the war should end in June of next year, and in May of next year an agreement should have been entered into to guarantee a price for two years, none of the provisions of this act could be terminated until the expiration of the two years.

There ought certainly to be no objection to this particular amendment to section 1, because, regardless of whether the period in section 23 shall be left to be six months after the termination of the war or whether it shall be left as it is, this provision will not be harmful. My object in presenting here this provision that it shall be for such period of time as is hereinafter provided was to present the question at one time, the question of whether it would run for a definite period or whether it should be left indefinite.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. I ask unanimous consent for five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. The question is whether all of the powers shall be granted to the Secretary of the Interior for all of the period of time during which any of the activities started may last or whether it shall be definitely terminated. Some of the powers enumerated in the bill are powers to license all of these products and to regulate their production, the power to condemn property, the power to requisition and take over necessaries, the power to fix the price of necessaries, the power of determining the royalty that shall be paid, and the power in one of these sections is vested in the President of the United States to fix the tariff on all these products. In other words, if the bill remains as it is and if there is any activity at the time of the duration of the war which should carry it on for two years, then the President of the United States should be left with the power to fix the revenue duties for a period of two years; and it is very likely——

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. LITTLE. Do I understand the gentleman to contend that if some contract should be made or some rule should be established that would endure for two years after the termination of the enforcement of this law, the law would still remain in force for two years, notwithstanding the provision that would make it discontinue?

Mr. SANDERS of Indiana. Yes.

Mr. LITTLE. That is the present provision?

Mr. SANDERS of Indiana. Yes.

Mr. LITTLE. And you are seeking to obviate that?

Mr. SANDERS of Indiana. Yes; I am seeking to obviate that by providing a definite time when the law shall cease and still retaining the powers that are necessary in the executive department to finish any matter that may be on hand; and the provision of the amendment that I shall later offer would have all the power that is necessary to terminate and speedily wind up any of the affairs of any enterprise already entered upon. This provision for a definite period of six months after the war is copied to a large extent from the War Finance Corporation bill, which provides a period of six months, which is an ample period for the country to readjust itself and be ready to enact legislation that would be proper in peace times.

In addition to the question of this being a desirable thing, I think there might be grave doubt as to the validity of this law if we did not definitely fix the duration of the emergency created by the war, because much of it would not be within the power of the Congress to enact as a peace measure, and we are reaching out and taking that power because we are in war, and it is the duty of Congress to definitely fix the time of the emergency created by this war; and I think, Mr. Chairman, that——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. MOORE of Pennsylvania. The gentleman indicated that the bill provided somewhere—I have been unable to find it—that the President may in certain contingencies have the power to fix the tariff duties?

Mr. SANDERS of Indiana. Yes.

Mr. MOORE of Pennsylvania. Is not that in violation of the Constitution of the United States?

Mr. SANDERS of Indiana. There is some question in my mind as to the validity of the provision here. There is no question of the right of the President to put into effect certain duties if the legislation makes the amount of the duties sufficiently definite. There has been some question in my mind as to the constitutionality of the provision.

Mr. LONGWORTH. What section is that?

Mr. SANDERS of Indiana. That is on page 15, in section 14.

Mr. MOORE of Pennsylvania. That power is clearly vested in Congress—the power to fix duties.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. FOSTER. This is the same provision as is in the food bill, I will say to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Affecting tariffs?

Mr. FOSTER. Certainly.

Mr. MOORE of Pennsylvania. But Congress certainly fixes duties under the Constitution.

Mr. SANDERS of Indiana. I will say to the gentleman that this provision is not for the purpose of raising revenues. It is for the purpose of protection.

Mr. FOSTER. For the Government in any law?

Mr. SANDERS of Indiana. For the protection against imports.

Mr. FESS. Will it interrupt the gentleman if I ask him a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent that the gentleman may have two minutes more, so that I may ask him a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Indiana may have two minutes more. Is there objection?

There was no objection.

Mr. FESS. I want the gentleman to inform the House whether the bill specifies the minerals upon which the Government shall guarantee a price.

Mr. SANDERS of Indiana. It does not. It leaves that to the discretion of the administration.

Mr. FESS. Second, in fixing the price of any mineral, the only way it could be done would be to stand ready to take the product of the mineral.

Mr. SANDERS of Indiana. That is true.

Mr. FESS. Would that mean that the Government would be under obligation to take all that was produced whether it needed it or not?

Mr. SANDERS of Indiana. It would, except that that is all a matter of regulation, and the selection of the particular mineral upon which a guaranteed price shall be offered is also an administrative matter, and may be covered by regulation. The gentleman's statement would be true, subject to any qualifications that might be put in valid regulations on that subject.

Mr. FESS. I notice that Dr. Smith, who, I think, is an authority on the production of these minerals, if any man in America is, says that we produce 100 per cent of bromine, that we produce only 23 per cent of manganese, but that of magnesite we produce 99 per cent, and of mercury 120 per cent of our supply. In other words, there are many minerals of which we are producing more than we need.

Mr. SANDERS of Indiana. Yes; but it is not to be supposed that the administration, in carrying out this act, would guarantee a price upon minerals of which we are producing plenty without that guaranty.

Mr. FESS. It would be a very foolish thing to do.

Mr. SANDERS of Indiana. The food bill permitted the guaranteeing of the price of only one article—wheat—but this bill permits a guaranteed price of any mineral, and does not propose to limit the guaranty, and it is not to be supposed that the administration would guarantee the price of any mineral of which there is plenty; but there are other provisions of the act which might be used with reference to such a mineral.

Mr. FESS. Suppose we have selected one mineral the production of which is very small in comparison with our needs, but in due process of production we discover a process of producing great quantities. Do we have the freedom to stop the guaranteeing of the price of a mineral, no matter what amount is produced?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINGO. I ask unanimous consent that the gentleman have two minutes more.

Mr. FOSTER. I ask that the gentleman have two minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman's time be extended two minutes. Is there objection?

There was no objection.

Mr. FESS. If I may be permitted to repeat my question, there may be some things of which we now produce a small percentage of our needs, but there might be methods of production discovered that would result in a production far in excess of our needs. Now, suppose we have fixed a price upon that article, do we have the authority in the bill so that the administration

can qualify or reconsider a decision formerly made before the process of producing the larger quantity had been discovered?

Mr. SANDERS of Indiana. The gentleman has asked a question which I think is the most important one in the whole bill, and if he will read the hearings he will find it is one that I sought to bring out when different witnesses were before the committee, the question whether there was any liability of overproduction under a guarantee, and whether the Government would be able to take care of itself in that event. It is a difficult question, and I should say that the Government would be under at least a moral obligation, if not a legal obligation, to carry out any guarantee that it should make, regardless of subsequent developments. Of course, in administering the act great care would need to be exercised in making such a guarantee. For instance, we would not want to have occur in this country what occurred in Australia, where they guaranteed the price of wheat and twice as much wheat was produced as could possibly be used there, and the Government was obliged to buy it, and it has its wheat and no way to ship it. That is a very grave question, and I may say that the effect of this act will depend altogether upon the care taken in the administration. This very feature will require the most care. As to whether the guarantee of a price for a year would so bind the Government that it would have no right six months thereafter to break that guarantee, I do not know. I should doubt if the Government would have the moral right to do that. Of course, legislation authorizing a certain thing might be repealed, and we could repeal the act perhaps at any time.

Mr. FESS. The gentleman recognizes the fact that a substitute might be discovered that would prove a better article for the purpose than the one we had guaranteed, so that the one thing might be entirely useless because of finding a better thing. Evidently we ought to have some protection somewhere.

Mr. SANDERS of Indiana. I think the administration of this guarantee provision ought to be very carefully guarded, and that it ought to be very rarely used.

Mr. LONDON. If the gentleman will yield, the right to guarantee a price does not exclude the right of the Government to enter into a contract to protect the Government against every possible contingency, including overproduction.

Mr. SANDERS of Indiana. Yes; if that could be embraced——

Mr. LONDON. But could it not be embraced?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Indiana [Mr. SANDERS] may proceed for five minutes. Is there objection?

There was no objection.

Mr. LONDON. Is not that power embraced within the provisions of the bill?

Mr. SANDERS of Indiana. It is. This bill embraces the power to guarantee prices for any one or all of these minerals. It is a general guaranty. It also gives the right to the Secretary of the Interior to go out and purchase and pay a price for these things.

Mr. MILLER of Minnesota. But that does not also give anyone the right to tell a man that he can not produce.

Mr. LONDON. That was not the intent of my question.

Mr. HARDY. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. HARDY. Right along that line suggested by yourself a moment ago, would not it be in order under this bill for the President's agent to make a contract with an individual for the production of a given amount of such commodity?

Mr. SANDERS of Indiana. That is within the terms of the bill. I should think in administering the bill this provision would be used to a greater extent than the guaranty.

Mr. HARDY. That would be a means whereby the Government might protect itself against overproduction by making a contract for the production of so much.

Mr. SANDERS of Indiana. I do not know of any particular means of protection against an unwise guaranty.

Mr. HARDY. The gentleman understands that under this bill they can make a contract for a limited amount at a given price.

Mr. SANDERS of Indiana. Yes; and that would protect them against the guaranty if it would keep them from making the guaranty.

Mr. CANNON. Will the gentleman yield?

Mr. SANDERS of Indiana. I will yield to the gentleman from Illinois.

Mr. CANNON. Do I understand that under this bill, a war bill, a contract might be made with some one to produce pyrites at a fixed price without exercising the general power to fix a price wherever it was produced?

Mr. SANDERS of Indiana. Yes.

Mr. CANNON. They may pick out a favored one here or a favored one there?

Mr. SANDERS of Indiana. Yes.

Mr. CANNON. Did the committee consider that if there was somebody producing a large amount of manganese, for instance, or sulphur, which is used for sulphuric acid the same as pyrites, that a bounty might be given to A, a good Republican or a good Democrat or a good Socialist, and all the balance of the people producing a similar thing that might be a substitute therefor would continue to produce without regard to the guaranteed price of the favored party. Can that be done under the provisions of this bill if it should be enacted?

Mr. SANDERS of Indiana. In administering the provisions of this bill great favoritism could be shown.

Mr. CANNON. If that be true, is not the thing to do in regard to this bill to cut off its head? [Laughter.]

Mr. GARLAND. Is not that true of all the other war bills that advantage could be taken under the provisions?

Mr. SANDERS of Indiana. I might say, in line with the suggestion of the gentleman from Pennsylvania, that that same thing is true of the food bill and of a great many of these bills where we have given vast powers to the Executive.

Mr. CANNON. You can include A and exclude all the other producers?

Mr. SANDERS of Indiana. Yes.

Mr. CANNON. I did not know of any such provision, and I never will vote for any such provision for anybody.

Mr. SANDERS of Indiana. The provisions for guaranty in this bill are the same as in the food bill, except that in the food bill it was limited to wheat, and here any one of these may be selected. The provision regarding the power to go out and purchase is identical with the food bill.

Mr. CANNON. That is not what I was talking about. I was talking about—take manganese, for instance; we have multiplied it 6,000 per cent in five years' production in this country, and still we do not produce, probably, two-thirds of what we need. Now, could you take some one citizen or corporation under the provisions of this bill and say, "We will pay you $5 a ton for manganese if you will produce it," and not say it to others? I can conceive that we might say we will pay $5 a ton to all producers of manganese.

Mr. SANDERS of Indiana. The bill has that provision, but it also has the additional provision that the gentleman is criticizing.

The CHAIRMAN. The gentleman's time has again expired.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAMLIN. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from Missouri.

Mr. HAMLIN. The gentleman from Indiana does not mean to tell the gentleman from Illinois and the House that the bill provides that the Government may in the purchase of manganese, as suggested by the gentleman from Illinois, discriminate between manganese producers to the hurt of any one of them? The bill has no provision that would warrant that discrimination, I take it, and I am familiar with the provisions of the bill.

Mr. STAFFORD. If the gentleman will yield in that particular, it was stated by some gentleman on the committee in general debate that you could favor an individual miner by giving him a guaranteed price that would not extend to all the producers in the commodity. That was the purport of the inquiry of the gentleman from Illinois [Mr. CANNON] to which the gentleman from Indiana replied affirmatively.

Mr. HAMLIN. A statement was made to this effect—that in fixing the guaranteed price the Government could and would take into consideration the location of the particular mine, its proximity or distance from a market, railroad, and so forth—in other words, as to the cost of production, so that the price at the mine in one section of the country might be different at one time than another.

Mr. SANDERS of Indiana. The gentleman is dealing with the guaranteed price. This was not what the gentleman from Illinois [Mr. CANNON] was criticizing. I will read the portion of the bill which I have interpreted. It is on page 16, beginning with line 2, as follows:

For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential, in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the Secretary of the Interior with the approval of the President is authorized also, in his discretion, to purchase any of these necessaries for which a guaranteed price shall be fixed under this section, and to hold, transport, or store, or to sell, dispose of and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war, or to use the same as supplies for any department or agency of the Government of the United States.

Section 11 also authorizes the purchase of these necessaries.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. In a moment. There is authority in that bill for the Secretary of the Interior to purchase any of these necessaries without any limitation as to how he shall go about the purchase of it, without any limitation as to whether he shall call for bids, or any other provision; and, as I understand it, that provision could be used to go out and purchase from A any quantity at any price the Government sees fit to pay, and refuse to purchase from B any quantity that he has and leave B out of it. That was the provision of the bill that I was referring to in answer to the gentleman from Illinois [Mr. CANNON] and I am not undertaking to say that that is an unwise provision. I say that if it is unwisely administered we will have disastrous results.

Mr. HARDY. Is it not in practice the very same thing that applies in making a contract to build a ship for so much, making a contract with A and not with B?

Mr. SANDERS of Indiana. Those provisions are usually hedged about with restrictions in respect to receiving bids, and so forth.

Mr. HAMLIN. Because the gentleman has read that provision of section 14, I desire to ask if that is not the very provision that protects against the other criticism mentioned a while ago, in case there might be an overproduction of certain material?

Mr. SANDERS of Indiana. I have never been able to understand how that provision in any way protects the Government against overproduction under a guaranty.

Mr. HAMLIN. Oh, yes; for the purpose of making——

Mr. SANDERS of Indiana. Pardon me, but I have not finished. According to my belief, the only thing that will protect the Government of the United States in overproduction under a guaranty is wisdom in making the guaranty, and the only thing that will protect the public from partiality in purchase is impartiality in making the purchases.

Mr. HAMLIN. But if there should be a guaranty made and an overproduction come from it, this provision undoubtedly gives the Government the right to go and buy it and store it or ship it and sell it either to ourselves or to our allies, and in that way protect itself against this guaranty during the life of the contract.

Mr. SANDERS of Indiana. For the life of me, I can not see that that protects you against the guaranty. The reason the guaranty is dangerous is because if you guarantee that you will pay $10 a unit for a certain article where you need 100,000 units, and 200,000 units are produced and offered, you have to buy the additional 100,000 units, because you have guaranteed that price; and how that can protect the Government is more than I can see.

Mr. HAMLIN. The language of the bill is:

For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential, in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the Secretary of the Interior with the approval of the President is authorized also, in his discretion, to purchase any of these necessaries for which a guaranteed price shall be fixed under this section, and to hold, transport, or store, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war.

Mr. SANDERS of Indiana. The power to sell relieves.

Mr. HAMLIN. And the power to buy and store.

Mr. SANDERS of Indiana. The power to buy does not relieve the guaranty.

Mr. HAMLIN. Oh, yes. If A is overproducing something on which the Government is giving a guaranty, the Government may go and buy the surplus, and if the Government has a ready market for it, all right; or it can store it.

Mr. SANDERS of Indiana. The gentleman from Missouri is talking about overproduction from the standpoint of the producer. The point I make is that if you want 100,000 units of a certain article, and in order to get them you guarantee a price of $25 per unit, and 200,000 units are produced, then you have to pay $25 per unit for the additional 100,000. The only thing that relieves from that, of course, is the ability to sell it to some other government. That is in a measure some relief.

Mr. HAMLIN. Undoubtedly.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. MILLER of Minnesota. In the case of production of any one of these items it will be probably either under or over production.

Mr. SANDERS of Indiana. Yes.

Mr. MILLER of Minnesota. I would like to inquire if it is not the fact that overproduction is hardly to be anticipated in any one of these items?

Mr. SANDERS of Indiana. The testimony of the experts appearing before the committee was to the effect that overproduction was not dangerous, that there was not much danger of it. If the gentleman will read the hearings he will find that I asked that question of about four different witnesses who would know.

Mr. MILLER of Minnesota. And the danger now existing of a large production of any of these items will be less six months from now or a year from now than it is now, will it not, by reason of the fact that capable miners and producers will necessarily have to devote themselves to the production of these essentials like coal and iron and many of the others, so that men will not be available for large production of any of these items?

Mr. SANDERS of Indiana. My notion is that the question of overproduction, if this bill be enacted, will depend upon the wisdom of its administration. If you pay $25 a unit for something that you ought not to pay more than $12 for the people producing that unit will go out and get the laborers, and you will have an overproduction, if the resources are here.

Mr. MILLER of Minnesota. I substantially agree with the gentleman, although I do not think the matter of overproduction is one that need concern us materially.

Mr. SANDERS of Indiana. I do not think so either.

Mr. MILLER of Minnesota. Now, coming to the question of underproduction, that is, the quantity of this material desired for war preparations is in excess of that which is produced, if the Government guarantees the price, say the Government needs 100,000 units and guarantees the price of $25 a unit, and the commercial world outside the Government also wants 100,000 units, and there is produced 150,000 units, is it not a fact that if the Government fixes a price sufficient for its own it is sufficient to fix the price for all?

Mr. SANDERS of Indiana. Yes, it does; and it has the power——

Mr. MILLER of Minnesota. Will not the fact the Government pays $25 a unit for that which it wants necessitate the commercial world to pay the same price for that which it gets?

Mr. SANDERS of Indiana. I think so.

Mr. MILLER of Minnesota. So the guaranteeing of price in that respect will not work injury at all, because the Government will be paying the market price?

Mr. SANDERS of Indiana. I think that might result.

Mr. MILLER of Minnesota. It will be artificial; there is no doubt, but——

Mr. FESS. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. FESS. I would like to have the attention of my friend from Minnesota. His assumption is that there was not any risk in overproduction. I notice the bill mentions five articles here, where Dr. Smith says we are producing all now that we need and three we are producing beyond our need.

Mr. MILLER of Minnesota. What are the three?

Mr. FESS. Sulphur is one, 105 per cent.

Mr. MILLER of Minnesota. That is a common production, like sand.

Mr. FESS. And bromine, 100 per cent; and mercury, 120 per cent, and so on.

Mr. MILLER of Minnesota. None of those things are dangerous. Of course, sulphur is like sand, almost; and mercury and so on are really in such small quantities that the total amount would not be large.

Mr. FESS. I think the assumption that by the Government taking them at this guaranteed price there would not be an overproduction is a violent assumption, because if the law be passed it will be an invitation that it will have the Government back of it.

Mr. FOSTER. If the gentleman will permit, take the case of sulphur, of which the gentleman speaks. Now, it is not at all possible, it is imaginary, to say we are going to put a price on sulphur and buy all sulphur.

Mr. FESS. If that is true, it is all right.

Mr. FOSTER. And I will tell the gentleman why, and why it is in this bill, in three words almost. The sulphur of the United States comes out of practically two mines. They are the greatest sulphur mines in the world, 99 per cent pure sulphur. It is controlled by a very few people. Suppose this Government gets to a place where it wants to control the price of sulphur. I understand in one sulphur mine of the United States that the par value of the stock is $100, and yet it sells for $14,000 a share. Now, if we undertook to boost the price so high the Government ought to have some right to control it.

Mr. FESS. Do you give it in this bill?

Mr. FOSTER. We do.

Mr. FESS. That is what I wanted to get at.

Mr. FOSTER. The same thing as to a production in the State of my colleague and myself, and that is fluorspar, which is in the hands of a very few people.

Mr. SANDERS of Indiana. Mr. Chairman, I have been frankly stating to the committee the interpretation that I place upon this bill. I do not want the committee to understand because I have placed that interpretation upon the bill that I am opposed to it. I am heartily in favor of its passage, and I have endeavored to discuss the powers that it grants so that we may all know just what the legislation is that is being enacted when the bill passes, if it is not decapitated by the distinguished gentleman from Illinois [Mr. CANNON].

Mr. JAMES. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. JAMES. The gentleman from Illinois understands that on manganese, for instance, you can pay a certain man a certain price and another man another price. There is nothing like that in the bill?

Mr. SANDERS of Indiana. I do not want to recur to that again, but I will call the gentleman's attention to the provision which I think gives that right, and that is on page 16, line 2 and thereafter, and also section 11. This gives those powers to the Government and the department. There is not any Member of the House who would be in favor of the passage of this bill in peace times; but the department which has these matters in charge, the Secretary of the Interior, and in his department the Bureau of Mines and the United States Geological Survey, which have gone over the whole situation, say that it is needful to have this legislation. I understand that when you analyze the power you grant here, and assume that that power is going to be used unwisely, that then you must concede disaster faces us. But I am willing at this time to grant those powers to the department and to depend upon the wisdom and the impartiality of the administration in carrying out the terms of the bill; but I particularly wanted the committee to know what those vast powers were, because I think that six months after this war has terminated that these unprecedented powers ought to terminate. [Applause.] I have offered this amendment to this section, which says that the duration shall be as hereinafter provided, and subsequently, when we reach section 23, I shall offer an amendment which will fix the duration six months after the war. I do not mean by that if we have taken over a plant that was idle and operate it at the end of six months we have not the right to the time necessary to complete that undertaking; and I do not mean, if we have made our guaranty two months before the termination of the war for six months, that we shall rob that man of his right under the guaranty, and the amendment I shall offer will take care of that proposition. I mean by this amendment that if we have made a guaranty 2 months before the termination of the war that shall require 22 months after the termination of the war to fulfill, then if we have done that that we shall not have to continue all the provisions of the bill for that time, but shall cut off these vast and unprecedented powers at the end of the six months after the war, leaving only such powers as are necessary to carry out that guaranty.

The provisions of the bill, as the bill reads at present, would absolutely require that all the provisions should remain in effect 22 months after the war if we made a contract two months before the termination of the war, carrying it on for two years.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. MOORE of Pennsylvania. Section 2 confers enormous powers upon the President and the Secretary of the Interior, including the power to enter into contracts or agreements, and so forth. They might be for a term of years, I submit to the gentleman. They might not terminate within six months. How would the gentleman meet that question?

Mr. SANDERS of Indiana. If there is any provision in the bill that permits contracts running beyond the period of two years, that should be curtailed by amendment.

Mr. MOORE of Pennsylvania. In the matter of the War Finance Corporation there was a limitation of 10 years, which some of us endeavored to cut to 8 years. Is there any such limitation in this bill as to the term of contract?

Mr. SANDERS of Indiana. The subject matter is not the same. You can not make a guaranty after the war has closed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I think the question is important and has a direct bearing on the point the gentleman is raising. I want to know if contracts made by the Secretary may be limited in their operation to the period of six months after the war.

Mr. SANDERS of Indiana. I doubt under the provisions of the bill as now written it would be so limited.

Mr. MOORE of Pennsylvania. Suppose a contract is made to operate a certain property in the name of the Government for a period of 10 years, and the war terminates and seven and a half years of the contract remains. Does not that mean that the Government would be obliged to go on for the remainder of the time after the war?

Mr. SANDERS of Indiana. My opinion is that that sort of a contract would be ultra vires. But if there is any likelihood of the Government having that power it should be changed by some amendment.

Mr. MOORE of Pennsylvania. But there is no limitation now so far as the gentleman knows?

Mr. SANDERS of Indiana. No. [Applause.]

Mr. WINGO. Mr. Chairman, when you come to consider any provision in this bill you ought to consider it in the light of all the provisions of the bill, and when you come to consider all the provisions of the bill you ought to do so in the light of conditions that confront you and what we desire to do and what our war necessities are. I believe I said the other day that as a general proposition I do not like legislation of this kind, and in passing I suggest that my test, by which I determine whether or not I should support a measure of this character can be measured by this rule. I am one of those who believe that private enterprise and private initiative should be left unhampered and be depended upon as long as it can meet the general public good. And only when private initiative and private enterprise fail to meet the necessities of the general public should the agencies of the general public—the Government—step in and aid or take charge.

Now, when we talk about the limitation of the powers as covered by the gentleman's amendment, let us see what he proposes to do. On page 2 he proposes to strike out, after the word "thereafter," in line 15, these words:

Only until, in the judgment of the President, the agencies and activities herein provided for can be reasonably terminated.

Now, he also inserts in lieu of that language "or such period of time as is hereinafter provided."

Then he proposes, in section 23, to strike out practically the same language as that which he strikes out on page 2.

Mr. SANDERS of Indiana. The gentleman sees no objection to the adoption of this particular amendment, I take it?

Mr. WINGO. I am going to get to that. I am going to show my viewpoint about it. I thought in the committee that I agreed with the gentleman, and I thought he and I got what we wanted. There is not ony 2-year or 3-year or 18-month or 6-month provision in this bill. It is an absolute termination at the end of the war. The two-year provision of the bill covers length of contracts authorized by the bill.

Now, I do not believe I will violate the spirit of the proprieties by divulging the action in the committee on this proposition. When we came down to the proposition that would absolutely terminate these agencies at the end of the war we were confronted with this practical proposition that made us retain the language that is in there, namely, that you would authorize contracts not to exceed two years, and that this war may cease suddenly. You may make contracts to meet the pressing obligations of the Government in getting some of these metals for the manufacture of munitions. Three months before the war terminated you may see the necessity for making a contract that will run 11 or 12 months.

Now, I think if gentlemen will examine the provisions of the bill they will find that we have done this: That we have terminated every authority to initiate anything new after the termination of the war, and we only leave the power there to do that thing which the gentleman says he wants to do and tries to do in his amendment—wind up the affairs of this agency. Now, I think we all agree, gentlemen, that that is what we want

to do. Even the gentleman will agree as to that. We do not want this to go a day longer than the emergency exists and the necessities that are to be met have been met. I think we all agree to that. None of us cares to continue this agency and this extraordinary power after the emergency and the necessity have passed away. No one wants to do that, and the committee does not. And, I reiterate, the only reason why we left that language in the bill was because we could not absolutely wipe out this power and let it cease the day peace was declared, because you would have outstanding contracts to be considered and you would have outstanding arrangements.

Then here is another thing to be considered. It does not appeal to me as it should appeal to some gentlemen who have discussed protection, and I do not care to go into that. I only mention it for purposes of illustration. These are industries where there is no question of overproduction, except one or two, and the gentleman from Illinois [Mr. FOSTER] has explained why these are included in the bill—to prevent monopoly and the holding up of the Government or those having with it contracts for war supplies, it is necessary to provide with respect to those articles. It is, in the main, to meet underproduction and to save shipping in bringing these things in from other countries that this bill is presented.

If you give a man a contract on a specific price that will enable him to operate under his contract for a certain time, the effect is the same as though you paid him a bounty or gave him a protection. The effect that the Government wants to produce is, under the guaranty provision, the production of these articles which it needs. Now suppose you terminate all this by one fell stroke by the declaration of peace. These men who are engaged in this industry may not have anticipated it. The history of peace treaties in the past in the termination of wars bears out the contention that peace will come suddenly, so far as the general public is concerned. If they know that peace has been declared they will have a certain time under the proclamation to wind up the affairs of this system and they will know what to expect.

But suppose you adopted the amendment that is proposed. Everyone who goes out and undertakes to dig up these deposits and bring them in may say, when the Government agent goes to him, "I do not know on what day peace will come, and if it does come suddenly will all this be wiped out?" I think in fairness to these men who have put their money into these enterprises they should know the date when the change will come. We all dread the jar and the jolt that will come at the termination of this war, when we come back to peace basis in our industrial affairs. That is a reason why we should have a provision in this bill which will permit an easing off. If it should be less than six months it might not be sufficient. That is the reason why we do not put in "12 months" or "18 months" or "2 years."

If you read the language closely, gentlemen, you will see that we put a limit, and that is the day peace is declared, for the exercise of the initiation of the authority, and we have only left it for the President to say by his proclamation when in safety to the Government and in good faith to the men whom we have asked to go out and do this work it can be eased off. That is what we have done.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HAMLIN. On that point I would like to call the attention of the committee to the proviso beginning on line 22 of page 10:

That nothing in this act shall be construed to authorize entering into contracts under this act after the termination of the war.

Mr. WINGO. Certainly. There are several provisions in there along that line.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SANDERS of Indiana. There is but one power here that ends with the war under the terms of the bill, and that is the power to enter into any additional contract, as suggested by the gentleman from Missouri. Is not that true?

Mr. WINGO. As a general proposition, yes; and I think it is a dangerous thing to tie the Government up for over two years.

Mr. SANDERS of Indiana. That question is preliminary to the other question that I wanted to ask. Under the amendment which I read and which I intend to offer to section 23 there is a provision that "the termination of the act shall not affect the exercise of such authority and power herein granted as shall be necessary to speedily wind up the affairs of any enterprise already entered upon or to carry out any guaranty or contract made pursuant to the terms thereof and such termination." Now, so far as any obligation extends toward the person who has put his money into these mines, does not that take care of the proposition, and is not the effect of my amendment merely to protect these powers that are necessary to be retained six months after the war? If the bill is left in its present form it will continue all the power that is granted in the bill except one specific power—that of making contracts.

Mr. WINGO. The gentleman has covered that in his argument. I am trying to answer that very argument. I will read the gentleman's proposed amendment, and I submit that by it he will extend the authority six months longer than the present bill. Now notice the reading of the bill, and then I will read the amendment that the gentleman proposes to offer. I read:

That the provisions of this act shall cease to be in effect—

That is the same as the language in the bill up to that point. I read further—

at the end of six months after the existing state of war between the United States and Germany and between the United States and Austria-Hungary shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President—

In the line after the word "effect" he adds "at the end of six months." Now, let us see what other language he changes. Down in lines 18, 19, and 20 he strikes out this language:

as soon as in his judgment the agencies and activities herein provided for can be reasonably terminated.

I think that is what he cuts out. He substitutes this for it:

But the termination of this act shall not affect the exercise of such authority and power herein granted as shall be necessary to speedily wind up the affairs of any enterprise already entered upon or to carry out any guaranty or contract made pursuant to the terms thereof and such termination.

What does he propose to do? You can make a contract under his amendment five months after the war is closed. Under the terms of the act you can not make any contract after the war is closed. But he says "the termination of this act shall not affect the exercise of such authority and power herein granted as shall be necessary"—to do what? To carry out any contract? No; "the affairs of any enterprise already entered upon or to carry out any guaranty or contract made pursuant to the terms thereof."

I submit that his amendment makes the terms more uncertain. We have undertaken to stop as far as we could go the authority at the termination of the war, and to give only such time as is necessary to ease off in the case of such contracts as might extend as much as nearly two years after the war, and the language in the bill is only saving language for the purpose of meeting the emergency; and the present language of the bill, I submit, is more definite and certain, and will limit the authority for the exercise of these extraordinary powers to the day that peace is declared, and then all that is done after that will be nothing more than the gentleman says—to wind up the affairs of any enterprise already entered upon or to carry out any guaranty or contract made, but it would not permit the carrying out of new enterprises.

Mr. MOORE of Pennsylvania. The contract is made during the period of the war, and it may be made for a term of years?

Mr. WINGO. Not over two years.

Mr. MOORE of Pennsylvania. That is what I was inquiring of the gentleman from Indiana.

Mr. WINGO. The gentleman will find that on page 15 of the bill, also on page 10.

Mr. MOORE of Pennsylvania. In the war corporation bill provision is made that the business shall not run more than 10 years, and there ought to be a limitation here. I was interrogating the gentleman to find out if there was such a provision.

Mr. WINGO. The guaranty is not to continue for more than two years, nor can contracts run longer than two years.

Mr. MOORE of Pennsylvania. The contract for taking over a mine——

Mr. WINGO. That would not be a contract, that would be exercising the sovereign power of the Government to meet a war necessity, and the Government would not enter into any contract for that; but if it did, by the bill the contract is limited to two years.

Mr. MOORE of Pennsylvania. There are two ways of looking at it. The Government might suddenly dump the property back on the owner and do him great injustice, and, on the other hand, it might be that the owner of the property would say, "Well, you can not leave me now, because I have an agreement with you to continue for a term of years."

Mr. WINGO. I do not think, if the gentleman will read the act, that he can find any authority for a contract exceeding two years. I think that is a reasonable and fair interpretation of the act. We have done all we could not to have the Government do anything where private capital can do it.

Mr. FOSTER. Mr. Chairman, we have been talking about a good many things that are not in this particular section. I wonder if we can not make some agreement as to debate on this section? I ask unanimous consent that debate on this section and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOSTER. Now, Mr. Chairman, I want the gentleman from Iowa [Mr. GREEN] to have five minutes, the gentleman from Minnesota [Mr. ANDERSON] five minutes, the gentleman from Missouri [Mr. HAMLIN] five minutes, the gentleman from Pennsylvania [Mr. GARLAND] five minutes, and the gentleman from Wyoming [Mr. MONDELL] 10 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman——

Mr. CANNON. Mr. Chairman, I want by unanimous consent to make a statement. It is nearly half past 1, and the time for lunch is about over.

Mr. HAMLIN. This debate will run 30 minutes.

Mr. CANNON. That is one minute for each man now present in the committee. It is nonsense to talk about as important a bill as this is to empty benches. What I do not know about this bill will make two or three books, and I want information. I want to give notice also that during the remainder of the consideration of this bill in the Committee of the Whole I shall try to keep a quorum here. Therefore I make the point, Mr. Chairman, that there is no quorum present. I do not do it for delay, but because it is a very important matter.

The CHAIRMAN. The gentleman from Illinois makes the point of order that no quorum is present. Evidently there is no quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer:

Anthony	Fields	Kreider	Sanders, La.
Austin	Flood	LaGuardia	Sanford
Bacharach	Flynn	Langley	Schall
Booher	Fordney	Larsen	Scott, Iowa
Bowers	Foss	Lazaro	Scott, Pa.
Brodbeck	Francis	Lee, Ga.	Scully
Caldwell	Freeman	Lehlbach	Sells
Campbell, Kans.	Gallagher	Lever	Shackleford
Campbell, Pa.	Gallivan	Littlepage	Sherley
Carew	Gandy	Lobeck	Shouse
Carter, Mass.	Glass	Lufkin	Siegel
Chandler, N. Y.	Godwin, N. C.	Lunn	Slemp
Chandler, Okla.	Good	McCormick	Small
Church	Gordon	McFadden	Smith, Mich.
Clark, Fla.	Gould	McKeown	Smith, C. B.
Clark, Pa.	Graham, Ill.	McKinley	Smith, T. F.
Cleary	Graham, Pa.	McLaughlin, Pa.	Snell
Coady	Gray, Ala.	McLemore	Snook
Cooper, Ohio	Gray, N. J.	Mann	Stedman
Cooper, Wis.	Gregg	Martin	Steele
Copley	Griest	Meeker	Stephens, Nebr.
Costello	Hamill	Montague	Sterling, Pa.
Cox	Hamilton, N. Y.	Mott	Stevenson
Crosser	Harrison, Va.	Mudd	Strong
Curry, Cal.	Heaton	Nichols, Mich.	Sullivan
Dale, N. Y.	Heintz	Norton	Sumners
Dale, Vt.	Helvering	Oliver, N. Y.	Swift
Davidson	Hicks	Olney	Switzer
Delaney	Hilliard	O'Shaunessy	Talbott
Denison	Holland	Park	Taylor, Colo.
Dent	Hood	Parker, N. J.	Templeton
Dewalt	Howard	Platt	Thompson
Dies	Husted	Polk	Tilson
Dooling	Jacoway	Porter	Tinkham
Doughton	Johnson, Ky.	Pou	Treadway
Drukker	Johnson, S. Dak.	Powers	Venable
Dupré	Jones	Price	Walton
Dyer	Kahn	Ragsdale	Ward
Eagan	Kearns	Rainey, H. T.	Watson, Pa.
Ellsworth	Kelley, Mich.	Rankin	Whaley
Estopinal	Kelly, Pa.	Riordan	Williams
Evans	Kettner	Rowland	Wood, Ind.
Fairchild, B. L.	King	Rucker	Zihlman
Fairchild, G. W.	Kinkaid	Russell	

The committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration H. R. 11529, found itself without a quorum, whereupon he caused the roll to be called, when 256 Members, a quorum, answered to their names, and he handed in the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. SAUNDERS of Virginia in the chair.

Mr. GREEN of Iowa. Mr. Chairman, I rise to support the amendment of the gentleman from Indiana fixing the time when the powers conferred in this bill shall terminate. It seems to me that the provisions of this first section now under consideration are inconsistent with the provisions of section 23, and that the amendment offered by the gentleman from Indiana might well be adopted without amending section 23.

As this amendment pertains to the duration of the powers provided in this bill, I wish to speak briefly with reference to the extent of those powers. When I first examined this bill I thought some one had apparently found that there were some powers lying around loose which we had not delegated and that it was necessary to bring in a bill in order that we might give those away along with the others which we have abdicated. I should not object to this so much in war time if I knew there was a necessity and reason for it; but I have listened very carefully to this debate without being able to satisfy myself of the necessity for conveying these powers. The gentleman from Illinois [Mr. FOSTER], chairman of the Committee on Mines and Mining, whom we all so highly respect and esteem—and this is no empty compliment, but simply an expression of the feeling of the whole House—talked for some time, but I was unable to gather definitely what it was intended to do under this bill. Other gentlemen have spoken, and even apparently under a misapprehension of the real condition of affairs. Upon examining the hearings I find that a gentleman by the name of Ingalls, editor of a mining and engineering magazine, says that, so far as most of these minerals are concerned, there is no scarcity, but that there is, on the contrary, a superfluity; that if there is any scarcity it relates to manganese, chromium, and pyrites.

I remember that the gentleman from Missouri [Mr. HAMLIN] spoke about antimony very vigorously; but I infer that antimony is quite abundant, from the fact that its price is only about half what it was in 1916, and that therefore there is no particular reason for stimulating the price of that mineral.

Mr. HAMLIN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes; I yield to the gentleman.

Mr. HAMLIN. The price of antimony in 1916 was $25, and in 1917, $21.

Mr. GREEN of Iowa. The gentleman certainly is looking in the wrong column. The official statement of the imports shows that in 1917 we imported about twice as much antimony as in 1916, but obtained it for a less price. Therefore it is now only about half the price it was then. As I remarked before, the only minerals as to which there is any scarcity are manganese, chromium ore, and pyrites, and the reason for doing something with reference to manganese is not really its scarcity after all. In looking through these hearings I do not find that any manufacturer who uses manganese has testified before the committee. No one has said that he needed any manganese to carry on his business, so far as I can ascertain. The only persons who are supporting this provision who are in any business whatever are certain mine owners who are very enthusiastic about the high price that will be paid for minerals under the provisions of this bill. They think it should be passed. Outside of that I am unable to find that anyone who is engaged in any business thinks it is necessary that this bill be adopted.

Mr. WELLING. Will the gentleman yield for an interruption right there?

Mr. GREEN of Iowa. I have only five minutes.

Mr. WELLING. I want to say that not a solitary mine owner appeared before the committee except one, and he opposed the bill.

Mr. GREEN of Iowa. The gentleman printed in the hearings the statements of a number of mine owners who supported it, and I can readily call the attention of the committee to it if anyone cares to take up the time. On page 115 will be found a statement signed by four mine owners, who say that they "highly indorse" the bill.

Mr. MONDELL. Mr. Chairman, my support of this bill, such as it is, arises more from the promptings of a lively hope than from the assurances of a sound judgment. [Laughter.] The time was, many years ago, when, following the practice of the western country, I roamed the hills somewhat as a prospector. It was my lot and good or ill fortune at one time or another to engage to a considerable extent in the development of minerals, among others some of the minerals enumerated in this list of so-called necessaries. I have some knowledge of the practical conditions surrounding the discovery and development of properties of this sort, and my opinion is that the present high prices and unusual demand for these minerals will in the main lead to their development, so far as the minerals are to be found anywhere within our borders, without any Federal aid or encouragement. There may, however, be a cound reason for the encouragement of the mining of certain minerals, pyrites and manganese particularly, in this country, due to the fact that our foreign importations are large, and it is desired to utilize shipping now engaged in that trade for other purposes.

How far we are justified in placing a bonus on developments of manganese and pyrites and minerals of that character in order to relieve the demand for shipping I do not know, and

it is because of that doubt rather than because of any well-grounded conviction that any real and substantial good will come out of the measure that I am proposing to support it, particularly if it is somewhat amended. It is a curious fact that no man is ever a good prospector except the fellow who prospects largely on his own account.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I am sorry, but I have not the time—and no man is a reliable expert on a mining proposition except the fellow who is compelled to submit his judgment to the acid test of actual development at a profit under private enterprise. The very fact that a man receives an official salary seems to deprive him of the spirit and the inspiration and the sound judgment necessary to make him a good prospector and a wise and dependable advisor in the matter of mineral development.

Mr. Chairman, I did not take the floor primarily for the purpose of discussing those features of the bill, but rather to call attention to the curiously illogical attitude of certain departments of this Government touching important, necessary, and essential mineral development. I think it may be said in truth that this legislation, if it is placed upon the statute books, will have become law very largely through the influence of the Secretary of the Interior, a very able and upright and wise man, a friend suggests, with all of which I agree. But the attitude of the Secretary of the Interior toward various classes of minerals is curiously illogical. While he is proposing we authorize the expenditure of $50,000,000 of the good money of the American people, invested in liberty bonds and obtained from payment of taxes, for the purpose of encouraging the development of certain minerals, the necessity for the encouragement of which is not altogether demonstrated, the Secretary of the Interior by his own acts has tremendously curtailed the development and production of mineral oil, a mineral element needed now as badly as any element produced from the earth. This very hour throughout all of the West men are prospecting the public lands, spending their time and money, enduring hardships, willing to invest their capital to develop oil, and no sooner does a prospector, a developer, a wildcatter, plant his stakes and proceed to development than the officials of the Geological Survey, under the orders and jurisdiction of the Secretary of the Interior, proceed to withdraw the land from under the locator, thus discouraging him and preventing development. Within the last two weeks orders of withdrawal have been issued covering thousands of acres in the State I have the honor to represent on this floor. Nearly a million acres of that State, upon much of which development work would now be under way with private capital, by private enterprise, are now, and have for a considerable period of time been, held in withdrawal, making it impossible for the private individual to go on with his mineral development, except at the hazard of contesting with the same Secretary who withdrew the land his right, title, and interest in and to it. We are needing constantly increasing quantities of mineral oils for fuel, for lubrication, for power.

The reserve supplies are shortening every day. The demands are increasing every hour, and in this condition of affairs, when we are proposing to spend large sums of the people's money in the encouragement of the development of certain other minerals, the influence and activity of the Interior Department is being used in the discouragement of the development of these highly essential mineral products. Before long we shall have reported to this House a bill which, if it comes here in the form in which I understand it has been agreed upon, will add to the discouragement of oil production by further penalizing the activities of those seeking to develop the oil lands of the West.

I am hopeful that out of this bill now before us some good will come. I trust that expenditures under it may be wise. The Lord knows I hope, as all good Americans do, that we may develop our resources and become independent of all the world for these necessary minerals. I trust we are justified in spending some of the people's money for that desirable consummation. In the meantime may we not also hope that a department of the Government that is aiding, promoting, and urging this legislation shall in good conscience take its heavy hand off the oil development of the West? [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ANDERSON. Mr. Chairman, if it is not out of order, I would like to discuss the pending amendment. The amendment of the gentleman from Indiana proposes to fix the termination of the exercise of the powers conferred in this bill with reference to the termination of the war and thereby to confine the powers conferred by the bill to those powers which Congress has the right and the power to confer. If this bill has any sanction or basis of law at all, it rests upon the war powers of the Government. It is a war bill. No pretense is made by anyone that the powers conferred in the bill can rest upon any other constitutional ground. The bill provides that the governmental control of the necessaries described in it "shall continue during the war and thereafter only until, in the judgment of the President, the agencies and activities herein provided for can be reasonably terminated." The final language of this paragraph has no relation whatever to the termination of the war. It would mean exactly the same thing if it said that the powers conferred in the bill shall terminate whenever the President shall so proclaim, without any reference to the war at all. Obviously that provision, if it is effective, if it is assumed to be effective, is beyond the power of the Congress, because we can only legislate under the war power during the period in which the country is at war. It seems to me apparent that whatever may be done in section 23, which is the section which really should terminate the powers conferred in the bill, the amendment of the gentleman from Indiana which refers to this paragraph ought to be adopted, because there certainly should not be two provisions in the bill, both of them seeking to put an end to the powers conferred by it.

I refer now to section 23. Whatever the committee may have meant by the language of the section, the language is unfortunate and does not, in fact, express any concrete or understandable termination of the act. It provides similarly to the section to which I have already referred:

That the provisions of this act shall cease to be in effect after the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President as soon as in his judgment the agencies and activities herein provided for can be reasonably terminated.

Now, we have provided in other bills that the President shall determine when this war ends. That is the determination of a fact. It can not be dependent upon when the President thinks the powers of this bill should reasonably terminate, but it must be determined as a fact and apply to all legislation which has passed to carry on the war. The President certainly can not, as this language seems to imply, find a date for the termination of the war for the purpose of this act which is different from the date found for the termination of the war as to other acts which we have passed. It seems to me clear if we are to limit our action here to the conferring of powers which we have the right to confer that we must adopt some such amendment as is proposed by the gentleman from Indiana, which will terminate the law with reference to the termination of war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARLAND. Mr. Chairman, I believe the amendment offered by the gentleman from Indiana should be adopted. This bill if enacted gives very large power to those who are to apply it. It gives them immense powers; in fact, even dangerous powers. The bill itself is an emergency bill and would not be passed or thought of being passed in times of peace. Now that we are driven to the extremity where we must pass bills in order to carry on the war we should not permit anything in that bill to operate that might carry it past the necessary time that it may apply after the war, and for that very reason I think we should put in any safeguard that we may be able to put in as to the termination of the time of the bill and make it as soon after the close of the war as possible. That this bill must be passed is apparent to all; that there is in the passage of it a matter of about 400,000 tonnage that we take off and permit to be used to take men and transport food, guns, and ammunition across the ocean to carry on the war. Not alone that, but that tonnage may be cut off unless things seem to change more favorably than the newspapers now state. There is danger of us losing even the tonnage we have for that available, and if anyone has been following the newspapers for the last couple of days closely I believe they will see it is necessary for us to run some chances even in passing a bill of this sort, because these articles in here are as necessary for the operation of the war as steel, iron, cannon, or any other thing you use in war times. These are the ingredients that go into the making up of iron, steel, and these other appliances. Mr. Chairman, I am in favor of the amendment. I yield back any time I may have. [Applause.]

Mr. HAMLIN. Mr. Chairman and gentlemen, of course in five minutes I have not time to discuss this bill as I would desire to discuss it. In the first place, gentlemen, I am sure all appreciate the fact that there are only a few materials in comparison with the whole number of minerals in the country embodied in this bill. It is only an effort to give Government control of the few that are vitally needed and that are exceedingly scarce. Some gentlemen have talked this morning of the danger of overproduction, about there being no necessity to control some of the minerals because they are also being produced in this country as

much or more than we now need. I would call the attention of the committee to the fact that the official statement shows, based on this last year, that there was just 10 per cent of antimony produced in this country; some 60 per cent of arsenic; 1 per cent of cerium and thorium; 8 per cent of chalk; 37 per cent of chromium; none of cobalt; corundum and emery, 83 per cent; fluorspar, 94 per cent; graphite, 25 per cent; iridium, 5 per cent; magnesite, 90 per cent; manganese, 32 per cent; mica, 38 per cent; potassium, 10 per cent; pyrites, 33 per cent; tin, 15 per cent; and tungsten, 65 per cent. Those are the official figures, and every man who knows anything about the uses of these minerals must know that they are vitally necessary in the manufacture of war materials. I stated the other day, and I am sure that is the feeling of every man here, that in normal times and under normal conditions I would not vote for this bill, and I do not believe anybody else here would; but, gentlemen, we are confronted with a very serious condition. Some of these materials that are so necessary we have heretofore got from Germany, but, of course, we would not get them now from there. It may be that a mistake has been made in the past by not encouraging the production of these minerals by a tariff. I am not going to discuss that; it does not make any difference whether that is true or whether it is not true. We must now have these minerals, and the best way that has been thought out so far is embodied in this bill. Mr. Leith, connected with the Shipping Board, tells us that the passage of this bill will enable them to release from three hundred to four hundred thousand dead-weight tons of shipping. That we need this shipping goes without saying; every man understands that. I believe when gentlemen come to study this bill carefully there will be an almost unanimous conclusion reached that the bill is necessary, that it is safeguarded, and I wish I had time to discuss other features of it, and that no possible—I think the better word would be probable—no probable discrimination or injury can come to anyone. Now, just a word in reply in opposition to the amendment offered by the gentleman from Indiana [Mr. SANDERS] that is now pending. I agree entirely with my colleague from Arkansas that the language of the bill makes the termination of the great powers conferred by the bill shorter than it would be in case the gentleman's amendment should be adopted.

The gentleman's amendment provides for the continuation of the operations under contracts that the Government may be under at the time the war terminates. Now, the bill provides specifically, gentlemen, that no operation under this bill can be carried on a moment after the President issues a proclamation declaring peace. The only thing that can be continued under this bill is the carrying out of some agreement that may have been entered into under the bill before the termination of the war. And no contract can be entered into under this bill by the Government to extend over a period of two years. So that I can conceive, as my friend from Indiana [Mr. SANDERS] suggested, that in 3 months, or 2 months, or 30 days, perhaps, before the war terminated, none of us being able to see the result that far ahead, might enter into an agreement to guarantee minimum prices on certain things and the war suddenly comes to an end. The Government should have time to close up its contracts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Chairman, I would like to have about five minutes more.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman may have his time extended five minutes.

The CHAIRMAN. The time for the termination of debate has been fixed by unanimous consent.

Mr. BUTLER. I ask unanimous consent that the gentleman from Missouri may have five minutes more time.

Mr. ANDERSON. Mr. Chairman, the gentleman from Illinois was insistent on limiting the time, and I think he ought to object if nobody else does.

Mr. HAMLIN. I think inasmuch as the agreement was made I ought to stand by it.

Mr. DOWELL. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Iowa makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

The question is on the amendment offered by the gentleman from Indiana [Mr. SANDERS].

Mr. GARLAND. Will the Chair have the amendment again reported so that gentlemen who have come in may hear it?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SANDERS].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the President is authorized through the Secretary of the Interior to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act. That in carrying out the purposes of this act the Secretary of the Interior, with the approval of the President, is authorized to enter into any voluntary arrangements or agreements; to use any agency or agencies; to accept the services of any persons without compensation; to cooperate with any agency or person; and to coordinate their activities so as to avoid any preventable loss or duplication of effort or funds. Any person may be employed under the provisions of this act without reference to civil-service laws and regulations.

Mr. ROBBINS, Mr. McKENZIE, and Mr. MILLER of Minnesota rose.

The CHAIRMAN. The gentleman from Illinois [Mr. McKENZIE] is recognized.

Mr. McKENZIE. Mr. Chairman, I move to strike out the last word. I had intended to discuss this question, but I see in the room now the gentleman from Michigan [Mr. HAMILTON], and, as this is a war measure, he has a little matter that I think will be very interesting, and so I will yield to the gentleman from Michigan [Mr. HAMILTON] for two or three minutes.

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. HAMILTON] will be recognized for three minutes.

Mr. HAMILTON of Michigan. Mr. Chairman, as the Chair says, this will have to be read by unanimous consent. This poem was written by Capt. Rainsford as a marching song for his regiment, the Three hundred and seventh United States Infantry, National Army, which was stationed during the winter at Camp Upton. In its ranks are many Irishmen, and its commissioned officers carry blackthorn sticks. It is called "Faugh-a-Ballagh," which is Irish for "Clear the way."

This poem has all the swing of Kipling in it. I was reading it a few moments ago to some friends in the cloakroom, and it was suggested that it ought to go into the RECORD. It appeared in the last issue of the Outlook.

FAUGH-A-BALLAGH.

[By W. Karr Rainsford, captain, Three hundred and seventh United States Infantry, National Army.]

There's a Blackthorn Regiment belongs to Uncle Sam,
And it's heading out for trouble any day.
Be it France, or Greece, or Russia, it doesn't give a damn,
Only start it on its road and clear the way!

So clear the way before us when our marching orders come!
Can't you hear the fifes ascreaming and the throbbing of the drum,
And the roar of marching feet
Down the crowded city street,
Past the avenues of faces? It's the long good-by for some.
It's the price we gladly pay
To the Resurrection Day.
Let us pay it as we play it—Faugh-a-Ballagh! Clear the way!

We have never faced a barrage, and we've never shed our blood,
Though we've done our duty decent up to date,
But we're strong on stumps and snow fields, we're hyenas for the mud,
We'll be ready when we hear their hymn of hate.

We've a debt that's due to England. We've a price to give for France,
We've a score with God Almighty we would pay.
We have talked and we have dallied while the others staked our chance,
It is time we drew our cards—so clear the way!

There's a length of battered trenches where the trees are torn and dead,
With the reek of rotting horses in the air;
Where through the blinding fog the shells come wailing overhead,
And it's waiting for us now over there.

Where the yellow mud is spattered from the craters in the snow,
Where the dice of death are loaded—let us play.
We have pledged our word to Freedom, and it's there that we would go,
With the strength that Freedom gives us—clear the way!

Clear the way to No Man's Land, with bugles shrill and high,
Clear it to the lid of hell, with flags against the sky.
Clear the way to Kingdom Come, and give us glad good-by,
We've a blow to strike for Freedom—clear the way!

[Applause.]

Mr. McKENZIE. Mr. Chairman, I withdraw the pro forma amendment.

Mr. ROBBINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ROBBINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 3, line 6, after the word "funds," strike out the balance of the paragraph, which words to be stricken out are as follows: "any person may be employed under the provisions of this act without reference to civil-service laws and regulations."

Mr. ROBBINS. Gentlemen of the committee, this provision is intended in the existing bill to strike down the civil-service examinations for these employees under this bill. It is unnecessary and it is unfair to do this.

I want to read to you, gentlemen of the committee, from the last report of the Civil Service Commission, on page 8, to show that there is already a provision in the general civil-service law of January 16, 1883 (22 Stats., 403), that exactly covers and applies to this situation. It says:

An Executive order was issued on March 26, 1917, permitting the commission, when it decides that because of the public exigency there is need of the immediate filling of a position for which there is no suitable eligible, to authorize the filling of such position by the appointment of a person shown to be qualified by such noncompetitive tests of fitness as the commission may prescribe. Up to October 1, 1917, 263 appointments had been authorized under this order, the appointee in each case being first required to file evidence of qualifications. By an Executive order of May 11, 1917, the commission was authorized in its discretion to approve appointments without examination of civilian employees attached to military organizations sent to Europe. Under this order 213 appointments were approved up to October 1, 1917. The commission is authorized under section 10 of Civil Service Rule II to permit appointment on noncompetitive tests of fitness to a vacancy in a position the compensation or duties of which are such that in its judgment qualified persons are so rare that it can not in the interest of good civil-service administration be filled at that time through open competitive examination. The number of appointments under this order during the fiscal year was 48. Many of these appointments were of persons with special experience or training who were willing for patriotic motives to serve the Government at a merely nominal compensation.

Now, there is only one reason why this committee should seek to make all of the employees under this bill of a class that are exempt from the civil-service requirements, and that is this, that technical knowledge is required as to the duties that these men are to discharge, especially in the educational qualifications that they must possess in order to meet the requirements of this act. And the rule which I have read, which is a standing rule of the Civil Service Commission, covers exactly employees or Government servants in that class. Therefore there can be no occasion for the exempting of this vast number of employees to be taken into the Government service under the provisions of this bill.

Why, gentlemen, we are brought to our senses here by the testimony taken by the committee in the hearings on this bill of the very large number of new employees which these Government departments have taken on during the last year. Mark this, and I read from Dr. Manning's testimony, on page 58 of the hearings. When asked about the Bureau of Mines, he said this:

The Bureau of Mines has increased its personnel from 470 men this time last year to about 1,700 men now.

The Bureau of Mines, of course, will have very largely to do with the examinations of mineral lands and mines that are to be conducted under this act. This bill is to create under section 17, that proposes an appropriation of $500,000 for the investigations and search for these minerals, to employ a corps of men who are to go about over this country seeking these necessities or these secondary minerals, as they are called in the act. The number of that corps of men will be limited and their qualifications determined only by the ability of the Secretary of the Interior, who alone selects them. There will be an army of them, and they are to be all placed "outside of the civil service," with no mental requirements except what the Secretary says are to be adopted as a standard of capacity from which they are to be selected. He is to name them without any restriction if this provision is allowed to remain in the bill.

But that is not the most vicious part of this proposition. This is a deliberate attempt, intentional or unintentional, insidious as it may seem, innocent as it appears upon its face, to strike down the Civil Service Commission of the United States, a commission, gentlemen of the committee, that this month in the performance of its duties examined in Washington alone between April 15 and April 20, 3,187 persons for public service in the Government departments, and outside of Washington fully as many more. And last year, with all the great drafts upon it by the various departments, it examined in Washington 175,284—and I read from the last report, page 21, from which 79,268 persons were selected for the classified service and given employment, and outside of Washington 36,830, from which 7,044 were selected and placed in the classified service, or a total—mark the stupendous work that this commission is performing and is preparing to perform—a total of 212,214 persons were examined, out of which were selected and inducted into the Government service and qualified service 86,312. This, gentlemen, is intended as a death blow to the Civil Service Commission and to the civil-service law, and I am opposed to all such legislation. I hope that this amendment will be adopted and that all these employees to be engaged to perform service under this bill will be preserved within the civil-service law. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOSTER. Mr. Chairman, the gentleman from Pennsylvania [Mr. ROBBINS] is entirely mistaken in his impression with reference to this provision. It is true that Mr. Manning did testify that this bureau had expanded from 470 to 1,700 men. But probably he did not tell the complete story—I mean Dr. Manning—so that the gentleman from Pennsylvania did not, probably, understand it.

Mr. ROBBINS. Does the gentleman mean to say that I did not read the exact language from Dr. Manning on page 58?

Mr. FOSTER. He did not read enough.

Mr. ROBBINS. I did not read all of his statement.

Mr. FOSTER. The gentleman might have that impression by reading what he did. But here are the facts: The 470 men were employees of the bureau. Now, as it is well known to nearly everybody, the Bureau of Mines has taken on a large amount of the work of the War Department in reference to war work, as to gases and such work connected therewith. Now, those men are not all taken in under the civil service. They are taken in under the war appropriation act, and many of them are enlisted men. Many of them are expert chemists and men of that kind, who are not under the civil service. There may be a few of them who are. So that disposes of that part of it.

Mr. MILLER of Minnesota. Mr. Chairman, may I make an inquiry of the gentleman?

The CHAIRMAN. Does the gentleman yield?

Mr. FOSTER. Yes.

Mr. MILLER of Minnesota. The gentleman states that the Bureau of Mines has taken over a large part of the work in regard to the production and handling of gas in the Army. Can the gentleman state, without going into too much detail, how large a part of the gas service is in the Bureau of Mines?

Mr. FOSTER. This Bureau of Mines is doing most of it. There are Army officers there.

Mr. MILLER of Minnesota. I think the gentleman is mistaken. Have they not an independent bureau in the War Department working on that?

Mr. FOSTER. They may have them together.

Mr. WELLING. May I read just what Dr. Manning says, following what was read by the gentleman from Pennsylvania?

Mr. FOSTER. Yes.

Mr. WELLING. He says:

The Bureau of Mines has increased its personnel from 470 men this time last year to about 1,700 men now. Of course, these are new departures; the War Department had not undertaken any of this work before. The character of this work is confidential.

Mr. ROBBINS. That is all right; but if the gentleman will permit——

Mr. FOSTER. That is where a large number of those men are located.

Mr. ROBBINS. Will the gentleman permit a question right there, so as to be perfectly fair?

Mr. FOSTER. Yes.

Mr. ROBBINS. If you will read the civil-service examination, they say under that position of military appointees for confidential work in the testing of gas or military work of that kind, under this provision 213 were appointed, not all of the 1,700.

Mr. FOSTER. I said that some of them were civil-service employees, a small part.

Mr. JAMES. The gentleman from Pennsylvania says this is an effort to strike down the civil service. Is it not true that the Civil Service Commission has joined in a request to the President to remove all war work in the Bureau of Mines from the Civil Service Commission?

Mr. FOSTER. Yes. And I will say this further to the gentleman from Pennsylvania, that they did make a request, as told by the gentleman from Michigan—made the request as to explosives. They joined in the request—the Civil Service Commission—that these men should, as far as possible, be selected outside of the Civil Service Commission. Now, as a result of what that explosives section did, I want to read to you what Dr. Manning said in reply to a question by the gentleman from Michigan [Mr. JAMES].

Mr. ROBBINS. Will the gentleman permit me right there? I called up the Civil Service Commission this morning and asked them about this matter, and they said they could provide all the

employees needed under this bill, and that the civil-service standards ought to be preserved.

Mr. FOSTER. They came under the explosives bill, but they joined in a request to the President to place them outside of the civil service. There is no controversy between the gentleman and myself about that.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FAIRFIELD. Is there anything confidential in the personnel under this bill? There is no reason why they should be confidential?

Mr. FOSTER. No; none on earth.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may have five minutes more. I interrupted him myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes more.

Mr. BUTLER. Mr. Chairman, will the gentleman from Illinois let me ask him a question?

Mr. FOSTER. Yes.

Mr. BUTLER. You know this is a year in which our side of the House is for the Civil Service Commission. [Laughter.] Is it possible for the Civil Service Commission under this bill to furnish these employees that will satisfy a man like me?

Mr. FOSTER. I will answer the gentleman. In answer to the question on this very point by Mr. JAMES, when Mr. JAMES said——

Mr. ROBBINS. Where does the gentleman read from?

Mr. FOSTER. From the testimony. I read the following:

Mr. JAMES. When the powder bill was up you remember this language, "accept the services of any person without compensation," and then a little further, "any person may be employed under the provisions of this act without reference to civil-service laws and regulations." I believe in civil service. At that time you stated it was not the intention of giving Democrats or anybody else a job, but simply to take care of a good many men who wouldn't want to take the civil-service examination whatever. You wanted to use them without getting their services for nothing, and at the same time you want to take care of that.

Dr. MANNING. I will give you a concrete illustration of that. In the explosion at Jersey City, instead of our bureau sending an expert over there, Mr. Topping, who was Director of the Bureau of Explosives, a bureau that is organized and financed by the railroads of the country, went there. He is getting a dollar a year. He made a prompt report to the Bureau of Mines as to the causes of that explosion. We had to give him a dollar a year so as to give him entrée to the manufactories and all plants where explosions occur.

He further said he sent that telegram to Mr. Topping, and in a short time he had word back as to the cause of that explosion. That is one reason why we could not ask a man like that to take a civil-service examination.

Mr. BUTLER. The gentleman knows that I have confidence in the gentleman. Does the gentleman feel that he has given me a reason in that one illustration?

Mr. FOSTER. Yes. Let me say to my friend this: These men are necessarily expert in that line of work, and ought to be.

Mr. JAMES. Under the powder bill we are using county clerks and village clerks.

Mr. FOSTER. Yes.

Mr. JAMES. They donate their services. We would not want them to take the civil-service examination.

Mr. FOSTER. And the mine inspectors.

Mr. JAMES. They would not want to take the civil-service examination.

Mr. FOSTER. We are using the county clerks, and, as the gentleman from Michigan says, we would not want them to take the civil-service examination.

Mr. BUTLER. No; and I would not either; but at the same time——

Mr. FOSTER. Some of those now connected with the bureau are under the civil-service law, and yet the director was not compelled to put any of them under that law. But he did it, and he put every one under the law that it was possible for him to put under it. The employees who do the clerical work are under the civil service now.

Mr. BUTLER. How about the clerical force hereafter?

Mr. FOSTER. I do not know what the gentleman means.

Mr. BUTLER. They will have to increase the clerical force under this bill.

Mr. FOSTER. Yes.

Mr. BUTLER. Those clerks will be appointed without reference to the civil service.

Mr. FOSTER. They could be, but I doubt if they will be.

Mr. BUTLER. Could we not write it into the bill, so that there would be no doubt about it.

Mr. FOSTER. We passed the explosives bill in the House with this very provision. It went to the Senate and the Senate cut it out. Then it went to the President, and he signed it; and after he had signed it and it had become a law, then the Civil Service Commission joined in a letter to the President asking him to remove these employees from the civil service on account of the peculiar work and its temporary character.

Mr. BUTLER. Under the law the President has the authority to designate certain men who may be employed under this bill without taking the civil-service examination. He has that authority now. Could we not write it in here so that it would specify, so as to satisfy the ordinary man as he runs along, that all the great clerical force should be employed under the civil service?

Mr. FOSTER. I care nothing about the clerical force. The men I am speaking about are this expert force who go out, and the men whom they might desire for consultation, who would be willing to do this work without compensation. There was Mr. Topping, whom they put on the roll at a dollar a year to do certain work without expense to the Government.

Mr. HAMLIN. There are certain technical gentlemen who ought not to be put under the civil service.

Mr. BUTLER. They ought not to be examined at this time, I admit, and they need not be.

Mr. HAMLIN. There is the State geologist of Illinois and the State geologist of Missouri, and there are one or two other eminent gentlemen who have been here helping the Bureau of Mines, and will doubtless continue to do so. These gentlemen would not want to take the civil-service examination.

Mr. MILLER of Minnesota. They are not employed by the Government, but by the State.

Mr. HAMLIN. They get a dollar a year, or something like that, from the Government.

Mr. FOSTER. There is Dr. Richards, from the gentleman's own State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman have five minutes more.

Mr. GILLETT. I ask that the gentleman have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended five minutes. Is there objection?

There was no objection.

Mr. ROBBINS. I submit to the gentleman in all fairness that rule 2, section 10, as promulgated by the Civil Service Commission, would cover the very class of cases he is speaking of, where the President, in his judgment, thinks the qualifications of the persons are so rare that it is to the interest and good of the public service that they be taken out of the operation of the law. Does not the gentleman think that would cover every man who would be sent out to search for these necessary minerals under this geological expedition?

Mr. FOSTER. I do not think so. The gentleman has asked me a question. Let me ask this one: Does the gentleman think it would be right to take Dr. Richards, of Lehigh University, and say to him, "Now, we would like to have your services, but we want you to fill out one of these blanks of the Civil Service Commission"?

Mr. ROBBINS. I will answer the gentleman's question——

Mr. FOSTER. The gentleman can answer it yes or no.

Mr. ROBBINS. I will say no, that we do not wish him to fill out a blank; but I will say that the selection of a man like Dr. Richards is covered by this rule 2, section 10, now in existence, promulgated by the Civil Service Commission. I would not want to ask Dr. Richards to take an examination, but would require an application to disclose the facts necessary to such appointment.

Mr. FOSTER. He would belong to what they call the nonassembled type. They send out and grade a man, whether he is qualified. I would not want to ask Dr. Richards to do that. He is too high class a man.

Mr. BUTLER. I would not want to do that; but would it be necessary?

Mr. FOSTER. No; but he could not get in under the existing law if you strike that out.

Mr. MILLER of Minnesota. I can see some reason why it is not desirable that these technical and scientific men should be selected with any reference to the Civil Service Commission. It is a rather cumbersome method to go to the Civil Service Commission and say, "Here are some men whom we would like to get," and have the Civil Service Commission inspect them and go into all those details. That would be aggravating. On the other hand, I do not like the idea of leaving this wide open, and I ask the gentleman if he would have any objection to this

amendment, after the word "employed," in line 6, to insert the words "for technical or scientific work," so that it would read:

Any person may be employed for technical or scientific work under the provisions of this act without reference to the civil-service law.

Mr. FOSTER. I have no objection to that. This is not an attempt to break down the civil service. I will ask the gentleman to offer his amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. FOSTER. I yield to the gentleman.

The CHAIRMAN. Does the gentleman from Illinois yield the floor to the gentleman from Minnesota to offer the amendment?

Mr. FOSTER. I do.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. MILLER of Minnesota. I offer a preferential motion to perfect the text; after the word "employed," in line 6, insert the words "for technical or scientific work."

Mr. GILLETT. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Pennsylvania. I have listened to what the gentleman from Illinois has said. I do not think he at all answered the argument of the gentleman from Pennsylvania.

The fact is that in almost every bill brought up which has granted this enormous increase of force to the administration there has been this clause excepting the appointment from the operation of the civil-service law. The reason for that, in my opinion, is only that deserving Democrats may be appointed. That is my conviction of the purpose, and I believe that is the result. There is no need, and anybody who carefully inspects it will see that there is no need, for such a provision as this simply to protect a few exceptional appointments to which the gentleman from Illinois refers. The gentleman from Pennsylvania read the clause of the civil-service act which of itself protects them pretty well. But we have a further protection than that, because if it is necessary in order to procure the proper men that they shall be excepted from the civil-service law, the President of the United States by the law is given the power to except them. It is given for that very purpose. The reason the civil-service law was established was not because in all cases it ought to apply, but because in the majority of cases it ought to apply to prevent partisan appointments. It is applicable to us when in power as to you when in power. That is the purpose of it, and because in some cases it would be unwise and unduly restrictive, as the gentleman from Illinois suggests, the President was given absolute power, whenever he saw fit, to exempt from it a class or an individual. So in this case, if there are men who need to be exempted, all the President has to do is to sign the order. Therefore, in my opinion, all these exemptions have been put in order to allow partisan appointments. I can not see any other reason for it.

Mr. FOSTER. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. FOSTER. Does the gentleman think that men like Dr. Richards and others would be appointed for partisan purposes?

Mr. GILLETT. I do not think that everybody is appointed for partisan purposes. You have got to have some good men. [Laughter.]

Mr. FOSTER. And you can get them outside of the civil service.

Mr. GILLETT. Outside the Democratic Party, and the President can exempt them from the civil service.

Mr. FOSTER. The gentleman knows that the President has appointed quite a number of Republicans.

Mr. GILLETT. I do not know that he has.

Mr. HAMLIN. Does not the gentleman know that in the food bill we had the same provision that the clerks should be selected outside the civil service?

Mr. ANDERSON. I want to call the gentleman's attention to the fact that we did not have such a provision in the food bill. The President issued an order under which the Food Administration has taken its employees without reference to the civil service.

Mr. GILLETT. That seems to contradict the gentleman from Missouri.

Mr. HAMLIN. Mr. Hoover informs me that he selected his employees from the civil service.

Mr. GILLETT. I have great regard for Mr. Hoover, and I do not believe that Mr. Hoover is actuated much by partisan purposes. He is looking for good men and not good Democrats.

The purpose, as I believe—I hope that I am mistaken, but I do not believe I am—the purpose of the clause in these bills is in order to allow patronage appointments. And I think it is particularly unfair when such enormous powers and patronage have been given to the President by both sides that they should always take pains to exempt them from the civil service. So that the appointments will only represent one side. The Federal reserve bank was the first law I remember that contained this exception, and then right down through all these additional departments and bureaus which have been created, every one of them, as I remember, has a clause that the civil-service rules shall not apply.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. GARRETT of Texas. If the amendment offered by the gentleman from Minnesota is adopted, except those falling under the amendment, all the other employees would come under the civil service.

Mr. GILLETT. If his amendment is adopted?

Mr. FOSTER. I have no objection to that.

Mr. GILLETT. Frankly, I do not think that is much better than it is now, although it is somewhat of an improvement. The committee did not put it in, they had to wait for the gentleman from Minnesota.

Mr. FOSTER. I think it is all right as it is, but I have no objection to it.

Mr. GILLETT. I do not think that is necessary.

Mr. DOWELL. Mr. Chairman, I raise the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Iowa makes the point that no quorum is present. The Chair will count. [After counting.] Seventy-four Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Flood	Larsen	Rucker
Aswell	Flynn	Lazaro	Sanders, La.
Bacharach	Focht	Lee, Ga.	Sanford
Barnhart	Fordney	Lehlbach	Schall
Beshlin	Foss	Lever	Scott, Iowa
Brodbeck	Freeman	Linthicum	Scott, Pa.
Browning	Gallagher	Littlepage	Scully
Burnett	Gallivan	Lobeck	Sells
Caldwell	Gard	Longworth	Shackleford
Campbell, Kans.	Glass	Lufkin	Sherley
Campbell, Pa.	Glynn	Lunn	Shouse
Carew	Godwin, N. C.	McCormick	Siegel
Carlin	Goodall	McKinley	Slemp
Carter, Okla.	Gould	McLaughlin, Pa.	Small
Chandler, N. Y.	Graham, Ill.	McLemore	Smith, Idaho
Church	Graham, Pa.	Maher	Smith, Mich.
Clark, Fla.	Gray, Ala.	Mann	Smith, C. B.
Clark, Pa.	Gray, N. J.	Martin	Smith, T. F.
Coady	Gregg	Meeker	Snell
Collier	Griest	Miller, Wash.	Snook
Connelly, Kans.	Hamill	Mondell	Snyder
Cooper, Ohio	Hamilton, N. Y.	Montague	Steele
Copley	Harrison, Va.	Moore, Pa.	Stephens, Nebr.
Costello	Hastings	Mott	Sterling, Pa.
Curry, Cal.	Haugen	Mudd	Stevenson
Dale, N. Y.	Hayes	Neely	Stiness
Dale, Vt.	Heaton	Nelson	Strong
Delaney	Heintz	Nichols, Mich.	Sullivan
Denison	Helm	Norton	Sumners
Dewalt	Hicks	Oliver, Ala.	Swift
Dickinson	Holland	Oliver, N. Y.	Switzer
Dies	Hood	Olney	Talbott
Donovan	Humphreys	Paige	Templeton
Dooling	Husted	Parker, N. J.	Thomas
Doremus	Hutchinson	Phelan	Thompson
Doughton	Jacoway	Platt	Tilson
Drane	Johnson, Ky.	Polk	Tinkham
Drukker	Johnson, S. Dak.	Porter	Vare
Dunn	Jones	Powers	Venable
Dupré	Kahn	Price	Ward
Dyer	Kearns	Ragsdale	Watson, Pa.
Eagan	Kelley, Mich.	Ramsey	Webb
Ellsworth	Kelly, Pa.	Rankin	Wilson, Ill.
Estopinal	Kettner	Reed	Wilson, Tex.
Evans	Kiess, Pa.	Riordan	Winslow
Fairchild, B. L.	King	Robinson	Zihlman
Fairchild, G. W.	Kreider	Rose	
Ferris	La Follette	Rowe	
Fields	LaGuardia	Rowland	

The committee rose, and the Speaker resumed the chair amid prolonged applause; Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 11259 and finding itself without quorum, he directed the roll to be called, whereupon 238 Members answered to their names, a quorum, and he handed in the list of absentees for printing in the RECORD.

The SPEAKER. Gentlemen of the House of Representatives, I am glad that you indorse the action I took about whether I should stay here or go to the Senate. [Applause.] Of course, to be a Senator from Missouri is a great honor. No State in the Union has ever had a higher average of senatorial ability than that displayed by the double line of Senators from Missouri. Several of them were great men, all of them were good men, and only one or two of them could by any possibility be considered small men. The tender of the Senatorship by Gov. Gardner presented to me the most serious question that has ever arisen

in my life from a political standpoint. The enormous amount of solicitation that I received from Missouri, which I love so well, compelled me in the very nature of things to consider it, and to consider it thoroughly, because the offer of a Senatorship from that imperial Commonwealth could not be regarded lightly by any of her sons. The generous conduct of the Republicans in the House would have made it easier for me to take the Senatorship than if they had not so acted, and I want publicly to thank them not only for suspending the rules, at the request of Mr. GILLETT, to permit me to attend Senator STONE's funeral, but also for the tender they made yesterday morning as to the Speakership.

I gave the matter consideration for two days and nights. I left out of it as far as was humanly possible my own political fortunes. The only question in my mind was where lay my duty to my country. [Applause.] Duty is the sublimest word in our vernacular, and I am proud to say that every Member of this House is a patriot according to his lights and is honestly striving to discharge his full duty to his country. In this exigency of our affairs—indeed, of the affairs of the whole world—it is the supreme duty of every citizen to do everything he can to uphold the hands of the administration and the glory of his country, and he ought to be in the place where he can do the most good. That was what I had to consider. I finally decided that on account of the affection and esteem so often manifested to me by the entire House of Representatives, without a man missing, Democrats, Republicans, and Independents, my duty is here. There is a House habit and a Senate habit, very different in their nature and character. I am thoroughly saturated with the House habit. I might become so thoroughly ingrained with the Senate habit. As far as the personal phase of it is concerned, this has been the scene of my great activities for a quarter of a century. Here I have experienced both defeats and victories. Service in this House does not always give you victory. You have to accept the fortunes of war. Whatever reputation I have in the world I achieved on the floor of the House of Representatives, and if I were to live a million years the manifestation of esteem and affection of this House bestowed on me so often would not be forgotten. They are enshrined in my heart forever. So I made up my mind to stay with you, and we will all fight this war out together—to victory, I hope and believe. [Prolonged applause.]

By unanimous consent, at the request of Mr. BARKLEY, the following telegram from the governor of Missouri tendering the Speaker the Senatorship and a copy of the Speaker's reply thereto are inserted at this point:

JEFFERSON CITY, MO., *April 24, 1918.*

Hon. CHAMP CLARK,
Congress Hall, Washington, D. C.:

I have the honor of tendering to you the appointment as Senator to fill the vacancy caused by the death of Senator STONE. I hope to hear early advice of your acceptance.

FREDERICK D. GARDNER.

SPEAKER CLARK'S LETTER.

WASHINGTON, D. C., *April 26, 1918.*

Hon. FREDERICK D. GARDNER,
Jefferson City, Mo.

MY DEAR GOV. GARDNER: I am profoundly grateful for your tender of the Senatorship, for your good opinion thus evidenced is highly prized by me. To be a Senator from the imperial Commonwealth of Missouri is a signal honor. No State in the Union has furnished the country a line of Senators of higher average ability than has Missouri. Therefore a Senatorship at her hands is a position not to be declined lightly by any man.

The duty of selecting from a multitude of able men a worthy successor to the great Senator STONE placed you in a serious situation and your offer to me put me in a serious position. I have thoroughly considered my duty in the premises, leaving out of the consideration my own personal fortunes as far as was humanly possible, and have come to this conclusion:

In this awful crisis of our country's affairs—indeed, of the whole world's affairs—it is the imperative duty of every man to serve the people and uphold the Government to the best of his ability and in the position where he can do the most good. I believe that I can render more service in the Speaker's chair than in the Senate. Therefore I feel constrained to decline your tender of the Senatorship, heartily thanking you and the many Missourians who have urged me to accept.

CHAMP CLARK.

The committee resumed its session.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be now closed.

Mr. ROBBINS. Mr. Chairman, I hope the gentleman will not insist upon that. I would like to say a word in opposition to this proposed amendment after the gentleman from Massachusetts [Mr. GILLETT] is through.

Mr. GILLETT. Mr. Chairman, I do not remember exactly what I was discussing when I was taken off my feet by the roll call and it is rather hard to turn from the most interesting remarks of the Speaker of this House to the discussion of this bill, but it may not be improper for me just to say that I have such a regard and esteem and affection for the Speaker that for one I am delighted that he has decided to stay with us [applause], and I am sure all of us on this side give full credit and admiration to the patriotic motives which we believe determined his choice and are very glad that he is not going to desert us. [Applause.]

Now, turning, Mr. Chairman, to the somewhat partisan matter which is rather out of line with those remarks, I do not see any reason at all for the clause which exempts the employees from civil service except one, and that is that they can be appointed for partisan-patronage purposes. Except for that one purpose there is no reason at all that this clause should be in there because, as the gentleman from Pennsylvania said, the rule now adopted by the Civil Service Commission exactly provides for those cases and allows exemptions to be made for the very class of men that the chairman of the committee says it is intended to exclude; and for all the rest, the clerks, they ought to be under the civil service. Now, I do not suppose that every official appoints men simply for patronage purposes. I do not believe that even if this amendment is defeated every man who was appointed would be a deserving Democrat. Some officials undoubtedly will prefer to have an efficient force rather than to please Congressmen or political bosses; but the only reason for this clause in the bill is to allow patronage, to allow men to be appointed simply because they are deserving Democrats, because the Civil Service Commission can provide for all places that are necessary, and, moreover, the President has absolutely the power to exempt a class or person. Now, formerly, I did not believe that specialists, chemists, scientific men, could be well selected by civil-service examinations, although I have always sincerely believed in the principle, but little by little experience has shown that there are very few classes of employees, no matter how great their technical skill, who can not be selected by examinations provided by the Civil Service Commission, and the experience we have gone through shows that the men who are being employed under this law might better be selected by the civil-service law.

So there is but one reason; and, as I say, I think the exceptions which have been made in law after law can have had only one purpose, and that is the purpose of reverting back to the old spoils practice, and no longer have merit instead of partisanship determine appointment to office. Therefore, in this time of war it is peculiarly ungenerous, it seems to me, as well as unwise to put in this bill a clause which will allow employees to be appointed for partisan reasons. The amendment which my friend from Minnesota has offered in a certain measure is better, of course, than the original bill, but I do not believe even that is necessary. I believe the Civil Service Commission and the President together can absolutely prevent any harm which the gentleman from Illinois portends if we strike out that provision, and therefore it seems to me the whole clause ought to be stricken out and let these new appointments be made under the general law.

Mr. FOSTER. Mr. Chairman, I would like to close debate on this. I am not making any fight. I thought the amendment of the gentleman from Minnesota would cure all objection anybody had to that.

Mr. FESS. I would like some time.

Mr. FOSTER. How much time would the gentleman like? I would like to close it up.

Mr. FESS. I would like five minutes. I had hoped to have 10 minutes, but I will take 5 minutes.

Mr. FOSTER. Mr. Chairman, I ask that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

Mr. ROBBINS. Will the gentleman give me two minutes?

Mr. FOSTER. The gentleman has had time.

Mr. ROBBINS. But so much of my time was taken up by questions; the gentleman took up half my time asking questions.

The CHAIRMAN. Is there objection to the request of seven minutes?

Mr. MILLER of Minnesota. Mr. Chairman, reserving the right to object, I have not used any time at all——

Mr. ROBBINS. Mr. Chairman, I will withdraw my request.

Mr. MILLER of Minnesota. And if the gentleman from Pennsylvania has time, I would like some.

Mr. ROBBINS. I do not care for time; I will not bother with it, and I withdraw my request for time.

The CHAIRMAN. Is there objection to the request for five minutes? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Chairman, I was interested in the statement of the gentleman from Pennsylvania when he discussed his amendment that this assault on the merit system proposed as a

part of this legislation was the beginning of the breakdown of the civil service. Had he but reviewed legislation since the Democrats took control of the Government, he would not have been so mild in his statement. I would like to call the attention of my friend to the fact that the first law of this administration of which I have any note that began the assault upon the merit system which definitely points to the breakdown of the civil service was June 20, 1913, referring to the Supervising Architect's Office, which exempted from the classified service employees in connection with plans, specifications, and construction of the central heating plant. The second one was October 3, 1913, the famous Underwood bill, in which the agents, deputy collectors, inspectors, and employees of the Government to be employed in the income-tax law were exempted by legislative act of this Congress. A third law was enacted October 22, 1913, only three weeks later, which provided for an army of deputy collectors and internal-revenue officers and deputy marshals, and broke the shield of protection of the merit system by opening up the crib for the hungry spoilsmen. December 23, 1913, another loudly heralded Democratic measure was made law, and provided through another assault upon the merit system that the employees in the Federal reserve act were exempt from the operation of the civil-service regulations by a specific clause in the Federal reserve law. Mr. Chairman, this law was the fourth measure, being all the measures of consequence in 1913 which made special exceptions to the civil-service regulations. Half of them were leading administration measures, upon which the Democrats were willing to stand before the country. Two were made riders to appropriation bills, which indicates the hunger of the spoilsmen now in control of the country. July 16, 1914, another law was enacted, which exempted the commercial attachés of the Department of Labor from the operations of the merit system. This was another rider attached to an appropriation bill. On August 1, 1914, the commissioner of immigration's office, New Orleans, also was exempted from the operations of the law; also on the same date the Five Civilized Indian Tribes were exempted by a rider to an appropriation bill.

The CHAIRMAN. The committee will be in order.

Mr. FESS. I am quite aware that our Democratic friends do not care to hear a recital of these acts. But they are the list of which this assault is but one, and I have no doubt that many others are to come.

The CHAIRMAN. The gentleman will pause for a moment, in order to enable the Chair to secure order, so that his recital may be heard.

Mr. FESS. I thank the Chairman. September 26, 1914, another of the President's program of legislation was made law—the Federal Interstate Trade Commission—which exempted the clerks and the various appointees under that law from the merit system and opened them to the hungry horde. This was the fourth assault in 1914, the second year of Democratic rule. January 28, 1915, the Life-Saving Service was exempted from the operations of the law.

I think that that probably is justified. Therefore I am not making any opposition to that. I am frank to admit that I am not averse to exercising personal selection where special discipline must be had. For that reason I am not insistent the civil-service regulations must be observed in all military or naval appointments. However, I would not allow them to be prostituted as spoils.

The rural credits bill exempted the appointees from the operations of the merit law, and it slipped in another provision that will indicate the tendency of the legislation during this Democratic administration. I want it noted. I quote the provision:

> Also such attorneys, experts, assistants, clerks, laborers, and other employees and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883, and amendments thereto or any rule or regulation made in pursuance thereof.

That is the general provision. Now note this language with special attention to the dominant emphasis of the party now in power to seize and hold the offices:

> *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

That is a wonderfully suggestive feature of the law. You repeal the civil-service law in order to get the spoils seekers in, and then you cover them into the civil service after you have gotten them in, so that they can not be gotten out. Now, that is the law. For the first two years assaults got no further than removing the barriers against Democratic preferment upon the claim that "I won the place and I demand it as a victor." These assaults became so common that they were regarded the rule of Democratic legislation. The third year began the effort to cover the victors with Executive favor.

The same thing in the Shipping Board; the same general rule will be observed in nearly all the laws that we have passed in 1916 and 1917. It is not necessary to enumerate them. I have been sufficiently specific to establish the policy of the Democratic administration since 1913, its first year of control; and so when my friend from Pennsylvania [Mr. ROBBINS] suggests that this proposed law now before us is the beginning of the breakdown of the civil service, I wanted to simply call his attention to the fact that it is pretty nearly the end of the breakdown of the civil service. If there is any real assurance to the public that the merit system has any friend in the party in power it does not occur in legislation, but quite the contrary.

Gentlemen, I am really intent in my sympathy for the maintenance of the civil service in its real meaning, and my opposition is to these repeated assaults which augur no good but much harm to the public service; and while I do not care at this time to make statements that would indicate a partisan spirit, I can not refrain from calling attention to the evident and conclusive purposes of these onslaughts on the civil service as this law here makes.

One of the most indefensible practices of the genuine spoilsmen is to persist in a belief in the merit system as a political theory, but urge its abandonment in practice as it applies to technical or expert skill. I am somewhat in sympathy with the idea that for a certain kind of skill a personal selection might be better than by competitive examination. But in practice this exception is abused and is apt to be employed as an open door to invite the spoilsman into his own on the claim of expert ability. This is on a par with the vicious practice of recommending the three highest in order that partisan preferment can be practiced without an open violation of the letter of the law, when we all know it is a violation of its spirit.

Mr. Chairman, I am in favor of the amendment which seeks to preserve the merit system. If the bill as written—which is but a copy of all major legislation of the Democratic Party on this practice, notwithstanding their promise in platform and forum—is not amended, it will be but another bludgeon hurled against our efforts to establish and maintain a high degree of public service through the merit system.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The gentleman from Pennsylvania [Mr. ROBBINS] has moved to strike out certain language in the bill. The gentleman from Minnesota [Mr. MILLER] moves to amend the language proposed to be stricken out. That is a preferential motion and will be voted on first.

Mr. ROBBINS. May we have the language repeated again?

The CHAIRMAN. The language proposed to be stricken out or the language as proposed to be amended?

Mr. ROBBINS. The whole matter.

The CHAIRMAN. Without objection, the Clerk will report the amendment of the gentleman from Pennsylvania [Mr. ROBBINS].

The Clerk read as follows:

> Amendment offered by Mr. ROBBINS: Page 3, line 6, after the word "funds," strike out the balance of the paragraph, which reads as follows:
> "Any person may be employed under the provisions of this act without reference to civil-service laws and regulations."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Minnesota [Mr. MILLER].

The Clerk read as follows:

> Amendment offered by Mr. MILLER of Minnesota: Page 3, line 6, after the word "employed," insert: "For technical or scientific work," so that the sentence as amended will read as follows:
> "Any person may be employed for technical or scientific work under the provisions of this act without reference to civil-service laws and regulations."

The CHAIRMAN. The question is on the perfecting amendment of the gentleman from Minnesota.

Mr. GILLETT. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GILLETT. As I understand it, this amendment of the gentleman from Minnesota perfects not, of course, the amendment of the gentleman from Pennsylvania [Mr. ROBBINS], but perfects the text of the bill?

The CHAIRMAN. It perfects the text of the bill.

The question is on the amendment of the gentleman from Minnesota [Mr. MILLER].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Pennsylvania [Mr. ROBBINS] to strike out the sentence referred to.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FOSTER. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 53, noes 47.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That no person acting either as a voluntary or paid agent or employee of the United States in any capacity, including an advisory capacity, shall solicit, induce, or attempt to induce, any person or officer authorized to execute or to direct the execution of contracts on behalf of the United States, to make any contract or give any order for the furnishing to the United States of any necessaries or other property covered by the provisions of this act, if such agent or employee has any pecuniary interest in such contract or order, or if he or any firm of which he is a member, or corporation, joint-stock company, or association of which he is an officer or stockholder, or in the pecuniary profits of which he is directly or indirectly interested, shall be a party thereto. Nor shall any such agent or employee make, or permit any committee or other body of which he is a member to make, or participate in making, any recommendation concerning such contract or order to any council, board, or commission of the United States, or to any member or subordinate thereof, without making to the best of his knowledge and belief a full and complete disclosure in writing to such council, board, commission, or subordinate of any and every pecuniary interest which he may have in such contract or order and of his interest in any firm, corporation, company, or association being a party thereto. Nor shall he participate in the awarding of such contract or giving such order. Any willful violation of any of the provisions of this section shall be punishable by a fine of not more than $10,000, or by imprisonment of not more than five years, or both: *Provided*, That the provisions of this section shall not change, alter, or repeal section 41 of chapter 321, Thirty-fifth Statutes at Large.

Any agent or employee of the United States who, contrary to the provisions of this section, shall receive any profit or profits from any contract for necessaries made under the provisions of this act, or any firm of which such agent or employee is a member or any corporation, joint-stock company, or association of which such agent or employee is an officer or stockholder or in the pecuniary profits of which he is directly or indirectly interested, which, contrary to the provision of this section, shall receive any profits from any contract for necessaries or for other property taken for the purpose of obtaining necessaries under the provisions of this act, shall forfeit to the United States all such profits and the same may be recovered by the United States in any appropriate action at law or equity in any proper district court any time within five years after fact of such interest shall be discovered.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the gentleman from Illinois [Mr. FOSTER], the chairman of the committee, state what this section of the Statutes at Large is that is not repealed by the provision?

Mr. FOSTER. I will leave that to the lawyers. They know more about that than I do.

Mr. WALSH. I do not quite remember what section 41 is. I have a dim idea of what section 40 might be.

Mr. SANDERS of Indiana. It is the general provision of the Criminal Code forbidding a Government agent dealing with anything in which he has an interest.

Mr. WALSH. If that is the statute, would not it apply to officers, agents, and employees, or members or employees of any board created under this act?

Mr. ANDERSON. If I remember correctly, the section of the Statutes at Large referred to is limited to officers and employees, while there will be under this law, I take it, advisory boards and others who are not acting in the capacities to which the particular provision referred to is limited.

Mr. WALSH. Yes; there certainly will be advisory boards under this act, and lots of other kinds of members.

Mr. BRITTEN. Mr. Chairman, I move to strike out the last word.

I observed in this morning's CONGRESSIONAL RECORD, Mr. Chairman, in the remarks of the gentleman from Pennsylvania [Mr. MORIN] on yesterday, on page 5636, he has inserted a statement obtained from The Adjutant General of the Army, showing 60,357 commissioned officers in the various corps of the Army, of which less than 4,200 are in the District of Columbia. Of these 4,200 employees, 3,100 are in three bureaus, the Ordnance, the Signal Corps, and the Medical Corps; those in the Medical Corps, of course, all being doctors; that is, 90 per cent of them are physicians.

This insertion in the RECORD rather refutes the various newspaper statements and statements on the floor of the House here and at the other end of the Capitol that the town is crowded with reserve commissioned officers. I took it upon myself to make an investigation, purely to learn if a lot of these fellows are deserving of being called "bomb-proof officers," "slackers," "slickers," and other characterizations that really are not deserved from my point of view, and I am satisfied that the House will agree with me after hearing my observations.

In the Bureau of Ordnance they have the procurement division. The procurement division will probably spend $4,000,000,000 this year. Think of it! A new division, unheard of a short time ago, will expend $4,000,000,000 this year. Now, is it not perfectly natural that the War Department will want the very highest type of men for commissions in that division?

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes; for a question.

Mr. KEATING. Does the gentleman feel that the very highest type of men for that particular kind of work may be found within the draft age?

Mr. BRITTEN. No; I do not.

Mr. KEATING. That is the objection that Congressmen are making, as I understand, that you are not getting the highest kind.

Mr. BRITTEN. If that were true, the fault lies entirely with the superior officers directing matters rather than with those who are assigned here.

The enormous volume of administrative work in Washington must be done by some one, and it should be done by American soldiers and naval officers. For a great deal of this work younger men are needed to give efficiency to the organization, just as they are needed in other great business organizations.

Some Members of Congress seem to have forgotten that these men, young and old, are doing the most important work of the war, which is to maintain the line of communication 3,000 miles across the Atlantic. They are doing the same work here that is being done in London and Paris, and by the staff officers behind the trenches, who are maintaining the lines of communication over there.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MONDELL. Does the gentleman think it necessary, in order that these gentlemen may furnish the most expert service, that they should wear a uniform and the insignia of the fighting men?

Mr. BRITTEN. Yes; they certainly should wear the uniform. The uniform is not so distasteful to me as it is to some people.

Mr. MONDELL. Oh, the uniform is not distasteful to any patriotic citizen, but no one wants the uniform to be cheapened by being worn by men who do not plan or purpose or expect to fight or do anything in connection with fighting. [Applause.]

Mr. BRITTEN. The gentleman is entirely in error. If you are going to criticize the young men as well as the old men who come to Washington, you should criticize their superior officers who bring them here.

Do not criticize the men who wear the uniform. Criticize the superior officers over them. They bring them here from Chicago and elsewhere throughout the country because of the particular abilities that they have. They want to go to the front, and in many instances plead to go, and the superior officers say, "No; you can not go, because we need you particularly here." Do not blame them for being here. I know that in this one division, the Procurement Division of the Ordnance Bureau, the salaries of men now wearing the uniform before they were commissioned were more than $800,000 in the aggregate, and their salaries from the Government now are less than $60,000 a year for all of them combined.

There has been a demand for efficient management in Washington. The administrative machinery has been improved by the process whereby civilians were drawn into the military service. There may be a few isolated instances where officers are doing clerical work, but they are few and far between.

Army men are paid poorly. Nearly all those who have entered the service recently are getting much less money than they earned in private life. They would not work for the War Department if their employment were to be stigmatized. They would not have come here if calls for them had not been issued and published far and wide.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

Mr. BRITTEN. Yes.

Mr. FESS. Has my friend made an investigation as to the number of those in uniform that are not noncombatants who may be sent to the line at any time?

Mr. BRITTEN. All of the Staff Corps are supposed to be noncombatants, yet some of them are this very moment in the front-line trenches.

Mr. FESS. Yes. Is it not true that those who are not noncombatants are subject to being sent away?

Mr. BRITTEN. Yes. They may go to-morrow or next week or next month. We are keeping a line of communication open 3,000 miles from here to the trenches. We have presidents of steel companies and presidents of other great corporations working here at a nominal salary of $2,000 or $3,000 a year because of their expert knowledge in a particular direction, at a personal sacrifice to themselves. The appearance here of my colleague from Illinois [Mr. MCKENZIE] recalls one that I have in mind, Benjamin Carpenter, of the house of George B. Carpenter, a house known all the world over for its tentage and cord. Benjamin Carpenter left his business to come here at the urgent request of his Government to assist in the purchase of tentage, cotton duck, and cordage at a salary of probably $3,600 a year and a commission of captain. Probably before he left Chicago his salary was $50,000 a year. That type of men make up the reserve officers in the District of Columbia.

The impression has been created that there are many thousands of officers in the Ordnance Department. The following

is an accurate comparison of the status of the personnel of the various divisions on March 3.

The total personnel of the Ordnance Department located in Washington is 9,091, of which only 1,999 are commissioned, 1,238 are enlisted, and 5,855 are civilian employees. Of the latter two-thirds are women.

PROCUREMENT DIVISION.

The Procurement Division of the Ordnance Department is the third largest division of the Ordnance Department. It consists of 240 officers, 134 enlisted men, and 838 civilian employees, making a total of 1,212. The officers are divided as follows: One colonel, 6 lieutenant colonels, 19 majors, 77 captains, 97 first lieutenants, and 50 second lieutenants.

THE TASK OF THE PROCUREMENT DIVISION.

This division, it is estimated, will probably expend in the next year between $3,500,000,000 and $4,000,000,000. It is hard to realize what this means, but when one considers that there are very few business organizations in this country that turn over $100,000,000 a year, and that the Procurement Division of the Ordnance Department is handling forty times that amount in a year, we can realize the task which is theirs to perform.

It is safe to say that if a private organization doing such an enormous business did exist, that its personnel would be several times larger than that of the Ordnance Department.

OFFERED COMMISSIONS.

The commissioned personnel of the Ordnance Department has been selected with the greatest possible care. Men have been selected from almost every industry in the country because of their high reputation as authorities in their particular line of work. These men, in almost every case, received a telegram from the War Department requesting them to come to Washington, where they were offered commissions.

There are hundreds of cases among the 2,000 officers in the Ordnance Department in Washington where the first intimation that the officer had of his likelihood of securing a commission was when he appeared in Washington in response to this telegram and was urged to accept a commission.

DIFFICULTY OF SECURING COMPETENT OFFICERS.

The Ordnance Department will need, before this war is over, many times the officers and civilian employees that it now has, and if we allow this branch of the service to be cheapened in the eyes of the public by the undeserved criticism which it has received, we will find it increasingly more difficult each day to secure the type of men which will be so vitally needed. The morale of the department has already been seriously affected by the adverse criticism. Officers who sacrificed everything to comply with the Government's request for their services are beginning to feel ashamed of being attached to an organization which received such unjustified comment from the public.

TYPE OF OFFICERS SECURED.

As an illustration of the type of men that have been secured, I have a list of 25 captains and majors of the Procurement Division, whose names were taken at random. It was found that the combined salaries from the business that they were actively engaged in before the war was $855,000 per year. These men are to-day working for the Government for from $2,400 to $3,000 a year each, or a total of less than $60,000.

NOT LIABLE FOR DRAFT.

It is quite true that many officers in the Ordnance Department are within the draft age, but a very small percentage of this total would be liable for service under the present draft rules.

The Procurement Division will serve as a good illustration of this, as it is the third largest in the Ordnance Department. Of the 240 officers in this division at the present time, 109 are within the draft age, and of this number 43 are unmarried. In other words, 17.9 per cent of the organization are in class A1. But this small percentage eligible for service in the field were in the deferred classes, which would not be called for some time, or they would not have been accepted for commission.

TRAINING CAMP MEN.

It should not be forgotten that the Training Camps Association advertised widely through the newspapers for men to attend the Plattsburg training camps, and these men were promised commissions providing they attended camp and passed their examinations. When it was found, at the close of the second camp, that there were not enough vacancies in the line for one-half of the men that should receive commissions the administration was the recipient of the severest criticism for inducing patriotically inclined men to sacrifice their business and everything of value to them to go into the camp and work for three months and then be turned down. An inestimable amount of trouble for the department was averted by foisting the training-camp officers on the Signal Corps, Ordnance and Quartermaster Departments. Representative officers attended all of these camps throughout the country begging the men to take commissions in the noncombatant branches of the service, and the Personnel Division is receiving every day letters requesting overseas service from these men who sacrificed their business and positions to go into the line and were detailed to Washington.

DANGER OF DISRUPTING ORGANIZATION.

The Production Divisions of the Ordnance and the Quartermaster Departments and the Production Division of the Aviation Corps are the very foundations of our fighting machine. If these departments are disrupted and disorganized by breaking up their personnel at the present time, our fighting machine would be helpless.

MEN PROMINENT IN CIVIL LIFE.

The following is a list of prominent officers connected with the Ordnance Department:

Col. Samuel McRoberts, Chief of the Procurement Division, is well known as the vice president of the United States Chamber of Commerce and the executive manager of the National City Bank of New York. He is well known as having been actively engaged in the purchasing for the British and French Governments since the beginning of the war. His experience in this work is inestimable.

Lieut. Col. C. N. Black, formerly of the firm of Ford, Bacon & Davis, was one of the principal aids to Mr. Stettinius in negotiating the purchase of British munitions.

Lieut. Col. R. P. Lamont was formerly president of the American Steel Foundry Co., of Chicago, and has already made himself almost invaluable.

Lieut. Col. W. Williams was commissioner of immigration of New York City.

Senator C. W. Watson, of West Virginia, who has just been appointed lieutenant colonel and assistant to Col. McRoberts, is well known.

Col. G. E. Tripp, chairman of the board of directors of the Westinghouse Electric & Manufacturing Co., at a salary in excess of $100,000 a year, is now Chief of the Production Division.

Lieut. Col. W. P. Barber was for some time vice president of the Midvale Steel Co.

Lieut. Col. Hunt, prior to entering the service, was assistant to the vice president of the American Locomotive Co., at a salary of not less than $40,000 a year.

And so on down the line.

Maj. J. G. Scrugham was previously State engineer of Nevada.

Capt. William H. Gelshenen, of the raw-materials section of the Ordnance Department, received a salary in excess of $100,000 a year.

Capt. G. C. Pierce had the reputation of being the best business executive in the State of Florida.

Maj. H. H. Lehman, of Lehman Bros., bankers, of New York City, in charge of the equipment section, is unquestionably one of the finest experts on textiles in this country.

Col. John R. Simpson, now an assistant to Gen. Wheeler and formerly chief of the procurement section, was vice president of Filene & Co., of Boston, one of the largest dry goods concerns in New England.

Maj. Kirk Askew, of the Engineering Bureau, design section, was the head of the Askew Saddlery Co., of Kansas City.

Maj. Bashford Dean, curator of the Metropolitan Museum, devoting his time to the designing of the steel helmets and armor, is considered one of the greatest experts on arms and armor in the world.

Maj. W. A. Starrett, formerly of Thompson, Starrett & Co., of New York, is now Chief of the Construction Division of the Quartermaster Department.

I have already mentioned Capt. Benj. Carpenter, who was enrolled in the Quartermaster Corps in January, 1917, when he was the manager of George B. Carpenter & Co., of Chicago, where he had spent the best part of his life as an expert in cotton duck, tentage, cordage, and so forth. Capt. Walter Goodwillie was an expert in box manufacture, lumber, and so forth.

Such men as these can not be selected easily, and they will be increasingly harder to secure if the Ordnance Department continues to receive the adverse criticism which it has.

THE BRITISH ORGANIZATION.

The British organization is entirely different to ours. They have a ministry of munitions, which is principally civilian, employing 16,331 people, of whom 9,444 are women. Their percentage of female employees is not greater than ours.

The army ordnance corps are entirely commissioned, as is also the case with the war-office staff, which is considerably larger in its scope and duties than our General Staff and employs a very much larger personnel.

The commissioned officers attached to the ministry of munitions and army ordnance corps and the war-office staff is in excess of the number of officers attached to the Ordnance and Quartermaster Departments and the flying corps in this country.

A word should be said for many of the younger officers. Many of these men, failing to withstand the hardships of camp life, for which they were not sufficiently strong, or failing to gain admission to the second camp, volunteered for service and came to Washington for the Ordnance Reserve Corps.

It is not generally known, as the exodus has been very gradual, but many officers from the Ordnance Department have already been sent overseas or have received their orders to do so.

At the present time many ordnance officers lately in Washington are taking a special course of scientific training at the arsenals for the special purpose of being detailed for the field army overseas as soon as possible.

Eventually there will be more than twice as many Ordnance officers in France as there are now in Washington. In fact, Gen. Pershing's estimates are far in excess of this number. It will take 2,000 officers to handle the enlisted personnel of the supply division in the field alone. The casualty list in this branch of the service will consequently undoubtedly be heavy. In fact, the British do not consider the ordnance department a noncombatant branch of the service.

The following method has been pursued in selecting officers from among those who have volunteered for service:

The applicant for commission is first interviewed by the personnel officer who looks over his list of recommendations which he brings and inquires further into his training and his knowledge of a special subject important in the procurement of ordnance material. Then, referring to the list of assistants required for special work by the chiefs of sections, the personnel officer directs the applicant to see the officer whom he believes could make the best use of his qualifications.

Providing that he is believed to be satisfactory by this officer to whom he has been sent, an indorsement to that effect is sent back to the personnel officer with the applicant.

If his qualifications are not sufficient to warrant his being commissioned, he is immediately turned down. If satisfactory, he is recommended by the division personnel officer to the ordnance personnel section for commission with a certain specified rank, to be detailed to the section requiring his services.

The next step after he has been approved for a certain position is to send him before the medical board for examination. After which, if the physical examination is successfully passed, his papers are indorsed to that effect, and he is sent to the military board which convenes at certain times for the purpose of questioning and examining the applicant for commission. This is an intimate verbal examination which goes into the education, training in business of the applicant, the salary that he has received, the experience that he has had with the subject on which he is to work, his age, and the general personality and appearances which are required of an officer in the United States Army.

It is an extremely rare thing for a man to be commissioned in the grade as high as major, and among these few it is safe to say that they are in every case elderly men who have controlled large business interests in private life and whose pay from the Government as major would not in most cases be more than 10 or 15 per cent of the salaries which they have received from the concerns with which they were connected.

Comparison of present status of personnel of the various bureaus and divisions under ordnance.

[As of Mar. 3, 1918. No material changes since then.]

	Commissioned.	Enlisted.	Civilian	Civilian in draft age.	Total.
Total	1,998	1,238	5,855	.....	9,091
General Administration Bureau	181	232	1,085	180	1,498
Control Bureau	137	110	310	.....	557
Engineering Bureau	553	307	1,449	.....	2,309
Procurement Division	240	134	838	182	1,212
Production Division	280	63	616	108	959
Inspection Division	142	121	600	141	863
Supply Division	182	133	877	167	1,192
Nitrate Division	29	16	80	18	125
American Base Depot in France	254	122	.....	.....	376

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Chairman, may I have five minutes more? I realize that I am talking out of order.

Mr. HAMLIN. Reserving the right to object, Mr. Chairman, I do not like to object, but this is foreign to the matter which the committee is considering.

Mr. HAMILTON of Michigan. I think this is very important. I ask unanimous consent that the gentleman may have five minutes.

Mr. HAMLIN. I have no objection to the gentleman's having two minutes, but after that I shall object.

Mr. HAMILTON of Michigan. I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Illinois may have five minutes. Is there objection?

Mr. HAMLIN. Mr. Chairman, I think that is trespassing upon the committee.

Mr. HAMILTON of Michigan. I think he will finish in five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BRITTEN. I will finish in five minutes.

My only desire is to call the attention of Congress to these facts. I have spent considerable time in looking up men from all parts of the country who have been commissioned here and who are doing wonderful work. Some of them are within the draft age and others are not, but the stigma attaches to all of them just as soon as they are criticized for being here as bomb-proof soldiers and slackers, and so forth.

If the men who are doing staff duty in Washington are to be called slackers, whether young or old, the administrative machinery will fail. Every young man needed here to perform the honorable tasks of war will feel that he should be permitted to go to the front. No one will want to be part of the Ordnance Department nor the Quartermaster's Department. If civilians take their places, the discipline will relax. Civilians can not be court-martialed for dereliction of duty, whereas the soldiers can be.

I think it is a shame to dishonor the men who are loyally serving their country by calling them slackers when they are doing merely what they have been asked to do; what they have been taught to believe was required of them; what they are willing to do, regardles of the sacrifice that is involved. We should do honor to the men who wear the uniform, whether in the dry, but necessary, staff work or on the battle field.

The marines are not slackers because they remain at home. God knows they have longed to get to France, and they are the best-trained fighters we have. Somebody somewhere has decided they must stay at home, and they must take their orders.

Mr. McKENZIE. Will the gentleman yield?

Mr. BRITTEN. I yield to my colleague.

Mr. McKENZIE. I just want to make a short statement and then ask a question. We all think of a soldier as a man who goes into places of danger. That is his profession. We think of the captain of industry as the man who looks after the production of the things necessary in time of peace and in time of war. Now I want to ask my colleague, without any word of criticism against these great captains of industry who are doing so much for our country now, if he does not believe that they could render just as efficient service in civilian clothes as they can in the uniform of a soldier? [Applause.]

Mr. BRITTEN. No; I do not agree with my colleague from Illinois, notwithstanding his great knowledge of military affairs and the important position he holds as a member of the Committee on Military Affairs of the House. I will say that if you took the uniform away from these very same men their efficiency would be lessened, discipline would be lost, and in case they did violate their oath of office, you could not try them by court-martial. They ought to be quickly tried by court-martial if they do anything wrong. They are in the military, and that is where they belong; and if they come here at great sacrifice to themselves and desire to wear the uniform, what objection is there to their wearing it? What difference does it make whether a man wears a brown khaki suit or a grey summer suit as long as he is performing a very valuable technical service to the Government and the Government needs him? If you are going to blame anyone, blame the Government; blame the Commander in Chief; blame the officers who bring these men here; but do not stigmatize the uniform and the man wearing it just because he

happens to be here in the reserve. He is willing to go to France. He wants to go. Let me call your attention to the figures. In the Bureau of Ordnance there are 9,091 employees. Only 1,900 of them are commissioned officers. Twelve hundred of them are enlisted men and 5,855 of them are civilians. A great majority of them are civilians. If a man from Chicago has expert knowledge and the Government wants him, they say to him, "We can not pay you a tenth of the salary you have been getting, but we will commission you a captain for service in the Army," and the man comes. It does not hurt him. On the contrary, it helps the country, and he will serve it just as willingly in France as here.

Mr. JAMES. Would he not come unless he got the uniform?

Mr. BRITTEN. No doubt he would; but his commission is in the interest of efficiency, discipline, and economy.

Mr. MILLER of Minnesota. I agree heartily with the gentleman that these men who are performing distinctive military service ought to be wearing the military uniform. Now, suppose the opportunity was given to these officers in Washington to go to France if they desired to do so; how many of them would be left here?

Mr. BRITTEN. I should say that less than 10 per cent might be left here and 90 per cent would go across as quickly as ships could carry them.

Mr. MILLER of Minnesota. There would not be 5 per cent left here.

Mr. BRITTEN. No; probably there would not be 1 per cent of them left here. They all want to go; but many must remain here to conduct this enormous supply problem if we are to be at all successful on the other side.

Mr. SHALLENBERGER. If you will observe the corps to which these different men are assigned, you will find that there is not a single infantryman or cavalryman or artilleryman in the line of the Army. If these men should go to France they would still serve in these noncombatant corps. None of them would be considered combatants, no matter where they would go.

Mr. BRITTEN. There is no question about that. Because of their superior technical knowledge they would still be back of the line.

Mr. SHALLENBERGER. The question is whether it is essential to give these men the uniform of the man who fights. The service uniform is made a special color for the purpose of protecting the man who has to go into battle. The objection is made here that these men are given the uniform of the fighting man, which is not necessary.

Mr. BRITTEN. Do not blame the man who wears the uniform, but blame his superior officers who gave it to him. The color of his uniform is no guide to his heroism or his desire to fight or his loyalty to his Government. He may be here to-day and in the very thick of the fight in 60 days from now.

Mr. WALSH. The gentleman spoke about breaking down the spirit of these men. Do I understand that if we do not quit criticizing these men they will leave these jobs and go to France?

Mr. BRITTEN. Many of them would like to use that as an excuse to get across quickly, if permitted.

Mr. WALSH. Why can they not stand a little criticism that people think is well founded? What is there different about these men which makes them unlike other men?

Mr. BRITTEN. The cricticism is not well founded, and they are no different from any other brave American who is seeking to do his bit to the point of sacrificing his life if need be.

Mr. MILLER of Minnesota. It is unjust.

Mr. WALSH. There may be a difference of opinion about that.

Mr. GREEN of Iowa. With reference to these officers who have gone through the training camps and others who have been ordered here, is not the gentleman aware that many of these men have received these commissions with the understanding that they should not be sent out of Washington?

Mr. BRITTEN. No; that is not a correct statement.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. JOHNSON of Washington. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection to the gentleman's request to extend his remarks?

There was no objection.

Mr. KEATING. Mr. Chairman, I move to strike out the last word. I desire to have read in my time a letter from the secretary of the Colorado Chapter of the American Mining Congress indorsing the principles of this bill. It is a measure that affects Colorado, and the men represented by these gentlemen are those who operate the mines that will be controlled under this bill.

The Clerk read as follows:

THE COLORADO METAL MINING ASSOCIATION,
COLORADO CHAPTER, AMERICAN MINING CONGRESS,
Denver, Colo., April 22, 1918.

Hon. EDWARD KEATING,
House of Representatives, Washington, D. C.

DEAR SIR: Herewith find copy of resolution passed at a meeting of the principal Colorado producers of metals affected, which, so far as we know, appears to be the unanimous sentiment of mining men of this State who have investigated the proposed measure and whose operations will come under the provisions of H. R. 11259.

We ask your cooperation and support to the end of an early enactment of this bill.

Again expressing our appreciation of your effective work in behalf of the mining industry, I remain

Yours, very truly, M. B. TOMBLIN, *Secretary.*

Resolution.

Resolved, That the Colorado Chapter of the American Mining Congress and the Colorado Metal Mining Association are in full accord with the purposes of the administration as outlined in the provisions of the bill proposed by the war-minerals committee to create an administration for the mineral industry and believe that important and much-desired results may be accomplished thereunder, but they trust that the powers conferred by section 12 will be so employed as will least disturb established enterprises and existing conditions, particularly those affecting labor.

As attested by the Federal Bureau of Mines, Colorado can greatly increase its output of manganese and pyrites as well as the rare minerals, tungsten, vanadium, and molybdenum. Adequate and stabilized prices as provided for in this bill will enable producers of this State to contribute a large proportion of the amount necessary to take the place of imported ores and minerals.

"The mining men of Colorado herein express their desire to cooperate to the fullest extent with the Government in its efforts to increase the production of minerals necessary for the successful prosecution of the war and tender the facilities of their organization unreservedly to that end.

Adopted at a representative meeting of tungsten, molybdenum, pyrite, vanadium, and manganese producers of Colorado at a meeting held in Denver, April 2, 1918.

Mr. FOSTER. Mr. Chairman, I rise in opposition to the amendment. I want to ask the Clerk to read a letter from Secretary Lane, written to the gentleman from North Carolina [Mr. KITCHIN] on April 18, with reference to this bill.

Mr. JOHNSON of Washington. Is it a message to the House?

Mr. FOSTER. It is a letter written by Secretary Lane to the gentleman from North Carolina [Mr. KITCHIN].

Mr. JOHNSON of Washington. Intended to be a message to the House?

Mr. FOSTER. No; it is a letter to the majority leader, written to him as a Representative, and also a copy of the resolution by the New York section of the Mining and Metallurgical Society of America.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 18, 1918.

Hon. CLAUDE KITCHIN,
House of Representatives.

DEAR MR. KITCHIN: A serious situation is developing with regard to war minerals, and to meet it I hope you may find it possible to give prompt consideration to H. R. 11259, which proposes means for stimulating local production and distributing to best advantage imported and domestic supplies. Many of these minerals are vital to winning the war as well as necessary to our national industries. The Shipping Board must, however, take tonnage which reduces our imports. To a large extent domestic supplies can be called out to meet the need, but this can not be done quickly enough by ordinary agencies since it takes time to open and equip mines.

It is proposed, so far as may be possible, to anticipate difficulties, and there are numerous acute wants already to be met. As it now stands there is no agency which has the means or authority to meet the situation quickly and efficiently, so it becomes necessary to ask Congress, busy as I know you all are, to create machinery through which the Executive may act.

If you will see that the matter is promptly taken up, it will make it just so much easier to avoid a most grave situation which is developing.

Cordially, yours, FRANKLIN K. LANE.

Resolution of New York section of the Mining and Metallurgical Society of America.

Recognizing the extreme importance of the minerals administration bill now before Congress the President of the Mining and Metallurgical Society of America, on March 16, 1918, duly called a special meeting to be held in New York on April 18 for the purpose of discussing this bill and eliciting the opinion of the members. This meeting having been properly called, was convened immediately thereafter and the following resolution offered:

"*Resolved*, That it is the sense of this meeting that the general principles of this bill tend to further the efficiency of the Government in prosecuting the war while safeguarding the welfare of the mineral industry, and that this or a similar bill should be made a law, provided, however, that the products covered by said bill as passed shall include only such minerals and metals as are really required for war-emergency needs as are those specifically enumerated on page 2 of draft before this meeting, viz, H. R. 11259."

Mr. HAMLIN. Mr. Chairman, answering the inquiry of the gentleman from Massachusetts [Mr. WALSH] a few moments ago in regard to the reference in the bill in section 3 to section 41 of chapter 321, Thirty-fifth Statutes at Large, the bill provides that no one connected with the administration of this law, either as a firm or an individual, may be connected with any contract that may be made by reason of his position of

influence in the administration of the law. Of course, it was not intended to repeal section 41, which reads as follows:

SEC. 41. No officer or agent of any corporation, joint-stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint-stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint-stock company, association, or firm. Whoever shall violate the provisions of this section shall be fined not more than $2,000 and imprisoned not more than two years.

It was not the intention of the committee to repeal that sound provision of the general statute.

Mr. WALSH. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. WALSH. The gentleman would not contend that section 41 would be affected at all by the provisions of this bill?

Mr. HAMLIN. I do not believe that it would, and yet the framers of the bill wanted to be certain that this section of the statute would not be affected by the enactment of this law.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That it is hereby made unlawful for any person, except as otherwise provided by this act, willfully to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with their production, manufacture, or distribution; to hoard, as defined in section 6 of this act, any necessaries; to monopolize or attempt to monopolize, either locally or generally, any necessaries; to engage in any discriminatory and unfair or any deceptive or wasteful practice or device, or to make any unjust or unreasonable rate or charge, in handling or dealing in or with any necessaries; to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; to restrict the supply of any necessaries; to restrict distribution of any necessaries; to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof; to exact excessive prices for any necessaries; or to conspire, confine, agree, or arrange with any other person, or to aid or abet the doing of any act made unlawful by this section.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 8, after the word "person," strike out "except as otherwise provided by this act."

Mr. ANDERSON. Mr. Chairman, I presume that this clause has some purpose. As it is inserted, the language in this section, except for this clause, is almost verbatim with the section contained in the food-control act.

I made the motion for the purpose of asking the chairman of the committee if under this act anywhere any person is authorized "to commit waste or willfully to permit preventable deterioration of any necessaries in or in connection with the production, manufacture, or distribution; to hoard, to monopolize, or attempt to monopolize, either locally or generally, any necessaries, or to engage in any discriminatory and unfair or any deceptive or wasteful practice." If this bill does authorize it, it ought not to.

Mr. FOSTER. It would not be unlawful for the Government to do it.

Mr. ANDERSON. The Government would not be affected by this language. The Government is not subject to criminal prosecution. So it strikes me that the chairman and the committee did not give to this section the consideration that they should have given to it. What is the purpose of putting in the words "except as otherwise provided by this act"?

Mr. HAMLIN. This section refers to section 6, which defines what is meant by hoarding.

Mr. ANDERSON. It specifically refers to it so that there is no necessity for these words.

Mr. HAMLIN. As I take it, the intention was not to make it unlawful for the Government to hoard and store these materials. Under certain conditions waste or depreciation might result from the storage of these minerals by the Government. I did not draft the bill, but that is the way I have construed that provision of it—that the words "except as otherwise provided in this act" had reference to the provision in the bill which provides that under certain conditions where there was an overproduction the Government, in order to protect its guaranty as to minimum price, might be compelled to store and hold until it could find a market for the materials.

Under this provision, anyone storing or hoarding the minerals at the direction and for the benefit of the Government could not be liable of a violation of this act.

Mr. ANDERSON. It empowers the Government to do these things. This particular section refers only to persons and imposes a criminal penalty on those who violate it. The Government is not subject to criminal penalty and would not do a thing unlawful. This is not a limitation on the Government activities at all and has no place in the bill and ought to go out.

Mr. HAMLIN. I think we will not object to the amendment.

Mr. ANDERSON. While I am on my feet, I would like to call attention to one other thing.

Mr. HAMLIN. I made that suggestion with the idea that we can hurry on.

Mr. ANDERSON. You can. In line 23, the last word in the line is "confine." Obviously, it ought to be "combine."

Mr. FOSTER. That is correct, and I am glad the gentleman called attention to that.

Mr. ANDERSON. Mr. Chairman, I ask for a vote upon the amendment I offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the word "confine," line 23, page 5, be changed to "combine."

The CHAIRMAN. Without objection, the change indicated by the gentleman from Illinois will be made.

There was no objection.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise to make an inquiry of the members of the committee as to whether the committee gave any consideration to the question of the constitutionality of this section so far as it attempts to restrict the supply of these articles which are described as necessaries, which may not be used in any way in connection with the activities of the Government in respect to war? This bill, as stated in section 1, defines "necessaries" as consisting of certain named minerals. The definition is not limited to those used by the Government only in its military activities, but it extends to all those minerals which may be used in private manufacture, independent of any connection with military activities on the part of the Government. In section 4 it is made a penal offense for any private manufacturer, regardless of whether the minerals are used or produced for the benefit of the Government, to restrict the supply. On what theory does the committee proceed that the Government under the war powers of Congress has the right to restrict the supply of the manufacturer or miner of minerals that are in no way used or to be used in military operations?

Mr. FOSTER. We propose here to punish him for doing these things which we declared to be unlawful.

Mr. STAFFORD. What right has the Government of the United States to control the activity of a private individual, even in war time, and under the vague powers of the Constitution known as the war powers in the supply of articles that are in no way to be used in connection with war activities?

Mr. FOSTER. We do not restrict him here.

Mr. STAFFORD. I direct the attention of the chairman of the committee to the language in lines 19 and 20, where you make it a penal offense to restrict the supply of any necessaries, and going back to section 1 we find out what are those necessaries—not articles used by the Government in war activities, but any of these articles named used in any way.

Mr. FOSTER. Of course, I am not a constitutional lawyer—I am not a lawyer at all—but I do not know anything in the Constitution that prohibits the Government from going out at any time and restricting these supplies.

Mr. STAFFORD. I do not think any person having the slightest knowledge of constitutional law would hold that this provision would be constitutional in peace times, or that we would have the right in war times to restrict the supply of some commodity described in section 1, which would be utilized other than for war purposes.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TOWNER. Let me make this suggestion to the gentleman: Suppose that the supply of antimony or any other of the enumerated articles is limited. Suppose that the private consumer does hoard it, so that the supply for the necessary operations of the governmental activities is limited. Would not that be within the war power?

Mr. STAFFORD. But suppose that the supply of antimony is not limited, as has been testified to here, as to other named minerals. Suppose there is plenty of ferromanganese in the country, not only for the use of the Government in war activities but for use in private manufacturing. Does the gentleman mean to say, as a constitutional lawyer, that with ample supplies, not only for governmental but for other purposes, we could penalize a man for limiting the supply?

Mr. TOWNER. That, of course, is a pertinent question. The question then would be raised and would have to be determined by the Government, that as a matter of fact it was necessary that the supply should be prevented from being used in order to decrease the supply necessary for the Government.

Mr. STAFFORD. Yes; but this bill is not delimited in that respect, so that it only extends to the supply of those commodities which are necessary for carrying on war activities. It applies generally.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LONDON. Is it not a principle of common law that society has the right to prevent the restriction of an article or the limitation or the monopolization of an article which is necessary for the community?

Mr. STAFFORD. I do not know that there is any fundamental principle of common law that enables this Congress, which is a body with limited powers, defined by the Constitution, to go to the extent we are saying we can go here. This authorization can only be justified under the war powers. Heretofore in following a policy of this character of legislation we have justified it on the ground of the commerce clause. The Sherman Antitrust Act is based upon the theory of regulating commerce. There is no such provision contained in this section limiting its effect to interstate shipments.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. The gentleman from New York is not yet through.

Mr. WALSH. I do not think either of the gentlemen ought to abuse the Constitution with such a small attendance of the committee here.

Mr. STAFFORD. While I am always willing for the watch dog of the RECORD to make a point of order, I will not yield for any other purpose. That is his privilege, but he can not take me off the floor in any other way.

Mr. LONDON. Laws to prevent the monopolization of food were enacted during the Middle Ages in England. Society had always attempted to try to protect itself against monopoly under the general-welfare clause and under the clause imposing the duty of providing for the public defense. I believe that the Congress has the power to prohibit the monopolization of any article which is essential to the welfare of the country at a particular time.

Mr. STAFFORD. The gentleman may go back into the Middle Ages for his authority, but he can find nothing in any decision in the Supreme Court, even based on the general-welfare clause of the Constitution, which would uphold that extreme position.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of directing the attention of the chairman of the committee to the last phrase of this section. There must be a skip here, in my opinion. It says here:

To conspire, confine, agree, or arrange with any other person, or to aid or abet the doing of any act made unlawful by this section.

Now, does not that mean to conspire, combine, agree, or arrange with any other person to do the thing made unlawful by this section, or to aid or abet the doing thereof?

Mr. FOSTER. The matter has been called to my attention by the gentleman from Missouri, and that is a legal proposition.

Mr. HAMLIN. I will say I was about ready to offer an amendment.

Mr. WALSH. I did not know that, and the Clerk was about to read.

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. I think action has not been taken on the amendment offered by the chairman of the committee to strike out the word "confine" and insert the word "combine."

The CHAIRMAN. The Chair stated to the committee without objection the change indicated by the gentleman from Illinois would be made, and there was no objection.

Mr. HAMLIN. Mr. Chairman, I offer an amendment to perfect the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 24, after the word "person," insert "to do or perform any of the acts or things prohibited by this section."

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. KITCHIN having assumed the chair as Speaker pro tempore, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11259 and had come to no resolution thereon.

Mr. BARKLEY. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that immediately following the remarks of the Speaker earlier in the afternoon there be printed in the RECORD a copy of the telegram of the governor of Missouri offering him the Senatorship and also a copy of the Speaker's letter declining the same.

The SPEAKER pro tempore. The House has heard the request of the gentleman from Kentucky. Is there objection? [After a pause.] The Chair hears none.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I move that the House proceed with the Private Calendar, and consider the bill H. R. 11663, an omnibus pension bill.

Mr. CANNON. And on the completion we will then adjourn, I take it.

Mr. RUSSELL. We will move to adjourn after that.

Mr. ROBBINS. Is this a general pension bill?

Mr. SHERWOOD. It is a general pension bill, and will not take over 10 minutes; it is a short bill.

The Clerk read as follows:

A bill (H. R. 11663) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER pro tempore. This is on the Private Calendar.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. I ask that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will proceed to read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Silas D. Taylor, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph K. Dixon, late of Company F, Fourteenth Regiment, and Company D, Battalion Fourteen, Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert W. McWilliams, late of Company H, Twelfth Regiment, and Company C, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Bowman, late of Company H, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Stephenson, late of Company D, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name Sercida Pargin, widow of David Pargin, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of George W. Conley, late of Company L, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James West, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Williams, late of Company L, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fred Leick, late of the United States Navy, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of James Leming, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Adkins, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frederick Willman, late of Company C, One hundred and thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Amos, late of Company H, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Parker, late of Company E, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Ramsen, late of Company B, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Charles W. Brace, late of Company F, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month.

The name of John Tuckerman, late of Company G, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Madison Ross, late of Company H, Fifty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles H. Mosher, late of Company G, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Murray, late of Company K, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George B. Earll, late of Company D, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Enoch T. Leach, late of Company H, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Durbin, late of Company H, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Green P. Gray, late of Company B, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Ripley, alias James Rogers, late of the Fourth Independent Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Rutledge, late of Company A, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Wilkins, late of Company A, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Othello A. Sherman, late of Company F, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Rook, late of Company A, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Evans, late of Company G, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Vining, former widow of Jacob James, late of Company F, Osage County Missouri Home Guards, and pay her a pension at the rate of $25 per month.

The name of Alvin D. Lane, late of Company K, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Evans Blake, late of Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Maxwell, late of Company C, One hundred and sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martin Randles, late of Company D, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Crawford, late of Company D, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Condo, late of Company I, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Damon, late of Company B, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry D. Moulton, late of Company F, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram E. Turner, late of Company H, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jonas Bratton, late of Company B, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marcellus Teeters, late of Company M, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis M. Belt, late of the Thirteenth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah C. Haggard, widow of William Grant, alias William Grant Haggard, late of Company F, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William Richardson, late of unattached Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Teets, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew C. Patterson, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles N. Enrich, late of Company B, Purnell Legion, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Francis M. Truax, late of Company E, Thirteenth Regiment Missouri Volunteer Infantry, and Company E, Twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John P. Bateman, late of Company E, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Valentine S. Brewer, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph W. B. McClintock, late of Company A, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harrison Ruark, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert A. Robinson, late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Abraham Mott, late of Company D, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Young, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hanson Harmon, late of Company C, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter O. Gaynor, late of Battery D, First Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward McIntire, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Ross, late of Company F, Second Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Irwin Jordon, late of Company F, Forty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard G. Paynter, late of Company G, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua J. Workman, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Swain, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Morath, late of Company I, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James P. Leonard, late of Company H, Third Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Easter A. Cantrell, widow of Edward M. Cantrell, late of Company A, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Abiather F. Crane, late of Company H, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Felix G. McGuire, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charlotte Heald, former widow of Willard E. Converse, late of Company G, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Alonzo C. Horton, late of Company E, One hundred and thirty-seventh Regiment Ohio National Guard Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen E. Greenfield, widow of William A. Greenfield, late of Company C, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $29 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of either or both of said minor children of said William A. Greenfield the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen E. Greenfield the names of said Marguerite A. and Wilma A. Greenfield shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, from and after the date of the death of said Ellen E. Greenfield, as provided by the law under which now pensioned.

The name of Daniel Culver, late of the Fifth and Seventh Batteries, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Jarrett, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Hunt, late of Company G, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen F. Easterling, late of Company D, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Coleman, late of Company G, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amenzo Hoard, late of Company A, Eleventh Regiment, and Company G, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Walton, late of Company C, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva Muller, widow of Peter Muller (alias Miller), late of Company H, First Regiment United States Reserve Corps, and pay her a pension at the rate of $25 per month.

The name of Dr. William Warren, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reuben T. Berry, late of Company M, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Augustus C. Godfrey, late of Company B, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Stone, late of Company I, Tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Calla R. Landsittel, former widow of George Long, late of Company A, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Presley Jackson, late of Company F, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George T. Constable, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lyman D. Cole, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Snow, late of Company E, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John H. Shaver, late of Company K, One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Michael, late of Company F, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John S. Wray, late of Company F, One hundred and twenty-fifth Regiment, and Company A, Sixtieth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James A. Bateman, late of Company H, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Holmes, late of Company F, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Conrad Goodell, late of Company B, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James McCammon, late of Company K, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William D. McLaughlin, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Brown, late of Company L, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wayne F. Wieder, late of Company H, Third Pennsylvania Reserve Infantry, and Company B, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin Rice, late of Company H, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard J. Gaskill, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James W. Calkins, late of Company M, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas Murphy, late of Company M, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. McGuire, widow of Columbus M. McGuire, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Amara J. Bachelder, late of Company I, Thirtieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Marshall, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wilson Risner, late of Companies I and B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Van Steenbergh, late of the United States Marine Corps, and pay him a pension at the rate of $25 per month.

The name of James McCune, jr., late of Company G, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Zetta Swalls, helpless and dependent child of Eli Swalls, late of Company E, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Enos Day, late of Twentieth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emma Swalls, helpless and dependent child of Eli Swalls, late of Company E, One hundred and thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John McGill, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Vanhoose, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Plummer, late of Company K, Twelfth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Heblanthal, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ida A. Miller, former widow of James E. Aughe, late of Company A, First Regiment Nebraska Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Jacob M. Evans, late of Company K, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James T. Peale, late of Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth A. Russell, widow of Henry C. Russell, late of the United States Navy, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Henry C. Russell, jr., helpless and dependent child of said Henry C. Russell, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth A. Russell, the name of said Henry C. Russell, jr., shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth A. Russell.

The name of Timothy K. Davis, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. R. Snyder, late of Company F, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nathan R. York, late of Company M, First Regiment Vermont Volunteer Heavy Artillery, and Company B, Sixth Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Addison A. Eggleston, late of Company M, Eleventh Regiment, and Company C, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John K. Freeman, late of Company D, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Carter, late of Company A, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry C. Hill, late of Company C, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alpheus N. Barnhouse, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Leverett C. Felch, late of Company B, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almira York, widow of Augustus York, late of Companies B and D, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of William T. Kimbrel, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Oren Blain, late of Company B, Seventh Regiment California Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus Brown, late of Company A, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. McKay, late of Company B, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wilson Lord, late of Company F, One hundred and forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edgar P. Spooner, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Livingston, widow of Sherman Livingston, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Wellington Harder, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli Brainard, late of Company G, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Smith, late of Company G, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Washington Combs, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Burks, late of Company C, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David H. York, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Irvin Howard, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 796. Silas D. Taylor.
H. R. 1155. Joseph K. Dixon.
H. R. 1332. Robert W. McWilliams
H. R. 1387. James H. Bowman.
H. R. 2454. William H. Stephenson
H. R. 3321. Serelda Pargin.
H. R. 3492. George W. Conley.
H. R. 3718. James West.
H. R. 3948. George Williams.
H. R. 4320. Fred Leick.
H. R. 5056. James Leming.
H. R. 5229. George W. Adkins.
H. R. 6374. Frederick Willman.
H. R. 6379. John W. Amos.
H. R. 6380. Samuel Parker.
H. R. 6439. John W. Ramsen.
H. R. 6712. Charles W. Brace.
H. R. 6801. John Tuckerman.
H. R. 6941. Madison Ross.
H. R. 7055. Charles H. Mosher.
H. R. 7205. John G. Murray.
H. R. 7280. George B. Earll.
H. R. 7408. Enoch T. Leach
H. R. 7742. Edward Durbin.
H. R. 7743. Green P. Gray.
H. R. 7951. Jacob Ripley, alias James Rogers.
H. R. 8026. James Rutledge.
H. R. 8099. George Wilkins.
H. R. 8132. Othello A. Sherman.
H. R. 8133. William S. Evans.
H. R. 8193. William Rock.
H. R. 8260. Sarah E. Vining.
H. R. 8287. Alvin D. Lane.
H. R. 8313. Evans Blake.
H. R. 8314. John H. Maxwell.
H. R. 8570. Martin Randles.
H. R. 8731. John Crawford.
H. R. 9008. William Condo.
H. R. 9154. William P. Damon.
H. R. 9191. Henry D. Moulton.
H. R. 9270. Hiram E. Turner.
H. R. 9310. Jonas Bratton.
H. R. 9397. Marcellus Teeters.
H. R. 9514. Francis M. Belt.
H. R. 9537. Sarah C. Haggard.
H. R. 9586. William Richardson.
H. R. 9618. Albert Teets.
H. R. 9650. Andrew C. Patterson.
H. R. 9704. Charles N. Enrich.
H. R. 9814. Francis M. Truax.
H. R. 9924. John P. Bateman.
H. R. 9996. Valentine S. Brewer.
H. R. 10001. Joseph W. B. McClintock.
H. R. 10086. Harrison Ruark.
H. R. 10139. Robert A. Robinson.
H. R. 10290. Abraham Mott.
H. R. 10330. George H. Young.
H. R. 10350. Hanson Harmon.
H. R. 10381. Peter O. Gaynor.
H. R. 10422. Edward McIntyre.
H. R. 10430. James Ross
H. R. 10454. Irwin Jordan.
H. R. 10503. Richard G. Paynter.
H. R. 10512. Joshua J. Workman.
H. R. 10514. John H. Swain.
H. R. 10516. John J. Morath.
H. R. 10518. James P. Leonard.
H. R. 10580. Easter A. Cantrell.
H. R. 10582. Abiather F. Crane.
H. R. 10618. Felix G. McGuire.
H. R. 10648. Charlotte Heald.
H. R. 10679. Alonzo C. Horton.
H. R. 10682. Ellen E. Greenfield.
H. R. 10727. Daniel Culver.
H. R. 10760. John Jarrett.
H. R. 10761. Jeremiah Hunt.
H. R. 10764. Stephen F. Easterling
H. R. 10813. William H. Coleman.
H. R. 10833. Amenzo Hoard.
H. R. 10859. James Walton.
H. R. 10899. Eva Muller.
H. R. 10983. Doctor William Warren.
H. R. 10984. Reuben T. Berry.
H. R. 10987. Augustus C. Godfrey.
H. R. 10996. Henry Stone.
H. R. 11012. Calla R. Landsittel.
H. R. 11025. Presley Jackson.

H. R. 11027. George T. Constable.
H. R. 11031. Lyman D. Cole.
H. R. 11032. George Snow.
H. R. 11039. John H. Shaver.
H. R. 11066. Samuel Michael.
H. R. 11067. John S. Wray.
H. R. 11090. James A. Bateman.
H. R. 11102. Joseph Holmes.
H. R. 11103. Conrad Goodell.
H. R. 11118. James McCammon.
H. R. 11125. William D. McLaughlin.
H. R. 11133. James A. Brown.
H. R. 11142. Wayne F. Wieder.
H. R. 11144. Edwin Rice.
H. R. 11145. Richard J. Gaskill.
H. R. 11148. James W. Calkins.
H. R. 11150. Thomas Murphy.
H. R. 11155. Mary J. McGuire.
H. R. 11157. Amara J. Bachelder.
H. R. 11159. John Marshall.
H. R. 11173. Wilson Risner.
H. R. 11174. Andrew Van Steenburgh.
H. R. 11178. James McCune, jr.
H. R. 11179. Zetta Swalls.
H. R. 11180. Enos Day.
H. R. 11181. Emma Swalls.
H. R. 11183. John McGill.
H. R. 11192. William J. Vanhoose.
H. R. 11198. Charles Plummer.
H. R. 11201. John Heblanthal.
H. R. 11202. Ida A. Miller.
H. R. 11203. Jacob M. Evans.
H. R. 11212. James T. Peale.
H. R. 11215. Elizabeth A. Russell.
H. R. 11230. Timothy K. Davis.
H. R. 11235. William H. R. Snyder
H. R. 11238. Nathan N. York.
H. R. 11270. Addison A. Eggleston
H. R. 11275. John K. Freeman.
H. R. 11299. John H. Carter.
H. R. 11300. Henry C. Hill
H. R. 11311. Alpheus N. Barnhouse.
H. R. 11312. Leverett C. Felch.
H. R. 11314. Almira York
H. R. 11331. William T. Kimbrel.
H. R. 11356. Oren Blain.
H. R. 11357. Augustus Brown.
H. R. 11387. Thomas H. McKay.
H. R. 11395. Wilson Lord.
H. R. 11413. Edgar P. Spooner.
H. R. 11414. Mary E. Livingston.
H. R. 11416. Wellington Harder.
H. R. 11417. Eli Brainard.
H. R. 11418. George W. Smith.
H. R. 11602. Washington Combs.
H. R. 11610. George Burks.
H. R. 11611. David H. York.
H. R. 11612. Irvin Howard.

During the reading of the bill,

The Clerk read as follows:

The name of Frederick Willman, late of Company C, One hundred and thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SHERWOOD. Mr. Speaker, I offer the following amendment: Page 3, line 18, substitute "$36" for "$30."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 18, strike out "$30" and insert in lieu thereof "$36."

The question was taken, and the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, to-day is set apart as Liberty Day, when thousands who have subscribed to the third liberty loan will march down historic Pennsylvania Avenue, calling the attention of our country to the necessity of supporting financially the prosecution of this world-wide war.

It is a great pleasure for me to be able to say that all the eight counties in the second congressional district of Oklahoma, which I have the honor to represent on this floor, have already "gone over the top." [Applause.] Some of them subscribed their full quota before nightfall on the first day the loan was offered, and all subscribed their full quota before the end of the first week.

I am sure this achievement should be given a place in the CONGRESSIONAL RECORD, and is an example worthy of emulation throughout the country. The people of Oklahoma can be depended upon under all circumstances to support their Government. [Applause.]

The Clerk read as follows:

The name of Doctor William Warren, late of Company I, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I desire to offer an amendment. On page 15, in line 3, the name is incorrectly printed in the bill. It should be "Warner" instead of "Warren."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

There was no objection.

Mr. STAFFORD. Will the gentleman from Missouri yield?

Mr. RUSSELL. I will.

Mr. STAFFORD. I notice in the name the gentleman is seeking to correct, the first word is "Doctor." I would like to inquire whether that is merely the title or his Christian name?

Mr. RUSSELL. It is not a professional title. It is the name of the party.

Mr. STAFFORD. I suppose his parents expected him to live up to his name, but he never got that far.

The Clerk concluded the reading of the bill.

Mr. SHERWOOD. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

REREFERENCE OF BILL—MERCHANT-MARINE SERVICE.

Mr. SIMS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SIMS. Mr. Speaker, I ask unanimous consent to rerefer the bill H. R. 10782 from the Committee on Interstate and Foreign Commerce to the Committee on the Merchant Marine and Fisheries. The reference was clearly an inadvertence.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to rerefer the bill mentioned by him to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. WALSH. Reserving the right to object, what is the bill about?

Mr. SIMS. The title of the bill is as follows:

To amend section 2 of an act entitled "An act to amend section 4131 of the Revised Statutes of the United States, to improve the merchant-marine service and thereby also to increase the efficiency of the Naval Reserve, and for other purposes," as amended by act approved October 22, 1914.

The Committee on Interstate and Foreign Commerce has no jurisdiction of it, and it is clearly entitled to be referred to the Committee on the Merchant Marine and Fisheries.

The SPEAKER pro tempore. Is there objection to the rereference of the bill as indicated? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SAUNDERS of Virginia. Mr. Speaker, I move that the House do now adjourn.

Mr. FESS. Will the gentleman reserve that for a minute?

Mr. STAFFORD. Mr. Speaker, I make the point of no quorum.

Mr. KEY of Ohio. Mr. Speaker, I have a small pension bill that I would like to get through.

The SPEAKER pro tempore. Does the gentleman insist on the point of order?

Mr. SAUNDERS of Virginia. Mr. Speaker, I insist on my motion to adjourn.

The SPEAKER pro tempore. The gentleman from Virginia moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WALSH. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 3, noes 43.

So the motion was rejected.

Mr. STAFFORD. Mr. Speaker, what becomes of my point of no quorum?

The SPEAKER pro tempore. The gentleman from Wisconsin makes the point of no quorum.

Mr. KEY of Ohio. Mr. Speaker, I would like to ask the gentleman from Wisconsin to withhold that.

Mr. STAFFORD. Mr. Speaker, I thought we had an understanding a few minutes ago that at the conclusion of the pension bill offered by the gentleman from Ohio [Mr. SHERWOOD] the House would adjourn.

Mr. KEY of Ohio. I would like to say to the gentleman from Wisconsin that this is pension day, and that the other committee has a small bill here that we would like to get through. Otherwise it would have to go over for two or three weeks. It will take only a few minutes to pass it.

Mr. STAFFORD. I withdraw the point of no quorum.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call up the bill H. R. 11658.

The SPEAKER pro tempore. The gentleman from Ohio calls up the bill H. R. 11658, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11658) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Rufus F. Gibbs, late of Company I, Twenty-seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton K. Jenkinson, late of Company E, Second Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry J. Seiders, late of Company G, Ninth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles W. Coleman, late of Ninth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel M. Rogers, late of Company D, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George B. Bolender, late of Company B, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ralph E. Evans, late of Company B, First Regiment Montana Volunteer Infantry, and Company H, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Augusta A. Richard, widow of Eugene B. Richard, late of Troop E, Third Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the five minor children of the said Eugene B. Richard until they reach the age of 16 years.

The name of Mary A. Bowen, widow of George W. Bowen, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Edward G. Dalton, late of Company K, Fifth Regiment Maryland Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Christopher C. Hamilton, late of Troop H, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Charles W. Gunter, late of Company G, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William D. Patterson, late of Ordnance Department, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William H. Schucraft, late of Company M, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Theodore Hansen, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Georgia L. Swafford, widow of Claude C. Swafford, late of Company E, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional on account of the minor child, Mesta Swafford, of the said Claude C. Swafford, until she reaches the age of 16 years.

The name of John Ferriter, late of Battery H, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John McMahon, late of Company E, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Martha Ann Jones, widow of Washington Jones, late of Company G (Capt. Standefer's), Second Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Benjamin L. Rutherford, late of Troop K, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles W. Wallace, late of Company D, Tenth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sallie M. Cohen, widow of Henry Cohen, late of Capt. Moses Curry's and Capt. John F. Broer's companies Florida Mounted Volunteers, Seminole Indian War, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wilbur S. Chapman, late of Company H, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Backus Ledford, late of Company F, Fourteenth United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John Hammons, late of Company C, Second West Virginia Volunteer Infantry, and Troop A, First Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James L. Stidham, late of Company I, Forty-fourth Regiment, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clarence L. Wimer, late of Company A, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Franklin R. Albert, late of Company E, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Wilkinson, late of Troop H, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James R. Milbee, late of Troop B, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Frank Watzek, late of Company C, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward D. Boothby, late of Troop C, Twelfth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George M. Woodard, late of Company H, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Sarah Crawford, widow of Gallant Crawford, late of Capt. Love's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth E. Roberts, widow of Stephen D. Roberts, late of Capt. Bobo's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Louisa F. Echols, widow of Richard Echols, late of Capt. Townsend's company, Georgia Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harriet Gray, widow of Ephraim G. Gray, late of Troop K, Sixth Regiment United States Cavalry, Regular Establishment, and Company G, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month and $2 per month additional on account of each of the four minor children of the said Ephraim G. Gray, until they reach the age of 16 years.

The name of John W. Hamilton, late of Company B, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Ellen A. Cardenas, dependent mother of Philip Cardenas, late of Company C, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month.

The name of George E. Lawrence, late captain, Signal Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George Wegner, late of Company A, First Regiment North Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward L. Dodd, late of Company A, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles E. Ingels, late of Company D, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Marshall F. Truax, late of Company C, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Sarah A. Anthony, widow of Frank Anthony, late major and surgeon, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Carey Nation, late of Company H, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James L. Wolleat, late of Company B, Twelfth Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Lee Jeter, widow of Richard C. Jeter, late chaplain, First Infantry Regiment South Carolina National Guard, Mexican Border, and pay her a pension at the rate of $25 per month.

The name of Mary Cavanagh, widow of William Cavanagh, late of Company E, Third Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan E. Bell, widow of Silas Bell, late of Capt. Grant's company, Georgia Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wesley O. Staver, late of Company G, Third Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Emanuel Rickman, late of Company D, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Emma J. Flanagan, widow of Stephen J. Flanagan, late of Capt. Byrum's company, Alabama Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Freda Burow, widow of William M. Burow, late of Company I, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of James Green, late of the Thirty-first Company United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mary Wilbanks, widow of Quincy A. Wilbanks, late of Company H, Third Regiment Illinois Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elwood C. Finney, late of Company K, First Territorial Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Henry C. Clausen, late of Company B, Fourth Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles W. Hanson, late of Company D, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Laura A. Davis, widow of John F. Davis, late of Company H, Second Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Margaret A. McAdoo, widow of Austin McAdoo, late of Company B, Second Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Oliver P. Jackson, late of Company K, Fifth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Emily A. Ballard, widow of Joseph M. Ballard, late captain Company E, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The name of Lauren W. Case, late of Battery F, Second Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles C. Cooper, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nellie G. Carr, widow of John H. Carr, late of Company H, Fifth Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank Thompson, late of Company A, Twenty-second Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Nancy Wood, widow of Uriah Wood, late of Capt. McClellan's company, Tennessee Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hans Fulson, late of Company K, Third Regiment Wisconsin Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James Gould, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Eugene B. Justice, late of Company K, Fifty-second Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William E. Martin, late of Troop D, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Elmer D. Hopper, late of Company M, Eleventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elba A. Love, late of Company A, Sixth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary F. Kenaday, widow of Elias J. Kenaday, late of Capt. Morgan's company, Iowa Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Mary C. Shell, dependent mother of Willis A. Shell, late of Company M, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Hall, late of Company H, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dallas Mills, late of Company D, Forty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred G. Pettigrew, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George Joseph, late of Company E, Eighth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Emma S. Phelps, widow of Walter S. Phelps, late of Company C, Battalion New Jersey Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Fred J. Luepke, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Volney A. Parmer, late of Company M, Sixth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. Williams, late of the United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Frank A. Smith, late of Company M, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jeannie Burton, widow of Ambrose Burton, late of Troop I, First Regiment Kentucky Volunteer Cavalry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Curtis, late captain of Company E, First Regiment Delaware Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Amanda Foster, widow of William Foster, late of Company E, District of Columbia and Maryland Volunteers, War with Mexico, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Arthur E. Garland, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William D. Harris, late of Troop I, Eighth Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Daniel Johnson, late of One hundred and thirteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Rebecca M. Bearden, widow of John M. Bearden, late of Capt. Tipp's company, Tennessee Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert Krick, late of Company C, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Alvin R. Scott, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Kate Watson, widow of James E. Watson, late of Company D, Second Regiment Massachusetts Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of each of the two minor children of the said James E. Watson, until they reach the age of 16 years.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 551. Rufus F. Gibbs.
H. R. 702. Martin K. Jenkinson.
H. R. 724. Henry J. Selders.
H. R. 747. Charles W. Coleman.
H. R. 1245. Samuel M. Rogers.
H. R. 1814. George B. Bolender.
H. R. 1924. Ralph E. Evans.
H. R. 1950. Augusta A. Richard.
H. R. 1960. Mary A. Bowen.
H. R. 2032. Edward G. Dalton.
H. R. 2192. Christopher C. Hamilton.
H. R. 2193. Charles W. Gunter.
H. R. 2220. William D. Patterson.
H. R. 2458. William H. Schucraft.
H. R. 2473. Theodore Hansen.
H. R. 2475. Georgia L. Swafford.
H. R. 2863. John Ferriter.
H. R. 3260. John McMahon.
H. R. 3456. Martha Ann Jones.
H. R. 3475. Benjamin L. Rutherford.
H. R. 3791. Charles W. Wallace.
H. R. 3946. Sallie M. Cohen.
H. R. 4016. Wilbur S. Chapman.
H. R. 4111. Backus Ledford.
H. R. 4419. John Hammons.
H. R. 4552. James L. Stidham.
H. R. 4669. Clarence L. Wimer.
H. R. 4747. Franklin R. Albert.
H. R. 4752. Walter P. Norris.
H. R. 4800. James B. Wilkinson.
H. R. 4865. James R. Milbee.
H. R. 4899. Frank Watzek.
H. R. 5040. Edward B. Boothby.
H. R. 5144. George M. Woodard.
H. R. 5153. Sarah Crawford.
H. R. 5154. Elizabeth E. Roberts.
H. R. 5156. Louisa F. Echols.
H. R. 5246. Harriet Gray.
H. R. 5390. John W. Hamilton.
H. R. 6099. Ellen A. Cardenas.
H. R. 6104. George E. Lawrence.
H. R. 6436. George Wegner.
H. R. 6560. Edward L. Dodd.
H. R. 6576. Charles E. Ingles.
H. R. 6728. Marshall F. Truax.
H. R. 6747. Sarah A. Anthony.
H. R. 6750. Carey Nation.
H. R. 6870. James L. Wolleat.
H. R. 6896. Mary Lee Jeter.
H. R. 6910. Mary Cavanagh.
H. R. 6931. Susan Bell.
H. R. 6950. Wesley O. Staver.
H. R. 7095. Emanuel Rickman.
H. R. 7098. Emma J. Flanagan.
H. R. 7163. Freda Burow.
H. R. 7245. James Green.
H. R. 7257. Mary Wilbanks.
H. R. 7294. Elwood C. Finney.
H. R. 7424. Henry C. Clausen.
H. R. 7670. Charles W. Hanson.
H. R. 7791. Laura A. Davis.
H. R. 7942. Margaret A. McAdoo.
H. R. 8039. Oliver P. Jackson.
H. R. 8061. Emily A. Ballard.
H. R. 8095. Lauren W. Case.
H. R. 8181. Charles C. Cooper.
H. R. 8251. Nellie G. Carr.
H. R. 8468. Frank Thompson.
H. R. 8477. Nancy Wood.
H. R. 8797. Hans Fulson.
H. R. 9062. James Gould
H. R. 9081. Eugene B. Justice.
H. R. 9142. William E. Martin.
H. R. 9521. Elmer D. Hopper.
H. R. 9525. Elba A. Love.
H. R. 9536. Mary F. Kenaday.
H. R. 9582. Mary C. Shell.
H. R. 9667. John M. Hall.
H. R. 9738. Dallas Mills.
H. R. 9894. Fred G. Pettigrew.
H. R. 9914. George Joseph
H. R. 10012. Emma S. Phelps.
H. R. 10208. Fred J. Luepke.
H. R. 10224. Volney A. Parmer.
H. R. 10287. William P. Williams.
H. R. 10301. Frank A. Smith.
H. R. 10387. Jeannie Burton
H. R. 10392. John M. Curtis.
H. R. 10410. Amanda Foster.
H. R. 10419 Arthur E. Garland.
H. R. 10427. William D. Harris.
H. R. 10562. Daniel Johnson.
H. R. 10579. Rebecca M. Bearden.
H. R. 10710. Albert Krick.
H. R. 10780. Alvin R. Scott.
H. R. 10991. Kate Watson.

Mr. KEY of Ohio. Mr. Speaker, a dollar mark is missing in the printed copy on line 1 of page 11 before the figures "25." I ask unanimous consent that it be supplied by the Clerk.

The SPEAKER pro tempore. Without objection, the correction will be made.

There was no objection.

Mr. KEY of Ohio. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RESIGNATION FROM A COMMITTEE.

The SPEAKER pro tempore. The Chair lays before the House the following communication, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C.

Hon. CHAMP CLARK,
Speaker of the House.

MY DEAR SIR: I hereby tender my resignation as a member of the Foreign Affairs Committee.

Very truly,
S. D. FESS.

APRIL 26, 1918.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks on the mining bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks on the mining bill. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to extend my remarks on American shipping and the pneumatic-tube service.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend his remarks on American shipping and the pneumatic-tube service. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what connection there is between American shipping and the pneumatic-tube service?

Mr. HEFLIN. I mean those are the two subjects I want to touch on in extending my remarks.

Mr. WALSH. Reserving the right to object, Mr. Speaker, are they the gentleman's own remarks?

Mr. HEFLIN. Yes.

Mr. WALSH. I do not object to this request, but I was in hopes that somebody might get up before we adjourned and ask unanimous consent to extend their remarks in the RECORD by bursting into song. [Laughter.] We have had all other kinds of requests for extensions of remarks. I want to warn the House that I am going on the rampage again on this subject. [Laughter.]

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SAUNDERS of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Saturday, April 27, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 6421) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States, reported the same without amendment, accompanied by a report (No. 521), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LITTLE, from the Committee on Claims, to which was referred the bill (H. R. 7985) for the relief of J. Ph. Binzel Co., reported the same without amendment, accompanied by a report (No. 520), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 11709) granting the consent of Congress to the village and township of Halstad, Norman County, Minn., and the township of Herberg, Traill County, N. Dak., to construct a bridge across the Red River of the North on the boundary line between said States; to the Committee on Interstate and Foreign Commerce.

By Mr. BARKLEY: A bill (H. R. 11710) to provide further for the national security and defense and to sustain the Army and Navy during the war by preventing the waste of food, fuel, and man power by the beverage liquor traffic; to the Committee on the Judiciary.

By Mr. DILL: A bill (H. R. 11711) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein; to the Committee on Indian Affairs.

By Mr. STEENERSON: A bill (H. R. 11712) to create a Federal grain standards board, and for other purposes; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 11713) to add certain lands to the national forests in the State of Colorado; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 11714) extending the relief of Indians occupying railroad lands in Arizona, New Mexico, and California; to the Committee on Indian Affairs.

By Mr. CARAWAY: A bill (H. R. 11715) to authorize the drainage of certain lands in the State of Arkansas, counties of Mississippi and Poinsett; to the Committee on the Public Lands.

By Mr. CANTRILL: Resolution (H. Res. 325) authorizing the payment of $1,200 to G. D. Ellis for extra and expert services rendered in the office of the Clerk of the House of Representatives during the first and second sessions of the Sixty-fifth Congress; to the Committee on Accounts.

By Mr. EDMONDS: Resolution (H. Res. 326) providing for printing as a House document publication of the Public Health Service entitled "Prevention of Disease and Care of Sick," with supplement on "First Aid to the Injured"; to the Committee on Printing.

By the SPEAKER (by request): Memorial from the Legislature of the State of New York, favoring a league of nations to safeguard the peace of all nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DENTON: A bill (H. R. 11716) granting a pension to Catherine Conn; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 11717) granting a pension to Kathryn Lusch; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 11718) granting an increase of pension to George S. Taylor; to the Committee on Invalid Pensions.

By Mr. DUNN: A bill (H. R. 11719) granting a pension to Susan B. Churchill; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 11720) granting an increase of pension to Samuel P. Ledgerwood; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 11721) granting a pension to Harriet Dutton; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11722) granting a pension to Mary S. Runion; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 11723) to reinstate Cecil Floyd Charlton as a passed assistant surgeon in the United States Navy; to the Committee on Naval Affairs.

By Mr. HELVERING: A bill (H. R. 11724) granting an increase of pension to Charles Schiller; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 11725) granting an increase of pension to Daniel B. Reddecks; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 11726) granting a pension to Benjamin Franklin Brown; to the Committee on Pensions.

Also, a bill (H. R. 11727) granting a pension to Simon P. Parrish; to the Committee on Pensions.

Also, a bill (H. R. 11728) granting an increase of pension to William S. Strode; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11729) for the relief of Martin L. Cuppels; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 11730) granting an increase of pension to Thomas D. O'Shea; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 11731) granting an increase of pension to William H. Steel; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 11732) granting an increase of pension to Samuel Davis; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11733) for the relief of the heirs of Robert M. Seward; to the Committee on Claims.

Also, a bill (H. R. 11734) granting a pension to Rose Vollkommer; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 11735) granting an increase of pension to Albert M. Lull; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Good Hope Farm Club, Gerald, Mo., for the relief of farmers in general and especially those of Missouri; to the Committee on Agriculture.

By Mr. DALE of New York: Petitions urging the repeal of the second-class postage rider to the war-revenue act by L. Ezekiel, the Woman's Forum, the New York Medical Journal, E. J. Elder, and M. Buesing; to the Committee on Ways and Means.

Also, memorial of the Building Trades Department, American Federation of Labor, urging the passage of House bill 6107; to the Committee on Interstate and Foreign Commerce.

By Mr. DILL: Petition of Mrs. D. L. Davis and other ladies of Spokane, Wash., urging that there be no further wastage of man power, food, fuel, and efficiency by the further manufacture of alcoholic liquors and asking for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the Merchants' Association of New York, favoring the Owen-Dyer bill, equalizing the rank of Army medical officers with that of the Navy; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petitions of the Rockford (Ill.) Manufacturers' and Shippers' Association and of the Edward Hines Lumber Co., Chicago, Ill., for legislation to permit the payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

By Mr. IGOE: Petition of Lithuanian National Council, of St. Louis, concerning the independence of Lithuania; also a petition of certain citizens of St. Louis, on the partition of Poland and the settlement of the Polish question; to the Committee on Foreign Affairs.

By Mr. SCHALL: Petition of Mr. C. L. Williams and 114 other citizens of Kanabee County, Minn., favoring the transfer of jurisdiction of persons charged with violation of the espionage act from civil to military courts; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Chippewa Indians of Minnesota, protesting against the enactment of House bill 8859, for the relief of Ben Fairbanks and others; to the Committee on Indian Affairs.

By Mr. SWIFT: Affidavits to accompany House bill 8623; to the Committee on Claims.

SENATE.

SATURDAY, *April 27, 1918.*

(Legislative day of Wednesday, April 24, 1918.)

The Senate met at 12 o'clock noon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, and other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with, or incidental to, the prosecution of the war, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11658. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry Chippewa Indians residing on the White Earth Indian Reservation, Minn., remonstrating against the payment of certain sums out of their funds to Ben. L. Fairbanks and others, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Fulda Reading Club, of Fulda, Minn., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Duluth Presbytery, at Two Harbors, Minn., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented memorials of the Northern Machinery Co., of Minneapolis, of the Citizens Alliance, of Minneapolis, and of the American Hoisting Derrick Co., of St. Paul, all in the State of Minnesota, remonstrating against the adoption of the proposed amendment to the naval appropriation bill penalizing the granting of bonuses and premiums to employees in the navy yards, which were referred to the Committee on Naval Affairs.

Mr. LODGE presented a petition of H. M. Warren Post, No. 12, Grand Army of the Republic, Department of Massachusetts, of Wakefield, Mass., praying for an increase in the pensions of veterans of the Civil War, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 4452) granting an increase of pension to Frank Libby (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4453) to establish the military record of Marshall M. Pool; to the Committee on Military Affairs.

A bill (S. 4454) granting a pension to Richard R. Trench; and

A bill (S. 4455) granting an increase of pension to W. S. Lambert; to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate $400,000 for extension of Piers Nos. 4, 4a, 5, and 6, and $1,200,000 for power plant, etc., at the navy yard, Boston, Mass., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles and referred to the Committee on Pensions:

H. R. 11658. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. JONES of Washington. Mr. President, something is wrong; our war preparations are not moving as they ought to move. The President thinks he needs the power given by this bill to do what ought to be done. He will not use what he has till this is passed. It is therefore necessary. I shall vote for it whether amended or not, and let the future take care of any failure or unwise action. This is all I care to say on this bill, but I am going to take a few moments to speak of legislation which I deem of supreme importance, but which I understand a legislator high in the councils of the Democratic Party thinks we should postpone until after the fall elections, although it is not a party question at all.

Sir Adam Beck, chairman of the Hydroelectric Commission of the Province of Ontario, Canada, in testifying last week before the Water Power Committee of the House of Representatives, described the wonderful impetus given to the industrial growth of that community through delivery of 315,000 hydroelectric horsepower generated at Niagara Falls, and said that further water-power developments which were about to be undertaken would increase the production of power in Ontario by 1921 to 750,000 horsepower. I quote from Sir Adam Beck's testimony as follows:

> I wish to tell you now that we are short in the Niagara district, in the Province of Ontario, at least 100,000 horsepower that is essential and necessary at this time, and largely for munition purposes. We have three large American plants on the Canadian side manufacturing explosives or essentials to the war, in the Carbide Co., the Electro-Metals Co., and the Cyanimide Co., and they use between them in the neighborhood of 75,000 horsepower. We have received repeated appeals from Washington to increase these quantities, and we have done everything to curtail the use of power so that these large industries can keep their business going. * * *
>
> Of course, if we were as greedy as we might be—and I suppose we are human—we would not encourage in any way by an object lesson such as we have here to have you nationalize the water powers on the American side, because these large industries you have will be more likely to establish branch industries in the Province of Ontario to take care of their foreign trade, having labor conditions equally favorable and a much cheaper price of electricity and no fear of an increase in the price of that electricity. * * * We have a large industry now on the St. Lawrence, in the British Chemical Co. It is American, however, entirely. They are establishing a large industry and are only using 4,000, but want 8,000. They are quite safe in assuming that the price will not be increased; that they will not be deprived of that power.

I am informed that in addition to the American industrial plants referred to by Sir Adam Beck, which have been forced to locate in Canada, through inability to obtain cheap hydroelectric power in the United States that several large plants have been built by American capital in the Province of Quebec, which are using over 100,000 horsepower in the aggregate, and which plants would have been built in the United States but for our restrictive water-power laws, which prevented development and utilization of hydroelectric energy here. The American Carbide Co. recently completed an 80,000 horsepower plant in Norway, which also would have been built in this country but for our restrictive laws.

Why does not Congress enact legislation which will make possible the development of our water powers? Why is this not done when we have it on the high authority of the Chief Executive of the land that next to matters relating strictly to the immediate conduct of the war it is the most important public business before Congress. In his message last December the only legislation urged by the President upon Congress other than measures of immediate military necessity was the speedy enactment of laws under which this great natural resource might be utilized. The importance of such legislation can not be overstated. The Senate promptly complied with the President's suggestion and passed the Shields water-power bill on

December 14, 1917, dealing with water powers on navigable streams. The House has appointed a special water-power committee, consisting of the six ranking members of the Interstate and Foreign Commerce, the Public Lands, and the Agricultural Committees and to it has been referred all water-power bills, including the Shields bill, and a bill prepared by the Departments of War, Interior, and Agriculture, which includes in one measure all phases of the water-power question and contains many of the best features of the Shields and other water-power bills which have been considered by the Senate. I quote extracts from the letter of the Secretaries of War, Interior, and Agriculture, transmitting the administration water-power bill to Hon. T. W. SIMS, chairman of the House committee:

WASHINGTON, *February 27, 1916.*

Hon. T. W. SIMS,
House of Representatives.

DEAR MR. SIMS: It is understood your committee will take action at an early date upon various proposals which have been made concerning water-power legislation. On account of the conditions now affecting the power industry and the need of maintaining our entire industrial machinery at its highest efficiency, a satisfactory solution of the water-power problem is, in our judgment, one of the most important steps for the consideration of this Congress and one which should receive attention at the earliest practicable date.

The industrial expansion which has been necessary in order to produce the materials and equipment needed in the prosecution of the war has placed unprecedented demands upon the electric-power industry, to such an extent in fact that the output of commercial central stations has increased more than 60 per cent since 1914. There is also need of legislation in order that time may be given to prepare for the developments that must take place after the close of the war, if the United States is to maintain its proper place in world trade, or even to supply its domestic needs. A survey of our water-power resources is needed, particularly with relation to specific districts and specific industries.

Beyond the need of power development as such is the need of increasing the proportion of water power in order to reduce the drain on our coal and petroleum supplies, particularly the latter. Even if the coal supply were unlimited, the reduction in the demands upon labor and transportation equipment would be sufficient reason for substituting water power for steam power whenever possible. The petroleum supply, particularly in the West where the greatest proportion is used for fuel, is being rapidly depleted, consumption has exceeded production, and stocks in storage are fast disappearing. With the substitution of water power for steam power in central stations and with the electrification of railroads a large part of the use of petroleum for fuel could be eliminated.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.
FRANKLIN K. LANE,
Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

For 10 long years restrictive Federal water-power laws have prevented the utilization of the energy contained in our descending waters. This mighty resource has been allowed to waste while enormous quantities of coal and oil have been taken from the earth and used up to meet the ever-increasing demands for electric energy, which during the last decade has increased sixfold.

I dislike to say it, but we of America are wont to deceive ourselves as to actual conditions. We wait until to-morrow to do the things we should have done yesterday. We have not taken advantage of our opportunities as we should.

A little plain talk will not hurt us. I am not driving at any party or at those who have the direction of the Nation's affairs in their hands. But I am finding fault with Congress for holding up water-power development for the past 10 years by unreasonable and indefensible projects of regulation so drastic in their nature as to frighten off any sane investor, and now we are suffering the penalty of sloth. The development of water powers is pioneer work of a hazardous nature, subject to many risks and uncertainties, and, under regulation of rates by public authorities, the hydroelectric business is and must be conducted upon a close margin of profit. Capital, therefore, will not invest nor men put in their time in hydroelectric development except upon a basis which, so far as Government requirements are concerned, will at least not jeopardize the investment or prevent a fair return thereon. The time has come when the country needs the force and energy contained in its wasting water powers to supplement its man power, and the penalty of delay is enforced by fate against the unready. Let us put the blame where it belongs. The fault is with Congress and with Congress alone. It is the lawmaking body. It can not escape that responsibility. The controversy in the country over the character of legislation under which water powers can be developed has been reflected in Congress, and thus far we have been unable to get together. Each extreme has held fast to its own view and our water powers have been idle and wasting. Departmental heads have striven to dominate and form legislation and have been a potent factor in preventing action, but this does not excuse Congress. It should realize the tremendous need. It should harmonize divergent views and, with a due regard for public opinion, frame legislation which it believes will serve the public good. If Congress had acted five years ago and passed suitable legislation, millions and millions of water power would have been utilized that are still going to waste, and the successful carrying on of the war would have been enormously aided, fuel and labor shortage greatly lessened, and the transportation problem rendered much less acute. No single stroke would have helped the present situation so much as a proper hydroelectric law enacted five years ago. But, as the water-power men say, "that's over the dam." The question is, Are we going to benefit by this lesson of "what might have been" or not? Failure of Congress to pass a workable water-power law at this session will be nothing short of crime and disloyalty to the dire necessity of our country. A very heavy responsibility rests upon us, and we must promptly meet it or the country will properly call us to sharp account for neglect of our duty. I could insert in the RECORD a thousand pages of news articles and editorials from the press of the country which have appeared in the past six months calling on Congress to act. I am glad to be able to say that Congress has never made a political question of this great national problem; it has been merely a difference of opinion on details. I call on my fellow Members of Congress, both in the House and in the Senate, to get together and speedily enact legislation which will cure the present stagnation in water-power development. Let us take a broad view of the question, not quibble over details. Congress thought development would take place in the navigable streams under the law of 1910, but it was mistaken. That law was too restrictive, and development has not taken place under it and never will. Germany and Austria have developed 90 per cent of their water powers and we but 10 per cent of ours.

I will describe to you the results which would follow the development of just one of our now wasting water powers. I refer to one contained in the Priest Rapids of the Columbia River, located in the central part of the State of Washington. At the present time there are not over 100 people living within a radius of 20 miles of the locality to which I refer. The river is bordered by hundreds of thousands of acres of volcanic-ash soil—a desert now, owing to the annual rainfall being less than 5 inches—a land which has 325 days of brilliant sunshine and but 40 days of cloud and rain per year. But give that desert soil water and it will produce every crop known to the temperate zone, such as cotton, tobacco, sugar beets, every variety of beans, alfalfa, and all kinds of grain and fruits. There nature has assembled the land, the water, and the power—all useless at the present time, but by developing the power and using it to lift the water to the land, that now silent valley would be brought to life, peopled with thousands of homes, and made to produce agricultural products of quantity ten times greater than sufficient to feed the local population. The Columbia is the twelfth largest river in the world and the second in the United States, and is navigable for 1,000-ton steamers from the Pacific Ocean, into which it flows, to the foot of Priest Rapids, a distance of 400 miles. The dam which it is proposed to build across the river at the foot of the rapids would, with the installation of locks and the removal of some minor obstacles above the head of the rapids, render the river navigable for a farther distance of 200 miles inland, almost to the Canadian boundary, traversing a region now almost devoid of transportation facilities.

The dam, 90 feet high and 1 mile long, would cost approximately $25,000,000 and would develop about 250,000 continuous horsepower. This power would be used for a diversity of purposes, such as the operation of industrial plants for production of electrochemicals, pottery, asbestos material, wood pulp, paper, and beet sugar; in the smelting of lead and silver ores, and for other metallurgical purposes; and also for the electrification of near-by divisions of three transcontinental railroads. The high-water period is providentially also the irrigation period, and the flow of the river from April to October rises sufficiently to furnish water for all near-by land, and also is capable of producing additional power sufficient to raise the water to the land without interfering with the all-the-year power required for the other purposes mentioned above.

Thus the development of this water power would bring an industrial and agricultural population of at least 50,000 people to a now silent land; would open to navigation 200 miles of inland waterway through a region almost devoid of transportation facilities; would save the coal now used to propel the trains of three transcontinental railroads across a large part of the State of Washington, and the river would teem with the traffic resulting from the development of a now almost uninhabited region.

I have given you but one object lesson of what would follow the passage of sane and practical water-power legislation. Yet there are many other water powers awaiting development in the

eastern, southern, and western parts of the country which would bring equally beneficial results, and which have been held back from development for years past solely because of the restrictive laws now in force.

I quote from the testimony of a witness who appeared before the special water-power committee of the House at its recent hearings:

The total land-surface area of the 11 public-domain States of the West is 755,915,560 acres, of which 471,033,227 acres is in public ownership and 284,882,333 acres in private ownership. That is, the public domain comprises 62 per cent of the total area of these States, or an area approximately as large as the entire United States east of the Mississippi River. With the exception of the Sacramento, Columbia, Snake, and Missouri Rivers, all the navigable rivers of the country are located in the central, eastern, and southern sections of the United States.

Over 60 per cent of the wasting water powers of the United States are located in nonnavigable streams in the undeveloped portions of the public domain in the far West. The electric energy which could be produced from these water powers would be within easy reach by transmission lines of vast areas of lands, mineral deposits, and other natural resources owned by the Federal Government. These great properties at present idle, and in their present condition almost worthless, could be utilized and made of great value through the development of the water powers in their midst. The land would be brought under cultivation through electrically operated pumping plants, and power would be available to open up mines and operate smelters and for other purposes.

Cities, towns, and villages all over the country offer free sites and cash bonuses to induce the building of manufacturing plants, because they bring increased population, increase taxable values, and enhance the value of all near-by property. Why, therefore, would it not be good business for the Government to render the development of these water powers as attractive as possible? Why is it not manifestly in the public interest that Congress enact such legislation as will encourage men and capital to undertake the development of this great national resource, which would vastly increase the value of the public domain, would increase the national wealth, and would be accomplished without taxation and by private capital?

Under the railroad law of March 3, 1875, any incorporated railroad may obtain free right of way through any of the public lands of the United States merely by filing a map of its proposed line. The same is true for telephone and telegraph lines, and in the oil-producing public-land States for oil pipe lines. These free rights of way are granted because their building is pioneer work often through localities practically uninhabited and because their installation means the development and increased value of the Government lands through which they pass. The development of water power is to an equal extent pioneer work, and of a much more hazardous nature than the building of railroads and installation of telephone and telegraph lines, and the benefits accruing to the public through enhancing the value of the public domain are fully as great, and therefore the Government in the public interest should encourage the development of the now wasting water powers of the country to the fullest extent possible.

The time is ripe to act. Legislators and administrators are taking a broader attitude than ever before. We are ready to make concessions to get good, workable laws. I am glad to note that executive officers seem to be ready to recede from extreme demands. It has been insisted that we should empower executive officers to impose charges on water-power development, to raise revenue and regulate charges to consumers, though I have never been able to figure out how we could benefit the consumer by putting on a tax that he must pay. They are willing to give up these demands. Mr. Merrill and Secretary Lane have testified before the House committee on this important subject. I do not agree entirely with their views, but I can join them on the basis they suggest in order to get a law under which our great resources will be saved from waste in a way most beneficial to our industries and our people. They said:

Mr. MERRILL. This is my position in regard to rental charges: I do not believe in the collection of rental charges primarily for revenue purposes. I do not think it is the best way to obtain revenue, particularly since such a method would impose taxation upon those power users only who happened to obtain power from a project under license. All other power users would be free from the charge or tax. In my judgment there are only two reasons why rental charges should be collected for a license for power development on either a navigable stream or on the public lands. One reason is to collect an amount sufficient at least to pay the cost, direct and indirect, of the administration of water powers under the act and a fair proportion of the cost of administration and protection of the public lands and the national forests.

Mr. MCLAUGHLIN. That is the only idea in levying this charge.

Mr. MERRILL. And beyond that, under certain circumstances, it may be necessary to go beyond the administrative charge as the only means of getting back to the public excess earnings that can not be reached in any other way. Those are the only two reasons on which I would fix a general rental charge.

Mr. TAYLOR. This bill is drafted on the broad governmental development theory that it is for the welfare of our country to develop this power, to give employment to money and people, and develop our country rather than a system of the peculation of fees out of anybody.

Mr. MERRILL. You are quite right. As far as my opinion goes, it is just this: That except under the unusual circumstances where it is the only way of requiring excess earnings to be divided up, excessive earnings which can not be reached in any other way, we will simply fix a rental charge that will adequately meet the cost of administration such as I have already named, and let the rest go back to the public through reduced rates for the service.

Mr. TAYLOR. So that the public will get the benefit in rate regulation of whatever the Government might otherwise collect as fees?

Mr. MERRILL. Yes, sir.

Mr. TAYLOR. And put into the Federal Treasury?

Mr. MERRILL. I would start with a nominal franchise charge as a basis. This would be applicable to navigable rivers where no Government property is involved. I would increase this somewhat where Government property, such as the public lands or national forests, is also involved, and I would increase it somewhat further where Government property, such as navigation dams upon which Government moneys have been expended, are being used by a licensee. I would not collect charges in any event primarily for general revenue purposes, nor would I fix charges above the amount reasonably necessary to reimburse the Government for those costs of administration which I have already named, which would have the effect either of increasing rates to consumers or of preventing a licensee from earning a fair return upon his investment.

TESTIMONY OF SECRETARY LANE.

Mr. TAYLOR. It is not your idea, is it, Mr. Secretary, that the Government should go into this as a money-making proposition?

Secretary LANE. Not now. I should say that the primary object of any bill of this kind is to help out the people in the neighborhood of the development.

Mr. TAYLOR. To give them——

Secretary LANE (interposing). To give them power instead of coal.

Mr. TAYLOR. To give them the benefit of such rates and service as the developing companies, without having an additional charge put on them for the Federal Treasury, which must necessarily in most cases at last be passed on by the people.

Secretary LANE. Yes. We ought not to make the charge so burdensome that it would increase perceptibly the rate to the people.

Mr. TAYLOR. Is not this true: There are many cases where they now have private enterprises on private lands that are under no Government royalty at all, and when these water-power people develop under this bill, if they have to pay the Government a royalty and compete with those who have to pay no royalty, that can not be passed on to the people, and they have to take it out of their own pockets?

Secretary LANE. That is true.

Mr. TAYLOR. So that in communities where they have that without royalty, where there is that competition, the effect would be the retarding of the development in that community?

Secretary LANE. No; not any royalty.

Mr. TAYLOR. I mean any appreciable royalty. Of course, a royalty merely for supervision—I mean a royalty that would bring money into the Federal Treasury—would retard development where they would have to compete on equal terms with those who have no royalty to pay.

Secretary LANE. I think the making of a royalty that would be unreasonable would be a burden upon the people, making a royalty that would yield some revenue, which is not the primary purpose of the bill.

This thing ought to be said, perhaps, that we ought to more fully appreciate now, during this war, the necessity of larger electrical development than we have ever had before in connection with chemical industries. We are just beginning to understand what electricity can do and what can be done with very high power electrical establishments. We have never been a chemical Nation. That side of our scientific development has been overlooked.

Germany has been the chemical nation of the world. We now are taking that thing up, and probably there is more interest in chemistry in the United States to-day than there ever has been. We have hundreds of chemists in this city to-day in connection with the Bureau of Mines and Ordnance Department. They have been gathered from all parts of the country. A great many of them are Germans, and many of them have been educated in German institutions, showing how far ahead Germany has been in this particular line of science.

It is quite manifest to me that there has got to be very large electrical development if we are going to have the largest use made of our development along lines of chemistry, and perhaps the best sphere for a young man in the next 25 years will be as an electrochemical engineer in the United States.

These powers ought to be put up not only with the idea of taking care of a plant that is known to be a commercially successful proposition but with the purpose also of experimenting and discovering what can be done. So that I would not say that on such a plant as that any kind of a charge should be made by the Government. We ought to foster that kind of thing.

Form a law in substantial accord with those views and we will have done well. A maximum charge practically nominal will provide an ample fund to pay the expenses required and impose no burden upon consumers. Fix this in the law. It is a legislative power and should not be left to administrative agents.

Senators, the development of our water power would make the United States impregnable in time of war, commercially dominant in time of peace.

Impregnable in time of war through furnishing the energy required for production of explosives and munitions, for operation of railroads, and in a thousand ways in the conduct of hostilities, thus releasing our man power for the Army and Navy.

Commercially dominant in time of peace through furnishing energy for industrial activities—electrical and electrochemical processes, for transportation, for agriculture, and for the innumerable things into which the use of power enters in the daily life of our citizens. Power, electric energy, terrible in its war uses, but a God-given blessing when used to promote the comfort of mankind. The safety, the welfare, the prosperity, and the progress of the Nation demand and require the prompt enactment of water-power laws in which protection of the public interest shall be coordinated with fairness toward capital. Every source of power in the United States, whether from steam or water, is being utilized at the present time to utmost capacity to meet demands for explosives, munitions, and war material of all kinds, and yet there is great shortage of electric energy. Munition factories are closed down for lack of it. Practical men say that if the war continues another year the shortage of power will become a serious handicap to success. Congress has delayed the settlement of this question too long. The hour has struck. It should delay no longer. The House should pass a bill soon. If amendatory of ours, it should be sent to conference and our differences harmonized. Let Congress do its duty and do it promptly.

Mr. President, I have two clippings with reference to this matter that I ask permission to insert as a part of my remarks.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[From the Binghamton Press, Apr. 8, 1918.]

DEVELOP WATER POWER IS CRY OF BUSINESS MEN—VOTE TAKEN BY UNITED STATES CHAMBER OF COMMERCE SHOWS OVERWHELMING MAJORITY IN FAVOR OF USING NATURAL RESOURCES.

WASHINGTON, *April 8.*

By sweeping majorities, 500,000 business executives who comprise the membership of the United States Chamber of Commerce have adopted resolutions calling on Congress to make provision for harnessing the millions in water horsepower that now run wild.

The vote was taken through the more than 1,000 commercial organizations throughout the country which compose the national chamber. Forty-five States and Alaska and Hawaii participated in the balloting, representing a wide range of industrial interests and opinions, and reliably indicating to Congress how the business men of the Nation look on the water-power situation. Each voting organization cast from 1 to 10 votes, depending on its membership.

The balloting was based on a series of recommendations contained in the report of the committee on water-power development of the United States Chamber of Commerce. These recommendations were presented in the following order:

1. That Federal legislation encouraging the development of water powers should at once be enacted. Adopted by the almost unanimous vote of 1,324 to 6.

2. That authority to grant permits should be vested in an administrative department. Carried by a vote of 1,258 to 17.

3. That the permit period should be at least 50 years, any shorter period being at the applicant's option. In favor 1,216, opposed 42.

4. That tolls should attach only to use of public lands or benefits derived from head-water improvements. Adopted by vote of 1,191½ to 40½.

TO PROTECT PERMITTEES.

5. That permittees should be entitled to acquire the right to use public lands forming only a small and incidental part of the development. Carried by a vote of 1,210 to 25.

6. That recapture should be exercised only upon payment of fair and just compensation. In favor 1,234, opposed 25.

7. That if recapture is not exercised, the investment of the permittee should be adequately protected. Adopted by vote of 1,226 to 26.

8. That rates and service should be regulated by State commissions where the service is interstate, with Federal regulation only where several States are directly concerned and do not agree, or there is no State commission. Carried by a vote of 1,177 to 57.

9. That if any jurisdiction to regulate the issuance of securities is exercised it should be solely by the State. In favor, 1,114; opposed, 117.

10. That no preference should be granted as between applicants amounting to a subsidy from the Government creating unequal competition. Adopted by a vote of 1,191 to 38.

The committee which drew up the report and presented the resolutions was composed as follows:

L. S. Gillette, chairman, engineer and manufacturer, Minneapolis; Harry A. Black, wholesale merchant, Galveston; Rome G. Brown, lawyer, Minneapolis; Henry S. Drinker, president Lehigh University; Frank P. Glass, editor in chief, Birmingham News; E. K. Hall, lawyer, New York City; Horace C. Henry, retired railway contractor, Seattle; Henry L. McCune, lawyer, Kansas City; Samuel V. Stewart, lawyer and banker, Virginia City, Mont., and governor of Montana; George F. Swain, civil engineer, Boston; and C. F. Weed, lawyer and banker, Boston.

HAD ALL DATA AT HAND.

While the committee's report is in itself favorable to positive legislation to enlarge water-power development, every ballot sent out was accompanied by an argument in the negative which clearly and positively set forth objections to the recommendations so that those voting had at hand data on which to base their judgment for or against.

The report begins by pointing out that it is estimated that the undeveloped water power of the country exceeds the total steam power now in service. The Federal Government controls much of the water power resources of the country.

The report continues:

"One of the first things to be clearly perceived is that water-power developments are not exceedingly profitable undertakings earnestly sought by capital as a means of securing large returns on a small investment; but that, on the contrary, steam power is the superior of water power in almost all respects.

"The initial cost of a steam plant is in general but one-half to one-fifth that of a water-power plant of equal capacity. Moreover, a steam plant can be more easily enlarged from time to time and the initial development of a water-power plant must be a larger proportion of the ultimate development than that of a steam plant. The investor in a water-power plant is therefore burdened from the very start with a heavy fixed charge, the failure to meet which may mean bankruptcy.

"Water power will not be developed unless the conditions are made comparatively favorable. Present demand for the development of such power comes, not from capitalists but from communities, which, on account of the high price and scarcity of fuel, are desirous in their own interest, of inducing capital to make such development."

WILL SAVE OTHER RESOURCES.

There are many collateral advantages resulting from the development of water power which are reaped by the community as a whole rather than by the investor. These advantages are the saving of coal and oil, which are exhaustible natural resources and once used can never be replaced, the saving of railroad equipment needed for their transportation, the saving of labor in coal mines and of railroad labor and labor in distribution.

If the water power now commercially capable of development could be brought into use, the savings to the public in the conservation of fuel and the release of labor and railroad equipment would run into hundreds of millions of dollars annually.

At the present moment the public has been made to realize, as never before, the importance of conserving fuel and labor, and the present emergency accentuates the public need of the formulation of a wise and fair water-power policy by the Federal Government.

In order to secure the adequate development of water power it is essential that the subject should be approached with an attitude of mind which recognizes the necessity of making such developments attractive to capital, rather than with that attitude which assumes that such enterprise should be surrounded with as many restrictions as possible.

The conservation of every other natural resource means restriction in its use, for use means consumption and permanent destruction. Every pound of coal burned is forever withdrawn from use. On the other hand, every horsepower of water power not used is lost, and every horsepower conserved and used saves not only the horsepower, but its equivalent in coal and may incidentally improve navigation.

The task of this committee has been, without going into details, to outline the essentials of a fair contract which shall fully protect the interests of the public, and at the same time shall make water-power projects sufficiently attractive to secure their development.

The committee has drawn up an unanimously present certain recommendations regarding the fundamental points which it considers of the greatest importance in a Federal policy if it is to accomplish the highly beneficial results which the public interests demand.

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[From the New York Times, New York, Tuesday, April 9, 1918.]

WATER-POWER LEGISLATION.

Now, when waste is almost a crime, the United States is still wasting an enormous energy, an unusual water power which has been estimated at 50,000,000 to 55,000,000 horsepower. The release of coal which a proper development of only an appreciable part of this stored, wasted potential strength would make possible may be imagined. In transportation and industry the work of this neglected magician might have been fruitful beyond belief.

It is of no use to quarrel now with the estimable and virtuous gentlemen who have acted and got Congress to act on the theory that true conservation consists in letting the national treasures sleep unemployed; that everybody in business, and especially every soulless and godless corporation, is a burglar; and that to make money or allow anybody else to make money out of national resources is the unpardonable sin. For the most part the water power has been locked up as if it were Alaska or a murderous lunatic.

War has brought sense, a spirit of conciliation, a certain moderation even among the most transcendental conservationists. So at last two bills dealing with water power on navigable streams and two more relating to the development of water power on public lands have been incorporated as to their best provisions in a bill prepared by the War, Agriculture, and Interior Departments, covering both the hitherto separately considered sides of Federal treatment of water power, and putting the whole water-power jurisdiction in charge of those three departments, the heads thereof constituting a commission for that purpose.

This bill, favored even by Mr. Gifford Pinchot, has been amended and improved. It should be passed, as Secretary Lane says, "speedily to supply power for the war industries of the Nation during the period of fighting to come."

Mr. COLT. Mr. President, the purpose of this bill is to enable the President to coordinate, adjust, and utilize the various executive agencies of the Government in order to insure the successful prosecution of the war. To accomplish this end the bill confers upon the President the power to redistribute the functions of all executive agencies, bureaus, and commissions. The bill does not confer upon the President any legislative power. He can not create any new function nor can he abolish any existing function. His power is strictly limited to the right of transfer in order to coordinate, adjust, and utilize. I can see no constitutional objection to this bill. It clearly comes within the war powers conferred upon Congress by the Constitution.

That the President at this time should have some power of this nature seems to be universally admitted. To those who maintain that the President already possesses this power and that no additional legislation is necessary, it is a sufficient answer that this question is not free from doubt in the minds of many. To those who maintain that the power granted by this bill is too broad and that the President should specify what changes he wishes to make, it may be said in reply that the very nature of the subject is such that the President can not specify in advance all the changes that may be necessary; and, to my mind, it is impracticable and might prove detrimental to the public interests to oblige the President to come to Congress and ask for legislation in the case of every step he might determine it was wise to take in this reorganization.

There are others who contend that this power should be limited to certain executive agencies, and that especially it should not extend to the Federal Reserve Board, the Federal Trade Commission, and the Interstate Commerce Commission. This objection is based upon the proposition that the President may abuse his power. If this argument is sound, then Congress should at once repeal all the great war powers which it has already vested in the President in order that we might win the war. If the President can not be trusted to exercise the power conferred by this bill in a wise and reasonable way, he can not be trusted to exercise in a wise and reasonable way the other extraordinary powers already given him by Congress, and if this be true, our whole war program will end in failure and dishonor.

I do not share in these forebodings, and I fear no dictatorship or the undermining of our Constitution. I voted for this bill in the committee and I shall vote for it in the Senate, because, above all things, I want to win this war, and because I

not only trust our Commander in Chief but I believe that the only way to win this war is for the people and the Congress to cooperate with him so that we may move against the enemy in an organized, invincible unit. It is only by such a heart-to-heart union that we can successfully meet this world crisis and save from threatened destruction law, liberty, and nationality, upon which rest modern civilization and the future progress of the human race.

Mr KELLOGG. Mr. President, I desire to discuss two or three phases of this bill; in the first place, what agencies, administrative boards, commissions, and offices are included within the powers conferred or attempted to be conferred upon the President; second, very briefly, the constitutional power to enact the legislation; and, third, what amendments in my opinion, or at least some of them, should be adopted to the bill, for I am in favor of some of the amendments. The first two questions I shall briefly discuss together.

It has been said that the bill includes all of the executive officers, commissions, and boards; that it only includes those having to do with the war powers; that it does not include the Interstate Commerce Commission; that it does include the Interstate Commerce Commission; that the commission's powers are judicial, and therefore they are not included, and by others that they are administrative and executive. I think the matter is very simple.

There are only three general powers of government—one the legislative, one the judicial, and one the executive. In the broad sense every single officer performing any function of the Government except the judicial and the legislative is an executive officer. All the boards and commissions existing under authority of law having to do with the administration or the execution of law, either in an advisory capacity or to officially execute them, are executive officers, commonly known as administrative officers and administrative boards.

It seems to me that that is perfectly clear. I shall discuss very briefly the description of the powers of the Interstate Commerce Commission and the Federal Reserve Board when I come to those particular commissions.

The next question is whether the Congress has the power to provide for the transfer of executive functions or administrative functions—I use the terms interchangeably and to cover the same general powers—from one officer to another or from one board to another, or whether Congress must specifically in each instance provide from and to what boards the powers are to be transferred.

In construing a legislative act that construction will be given which will make it constitutional if it is possible to do so. If a narrow construction is necessary to make the law constitutional that construction will be given it. If a broad and liberal construction is necessary that construction will be given it. So I think that so far as the general powers are concerned, which Senators desire, I believe unanimously, to give the President, those powers necessary to carry on the war, the courts will limit this act to a transfer of those executive and administrative functions which Congress may by a general act authorize.

I shall not refer in detail to the act. There is no doubt that the creation of these executive functions or executive agencies, the granting of their powers or the transfer of their powers from one board to another, is purely and simply a legislative function. The appointment of the official to execute those powers, of course, is obviously an executive function, and Congress can no more appoint a constitutional officer than the Executive can create power in a board or executive officer.

Congress is not limited in its power of transferring an executive function from one board to another by doing it in a single act specifying the particular power. Congress may by a general act transfer or authorize the transfer of all the powers of certain executive boards and administrative boards or officers to other executive boards, administrative boards, or officers. Congress may also provide that this may be done when and as the President deems it for the public interest; in other words, Congress may pass an act which shall go into effect upon the President finding a particular state of facts, or upon the President stating that he believes the public interest requires that act become operative. Congress may pass an act which may be suspended at the will of the President if, in his opinion, it is for the public interest.

From 1798 to the present time the Congress has passed laws authorizing the President, at his will and whenever he will deem it to be for the public interest, to place an embargo upon any or all of the commerce of the country. Congress has the power of placing the embargo, but it delegated to the President the power to determine when that embargo should go into effect or when an embargo should be suspended. The same rule applies to various acts which the Congress has passed the constitutionality of which has been passed upon by the Supreme Court relative to the tariff laws, and those laws are not confined to become effective when the President has determined a particular state of facts and made a proclamation thereof, but when the President should deem it to be for the public interest.

I ask to have inserted at the end of my remarks excerpts from certain authorities to this effect. I will not weary the Senate by a detailed discussion.

If this act is a law general in its scope whereby Congress determines that there may be a transfer of executive functions which is to go into effect when the President files a written order, as provided therein, then it is constitutional. If, on the other hand, the President is himself legislating and solely authorizing the transfer, then it is unconstitutional. I am inclined to the opinion that as to the transfer of certain functions and powers the courts would hold that Congress had legislated authorizing the transfer and the President had put into force the law when he deemed it for the public interest. That construction would render the bill valid; the other would render it invalid.

There is one other suggestion I desire to make as to the constitutionality of this bill.

It was said, I think by the Senator from Georgia [Mr. SMITH] that under Article II, section 2, clause 2 of the Constitution, that it was not within the power of Congress to transfer the duties and obligations of an executive officer who has been confirmed by the Senate to another executive officer.

The constitutional provision is as follows:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Mr. SMITH of Georgia. Mr. President——

Mr. KELLOGG. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I did not express an opinion. I called attention to that clause, and I presented the query as to whether it could be done and as to whether there were not certainly some major officers that must be confirmed, under this provision, by the Senate.

Mr. KELLOGG. I thank the Senator for his correction. I believe that was the position of the Senator.

The Supreme Court held, in a decision which I shall ask to have inserted at the end of my remarks, that Congress might create a board to condemn property in the District of Columbia, authorize the President to appoint three members of the board, and provide that the other two members should consist of a District engineer and an engineer of the War Department, although the appointive power was in the President. The court said:

> As, however, the two persons whose eligibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President and confirmed by the Senate, we do not think that because additional duties germane to the offices already held by them were devolved upon them by the act it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

I ask to have a more extended reference to this case inserted at the end of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KELLOGG. I believe that the President may be authorized by Congress to transfer the duties of one officer who has been confirmed by the Senate to another officer who has been confirmed by the Senate, unless those duties are entirely foreign to the officer to whom they are transferred. I think the statement by the junior Senator from Pennsylvania [Mr. KNOX] is correct, that if those transfers from one officer to another officer are transfers of duties entirely foreign to those for which he was confirmed, it would violate the spirit, if not the letter, of the Constitution; and it may well be that under this provision of the Constitution the Congress could not authorize the President to transfer the duties of a major officer who had been confirmed by the Senate to a minor officer who had never been confirmed. But, generally speaking, as to those executive powers having to do with the management and effectiveness of the war, the various bureaus and commissions and officers of the War and Navy Departments and others, I believe it is within the power of Congress to provide for transfer and leave it to the President to say to what particular officer

and to what particular bureau the powers shall be transferred, because when they are transferred those officers do not exercise those powers under the authority of the President. They exercise the powers the Congress has theretofore provided. So that in a general way I believe the powers necessary to the prosecution of the war may under the Constitution be transferred in the general way provided for in this bill. But I do not undertake to say that the President might not attempt to transfer certain powers from one officer to another which would be beyond his constitutional power; but, generally speaking, I believe the powers may be transferred by a general law.

Now I should like to say a few words about the Interstate Commerce Commission and the Federal Reserve Board.

The Interstate Commerce Commission, as correctly stated by the junior Senator from Pennsylvania [Mr. KNOX], came into being over 30 years ago as the result of a demand by the American people to control those great lines of highway which were absolutely necessary to all the commerce and business of the United States. It was found that to leave the entire avenues of commerce, affecting every individual and every business in the country, to the will of the railroad managers was incompatible with the progress and the stability of the commercial institutions of the country. I am not going to stop to enlarge upon the duties of the Interstate Commerce Commission. No commission, no board, no branch of the Government in its executive powers has greater powers than the Interstate Commerce Commission. It has control over the rates of all the billions of commerce moving in this country, the very arteries which keep alive the commercial commonwealth. It has control of rates producing a revenue of over four billions of dollars per annum. Every business pays its tribute to that transportation.

The public is more interested in the relative reasonableness of rates than in the amount of the rate. To be sure, the amount of the rate affects every business, but the competitive conditions of the country make it of the most vital importance that the rates should be relatively reasonable, because Chicago must compete with New York and St. Paul and St. Louis and Kansas City and San Francisco in marketing manufactured and other products; and there has developed in the Interstate Commerce Commission a great body of experts whose business it has been to study the commercial conditions, the rate conditions, the competitive conditions, between different communities, different railroads, different industries, and different parts of the United States. No man could make a general advance or reduction of rates to-day without going to the Interstate Commerce Commission and having that commission investigate and find the relative reasonableness of those rates; for a rate made by an individual not having that knowledge might ruin one industry or one community and build up another.

It is perfectly proper that the President should have, especially while these roads are in the hands of the Government, and especially during this great war emergency, all of the assistance of the various officials and bureaus and experts in the Interstate Commerce Commission, and the assistance of the commission itself; and if we have not given him power to use to the fullest extent the entire machinery of the Interstate Commerce Commission, we ought to do so. As a fair illustration of what is being done, let me call your attention to the railroad bill, wherein we provide:

> That the President * * * may avail himself of the advice, assistance, and cooperation of the Interstate Commerce Commission and of the members and employees thereof, and may also call upon any department, commission, or board of the Government for such services as he may deem expedient.

If this is not broad enough—though I think it is—to cover every phase of the assistance that he may require, we ought to make it broad enough. Let me illustrate what he is doing under this very provision.

He has appointed, or the Director General of Railways has appointed, a committee of the Interstate Commerce Commission who are to-day formulating the contracts to be entered into with the individual roads under the guaranty provision of the railroad act, and they are sitting daily and consulting with members of the staff of the Director General of Railways in determining those contracts. This is one illustration.

It is said by the Senator from Arkansas [Mr. KIRBY], the Senator from Delaware [Mr. WOLCOTT], and, I believe, by the acting chairman of the committee [Mr. OVERMAN], who has charge of the bill, that the President is not authorized under this bill to take the powers of the Interstate Commerce Commission and transfer them to the Director General of Railways, because, the Senator from Arkansas and the Senator from Delaware say, the functions of the commission are judicial and not executive or administrative.

I shall not take much time to discuss that question. I have before me a decision of the Supreme Court of the United States—and it has been reaffirmed and cited over and over again—that the duties of the Interstate Commerce Commission are administrative and executive. The two terms mean the same thing. "Administrative" is the more popular term used to designate those boards and bureaus and commissions which administer the details of a great system like this.

The court said in the Reagan case, which I will ask to have inserted at the end of my remarks:

> It is doubtless true as a general proposition that the formation of a tariff of charges for the transportation by a common carrier of persons or property is a legislative or administrative rather than a judicial function—

And that it can not be conferred upon the courts.

Why, to be sure, after the commission has fixed a rate or made a regulation, if it is such as to deny the railroads reasonable compensation and confiscate their property within the meaning of the amendment to the Constitution of the United States, the court may enjoin it, and the reasonableness of that particular rate which has been fixed and has gone into effect may then become a judicial question; but there is not a board in Washington, there is not a commission in Washington, that is not an administrative or executive one, that is not both and that does not come within the general designation of this law. I am very glad that that is true, because the Senator from New York [Mr. WADSWORTH] is undoubtedly correct in saying that this bill is confined to the transfer of executive functions. I do not agree with him, however, in his suggestion that an advisory board in the War Department is not an executive or administrative board. Although that advisory board may not itself perform the act, the advice it gives is in pursuance of an executive or administrative power.

Mr. President, there can not be any question that the Interstate Commerce Commission and the Federal Reserve Board come within the terms of the act. As I said to the Senator from Delaware [Mr. WOLCOTT], if they are not within the terms of the act, then of course there can not be any objection to excepting them; at least I can not see any. I do not for a moment believe that the President intends to transfer the duties and functions of the Interstate Commerce Commission. I do not believe it is possible for him to administer the railways without the use and assistance of a trained body of men and their employees, such as the commission represents, which has grown up with 30 years of experience; but I do not believe that relieves us from the responsibility under the law of excepting the commission.

Mr. President, I was a member of the Committee on Interstate Commerce which considered the railroad bill, and for five weeks the committee took testimony, listened to the representatives of commercial organizations and industries from all parts of the country. The testimony of those men, not only engaged in great industries but in the small industries from all parts of the country, urged us to maintain the power of the Interstate Commerce Commission not only in fixing the rates and fares but in establishing the classification of rates, and in all matters pertaining to the regulation of rates, fares, and charges.

The bill was reported to the Senate, thoroughly discussed, and the Congress, against the urgent request of the Director General of Railways, insisted on maintaining the ultimate power of the commission over the question of rates, fares, charges, classifications, regulations, and practices under which the commerce of the country is to be carried on.

I see no reason, I have found no reason in the last two months to change my attitude upon that question. I believe that the work of the commission, while not perfect, has been of inestimable value to the people of this country, because all the commerce and all the business of the country is now in this day of rapid communication dependent to a great extent upon transportation rates and regulations.

I do not believe that any one man, much less the Director of Railways, who is burdened with other duties, could perform this function to the satisfaction of the American people, try as he might. In conceding his devotion to the public service and his great ability, I believe that this body, consisting of a trained and experienced commission, gives the American people confidence that their rights will be respected, and I believe that the commission should be excepted from the extraordinary powers of this bill.

A few words as to the Federal Reserve Board. I believe everyone realizes the importance of our financial system. It is the bulwark of all industry and enterprise. With a sound financial system the business of the country will be prosperous and stable. With an unsound financial system the opposite is the case. History admonishes us that there is no time in the life of nations when it is so important to have a sound finan-

cial basis as in time of war. Napoleon, the greatest military as well as one of the greatest administrative geniuses of the world, found it necessary to carry on the great Napoleonic wars to have a sound financial system, and he abolished the financial system of France at one stroke and established in its stead the Bank of France, carrying on all the Napoleonic wars without borrowing a dollar or leaving a public debt to the nation.

Lloyd-George said the nation that could raise the last million of dollars would win this war. This is not a war of men alone; it is a war of commercial enterprise, financial power, where all must exert their ability, not only in war but in commerce and production, and there has never been a time when it was more important to intrust our finances to an independent board than it is to-day.

The reserve banking system was created to strengthen our banking and financial system. It was made as independent and as strong as Congress could make it. In selecting the Reserve Board the President was required to appoint only one member from any reserve district, giving due regard to the industrial and commercial conditions of the country and geographical considerations. The members of the board were paid a large salary, $12,000. The appointment covered a period of 10 years, in order that no one administration or no one President could in his term appoint the entire board.

We have created a Finance Corporation, but Congress took pains to see that it had a separate independent board of directors. It certainly is not in the interests of the country that the Reserve Board should loan money to business institutions of the country. They are required to devote their entire time to the banking business, and it is essential that they should be separate from the other industries of the country.

This Federal banking system, I believe it is claimed by the gentlemen on the other side of the Chamber, is one of the most far-reaching and important pieces of legislation ever enacted by the American Congress. In fact, so fervent were many of the orators praising this wonderful piece of legislation, that it was said when the war broke out that although the act was not then in effect the very anticipation of it stilled the troubled waters of the world's finance. If it was important to maintain the Federal Reserve System separate from the other departments of the Government at the beginning of the world war in 1914, it is doubly so now.

I do not believe that the President would merge the Federal Reserve Board with any of the other administrative or executive boards of the country, but the responsibility for creating that financial system was not in the Executive. The responsibility was upon Congress, and the responsibility to-day, as to whether we will preserve it and preserve the Interstate Commerce Commission, or any of the other boards administering the affairs of this country, is upon Congress, and we can not evade it.

I for one am not willing to abolish the function of the Interstate Commerce Commission nor to give anyone the power to do it. I do not believe that that is necessary to carry on the war. I do not believe that it is necessary in the case of the Federal Reserve Board, and I do not believe that I can shirk the responsibility or place it upon anyone else.

Mr. President, as I said before, if properly construed, I believe that in the coordination of the activities of the Government or its executive agencies, boards and bureaus having to do with the war, the bill is a constitutional exercise of legislative power, and I believe that it is necessary and advisable that many of these agencies be consolidated and that the duties of some be transferred elsewhere. The bill certainly is an extraordinary piece of legislation.

I agree with the Senator from Iowa [Mr. CUMMINS] that if we are to win this war the utmost confidence and cooperation between the executive and legislative departments must exist; that the legislative department must be in harmony with the executive department; and that the sympathy, good will, and indomitable spirit of the entire American people must be enlisted. If this war is to be won, we must tell the truth to the American people. It can not be done by painting rosy pictures, without foundation, or by the dreams of optimists. It must be won by first fully realizing the task and then by bringing to that task all the resources, energies, inventive genius, commercial and financial power, and patriotism of the American people. This undoubtedly is a remarkable piece of legislation, and I think it would have been wiser if the President and the executive departments of the Government had been perfectly frank with Congress and given it a general idea, with as much detail as possible, of the objects it desired to accomplish. I realize that all of the details could not probably have been given, but it could easily have been said whether or not it was desired to transfer the duties of the Department of Justice, the Interstate Commerce Commission, or the Federal Reserve Board, or some of the other boards of the Federal Government. But that course has not been pursued, and I do not think that failure should relieve us of the responsibility of granting the power if there is any reasonable ground to believe that it is necessary or advisable in carrying on the war.

Sir, with the fate of all the democracies of the world hanging in the balance; with the Huns hammering at the gates of Europe; with the issue of the greatest battle of all time yet undecided, I am not going to be too particular or too hesitant in granting all the powers I believe can be administered to advantage in carrying on this war; but I can not believe that it is necessary to grant the power to change many of the civil branches of this Government, which the experience of the lawmakers of the people and of time have demonstrated to be useful instruments of government.

APPENDIX.

In the case of Field *v.* Clark (143 U. S., 680) the court had under consideration the validity of a tariff act to secure reciprocal trade with countries producing certain articles. It, in substance, provided that whenever the President should be satisfied that the Government of any country producing certain articles was discriminating against this country, he could, by proclamation, state the facts and suspend the law admitting said articles free of duty, and during such suspension duties should be levied and collected thereon.

The question was whether this was conferring judicial powers upon the President. The court held that it was not. The opinion was written by Mr. Justice Harlan, in the course of which he traced the history of such legislation from 1798 down to the time of the decision.

It is unnecessary to go through these decisions and precedents, but in substance the court held that it was within the power of Congress to confer upon the President the power to put in force a statute or to suspend a statute, at his discretion, when in his opinion the public interest demanded it, levying taxes, creating an embargo on commerce, providing for duties on imports, etc.

One of the first cases was the brig *Aurora*, 7 Cranch 382, involving the validity of the nonintercourse act of March 1, 1809. The act forbade the importation after May 20, 1809, of goods, wares, or merchandise from any port of Great Britain or France, provided that "the President of the United States be, and he hereby is, authorized in case either France or Great Britain shall so revoke or modify her edicts as they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation," after which the trade suspended by that act and the act allowing an embargo could "be renewed with the nation so doing."

It is also held that acts of Congress may be suspended or put in force upon the discretion of the President, when in his judgment it is for the public interest. During the administration of Washington Congress, by an act approved June 4, 1794 (ch. 41), authorized the President, when Congress was not in session, and for a prescribed period—

"whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances may require, and to continue or revoke the same whenever he shall think proper." (1 Stat., 372.)

Subsequently, an act approved February 9, 1799, provided:

"That at any time after the passing of this act it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue for the time being the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port, or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is, authorized to make proclamation thereof accordingly." (684–685.)

It was made unlawful to import, from November 15, 1806, into Ireland, or any of the colonies or dependents of Great Britain, certain articles. The operation of this act was suspended by a subsequent act of December 19, 1806, until July 1, 1807. The last act contained the following section:

"That the President of the United States be, and he is hereby, authorized further to suspend the operation of the aforesaid act if, in his judgment, the public interest should require it: *Provided*, That such suspension shall not extend beyond the second Monday in December next." (685.)

* * * * * * *

"By an act concerning discriminating duties of tonnage and impost, approved January 7, 1824, chapter 4, section 4, it was provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, thereon laden, shall be continued, and no longer." (686–687.)

Many other acts are referred to in this opinion.

In the case of Shoemaker *v.* The United States, 147 U. S., 282, the Supreme Court had under consideration the validity of an act of Congress creating a park commission for condemnation of land in the District of Columbia. The act provided that certain members should be appointed by the President and confirmed by the Senate and that other members should consist of officers in the service of the United States who had previously been appointed by the President and confirmed by the

Senate. The officers who were to become members of the board who were not to be reappointed were the Chief Engineers of the United States Army and the Engineer Commissioner of the District of Columbia. The court said:

"There are several features that are pointed to as invalidating the act. The first is found in the provision appointing two members of the park commission, and the argument is, that while Congress may create an office, it can not appoint the officer; that the officer can only be appointed by the President with the approval of the Senate and that the act itself defines these park commissioners to be public officers, because it prescribes that three of them are to be civilians, to be nominated by the President and confirmed by the Senate. This, it is said, is equivalent to a declaration by Congress that the three so sent to the Senate are 'officers,' because the Constitution provides only for the nomination of 'officers' to be sent to the Senate for confirmation; and that it hence follows that the other two are likewise 'officers,' whose appointment should have been made by the President and confirmed by the Senate. As, however, the two persons whose elegibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President and confirmed by the Senate, we do not think that, because additional duties, germane to the offices already held by them, were devolved upon them by the act, it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

"It is true that it may be sometimes difficult to say whether a given duty, devolved by statute upon a named officer, has regard to the civil or military service of the United States. Wales *v.* Whitney, 114 U. S., 564, 569; Smith *v.* Whitney, 116 U. S., 167, 179, 181. But in the present case the duty which the military officers in question were called upon to perform can not fairly be said to have been dissimilar to, or outside of the sphere of, their official duties."

Mr. LODGE. Mr. President——

Mr. KELLOGG. I should like to offer an amendment, if I may. Does the Senator from Massachusetts wish to speak to the general bill?

Mr. LODGE. Yes.

Mr. KELLOGG. If any Senator wishes to speak to the general bill, I will not offer any amendment now.

The VICE PRESIDENT. The Senator from Massachusetts has already addressed himself to the bill.

Mr. LODGE. I am addressing myself to the bill, not to an amendment.

The VICE PRESIDENT. There is no amendment pending.

Mr. LODGE. That is what I understood.

The VICE PRESIDENT. I say the Senator from Massachusetts has addressed himself to the bill.

Mr. LODGE. Yes; I have.

The VICE PRESIDENT. Already.

Mr. LODGE. Already? I was not aware of it.

The VICE PRESIDENT. Not very long, however.

Mr. LODGE. I was not aware of it. I thought I was speaking on an amendment when I spoke before.

The VICE PRESIDENT. The record so shows. There was no amendment pending. The Senator did not speak very long.

Mr. LODGE. I can very easily wait and speak on an amendment; but I thought when I did speak—which was very briefly—that I spoke on an amendment.

The VICE PRESIDENT. The Chair can not keep the record personally. It is kept at the desk.

Mr. LODGE. The clerks at the desk probably know better than I do, but I was not aware of it. I should like to ask, just for curiosity, if it is because I asked the Senator from New York a question that I am debarred from speaking on the bill?

The VICE PRESIDENT. The Chair will have to look up the record.

Mr. KNOX. Mr. President, if I may be permitted to make a statement, I happened to be in the chair at the time. The Senator from New York [Mr. WADSWORTH] was concluding his remarks. I had nodded to him as an indication that his time was about to expire. The Senator from Massachusetts rose and said he would like to ask the Senator from New York a question. The Senator from Massachusetts had observed my action. The Senator from New York said, "My time has expired." The Senator from Massachusetts said, "I will ask the question in my own time."

Mr. LODGE. Then I did take the floor, and I am debarred from speaking on the bill again. I hope, Mr. President, the rule will be enforced with equal severity on every one else.

The VICE PRESIDENT. It will be if the Chair can ascertain when a Senator has spoken.

Mr. McLEAN. Mr. President, I do not take the floor for the purpose of discussing the possibilities under this bill, or what may be done in the event it should become a law. I merely want to call the attention of the Senate to what I believe to be one of the causes for the lamentable situation which now confronts us; and, as it involves a suggestion which probably will meet with the more or less emphatic disapproval of my colleagues, I shall be very brief.

The Senator in charge of the pending measure, the junior Senator from North Carolina [Mr. OVERMAN], has very freely and very frankly stated to the Senate the reasons why he expects the support of his colleagues. The Senate will remember that at the very opening of his remarks he stated most emphatically that the governmental machinery in the executive departments was loose and was shaky; that it lacks lubrication; that it contained a monkey wrench and ran rusty; and later on he stated that it permitted gross duplication of work, with gross attendant extravagance and inefficiency; that it was, on the whole, the most unscientific system in the world.

I want to read the exact language of the Senator from North Carolina, because it seems to me that words more graphic or more accurate could not be found to express the existing situation:

He—

The President—

does not want new laws or any substantive power, but he wants the authority simply to redistribute these functions so that he may coordinate the great machinery of this Government, which is now loose, with a monkey wrench in it, with no lubricating oil, and running rusty.

Mr. President, other Senators from time to time have dropped similar suggestions, but not one of them has dared to intimate that his views were shared by the Chief Executive. All doubt upon that subject is now removed. The Senator from North Carolina speaks with authority. This bill is the President's bill, and we may and must assume that the reasons which the Senator from North Carolina has urged upon the Senate are precisely the reasons which the President urged upon him and which persuaded him to introduce this bill and stand responsible for it before the Senate. It is now admitted by all concerned that the governmental machinery in the executive departments is loose, that it contains at least one monkey wrench, that it lacks lubrication, that it is running rusty, that it permits gross duplication of work, with great attendant extravagance and inefficiency, and that it is, on the whole, the most unscientific system in the world.

Mr. President, this being the admitted situation to-day with regard to the executive machinery of the Government, I tremble when I consider the possible consequences of further delay in removing the obstructions that now block its operations. I tremble when I contemplate the possible consequences that may result because of the time that has been already lost. There is nothing in language that can describe existing conditions in the world to-day. There is nothing in language that can measure the iniquities of the men who are responsible for those conditions. We have been slow to believe that there were great civilized nations who love a lie better than the truth and cruelty better than mercy; but we must believe it, and because this is true, we are facing the probable necessity of sending one, two, three, four, five millions of American boys 3,000 miles across the water to restore the world to peace and justice and sanity.

We may all lack wisdom, but it seems to me that those of us who advocated preparedness three years ago and marched in preparedness parades had a keener insight into the possibilities of the future than those who told us that we were prepared for any emergencies that might happen; that it was our duty to remain neutral in thought as well as in deed; that the war was no concern of ours; and that the only peace to be considered was a peace without victory.

Mr. President, the Chief Executive has been now in office more than five years. During all that time war has been a possibility. During the last three years of that time war with Germany has been a probability, and during the last year it has been a fact. Yet the President through his authorized spokesman, the chairman of the Judiciary Committee, comes to Congress to-day and tells us that his machine for waging war is rusty; that it contains a monkey wrench; that it is loose; that it lacks lubrication and is, on the whole, the most unscientific machine in the world.

It seems to me, Mr. President, it is time that this machine was put in order, and I feel it to be my duty to help in every possible way. I should be glad if the President would permit Congress to assist him. It would be much better if he would take Congress into his confidence to a degree that might be effective and safe in the premises, but he declines to do that.

We are informed by the chairman of the Judiciary Committee that if this machine is put in order at all it must be done by the President, and it is clear to me that it must be done by some one and done at once. If any Member of this body can suggest any other instrumentality that can accomplish this object I shall be glad to listen to him and, if possible, assist, but no Member on this floor has suggested any other instrumentality, for none other exists.

Whatever may be my pride of opinion in this hour, it seems to me it is my duty to subordinate it to the interests of my country. I find no constitutional obstacle in the way of my advocacy of this measure.

Anyone who is at all familiar with the history of this country must know that the single factor which compelled the ratification of the Constitution of the United States by the unwilling States was the necessity of being able to present a united front against the common enemy. If I had to choose between losing the Constitution and saving the flag I would save the flag, but I am driven to no such alternative. The Constitution is just as much a part of the flag as are its stars and stripes, and when I am saving the flag I am saving the Constitution. I do not mean by that that Congress should abdicate its legislative power to the Executive. That is not necessary, and it does not seem to me that it is in any way contemplated in this bill.

I do believe that Congress has full authority to confer upon the Executive a power in the exercise of which he shall have a discretion wide enough to put his war-making machine into working order, and I can conceive of no power that is broad enough to permit and accomplish this that will not be broad enough to permit abuses. I can not cast my vote upon the theory that the President of the United States is going to act unwisely or unpatriotically. If I did I should find myself unable to vote in favor of any of the pending measures, and I think Congress would very soon find itself in a position where it would be unable to act at all.

I know it has been urged, Mr. President, that the Interstate Commerce Commission should not, by implication even, be included within the operation of this law. That argument does not appeal to me. It seems to me that the Interstate Commerce Commission ought to act in harmony with the Director General of Railroads. I listened to the able Senator from Iowa [Mr. CUMMINS], who is the guardian angel of that commission, and a most effective and eloquent one, but I am not guileless enough to believe that that commission will, under existing conditions, decline to do anything that the Director General of Railroads wants it to do or do anything he does not want it to do.

I hold that same opinion with regard to the Federal Reserve Board. I listened to the dire forebodings of the distinguished Senator from Georgia [Mr. SMITH] of the possible disasters that might happen if the functions of that board were disturbed by the Chief Executive, but I call the attention of the Senate to the fact that the President of the United States can beggar the American people now and give the victory to the sword of the Huns if he desires. He has power enough.

I believe that the Federal Reserve Board will act in harmony with the Secretary of the Treasury and the President. I can conceive nothing that would be more fatal than that they should act in discord and conflict, provided they act wisely, and I must assume that they will.

So, Mr. President, I see nothing for myself to do but to vote for this bill and hope that the President of the United States, now that he realizes that his pen, however mighty it may have seemed to be to him and his friends, has utterly failed to secure peace without victory, will take the sword in his right hand and use it. I hope that he will remove the monkey wrenches from the executive machine and put in their places men who by reason of their training and their natural faculties have demonstrated their ability to do things and do them right.

That brings me, Mr. President, to the suggestion which at the opening of my remarks I hinted would be very cooly received by my colleagues. At the same time it seems to me that I am justified in calling it to the attention of the Senate at this time.

On the 18th of June, 1917, I introduced a bill entitled "A bill granting privilege of the floor and right to participate in debate to heads of executive departments and other officers." Had this bill been written into the statute books last summer it is my opinion that the pending bill would have been requested by the President long ago, if at all. While Senators are looking for defects in the pending bill it would seem to be worth while to examine with great care the system that has rendered it necessary and if possible discover the real and primary cause of existing conditions.

What we need is prevention of errors and delays in executive departments in the future; there is little profit in regrets or censure; and if the pending bill is necessary it must be admitted that somebody has lost valuable time. The danger of losing more time must be apparent to everyone, and I think it is our first duty to ascertain how much of this loss is due to individuals, and how much, if any, to the system under which lack of accomplishment in time of stress seems to be the rule rather than the exception. It is my opinion that the fault is not in the machine, but in our failure to keep it in order and use it as the men who made it intended it should be used.

The men who composed the Constitutional Convention and framed that historic instrument, having before their eyes the sorry fate of those who trust in degenerate kings or ignorant majorities, endeavored to establish a Government that would prevent disaster at the hands of either. They gave to the Executive the power to veto an act of Congress, and to each House the power to veto the action of the other House; and they gave to an independent judiciary the power to nullify acts of the legislative branch of the Government unauthorized by the Constitution. Take it altogether our is a governmental machine that will never be improved upon, in my opinion. But it is, nevertheless, a machine that must be intelligently operated if satisfactory results are to be obtained. I can see no reason why the executive and legislative branches should antagonize each other, especially when the Nation is fighting for its life. It would seem to me to be a time when each branch should keep the other informed of its purposes and be quick to welcome good advice and correct errors. There is nothing in the system which forbids intelligent cooperation between those who make and those who execute the laws. There is nothing in the system which forbids an economical expenditure of the people's money or the very wisest possible organization, concentration, development, and exercise of the fighting strength of the Nation. The executive and legislative branches were not rendered independent for the purpose of enabling them to conceal their errors from each other. On the contrary, it was expected that each would serve to hasten wise decisions and restrain ill-considered and hasty action on the part of the other.

We know that the duties of the Executive have greatly increased in recent years. With the phenomenal growth of the Nation in population and wealth and the enormous combinations of capital engaged in interstate commerce demanding regulation and oversight beyond the jurisdiction and powers of the States, the people have been compelled to look to the Federal Government for protection against monopoly and extortion. The Chief Executive, being the one official voted for by all the people, is naturally expected to impress upon Congress the will of the people expressed at the polls. It is the constitutional right of the President to recommend legislation, and he can greatly add to his prestige and popularity if his messages indicate uncomprising hostility toward predatory wealth.

To-day the Chief Executive can command as well as advise; and in a time of national peril like the present, when patriotic men must forget their partisanship, he easily secures autocratic power over the lives and fortunes of the people. But his purposes, however commendable, must be carried into effect by the heads of the executive departments, and they, in turn, must depend upon the wisdom and skill of their subordinates. The President's Cabinet, therefore, a body of men unrecognized by the Constitution, becomes, in time of war, the real and actual sovereign, or combination of sovereigns, to whose administration of the law the people must bow. These men are not elected by the people. They are responsible to the President only. At the present time we have 10 or more separate and distinct executive departments in charge of 10 so-called members of the Cabinet. To this list we must add the Fuel Administrator, the Food Administrator, the Director General of Railroads, the Tariff Commission, the Federal Trade Commission, and many other officers of lesser notoriety but of equal importance. Why should it not be the duty, as well as the privilege, of these men to come before the Congress upon certain days in each week and render an account of their stewardship? Would it not tend to eliminate incompetency, misunderstandings, and antagonisms both in the making and the administration of the laws? Would it not tend to enable the people to put the responsibility for maladministration and mallegislation where it belongs? What reason is there for continuing methods that must drive the executive and legislative departments further and further apart until, in the very necessities of the situation, the one must entirely succumb to the other or force a deadlock?

With the ever-increasing extension of Federal control over the vast and complicated industrial and social interests of the Nation, is it wise that executive officers should be directly responsible to no one but the man who selects them?

The people look to the President in large matters. They elect him and trust him to deal with the great principles in which they are interested; but if their money is squandered or their industries are crippled by unwise and arbitrary regulations instituted by men in subordinate positions, they do not complain to the President. They write to their Representative or Senator and expect him to secure relief. I will not dwell upon the recent unsatisfactory experiences of myself and colleagues in this particular phase of our service, but it is my belief that had it been the duty of the Fuel Administrator to come before

the Senate and announce and defend his purposes and plans for the conservation of coal he would have been less likely to have issued orders in clear violation of the law and more likely to have granted the reasonable request of the Senate to postpone action until his intentions, wise or otherwise, had been intelligently considered and discussed.

Will not the privilege of the floor and the duty to defend an administrative policy before either or both branches of Congress add greatly to the dignity and reputation of a competent executive officer, and will it not necessitate the retirement of an incompetent one? Will it not tend to compel the selection by the President of the ablest men in the country especially trained and fitted for the work in hand? Has not the time gone by when these positions of grave and high responsibility can safely be filled with personal friends or territorially eligible contributors to the campaign fund? Is there any reason why the Secretary of War should be entirely ignorant of military matters? Is there any reason why the Secretary of the Navy should not be a sailor? I do not say this in criticism of the present incumbents. This administration has followed the custom that has been in vogue for years, but when we realize, as we must some day, that this colossal industrial and social corporation, composed of 48 separate political sovereignties, must be run economically and wisely if it is to remain solvent and successful, we shall insist that the business of governing be run on business principles in times of war as well as in times of peace.

Objections to inviting or requiring heads of the executive departments to defend their purposes and plans in the Senate and the House largely center in the fear that the experiment will serve only to add force to Executive programs.

It is asserted that during the past 20 years we have had constant opportunity to observe the ease with which opposition to the legislative plans of the Chief Executive is removed.

It is said, and with some force, that Congress has become a mere sounding board to echo the will of the President. It is said that if Congress sometimes wisely amends laws drawn and presented by department officials, if Congress sometimes succeeds in securing the removal of absurdities and dangerous provisions, and for this service deserves the everlasting gratitude and confidence of the people, it never gets it. On the contrary, if Congress dares to stop a bill long enough to look it over carefully it will be censured rather than praised by the people and the press for its stupid interference with the benign will of the "people's choice." If this is the state of things to-day, how can it be intensified? How can you add to an already irresistible force? Is it not probable that if executive officers are required to defend their plans and purposes before Congress, amendments will be more easily obtained and unwise measures more easily blocked than under a method which tends to remove these officials from all responsibility to Congress?

If we dread and regret the constanty increasing power of the Cabinet and other officials, is it not, after all, our own fault? If we doubt the need and the wisdom of the constant increase in the number of executive departments and bureaus, we must remember that if a mistake is made in this regard it is ours and not the President's. In my opinion, it is not a mistake if these departments are wisely and economically administered. These new executive branches are demanded by the economic necessities of the people. They are as vital to our national growth as are new branches to the growth of a tree. But these departments and bureaus are created by Congress, and they are and should be subject to the will of Congress.

There are more than 500 of us in the Senate and House, and we are commissioned by the American people to see that the executive offices we create are properly administered. Certainly we ought not to be afraid to compel an official whose office can be abolished by us at any moment to come before us and answer questions if he can.

It seems to me that the bill which I introduced last summer is worthy of our careful consideration. It follows the method which the experience of other nations has proved to be of the greatest value and it promises the only safeguard against a continuation of existing conditions that is now in sight. Our executive departments to-day are intrenched behind closed doors, which can be opened only by a resolution of Congress, and then only far enough to allow a congressional committee to inquire into the mistakes that have been made. I repeat, what is needed is prevention of errors rather than their punishment. If we are to perform our mission as the great and good Nation at home and abroad, we must be the wise Nation. We can not rid ourselves of the good or evil that lies in giving the last word to the majority, but we must, if we are wise, invite and welcome and support in every way the right of the minority to test the schemes of the majority and so prevent unintentional but grave mistakes, the bitter consequences of which will be suffered by all.

I have said all I care to say at this time. As far as I have been able to observe, students of the subject, outside of political officialdom, believe the experiment would be wholly beneficial if tried. The latest expression I have noticed is that of President Butler, of Columbia College, and I ask permission to print a brief extract from his address delivered in St. Louis, Mo., on the 16th of February last.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Without objection, permission to do so will be granted.

The matter referred to is as follows:

The business of national government has become so huge and so complex that the sharp separation of the executive and the legislative powers to which we have been accustomed for 140 years is now distinctly disadvantageous. It brings in its train lack of coherence and of continuity in public policy; it conceals from the people much that they should know; and it prevents effective and quick cooperation between the Congress and the executive departments, both in times of emergency and in the conduct of the ordinary business of government. There is a way to overcome these embarrassments and difficulties without in any way altering the form of our Government or breaking down the wise safeguards which the Constitution contains. That is to provide by law, as may be done very simply, that the members of the Cabinet shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their several departments, under such rules as the Senate and House, respectively, may prescribe. Such an act should further provide that the members of the Cabinet must attend sessions of the Senate and House of Representatives at designated times, in order to give information asked by resolution or to reply to questions which may be propounded to them under the rules of the Senate and the House of Representatives.

Had such a provision been in force during the past generation, the Nation would have been spared many an unhappy and misleading controversy. What has sometimes been made public only after the labor and cost of an elaborate investigation by committees might have been had without delay through the medium of questions put to a Cabinet officer on the floor of the Senate or the House of Representatives. No feature of British parliamentary practice is more useful or contributes more to a public understanding of what the executive is doing than the proceedings at question time in the House of Commons. A Cabinet officer is in a much more dignified position if he is permitted to answer questions as to his official conduct and business on the floor of a legislative body and to make his reply part of the public record than if he is interrogated in a committee room as an incident in some general inquiry. Perhaps no single step would do as much as this to restore public interest in congressional debates, to promote administrative efficiency, and to bring about a just and proper intimacy between the legislative representatives of the people and the people's chief executive agents.

This is not a new question or one unsupported by high authority; but, unfortunately, it had never been pressed to a successful issue. The classic document on the subject is the report of a select committee submitted to the Senate of the United States on February 4, 1881. That report accompanied and discussed a bill containing the provisions just mentioned and also outlined certain rules to be adopted by the Senate and House of Representatives in order to make the provisions of the proposed bill effective. This report was a unanimous one and was signed by Senators belonging to each of the two great political parties. They are men whose names carry great weight. The signatures are those of Senators Pendleton, of Ohio; Allison, of Iowa; Voorhees, of Indiana; Blaine, of Maine; Butler, of South Carolina; Ingalls, of Kansas; Platt, of Connecticut; and Farley, of California.

The bill which those Senators reported 37 years ago should now be revived and enacted. Their report discussed in elaborate detail both the advantages of the proposed measure and the possible objections to it, including those which might be raised on constitutional grounds. That representative committee argued with convincing force that if, by a line of precedents since the organization of the Government, the Congress has established its power to require the heads of departments to report to it directly, and also its power to admit persons to the floor of either House to address it, it would seem to be perfectly clear that the Congress may require the report to be made or the information to be given by the heads of departments on the floor of the Houses, publicly and orally.

Were such a custom to be established an almost certain result would be the selection as heads of the great executive departments of men of large ability and personal force, men able to explain and to defend their policies and measures before the Congress of the United States in the face of the whole country. It would also follow that the Nation's Legislature would be enabled to exercise a more intelligent and a more effective control over the executive departments than is now the case, as well as to render them more intelligent and more effective aid, in the form both of appropriations and of positive law.

Nothing would appear to stand in the way of this most desirable advance except our national political inertia, which always serves as a powerful obstacle to proposed political reforms. At the present moment, when the Nation is making an unprecedented effort and when Congress is providing for loans and for taxes that are colossal in amount, and when new problems of far-reaching importance are constantly arising, it would be an inestimable public advantage were such a relation between the heads of the executive departments and the two Houses of Congress already established and in force.

Mr. SMITH of Georgia. Mr. President, I offer the amendment, which I send to the desk, to come in at the conclusion of section 1 of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to add, at the end of section 1, page 2, line 19, the following proviso:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Federal Reserve Board.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia.

Mr. LODGE obtained the floor.

Mr. SMITH of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Simmons
Baird	Guion	McLean	Smith, Ariz.
Bankhead	Hale	McNary	Smith, Ga.
Beckham	Harding	Martin	Smith, Md.
Borah	Hardwick	New	Smith, S. C.
Brandegee	Henderson	Norris	Smoot
Chamberlain	Hitchcock	Nugent	Sterling
Colt	Hollis	Overman	Sutherland
Culberson	Johnson, Cal.	Owen	Swanson
Curtis	Jones, N. Mex.	Page	Thomas
Dillingham	Jones, Wash.	Phelan	Thompson
Fall	Kellogg	Pittman	Tillman
Fletcher	Kirby	Poindexter	Vardaman
France	Knox	Saulsbury	Wadsworth
Frelinghuysen	Lenroot	Shafroth	Walsh
Gallinger	Lewis	Sheppard	Warren
Gerry	Lodge	Sherman	Williams
Gore	McCumber	Shields	Wolcott

Mr. GUION. I desire to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL], is absent this morning because of illness.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present. The Senator from Massachusetts.

Mr. LODGE. Mr. President, we have heard lately from Senators impatient to pass bills, also from the press, and most recently from the Senator from Connecticut [Mr. McLEAN], of the delays of Congress. The fact is that the people in administrative positions, who have been delaying and who have really made the delays, being in possession of all the channels of publicity and in control of the press associations, find it convenient to lay the blame for their own shortcomings upon Congress. The real truth about Congress has been pretty well given and the facts have been spread upon the records here, but they have not been, and probably will not be, presented to the country in any form by the press.

The last session of Congress passed, I think, a greater amount of important legislation than any Congress which has ever been held in this country, or, I might say, than any great parliamentary body. I will not rehearse the list; it is in the record and we all know it. The same is true of this session. The measures essential for the conduct of the war—that is, the measures without which the executive officers could not operate—of course, were the money measures, and the bills appropriating money, all that was asked—the bills authorizing loans to supply the money—were passed with the greatest possible rapidity. There never has been a moment when any department or any officer, high or low, could say that they had not been furnished with money by Congress. The great bill levying taxes, of course, took time in its consideration. That was inevitable. You can not pass a bill like that with rapidity. It was a bill which necessarily gave rise to many controversies and many difficult questions. We passed, also, many other bills with what seemed to me at the time and to many other Senators undue rapidity, and we are now reaping our reward in being compelled to amend them. The espionage bill was rushed through here. It was thought to be very much delayed; but it was really passed, in my opinion, under great pressure, and we have since had to pass two bills to amend it. We rushed through—this I know, because it came from the Finance Committee—the insurance bill in the closing days of the last session, and we have had to pass one or two more bills since then to amend it; and now, if I am correctly informed, there are many amendments to that act still pending.

Mr. SMOOT. There are three such bills now pending.

Mr. LODGE. There are three such bills now pending, the Senator from Utah informs me. There is no gain in legislating in that way. Bills are prepared for us almost entirely outside of Congress. They come in here from the departments with bills improperly, crudely, and hastily prepared, and if they are not immediately passed the cry goes up that Congress is delaying the war. Delays come through the people who make the bills, and who make them badly.

Even with all the care which was taken in the consideration of the revenue bill, many amendments of it are asked for. If we had not worked under quite such heavy pressure the necessity for some of those amendments would have been avoided.

Here is the housing bill, which my excellent friend from Virginia [Mr. SWANSON], to whom I am much attached, is very impatient about. It is said we must pass it at once; that Congress is holding up all the work. We knew six months ago—indeed, we knew last summer—that the housing was needed; that was perfectly well known; and yet they have been six months getting a bill ready, and then they come in here and raise the cry that Congress is delaying the war because it is taking less days than the departments have months to consider the bill. Indeed, we have already passed one bill appropriating $50,000,000 for that purpose.

The delays are not here; they never have been here. The only bills which have been debated at length have been bills not concerned directly with men or arms or munitions, but bills concerned with the business of the people of the United States and their daily life. Those are the bills which have taken time; some of them have taken some weeks of debate, and it is very natural that they should have done so. Where our whole business system is being revolutionized and where our homes and everything else are to be taken and our daily life is to be interfered with in every possible way, it is inevitable, and only right, that such bills should receive proper consideration.

But, Mr. President, what I say about it and the pointing out of these facts that can not be denied are useless, because the people who are to blame control the channels of publicity; they have the funds of the Government behind them; and they can give broadcast to the country any impression they please.

I am not going to take such time as I have left to argue the constitutional or legal aspects of this bill. That question has been argued very ably and very fully by some of the most distinguished lawyers of the Senate and by some not so distinguished; but it has been thoroughly argued. I wish to call attention to certain objections which have been made to what seem to me to be reasonable amendments, which offer no sufficient cause for some of the excitement which has been displayed. The President, with his usual felicity of phrase, said in his letter to the chairman of the Judiciary Committee, in referring to what is known as the court-martial bill:

> It would put us nearly upon the level of the very people we are fighting and affecting to despise.

Probably it is owing to my own slowness of apprehension, but I am not perfectly clear about "affecting to despise." The American people, as I see them, regard the German system and the Germans with a profound, honest, deep-seated hatred as the enemies of civilization, freedom, and national independence; they regard with absolute loathing the wanton cruelties which have disfigured every German campaign. I do not think they have any affectation in their feelings; I do not think they underrate or despise their opponents; I think they quite realize German efficiency. There may be cases, of course, of persons who have been ardent pacifists or Socialists, who now, for official reasons best known to themselves, think it desirable to "affect" contempt for the Germans; but to me it seems that there is no affectation about the feeling of the American people. However, Mr. President, it is not a question of phrases, felicitous as the President's always are. He points out that, whatever we do, we should not adopt measures which are characteristically German, and I agree with him.

The fundamental principle which lies at the bottom of the whole German system, without which it would totter and fall in ruin, is the "right divine of kings to govern wrong," as the old verse has it. The "right divine" of the Hohenzollerns, the autocracy, is the center of their power and the principle on which everything else rests; and I think, Mr. President, that I am entirely at one with the President of the United States, that we do not desire to put ourselves on that level, and particularly we should not wish to set up here, as some people seem to desire, a second-rate autocracy, an imitation of something which could not exist here, and never can exist here, unless we fall the victims of German ambition, and which has fundamentally more resemblance to the autocracy of the Bolsheviki in Russia, which has succeeded the feeble autocracy of the Romanoffs. We must not have that sort of thing.

I do not tremble or shrink about granting powers which are necessary to win the war; I am ready to give them, and to give them in the fullest measure; but I do object in the strongest way to giving powers which have no direct relation to the war, but which have a very large relation to politics and to civil life in peace times.

It is proposed, Mr. President, by this amendment to exempt from the operations of this act the Federal Reserve Board. Of course, the Federal Reserve Board is acting in harmony with the administration, and of course it will continue so to do. Every member of that board is the President's appointee; but when you take that board, which has done admirable work, and the entire system which it controls and put them under this bill, to be shifted and changed in any way that may catch the fancy not of the President but of somebody associated with him; when you give him the power, not to remove the members of the Federal Reserve Board because he has that power in any event, but, as the Senator from Colorado pointed out, the power to change the presidents of the Federal reserve banks and drive from the boards of the Federal reserve banks or the member banks any director whom he does not like; when

you put that power in the hands nominally of the President, but really in the Treasury Department, you run the risk of wrecking the whole of this great system of banks, one of the few engines which we possess that has worked admirably from the beginning of the war and with which we have had no fault to find. That was the feeling we had when we passed the finance corporation bill; the feeling of the Finance Committee was extremely strong to protect in every way the Federal Reserve System; and the Senator from Oklahoma [Mr. OWEN], who is doing me the honor of listening to me, insisted on still further protection for the banking system, and I believe he was right.

It is not a question of what the President may do to that board; it is a question of what some subordinate to whom the power is intrusted may do to it; and it seems to me to be running a most needless peril to put the great Federal Reserve System, the Federal reserve banks, and the national banks in a position where they may be interfered with—not wrecked, but seriously interfered with—by some Treasury official who does not happen to like the way they operate or who wishes to punish some personal enemy. I see no possible reason for keeping the banks within the range of this bill; they are a most important engine of carrying on the war; they are working very well; and they also have an intimate relation to the entire business of the country, both in peace and in war. It seems to me madness to put them in a position where they may be interfered with and seriously damaged, for any damage to the system and to the banks at this time would bring on a panic, which I for one dislike to contemplate.

Now, there is the Interstate Commerce Commission. The question concerning that commission has been very fully argued. I hold a similar view about that, although not quite so strongly.

The Interstate Commerce Commission has been largely shorn of its powers by the railroad bill. The railroads now are practically in the hands of the Government. Leaving the commission out of this bill would not affect the operation of the railroads during the war at all; but the Intersate Commerce Commission affords an opportunity for publicity, as was pointed out by the Senator from Georgia [Mr. SMITH], which I think to be extremely wholesome; also it has in charge the valuation of the railroads. That work has proceeded for some three years; it is a matter on which a great deal of money has been spent, and which, I believe, has been very well done. That work has nothing conceivable to do with the war; it is a work being done under the direction of Congress, by a board established by Congress, to carry out the peculiar powers of Congress under the interstate commerce clause of the Constitution. I think that to take away the valuation of the railroads, half done or a third done, and hand it over to some of the Treasury officials who have never given any particular attention to it, because now they happen to be running the railroads, would be very unfortunate.

There are two other organizations which I think ought to be exempted, which I have not heard suggested here, although I understand the Senator from Utah [Mr. SMOOT] has an amendment about one of them. They are purely congressional organizations. One is the Government Printing Office. The Government Printing Office is one of the establishments of Congress; and the joint committee of the two Houses——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LODGE. I move to strike out the word "authority," in the amendment offered by the Senator from Georgia, and to insert in lieu thereof the word "powers," as a perfecting amendment, and I will speak upon that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the proviso offered by Mr. SMITH of Georgia it is proposed to strike out the word "authority" and insert the word "powers."

Mr. LODGE. Mr. President, I was speaking of the Government Printing Office. Our joint committee makes all the contracts, and we run it all. I think it is well run. Of course the Public Printer is appointed by the President, which is entirely proper and right. He always has been. But the Government Printing Office has been, and ought to remain, under the control of the Congress of the United States. I think it is better for the Government and better for the country that the printing of the Government should be in the hands of the Government Printing Office under the control of Congress than be committed, for instance, to Mr. Creel, we will say. I say the same thing about the Library of Congress, which bears the name of Congress. I think the Library of Congress ought to be exempted from the operation of this bill, if this bill covers it, as I have no doubt it does.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. VARDAMAN. Does the Senator think that under this bill, if it should pass as it is introduced, the President could control the Printing Office and regulate the printing of the proceedings of Congress and all that?

Mr. LODGE. I have not the slightest doubt of it.

Mr. VARDAMAN. Of course, the Senator does not think he would undertake anything of that kind, does he?

Mr. LODGE. Oh, no, Mr. President. I am going to speak on that point in a moment.

Mr. VARDAMAN. But I want to say to the Senator that if he is not going to exercise that power, there is no reason why it should be incorporated in the bill.

Mr. LODGE. I quite agree with the Senator. I do not believe in the system—I think it is an entirely false system—ever to give in a bill a power that the Congress does not intend to have used and is not ready to see used. I think to put in powers loosely, generally, on the theory that they will not be used, is an entirely wrong theory of legislation.

Mr. President, those are four of the instruments of government which I think it would be well to exempt. But when these suggestions are made, as they have been made by Senators, we are always met with the cry, "Can you not trust the President?"

Mr. President, that is the most empty inquiry and meaningless argument ever made. It is not a question of trusting or distrusting; it is a question of legislating properly. Have we fallen so low as the question of distrusting somebody in framing legislation? Why, the entire Constitution of the United States is based on distrust of human nature when intrusted with power. There are limitations placed on everybody—President, courts, Senate, House. The terms of office of the executive and legislative officers of the Government are limited—even that. The whole theory of a democratic government is that the people intrusted with power should be carefully limited, because the theory of our ancestors—and it is a good theory to-day—was that human nature is too weak to be intrusted with unlimited power, and that when it is intrusted with unlimited power the rights of the people are in danger.

George Washington presided over the convention which framed the Constitution; and everybody knew, as he knew, that if there was a President he would be that President. Did he ever suggest to anybody that the clauses they put in there limiting the President's powers, limiting him in his right to make a treaty, for instance, or appoint an officer, by putting in the confirmation of the Senate should not be put in because to do so manifested a distrust of him? Why, of course not. Washington was a very great man. Such an idea would never have occurred to his mind.

It is not a question of trusting or distrusting. It is not a question of whether the President would do something absurd or whether he would not do something absurd. It is a question of granting powers which ought not to be granted or that it is not necessary to grant. Also, Mr. President, on that question of trusting, it simply proceeds upon what I think is the reasonable doctrine that there is no one mind in this country who is infallible. A man does not acquire infallibility by coming into the Presidency any more than he acquires infallibility by coming into the Senate or the House. Congress may be a help and ought to be a help to the Executive always, and particularly in time of war, and there is nothing but readiness to help in every way upon the part of Congress, but on the other hand it is slavish, it is beyond words slavish, to my mind; it is the attitude of courtiers to contend that the Congress of the United States, elected by the people, holding office by the same title as the President himself, is not entitled respectfully to offer him its advice on a bill which some subordinate in a department has drawn. There is no disrespect to anyone involved and none intended, and it never would have been thought of if it had not been suggested by those who are interested in passing the bill.

Mr. President, I think these things are important, but I think an importance has been attached to this bill and to the amendments which perhaps goes beyond the real scope of the measure. It seems to have been treated as if the one thing were for the President to win in the Senate a personal victory; to show that a committee which suggested bills could not pass its bills, but that he could pass one under another name and in vague general terms doing just the same thing.

Mr. President, if that is a comfort to the President of the United States I for one do not grudge it to him. I am very glad that he should have it, if he finds any sort of satisfaction or pleasure in it. Let me say, however, Mr. President, with all solemnity, that the victories won here or in the House on amendments or in passing bills will be forgotten before another

week closes. The only place to win the victories that will endure is across the seas, where the American armies are.

Let us stop winning victories over each other and over ourselves and devote all our heart and soul and strength to winning victories across the water. My one desire is that those victories should be won. I feel about this as Lincoln did when they came to him in the summer of 1864 and said: "You had better take care; they are talking about Grant. They will nominate him for the Presidency." Lincoln turned on them and said: "If he will take Richmond he may have the Presidency."

The President, if he will only win this war and gather about him men who can win the war, and men who, when they go abroad, command the respect of our allies, may have the Presidency, and everything else he wants for himself, so far as I am concerned.

I would be very glad to add at the end of my remarks, if I may, what Story says about the Executive power under the Constitution, and I would also like to have printed what Mr. Creel remarked about the work of the first session of Congress.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

SEC. 1512. On the other hand, considering the delicacy and extent of the power it is too much to expect that a free people would confide to a single magistrate, however respectable, the sole authority to act conclusively, as well as exclusively, upon the subject of treaties. In England the power to make treaties is exclusively vested in the Crown. But, however proper it may be in a monarchy, there is no American statesman but must feel that such a prerogative in an American President would be inexpedient and dangerous. It would be inconsistent with that wholesome jealousy which all republics ought to cherish, of all depositaries of power; and which, experience teaches us, is the best security against the abuse of it. The check which acts upon the mind, from the consideration that which is done is but preliminary and requires the assent of other independent minds to give it a legal conclusiveness, is a restraint which awakens caution and compels deliberation. (Story on the Constitution, vol. 2, p. 341.)

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[From War Information Series No. 10, Oct., 1917, "First Session of the War Congress," by Charles Mertz, in the "Foreword."]

The Sixty-fifth Congress, now adjourning, deserves the gratitude and appreciation of a people whose will and purpose I believe it has faithfully expressed. One can not examine the record of its action without being impressed by its completeness, its courage, and its full comprehension of a great task. The needs of the Army and the Navy have been met in a way that assures the effectiveness of American arms, and the war-making branch of the Government has been abundantly equipped with the powers that were necessary to make the action of the Nation effective.

I believe that it has also in equal degree, and as far as possible in the face of war, safeguarded the rights of the people and kept in mind the considerations of social justice so often obscured in the hasty readjustment of such a crisis.

It seems to me that the work of this remarkable session has not only been done thoroughly but that it has also been done with the utmost dispatch possible in the circumstances or consistent with a full consideration of the exceedingly critical matters dealt with. Best of all, it has left no doubt as to the spirit and determination of the country, but has affirmed them as loyally and as emphatically as our fine soldiers will affirm them on the firing line.

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GEORGE CREEL.

Mr. LEWIS. Mr. President, I wish to fortify a feature of the observations of the Senator from Massachusetts. Some of his conclusions I contest.

Mr. President, I want to make a reference for a moment or two to a matter which seems apart from this bill, but which as I see it is very necessary to be considered at this time to prevent the American public from any longer indulging in false premises from which the citizens are reaching an unjust conclusion.

The Senator from Massachusetts appropriately adverts to the slander of Congress, charging us here with delay in the procedure of legislation, but, Mr. President, as great as is the effect of the wrong because of that false accusation it is small indeed compared to the effect on the public mind that is being created by the charge of delay on the part of the United States in sending soldiers to Europe.

Mr. President, it is time that we speak frankly to the American public, and so far as I can see it the time has come to end the assumption that disclosure of truth will do injury.

Mr. President, if the conditions of this war are such as now indicate that it would have been proper to have sent soldiers very early to Europe, I want my fellow Americans to understand it is no fault of this country that the soldiers were not sent. The country must now know from some one, and I am bold enough for myself—in connection with the speech of the Senator from Massachusetts—to allude to it, to assert it, and I take the responsibility for what I am now going to say.

When war was declared requests came to this Government from representatives of the allies here located in Washington that we do not send troops. The request was that we send supplies. We were besought to withhold certain troops. On the part of one of the allies was the humane consideration that the men were not prepared and should not be sent abroad to meet a new warfare, the method of which the world had never known—far less the United States experienced—until something had been done which could train them at home and equip them upon our own local field for the adventure to which they must advance.

Then, Mr. President, from another of the representatives of the allies here in Washington was the very free statement that not for one year should the United States send any troops, and the demand, if we can use that word in dealing with subjects of politeness and diplomacy, that we should not send our troops previous to that year on the theory, first, that the allies were able with the forces at hand to command all the situation then before them and for a year——

Mr. McCUMBER. Mr. President——

Mr. LEWIS. Then at the end of that it was assumed we would be in a position, because our men would be then trained and in such a state of preparation as would justify them in being sent to Europe.

I yield at this moment to the Senator from North Dakota. I have but a few moments, as the Senator knows.

Mr. McCUMBER. I simply want to ask the Senator if at the time those suggestions were made Russia did not have in the field at least from three to four million men?

Mr. LEWIS. There is a great deal, Mr. President, to be advanced in support of the position of the Senator and in support of it, that it might have been in the minds of those representatives that from Russia could be obtained sufficient for the time, but, sirs, our country must know that the reason the delay was had was because of these assurances from men who represented the allies, whatever might have been the matter upon which they based their confidence.

Therefore, Mr. President, our countrymen must not be stricken with alarm and our people must not be influenced that some great wrong has transpired on the part of officers, of Congress, or the administration because soldiers have not been hastily sent to Europe and are not now upon the field.

The cry that comes to us to-day from papers quoted from certain official representatives of foreign governments assuming to criticize because we have not hurried must be replied to from this rostrum, if from no other place, that if there has been delay, causing inconvenience or any other result, it was not that initiated by America, but at the specific instance of those called the allies. It may be that at the outset it was stimulated out of a humane consideration that it would require a year for preparation, or, as the Senator from North Dakota intimates, because of their confidence that Russia would furnish sufficient within that year.

Mr. GALLINGER. Mr. President——

Mr. LEWIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am interested and somewhat surprised at the statement the Senator is making. My memory is fairly good, and I remember that when the representatives of the French Government were here Gen. Joffre stood beside the Vice President and called upon us to send troops, saying that they could be trained in France better than they could in this country.

Mr. LEWIS. Let me reply to the Senator from New Hampshire, calling to his mind exactly what the matter was.

Mr. OVERMAN. I think the Senator from New Hampshire is mistaken about the statement of Gen. Joffre.

Mr. GALLINGER. Gen. Joffre advised that when he was here. It is a matter of record.

Mr. LEWIS. Permit me to assure the Senator I shall give him exactly what happened, and I hope to assure the Senator I am not speaking ex cathedra, I am speaking from information from other sources wholly reliable. Mr. President, I invite the able Senator from New Hampshire and see if he will not agree with me on this. The request made was first to send officers only, on the theory of the effect on the morale and encouragement of their presence. Senators will recall that their presence there seems to have received that reception which they deserved. Then afterwards came a request later following on that we send some soldiers of the Regular Army. After an expiration of time it was discovered that something else should be done, and now the remark of the eminent Senator from Massachusetts becomes appropriate, because it was at this point referred to that the request came to this country to send the soldiers. Then we sent the regular soldiers to the extent we could. But in the meantime the failure to anticipate that they would be needed at once, and the taking up of their preparation for a whole year here at our own home was at the instance of the representatives of the allies. That is what I wish to impress upon the country as replying to my eminent friend.

Mr. LODGE. Mr. President——

Mr. LEWIS. I yield to the Senator from Massachusetts.

Mr. LODGE. I only want to state in this connection what Gen. Joffre said to me personally, and I recall it very well. He said, "Send us all the men you can. I know you have not a large Army. Send us 10,000 men if you can not send any more, but send us all you possibly can. If they are new troops we will train them there, but send the men, because it will have an immense moral effect." I remember the conversation extremely well.

Mr. LEWIS. It may be that Gen. Joffre had some personal conversation with the senior Senator from Massachusetts, but I am able to say, sir, that the viewpoint officially was that which I have expressed, and I take it that what Gen. Joffre said to the Senator from Massachusetts practically was what was the real situation—10,000 men, a small bit, for moral effect. And now to charge from any part of the world that the United States had failed because it assumed to keep men here and train them and equip them before they were sent abroad and intimate that that delay suggests some offense on the part of our country for negligence and incompetence is an unfair accusation.

Mr. LODGE. Mr. President——

Mr. LEWIS. I yield again to the Senator.

Mr. LODGE. I was making no charge of negligence or incompetence, but it was not to send only 10,000, it was to send all you can, just as they offered us transportation last winter to carry men over there. It was refused.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. First, I reply to the Senator from Massachusetts. As to the particular time to which the Senator alludes I do not know; of course I could not contest the fact of the conversation that the Senator claims he had with Joffre, but we do know what the representatives presented, and I insist, sir, that at the particular time they demanded that we should send those we could spare; it referred to those who were then prepared and in a condition to go.

Mr. LODGE. Precisely.

Mr. LEWIS. A small detachment for "moral effect." The other observation to which I allude—that they were prepared—I wish to correct. It was then the third call came. It was for the National Guard, following the call for a part of the Regular Army, that then came the changed position, and for the first time it was asserted that soldiers could be sent abroad and could be trained in Europe.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I will yield to the Senator, knowing that he will not take more time than he ought.

Mr. SMOOT. The Senator's time is nearly exhausted, and perhaps I had better not ask the question, as it may lead to some discussion.

Mr. LEWIS. Mr. President, in the moment or two remaining I want to address myself doubly to the second amendment offered by the Senator from Massachusetts. I have a right to do that while on my feet.

It is that this bill, if it will be passed hastily, will enable the President of the United States to take such steps as will bring about a compliance with these new demands. I invite the consideration of the Senate now, and my judgment is that we have now reached the point in this war when the navies of the contesting forces must be brought into operation. I am not assuming to tell these forces how to conduct their war, but it is apparent if we can not end the German drive by July 1 and reverse it, as I have said in other places we must do, if we can get the men that we now know are ready to go to the transports from the land, then, sir, it is apparent that the Navy must be brought into operation and this conflict brought to the sea, where the unvanquished and invisible American Navy can effect, in conjunction with those of the allies, that good service and success which our country knows is due us and will be coming surely to us.

But, sir, before we can do it three things must really transpire: First, this measure giving the President an immediate operation to put into effect such instrumentalities as can hastily bring the result. Lastly, I allude to the observations of the Senator from Massachusetts about "trust the President." I advise the Senator from Massachusetts that he is in error when he says that expression was only born here to carry through this measure. It was born by the eminent Republican leaders of the Senate, of which the eminent Senator was wisely and justly one, in the Spanish-American War, when the cry went forth from this body, "Trust McKinley," "Trust the President"; and in all the political campaigns of that day that was the cry. He was trusted. In this case it is only asked that we trust our President to exercise such a discretion as a faithful Commander in Chief under the solemnity of his oath and the privileges of the Constitution would exercise; nothing more.

There is no request to trust him to do things that are questionable, to trust him to do things that are illegal, to trust him to do things that are not warranted by the Constitution, but to trust that the only things he will do will be those warranted by the conditions, called for by the circumstances, and justified by the necessity. It is for that reason, sir, that we should pass the measure to accomplish this object. I shall not occupy the floor longer for that purpose. I merely refute the false impression now prevailing as to the action of our country.

Mr. McCUMBER. Mr. President, I shall vote for this bill, and I shall vote for it either with the proposed amendments or without the proposed amendments. I think it but fair, however, to say that I do not attach the importance to this bill that has been indicated by the long period of time it has been before the Senate and the long and earnest speeches that have been made both for and against its provisions. All of the important powers that are granted in this bill are either powers that are already inherent in the Chief Magistrate or powers that have been granted specially by the Constitution or powers which we, during this last Congress, have especially delegated to the President. When we examine the full scope and extent of those powers we will find that there are few left to be covered by the provisions of this bill.

Mr. President, I think the effect of the bill, so far as its influence on any war measure is concerned, will be very remote, to say the least. In all of the arguments that have been made I have failed utterly to catch any great controlling reason for the passage of the bill itself. On the other hand, I fail to realize any great and impending danger if all the powers contained in the bill should be granted to the President. I must assume that the President of the United States will exercise the authority contained in the provisions of the bill to the extent only that such authority is necessary for the conduct of the war and that he will not interfere with those things which have not the least possible relation to the war. The powers are not so far-reaching as many of those which we have already granted by legislation during the past year.

If, as Commander in Chief of the Army and Navy, the President of the United States thinks that there are any powers which we have not already granted to him which are constitutional, and which are really necessary for the conduct of the war, I am willing to grant those additional powers. The President is in a far better position than am I to determine whether or not conflicting bureaus or duplicating offices are a hindrance rather than an assistance to him in his efforts in the prosecution of the war. I am willing to defer to his judgment along that line; but, Mr. President, I shall exercise my judgment as to voting for some of these amendments.

I can not conceive of any possibility of the President interfering with the Interstate Commerce Commission. I can not see how he can possibly say that interference with that commission can by any possibility assist in the prosecution of the war. I can not see how he can dispense with the services of this most important commission in the great problems of transportation, which will press upon the administration for solution during the period he will exercise the authority which we have conferred upon him to operate all the railways of the country; but as there are many Senators and others who feel that there is some danger in granting the power in the broad terms of the bill, to ease their fears I am perfectly willing to vote with them to amend the bill excepting the Interstate Commerce Commission from the operation of this proposed legislation.

What I now say in reference to the Interstate Commerce Commission can be said with equal or greater force with reference to our banking institution as it now exists.

There has been another suggestion made, and that is in reference to our Government Printing Office. I am perfectly willing to vote to exclude that from the operation of the proposed law; not that I am fearful that the President will interfere with it, for I can not conceive of a case that would justify him in any interference with the Government Printing Office, which is purely and simply a creature of Congress for the purpose of carrying out the functions of the legislative department of the Government, any more than he would be justified in interfering with a joint committee of Congress or a committee of either one of the two Houses. So, Mr. President, I should be willing to vote also for an amendment excluding that establishment, and possibly for other amendments which might be offered.

I repeat, I can not regard this bill as of the same degree of importance as do many Senators in this body. I am not fearful

of the authority that will be exercised under it; but as the President seems to think that he needs the additional authority, as he seems to believe that he can better carry this war to a successful issue if the bill be passed, I am willing to grant the power to him, so that, at least, I shall not be criticized and shall not allow Congress to be criticized by reason of my vote in not supporting the President in everything that he or Congress can possibly deem necessary for the successful prosecution of the war.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The pending question is on the amendment to the amendment offered by the Senator from Massachusetts [Mr. LODGE].

Mr. SMITH of Georgia. I understood the amendment to the amendment had been withdrawn by the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair is informed that the amendment to the amendment has not been withdrawn.

Mr. SMITH of Georgia. Mr. President, I desire to speak to the amendment.

The bill as drawn authorizes any President during the war, or for 12 months after the war closes, to transfer all the duties and authority of the Federal Reserve Board to any other board or to any officer in the Government. All the duties of the Federal Reserve Board could be transferred to an auditor in either of the departments, simply to illustrate the effect of the bill. Our banking and currency system leans on the Federal Reserve Board to a great extent. I wish to refresh the memory of Senators by calling attention to the duties of the Federal Reserve Board.

We have 12 reserve banks, each situated in a reserve district. We have required all of the national banks to subscribe to the stock of the respective Federal reserve banks, and we transfer the reserves of those member banks to the Federal reserve banks. We permit other banks and trust companies to come into the reserve system by taking stock in the reserve banks and being subject to the same rules in their relations to them which national banks bear. The Federal reserve banks not only discount the paper of the member banks but they may also issue Federal reserve notes, like the national-bank notes or other paper currency which is used by the public, not speaking technically, but in language that is generally understood, as money, as currency, for the transaction of business. So these 12 Federal reserve banks are organized to enlarge the currency as business needs it, and are expected to contract it as it is no longer needed. They not only furnish enlarged credits to their member banks which they in turn furnish to the public, but they enlarge the currency to meet the needs of situations as they develop. Their importance to our banking and currency conditions must be apparent.

The Federal Reserve Board controls these 12 banks. The banking and currency act expressly declares that they shall exercise general supervision over the 12 Federal reserve banks; that is to say, that the Federal Reserve Board shall exercise general control over them.

Going further, the act provides that the Federal Reserve Board may remove all the directors and officers of any of the Federal reserve banks. They can take charge of the business of any one of the reserve banks. Under the statute they can put any one of them in liquidation without going into the courthouse; they can conduct the business or wind up the business of a reserve bank. By rates of interest they can control the issue of Federal reserve notes. Going further, they can by a vote of five out of seven compel any one reserve bank to rediscount the notes of any other reserve bank. The Federal Reserve Board have entire supervision and control of the 12 reserve banks. They therefore control the enlargement of currency; they control the contraction of currency; they control the enlargement of credits; they control the contraction of credits.

We realized the importance of this board when we passed the statute; we realized that it stood in a class all by itself; and we fixed certain requirements which must be met in men who are nominated by the President for positions on that board. We said that no man could be nominated who was an officer of any bank or who held stock in any bank. We said that two of the board must be men skilled in finance and banking; we said that the President must not take more than one from any reserve district; that in selecting them he should do so with regard to the representations of the different commercial, industrial, and geographical conditions. We went further and said that any one of the men so serving could not hold an office or have a business connection with any bank affiliated with the Federal Reserve System for two years after he ceased to be a member of the Federal Reserve Board. We also provided that the President for cause could remove either of them.

Why did we throw these safeguards around the men who were to carry this great trust? We gave them office for 10 years each; we put them in a class to themselves and required conduct different from that of other officers. Why? Because we placed a responsibility on them under the law that we thought could only be met fully by such requirements. We even went further: Recognizing our responsibility as a Senate, we provided that if the President made an appointment in recess, that appointment could only last for 30 days after Congress met. We were unwilling to leave an appointee of the President in office more than 30 days after the Senate met unless the Senate approved the appointment.

Then we realized our part of the responsibility, and we were willing to bear it. Now, it is proposed to permit any President—President Wilson, if he remains President, or, if the war lasts that long, the President who comes after him, or, if a casualty should come to him before the end of his term, his successor—to transfer these extraordinary powers, involving the banking and commercial life of this country, to anybody he sees fit, without limitation or without qualification. Under this bill the vast and important powers of the Federal Reserve Board may be transferred to an auditor in the Treasury Department.

I should like to know what Senator wishes these powers transferred to any other officer of the Government, and to what officer? I do not believe the Senator from North Carolina wishes them transferred from the place where they are now reposed. If he does not, why does he insist upon keeping the power in the bill? I can not conceive of President Wilson making the transfer, but I do not know who may have charge of the White House before this war is over, and I feel that I would be abandoning my duty as a Senator if I agreed that anyone under any circumstances should have such a power. It is a dangerous power; it is an unwise power; it is an unnecessary power. The Senator from North Carolina ought to accept the amendment. He knows he does not wish any such power exercised.

Talk about delaying this bill! If this amendment and one exempting the Interstate Commerce Commission had been agreed to shortly after the bill had been introduced, it would have passed two months ago. The sponsors for the bill must not have thought it was very important to secure the other powers. Otherwise they would have stopped opposition by agreeing to except from its provisions the Federal Reserve Board and the Interstate Commerce Commission.

Mr. President, I do not desire to detain the Senate, and I will not do so. I simply urge upon Senators that this amendment ought to be adopted; that it is not right to place in doubt the Federal Reserve Board, with its vast responsibilities to the commerce, to the industries, and to the banking of the country.

Mr. OVERMAN. Mr. President, I should not have said anything but for the fact that the Senator from Georgia [Mr. SMITH] referred to me. I desire to say that this bill does not give any power to the President directly to do some of the things which it has been charged could be done under it. There is nothing said about the Federal Reserve Board or about the Interstate Commerce Commission. The Senator says that, if he were President, he would not transfer any of the functions of the Federal Reserve Board to any other organization; neither would any other Senator upon this floor, and neither would the President of the United States; and I am here to tell you Senators that the President has no idea of interfering in any way whatever with the Federal Reserve Board.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I have not the time to yield to the Senator. However, I will do so, if he desires.

Mr. REED. If that is the case, if the Senator is perfectly certain of what he says, why does he not accept the amendment offered by the Senator from Georgia?

Mr. OVERMAN. I am going, if the Senator will take his seat, to explain that question.

Mr. REED. I will take it.

Mr. OVERMAN. I did not mean any disrespect to the Senator, but I have only 20 minutes and I wish to conclude what I have to say.

Mr. President, the President of the United States, even if he has the power under this bill to interfere with the Federal Reserve Board, could not exercise that power under his oath of office unless he did so in the interest of the national security and defense; he could not exercise it unless, in his opinion, it was necessary for the successful prosecution of the war; he could not exercise it unless it were for the support and maintenance of the Army and the Navy. The Senator from Iowa [Mr. CUMMINS] said, if it were necessary in order to save this coun-

try, he would be willing for the President to exercise such power, and so would everybody else; but, I repeat, the President will not exercise it, and I tell you he is not going to exercise it, unless it is absolutely necessary; and he can not exercise it, under his oath of office, with the limitations provided in the bill unless he is a dishonest man.

There is a limitation provided in the bill that such powers shall be exercised only in the interest of the national defense; there is another provision limiting its exercise to those things which are necessary in the successful prosecution of the war and for the support and maintenance of the Army and the Navy; and then there is a general sweeping clause, which reads:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

It seems to me that Senators have assumed a "holier than thou" attitude. The Senator from Georgia would not exercise the power which it has been charged would be exercised; I would not exercise it; and why do Senators think the President would exercise it? That is the reason, I will say to my esteemed friend from Missouri [Mr. REED], why I will not accept this amendment, because it is an express statement that we are afraid to trust the power to the President; it is an express intimation that we fear he will do that which no one of the 96 Senators who constitute this body would do. The argument seems to be, "We fear the President might do it, and therefore we will adopt such an amendment." That is the reason why I will not accept any such amendment, for I believe in my heart it would humiliate the President. I do not charge, however, that that is the intention of the author of the amendment. Put yourselves in the President's place. If you were in his place would you stand here and argue for the amendment?

Mr. SMITH of Georgia. Not necessarily; but if I were in his place, I would ask Congress to remove such a provision from this bill.

Mr. OVERMAN. If the Senator were President, knowing him as I do, I think he would come to Congress and ask for this general power. If the general power is right, vote for the bill without limitations; if it is wrong, vote, like men, against it.

Mr. SMITH of Georgia. No; I would perfect it, if the Senator will allow me.

Mr. OVERMAN. I say there is too much of a "holier than thou" attitude on the part of Senators; there have been many things said that ought not to have been said upon this floor—some cheap talk and criticism that I am glad to see has been eliminated from the RECORD by Senators who uttered it. Some indirect, unjust intimations have been made that the President ought not to be trusted. You may criticize the President as much as you please, but it will do no more harm than a grapeshot against a great battleship.

Last night I attended one of the greatest meetings that I have ever seen in Washington, except Billy Sunday's meetings—and it was in the Billy Sunday Tabernacle. Incidentally some speaker referred to this bill and the power given to the President and expressed the hope that it would pass. I never saw such an ovation in my life as I saw then in that great tabernacle. So, whatever you say about the President of the United States, or however you may play politics and try to throw dust in the eyes of the people of this country, in their hearts they trust him, although some Senators may not trust him.

My distinguished friend from Pennsylvania [Mr. KNOX]—and I love him; we have served together in the Senate; I served here when he was Secretary of State and also when he was Attorney General; and I admire his great ability—and I had a little colloquy a day or two ago from which I read the following from the RECORD:

Mr. President, I had difficulty in reaching a conclusion about this measure; but at last a thought came to my mind which clarified my duty, which made it perfectly easy for me to answer the question: "Shall I vote yea or nay upon this measure?" and I ask each Senator to put this question to himself: Should you vote for this bill unless you would be willing to vote specifically for anything that is possible under the bill? For instance, if you believe that under the provisions of this bill the powers of the Federal Reserve Board could be transferred to a minor official of the United States Government, or the Federal reserve banks could be merged in any insignificant national bank of the country, and that bill stood alone, would you vote for that bill? If you would not, you should not vote for a bill that includes that power. If a bill was proposed to transfer the functions of the Interstate Commerce Commission to an inferior officer of the Government, would you vote for that bill if it stood alone? If you would not, you should not vote for this bill.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. KNOX. I yield.

Mr. OVERMAN. I take it, from what the Senator from Pennsylvania has said, that he would not vote for such a bill as he has described.

Mr. KNOX. I certainly would not.

Mr. OVERMAN. Does the Senator from Pennsylvania assume to himself more honesty, more statesmanship, and a higher sense of duty than are possessed by the great Executive head of this Government?

Mr. KNOX. Mr. President, I am glad to answer that question. I challenge the Senator from North Carolina to recall from his memory or to search to-morrow morning the record of what I have said this afternoon, or to go over anything that I have said heretofore on the floor of the Senate since the declaration of war from which he can draw any conclusion that I have assumed anything upon my own part. I am stating, sir, what I started out to state; I am giving the reasons why I am going to vote against this bill.

Mr. OVERMAN. That is the question I want to put to the Senator. He says he would not vote for such a bill as that which he has described, nor would any other Senator vote for such a bill. Then the Senator is bound, under the same reasoning, to say that under this bill the President of the United States, acting for the people of this country, with statesmanship and ability and honesty, would not transfer the authority in the manner which the Senator has suggested. Is not that a just conclusion from what the Senator says?

Mr. KNOX. Mr. President, I am arguing that we ought not to vote for a bill that gives the President such authority unless we would vote specifically for a measure that gave him that authority, and nothing else.

Mr. OVERMAN. And I intend to vote for this measure on the assumption that the President would exercise the powers conferred with the same honesty and the same ability as would the Senator from Pennsylvania, and therefore would not attempt to interfere with the Federal Reserve Board.

Mr. President, the Senator ought to have gone one step further. With all due respect to him, when he asked himself the question whether he should vote for this bill, he ought also, if he desired to be impartial, to have asked the other question, Would the President of the United States do that which I would not do, having been elevated to this high office by the people of the United States—transfer the power, which it is alleged he can transfer under the provisions of this bill, when, as the Senator from Pennsylvania says, he would not vote, and no other Senator would vote, such transfer? Would the President—not only President Wilson, but any President—transfer that power when his power under this bill is limited to those objects which have in mind the national defense, when his power is limited to acting in matters relating to the conduct of the war? Is not the President not to be accredited with the same patriotism, the same ability, the same honesty of purpose as I?

Mr. President, I repeat that if this general power is right, let us give it to the President without any amendment; but if it is wrong, let us vote against it.

Mr. REED. Mr. President, first of all I want to apologize to the very distinguished Senator who has charge of this bill for having even ventured to interrupt the flow of his sublime eloquence by a question. It was a perfectly proper rebuke which he administered when he told me, with that politeness which always characterizes him, to sit down. The truth is, I have not been able to keep up with the rapid march of events, or quite to appreciate the altitudes to which the distinguished Senator has climbed since he came to be in charge of this legislation. But speaking from the depths of my humility, and in my own time, and having thus sufficiently, I trust, apologized, I am going to venture one or two suggestions.

The Senator always makes an argument that is unanswerable, because he proceeds first by filing a general denial of any intent or purpose on the part of the President or on the part of any other officer ever to exercise the powers conferred in the bill, and having given us that assurance of absolute and perfect safety he proceeds to clinch the argument by saying that, of course, if it is necessary in order to whip the Germans, then the thing may be done, and that we are justified in doing anything, even to the destruction of our form of government, in order to whip the Germans.

Now, either this bill confers powers or it does not confer powers, and either those powers are necessary or they are unnecessary. That the bill confers the powers no one will debate. The question as to whether the powers are necessary or unnecessary ought to be answered according to the logic of the situation; and we can not answer in that logical manner by merely growing red in the face and speaking with a tremulous voice or in a loud tone. The moment any Senator stands upon this floor defending these powers and at the same time asserting that these powers will never be utilized, he asserts that they are not necessary. When a man has asserted that a power is not necessary and that it will never be utilized, he has asserted that the power should never be granted.

Of course, that does not appeal to the Senator in charge of the bill. But the Senator has another answer. He states that the President can not exercise this authority unless he does it in matters relating to the conduct of the present war, and that whatever is necessary to the conduct of the present war must, of course, be granted. He speaks several times in his remarks about the language that "the authority by this act granted shall be exercised only in matters relating to the conduct of the present war." I call the Senator's attention to the fact that he opposed that amendment in the committee, that he voted against that amendment in the committee, that he did everything he

could to keep that amendment out of the bill in the committee. He wanted the powers to be granted without even that limitation.

Mr. OVERMAN. Mr. President, the Senator ought to be fair and state why. I do not think I did, but if the Senator says I did, I did. I said that the words "during the present war" were in the first paragraph of the bill as it came to the committee.

Mr. REED. I am not speaking of that. I am speaking of the words of limitation that the Senator appealed to, and that were offered as an amendment by the Senator from Delaware [Mr. WOLCOTT] and were barely adopted. The Senator from Delaware voted for his own amendment, and I think one other Senator, and that is the way this clause comes to be in the bill. That, however, is not very material. I desire especially to reply to certain observations made by the Senator, not only in the last few moments but a score of times during the progress of the debate, that those who opposed this bill are playing politics, and he has used the term "playing cheap politics," and he has used the term that they are professing to be "holier than thou art." Now, when the Senator gets his throat full of adjectives and his head full of blood he sometimes says things that out of the goodness of his heart and the generosity of his spirit he does not really mean; but he did use those terms, and he has used them repeatedly.

The Senator will not dispute the fact that a few weeks ago he was one of those Senators who said they were opposed to granting more power. The Senator will not dispute the fact that he himself was the author of the resolution which struck out of the pending bill the words "and empowered," in the ninth line on the first page, and inserted the word "authorized." The Senator at that time was not in favor of granting more power, and said he would not grant any more power, but that he would grant authority; and for about two days we debated the question whether there was any difference between authority and power.

Now, that is all right. The Senator had a right to change his mind. Wise men do change their minds, and no man is to be at all lampooned because he changes his mind; but when he changes his mind he ought not to charge everybody with playing politics who did not have quite so acrobatic a character of intellect. He ought to concede that those who remain steadfast to the views they entertained are entitled to the same kindly judgment that he would have expected for himself had he on that particular point continued to maintain his intellectual stability.

Mr. President, I believe that I have the right to appeal to even the author of this bill, to its sponsor, and to the Senate in behalf of the particular amendment now before us. I was a member of the Banking and Currency Committee, to which was referred the bill that created the Federal Reserve Banking System. It came to us in a somewhat crude form and there were some members of the committee who insisted upon having hearings, studying the bill, letting the voice of the country be heard, and amending, where necessary, the bill. I was one of the members who made that insistence. I remember at that time how the press of the country abused every man who so stood for investigation, and how in the Senate they were unpopular, and how in their own States they were criticized and abused, and how, finally, a Democratic caucus was called to force these recalcitrant Democrats to yield their point of view. I also remember that the Democratic caucus was finally adjourned because there were some pretty plain statements made in it. I remember how we continued day after day to consider the bill and to amend it until over 500 amendments had been made, and when at last it was adopted, having been amended 514 times over the protest of a number of very distinguished gentlemen in the Senate and out of it, it was pronounced the greatest piece of constructive legislation of this century.

Mr. President, I have no more hesitancy in standing here to-day for a thing that I believe is right than I had then, and I shall no more be intimidated by loud-mouthed bayings, either in the Senate or out of the Senate, about "playing politics" than I was intimidated then. Whenever the time comes that I can not stand at my place in this Chamber and voice my honest sentiments I shall give place to some one whose views may be more popular or whose opinions may be more easily changed to conform to the tides of opinion that may be running at that particular moment.

This is what I have to say to the Senate in regard to this particular amendment: When the banking bill reached the Senate the power to control the currency of our country, to control the credits of this great land, was practically concentrated in the banks. It was believed that a few great banks could control the volume of our currency by dominating this system. I was one of the eight members of that committee who insisted, in season and out of season, by day and by night, that the power of control should be vested in the Federal Reserve Board, and not in the banks; that the Federal Reserve Board should be made supreme, because if the power to control our credits had to be put somewhere, I wanted it put in a board that would be nominated by the President of the United States and confirmed by the Senate of the United States, so that the people, through this board thus appointed, would control the financial destiny of their own country. Those amendments went into the bill over great opposition, and are found in the law to-day.

Mr. President, it was stated at that time that this board was to be created so that it would be independent of any President; independent of any particular man at any particular time. The board was to be composed of men who were to be appointed at different periods of time. It was carefully arranged so that there should always be upon the board old members, unless they were removed for cause, who would hold over from one presidential term to another. That was deemed wise and prudent, and it was wise and prudent. It was also provided that these men must be confirmed by the Senate of the United States, and if any one of them was ousted his successor in like manner must be confirmed by the Senate of the United States.

Mr. SMITH of Georgia. And the appointments must be sent in within 30 days after the Senate met.

Mr. REED. Yes; and an additional clause was put in, as the Senator from Georgia states, requiring that these names should be sent to the Senate within 30 days after the Senate should meet, a clause that you do not find with reference to any other board or tribunal that has been created by the Congress.

Now, Mr. President, what is the proposition if this amendment be defeated? It means that you propose to confer upon the President—not Woodrow Wilson, but whoever may be President during the course of this war, which may last for months and which may last for years—the right to do what? To confer all of the powers possessed by the Federal Reserve Board as a whole upon any one member of the board; aye, more, to confer all of the powers possessed by the entire board upon any officer of the Government. They can be conferred the day after this bill is passed upon an officer who has never been confirmed by the Senate, whose name has never been sent to us. Moreover, if the bill be passed to-day, the board can be filled up to-morrow by men who have never been confirmed by the Senate by the simple process of transferring into the positions held by members of the Federal Reserve Board men who will perform the functions which those members of the board now possess, although the men who are to perform those functions hold offices that do not require confirmation. Let the Senate understand now that they are striking down the checks and safeguards that they placed around the Federal Reserve Board. It is no answer to say that these powers will never be exercised, and hence they should be granted, for if they will never be exercised, then they should never be granted. It is mere nonsense to say that a power ought to be granted because it is never going to be exercised.

Mr. President, if you pass this bill without amendment, I say to you that there need never be another name sent to the Senate for confirmation in the executive or administrative department of this Government, because by the simple process of naming a man for an office which does not require confirmation and then transferring to him the functions and powers and duties of an office that does require confirmation the necessity of ever sending a name here for confirmation is obviated.

No one opposes this bill for the narrow reason that he seeks to hamper the President of the United States. Speaking for myself, I do not oppose it because I doubt the wisdom or the patriotism of the present occupant of the White House. I oppose it for the greater reason that it undermines the fundamentals of our governmental structure.

When the people ordained the Constitution they created a system of checks and balances. It was not to be a government of one mind, but a government in the operation of which many minds were to cooperate. When the Continental Congress began the creation of the statutory machinery of government the same principles were adhered to. From that day to this we have distributed power; not to one judge but to many judges; not to one man constituting a department but to several men. To this end we have created the Interstate Commerce Commission, the Federal Reserve Board, the Farm Loan Board, the Shipping Board, the Federal Trade Commission, and many other boards and tribunals; not because we doubted the wisdom of the President, but because it is recognized a great Government must act through numerous agencies, and that a concert of opinion is essential in any Government based upon the will of the people. It is the very life of democracy. It is one great principle which distinguishes a democracy from an autocracy—the rule of the people over the rule of a despot.

This, therefore, is not a question of individuals. The proposition involved is a system of government. If we are to maintain

the old traditions, if we are to hand down unimpaired those ideals of government that came to us from our fathers, we must reject, or at least greatly amend, this bill.

Always remember that if this emergency is made the occasion for breaking down constitutional safeguards or for disregarding principles upon which our Government is grounded, that a precedent will be established which in evil days may be applied for evil purposes. To-day we declare that the emergency of a great war makes it necessary to do an unprecedented thing; thereupon we act, although the reason is not made manifest by those who demand that action be taken. But when this war is over and the turmoil and economic disturbances inevitable shall come upon us, who will say that other men will not employ this precedent and declare that another emergency exists before which all principles of government must give way?

It is very easy to destroy all principles; it is very hard to reestablish them.

While I am willing to concentrate in the Executive every power necessary to carry on this war, I do protest against striking down all that code of laws that has been created for a hundred years—striking down those checks and safeguards that have been set up as the century has run its course—and in one fell swoop, and without any reason whatever being assigned, consigning all of the safeguards of the past to oblivion.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). The time of the Senator from Missouri has expired.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Martin	Smith, Ga.
Baird	Harding	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Borah	Henderson	New	Smoot
Brandegee	Hitchcock	Norris	Sterling
Colt	Hollis	Nugent	Swanson
Culberson	Johnson, Cal.	Overman	Thomas
Cummins	Jones, Wash.	Page	Thompson
Curtis	Kellogg	Phelan	Townsend
Dillingham	King	Pittman	Trammell
Fall	Kirby	Poindexter	Underwood
Fletcher	Knox	Reed	Vardaman
France	Lenroot	Saulsbury	Wadsworth
Frelinghuysen	Lewis	Shafroth	Walsh
Gallinger	McCumber	Sheppard	Warren
Gore	McKellar	Sherman	Watson
Gronna	McLean	Shields	Williams
Guion	McNary	Smith, Ariz.	Wolcott

Mr. LEWIS. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Rhode Island [Mr. GERRY], the Senator from New Mexico [Mr. JONES], and the Senator from North Carolina [Mr. SIMMONS] are detained on official business.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

Mr. THOMAS. Mr. President, I have observed with some regret, during the course of the discussion, a tendency to be unduly impatient of opposition to the bill as reported from the committee. Not alone in this body but outside of it a disposition to question the motives and to challenge the good faith and loyalty of all who advocate amendments which are designed to eliminate from or add to the substance of the bill.

Mr. President, if the Senate possesses any function prominent above all others, it is the need for careful and close consideration of bills proposing new legislation; and unless we exercise that function to the best of our ability we may not only prove unequal to the trust imposed upon us but our inaction may be productive of evil consequences to the people whose servants we are.

Mr. President, I am a supporter of this administration—a hearty, unqualified, uncompromising, and persistent supporter. I was an advocate of the policies of the President of the United States before he was elected to that high position, and one of the first to espouse his candidacy for it. What I may have to say concerning this amendment can not therefore be successfully assailed either as an attempt to thwart the purposes of the administration or to hinder the President in the effective prosecution of policies designed to win this war.

Mr. President, this is a very important bill, one of great magnitude and of far-reaching importance. I am disposed to support it, somewhat against my convictions, because it seems to be so urgently demanded as an essential to the crisis with which we are now confronted; and yet, Mr. President, I can not lend my assent to its enactment as it stands, if by one or two appropriate and what seem to me to be necessary amendments we can eliminate from its operation two or three of the great administrative institutions of the Government.

Mr. President, I am not at all afraid of the manner in which the President will exercise his great powers under this bill. I am satisfied with the assurances which I am told he has given to the Senator having charge of the bill regarding the subject matter of this and one or two other proposed amendments. But, as was just said by the Senator from Missouri [Mr. REED], we are legislating for the future. We are legislating in affairs of government. Administrations change; Presidents come and go; but the Republic goes on, I trust, forever.

We should be wholly impersonal in our consideration of measures like this and act as convictions of duty demand. There is nothing certain in this world, said an old philosopher, but death and taxes. Nothing has been so uncertain since this war began as human life. The President may, and I trust will be, with us during the remainder of his term. I trust he will enjoy many happy years after he shall have laid down the cares and prerogatives of his office. But we do not know. We do not know how long this war will last. My own belief, from present indications, is that it will be of indefinite duration and that the struggle between autocracy and democracy will extend through many years to come. We must take all these things into consideration, Mr. President, whenever the personal equation is invoked in behalf of any legislative program.

Now, what is proposed by this amendment? Simply the elimination from the operation of the terms of the bill of a very important governmental function, one whose disturbance, however great the exigencies of the country, may result in immediate injury or ultimate disaster to our financial system. The time may come when, with the best of intentions, whoever may occupy the presidential office, may under the terms of this bill be advised and consider it his duty to make important changes, possibly eliminating the Federal Reserve Board from all the activities conferred upon it by law, and the same is true of the Interstate Commerce Commission. Indeed, Mr. President, with regard to that body and some of the functions with which it is clothed, I can very readily foresee the possibility of an early conflict with the administration. We have in the railroad law enacted some weeks ago continued to that body the power of review over changes of rates which were proposed by the administration in its operation of the railroad system of the United States.

If in the exercise of that power serious differences should arise between the rate-making authority where it is now vested and the right to review that authority as we have continued it, an issue directly affecting the conduct of the war in the opinion of the administrative authority might present itself. In that event, in all probability, if the commission be not excepted from the bill, a transference of the rate-making power of the Interstate Commerce Commission to some other functionary or functionaries for the time being or during the course of the war would very probably be made, and that in my opinion would be most unfortunate. It was precisely to guard against the placing of the rate-fixing power in the hands of one man absolutely that Congress in its wisdom continued the revisory rate-making functions of the Interstate Commerce Commission. Why, then, should we not eliminate that commission from the operation of this bill? To do otherwise will be to make the legislation already enacted and upon which this body insisted potentially nugatory.

It is said by the Senator having charge of the bill that the proviso of section 2, which reads, "*Provided*, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war," makes interference with the Federal Reserve Board or with the Interstate Commerce Commission impossible, because neither of them can by any possibility relate to the conduct of the war. Why not? Mr. President, nearly every bill introduced in either House at this session of Congress has contained in its title or as a recital that its purpose is to promote the prosecution of the war, or that it is necessary to the successful conduct of the war. Indeed, in the preparation of bills in the last few months that phrase has become a formula. Hence, I can not understand or accept the assertion of the Senator from North Carolina that because of this proviso there can be no relation between these two bodies, or either of them, and the proper conduct of the war.

But if the Senator is right it will do no harm to insert these two amendments, for certainly if there can be established no relation between them and the conduct of the war then no objection whatever can be made to them. They will, in any event, be harmless.

My colleague [Mr. SHAFROTH] the other day, in a most illuminating speech, emphasized the tremendous importance of our banking system to the prosecution of the war, his argument being that, because of that fact, it should not be excluded from the operations of the bill. Here, then, we find two supporters

of the same measure differing radically upon a tremendously important subject. Both these Senators are excellent lawyers, and if there be such a radical divergence of opinion between them regarding the relation of the Federal Reserve Board to the conduct of the war, certainly we should provide in a cautionary way against the possibility that the Senator from Colorado may be right and the Senator from North Carolina may be wrong.

Mr. President, this amendment addresses itself, to my mind, as being eminently proper and desirable, and in view of the vastly beneficial functions of the Federal Reserve Board, in view of the conceded fact that the act creating it is one of the great monuments of congressional legislation, that it has not only supplied a needed want but has become a precedent for banking legislation the world over, I trust that nothing save the direst of dire necessities may subject it to any possibility of outside interference or of suspension.

Let me add before I take my seat that inasmuch as this Congress has at all times since the outbreak of the war manifested itself summarily, freely, and without qualification in favor of everything that the administration has deemed necessary for the proper prosecution of the war, should the emergency contemplated by my colleague present itself it would require but a very short time indeed for the Senate and the House to give the needed power to meet and overcome it.

Moreover, Mr. President, the power vested in the President—the power of removal and appointment—to change the personnel of both these boards and reconstitute them to his purposes is ample for any contingency so far feared or prophesied. That power exists. It is conceded. Why should we, then, delay the passage of this bill by objecting to these exceptions, which, in my judgment, are quite as essential to the bill as the bill seems to be to the due prosecution of the war?

Mr. SHAFROTH obtained the floor.

Mr. LODGE. If the Senator will allow me, I should like to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Massachusetts is withdrawn.

Mr. SHAFROTH. Mr. President, I did not expect to say anything further with relation to the bill, but the controversy that has arisen in the last two or three speeches impels me to say a few words with regard to it.

I supposed it was conceded that in order to prosecute a war successfully we had to have concentration of power. If any Senator does not believe that, then, of course, he should vote against this bill. All of these bills creating independent bureaus with their checks and balances have been framed and enacted for the purpose of being administered in times of peace. These safeguards are most necessary in times of peace. But in times of war there arise in the various bureaus of the Government certain conflicts of opinion which produce discussion and delay, and it is those delays which sometimes are fatal to the successful prosecution of the war.

If we regard this war as a conflict not of great importance, then, of course, it is all right to contend that the President should have no more power than he now possesses. Examine the arguments that have been made in the last hour and a half and you will find that the objections which are made to the Federal Reserve System being brought within the operation of this act can be repeated as to every department of the Government, except perhaps the War and Navy Departments. If you exclude all but those two departments it seems to me that you are going to impair the ability of the President to properly prosecute the war.

Every department has a close relation to the war. Its powers can be either made to aid or assist at a most vital time in the prosecution of the war or they may hinder and delay the prosecution thereof. There is not a single department in the Government that is not related to the prosecution of the war, and there is not a single one that compares in the importance of such relation to the Federal Reserve System, which is now made the subject of discussion by reason of the amendment offered to exclude it from the operation of the proposed law.

Mr. President, if we are going simply to confer upon the President insignificant powers it will not aid or assist. I take it that democracies have never been able effectively to prosecute war until they granted during the war autocratic power. They have these checks and balances which are in peace times so important to the preservation of the rights and liberties of the people, but which become obstructions when the existence of the Nation becomes imperiled.

Mr. President, what is this Federal Reserve System, which some have said has no relation whatever to the war? The Senator from Iowa [Mr. CUMMINS] made the assertion that it was possessed of powers that no one could suggest could have any relation whatever to the war. He seemed to concede the principle of the necessity of concentration of power in times of war, for he said he believed in giving the President all the power necessary, but that he did not believe in giving power as to those bureaus that have no connection whatever with the prosecution of the war.

What is the situation with relation to the Federal Reserve System? There is no agency on earth that is more potent and powerful in the prosecution of a war than finances and the management thereof. There is nothing whatever which can be devised that will aid more or hinder more the prosecution of a war than the administration of finances.

We know that the Government keeps large quantities of money in the vaults of these Federal reserve banks. Suppose the officers of one of them should say, "We will not honor or cash any drafts or any checks that may be drawn by the Secretary of the Treasury for the prosecution of this war." Would not that action have some connection with the war? Would it not be possible for a bureau, clothed with a power of that kind, to have some influence upon either the prosecution or the retarding of the war? It is clear that a bureau which has such an important control over the finances of the Government in time of war becomes a most powerful agency for the purpose of ending the war or for the purpose of hindering the prosecution of the war.

It may be said, Mr. President, that the Federal reserve bank that would refuse to honor the checks of the Government could be forced to do so by a writ of mandamus. That is true; but you must remember the law's delays exist in this day as well as they did in Shakespeare's time. If we intend to clothe the President with power, should we except any independent bureau which could prevent the execution of the power that might be necessary for winning the war?

What may be said as to the Federal Reserve System may be said as to every one of the bureaus of the Government. If you are going to exempt one, it casts a reflection upon the others that remain under the operation of the system.

Mr. President, it is a question as to whether we regard this war as an important one, whether we regard it as essential that our powers should be concentrated. If we do not, then we ought to vote against this bill. We ought to vote against it if we think that in these times we ought to adhere to the checks and safeguards so essential in time of peace that have been thrown around the administration of all the bureaus. But if we believe that this is a great war, that the very life and existence of the Nation is dependent upon it, then the existence of the Government should be considered more important than that of any bureau thereof, and we should clothe our Commander in Chief with the power of removing any officer who stands in the way. With that power, Mr. President, we can have an effective prosecution of the war, and without it we can not. These independent boards, acting sometimes inadvertently and sometimes in the exercise of what they think is a power which should be exercised, will cause a hindrance, a delay, which may in its effect produce the loss of the war.

For these reasons, Mr. President, I maintain that every one of these bureaus ought to be brought within the operation of the law, and I am opposed to excepting any of them.

Mr. UNDERWOOD. Mr. President, in listening to the argument of the distinguished Senator who has just taken his seat I judge he has reached the conclusion that it is necessary to put the power carried in this bill in the hands of the Chief Executive lest there may be disloyalty in officials holding subordinate positions in the Government. I think the Senator is in error. I do not believe there is a man who holds high position under a commission from the President of the United States who is not loyal to the Government, but should such prove to be the case there is a way and a speedy way to dispose of a case of that kind.

Mr. President, we are on the battle line. All that we have, all that we hold dear, all that we cherish to our hearts is at stake on the battle fields of France, and no man is entitled to call himself an American citizen, no man is entitled to look his neighbor in the face, no man is entitled to live within the domain of this great country who is not loyal to the flag and prepared to support his country's call to the last degree.

But, Mr. President, so far as I am concerned I draw a marked distinction between being loyal to my country and feeling that I must obey the behest of every direction that may come from Executive authority. It is my desire and purpose to support the President of the United States in his great office, to aid and uphold the hands of his administrative officers, but I do not hold allegiance to the President of the United States. I do not hold allegiance to any subordinate officer. I hold my allegiance to my country and its flag, and I reserve the right to myself

when legislation comes before the Congress to determine for myself whether my higher loyalty requires me to support or negative legislation as I may determine whether it is for the best interest of the great cause that our troops are fighting for to-day.

I am disposed to support the bill that is now pending before the Senate, but I am not willing to say that I intend to stand here and vote for legislation that is laid before the Senate without consideration on my part, and without a determination on my part as to what I believe is the best interest of my country and the constituency that I represent.

This bill would be considered drastic legislation if it was not that we are involved in the war, and yet, Mr. President, I would be willing to vote for a measure of this kind in times of peace within prescribed limitations. I know and you know that there are numerous branches of the Government that are not functioning and have not been doing so, so far as an aid to the Government and the people of the United States, for some years past. I mean effectively and efficiently and capably. I know and you know the difficulties that confront the Congress when it seeks to wipe out bureaus or abolish divisions or change the executive branch of the Government. It is a most difficult undertaking, because men differ and influences differ, and without the aid and advice of the Executive it is most difficult of accomplishing. I think if the President of the United States had the time to do so, great good could be accomplished for the people of the United States in a reorganization of many of the bureaus and divisions of the Government of the United States to-day, not only those that relate to war endeavor but also those that relate purely to the civil side of the Government.

I believe that the war branch of the Government does need reorganization. I hope under the terms of this bill the President will give it a thorough and a quick reorganization. I believe there are some governmental operations on the civil side of the Government that could be reorganized most effectively and beneficially for the people of the United States at this time. But, Mr. President, that being true, I do not see that that fact compels me to tear down the entire fabric of government, to pull away the pillars from the temple and let them fall to earth and ask the Executive to rebuild the shrine of our Government from top to bottom.

There are certain governmental endeavors that, it seems to me, clearly it is the part of wisdom to keep out of this bill. It has been said here that the President would not interfere with them. Probably that is true, and why is it probably true? Because part of them have just been remodeled by the Congress at the request of the Executive.

But the business life of this Nation rests primarily on two functions. One is banking and finance and the other is transportation. Pull down the pillars of the temple of Government that support the great banking and financial institutions of the country at one end and then destroy the pillar that upholds the checks and balances of the transportation system of America at the other end, and the business fabric of the Nation will fall to earth and a panic will ensue before you can again establish it.

Those who advocate this bill say that it must pass without amendment. Who has a right to come before the Senate of the United States, representing the sovereign States of this Union, and say to this august body that they bear a message that we must pass legislation as it is handed to us or not pass it at all? Is that necessary for us to do in order to maintain our loyalty to our country, our devotion to our Government? Not at all, in my judgment. I think the primary duty of the Senate of the United States is to uphold the Government, to be loyal to the country, to maintain the armies in the field; but I think that result can be more effectively and securely accomplished by the Senate of the United States voicing its own opinion, using its own judgment, and reflecting the legislative will of the people, and not by adopting the mandate of subordinate officials of the Government.

Why should we not adopt the pending amendment? The pending amendment merely proposes to exempt from the terms of this general reorganization bill the Federal Reserve Board, a board but recently created by the Congress of the United States and but recently approved by the Chief Executive of the land. More than that, the ink is hardly dry on the signature of the President to a bill approved on the 5th day of April, 1918, creating a War Finance Corporation, which is an amendment to the Federal Reserve Board act, changing and increasing the powers of that board, a bill recommended by the Secretary of the Treasury, in order that he might carry out the war purposes of the Government on the financial side. The very purpose of the legislation creating the War Finance Corporation was to reorganize the Federal Reserve Board, so that it could cooperate in every way with the war necessities of the Government. That legislation has been approved by the President of the United States; indeed, it met with his approval before it was passed. Its enactment was urged on the Congress by the Chief Executive and by the Secretary of the Treasury. No man can arise in his seat on the floor of the Senate and say that that amendment to the Federal Reserve Board act was not the legislation that the executive branch of the Government thought necessary and wise at the time to take care of the situation. It was passed as the President wanted it; it was passed under his urgent request. It is known; the people of America know what it is; the banking interests of America know what it is; the borrowing interests of America know what it is. It is fixed; it is known. Business men can move along, knowing what conditions they have to face from the governmental side and knowing the men with whom they have to deal.

Is there a Senator of the United States who is willing to stand in his place in the Senate and say that any of the men to whom we have given these great powers of finance are disloyal to the Government? If so, let him stand up and proclaim it here. Is there any Senator of the United States who is prepared to say in this presence that there is any man to whom the President has given the great powers under the Federal Reserve Board act and the War Finance Corporation act who is inefficient and incapable of carrying on the functions that are intrusted to him, or that the Chief Executive believes he is incapable of carrying on those functions? If there is, let us know it now; now is the hour, and now is the time to find it out. If you want to remove a man for inefficiency or for disloyalty, and that is the purpose of your legislation, tell us so; but if you can not tell us so, then let that argument pass aside forever; if that is not so, if we have on the statute books the exact legislation with reference to banking, currency, and finance that the Executive has asked, and we have in office the men appointed by the President of the United States to carry out these functions, whom the President believes are loyal and honest—and I am going to assume that they are loyal and honest and efficient, as no Senator on this floor is prepared to deny the fact—then we should adopt the amendment and not leave our financial status in the realm of doubt.

That legislation was born of yesterday; the officers are appointed by the President of the United States. I am going to vote to try out that legislation and let it stand where it is without amendment by Executive order and not by sanction of the representatives of the people in the Congress of the United States.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. There is a quorum here. The Chair will take judicial notice of the fact that there is a quorum here.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. SMITH of Georgia. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], who is unavoidably absent. I have been requested by him to preserve the pair on this vote, and therefore I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH], but on this vote I am released, and therefore vote. I vote "yea."

Mr. TILLMAN (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES]. If present, my colleague would vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator, which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. LEWIS. I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

The VICE PRESIDENT. On the amendment of the Senator from Georgia——

Mr. REED. Before the vote is announced I desire to raise a point of order. The point of order is that the record will show that before the calling of the roll a Senator arose in his place and duly raised the question of the lack of a quorum. Under the rules of the Senate, followed without variation for many years, that demand should have been followed by a roll call to disclose the presence of a quorum without the interjection of other business. The Chair disregarded and overruled the point or the request, and proceeded to put the Senate immediately to a vote. That being the case, I maintain that the present vote was taken at a time when it could not be properly taken, because the only business that could be transacted by the Senate was the call of the roll to disclose a quorum, and not the call of the roll upon a vote.

The VICE PRESIDENT. The Chair announced to the Senator from North Carolina that there was a quorum present. The Senator from North Carolina thereupon did not insist upon the calling of the roll to disclose a quorum, and the Chair assumed it was with the consent of the Senator from North Carolina that he failed to order the calling of the roll. The Chair overrules the point of order.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. To save the record, because I know it will not change the situation, the Chair announced in substance, as I heard his language—I may have incorrectly heard him—that he observed the presence of a quorum.

Mr. OVERMAN. Mr. President, I want to say that I did suggest the absence of a quorum, because there were some Senators absent who I thought ought to be here, but the Vice President found as a fact that a quorum was present, and I had no more to say. I did not actually insist on it; I was willing to go on.

Mr. GALLINGER. How could the Vice President find it as a fact?

Mr. OVERMAN. He saw more than a quorum here; there was no question about that.

Mr. GALLINGER. But the rule specifies how we shall proceed.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. The Senator from Washington.

Mr. POINDEXTER. I will ask the Senator from Missouri to read the rule under which he makes the point. I think it is well in acting on this matter to have the exact language of the rule before us.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. The Senator from Minnesota.

Mr. NELSON. I want to say that, whatever there is in the point of order, it comes too late. The point of order should have been made before we started to vote on a call for the yeas and nays, and not after we had voted. That was the proper time to make the point, and on that ground alone the point of order is not well taken.

Mr. ASHURST. I rise to a point of order. Nothing is proper at this time under our rules except the excusing of a Senator from the duty of voting or the announcement of the result.

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

Mr. ASHURST. I wish to have my point determined first, if the Senator will pardon me.

Mr. BRANDEGEE. I do not object to that.

The VICE PRESIDENT. The Chair is of this opinion—the Chair will state it all again—the Senator from North Carolina [Mr. OVERMAN] rose and suggested the absence of a quorum. The Chair said he would take judicial notice that there was a quorum present; that was the exact language. There was no objection made——

Mr. BRANDEGEE. Does the Chair think that was a legitimate parliamentary ruling?

The VICE PRESIDENT. No; the Chair does not think so; the Chair ought not to have done it, but the Chair did do it.

Mr. REED. Mr. President, I was in the Chamber giving reasonable attention, but before I had any time to understand what had taken place the roll call proceeded and the Senator from Arizona [Mr. ASHURST] had voted on the call of his name.

The VICE PRESIDENT. If this has to be a personal controversy between the Chair and the Senator from Missouri, it will be. There was no appeal from the ruling of the Chair; the request was then made for the yeas and nays, and the Senator from Missouri voted to second the request for the yeas and nays.

Mr. REED. I desire to say——

Mr. ASHURST. I rise to a point of order.

Mr. REED. I desire to say, as a matter of personal privilege, and the highest personal privilege——

Mr. ASHURST. I make the point of order that nothing is in order at this time except a declaration of the result or the excusing of a Senator from voting.

The VICE PRESIDENT. The Chair has already ruled on the point of order, and has overruled it.

Mr. REED. And, as a question of high personal privilege, I want to say to the President of the Senate, for whom I have the utmost respect, that he was never more mistaken in his life than when he states that I voted in favor or held up my hand to second the demand for the yeas and nays. He is simply in error, because the roll call was started before I was really aware of the fact. Now, I want to say, solely for the RECORD, and then I shall take my seat, that no Senator is obliged to be standing on guard lest a rule should be broken, a rule that has long been held to be sacred. That rule, if I may be pardoned for just a moment, is:

> If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

But since the President of the Senate has stated that his action was irregular, and therefore I take it it can never be employed as a precedent, I do not desire further to insist upon the point.

The VICE PRESIDENT. Well, now, the Chair has tried for five years to be a decent, respectable, and fair presiding officer for this body——

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Now the Chair is going to take a hand. The Chair did a thing he had not any right to do, and every Senator knew that the Chair had not any right to do it.

Mr. OVERMAN. Will the Chair allow me to say a word?

The VICE PRESIDENT. The Chair respectfully requests unanimous consent at the hands of the Senate to set aside this roll call and all that has occurred and to let him order a call for a quorum.

Mr. OVERMAN. I do not object to that, except that I wish to say——

Mr. WILLIAMS. I object; and, if I am in order, I wish to state why I object.

The VICE PRESIDENT. There is an objection. The Senator from Missouri has withdrawn his appeal from the decision of the Chair. On the amendment of the Senator from Georgia the yeas are 37 and the nays are 41. The amendment is rejected.

The result of the roll call was as follows:

YEAS—37.

Borah	Gronna	Lodge	Sterling
Brandegee	Hale	McCumber	Thomas
Chamberlain	Harding	New	Townsend
Cummins	Hardwick	Norris	Underwood
Curtis	Hitchcock	Page	Vardaman
Dillingham	Johnson, Cal.	Poindexter	Wadsworth
France	Kellogg	Reed	Watson
Frelinghuysen	King	Sherman	
Gallinger	Knox	Smith, Ga.	
Gore	Lenroot	Smoot	

NAYS—41.

Ashurst	Jones, N. Mex.	Overman	Swanson
Baird	Jones, Wash.	Phelan	Thompson
Bankhead	Kirby	Pittman	Tillman
Beckham	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Walsh
Culberson	McLean	Sheppard	Warren
Fletcher	McNary	Shields	Williams
Gerry	Martin	Simmons	Wolcott
Gulon	Myers	Smith, Ariz.	
Henderson	Nelson	Smith, Md.	
Hollis	Nugent	Smith, S. C.	

NOT VOTING—17.

Calder	Johnson, S. Dak.	Penrose	Sutherland
Fall	Kendrick	Pomerene	Weeks
Fernald	Kenyon	Ransdell	
Goff	La Follette	Robinson	
James	Owen	Smith, Mich.	

Mr. OVERMAN. Mr. President, I wish to say what I started to say a moment ago.

Mr. WILLIAMS. If I am not out of order, I should like to say a word, Mr. President.

The VICE PRESIDENT. If the Senator speaks, he will speak on the bill; and the Chair does not know whether he has spoken on it.

Mr. OVERMAN. Mr. President, I merely wish to make a statement. I did not object; I said I would not object; but I should have made the point that a quorum had been previously called for, and since it had been called no business had intervened between that time and the second suggestion of the absence of a quorum.

Mr. WILLIAMS. That is about the point that I wanted to make, Mr. President.

Mr. SMITH of Georgia. Mr. President, I move the amendment which I send to the desk, to come in at the end of section 1 of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of section 1 the following proviso:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Interstate Commerce Commission.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Georgia.

Mr. CUMMINS. Mr. President, I shall not detain the Senate very long upon the amendment. I am not the especial champion of the Interstate Commerce Commission, as has been suggested by the Senator from Connecticut. It has often made decisions with which I did not agree; a part of its membership did not command my approval upon the vote for confirmation; but nevertheless, Mr. President, I believe that the Interstate Commerce Commission has played an important part in the economy of the United States and has administered justice with fair success among its people. I desire to resume, merely for restatement, the reasons which I was giving when my time expired upon a former occasion for the retention of the power of the Interstate Commerce Commission.

Mr. President, there yet remain in the commission two great, vital, important functions: First, the power of fixing rates for the general commerce of the people. I agree that this power is somewhat impaired by the bill which we recently passed, known as the railroad act, but it is still of vast consequence to those who believe in fair and reasonable rates for the service rendered by the common carriers.

The second function—and I should like Senators to give especial attention to this point—the second function which remains with the Interstate Commerce Commission is the valuation of the railway properties of the country. In that work the commission has been engaged for something like three and one-half years; it has progressed to a point at which some railroads, not many, have been completed so far as the work of the bureau of valuation is concerned, and with respect to all the railroads a vast investigation has been made and a very large part of all the evidence accumulated.

In our hearings before the Interstate Commerce Committee upon the railroad bill the Chief of the Bureau of Valuation, a man of the highest accomplishments and of the most perfect honesty and fidelity—I refer to Judge Prouty—said to us, as I remember, that the work of valuation, the work of taking the testimony and arranging it, could be finished in a year, and that it was possible that the entire duty of the commission in that respect could be completed in two years.

I desire to call the attention of the Senate to just what the commission has been doing and what it is authorized to do under the law. I read from the act of March 1, 1913, which authorized the valuation:

First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Other items of information are required, which I need not read. I ask that the entire act to which I have referred may be inserted as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The act referred to is as follows:

An act (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities.

Be it enacted, etc., That the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That the commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this act. To enable the commission to make such investigation and report it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.

"First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

"Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

"Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

"Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

"Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation, made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time; also the amount and value of any concession and allowance made by such common carrier to the Government of the United States or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation.

"Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

"Such investigation shall be commenced within 60 days after the approval of this act and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed.

"Every common carrier subject to the provisions of this act shall furnish to the commission or its agents, from time to time and as the commission may require, maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section 20 of this act shall have the full force and effect of law. Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public.

"Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof, and shall from time to time revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session.

"To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this act shall make such reports and furnish such information as the commission may require.

"Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuation shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow 30 days in which to file a protest of the same with the commission. If no protest is filed within 30 days, said valuation shall become final as of the date thereof.

"If notice of protest is filed the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this act the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof. All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as 'the act to regulate commerce,' and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission.

"If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto and substantially affecting said value, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

"The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with all the requirements of this section and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section 16 of the act to regulate commerce.

"That the district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this section by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this section."

Approved, March 1, 1913.

Mr. CUMMINS. A more important work than is now being carried forward by the Interstate Commerce Commission in this respect was never entered upon by any body or function of the Government. It matters not whether we finally adopt the policy of Government ownership, or whether we continue in the former system of regulating and controlling the charges to be made by the carriers for the service they render. In either event, the conclusions which the Interstate Commerce Commission shall finally reach are absolutely necessary to the determination, first, of the value of the property, if we shall conclude to become its owners; or, second, the rates that shall be charged for the service, if we continue the system of mere regulation and control.

The magnitude of this work can hardly be conceived by those who are not familiar with what has been done by the commission. Hundreds of engineers and accountants and examiners have been diligently at work during these three years and a half in order to enable the commission finally to complete the duty which we devolved upon it in 1913. I should like to ask whether the sponsor for this bill believes that this function of the Interstate Commerce Commission, upon which it has gone so far, ought to be transferred to any other body, commission, bureau, or officer? I should like to know whether he believes it would help the country in the successful prosecution of the war to take away from the Interstate Commerce Commission this function and transfer it to some one else who might be selected for that purpose?

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. Only for a question, because my time is so limited. I yield for a question.

Mr. WILLIAMS. It is merely a question. I wanted to ask the Senator what provision in this bill gave him any reason to suppose that this mere administrative work of arriving at a certain result in a certain investigation ordered by Congress could be interferred with by the bill?

Mr. CUMMINS. I gather that impression simply by reading the bill. The bill says that the President shall be authorized to transfer from any department, commission, bureau, agency, office, or officer any power or duty or function heretofore granted to any other department, commission, bureau, office, or officer.

Mr. WILLIAMS. Mr. President, the Senator's response is not an answer to my question. Does the Senator really believe that under the provisions of this bill there would or could be, and especially that there would be, any attempt to take away this mere investigation work from these men who have started on it?

Mr. CUMMINS. Mr. President, I believe it could be done, and I fear that it would be done. I know that there is a movement on foot now to do it. I do not speak unadvisedly about it. I know that there began a short while ago a propaganda to prevent further appropriations for the continuance of this work. I know that this propaganda ceased and in its stead there was substituted a movement for the transfer of this duty on the part of the commission to some other officer or body of the Government. I do not suggest that the President of the United States is a part of that movement, but I do know that the influences, both for and against, which are always aroused when a subject of this sort is brought before either Congress or the people, are now at work. So I answer the Senator from Mississippi by saying that I do not charge or even intimate that the President would do anything that, in his opinion, was not best for the country; but I do know that those who are around him, those who naturally give voice to their convictions and their sentiments when anything of this sort is before the Congress or the people, desire that this power shall be taken away from the Interstate Commerce Commission and vested in some other officer or other body selected by the President.

Mr. WILLIAMS. Now, Mr. President——

Mr. CUMMINS. I can not yield further, because I must conclude what I have to say, and my time is very short.

Mr. WILLIAMS. Very well. I just wanted to ask one other question, as to the Senator's sources of information.

Mr. CUMMINS. The Senator from Mississippi can speak in his own time if he desires to do it; and I do not refuse to yield out of any discourtesy.

Mr. WILLIAMS. Oh, I know that.

Mr. CUMMINS. I simply want to finish what I have to say.

Mr. WILLIAMS. I know that perfectly well; but, still, I should have liked very much to follow the Senator's inferences one step further.

Mr. CUMMINS. I want to call attention to the fact that this is a function of the Interstate Commerce Commission which, when performed, can not be recalled. This bill is for the period of the war; but if this work is finished by some one else within the next two years, that controls times of peace as well as times of war. When the valuation of these properties is concluded, it matters not how soon peace shall come; it matters not how effectually, by the terms of this bill, the status which now exists is restored; the valuation will have been made, it will have been made under the law, and it will control and regulate and determine the things it was intended to determine when the law was passed.

We can not regard this as a war measure in that respect. It has nothing whatever to do with war in any other sense than that described by the Senator from Colorado [Mr. SHAFROTH], who believes—and many other people believe—that every activity, every energy, every part of every life in America has relation to the war. But I ask Senators now whether they are willing to give the power to transfer this function, which can not assist America in the prosecution of the war, from a board composed of nine eminent, skilled, trained, studied men to any tribunal or to any officer who may be selected to discharge this high and important duty?

I would not be so much concerned if at the end of the war the work done by the person or officer to whom the function is transferred could be obliterated, and if we then could resume the labor which has been going on for the last three and a half or four years, but we can not do that. It will be a judgment entered that can not be set aside. It will remain for all time to have the effect either upon railway rates, if we are adjusting them, or upon the value of the property, if we are acquiring it, that was intended by the act itself.

I earnestly hope, therefore, that this power may not be removed from the safe hands to which it has been intrusted both by Congress and by the President.

There is but one other function which remains to the Interstate Commerce Commission, and that is the authority of fixing rates, adjusting rates for the future. Do Senators want to take that power from the Interstate Commerce Commission? We fought that out on the railroad bill, and while I think the legislation we then enacted very seriously, very materially impaired the

efficiency of the Interstate Commerce Commission, yet there still remains some power to which the people can appeal if they feel they are aggrieved by the action of the Director General. Does the Senate desire to reverse its action with respect to that important matter—action which occurred only a few days ago?

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. WILLIAMS. Mr. President, however strange and unorthodox it may seem at this moment to make the assertion, I still hazard the assertion that it is not the bounden and sworn duty of a Senator of the United States always to suspect the motives of the executive department upon whom power is sought to be cast; to take it for granted that every power conferred by the legislative upon the executive branch of the Government will be abused, or might be abused, or probably would be abused, is to take it for granted that the American people in electing their Executive have made an enormous mistake.

The Senator from Iowa [Mr. CUMMINS] says that while he expects it is possible, or even probable, that an act of Congress which requires a certain investigation to be carried to a certain end will be set aside by the President without any express authority of Congress to set it aside, he still "does not accuse the President" of the United States of wanting to do this great wrong. Of course, he does not accuse the President of the United States of wanting to do this or any other great wrong. He dares not. Nobody in America dares do it. He would meet with the reprobation of the entire people of the United States if he dared. Then the Senator turns around and says that somebody is, or some somebodies are, in evidence—or not quite in evidence, either, but in hiding—who might influence the President to do what he says the President would not willfully do.

Mr. CUMMINS. Mr. President——

Mr. WILLIAMS. One moment; then I will yield. I wonder who this somebody is, or who these somebodies are, what are their motives, and what is the evidence upon which the Senator takes it for granted that a thing which he says is so wrong that the President would not do it, is yet of such a character that the President could be prevailed upon to do it anyhow?

Now, I yield to the Senator from Iowa.

Mr. CUMMINS. There are a great many people in this country who do not believe it would be wrong to do it; and in view of the President's attitude toward the power of the Interstate Commerce Commission in the railway bill, or the attitude of his representatives, I am not prepared to say that he is not one of those men who believe that it would be right to do it.

Mr. WILLIAMS. Ah! Now, then, Mr. President, we have gotten around to this: The Senator a few moments ago asserted in the most positive way that he did not believe the President wanted to do this thing which he says is a great wrong. Now he comes around to the point that he is not prepared to say, but that the President might do it.

Mr. CUMMINS. Mr. President, I think the Senator from Mississippi might quote me correctly. There was only the lapse of a moment between what I said and what he said. There is a vast difference between saying that I believe the President would do what he believes to be wrong, and saying that I believe he will do wrong from my standpoint.

Mr. WILLIAMS. Mr. President, that is a metaphysical discussion that has been argued out by scholastics years and years ago, as to whether a wrong is subjective or whether it is objective, and all that sort of thing.

Mr. CUMMINS rose.

Mr. WILLIAMS. I will always yield to the Senator, although I am in the same position that he was a moment ago, in that my time is limited.

Mr. CUMMINS. I will not interrupt again. I will only illustrate by saying that the Senator from Mississippi very often does what I think is wrong in his vote or in his speech, but I have never known him to do what I believed he believed was wrong. I think the difference is quite plain.

Mr. WILLIAMS. No; it is not plain, because the Senator has not gone to the point. Frequently I have known the Senator from Iowa to do things that I thought were wrong, and I do not believe I ever knew him to do anything that I thought he thought was wrong, but the question as to whether the thing was wrong or right still remains. It is like Dr. Oliver Wendell Holmes's story about the three Thomases—the Thomas that Thomas thought he was, and the Thomas that the boarding house thought Thomas was, and the Thomas that God knew that Thomas was. Right or wrong is not a subjective question at all. You do not make right by thinking it is right. I do not make right by thinking it is right. Right is right because it is right, and wrong is wrong because it is wrong.

Right is a concept of God, not your concept nor mine; although the individual man is perhaps, as Jefferson said, responsible not for the *rightfulness* but only for the *righteousness* of his act. But the Senator has already said that he would not make any charge against the President of the United States of doing this thing which in the opinion of the Senator from Iowa is wrong, and therefore which in his opinion is not only subjectively wrong but objectively wrong; and after he has said that the Senator goes on to say that he is a little bit afraid the President may be misguided by somebody, or some somebodies, and the Senator does not tell the Senate who this somebody is, or who these somebodies are.

There are two things to this proposition. The functions of the Interstate Commerce Commission with regard to fixing rates during this war must be set aside, because if we are going to gather all of the railroads of this country together and operate them conjointly with the idea of avoiding duplication and with the idea of making them work in harmony of purpose and unity of action, then, of course, the rates must be harmonized throughout the country. That is not all. Certain rates that apply to products that are absolutely necessary for war purposes must be reduced, and rates upon other and nonessential things must be raised to recoup the loss to the Government and to the railroads because of these reductions. Nobody disputes that the effect of this bill will be to give to the Director General of Railroads the right to fix rates during the war; and if I were appointed Director General, and you did not give me that right as well as the right to fix wages, I would not take the place, because I could not control the railroads. The Senator from Iowa knows that as well as I do. But the Senator goes out afield yet further and goes into an act of Congress directing an investigation and a report as to certain facts of capitalized value, and he says that this act somewhere might, or could, or would, or should, or will, or otherwise, through third parties, might, could, would, or should set aside an act of Congress demanding a certain investigation and a certain report. I say there is nothing at all in this bill that justifies that inference, and I say, moreover, that it does not become me or him, as a Senator of the United States, to take it for granted that because power is lodged in the Executive for a certain purpose it will be abused by applying it to other purposes.

I love the President of the United States personally as well as politically, and far more patriotically and Americanly than I do in either other way. I know he is not going to do anything outside of what he thinks is the intention of this act. He will, through the Director General, change rates wherever it is necessary to carry on the war more efficiently; he will reduce rates upon things that are necessary for the war; he may raise rates on nonessentials in order to recoup the business and make it pay. For example, I received a complaint not long ago that the freight rates on cotton were very high in proportion to the freight rates on wheat crossing the Atlantic Ocean and the freight rates upon certain chemicals crossing the Atlantic Ocean. I wrote back to the constituent who wrote me that that was right at this time, because cotton was not necessary to win the war, and wheat was, and they ought to lower the rates upon wheat as far as they could; and if it was necessary, to make the thing pay, to raise the rates upon cotton and upon other things not absolutely essential to carrying on the war, he and I ought to be patient under it; and he wrote me back, upon receiving my letter, and told me that he thought I was right.

But the Senator ought to know, and I think the Senator upon further thought will know, that the President is going to construe this act according to the intendment of the Congress of the United States, with the sole view of carrying on this war efficiently to a successful issue, and that he is not going out of his way in order to catch up academic questions upon the outside that are totally nonessential to the carrying on of the war. What the Senator has presented is an academic question, totally nonessential to the carrying on of the war. Nobody cares who makes this physical valuation report, and Congress has already designated the men that should make it. I can not even conceive that the President would take the determination of that nonessential and nonwar purpose out of the administrative body of designated men in whose hands it has been reposed.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED. Mr. President, I know that there are Members of the Senate absent who desire to say something upon this amendment. They left late in the afternoon, because they believed that the debate would run on, and they desired to have an opportunity to speak upon the amendment. I hope the Senator in charge of the bill will allow it to go over until Monday.

Mr. OVERMAN. I would like to comply with the request of the Senator; but this bill has been before the Senate all of this week and all of last week and all of the week before, and Senators ought to stay here. I have accommodated them whenever possible, but I should like to have a vote this afternoon and finish the measure.

Mr. REED. As the Senator refuses to accede to my request, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Guion	Martin	Smith, Ga.
Baird	Hale	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Beckham	Henderson	New	Smoot
Borah	Hitchcock	Norris	Sterling
Brandegee	Hollis	Nugent	Swanson
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Jones, N. Mex.	Page	Thompson
Culberson	Jones, Wash.	Phelan	Tillman
Cummins	Kellogg	Pittman	Townsend
Curtis	Kirby	Poindexter	Trammell
Dillingham	Knox	Reed	Underwood
Fall	Lenroot	Saulsbury	Vardaman
Fletcher	Lewis	Shafroth	Wadsworth
France	Lodge	Sheppard	Walsh
Frelinghuysen	McCumber	Sherman	Warren
Gallinger	McKellar	Shields	Watson
Gerry	McLean	Simmons	Williams
Gronna	McNary	Smith, Ariz.	Wolcott

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Georgia [Mr. SMITH], and the roll will be called.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I make the same announcement that I made on the last vote and withhold my vote.

Mr. GERRY (when his name was called). Making the same announcement that I did the last time, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). I make the same announcement as heretofore, that my colleague [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES]. My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

I wish to announce the absence of my colleague [Mr. JAMES] on account of illness.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Brandegee	Gronna	Lodge	Smoot
Chamberlain	Hale	McCumber	Sterling
Cummins	Harding	New	Thomas
Curtis	Hardwick	Norris	Townsend
Dillingham	Hitchcock	Page	Underwood
France	Johnson, Cal.	Poindexter	Vardaman
Frelinghuysen	Kellogg	Reed	Wadsworth
Gallinger	Knox	Sherman	Watson
Gore	Lenroot	Smith, Ga.	

NAYS—42.

Ashurst	Hollis	Nugent	Smith, S. C.
Baird	Jones, N. Mex.	Overman	Swanson
Bankhead	Jones, Wash.	Phelan	Thompson
Beckham	Kirby	Pittman	Tillman
Borah	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Walsh
Culberson	McLean	Sheppard	Warren
Fletcher	McNary	Shields	Williams
Gerry	Martin	Simmons	Wolcott
Guion	Myers	Smith, Ariz.	
Henderson	Nelson	Smith, Md.	

NOT VOTING—18.

Calder	Johnson, S. Dak.	Owen	Smith, Mich.
Fall	Kendrick	Penrose	Sutherland
Fernald	Kenyon	Pomerene	Weeks
Goff	King	Ransdell	
James	La Follette	Robinson	

So the amendment of Mr. SMITH of Georgia was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open for further amendments.

Mr. SMOOT. I intended to offer an amendment and occupy some time this afternoon, but it is so late in the evening that I will ask the Senator from North Carolina if we can not adjourn at this time until Monday? I understand that there are a number of other amendments to be offered. I have not occupied a moment of the time of the Senate; but I did want to offer the amendment and to speak at least 20 minutes upon it, and there are quite a number of other amendments that are to be offered. It is Saturday afternoon. I ask the Senator if he will not agree to an adjournment until Monday?

Mr. OVERMAN. The Senator surprises me when he says that there are a number of amendments to be introduced.

Mr. SMOOT. They have been printed.

Mr. OVERMAN. I know the Senator from Ohio [Mr. HARDING] has an amendment and also the Senator from Utah [Mr. SMOOT] has an amendment, and both Senators want to speak on their amendments. Are there any other amendments to be offered?

Mr. SMOOT. There are some amendments printed. I do not know anything about whether they are to be offered or not.

Mr. HALE. I should like to state that I shall propose an amendment.

Mr. STERLING. I have an amendment to offer.

Mr. SMOOT. I wish to say to the Senator from North Carolina that I thought there was an understanding if we secured a vote upon the last amendment we would then adjourn until Monday. I do not know whether any Senators have left the Chamber with that understanding or not.

Mr. OVERMAN. I understand that the Senator from Maine [Mr. HALE], the Senator from South Dakota [Mr. STERLING], and the Senator from Ohio [Mr. HARDING] have amendments which they wish to offer.

Mr. CUMMINS. I intend to offer several amendments.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Saturday, April 27, 1918) the Senate took a recess until Monday, April 29, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 27, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, how marvelous are the works of Thy hands, how manifold are the ways of Thy providence, how vast are Thy plans and purposes! Open Thou, we pray Thee, our understanding that we may apprehend, and strengthen us for every duty Thou hast laid upon us, that the desires of Thy heart may be fulfilled in us, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

CASUALTY LISTS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what the gentleman is going to speak about.

Mr. ROGERS. Upon the withholding of the names of the organizations to which soldiers belong in publishing casualty lists.

Mr. MADDEN. All right.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, in three different cases in the last week in my own city there have been anxious and grieving fathers and mothers, because of the announcement that a certain boy has been dangerously wounded overseas. In each case, after making an investigation here in Washington, I was able to telegraph the fathers and mothers that happily their grief was needless, the error having arisen from the fact that the organization number to which the soldier belonged had not been given in the casualty lists. There was duplication of names and the confusion resulted in that way. I assume that my own case is not at all unique in that respect. I suppose every Member of the House has had cases of this sort, perhaps many of you more frequently than I have. I simply desire to bring this matter to the attention of the House at this time, and to express the hope that it may be possible for the War Department to modify its policy in this connection. I ask the Clerk to read

in my time a very brief extract from a Lowell, Mass., newspaper on this subject.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

If the custom of not publishing the addresses of those of our boys who suffer sickness, wounds, or death in France is meeting with the same disadvantages throughout the country as has been the case in this city, surely it will not prevail for a much longer time, for through the giving out of names minus the addresses of the parties of at least three soldiers during the past 10 days similar to those of Lowell boys now fighting in the trenches needless pain and temporary sorrow have been suffered by the relatives and friends of the boys. In the first two cases the stories and photographs of the young men, who it was assumed were the parties mentioned in the casualty lists, were published in this paper, only to be retracted a day or so afterwards, when the addresses of the unfortunate young men were traced to Methuen, Mass., and Bridgeport, Conn., respectively. The last and third incident occurred only yesterday, when the casualty list as published in Boston papers contained the name of a young man who had died of disease which was identically the same as that of a young man who was taken from this city in the first draft quota. The local young man happens at this time to be confined in a hospital in the South, while his comrades are either in France or on the way over there; so that it is apparent that had his people not known definitely his present whereabouts they would have been justified in believing that it was their son and brother who had been the victim in the hospital in France.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMPSON for two weeks, on account of illness.

SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates Mr. GREENE of Massachusetts to preside to-morrow at the memorial services for the late Representative SULLOWAY.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair appoints the gentleman from Oregon [Mr. SINNOTT] in the place of Mr. LENROOT as a member of the special committee to consider water power.

EXPERT TRANSCRIBERS FOR THE OFFICIAL REPORTERS (H. REPT. NO. 524).

Mr. PARK. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 318.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $1,200 per annum, payable monthly, for the employment of six expert transcribers, who shall be appointed by and be under the direction and control of the Official Reporters of Debates in the preparation of copy of the proceedings of the House of Representatives for publication in the CONGRESSIONAL RECORD.

Mr. PARK. Mr. Speaker and gentlemen of the House, the necessity for a change of the method of compensation of the transcribers employed in the office of the Official Reporters of Debates has about reached its culmination. Heretofore each reporter has paid his own transcriber's salary, sometimes for nine months, sometimes longer, for the purpose of having transcribed the speeches and proceedings on the floor. The amount paid by the Official Reporters for this work has been repaid to them by the House at the end of each session by an item in the general deficiency appropriation bill. In the War Department and in other departments higher salaries are paid than the Official Reporters are able to pay for this service. In order that a person may be qualified to be an expert transcriber considerable training is necessary, and I am informed by the reporters that it takes 12 months or longer before a transcriber becomes thoroughly familiar with the terminology and phraseology of the House. The language is different, the variety of subjects discussed is very great, and for that reason an ordinary transcriber can not do the work satisfactorily.

This resolution is intended to provide six transcribers at $100 a month and put them on the annual roll. The Official Reporters can secure transcribers in that way; but when the position is a session employment, the salary being so small it is impossible to keep them. I understand that Mr. Lafferty, one of the reporters, has had his transcriber leave him to accept a position paying $200 a month, and one of the other reporters has had a similar experience.

Mr. MADDEN. Will the gentleman yield?

Mr. PARK. Yes.

Mr. MADDEN. The Committee on Accounts has made a sufficiently careful investigation of this matter to be sure that it is one of the essential things to be done now, to take care of the business of the House.

Mr. PARK. It seems so to the committee.

Mr. MADDEN. I think so, too.

Mr. GARNER. Will the gentleman yield for a question?

Mr. PARK. I yield to the gentleman.

Mr. GARNER. If I understand this resolution, it provides that each reporter may appoint a transcriber?

Mr. PARK. Yes.

Mr. GARNER. The transcribers to be under the direction and control of the Official Reporters?

Mr. PARK. Yes.

Mr. GARNER. At $100 a month, annually?

Mr. PARK. Yes.

Mr. GARNER. To be paid out of the contingent fund until otherwise provided by law?

Mr. PARK. Yes.

Mr. GARNER. Under the present arrangement the reporters of the House appoint these transcribers and pay them monthly while Congress is in session, and at the end of the session through the Committee on Appropriations they are reimbursed for the money so paid by them?

Mr. PARK. Yes.

Mr. GARNER. The only difference between the proposed arrangement and the present arrangement is that they will be put on the roll and carried annually at $100 a month?

Mr. PARK. Yes. Of course the gentleman knows that Congress has been in session almost continuously in recent years.

Mr. GARNER. I think this is undoubtedly the better plan.

Mr. PARK. If Congress remains in session 10 months. All department clerks are entitled to 30 days annual leave and not exceeding 30 days sick leave, so that the service is practically the same.

Mr. GARNER. If I understand the gentleman, one of the principal reasons for this resolution is that the salaries paid for similar service by the War Department and other departments is causing these employees to go, because they get a salary from the reporters only while Congress is in session, and this proposes to secure their continuous employment at the same salaries that they could get somewhere else.

Mr. MADDEN. Another reason is that it will relieve the reporters of the necessity of paying this money out of their monthly salary, which is a great burden.

Mr. GARNER. And if you do not pass this resolution it will be difficult for the reporters to get efficient transcribers, because they will go somewhere else.

Mr. MADDEN. Exactly.

Mr. STAFFORD. Will the gentleman from Georgia yield me 10 minutes?

Mr. PARK. I will yield to the gentleman 10 minutes.

Mr. STAFFORD. Mr. Speaker, there is no disposition on the part of anyone in the House to compel the reporters of the House to pay out of their own pockets, as has been the practice in the past, money to pay transcribers of the proceedings of the House until reimbursed by Congress at the close of the session. Originally the reporters themselves performed this work, but for a number of years past, in order to have the copy brought to the floor as quickly as possible for the use of the Members in revision, it has been performed by transcribers, who take the reports from the phonograph and typewrite it on machines.

This bill is a forerunner of what we may expect not only for the help of the Official Reporters of the House but for similar help to those of the committees. They, too, receive $5,000 per annum, and they employ transcribers in some instances running up to $200 a month. It is an unpleasant task for me to take the position that I do, but I do not believe that we are warranted by the facts presented to the legislative committee in considering the employees of the House in putting these people on the annual roll. I have no objection to placing them on the rolls as session employees.

It is true that we have a peculiar condition existing at the present time. The War Department is very desirous of getting all the clerical help and stenographers possible. These stenographers receive an entrance salary of $1,100, payable out of a lump sum, but their positions are not permanent. These persons now employed as transcribers are simply typists. It may be that some have gone down to the department—in one or two instances the younger ones have left and taken up some gainful employment. There are only four committee stenographers on the permanent roll. They do not perform all the work of reporting, but employ stenographers in the city who receive 15 cents per folio. That character of temporary employment can be obtained any time. I believe that this character of employment can be obtained at all times and these persons now employed retained in the Government employment if given session employment. It is different, as far as these employees are concerned, from the political appointments of the House, for they are brought from far and near and the little extra compensation that they get goes for mileage.

Mr. LAZARO. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAZARO. Does the gentleman believe that anyone in these times of the high cost of living could get along on the temporary employment as suggested by the gentleman?

Mr. STAFFORD. Oh, yes; they have worked for that in times past, and the same employees have remained. If $100 is not sufficient, make it more as a temporary employment. When we have short sessions you can not justify giving more than a temporary employment, as persons can be found anywhere in the District to do the work of transcribing. It is not difficult for us to find stenographers to do the work of a stenographic character. So I say that we should, as with the committee reporters, merely provide employment for the session. If $100 is not sufficient, make it $125. I am going to ask the gentleman from Georgia if he will not yield to me to offer an amendment inserting, after the word "transcribers," the words "during the sessions of Congress."

Mr. PARK. I do not want to be taken off the floor.

Mr. STAFFORD. Of course not. Mr. Speaker, the gentleman yields to me, with the understanding that I will not take the gentleman off the floor, to insert, after the word "transcribers," the words "during the sessions of Congress."

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question.

Mr. STAFFORD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 4, after the word "transcribers," insert the words "during the sessions of Congress."

Mr. STAFFORD. Now, I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman referred to these employees as merely typists. I think it is fair, and I know the gentleman wants to be fair, to say that they are more than that, they are expert typewriters and operatives of talking machines.

Mr. STAFFORD. They are typists and transcribers, that is the technical term. They are employed in the law offices where they dictate to phonographs, and then it is transcribed on the typewriter. The reporters go downstairs after they take five minutes of debate, talk into a phonograph, and then it is taken off by these transcribers. What is the effect of this amendment? It will not only give permanent status to these people, but it will give them $100 a month while they have received in times past in some instances $85 a month.

But more, they will receive the additional allowance we have provided for all employees of the Government during these stressful times. If $100 a month is not sufficient, let us pay them more, but let them be session employees. These are people who can be obtained at any time in the District, who do this character of work. They will always be available and perform it efficiently. So I say that this amendment should be adopted, not only for the reason that it is applicable in this case, but when the committee reporters come before you and ask for a similar raise, that their employees, who are temporary, should be placed on the permanent roll, we can provide for them merely for the session, or as the work requires, and not give them an annual status.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that ordinary typists are competent to do this work at any time, and may be obtained down here in the city?

Mr. STAFFORD. Oh, yes; it is a similar condition to stenographers to committees. We only have four stenographers to the committees, and yet at times there are a dozen stenographers employed by reason of having permanent offices in the District.

Mr. COOPER of Wisconsin. Does not the gentleman think, in fact does he not know, that there are many technical terms and expressions constantly being used by the presiding officer and by gentlemen on the floor in debate, which these people learn to take with great rapidity and transcribe on the typewriter, and that they must become familiar with this technical language in order to do efficient service?

Mr. STAFFORD. Oh, there have not been any changes in the personnel of this force to speak of until recently. They have been employed there for a long time. As soon as these temporary war conditions have passed there will not be any difficulty with this.

Mr. GARNER, Mr. CANNON, and Mr. WALSH rose.

The SPEAKER. To whom does the gentleman yield?

Mr. STAFFORD. To no one at the present time. There would not be any need for continuing these permanently when this exigency passes over.

Mr. GARNER. Does the gentleman know the difference in the cost per annum under this arrangement and the present arrangement?

Mr. STAFFORD. Well, I suppose the difference in the cost, when we take in the committee reporters, will be several thousand dollars——

Mr. GARNER. No; I am not talking of that——

Mr. STAFFORD. The gentleman realizes——

Mr. GARNER. I can not see the point of the gentleman from Wisconsin to save my life, where this applies to the committee reporters because they go out, as the gentleman says, and get somebody else——

Mr. STAFFORD. I beg the gentleman's pardon, then; I have not made myself clear. I decline to yield further, because my time is running. The committee reporters, and they are four in number, have employed many from outside to help perform the same character of work. The reporters take dictation of hearings, and they have their copy transcribed, and they employ temporary help, just like the Official Reporters of Debates of the House, for that purpose. In some instances they pay as much as $200 a month to some individuals that transcribe copy. These same employees will be seeking for places on the permanent roll if you adopt this resolution. That is the point I am making.

Mr. CANNON. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Massachusetts [Mr. WALSH] was desiring recognition. I yield to the gentleman from Massachusetts, as he was asking for recognition before the gentleman from Illinois, and he is protesting——

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. STAFFORD. The gentleman withdraws his protest, and I yield to the gentleman from Illinois.

Mr. CANNON. Does not the gentleman think under existing conditions, and the long session, and prompt work of this House, and good work, that the House, which will be in session when peace comes, with people who are competent and who we can get very well—does not the gentleman think that we can trust a future House of Representatives when peace comes to do the proper thing?

Mr. STAFFORD. The gentleman has been long enough in Congress to know that when once you place an employee on the permanent roll there is no change from that status.

The SPEAKER. The time of the gentleman has expired.

Mr. PARK. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. I am in favor of the resolution offered by the gentleman from Georgia [Mr. PARK], because I believe it is one of the essential needs of the hour. I do not think the gentleman from Wisconsin understands the situation, though he may have been giving study to it in the committee of which he is a member in the Appropriations Committee room. The reporters have paid the transcribers out of their own pockets for 30 years, so they have not been doing the transcribing themselves in recent years.

It may be that what is said on the floor of the House is not always important, and perhaps in many cases it is not. If it is not worth preserving, of course the thing to do is to do away with the reporters.

Mr. BUTLER. To do away with the RECORD.

Mr. MADDEN. And if you do away with the RECORD you will of course do away with the reporters. That might possibly be a good thing to do, but we shall never do that; and if we are going to insist upon having what we say reported, written out, and handed back to us for revision in 5 or 10 minutes after it is spoken, then we ought to furnish the kind of facilities that will enable the reporters to give us what we want [applause], and you can not furnish that in a haphazard way. The gentleman from Wisconsin says it is easy to get stenographers. Yes; but what kind of stenographers? I have been trying to get them. The kind that come to you looking for a job are enough to drive a man to drink. [Laughter.] It is outrageous for them to classify themselves as stenographers. They do not know any more about stenography than a last year's bird's nest; that is, the most of them who come around looking for a job. It is difficult to get a good man or a good woman in the stenographic line to-day at any price, and these people who are required to transcribe the debates of the House are required to be experts. The reporters themselves have not the time, and they ought not to be required to do this transcribing. If this

was a million-dollar proposition there would not be a word said against it; but it happens to involve only about ten or fifteen dollars, and of course we are going to take a half a day in objections to it. We never have any trouble when it comes to a billion dollars. That goes over the heads of most of the Members here. If it reaches only a million, it goes over the heads of a great many, but when it gets down to $10, of course quite a few object to it. [Laughter.] Here is a case where we hear an objection to the expenditure of a needed small sum of money to furnish information to Members, whose speeches are rewritten by the reporters in nine cases out of ten, because if they were taken down and transcribed literally and sent to the public in that form they would in many cases be a sad mess. [Laughter.]

I am glad we have a fine lot of reporters here and that they have a lot of expert transcribers, because as the manuscript comes back to us it looks like a literary gem compared with what is was when it was uttered. [Applause.] So I have some sympathy with the demands of the reporters, because they have made it possible for some gentlemen here to appear in the rôle of polished orators, when sometimes they have not uttered a sentence grammatically correct in the course of what they had to say upon the floor. They have been thought to have some literary ability, due altogether to the fact that the reporters know what words to use when Members fail to use the right words. [Applause.] Of course, there are exceptions to that rule; but there are some people here who use worse English than I do, and I think in the interest of good order and good custom and good grammar and in the interest of spreading the impression among the people to the effect that Members of Congress are really what they are not, why, we ought to pass this resolution without any further talk about it. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the resolution offered by the gentleman from Georgia [Mr. PARK].

The question was taken, and the resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

NORMAN E. IVES (H. REPT. NO. 525).

Mr. PARK. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Georgia offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 308.

Resolved, That there be paid out of the contingent fund of the House $1,460 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. PARK. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred resolution No. 308, has considered the same. This is the customary resolution for the person assigned to this committee and provides the same amount allowed in the Sixty-fourth Congress. It is ordered that the resolution be reported to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STAFFORD. To ask the gentleman to yield for a question. Do I understand that this is the same amount that has been voted to this clerk in former Congresses?

Mr. PARK. Yes, sir.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

WILLIAM M'KINLEY COBB (H. REPT. NO. 523).

Mr. PARK. I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 310.

Resolved, That there shall be paid out of the contingent fund of the House $1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee by detail from the Bureau of Pensions pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

INCLUSION INTO MILITARY SERVICE OF CERTAIN CLASSES.

Mr. DENT. Mr. Speaker, I desire to report a disagreement between the conferees on the part of the Senate on Senate joint resolution 123, the quota resolution, for printing under the rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Conference report on joint resolution 123, providing for calling into the military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DENT. I will.

Mr. GARRETT of Tennessee. Was this conference requested by the House or the Senate in the first instance?

Mr. DENT. It was requested by the Senate and agreed to by the House.

Mr. GARRETT of Tennessee. The House has the papers?

Mr. STAFFORD. Is the gentleman presenting this for printing under the rules?

Mr. DENT. That is all.

The SPEAKER. It will be printed under the rules.

DISARMAMENT ON THE GREAT LAKES.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, and I am not going to object, I hope that will be the only request this morning, because we are anxious to get into the mining bill and very anxious to finish it up this afternoon so that we can carry the vote over until Monday.

Mr. MOORE of Pensylvania. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. MOORE of Pennsylvania. Will the gentleman consent to me having one minute following the gentleman from Minnesota?

Mr. MILLER of Minnesota. I will yield one minute to the gentleman.

Mr. HEFLIN. Mr. Speaker, reserving the right to object, what subject is the gentleman going to discuss? And, more especially, I want to know what subject the gentleman from Pennsylvania [Mr. MOORE] is going to discuss.

Mr. MOORE of Pennsylvania. I wanted to make some reference to the necessity for hospitals to take care of our wounded soldiers.

Mr. HEFLIN. I have no objection.

The SPEAKER. Is there objection to the gentleman from Minnesota [Mr. MILLER] having 10 minutes, and yielding 1 minute of that time to the gentleman from Pennsylvania [Mr. MOORE]? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Speaker, 100 years ago tomorrow President James Monroe, by proclamation, published and put into effect a treaty that had been negotiated by Mr. Rush, our Secretary of State, and Mr. Bagot, the British minister to the United States, and which had been confirmed by the Senate of the United States. This treaty decreed that neither Great Britain nor the United States should maintain an armed fleet upon the Great Lakes. It attracted very little attention at the time. Events recently at hand have given it a great significance, and I think this one-hundredth anniversary is entitled to a moment's consideration. This was practically the first disarmament treaty of modern times, and the only one that has proven effective. It was not believed at the time by either party that it would be lasting over an extended period of time. It was an experiment. As a matter of fact, its very terms stated that it could be abrogated by six months' notice on the part of either side.

One hundred years have come and gone and that treaty is still in force. It is in force to-day stronger than ever before, because it is backed up by the sentiment of the entire people on each side of the line. We have come to realize that it is possible for two Christian, civilized nations to live side by side without pointing a musket at each other's breast. The boundary line between Canada and the United States, geographically, will continue always to exist, but peace, amity, concord, and good will, the one nation to the other, will last throughout all time. [Applause.]

We are now comrades in the great struggle to make this world a place wherein free men can dwell, and when the day of peace shall have come we will be comrades in the effort to preserve the peace of mankind, that the horrors of war shall be known no more, and that justice and good will may characterize the relations between the nations of the earth.

We now know that two nations that are actuated by a sense of justice, fair dealing, and good will can live in peace and harmony side by side. Canada and the United States, therefore, have set a great example to the world, and one that may serve to guide us in the years that may follow at the conclusion of this war.

I have long been one of those strongly in favor of a great military establishment for the United States. I have, in the years that I have been privileged to vote, always voted for the greatest number of battleships that could be suggested. I have voted for an increase in our Military Establishment on land at every opportunity that I have had, having in mind the fact that this world consists not entirely of nations that bear to each other good will and a sense of fair dealing. But I have still had in mind that eventually a time would come when the nations of the world would be actuated in their relations toward each other by those lofty motives that should actuate men in their daily lives as neighbors, and when that day shall have arrived the time for great fleets will have passed. The Great Lakes, in the heart of the American continent, form the greatest highway of commerce in the world. The ships of war are there seen no more, but the ships of peace, trade, and commerce move back and forth upon the broad, beautiful waters of those lakes and constitute material evidence of the fruits of peaceful industry, enjoyed by the peoples on both sides of the boundary line. The agreement that neither side should maintain armed ships on the Great Lakes has meant much to both nations. Were it not for that treaty we would have been compelled to maintain a great Navy in that quarter, one that would have cost us hundreds of millions of dollars. Its creation and maintenance would have prevented building and keeping on the ocean our present mighty fleet. Our naval strength by being concentrated on the ocean has been vastly augmented by this treaty. Russia has maintained a fleet on the Black Sea and on the ocean, and has never been a first-class sea power.

After Great Britain had completed the Suez Canal and it was opened to the commerce of the world, the world began to use it, and was amazed after half a century of its use—nearly half a century—to find that the tonnage there carried had risen to the magnificent total of about 22,000,000 tons annually.

Just before this great war broke out the commerce through the Suez Canal had increased to nearly 30,000,000 tons. The commerce through the "Soo" Canal, connecting Lake Superior with the Lower Lakes, now each year is above 90,000,000 tons, by all odds the greatest commerce to be found on any one spot in the world. At the western extremity of the Great Lakes is a city not as large in size as many on the Great Lakes, but it now has the distinction of having the greatest maritime commerce of any city in the world with the exception of one.

My good friend from North Dakota [Mr. YOUNG] has to-day introducing a bill recognizing the one-hundredth anniversary of the event to which I have called attention, and in that bill he proposes to erect a memorial to this long period of peace and good will that has existed between the two nations. By reason of this treaty and of this period of good will the great commerce on the Great Lakes has been possible, and while we should bend every conceivable energy in the direction of making ourselves in a military way the strongest power in the world at the earliest possible moment, let us not lose sight of the fact that nations can dwell in peace and harmony without arms and without ships of war. In general disarmament alone lies the safety of small nations. For a long time we must be prepared, but I believe we can begin to see the dawn of a better day, and this example that Canada and the United States have set—I might say that Great Britain and the United States have set—let it not fade from our conscience and our thoughts in the peace days that are to follow. [Applause.] Let it be strongly suggestive to us when this greatest war in the history of man shall have ended with the complete triumph, as I believe, of the principles of humanity, Christianity, freedom, and liberty, that the day then will have come when we can begin to break up our swords and melt our cannon and dwell together, the nations of the world, in peace, good will, and harmony. Then there will in truth be realized that millennium for which we have fought and toward which we are fighting our way—the one England's greatest poet saw when he wrote "the parliament of man and the federation of the world." [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I regret to say there is an increased demand for hospital accommodations in this country for our sick and wounded soldiers returning from the fighting fields of France. It gives me satisfaction in this connection to have read at this time the letter which I send to the Clerk's desk.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,
Philadelphia, Pa., April 26, 1918.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR BROTHER MOORE: At a session of Philadelphia Lodge, No. 2, B. P. O. Elks on the 23d instant, by a unanimous vote, the trustees were directed to tender to the United States Government its home, No. 1320 Arch Street, Philadelphia, for hospital use during the war and as long thereafter as it may be required.

You being a member of No. 2 are requested to make this tender on behalf of the lodge and its trustees.

Fraternally, yours,

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,
JOHN C. BREWIN,
Secretary for Trustees.

[Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, appreciating the spirit of the Philadelphia Elks, as shown in the letter of Mr. Brewin, I have transmitted this letter to the Secretary of War and to the Secretary of the Navy, asking for it their careful consideration. Philadelphia Lodge, No. 2, I believe, is the oldest lodge of the many which now make up the great body of Elkdom. It has been actively engaged during the war in patriotic and benevolent work and seeks to be of still greater service, as evidenced by this tender of its splendid headquarters for the amelioration of the condition of our sick and wounded soldiers and sailors.

I ask unanimous consent, Mr. Speaker, to extend my remarks briefly.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram received from the San Francisco Labor Council, answering certain comments that appeared in the RECORD recently regarding the position of that body on the Mooney case.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting a telegram from San Francisco about the Mooney case. Is there objection?

Mr. WALSH. Reserving the right to object, the statements which the gentleman refers to were not contained in any proceedings of the House?

Mr. NOLAN. No.

Mr. WALSH. Then I object.

The SPEAKER. The gentleman from Massachusetts objects.

THE LATE REPRESENTATIVE JONES, OF VIRGINIA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the House set aside Sunday, the 26th day of May, for addresses on the life, character, and public services of my late eminent colleague, WILLIAM A. JONES, a Representative of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent to set aside Sunday, May 26, to memorialize the late Representative WILLIAM A. JONES, of Virginia. Is there objection?

There was no objection.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 11259. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That, from time to time, whenever the Secretary of the Interior, with the approval of the President, shall find it essential to license the manufacture, storage, mining, distribution, or use of any necessaries, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after the date fixed in the announcement, engage in or carry on any such business specified in the announcement of mining, manufacture, storage, distribution, or use of any necessaries as set forth in such announcement, unless he shall comply with license regulations issued pursuant to this section. The Secretary of the Interior is authorized to issue and revoke such licenses and to prescribe regulations for the issuance and revocation of such licenses and requirements for systems of accounts and auditing of accounts to be kept by licenses, submission of reports by them with or without oath or affirmation, and the entry and inspection by the duly authorized agents of the Secretary of the Interior of the places of business, correspondence, papers, books, and records of licenses. Whenever the Secretary of the Interior shall find that any royalty, charge, price, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, or causing waste, and shall order such licensee within a reasonable time fixed in the order to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, wasteful, discriminatory and unfair royalty charge, price, commission, profit, or practice. The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order of the Secretary of the Interior shall be prima facie evidence. Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both, and in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I think all of us desire that the administration may have every power that is necessary or even convenient for the successful prosecution of the war. But this bill contains many new and some very curious propositions which do not seem to be in entire keeping with either a proper legal theory or a proper carrying out of the powers conferred in the bill. The section under consideration follows to some extent the licensing provision of the food law. I wish it followed it to a greater extent than it does; because it seems to me that in the parts in which it has been changed, this section is less workable than the license section of the Food Administration law. I call attention to the fact that the first part of this section provides that no person shall carry on the business prescribed in it unless—and this is the language to which I desire to call particular attention—

unless he shall comply with the license regulations issued pursuant to this section.

Now, the language to which I have called attention does not provide that a person engaged in this business shall not carry on the business unless he obtains a license, and nowhere in this section and nowhere in the law is it made an offense to carry on a business referred to in this section without obtaining a license. The Secretary is authorized to revoke a license; but how can he revoke a license if the law does not require a person engaged in the business to have a license? It seems to me that this section is obviously defective in this particular, because it is not equivalent to requiring a license to say that he shall not carry on the business unless he shall comply with license regulations issued pursuant to this section. And this is particularly true when the section does not provide any penalty for carrying on a business without a license. The final four or five lines of this section are entirely new, and I think similar language can not be found in any Federal statute now on the books. It provides as a penalty——

Mr. MOORE of Pennsylvania. Before the gentleman leaves the license feature I would like to ask him a question. Has the gentleman finished with that?

Mr. ANDERSON. I did not intend to discuss it any further at this time.

Mr. MOORE of Pennsylvania. It occurs to me that there might be a further discussion of the advisability of leaving open for private enterprise such operations as private operators might carry on during the war.

Mr. ANDERSON. Of course, under this provision, if licenses are required at all, I take it that licenses would have to be required from all of those engaged in a particular line of business. That is, a license could not be required of one man engaged in the manufacture of one of the articles specified here and not required of another man engaged in the same line of business. Licenses ought to be required of all the persons engaged in a certain line of business as a class. Otherwise this provision would obviously be without legal basis.

Mr. MOORE of Pennsylvania. I do not say that the gentleman's criticism is not justified; but here is a bill which, if it was carried out to its full length, would probably suppress private enterprise in the matter of mining and prospecting hereafter, or at least during the period of the war. Ought we to go that far? The Government is going to be the principal purchaser of the products, no doubt. If it is, it has a hold upon any man who undertakes to do business apart from the Government, by simply refusing to buy his product.

Mr. ANDERSON. Of course, the gentleman's suggestion goes to the whole policy involved in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. ANDERSON. No doubt the powers conferred in this bill, as was so well suggested by the gentleman from Indiana in the general debate, can be used, or can be abused, in such a way as to discourage rather than promote the production of the articles specified in it. But, of course, in the exercise of his powers under this license section the Secretary would only require a license, I take it, from the particular classes of business which it was necessary to license in order to effect the purposes of the act; and I suppose he would go no further than was necessary to effect those purposes.

Mr. MOORE of Pennsylvania. If this law applied to investments themselves rather than to the business resulting from investments, I take it that a license by the Government would effectually stop investments that were not licensed. The question is, Do you want to apply that policy so far as to have boycotted by the Government, through the license system, a man who undertakes to do business independent of the Government?

Mr. ANDERSON. I assume in all of this legislation that where you undertake to require a license you must require it of all the persons engaged in a certain line of business as a class, and that you can not require a license from one man engaged in a certain business and not require it of another man engaged in the same line of business.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, suppose the Government does not want the mine that I am operating and does not take it under this bill. I suppose it has that option. Should I not be permitted to go on with my business whether the Government licenses me or not?

Mr. ANDERSON. Unquestionably that is so.

Mr. MOORE of Pennsylvania. If I have not been requisitioned, I am forced to do business on my own account and in competition with the Government. If the Government, by not giving me a license and refusing to take my goods, leaves me stranded with my property on my hands, it seems to me to go further than we intend to go.

Mr. ANDERSON. I assume that if a man comes within the class required to obtain a license under the act, complies with the regulations laid down for that class, he would have a right to a license as a matter of law; that the Secretary could not refuse a license to any person engaged in that class of business for which a license is required, if the person complied with the regulations.

Mr. MOORE of Pennsylvania. If the Secretary could grant a license to one mine operator and refuse it in the case of a competitor, it would be an unfortunate situation.

Mr. ANDERSON. Such an interpretation and application of this provision would be absolutely invalid.

Mr. SLOAN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. SLOAN. The gentleman has taken a good deal of interest in this matter, and I would like to know, seeing it has the hall mark of war legislation, whether it comes within any recommendation, oral or written, in any message from the Executive that this is a war measure and as such is desired to be passed by this Congress.

Mr. ANDERSON. I am not a member of the committee, and I do not know what communication the committee may have had from the Executive which resulted in the reporting of this bill. I take it that it is suggested as a war measure, although I think that foundation is, as to a great many products mentioned in the bill, a very flimsy one.

Now, I want to discuss very briefly the penalty part of this section. It is provided:

Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory, and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under

this section, shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not more than two years, or both—

I have no objection whatever to that penalty. It says further:

and, in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

In the first place, the penalty here imposed is so indefinite that it ought not to be contained in any criminal statute. What does excessive royalty mean? Does it mean the entire royalty which may be charged, or does it mean the royalty in case of a man——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask for five minutes more.

Mr. FOSTER. How much time does the gentleman want?

Mr. ANDERSON. I have no disposition whatever, as far as I am concerned, to delay the passage of the bill. I do think that these new and absolutely novel propositions at least require some sort of explanation from the committee, and I am simply directing attention to them in order that the committee may answer the doubts which I have expressed.

Mr. FOSTER. We will do the best we can, but we have not yet had a chance.

Mr. ANDERSON. I am going to give the gentleman a chance very soon.

Mr. FOSTER. How much time does the gentleman desire?

Mr. ANDERSON. I think we will get along just as fast if we do not undertake to limit the time at this stage of the proceedings.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I want to say to the gentleman that we spent several days on the food-control bill, and that bill was infinitely less drastic and infinitely less comprehensive and contained powers very much less broad than this bill contains.

Mr. HAMLIN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. HAMLIN. I may suggest something that the gentleman may want to refer to. In regard to the penalty section, we had before the committee Mr. Hoover, who has been engaged in executing the law reported from a committee of which the gentleman is a member, and he said that the license section in the food bill was in a way a failure, because it did not contain any penalty except the right to revoke the license. He said that was entirely too drastic, except in the most unusual and exceptional cases. He said under that you could destroy everything in the shape of business that a man had built up for years. From his experience he recommended strongly a penalty section that might be used in lieu of the revocation of the license. And then he said if you had a fine the opportunity for profiteering might be so great that a fine of $5,000 would be paid without any hesitation and without any loss, as the profits might be worth $100,000. Therefore we thought that there ought to be added to it the provision that the profits he made in addition should be forfeited to the Government.

Mr. ANDERSON. I do not object to the penalty at all. I think such a penalty is entirely in keeping with the offense. I do question that the committee has so drawn the penalty as to make it a legal penalty or an enforcible penalty. In the first place, of course, if the Secretary of the Interior establishes what is a legal charge for a licensee, and a licensee charges a higher price any person injured, by that very fact, would be entitled to a recovery from the licensee of the excessive charge. Does the Government have the same right? It has no property interest in the amount which has been charged in excess of the legal standard. If this is a criminal penalty I say that its language is so indefinite and the amount of the penalty so undetermined that it ought not to be in any criminal statute in the form in which it appears here. I say that it is very doubtful at best if it does not place the individual in double jeopardy, because the amount of this penalty can only be ascertained by a judicial trial by the determination of the amount in court, and that can not be had in a criminal prosecution or a criminal trial. It would have to be determined in a separate trial for that purpose. If it is a criminal penalty, of course, if the man had already been fined or imprisoned for the act it would be double jeopardy. If it is a civil penalty, which applies only for the benefit of the person from whom the illegal charge is taken, then it is not double jeopardy, because it is simply a civil action on the part of the person from whom the excessive charge has been taken to recover the amount he is entitled to recover.

I merely direct the attention of the committee to this because it seems to me that in the form in which this penalty is now worded it may entirely defeat the purpose that the committee has in putting it into the law and may prevent the enforcement of the entire statute.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GORDON. Betting is made unlawful by statutes in most of the States. Does the gentleman think a penal statute which imposes a penalty of fine and imprisonment and also forfeiture of any amount won would be a double jeopardy?

Mr. ANDERSON. Forfeiture to the State?

Mr. GORDON. Yes.

Mr. ANDERSON. I think so, if it involves a separate trial for the purpose of ascertaining the amount.

Mr. GORDON. How would that affect the question of jeopardy? The second trial would be in the nature of a civil action brought by the State to recover the amount adjudged to be paid.

Mr. ANDERSON. In my judgment the State has no property right in that money.

Mr. GORDON. It can create one by statute.

Mr. ANDERSON. I do not think it could, because the Constitution provides that you can not take property without compensation, and money is property.

Mr. GORDON. You can take it as a penalty.

Mr. ANDERSON. If you take it as a criminal penalty, that makes double jeopardy.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FOSTER. Mr. Chairman, the committee spent some time in discussing this section, and also had Mr. Hoover before it, who is the Food Administrator, and who has the administration of that law. He discussed it very freely. He said this is an important section. He believed in the licensing system to a certain extent, but he believed that everyone ought to be licensed by proclamation. His reason for that was that if that was made so it would save the work in his department of several hundred clerks.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONDON. Licensing by proclamation was intended to do away with the necessity of making individual applications for licenses.

Mr. FOSTER. Certainly. He also said this, that merely to fine a man who was profiteering in articles necessary during the war is not a sufficient penalty. He gave an illustration of one man who was operating, as I remember, a flour mill. He said a man might be making $150,000 by profiteering, and to fine him $5,000 would not amount to anything; that he would still have $145,000 left; that he could pay the fine and go ahead and have that much profit.

Mr. ANDERSON. Put him in jail.

Mr. FOSTER. Yes; put him in jail, too, if necessary. But he said one of the best things suggested in this bill was that the man should give up the illegal profit that he had made; that it should be taken away from him. I think in the administration of the food law they have instituted some sort of system by which a man does give up his profit, putting it into the Red Cross or some other organization. He said that the last thing that ought to be done in this country was to take away a man's license to do business, but if you could have a provision that would take away the profit he gets in an illegal way you would accomplish better results than by fining him or taking away his license.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. ANDERSON. The question in my mind is whether this profit ought to be confiscated for the Government, or confiscated and taken in the name of the persons who have been injured.

Mr. FOSTER. That would be pretty hard to do, there might be so many of them; but it is a question whether it ought to be with the Government and go into the Treasury as miscellaneous receipts. After his experience in administering the food law, it was his judgment that to take away the excess profits would be the most effective weapon there was.

Mr. ANDERSON. I quite agree with the gentleman, and I hope it may be done, but I would like to direct the gentleman's attention to the other matter to which I referred, and that is that in this section there is no provision which requires a person to have a license before doing business, that makes it unlawful to do business without a license.

Mr. FOSTER. No; and it was not intended, possibly, that it should be. The licensing system may not be used at all under this bill. If it becomes a law it is likely that they may license nobody, but the provisions of profiteering apply just the same whether a man be licensed or not. That does not make any difference. As compared with those who are licensed under the

food bill, under this bill there would be but few who would be licensed.

Mr. ANDERSON. I would call attention of the gentleman right here to the fact that this does only apply to royalties and charges made by licensees. It does not apply to those made by anyone else.

Mr. FOSTER. They would license all of them if necessary. There are not so many of them, so that it would not take so much work.

Mr. ANDERSON. If there is no penalty against not having a license, men will not take a license. They will do business whether licensed or not.

Mr. FOSTER. Well, I do not think it is material whether there is a license or not.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. SANDERS of Indiana. This provision which requires proclamation prior to the time a person may observe the license regulations really provides for licensing everyone engaged in that particular occupation, does it not?

Mr. FOSTER. That is also true; it amounts to the same thing; but no formal license is issued.

Mr. SANDERS of Indiana. Is not there some confusion about the question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask that the gentleman be given two minutes more.

Mr. STAFFORD. Make it five minutes.

Mr. FESS. I want to ask one or two questions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Is not the word "license" used with two different meanings, one that the license is an actual paper to exhibit the fact that a person is licensed to do a certain thing and the other is the general license which is a leave granted to do a particular thing?

Mr. FOSTER. I was coming to that.

Mr. SANDERS of Indiana. If there is a general proclamation, then everybody by virtue of that proclamation is a licensee, although he does not have a piece of paper.

Mr. FOSTER. That is right; that is the intention of the committee——

Mr. SANDERS of Indiana. And the license regulation may be issued requiring each of those licensees to comply with those regulations.

Mr. FOSTER. My recollection is Mr. Hoover said this to us, that it did not matter whether a man had a piece of paper in his hand showing that he was licensed under the food bill, but when the President, as the gentleman from Indiana said, issued his proclamation, together with the license regulations, that those are the regulations that are referred to here. The mere fact of the physical possession of a piece of paper will not amount to anything, but it will be carried in that proclamation to be issued by the President; so we added that, but it is not intended to have this license so that it should be dragged out——

Mr. ANDERSON. But is it not necessary to have in the law a provision—it does not make any difference whether you have a paper license or not—but is it not necessary to provide that no person engaged in a particular business shall continue without being included in the class that is licensed?

Mr. FOSTER. He must comply with those regulations, and no person after that date shall engage in this business without that.

Mr. ANDERSON. I do not think it does so provide.

Mr. CANNON. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. CANNON. I do not see any necessity for any license. Why do not you strike out all about license and give the President power by proclamation to do certain things? Does the gentleman suppose he would have to have a license? What is the purpose of lumbering up the bill and the law?

Mr. FOSTER. There is something in what my colleague says—of course there is—and what we tried and hoped was that by providing by proclamation of the President that he would set out the regulations, and that should cover all this section.

Mr. CANNON. You make certain things unlawful in the legislation, do you not?

Mr. FOSTER. Yes, sir.

Mr. CANNON. Then the President can make regulations by proclamation. Why do you not say so and drop all the stuff out about license?

Mr. FOSTER. That might be done.

Mr. HAMLIN. If the gentleman will permit, I think there would be some question about the right of the President to issue regulations to Tom, Dick, and Harry over the country without by some system of licensing bringing persons under authority given to the President to regulate these different businesses. But I can see another reason. It may become necessary to examine the books of these different concerns and require certain reports to be made by certain agencies, but I think there would be some doubt about governmental agents having the right to go into a concern that is not licensed by the Government and demand the right to examine their books and investigate their accounts, and so forth, to determine whether they are making these excessive charges.

Mr. CANNON. If you give the Government such power by license, you can give the Government such power by law.

Mr. HAMLIN. Certainly; but it is just as easy to give it by license as by law or regulation, because these licenses provided here are done by proclamation and regulation, so one road seems to be as short as the other.

Mr. FOSTER. The committee was trying to get it as short as they could by providing license regulations by proclamation.

Mr. GARLAND. Mr. Chairman, I just desire to read the words of Mr. Hoover with reference to this subject.

> Our view of simplifying the administrative part of this would be to alter that to the intent; that every man should be considered to hold a license under the presidential proclamation. We have the mechanical difficulty of having to receive applications from every man in a given trade, and to send him an actual document of license, as the act reads now; and at the present moment I think we have 750 clerks engaged in nothing but that purely mechanical, red-tape operation of exchanging documents with the trade; and there is nothing, to our mind, effective particularly about a man possessing a document saying that he is licensed. The presidential proclamation could carry that same intent and declare that they are all actually under license, and that then if they carried on business in violation of these practices or the regulations laid down under them, that his license to do business is rescinded. I am only trying there to get over the purely red-tape difficulty of mechanical operation.

We did believe, and I believe now, that it is necessary to have the right men working in that particular business. It shows a closer touch to the work that the Government is carrying on. Merely the proclamation making him a licensee puts him in that position. It is not necessary, then, to send documents to him and keep a great force of clerks for that purpose. But you have an opportunity to call him in in case of violation much better than you would have without that provision as to the licensee.

Mr. FOSTER. It seems to me, Mr. Chairman, the committee has gotten away from the whole license system in the formal way as far as it can get under this bill without you simply say that every man who does business shall be licensed by proclamation. There are probably not 50,000 producers, and all that, of these minerals.

Mr. STAFFORD. Will the gentleman yield?

Mr. FOSTER. Yes.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. This paragraph authorizes the Secretary of the Interior to determine what is a reasonable price for the respective minerals designated in section 1 for which licenses are to be authorized. I wish to inquire of the gentleman what determines the reasonableness of the profit stated in this paragraph, in fixing the price?

Mr. FOSTER. Well, they take into consideration the capital the man has invested in mining, the cost to secure the metals, whatever it may be, and all that, and a reasonable profit on it.

Mr. STAFFORD. The gentleman realizes that with one mine being rich in ore, the cost of operation would be very much different than in these unproductive mines not operated to-day, which would require a much higher price in order to make them a profitable venture. And I assume that the higher price that will be needed to develop the unprofitable mines to-day, so as to furnish sufficient supply in this country to meet the whole market conditions, will be the determining factor on which the price of the commodity is to be determined?

Mr. FOSTER. Oh, no; I would not think so.

Mr. STAFFORD. How else, then, are you going to develop these poor and unprofitable mines that are to-day not being utilized?

Mr. FOSTER. I will say this to the gentleman, that one of these mines might be so poor and difficult to operate that it would be unprofitable, and might make the product so high that you would not want it at all. Now, it does not necessarily mean that they are going to take every mine, however difficult it may be to get that ore or metal to the market. It does not mean that.

Mr. STAFFORD. Take, for instance, the coal industry——

Mr. FOSTER. This does not include coal.

Mr. STAFFORD. Take the actual operation by the Government in trying to fix the price of coal. They have fixed the price based upon the cost of developing the ore from respective zones of mines. They have not fixed a general price throughout the country for a certain grade of bituminous coal, but they have taken into consideration the cost of operation. As I understand, this bill is not purposed to fix different prices for the same commodity, but to fix one universal price the country over.

Mr. FOSTER. Well, of course, the price of manganese that is produced on the Atlantic coast, where probably most of it would be consumed, might be different to what it would be in a section of the United States farther removed.

Mr. STAFFORD. Possibly the cost at the place of consumption may be different, but I am asking this question: Whether it is not purposed by this bill to have one price at the mine for the same quantity the country over?

Mr. FOSTER. Why, I think so.

Mr. STAFFORD. That is not the rule as to fixing the price on bituminous coal. The department recognized the need of fixing the price conditionally, based on the cost of production, which is dependent on the difficulty of extracting the ore from the mine. However, here you are going to run wild and fix one general price, the minimum price, to develop the quantity that is necessary for home consumption, that will be the basic price, and pay that price to the owner who has a profitable mine at a lower price.

Mr. FOSTER. Oh, no. The attempt would be to fix a price that would be fair and reasonable to men who are mining this.

Mr. STAFFORD. The gentleman must recognize that the price, if it is going to be general, will apply differently to different men, unless based on the character of the ore in these respective mines.

Mr. FOSTER. The bill authorizes the fixing of these prices that will be fair and equitable and nondiscriminatory.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words in order to make a brief statement. I am asked by numerous constituents to be among the first in the field in an endeavor to "cut in" for them. They seem to feel they are going to have aid in developing mineral properties. I want to read a letter. You must understand that my district is far removed from the National Capital, and the news sometimes reaches there a little late. But the news of this bill has reached the Pacific coast, and some mail is just now coming in to me about it. This is one of the first half dozen letters which I have received:

ABERDEEN, WASH., *April 13, 1918.*

Hon. ALBERT JOHNSON, M. C.,
Washington, D. C.

DEAR SIR: I notice in the Oregonian that Secretary Lane has recommended to Congress a bill for the purpose of appropriating funds to encourage the development of mining prospects with a view of increasing the production of certain minerals.

Manganese was first on the list. I have a manganese prospect situated near the Olympic Highway, which I have been working on for some years and which I believe the Government would do well to investigate. Kindly give this your attention.

Thanking you, I am,
Very respectfully,
——— ———.

Now, that is one, I say, of half a dozen letters, and the news has barely reached the miners. A short time ago in considering a bill here we declined to furnish additional secretaries to Members of the House. I am satisfied that when this bill is passed—and it is sure to be passed, inasmuch as it has the proper O. K. and is put forward as a war measure—that mail of the Members from mining States will be loaded with prospects—and many of the prospects will be loaded, also.

Mr. STAFFORD. Can the gentleman furnish any estimate as to the number of applicants from his district alone who will wish to have some Government aid in case this $50,000,000 wildchase project is adopted?

Mr. JOHNSON of Washington. That is an interesting question. There will be many, of course. But there comes an additional problem. In my district are three gigantic forest reserves, in which large mineral areas lie. These forest reserves are not under the control of the Interior Department but are under the Agricultural Department. I wonder whether under this bill the Interior Department, desiring to secure manganese and other semiprecious minerals and metals, will go into the sacred preserves of the Agricultural Department's great reserves, the wealth of which seems to be laid aside for posterity, war or no war?

It will become a problem between these two departments just as surely as can be, or rather between two big bureaus of two big departments. I am in hopes that when a certain bill that we learn is now under consideration in another body—the executive coordination bill—is passed, as I am sure it will be, because it, too, is O. K.'d, one of the first things that the President will do in an effort to coordinate the affairs of this Government will be to yank the forestry business out of the Department of Agriculture and put it into the Interior Department along with the public lands, where it belongs.

I expect to renew from time to time the presentation of these requests for mineral investigations and experiments. I shall put in the RECORD the following reply of the Director of the Bureau of Mines in reply to the first mining letter:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, April 25, 1918.

Hon. ALBERT JOHNSON,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: In reply to your letter of April 20 to the Secretary of the Interior, transmitting a letter concerning a manganese property near the Olympic Highway, which he would like to have the Government investigate:

So far as is known to the Bureau of Mines, no branch of the Government at the present time is extending financial assistance toward mining ores or metals or developing mineral properties.

As you doubtless know, a bill known as the minerals administration bill, H. R. 11259, has been introduced into Congress. This bill is intended to assure an adequate supply and equitable distribution of ores, metals, minerals, and their by-products, which are needed in war work and which are now largely imported. By developing the domestic supplies of such substances, it is desired to release shipping to carry supplies and munitions for the Army. Manganese is one of the metals which will be affected by the provisions of this bill.

The Bureau of Mines is very much interested in this proposed legislation, as it is the belief of the bureau that the minerals administration bill, if enacted into a law, will be of great benefit to the country. Therefore I shall take pleasure in referring your request to that department as soon as it is organized, should the bill become a law.

The Bureau of Mines has a mining experiment station located at Seattle, and I am referring your request to the superintendent of that station, with the request to communicate direct with your correspondent regarding his property.

Mr. Newbury's letter is herewith returned.

Very truly, yours,

VAN. H. MANNING, *Director.*

Gentlemen will note that we are going to have a bureau of minerals administration. Just another bureau, that is all, with $50,000,000 for a starter. It is put forward as a war emergency, but it will be more bureau than war emergency, as we will all find out.

Further, Mr. Chairman, when these bills come down to Congress from the department with the O. K. of the department on them, and some of them with the O. K. of the President on them, I do not see why we do not propose a better plan. Instead of certain Members having in their pockets personal letters signed by the Secretaries of different departments, Cabinet officers, or by the President, to be produced and read on the floor of the House at the psychological moment in order to press the bill over, would it not be better for the bill to have printed on its very first page the legend, "Approved by the President of the United States," or "O. K'd by the Secretary of the Interior," and then "Reported out by the chairman of such and such a committee," and thus save us all this labor and detailed discussion?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. The question has been raised here time and time again, and no one has answered whether the President is for this bill.

Mr. JOHNSON of Washington. I think he is; and if he is, it should be shown on the first page instead of waiting until it is passed by both Houses and then showing it on the last page. Let the "Approved by the President" come right along with the bill.

Mr. MOORE of Pennsylvania. I have not been able to find anybody who will tell us that the President is for this bill.

Mr. LONGWORTH. Did not the Secretary of the Interior say so?

Mr. JOHNSON of Washington. Yes. Now, Mr. Chairman, every department in this Government is striving for more power and more money. This bill involves a $50,000,000 appropriation. I will venture the assertion that the real proponents of this bill are sitting in the gallery at this moment and that they come from the Bureau of Mines. Oh, I will vote for the bill, but I hope to see it trimmed, and I advise the holders of all kinds of dead mining stocks held by people throughout the East to make haste and dig them up from their trunks and garrets and hang onto them, because if, after having tried to develop these interests, we find them taken over or developed under Federal control and a revolving fund provided, the stock therefore may be galvanized into some value.

Mr. MOORE of Pennsylvania. Does the gentleman think these stocks will go up to par?

Mr. JOHNSON of Washington. Oh, no; from 20 points below nothing to par is too much to expect even under this bill.

Mr. STAFFORD. Does the gentleman think this is a stock-jobbing provision?

Mr. JOHNSON of Washington. Well, more jobs in a bureau, perhaps. I suggest that little cabins be built out in that country for innumerable governmental prospectors, so that they may be housed comfortably while pursuing their work. Also nice Government houses here in Washington for gentlemen who may be called here to help inflate the Bureau of Mines.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FOSTER. Mr. Chairman, I am somewhat surprised to hear gentlemen on this floor speak as they have in the last few minutes. The Shipping Board, as has been stated here, has been removing from certain foreign countries shipping that has heretofore been carrying these important minerals to this country in order that these ships may be used in the more necessary work of carrying troops and supplies to France, where they are so sorely needed. And yet men stand here on this floor—I hope they are simply trying to be humorous, and nothing else—and advocate the keeping of these ships in the foreign service, amounting to more than 400,000 dead-weight tons a year, instead of sending them where we may help to win this war, and we should develop these minerals in our own country, whether it is in the State of Washington, Oregon, California, or any other place.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOSTER. No; I can not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSTER. Now, Mr. Chairman, it has been stated here—in a humorous way, I hope—that it is a question whether the President or the Secretary of the Interior may have endorsed this bill. I take it that men who have to look after securing these necessary articles for war purposes ought to have some concern and notify Congress of their opinion as to legislation that will help to secure these necessary minerals for war purposes. It is asserted here that we are to squander $50,000,000. If there is a proper administration of this money there will not be squandered one cent of the $50,000,000, but that money will be turned back into the Treasury from whence it came. This is a revolving fund, to buy these necessary articles, and then when the Government sells them the money will be returned to the Treasury of the United States, so that not one dollar need be squandered in carrying out this great work.

We find to-day that it is estimated that more than 10,000,000 tons of nitric acid are necessary for the coming year. We know that they have taken off the ships and there will be after July not more than 10,000 tons of pyrites each month brought to this country, when formerly 1,200,000 tons have been brought in each year, and the amount will be cut down now from month to month and continued at 10,000 tons.

Now, Mr. Chairman and gentlemen, I have no more interest in this war than any other Member or any other American citizen—and I know we are all interested with all our souls—but I have every reason to believe that when this bill is fully understood you will stand with those officials who are endeavoring to secure these necessary minerals in our own country. If the time should come when we should be unable to secure these necessaries our war operations must be very much curtailed, and it would be much regretted and would be very unfortunate for us. Everyone knows that munitions can not be made without sulphuric acid. Everyone knows that steel can not be made without manganese, and other articles that are enumerated here are essential. Some of these are used for the purpose of preparing gas shells that go to France.

Are you willing, my friends, to say now that the Government shall be deprived of these materials that make these necessary articles for the war? Are you willing to stand here in this humorous way and discuss this matter lightly when these men have stated to us, through hearings before our committee, that it is necessary that we should have these necessaries for making munitions of war? I have no more interest, I repeat, than you or any other loyal American citizen in this matter, but I appeal to you because men have talked with me in the last few days who have charge of this matter and have urged the vital necessity of this legislation and asked that it be speedily passed.

Are you willing to get up here and say that this is to open up some worthless mines and make the stock of those mines worth more money; that this is to make valuable some worthless stock and bring it up to par? Are you willing to trifle with these necessary articles that enter into the production of the shells that go to the boys across the seas? If you are, defeat this bill, and in six months' time we may be in a position where we will not have these articles to carry on the war.

I warn you that that may be the situation if you defeat this bill. These boys in France depend upon us to send to them the supplies which they need. I am determined to do all I can to see they have everything necessary to efficiently equip them. We have taken the shipping, and rightfully so, carrying these necessary minerals from foreign countries—taken the ships off that work and put them to work in carrying supplies to support the gallant soldier boys across the seas.

My friends, are you going to say now that you will take back those ships, take them from the work of carrying troops and supplies to France, and put them on the route between Spain and the United States to carry pyrites, and between Brazil and the United States to carry manganese, when these minerals can be developed in our own country in sufficient quantities if only some organization is provided and some help is given? My friends, are you going to do this? If you are, then go ahead and defeat this bill. But if you are not, let us pass this bill and give the Government the right to secure these necessary minerals that they need for war purposes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time may be extended in order that he may answer a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. The question has been raised a number of times on the floor as to whether or not the President approves of this bill. I find on page 11 of the hearings a statement by Secretary Lane in response to a question asked by the gentleman from New York [Mr. LONDON]:

> Mr. LONDON. Mr. Chairman, the Secretary I presume has prepared this bill.
>
> Secretary LANE. Yes; it was prepared in my office. I do not know its details. I have looked it over and given my general approval of it, and so has the President.

I should like to ask the gentleman if he knows when the President did signify his approval?

Mr. FOSTER. I do not know whether I have authority to state that; but I do know, and I say this to the House, because I think the Members out to know, in view of that statement of Secretary Lane——

Mr. LONGWORTH. Inasmuch as the quesion has been raised?

Mr. FOSTER. My understanding from Secretary Lane was that the President read this bill, and the Secretary states there that he gave it his approval, believing that it is urgent and necessary. The Committee on Mines and Mining took more interest in this than you have because it was referred to it, but in the end we have no more interest than you and other good American citizens. We did not initiate this legislation. It came to us through the regular channels, from those who have the business of hunting up and seeing to it that the Government is supplied with the materials necessary to carry on the work of the war. I know what Secretary Lane has said there is correct. Now, that is the fact, gentlemen, and as I say, the Committee on Mines and Mining have no more interest in this bill than you have. They have just as much interest. The Committee on Mines and Mining is anxious to do what is for the best interest of the country, as I know you all are.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman think it is unfair for Members of this House, who ordinarily would not vote for a bill of this kind, and who know they ought not to vote for it unless it is a war measure pure and simple, to inquire whether or not it has the indorsement of the President of the United States, in whom we are placing our trust?

Mr. FOSTER. The gentleman——

Mr. MOORE of Pennsylvania. The gentleman has not answered that question. He did not answer the gentleman from Ohio [Mr. LONGWORTH]. The gentleman from Ohio asked him the plain, blunt question whether the President of the United States approved this bill, and the gentleman from Illinois has not answered directly.

Mr. FOSTER. Secretary Lane says that he has approved it. That is good enough word for me.

Mr. MOORE of Pennsylvania. It seems to me we ought to back the President. If we had a suspicion that gentlemen working under the President, who can not give personal attention to all these matters, were springing a scheme upon the Congress of the United States to take out of the Treasury

$50,000,000 or any other sum, it would be entirely proper for us to ask that question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSTER. I ask for just two minutes more, and then I shall be through.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FOSTER. I want to say this, that this morning I went down to the office of Secretary Lane to talk to him in reference to the $50,000,000, and he said to me, "Why, you can say to the House that if this is properly managed there will not be one dollar but what will be returned to the Treasury. If it is left to me, I will do my best to see it is done. It is not the intention to squander $50,000,000, or to spend it except in this revolving fund." So he wrote a letter addressed to the Speaker of the House of Representatives, calling his attention to it. The Speaker suggested that I read it to the House.

Mr. MOORE of Pennsylvania. This is not the letter that was in the RECORD this morning?

Mr. FOSTER. No. This letter reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 27, 1918.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: The Foster bill, which is now before you, seems to me one that should receive the support of those who wish to see this country made as self-sufficient as possible at this time. Why should we use ships to bring minerals to America which are to be found here but which have not been developed because of the cheapness with which they heretofore have been produced in distant countries? This is the insistent question which seems to me to fully justify this measure. And no one knows what dangers we may run as to our supplies being cut off! This seems to me a wise measure, it may be a vital measure, and I hope for its early passage.

Cordially, yours, FRANKLIN K. LANE.

Mr. MOORE of Pennsylvania. That brings it back to the point where we started. The Secretary is arguing this case. The Secretary is arguing the question of ships, which the gentleman from Illinois [Mr. FOSTER] argued very eloquently himself a few moments ago. Now, I want to ask him if these ships that appear to be carrying ore here do not carry back supplies to the troops on the other side?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. Do these ships go back empty?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. If they do, it would seem to be a reflection on somebody in the shipping business.

Mr. FOSTER. They do not. In order to get this pyrites these ships must carry back a certain amount of coal. They carry this coal back and get the pyrites. We do the same thing with Brazil, so that they do not go back empty. We are keeping on just as few ships as it is possible to get along with between Spain and these other countries.

Mr. MOORE of Pennsylvania. The Secretary having argued this question in this letter to the Speaker, which the gentleman has just read, and it being admitted in that letter substantially, that this is an experiment, something looking to the future, would it not be fair for the Secretary to take less than $50,000,000 with which to experiment? And if he did so, could he not come back here at any time when an emergency arises, and have the support of Congress if it was found to be necessary?

Mr. LONGWORTH. I understood——

Mr. MOORE of Pennsylvania. Let the gentleman answer that question. Why should he not take a less amount to introduce this experiment and come back again if it is necessary?

Mr. FOSTER. Perhaps that is true, but this money is not spent; it is a revolving fund. I am not saying it would not be best to do that, but it will take a good deal of money, and it will ultimately all go back into the Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINGO. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings," and in line 11, page 8, after the word "evidence," insert the words "of the facts stated therein."

Mr. WINGO. Mr. Chairman, the amendment proposed will make the language read as follows:

The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order and findings of the Secretary of the Interior shall be prima facie evidence of the facts stated therein.

You will notice in the first part of the section you permit the Secretary to make an order declaring any price or practice as being unfair and discriminatory, and in the next part you authorize him to make a finding as to what shall be a fair and reasonable price. Without the amendment the sentence would be senseless. We had the same thing in the food act, and attention was called to it, but it was not corrected in committee.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Pennsylvania. This is a matter of great consequence in the consideration of this bill from my point of view. If we are short of minerals for the United States to manufacture ammunition, would not the President under general powers conferred on him have a right to commandeer the property controlling the minerals or other products essential to the continuation of the war without this legislation?

Mr. WINGO. I do not think my amendment will change that.

Mr. MOORE of Pennsylvania. No; but I would like to have the gentleman answer my question, if he will.

Mr. WINGO. I am discussing the amendment to the phraseology.

Mr. MOORE of Pennsylvania. Suppose the Hecla mine was needed for war purposes, would not the President have the power to take it over?

Mr. WINGO. The gentleman knows the President's power as well as I do.

Mr. MOORE of Pennsylvania. It raises the question of giving additional powers by the passage of this bill.

Mr. WINGO. Assuming that the President has all the power and could send an army out here and take charge of a mine, whether it be a civilian army or a military army, send the Government agents to dig up and get manganese and these other minerals out of the ground, stripping it of all verbiage, your proposition would mean that this Government should go into the mining business.

Mr. MOORE of Pennsylvania. If we know where the minerals are——

Mr. WINGO. The gentleman has asked a question, now I hope he will let me answer it. The gentleman asked if the President has not the power, and we will assume that he has, how is he going to exercise it? He has got to go and commandeer it and appoint men who have charge of the plant as his agents. That would be true with an established industry, that would be true if we wanted to take over a coal mine or a metal mine fully developed. That would be a different proposition from a practical standpoint. I do not think the gentleman or anyone else wants this Government to go out prospecting and digging up manganese and other mineral deposits.

Mr. MOORE of Pennsylvania. If we want manganese the Government should take it.

Mr. WINGO. Will the gentleman be kind enough to allow me to answer his question. This is the second time he has interrupted me just as I got to the point where I was answering him. I know the gentleman does not intend to be discourteous; but to go over it again, I do not think the gentleman caught what I had in my mind. If the President should exercise this power he has got to use the War Department agency, go out and take an undeveloped or a not fully developed deposit, and you would have the War Department going into the mining business. I agree with the gentleman that as a last resort I would be willing to do it. But I believe the more orderly and the more practical way, and certainly from the viewpoint of our form of Government it occurs to me that the best thing to do is to allow private capital to do it, and if they need any incentive let us give them the incentive and keep the Government out of the business.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. That is the viewpoint. I think I agree with the gentleman that possibly the President may have the power, but there is a dispute as to what authority he has with reference to these things. I think this much, if you do not pass legislation the President will be compelled to use some of that power, and I think he will do what he has done in the coal business and other business—create an agency which I do not want to see created. To be frank, I think we made a mistake when we took over the coal business and did not place it under the Bureau of Mines. We would have made fewer mistakes and had a more efficient administration of it. I think if you do take it over it ought to be kept with the one branch of the Government having the technical knowledge, and which is efficient and prepared to do it with the least expense, without having another expensive bureau created.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. LONGWORTH. I assume the gentleman means by that that he would have been glad if the price fixing had been left to the Secretary of the Interior rather than to the gentleman now in control?

Mr. WINGO. Oh, I will be perfectly frank with the gentleman. I am utterly disgusted with the way the coal situation was handled, and I do not believe it would have been handled in that way if Mr. Manning, the Director of the Bureau of Mines, and his efficient force, that has every coal mine in the United States located, had been in charge. Some of the things that we have complained of I do not believe would have happened—not that Dr. Garfield has not done the best he knew how; but take any man—you have to get cerjain things by experience, and you can not get them in any other way.

One reason why I am standing by this bill is that it will confine our operations with reference to getting these minerals that we need for war purposes to a bureau that is already established, and not build up another bureau with a lot of expensive employees. That is one reason I am for it.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Not now. That has appealed to me as a practical proposition. I have stated two or three times that I do not like this kind of legislation, but I have agreed to it because of the emergency that confronts us, and I do not have to ask the President whether or not the situation that confronts us is an emergency. I think if any man will read the hearings—and those do not disclose all of the information that came to the committee and all of the discussions; I think if any man will read the statistical statement that I put into the RECORD the other day, I think if any man will take the map that is in last week's issue of the Literary Digest, showing our shipping wasted in handling these minerals, he will not need any suggestion from the President of the United States or anyone else that this is a war emergency that confronts us that has to be met in a practical manner. We must meet it as practical men. I for one am getting tired of "passing the buck" to the President. It is not fair to make him bear every load. I think the American Congress has the intelligence, and it ought to have the courage, to meet the war situations that arise without unloading on the President. [Applause.] I have not the slightest doubt in my mind that the President knows of this emergency and that he favors this kind of legislation, because he keeps up with all our war needs. It is not fair to make him, in addition to the load he has to carry as head of the executive department, also bear the load that we as legislators should bear ourselves. Every time we get a measure here that some Members do not like, they shy off like a mule with a blind bridle and somebody says, "You have got to have the President assume the responsibility or I will not vote for it." I decline to be put in that attitude. Other gentlemen can assume that attitude if they desire, and I say this without any criticism of them. I for myself am going to assume my own responsibility, and when the time comes that I have not intelligence enough to appreciate a practical war emergency that confronts my country or, having the intelligence to comprehend it and not having the courage to meet the emergency without hiding behind the President and unloading the burden on him, then I shall go out and let somebody else take my place.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield? I listened with great interest to the gentleman's powerful argument against the passage of the Overman bill, and I would like to ask him what his attitude is on that?

Mr. WINGO. Oh, I did not make any argument against the Overman bill. I was not making an argument. I was trying to show you the reasons why I was willing to support this bill and bear my part of the burden without calling up the President and asking him to assume the whole burden.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SANDERS of Indiana. While we have been discussing this the question has come up about the Government going into the operation of these mines. In the gentleman's opinion, has not the mineral situation reached the point where we must choose one or two alternatives? Either the Government shall have to take charge and go into the business or we must adopt legislation of this character.

Mr. WINGO. Certainly; that is the point I tried to make three different times.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. ELSTON. Mr. Chairman, I object. There is a motion before the committee, and I would like to vote upon it.

Mr. WINGO. Well, Mr. Chairman, I do not care. The gentleman made a speech and asked the members of the committee to give him information. I have no desire to talk, but in behalf of the committee was trying to answer questions. I am glad that there is one gentleman, at least, who has sufficient information to vote.

Mr. ELSTON. I do not believe that the gentleman has devoted the last five minutes to an argument about the bill.

Mr. WINGO. Possibly not. The gentleman can not comprehend an argument if he hears it, and all of my remarks were prompted by questions of his colleagues.

Mr. WALSH. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from Arkansas [Mr. WINGO]. It is rather noticeable, Mr. Chairman, I think that as long as the members of the Committee of the Whole stand up here and recite pieces or read telegrams or discuss commissioned officers wearing uniforms, and various and sundry other matters that have nothing to do with this bill, the committee sits complacently by and are willing to have the discussion go on. However, the moment any gentleman gets us and seeks to criticize the bill or question the wisdom of its provisions the distinguished chairman of the committee rises and with great emphasis seeks to convey the impression that you are doing that which might give aid and comfort to the enemy. This is a measure that deserves most careful consideration, and merely because the distinguished Secretary of the Interior and an army of witnesses who appeared before the Committee on Mines and Mining say that this is the only way to control the situation is no reason why we should decline to consider the matter and discuss it and listen to debate. Every man, with possibly one or two exceptions, who appeared before that committee was biased, some because they were going to have the administration of the law or have written the measure, others because they are interested in the mining business and will to a certain extent benefit by this legislation. In my view, I believe there exists already sufficient authority under the national defense act for the President to place orders for these minerals and for him to see that those orders are filled, and if the orders are not filled because the people with whom they are placed are not financially able to do it, I submit that under the War Finance Corporation law, which we passed through this House some weeks ago, that such financial assistance can be rendered and that it is not necessary to build up here a great twin-sister organization to the food and fuel control body that has been created.

Mr. FESS. Will the gentleman yield?

Mr. WALSH. I will.

Mr. FESS. Can the gentleman inform us what progress the War Finance Corporation is making in the purposes for which it was created?

Mr. WALSH. I am not advised as to that, but it is a measure which has been passed through the House and which we were given to understand was to assist corporations, individuals, and firms in conducting business which was essential to our active and successful participation in the war, and that is all this measure seeks to do. It seeks to stimulate the production of those things which we need in furthering our war program.

Mr. FESS. And the country was impressed with the fact that the measure was imminent and ought to be passed immediately?

Mr. WALSH. Oh, no delay; there could not be any delay brooked.

Mr. FESS. My query is, whether there has been anything done even in the appointment of the commissioners?

Mr. LONGWORTH. Their names have not been suggested yet.

Mr. WALSH. I do not know as to that.

Mr. JAMES. If the gentleman will read the testimony of Secretary Lane he will find that it is not intended by this bill to render aid to prospectors. They are to go to the war-finance board. We only say to them that in case they produce so much manganese and so much other things, we will give them a price.

Mr. WALSH. Fix or guarantee the price the same as was done with wheat, and they will be in here probably from that section of the country—that is, gentlemen who are most vitally interested in this measure will be in here before the life of this Congress expires asking of us legislation to increase the price over the price that is fixed per ounce of those minerals or per ton under this act, to increase it as we were asked the other day to increase the price of wheat from $2.20 to $2.50 per bushel; to legislate to fix prices above that which had been fixed. Now, I believe the members of the committee ought to be willing to have this matter discussed and to listen to suggestions, and if perhaps some gentleman in making suggestions might inject a little humor into the situation, that that might be permitted without members of the Committee of the Whole House on the

state of the Union being accused of trying to stop war preparations or trying to put obstacles in their path.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I would like to see if we can not reach some agreement about closing debate on this question.

Mr. MOORE of Pennsylvania. I would like to have five minutes.

Mr. TOWNER. I would like to have five.

Mr. JOHNSON of Washington. I would like to have five.

Mr. DEMPSEY. I would like to have five.

Mr. GRAHAM of Illinois. I would like to have five minutes.

Mr. KINKAID. I would like to have five minutes.

Mr. FOSTER. On this section and all amendments thereto?

Mr. SANDERS of Indiana. I would like to have five on an additional amendment, on the one which I suggested to the gentleman a while ago.

Mr. FOSTER. That is a good deal of time—45 minutes.

Mr. JOHNSON of Washington. I will cut myself to two minutes.

Mr. KINKAID. I will cut myself to two minutes.

Mr. FOSTER. I ask unanimous consent that debate on this section and all amendments thereto close in 50 minutes.

Mr. GARLAND. Will the gentleman state who takes the time?

Mr. FOSTER. I will make it 30 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto be limited to 30 minutes, the time to be divided as follows. Now let the Chair see if he has the list correctly. Mr. HAMLIN, 6 minutes; Mr. GRAHAM of Illinois, 5 minutes; Mr. MOORE of Pennsylvania, 5 minutes; Mr. JOHNSON of Washington, 2 minutes; Mr. TOWNER, 5 minutes; Mr. NOLAN, 5 minutes; Mr. KINKAID, 2 minutes; Mr. SANDERS of Indiana, 5 minutes. Is that the list?

Mr. FOSTER. Yes.

Mr. KINKAID. I waive my time for the present.

Mr. MOORE of Pennsylvania. Will the gentlemen be recognized in that order, Mr. Chairman?

The CHAIRMAN. The tabulation of the time makes 27 minutes. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto shall terminate at the expiration of 27 minutes, the time to be divided among the gentlemen whose names have been read from the desk. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this is a very important section, and this information ought not to fall upon a few ears, and I therefore make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that no quorum is present, and the Chair will count.

Mr. CANNON. If this is to be considered at all there ought to be some Members here to hear it.

The CHAIRMAN (after counting). Eighty gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Dyer	Hutchinson	O'Shaunessy
Austin	Eagan	Jacoway	Overmyer
Bacharach	Edmonds	Johnson, S. Dak.	Padgett
Bankhead	Estopinal	Jones	Parker, N. J.
Barnhart	Fairchild, B. L.	Kahn	Phelan
Borland	Fairchild, G. W.	Kearns	Platt
Bowers	Fisher	Kelly, Pa.	Polk
Brodbeck	Flynn	Kettner	Porter
Browning	Focht	Key, Ohio	Powers
Butler	Fordney	Kiess, Pa.	Pratt
Byrnes, S. C.	Foss	King	Price
Caldwell	Frear	Knutson	Rankin
Campbell, Pa.	Gallagher	Kreider	Riordan
Carew	Gallivan	LaGuardia	Rowe
Carter, Mass.	Gandy	Lehlbach	Rowland
Chandler, N. Y.	Godwin, N. C.	Linthicum	Rucker
Clark, Pa.	Good	Littlepage	Sanders, La.
Cleary	Gould	Lonergan	Sanford
Collier	Graham, Pa.	Lunn	Scott, Iowa
Cooper, Ohio	Gray, Ala.	McCormick	Scott, Pa.
Copley	Gray, N. J.	McKinley	Scully
Costello	Greene, Vt.	McLaughlin, Pa.	Sells
Crago	Gregg	Maher	Sherley
Cramton	Griest	Mann	Shouse
Curry, Cal.	Griffin	Martin	Siegel
Dale, N. Y.	Hamill	Mason	Sims
Dale, Vt.	Hamilton, N. Y.	Mecker	Slemp
Darrow	Haskell	Mondell	Small
Delaney	Hayes	Morin	Smith, Mich.
Denison	Heaton	Mott	Smith, C. B.
Dewalt	Heintz	Mudd	Smith, T. F.
Dies	Hicks	Neely	Snell
Dooling	Holland	Nicholls, S. C.	Snook
Doughton	Hollingsworth	Nichols, Mich.	Steele
Drukker	Hood	Norton	Sterling, Pa.
Dupré	Husted	Oliver, Ala.	Strong
Sullivan	Templeton	Van Dyke	Waldow
Sumners	Thompson	Vare	Watson, Pa.
Swift	Tillman	Venable	Weaver
Switzer	Tilson	Vestal	Wilson, Ill.
Talbott	Tinkham	Voigt	Zihlman

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, finding itself without a quorum, he had caused the roll to be called, that 266 Members had answered to their names, and that he presented therewith the names of the absentees for printing in the RECORD.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] will have to amend his request for unanimous consent. There are a number of gentlemen included in the request, and the time given me makes 33 minutes instead of 27 minutes.

Mr. FOSTER. Then I ask unanimous consent that debate on this section and all amendments thereto close at the end of 33 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I greatly appreciate the statement so seriously made by the gentleman from Illinois [Mr. FOSTER]. I may have been a bit satirical, but I can not believe that in looking into this bill and predicting a bad future for it in its operation I am endeavoring to delay any activity necessary for the war. If I neglected to say in my remarks a few minutes ago, which is the only time I have taken on this bill which is of much importance to my State, anything of its war features, I say now that I intend to vote for it. I hope, however, that the sum of money appropriated in this bill will be greatly reduced. I hope the bill will be trimmed all around. I am inclined to think that it, like some others, has as a base just as much a desire in it for bureaucratic extension as it has as a war emergency.

As to the indorsements from the White House in regard to certain bills, I notice the last presidential indorsement we had was in the form of a letter written to some Member of the House and read here, calling attention to the fact that a certain bill was a "genuine" war measure; and a letter before that one called attention to the fact that a certain other bill was a "real" war measure. We have not had a letter stating what kind of a war measure this is—real, genuine, or ordinary. We have the statement of the gentleman that this is necessary and ought to be passed. I think that all that is needed to be done could be done under the power heretofore given to the President. I think, with these maps, and so forth, printed, showing manganese and other products in nearly all States that might be increased in production, that a great amount of the production will come up behind the war necessity; and if the revolving fund stays in we will not hear the end of this thing for years and years and years. The scheme will be continued by some means. The propaganda put out to create interest in this bill has been misleading. Owners of prospects think they are going to get what they are not going to get. The big fellows will beat them to it.

I take position with the gentleman from Illinois [Mr. FOSTER]. I feel that I am no more to blame or responsible for this bill than he is. He could not help himself. He is doing the best he can. It is put up to him by a bureau. We can not check it, correct it, or reduce it, because it is an officially O. K.'d war measure. He feels it his duty to press it before the House, and I presume, just as on other bills at which we choked, we will all fall in the same box and will vote for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentlemen in charge of this bill have pleaded very earnestly for its passage, but thus far they have not clearly made known who is behind it. Up to date no one on the committee, including the chairman thereof, the gentleman from Illinois [Mr. FOSTER], has indicated positively that the President himself has said that this is a measure that ought to be passed as a war measure.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. May I say this to the gentleman—and I will yield to the gentleman one more minute out of the six minutes reserved for this side—that a few minutes ago the gentleman asked whether the President approved of this bill? I say that the President does approve this bill. He called me to the telephone

a little while ago, just after I had finished some remarks. The President told me that this bill had his full indorsement.

Mr. MOORE of Pennsylvania. The President of the United States said he favored it?

Mr. FOSTER. Yes. The President of the United States said that this was a war measure and he regarded it very essential that it should become a law. He said it was necessary because ships had to be taken off from importing these materials to carry supplies to France. That ought to be done in order to carry on this war. This was a war measure and nothing else, and he authorized me to say to this House that the bill had his indorsement and he would be pleased to see it become a law at as early a date as possible.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I five minutes remaining?

The CHAIRMAN. The gentleman had five minutes and then he had one additional minute, given by the gentleman from Illinois [Mr. FOSTER].

Mr. MOORE of Pennsylvania. It took a long time for us to obtain this statement from the chairman of the committee. I am glad he has seen the importance of bringing to the House authentic information on this very important point. In the eloquent speech he made a while ago he several times observed that the bill had the approval of the Secretary of the Interior. That far he went, but no further did he go. Now, he has been called to the telephone, to be told by the President in person, that the President approves of this bill as a war measure, and that, of course, will relieve the anxiety of a number of gentlemen. But the gentleman from Illinois, as well as the gentleman from Arkansas [Mr. WINGO], suggested that perhaps we were going too far in asking that the President should give his approval to a measure of this kind. Going too far when we, upon both sides of this House, have voted unlimited support to the President of the United States to carry forward this war, including the right to commandeer property and put it to war use? Going too far when no one would take the floor and say that the President backed this bill, when it appears on the face of it that it might mean the disorganization of the mining business of the United States? Going too far when it meant the creation of a new institution here, with $50,000,000 of the people's money at the service of new agents, to destroy private business if need be? Going too far to ask the President, in whom we place our confidence, to at least let us know if he knows about this bill?

I do not think it is unreasonable when we are asked to take $50,000,000 today, and $50,000,000 to-morrow, and $50,000,000 next day for purposes we would not dream of supporting in ordinary times. I do not think it is too much to ask the President's attitude on important or hazardous measures that people under the President, without his knowledge, might impose upon Congress for the furtherance of their own ends.

I do not think it is too much to ask that the President should confide in this body and say—through the chairman of the committee bringing forward an important bill like this—"Yes; this is a war measure. As Commander in Chief of the Army and Navy of the United States I deem it important that such a measure should be passed by Congress." That is not unreasonable when we are trying to work with the President.

For one, I want to vote for these extraordinary measures, if I have to, with the understanding that I am voting side by side with the Commander in Chief. I do not want to deceive the people of the United States, who are already overburdened with taxes. I do not want to permit monopolies or speculators to control this body. I do not want Herbert Hoover or Mr. Baruch, or any other individual who may come in here and take charge of a bureau, to tell this Congress what to do in this war emergency without the approval of the President. I want to know whether the Commander in Chief of the Army and Navy of the United States requires this money of the people as a war measure. When he does that, I may be satisfied to vote for it; but I do not care to take it from understrappers. It is too serious and important a matter. The people of the United States have got to pay this bill and for such errors and mistakes as may be made. If there is disorganization of the mining business in consequence of anything that may work a monopoly in this instance, then let the responsibility be shared by the President of the United States, as well as by the Congress thereof. That is a fair proposition when the administration knows so much about the necessity for this measure, and Congress knows so little.

Mr. TOWNER. Mr. Chairman, I am very much surprised indeed that the gentleman from Pennsylvania [Mr. MOORE] should have failed to recognize some of the propositions involved in this bill, that should, I am quite sure, appeal to him perhaps more than to any other gentleman on the floor of this House, because the gentleman ought to recognize that this bill is not only a bill for the purpose of commandeering property, if necessary, but it is also a bill for the protection of home industries by large bounties and by tariffs, if necessary. I want to call the gentleman's attention to the statement made by the Secretary of Commerce, which is extraordinarily good Republican protective doctrine. He says:

> We know approximately what we have. We simply want to be able to say to the small man and to the large man, "Gentlemen, go further in and find out what you have. Bring it out and we will see that you are not ruined."

And then the Secretary says:

> I think that is good Americanism; I think that is common sense—

And I am quite sure the gentleman from Pennsylvania will agree with that proposition—

> I know we are criticized—

He says—

> if we do not do it in the future.

So that this protective doctrine, of the protection of American industry, is not only for the present. It is also going to be pursued in the future. And then I want to quote a statement further from that distinguished Democrat—I presume, or at least, he is acting under Democratic authority and speaking under Democratic authority—Mr. Baruch. He says:

> I believe in the end that we won't pay any more for the articles mentioned here by our advancing the money and producing them in this country, and we will also have built around us a wall that will defend us in the future, and which may have to defend us in the present.

[Applause.]

Why, gentlemen on this side of the House, I have heard gentlemen on the other side of the House cry out against the Republican doctrine of building a wall for the protection of American industries. And yet my friend from Pennsylvania [Mr. MOORE] is finding fault with a bill which is thus sponsored, and which has the special indorsement now, we are told, of the President of the United States himself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TOWNER. Very gladly.

Mr. MOORE of Pennsylvania. Of course, I have not deviated from my belief in the principle of protection, but I did not observe that the ordinary protective methods were being followed in this bill. Under the Republican system we used to tax the foreigner who sent his goods into this country.

Mr. TOWNER. Well, while the gentleman may not have deviated from the principle of protection, the criticism I make upon him is that he has not properly appreciated the indorsement given in this bill by the Democratic Party and the leaders on the Democratic side to the principle of the protection of American industry [applause] of the necessity; in fact, if we would in this country properly protect and prepare ourselves for war, of seeing that the industries of this country are properly protected. Why, listen to what the committee itself states in the closing paragraph of its report:

> We should be as near independent of the world as possible in war time, and it is believed that under this bill we can secure the most of these necessities.

Ah, gentlemen, we have here the statement that we ought to protect ourselves and prepare ourselves to be independent in war time, and these other gentlemen have said that that also means preparation for peace time; so that we have this indorsement, given in this extraordinarily emphatic statement of the Democratic administration itself, of the doctrine of the necessity of protecting American industry. [Applause.]

Mr. HARDY. Mr. Chairman, I rise to address myself to the pending question, whatever it is, really to make some observations on the remarks of the last two gentlemen.

The CHAIRMAN. The understanding of the Chair was that the time was apportioned in the request for unanimous consent.

Mr. MADDEN. I hope the gentleman from Texas will find out what the pending question is before he discourses upon it.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARDY. Apparently I can not get any time.

Mr. MOORE of Pennsylvania. No Democrat explained that the principle of protection was involved here.

Mr. KITCHIN. But is it wise to let two Republicans discuss the tariff question and fight it out, and inject it into the consideration of this pending war measure?

Mr. HARDY. I want to congratulate the gentleman from Pennsylvania [Mr. MOORE] who said that he wanted to do whatever the President said he must do, and who has heretofore been so frequently delighted to charge us with yielding to the President, with being rubber stamps, and having no judgments of our own.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] is entitled to recognition for five minutes if he desires it.

Mr. FOSTER. I hope the gentleman from New York will take his time on the next section.

Mr. MOORE of Pennsylvania. Will not the gentleman use half a minute of his time to allow us to get an answer to a question?

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is entitled to five minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri allow a question in his time?

Mr. HAMLIN. Yes.

Mr. MOORE of Pennsylvania. The statement of the gentleman from Iowa [Mr. TOWNER] savored somewhat of politics, which I have carefully avoided. [Laughter.] In view of the statement made by the gentleman from Iowa, I want to ask the gentleman from Missouri whether any member of the committee, on the other side in particular, gave the House any information whatever about the protective features of this bill?

Mr. FOSTER. Protection in time of war.

Mr. HAMLIN. Mr. Chairman, I am very sorry that we have gentlemen upon the floor of the House who can not approach the consideration of any subject without an allusion to the tariff or some other phase of party politics. Now, I regard this as a very serious situation. I have stated already upon this floor that this is legislation of a character that under ordinary circumstances I would not favor for one moment, and I am sincere in that. Yet, under present conditions, as I understand them to exist, I am most heartily in favor of this legislation.

I want to impress this on the minds of every Member present. We are not seeking to help any individual or any particular business, fundamentally or primarily. We are seeking to help the American people as a whole in this terrible crisis in which we now find ourselves. We are as much a part of the Army that is fighting in France to-day as the boys on the front; they form the first line and we the reserve line. If we do not back them up in every possible way by sending them the things that they need in prosecuting this war, we are just as guilty of dodging our duty and of being called slackers as a man that will attempt to dodge his duty on the front. [Applause.]

Now, we are told by men who are presumed to know—and I must assume that they do know—that the materials provided for in this bill are vitally necessary in order to furnish the things which the country needs in prosecuting the war.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HAMLIN. I have not time enough to yield.

Mr. CAMPBELL of Kansas. I simply wanted to ask. Does the gentleman, who is familiar with the mining situation in our section of the country, have any fear that some bureau of the Government will demoralize conditions there as it has the coal-mining industry?

Mr. HAMLIN. Absolutely not; I have no fear at all, because I believe that the men who will administer this law will be men of experience to start with.

Mr. CAMPBELL of Kansas. Fine!

Mr. HAMLIN. The committee was careful to provide that the administration of this law should be through the Interior Department.

Mr. CAMPBELL of Kansas. If the other bill had been under the Interior Department or the Bureau of Mines, we might not have the demoralized condition that we now have in the coal industry.

Mr. HAMLIN. I will say to the gentleman that there can be no question of politics in this proposition. I hope, and I speak earnestly and seriously, that gentlemen will not seek to inject any kind of partisanship into the consideration of this bill.

This situation stares us in the face, either it is necessary to control the things mentioned in this bill for the prosecution of this war or it is not necessary. That is all there is to it. If it is necessary I must assume, and I think most of us will assume, that the men who appeared before the committee, not interested as some gentleman said to-day, personally—men like the geologists of the State of Illinois, the State of Missouri, and the State of Wisconsin, whom I asked if they were pecuniarily interested in the mining industry and they said not at all, mining engineers who said they were not interested financially in mining, national organizations of the miners' associations, the Bureau of Mines, the Geological Survey, all of these men, high-class men, patriotic men, said they had no interest in this matter personally, except as patriotic American citizens. They said that the things mentioned in this bill are absolutely necessary in the manufacture of steel guns and ammunition, and so forth, and while we had them in this country we only produced on an average 25 per cent of our consumption. They said that we need ships to carry supplies to the boys in France who are fighting this war, and we could not have them if we used them in the transportation of these minerals from other countries. We need this bill to stimulate production at home at this time. I say that we need the bill and we ought to get down to business and pass it without further delay. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. SANDERS of Indiana. Mr. Chairman, by the unanimous-consent agreement I was to have five minutes.

Mr. FOSTER. That was the understanding, Mr. Chairman.

Mr. SANDERS of Indiana. I am not so particular about the time, but I want to offer an amendment.

The CHAIRMAN. The Chair does not have that noted on his minutes.

Mr. FOSTER. I ask unanimous consent that the gentleman from Indiana have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Indiana [Mr. SANDERS] have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Now, Mr. Chairman, let us have a vote on the amendment pending before the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. WINGO].

Mr. CANNON. Let us have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings." In line 11, the same page, after the word "evidence," insert the words "of the facts stated therein."

The CHAIRMAN. The question is on the amendment.

The question was considered, and the amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 18, after the word "business," strike out the words "correspondence, papers, books, and records."

Mr. SANDERS of Indiana. Mr. Chairman, the words I seek to have stricken out do not appear in the section of the food bill from which this section is almost an exact copy. I think it grants power and authority to agents which ought not to have been granted. There is no apparent necessity for the general power to examine the correspondence, papers, and books of the licensees. They have ample authority in former parts of the section to find out all about the accounts and get data concerning accounts, and of getting sworn statements in reference to the accounts. I think this permission to go into the correspondence, books, papers, and records is a power that ought not to be given in this section.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Mr. Chairman, I suggest to the gentleman that if he take out the language which his amendment would remove from the bill and leave that remaining it would read, beginning on line 18, "the Secretary of the Interior of the places of business and records of licenses."

Mr. SANDERS of Indiana. That should be "licensees."

Mr. LONGWORTH. That is a mistake in the bill, is it not?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Then that ought to be corrected.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to include in my amendment the correction of the spelling of the word "licensees."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. HAMLIN. Does not the gentleman think this provision ought to remain in the bill? In other words, that it would do no harm to have it remain in the bill? Can he not conceive that a condition might arise whereby it would be vitally necessary for the Government to have the right to examine the books, records, correspondence, and so forth, of some of these concerns to ascertain whether they have made or are making correct returns of their business transactions?

Mr. SANDERS of Indiana. The Government has the right to require a verified statement of these facts; and then if the licensee who made that verified statement committed perjury, the Government would have the usual procedure in cases of perjury. I think this is an unusual and extraordinary power, especially in view of the fact that it is granted not only to the Secretary of the Interior, but to any of his agents, and it might be delegated to some person that the Secretary of the Interior never heard of.

Mr. HAMLIN. If a man makes a correct statement and there are no suspicious circumstances connected with the report made, this provision, if allowed to remain in the law, would not be exercised and would, therefore, do no harm; but in case there should be suspicious circumstances surrounding a given case, I think the Government ought to have the right to examine the books. That privilege would not hurt anyone if they have made correct reports. I believe it ought to remain in.

Mr. SANDERS of Indiana. I know; but this authorizes any petty agent to use oppressive power, and it ought not to be granted.

Mr. HAMLIN. "Any duly authorized agent," it says, "of the Secretary of the Interior."

Mr. SANDERS of Indiana. Yes.

Mr. HAMLIN. I do not think that the Secretary of the Interior would authorize some petty agent in the sense that I think the gentleman used that expression—some irresponsible agent.

Mr. SANDERS of Indiana. Oh, no. A petty agent does not mean an irresponsible agent necessarily, but a petty agent means some agent having minor authority, who might in the course of administering the bill be granted this authority as far as the bill is concerned, and the Secretary of the Interior may never have heard of him. He might not have considered his qualifications with reference to this power, and yet this power might be given to him. I think it is an unreasonable and an oppressive power.

Mr. HAMLIN. I think that if these concerns make a fair and true return that this provision in the bill will not hurt anybody.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 38, noes 35.

Mr. SANDERS of Indiana. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. SANDERS of Indiana and Mr. HAMLIN to act as tellers.

The committee again divided; and the tellers reported—ayes 46, noes 47.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, in view of the fact that the amendment has been defeated, I suggest that the word "licenses" as it appears in the bill should be changed to "licensees."

That modification was included as a part of the amendment.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the word "licenses" be changed to "licensees" in line 19, page 6.

Mr. RAKER. Mr. Chairman, reserving the right to object——

Mr. FOSTER. Oh, object, if the gentleman is going to.

Mr. WALSH. I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. RAKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Is this section open to amendment?

The CHAIRMAN. It is.

Mr. RAKER. And discussion?

The CHAIRMAN. It is not.

Mr. RAKER. I have no objection to the amendment.

Mr. FOSTER. I offer it as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 19, strike out the word "licenses" and insert the word "licensees."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That necessaries shall be deemed to be hoarded within the meaning of this act when either (a) held, contracted for, or arranged for by any producer, manufacturer, wholesaler, retailer, dealer, or other person in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessaries produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price.

Mr. LONDON. Mr. Chairman, the only possible justification for this bill is the attempt to save a part of the tonnage now required for the importation of these various minor minerals. In order that the distinguished ex-Speaker may feel sure that there is no attempt on the part of the Government to stealthily introduce the principle of socialism into the mining industry——

Mr. CANNON. If the gentleman will yield, I would say that I did not have that in my mind.

Mr. LONDON. I desire to call his attention and the attention of other Members of the House to the testimony of Mr. De Wolff, State geologist of Illinois and president of the Association of American State Geologists. It appears that this bill was originally prepared some time in July of last year; that a few months after the beginning of the war they began to think of stimulating production. The bill traveled from group to group, and the geologists got hold of it in November. It was originally drafted by the office of the Secretary of the Interior, with the cooperation of the war minerals committee. It came to the State geologists in November, and the following interesting fact developed, that originally this bill included the larger metals and minerals, but, as explained by Mr. De Wolff, the National Association of Mining Engineers insisted that these larger metals and minerals be excluded. Had the more important metals and minerals been included there might have been some justification for the suspicion that Government control is in contemplation.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. Pardon me; I have only a few minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. LONDON. The National Association of Mining Engineers insisted that this bill be confined to minor minerals. In answer to my question Mr. De Wolf said this:

Mr. LONDON. The State geologists are all public agents, employees of the State governments? The Society of Geologists—of State geologists—are all public servants?

Mr. DE WOLF. State servants.

Mr. LONDON. While the members of the Society of Engineers are engineers employed by various interests?

Mr. DE WOLF. And in consulting practice; they are men of extended experience in the industry.

According to Mr. De Wolf, the bill in its original form included all minerals, and it provided as a last resort the taking over and the operation of the mines by the Government.

So we had this situation: That the State geologists, who are public servants, had no difficulty in approving the principles of this bill, while the Society of Engineers, associated with private interests, opposed the inclusion of the principal metals and minerals. So you see there is very little of the socialist principle about this proposition.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GRAHAM of Illinois. Does the gentleman remember that when the food-control bill was being considered in this House the lady from Montana [Miss RANKIN] offered an amendment including metalliferous mines in the food-control bill, and that those who sponsored that bill and the administration leaders in the House at that time were opposed to that amendment?

Mr. LONDON. I do not recall that particular instance. The point of it is this, that the hope is held out that this bill will encourage the production of minor minerals. Whether it will or not only heaven knows.

I do not know how attractive the price must be in order to encourage the production of minor minerals. That is all there is to this bill, and that is the difference between the powers conferred by this bill and the powers conferred upon the Government by the defense act. Under the defense act the Government may commandeer something which is in existence. This is to produce larger quantities of necessary articles.

Mr. GOOD. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GOOD. Does the gentleman contend that we need all these minerals that are specified here in larger quantities than they are produced?

Mr. LONDON. One of the best known metallurgists in the country appeared before the committee. It looked as if he took the dictionary and enumerated every mineral he could find in it. I do not know how many of them are essential for war purposes. He went through the alphabet. But we will be told anyway that it is impossible to give us detailed information, because they can not disclose the particular use to which these minerals can be put.

Mr. DEMPSEY. Mr. Chairman and gentlemen, this bill is intended, as I understand it, to encourage the production of the smaller and rarer metals. It does not include gold, silver, lead, or zinc.

Mr. FOSTER. Or copper.

Mr. DEMPSEY. Or copper, but it does include the rare kinds of metals. The need for encouraging their production has arisen in two ways. It has arisen, first, because of the scarcity of shipping to bring these metals into this country

from Brazil, Spain, India, and Turkey. We can not afford to spare the shipping for that purpose. For instance, it is estimated that manganese alone will fall short in domestic production 560,000 tons in the coming year. It is estimated also that each ton of manganese that we import means 5 tons of shipping, so you will see that means a total of 2,500,000 tons of shipping. And that is a single article—only one in the list of things that are needed. So the first reason for the bill is that we need this shipping. Now, let us see just a moment. Go up and down the list of the necessities of this war. State them all, and you will find that the one thing that stands out as the primary requisite is shipping. You may talk about food, you may talk about soldiers, you may talk about munitions and cannon and supplies, but when you have gone over the list from top to bottom, from beginning to end of the alphabet, you find in the end that shipping is the primary need, and this bill tends to answer that need, because it will release ships from importing these various metals by speeding up their production in this country.

The second reason is this: We want in this country, so far as we can, to be self-sufficient for the purposes of carrying on the war. We do not want to have to resort to the other countries, because we do not know what the necessities and needs of the hour may be. We can not tell how conditions may change. We can not tell why and how it may become impossible, or how it may become difficult, to import from a given country; and we want here in our own midst, where we have these things, to produce them in sufficient quantities to meet the exigencies of this great world war.

Now, they answer us in this way: They say first that the War Finance Corporation can take care of this proposition. I say no. Why not? The War Finance Corporation is intended to finance existing corporations which are doing a solvent, good business. It is intended simply to assist them in this crisis, not because they would need help under ordinary conditions, but because of the fact that the war stress is such that any corporation which has an established business and which is able ordinarily to finance itself, needs help in these times. It is not intended at all, through the War Finance Corporation, to assist prospecting, to assist experiment, to develop a new business. And that is the purpose of this bill. It is to foster and create a business which does not exist, to send out the pioneers, to develop that which is new, that which is untried, and to make men secure in the development of it by saying to them, "While your prospecting and experimenting are uncertain, as to whether if you were left to yourselves you could make a return upon your investment, we will guarantee such a price as will give you an insured and adequate return, because it is the need of the Nation that calls upon you, and it is because of the war that we need to have you develop this industry, and the war need makes a Nation need, and justifies the Nation in guaranteeing the price. [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. CANNON. The only real shortage that we have, the gentleman will agree, that amounts to anything, is in manganese.

Mr. DEMPSEY. Yes.

Mr. CANNON. The bulk of that is produced in Montana. Now, as it has been multiplied by 6,000 per cent in the last five years, and will be more than doubled this year, over last year; does the gentleman think that you can take a man and say to him, "We will give you a fixed price for the manganese that you will produce"? When he has not the machinery he must get it, which means transportation; and that same guarantee must go to the Colorado Ryan properties that produce manganese.

You can not make fish of one and fowl of another. What would the expenditure be?

Mr. DEMPSEY. It is absolutely impossible, if the gentleman will permit, to say how the bill will work out in detail; but I say that we do face the fact that if we do not remedy the shortage of 560,000 tons we are going to use two million and a half tons of shipping that should be used to send boys, cannon, and supplies abroad. If we can do it in this way, and I believe we can; if we can help to do it in this way, and we surely can, we should make the experiment. It is not only justified but required. [Appluse.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I ask that the gentleman have one minute more, as I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM of Illinois. The statement the gentleman has just made to save ships appeals to me. If this bill were passed, does the gentleman have any reason to believe from anything he knows that it would in the near future relieve our stringency in that respect; that is, during the present season, when we need the ships so badly, will the passage of the bill give us more ships?

Mr. DEMPSEY. I can answer the gentleman by stating what the gentleman's colleague [Mr. CANNON] has just said. We have grown from the production of 4,000 tons manganese to 240,000 tons in the incredibly short time from 1913 to 1917. If we can grow in production in that short period of time—and we are going to double it this year—why are we not going to relieve the shipping and relieve it speedily? Statistics show that there has been that surprising and that amazing growth.

Mr. GRAHAM of Illinois. Of course, if we can spend $50,000,000 and get ships in that way, it is just as easy as to spend it in building them.

Mr. DEMPSEY. Of course it is; and at the same time it answers the other purpose of the bill, which is making ourselves self-sufficient in producing within our own borders and from our own territory all those things essential to the war, and not leaving us to depend on foreign territory and its uncertainties and changes that are rapidly evolving in this world-wide war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. The testimony from the Shipping Board is that we will save from three to four hundred thousand dead-weight tons of shipping this year.

The CHAIRMAN. The time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That whenever any necessaries shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessaries shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

Mr. ROBBINS. Mr. Chairman, I have an amendment which I wish to offer to perfect the text.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be limited to 20 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Now, Mr. Chairman, I offer my amendment.

The Clerk read as follows:

Page 8, line 11, after the word "six," strike out the word "they" and insert the words "of this act the person, firm, copartnership, or corporation so holding the same," so that it will read:

"That whenever any necessaries shall be hoarded as defined in section 6 of this act the person, firm, copartnership, or corporation so holding the same shall be liable to be proceeded against in any district court of the United States within the district where the same are found."

Mr. FOSTER. I think that is all right.

Mr. ANDERSON. I want to call attention of the chairman of the committee to the fact that this is a proceeding in rem and not in personam.

Mr. ROBBINS. I know that very well. I know that it is a proceeding "in rem," but it ought to be "in personam." If you read the section you will see that this is a proceeding against the ores or minerals wherever found, and then down in line 15 you will see the word "they," which refers to the minerals, and in line 19 you will see the word "party" is again used, providing that after paying the cost and charges the surplus shall be paid to the party entitled thereto. Then in line 21 you find this provision: "Except that either party may demand trial by jury of any issue of fact joined in any such case."

I submit that this section ought to be a proceeding "in personam" and not a proceeding "in rem," because this is a section that seeks to enforce the preceding section. The preceding section, section 6, refers entirely to the hoarding of these metals. The penalty for hoarding these metals is to proceed against the firm, person, or corporation that hoards them. They are the people guilty in this act, and they are the people against whom the proceedings must be instituted. This idea of going and searching out the "thing hoarded" and allowing the thing or minerals hoarded to appeal where a question of fact is raised makes it ridiculous.

Mr. LONDON. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LONDON. The proceeding against the person is in section 8.

Mr. ROBBINS. That is a criminal section and proceeding, and is a different thing. The proceeding in this section is a proceeding "in rem" against the thing which is analogous to a proceeding in law against real estate, the foreclosure of a mortgage. Here you are proceeding against a man for hoarding goods, and it is a proceeding against the person for a violation of the provisions of the statute.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SANDERS of Indiana. Suppose a person should be located out of the jurisdiction. Suppose the hoarding of goods should be in one State and the person should be in another State, would you have the proceeding against the person?

Mr. ROBBINS. Oh, there is a method provided by statute for suits against persons who are absent from the jurisdiction of the court. Service is had by publication and a foreign attachment proceeding.

Mr. SANDERS of Indiana. That is a statutory proceeding.

Mr. ROBBINS. Of course, there is a United States statute providing for that. The trouble about this section is that it could not be enforced. This is an attempt to set up a proceeding in admiralty, which pertains to proceedings against boats and ships. Here your proceeding is against the person, the firm, or the corporation that acquires this metal in bulk and holds it, and hoards it, for the purpose of increasing the price to the Government or to the manufacturers who are manufacturing war materials for the Government.

Mr. LONDON. Is not the object to get hold of the thing hoarded rather than to punish the person in an action for damages? The object of this section is to get hold of the very thing that the Government needs. So it is an action not only in law, but the spirit of it is that it is against the thing for the possession of that thing.

Mr. ROBBINS. You get control of the mineral when you proceed against the person hoarding it and seize the mineral or ore he is hoarding.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. STAFFORD. Apart from the amendment that the gentleman has offered, may I inquire his view as to whether we are justified in passing a provision of confiscation, as this paragraph provides, that does not regard the constitutional provision of not taking property without due compensation?

Mr. ROBBINS. This statute is a war measure. No person in this House, it has been reiterated over and over again, would vote for it under any other circumstances.

Mr. STAFFORD. Does the gentleman believe that the constitutional protection and guaranty of not taking property without due compensation does not apply in time of war as well as in time of peace?

Mr. ROBBINS. I will answer the question by saying that this section provides specifically for trial by jury, and that is the only provision that saves this clause from being absolutely in the teeth of the Constitution.

Mr. STAFFORD. It provides for the confiscation and sale at any figure which may be received at public auction.

Mr. ROBBINS. If it be sold at public auction, that would be due process of law, and would, if fairly conducted, obtain for the owner fair and just compensation for the minerals or ore seized and taken from him.

Mr. GOOD. Mr. Chairman, I am considerably disturbed with regard to this measure. I want to vote for and support every measure that is necessary for the prosecution of this war. I think that is the duty of every Member of the House, and it is to the credit of the membership of this House that everyone is performing his full duty, and if there is a disloyal Member of the House I do not know his name. The support which the administration has had by the membership of this House upon every bill that has been put forth as necessary for the successful conduct of the war has been remarkable. But I do not want to vote for a bill that has that for its purpose, if we already have some other law on the statute books through which we can accomplish the same purpose. I do want to vote against those bills that have for their object the building up of new departments and a big personnel in them at tremendous expense, the creating of new offices with large salaries, when we can accomplish the thing that that organization would accomplish without that expense.

Let us take the bills that we have already passed—I do not care which one you take, you will find unusual powers. There are a number of bills giving the President all the power this bill grants. Here is the food bill. It provides as follows:

SEC. 12. That whenever the President shall find it necessary to secure an adequate supply of necessaries for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessaries are or may be manufactured, produced, prepared, or mined, and to operate the same.

Then, further, there is this other provision in section 10:

That the President is authorized, from time to time, to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition, or otherwise provide, storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor.

What broader powers could we give than the power we have given in that act? Does anyone contend that that does not give the President power to purchase these metals? Take the act of June 3, 1916, providing for further and more effectual provision for the national defense. Here, again, we gave the President the power not only to reach out and commandeer propery that may be necessary for the prosecution of this war and at a price which he said was fair and reasonable, but if the supply is not sufficient we gave him power to force an increased production. Take the things that are mentioned here in the remarks of the gentleman from Arkansas [Mr. WINGO], which he placed in the RECORD. I understand there is not one of those minerals that we do not produce some quantity of in the United States. Is there a man here who says that the President can not go out and buy all that is necessary, either for the Army or the Navy or for any public use, under the authority which he now has?

Mr. FOSTER. Where would you get cobalt?

Mr. STAFFORD. In Canada.

Mr. FOSTER. I said in the United States.

Mr. STAFFORD. Does the gentleman desire to produce a home-market condition, justifying large prices for cobalt, if it can be secured in Canada?

Mr. FOSTER. The gentleman from Iowa said all these could be produced in the United States.

Mr. GOOD. If they can not be produced in the United States then the bill does not affect them, because the bill only affects those things that can be produced in the United States. If you are going to release this vast tonnage in shipping you must find the things you want right in the United States or Mexico or Canada. What is more to the point, if we need cobalt, why does not the President buy it in Canada? He has the authority and the money, and he can pay any price and no one can object.

Why, if you want manganese, if you want a million tons, the President has the money appropriated by Congress to buy it, and he has authority to purchase all that can be produced. No one can prevent his purchasing it where ships will not be necessary for transporting it.

If you wanted antimony the President has had authority to purchase all that is necessary either for the Army or the Navy, or what the steel companies need for public use and he can pay any price which he may elect to pay. What more authority do you want than this?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I would like to have five minutes more.

Mr. HAMLIN. Mr. Chairman, I understand the time is limited.

The CHAIRMAN. The time was fixed by agreement.

Mr. GOOD. I understood there was 20 minutes.

Mr. FOSTER. How much time is there remaining?

The CHAIRMAN. Ten minutes has been used.

Mr. GOOD. Mr. Chairman, I have not taken up the time of the committee, and can conclude in five minutes.

Mr. STAFFORD. Mr. Chairman, I understood the gentleman was to have 10 minutes. He said he desired 7 or 8 minutes.

Mr. FOSTER. He said five.

Mr. STAFFORD. He expressed himself as wanting seven or eight minutes.

Mr. GOOD. Let me have another five minutes.

Mr. STAFFORD. Mr. Chairman, I will yield my time to the gentleman in order to allow the gentleman from Illinois to have his five minutes.

Mr. FOSTER. No; go ahead.

The CHAIRMAN. What is the result of the agreement on the floor?

Mr. STAFFORD. I understood five minutes would be reserved for me, and I will yield that to the gentleman.

The CHAIRMAN. The gentleman from Iowa is recognized for five additional minutes.

Mr. GOOD. Now, Mr. Chairman, this is rather a belated excuse for something that side of the House should have done. When you passed the Underwood bill before the outbreak of the war, when you took off the duty of $2.50 a ton on ferromanganese and placed it on the free list, then you desired to discourage production in metals. The certain metals schedule was similarly dealt with. The result was discouraging to American producers and encouraged production abroad. Now you wish to encourage American production again.

Mr. HAMLIN. Will the gentleman yield there? Did not the gentleman just a moment ago say we ought not to pass this bill provided we could get cobalt from Canada?

Mr. GOOD. Now, Mr. Chairman, that is a lame excuse for your taking off the duty on the product of the American miner who was producing these metals and then when we find we are in war and need them to reach out and ask the poor washerwomen and the banker alike to buy liberty bonds in order that you may rehabilitate the industries that you have destroyed.

Mr. HARDY. Will the gentleman yield?

Mr. GOOD. I can not.

Mr. FOSTER. Let us not have politics, this is a war measure.

Mr. GOOD. Yes; it is said that this is a war measure, but I am inclined to think it is unnecessary. It will provide many jobs for deserving Democrats and to that extent it may be a war measure, but the power granted is already vested in the President. I regret that that side of the House was not far-sighted enough before the war, when we told you that you needed American production, that you ought to produce in America everything that could be produced that we use or could use, and yet you destroyed those industries and now you reach out and ask $50,000,000 to rehabilitate them. Protection would have saved them at the expense of the importer. No, gentlemen of the committee, there is not a power granted in this bill, except the authorization for an appropriation and the additional power to create a new department, that has not already been granted the President. Ah, if it is true that we could release thousands upon thousands of tons of shipping by purchasing these things of the American miner, then I say to you the fault is not with the House, the fault is not with Congress, the fault is in the correct exercise of these broad powers that we have granted.

Long ago you ought to have been producing manganese, antimony, and these things that you say you want to produce here in America. The President had the power to purchase. The first thing we did after we declared war was to give the President $100,000,000 to purchase things of this kind. Of course, this vast tonnage of ships should be released. It should be released at once. Do not wait for this authority; exercise the authority already granted and buy them at once. The authority and money have already been granted. Almost a year ago we granted this authority, and it should have been exercised long ago. We should have been buying antimony and manganese and bismuth—and all those things which you say you are going to buy, if this bill becomes a law—for a year. You have needed the ships all year. The President has the power to buy them now, at any price he may fix. He has the money in his hands with which to buy them, and there is no limitation on the price that he can pay. Why not exercise this power? Why create more useless offices, the salaries of which drain the substance of the people? [Applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] has voted in this House, as other Members on that side have, for the support of the administration in this war. They are to be commended for doing that. I am not here to find fault with any man. They have loyally supported the administration in the carrying out of its war policies; but I do regret, my friends, that the gentleman from Iowa should see fit, upon the pretext of criticizing this bill, to find fault with things that he thinks should have been done a long time ago. The gentleman speaks of the President having $100,000,000 with which he could have bought cobalt, antimony, pyrites, manganese, and these other articles. The President has no power under the law to buy and sell those articles.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. FOSTER. He can buy but he can not sell them.

Mr. CAMPBELL of Kansas. He exercised power, I understand, by buying a lot of old junk in a hole in the ground up on Fifteenth Street.

Mr. FOSTER. The gentleman from Kansas upon this war measure, when it is necessary to secure some legislation for carrying on the war, sees fit now to lug in some other proposition on which he desires to criticize the President, and yet protests his loyalty to the Government at the same time. I am sorry, my friend——

Mr. CAMPBELL of Kansas. But the gentleman says——

Mr. FOSTER. I did not yield to the gentleman.

Mr. CAMPBELL of Kansas. Does the gentleman yield?

Mr. FOSTER. No; I do not.

Mr. CAMPBELL of Kansas. The gentleman does not say that he could not, under the power that he has now, buy these needed war materials?

Mr. FOSTER. I will say to my friend from Kansas, if he will contain himself until some opportune time comes, when the House may be considering a proposition that is not as vital a war measure as this is, he can say what he likes in criticism of what the President has done if he thinks that there are things to do. But I do submit that under the guise of criticizing this bill and protesting their loyalty at the same time, they should not find fault with the President because he did not commence some time ago to buy $100,000,000 worth of pyrites, buy $100,000,000 worth of manganese, and do all those things. Supposing the President had done it? The same gentleman would have been here criticizing him because he had spent money for that purpose. I have no doubt about that. Let us be fair. I hope I have not been partisan in this House, and very few Members of this House have been partisan. I do not know that I call to my mind one. But I do submit that it is not the proper thing now to criticize the President in this way. Let us put this measure through. Let us not have it said six months from now that the Government is short on these materials because Congress failed to do its duty in helping to secure these necessary materials.

Mr. GOOD. Now, the gentleman is willing to admit that the President has power to purchase all of the things that are contemplated to be secured under this bill?

Mr. FOSTER. No; I do not think he has.

Mr. GOOD. Does the gentleman think now that the President would not have authority to purchase under the food bill or under the Army reorganization bill?

Mr. FOSTER. I think he might have the right to purchase or commandeer some of these articles, but I doubt he has the power to do all these necessary things provided in this bill to secure all of them.

Mr. GOOD. Not under the food bill?

Mr. FOSTER. He must take care of industrial uses in this country, too.

Mr. GARLAND. Will the gentleman yield right there?

Mr. FOSTER. I yield to my colleague.

Mr. GARLAND. I was going to ask the gentleman from Iowa, as to this far-sighted policy that he refers to, if he himself ought not to have exercised it a little when he voted for the manufacture of armor plate by the Government, inasmuch as the country has to have manganese?

Mr. JOHNSON of Washington. In regard to manganese, there are all kinds of it in the forest reserves owned by the Government. Can we not get it?

Mr. FOSTER. We can if we pass this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. HAYES. Mr. Chairman, can we not have it reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. ROBBINS. Mr. Chairman, after a conference with some of the gentlemen in charge, they claim that this is to be a proceeding in rem; and as I have no desire to change the proceeding if they insist on it, I withdraw the amendment with that understanding.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

SEC. 8. That any person who, in order to enhance the price of necessaries, willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years, or both.

Mr. ANDERSON. Mr. Chairman, I move to amend by striking out in lines 3 and 4 the words "in order to enhance the price of necessaries."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 9, lines 3 and 4, strike out the words "in order to enhance the price of necessaries."

Mr. ANDERSON. Mr. Chairman, there seems to be a duplication of words in this section. As it now reads it is as follows:

That any person who, in order to enhance the price of necessaries, willfully destroys any necessaries for the purpose of enhancing the price or restricting the supplies.

I submit to the gentleman that language ought to go out.

Mr. FOSTER. That print is from the old bill. We did change that, but the printers did not get it.

Mr. JOHNSON of Washington. Have you not a paragraph that is in line with the bill passed the other day for the destruction of war material?

Mr. ANDERSON. Substantially so.

Mr. JOHNSON of Washington. With the same form of punishment?

Mr. ANDERSON. With the same form of punishment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I do so in order to ask the chairman whether anywhere in the proposed law he has defined what are "necessaries."

Mr. FOSTER. Yes. These articles are defined to be "necessaries."

Mr. FESS. It is limited to them?

Mr. FOSTER. Yes.

Mr. FESS. I thought you would not put it in a criminal statute without defining it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That any person who conspires, combines, agrees, or arranges with any other person, or who aids or abets any other person (a) to limit the facilities for transportating, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries shall, upon conviction, be fined not exceeding $10,000 or be imprisoned for not more than two years, or both.

Mr. SANDERS of Indiana. Mr. Chairman, I move to insert, after the word "who," in line 8, page 9, the expression "in order to enhance the price of necessaries."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the words "in order to enhance the price of necessaries."

Mr. SANDERS of Indiana. Mr. Chairman, it is my opinion that the committee, when it finally agreed upon the bill, had that expression in section 9, and inadvertently it was put in section 8; and I am seeking to put in this section the expression that was stricken out of section 8 by the gentleman from Minnesota [Mr. ANDERSON].

Section 9 enumerates numerous things—(a), (b), (c), and (d). The first, (a), is to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) is to restrict the supply of any necessaries; (c) is to restrict the distribution of any necessaries; (d) is to prevent, limit, or lessen the manufacture or production of any necessaries.

Now, it may easily be imagined that any one of those things might be done without having any unlawful purpose in view, but if the expression "in order to enhance the price of necessaries" is inserted after the word "who," it will make the section a proper criminal statute.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. FESS. Can the gentleman conceive of a condition where any of these things might be done unlawfully that would not fall under your classification in order to enhance the price?

Mr. SANDERS of Indiana. I can not conceive of any such condition. On the other hand, I can conceive how you might agree to restrict the supply for a legitimate purpose.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WINGO. What language do I understand you propose to insert after the word "who"?

Mr. SANDERS of Indiana. I propose to insert the language that was stricken out of section 8, "in order to enhance the price." I think that was agreed to by the committee, and through inadvertence it was put in the other section.

Mr. WINGO. No. It was agreed to, but in recasting the section it was left out deliberately. If you put it where you propose to put it, we would have a repetition, because that is not the only thing we propose to punish by this section. What we propose to do now is to punish any person who combines with or aids or abets any other person in doing any one of the several things mentioned in the clauses (a), (b), (c), and (d); in other words, if he conspires or combines with or aids or abets any other person in limiting the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries, or in restricting the supply of any necessaries, or in restricting the distribution of any necessaries, or for the purpose of preventing, limiting, or lessening the manufacture or production of any necessaries. There are several different acts enumerated.

Mr. ANDERSON. In other words, it is the combination or conspiracy that you punish here, not the intent that the individual has to combine with somebody else to do what is unlawful.

Mr. WINGO. No. I think possibly, if I recall the discussion of it, some of us contended that we ought to be a little more explicit to mean what you suggest. That is, that the language that we now have does not punish anything but the conspiracy. I think the language used punishes only the conspiracy to do these things, and does it without the language that the gentleman from Indiana proposes.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. If the amendment of the gentleman prevails, I am inclined to believe—and I make the suggestion for his consideration—that the man who had been arrested could very properly raise this defense: He could say that he could not be convicted, because his purpose in limiting the facilities for transportation was not to raise the price, but in order to embarrass his own country. He might possibly be convicted on some other charge, but he could acknowledge a crime and clear himself of the charge under this provision.

Mr. SANDERS of Indiana. If he successfully made the defense that he did this for some other reason, he ought to go acquitted under this statute.

Mr. SCOTT of Michigan. That is true; but if the gentleman's amendment prevails then it will be necessary for the prosecution to prove absolutely that his purpose was——

Mr. SANDERS of Indiana. Unlawful.

Mr. SCOTT of Michigan. Not unlawful, but was to enhance the value.

Mr. SANDERS of Indiana. To be sure.

Mr. SCOTT of Michigan. I agree with the gentleman from Arkansas [Mr. WINGO] that that limits the purpose of the section rather than extends it.

Mr. SANDERS of Indiana. I do not think I made my point very clear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, may I, in the gentleman's time, inquire of the chairman of the committee how late he intends to run? It is now after half past 4, and there is a very small attendance here.

Mr. FOSTER. I should like to finish this section and read section 10.

Mr. STAFFORD. All right.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DEMPSEY. I think perhaps if the gentleman would yield to me I could make a suggestion——

Mr. SANDERS of Indiana. I yield to my friend.

Mr. DEMPSEY. I will suggest to my friend from Indiana that the proposed amendment would, it seems to me, place upon the Government the burden not only of proving the offense but of proving the intent.

Mr. SANDERS of Indiana. It always has to do that anyway.

Mr. DEMPSEY. No; that is not true.

Mr. WOOD of Indiana. The intent follows the act.

Mr. DEMPSEY. The intent, as a general rule, follows the act itself.

Mr. SANDERS of Indiana. You have to introduce the evidentiary facts in order to prove the intent.

Mr. DEMPSEY. I am afraid the amendment proposed would put the onus upon the Government to establish affirmatively the intent as a separate fact. I am afraid, in other words, that the proof of the act itself, no matter how clear it might be, would

not entitle the Government to a conviction, but that the Government would have to establish guilt by adding to the proof of the act the proof of the intent as a separate factor.

While I am on my feet I would like to call the attention of the gentleman from Arkansas [Mr. WINGO] also to this, in reference to the suggestion made by him: This section as drawn, as was suggested by the gentleman from Arkansas, seems to punish simply the conspiring and combining, aiding or abetting, and not the doing of the act. Now, should there not be after the word "necessary," in line 15, something added, so that you could convict for the doing of the act either separately or with others?

Mr. WINGO. Since I was on the floor my memory has been refreshed, and my attention is called to section 4. By that section we make unlawful the acts, and by this section we punish conspiracy to commit these unlawful acts.

Mr. DEMPSEY. I see. I apologize to the gentleman from Indiana for taking so much of his time.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman.

Mr. WOOD of Indiana. I desire to call the attention of the gentleman from Arkansas [Mr. WINGO] to this fact: In order to prosecute a conspiracy successfully there must be some unlawful purpose for the conspiracy. Now, there is nothing in this section 9 but what might be entirely lawful. There either ought to be some characterization like that offered by the gentleman from Indiana [Mr. SANDERS] or else the word "unlawfully" should be inserted somewhere.

Mr. DEMPSEY. "Unlawfully" would be all right.

Mr. WINGO. In section 4 we declare the doing of these things unlawful, and then subsequently we punish the conspiracy to do the things which at another place in the same act are declared to be unlawful. In view of that fact does the gentleman think it is necessary to insert the word "unlawful" here?

Mr. DEMPSEY. I do not think so.

Mr. WOOD of Indiana. For this reason, in section 4 you are not proving a penalty. This is purely a criminal section and there ought to be set out some unlawful purpose; in order for a successful prosecution for conspiracy there must be an unlawful purpose. The word "unlawful" should be added or the things enumerated in (a), (b), and (c.).

Mr. SANDERS of Indiana. In further proof that section 7 originally contained the provision I call the committee's attention to the fact that section 9 in the food bill had the same provision that I am seeking to place in this section, except that it was in the latter part of the section. On page 4 of the food bill, section 9, is the expression "in order to enhance the price thereof."

Mr. STAFFORD. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. STAFFORD. Does not the gentleman agree that in the food bill the clause he refers to refers to subsection d as the crime rather than——

Mr. SANDERS of Indiana. I was afraid of that interpretation, and in the committee I took it out and put it in the top line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. I want to point out why I think it is absolutely necessary to put the qualifying words in the section. Section 9 does not deal alone with conspiracies and combinations, but also with agreements and arrangements. If the section of the bill is left as it now stands, you will have a violation of the criminal law for any two men to agree to limit the facilities for transportation of any of these necessaries, although it may be for a wise and legitimate purpose, or to make an arrangement to that effect, no matter what sort of a purpose they may have.

Under section (b) if two men agree or arrange to restrict the supply of any of the necessaries, no matter how lawful or worthy the object, it will be a violation of the section. If they have agreed to arrange to restrict the distribution, no matter what purpose they have, they will be subject to the drastic penalty of this provision.

But if the section is made to read as the food law reads, and as it should be interpreted, it will make only those things a crime when they are done for the purpose of enhancing the price. That is the object of the legislation. In other words, if they undertake to limit the transportation to enhance the price it will be a violation of the law. If they agree to restrict the supply in order to enhance the price, it will be a violation of the law. What is the objection to their restricting the supply unless it does enhance the price. If they undertake to restrict the distribution of it to enhance the price it will be a violation of the law. If they arrange to do any of these things for some other purpose then it should not be a violation of the law. If they have some other object in view which is unlawful, and you want the law to cover that, then you have another matter, which can be reached by appropriate criminal legislation. But this ought not to be left in the shape that it is at the present, so that an undertaking to do a laudable thing subjects anyone to fine and imprisonment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. As I gather, the gentleman wants to make it plain what the unlawful acts consist of.

Mr. SANDERS of Indiana. Yes.

Mr. McKEOWN. Would it not be wise to add these words, "in order to enhance the value and impede the Government in the progress of this war"?

Mr. SANDERS of Indiana. I would have no objection to the insertion of any phrase which would make unlawful things that ought to be made unlawful.

Mr. GREEN of Iowa. Mr. Chairman, the statement just made by the gentleman from Oklahoma [Mr. MCKEOWN] affords one reason why possibly the amendment of the gentleman ought not to prevail. The question as to whether the amendment should be sustained depends on what is sought. If we consider this paragraph simply as a sort of antitrust measure, I quite agree with my friend from Indiana that the amendment ought to be inserted. But if as a war measure it is absolutely necessary that the Government should not be impeded in any kind of way in obtaining these materials and therefore it is sought to forbid not only the enhancement of the price but any attempt to prevent the Government from getting hold of the materials, of receiving them at any time, and gathering them together for necessary purposes, then I can see why the paragraph ought to remain in its original form.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. Suppose two producers of an article get together and agree that they will not erect storage warehouses. That would limit the storage for materials; not intending to enhance the price but for a valid reason, does the gentleman believe we should make it a crime to carry out a valid business agreement?

Mr. GREEN of Iowa. The gentleman is supposing something that would not come within the provisions of the statute in any way.

Mr. STAFFORD. It does not even require it to be unlawful. The gentleman is not acquainted with the phraseology of the paragraph.

Mr. GREEN of Iowa. Oh, the gentleman is entirely acquainted with it. He has read it and reread it.

Mr. STAFFORD. Then I direct the gentleman's attention to subdivision (a) of section 9 and ask whether that does not apply to that very case?

Mr. GREEN of Iowa. A penalty can not be enforced simply because an act might in some kind of way be included within the provisions. If a penalty is enforced at all, it is enforced because it necessarily comes within the provisions; and the mere fact that a man combines with some others not to erect a storehouse would not subject him to any of the penalties of this paragraph. Criminal laws are always construed strictly, and nothing is included by implication.

Mr. HAMLIN. Can not the gentleman also see, if the amendment of the gentleman from Indiana is adopted, when the Government might find itself in this condition? It might appear that an injury had been done or a crime had been committed due to a conspiracy formed unlawfully, and yet the Government could not prove that the purpose of that conspiracy and the object of it was to "enhance the price" and therefore, if the amendment be adopted, the Government would fail to secure a conviction notwithstanding a great injury had been done to the Government.

Mr. GREEN of Iowa. That is all very true, and yet I perhaps would hardly want to oppose the amendment upon that ground. In peace times I would think that we ought to have the provision inserted that the gentleman from Indiana desires through his amendment.

Mr. HAMLIN. If the enhancement of the price is the only thing you want to prevent, then the amendment of the gentleman from Indiana [Mr. SANDERS] ought to be adopted, but I think we want to cover a broader field.

Mr. GREEN of Iowa. Yes. I think the whole question of whether the amendment should be adopted rests upon that point.

Mr. HAMLIN. I do, too.

Mr. SANDERS of Indiana. Suppose two miners got together and agreed to lay off on the Fourth of July. That would restrict the supply of necessaries.

Mr. HAMLIN. I think the gentleman from Iowa has very well answered that argument. I do not think it enters into this at all, because if their purpose was innocent and not intending to commit any crime against the Government they could not be convicted. It is nonsense to talk about their being convicted under the circumstances just mentioned by the gentleman from Indiana.

Mr. GREEN of Iowa. The gentleman from Minnesota [Mr. ANDERSON] informs me that this provision was taken from the Canadian act.

Mr. SANDERS of Indiana. I think the provision was taken from the food act. The provisions of the food act may have been taken from the Canadian act. The food act contains a provision that I want to put in here.

Mr. GREEN of Iowa. In respect to food, I scarcely see how war preparation could be affected, unless the price of food was raised, and I think the provision was very properly put in that act.

Mr. COOPER of Wisconsin. Is it not an inevitable consequence of a restriction of the supply of necessaries that the price of necessaries shall be enhanced. A restriction of the supply of luxuries does not necessarily enhance the price, because you can do with or without luxuries, in your discretion. If they are necessaries, however, which you must have, if the supply is restricted it enhances the price naturally in the market.

Mr. GREEN of Iowa. That would be the inevitable effect, and, as the gentleman from Wisconsin might have suggested further, the only result of the change in this particular case would be to throw an additional burden on the Government in making out its case.

Mr. SANDERS of Indiana. Suppose 100 laborers should strike and remain on a strike for three weeks. Could they be prosecuted under section (b), the way it is written now? That would restrict the supply of necessaries.

Mr. GREEN of Iowa. The gentleman must remember that all through this is carried the necessary implication that the purpose must be proved; that is, the purpose to restrict the output. Unless this is shown, the conspiracy will not be made out. This purpose is not shown by proving that such a result might follow. I am not, however, asserting that the amendment of the gentleman from Indiana should be rejected. I am only presenting some matters that I think should be considered before a vote is taken.

Mr. YOUNG of North Dakota. Mr. Chairman, to-morrow will be the one hundredth anniversary of the proclamation of President James Monroe putting into operation the Rush-Bagot treaty, which provided for disarmament upon the Great American Lakes. At the time it was negotiated it was not dignified by the word "treaty." It was rather given the modest designation of "an exchange of notes."

Letters were exchanged between Richard Rush, Acting Secretary of State, and Charles Bagot, British minister to the United States. The negotiations were of the greatest simplicity. On April 28, 1817, Mr. Bagot wrote Mr. Rush that his Government had authorized him to accede to the proposition which had been made to him by Mr. Rush, which was:

> That the naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:
>
> On Lake Ontario to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.
>
> On the upper Lakes to two vessels not exceeding like burden each and armed with like force.
>
> On the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.
>
> And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be there built or armed.
>
> His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The following day Mr. Rush wrote a cordial letter to Mr. Bagot, in which he said:

> The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed in the note of the 2d of August, agrees that the naval force to be maintained upon the Lakes by the United States and Great Britain shall henceforth be confined to the following vessels—

Named in Mr. Bagot's letter. It will be noticed that the armaments were reduced to the point of practically a revenue police service.

This is an almost forgotten page of history. Something like 99 people out of 100 have fallen into the mistake of believing that disarmament upon the Great Lakes dated from the treaty of Ghent, December 24, 1814. It is true that peace with Great Britain dates from the treaty of Ghent, but would that peace have endured had hostile battle fleets floated upon the Great Lakes during the past century?

Mr. Chairman, the life of the treaty was threatened more than once. Either party had the right to annul it upon six months' notice. Its existence was threatened during the Fenian raids of 1837 and again by reason of the excitement over the case of McLeod in the forties. The most serious menace to the life of this treaty, however, was on account of private shipbuilding interests a quarter of a century ago. On the 4th day of April, 1892, Senator McMillan, of Michigan, presented a petition of the iron shipbuilding companies of the Great Lakes praying for the early and complete abrogation of the treaty. On April 8, 1892, Senator McMillan introduced a resolution requiring the Secretary of War to inform the Senate whether any bids had been received for war vessels from shipbuilding companies on the Great Lakes and whether any such bids were refused or rejected for any reason or reasons other than such as follow from the usual rule in accepting or rejecting bids for that class of work; and if so, the reasons therefor.

On May 5, 1892, the Secretary of War reported that there had been three bids received for the construction of a first-class torpedo boat; that two of the bids were rejected upon the usual grounds; and the third, that of F. W. Wheeler & Co., of Bay City, Mich., being the lowest bid, was rejected, the reason assigned being that the department could not, under existing treaty stipulations, award a contract for the construction of a vessel of war upon the Great Lakes.

On April 8, 1892, a resolution was also passed by the Senate asking the Secretary of State to inform the Senate whether the Rush-Bagot treaty was still in force. Secretary of State John W. Foster replied, on December 7, 1892, expressing the opinion that it was still in force. In the meantime public sentiment had been somewhat aroused and to such an extent that the ironship building companies and others interested with them abandoned the idea of securing an abrogation of the treaty. No one, so far as known, has even suggested since then that the treaty should be abrogated. It has lived through a century and has doubtless been a great factor in maintaining the peaceful relations between this country and Great Britain which has existed since the signing of the treaty of Ghent.

The Great Lakes cover an area of 97,850 square miles and have over 5,000 miles of shore line. They are greater in extent than the Bering Sea, six times as large as the Baltic Sea, and almost as large as the Mediterranean. Many cities have been built along their shores, among them the great cities of Chicago and Milwaukee; Duluth, that will soon rival Pittsburgh; Detroit, Port Huron, and Bay City, three important cities of Michigan; Toledo and Cleveland, in Ohio; and the great city of Buffalo, in the Empire State; and on the Canadian side Port Arthur, Sault Ste. Marie, Goderich, Sarnia, Hamilton, Kingston, and Toronto. These are the more important cities, by no means all of them.

A kind Providence has smiled upon the commerce of these Lakes, dedicated to peace by the wise men of two great nations. Thirty-seven millions of people live in the eight bordering States, according to the census of 1910, more than one-third of the entire population of the North American Continent, and one-third of the total tonnage of North America is on the Great Lakes.

The development of the Lakes country is almost as little known as the treaty by which its commerce was permitted to grow unfettered by the frowns of guns on land or water. How many know that there is upon the Great Lakes the largest fleet of freighters on earth; and that its cities have grown more rapidly than Boston, New York, Philadelphia, or San Francisco? The freight handled on the Great Lakes amounts to six times as much as the freight of all the nations passing through the Suez Canal. To get an idea of the immensity of the Lakes traffic it may be said that in one year there were added 40 bulk freighters with a total capacity of 360,000 tons. To carry the same amount would require over 300 trains of 30 cars each, or a single train 70 miles long.

Dedicated to peace, the boundary Lakes have been in the past and will be in the future a great factor in preventing ex-

cessive railroad rates. Every farmer in the Northwest who has shipped a bushel of grain or purchased a ton of coal has been benefited in this respect: every consumer of the products of western farms or the products of the mines of Minnesota, Michigan, and Wisconsin has also been benefited by the Lakes transportation rates. And so these Lakes, which have somehow existed without the protection of armed ships of war, have been a blessing directly or indirectly to all the people of the United States and Canada.

It is difficult during this time of war to discuss peace problems. The thought of the Nation is almost entirely centered upon the war. The discussion of a premature peace is not only distasteful to real Americans but, to my mind, highly undesirable and mischievous. But sooner or later normal conditions will return. When that time comes it will be well for thoughtful Americans, and, indeed, the people of all nations, to keep in mind the wise and beneficent disarmament treaty entered into 100 years ago. And in this time of national stress, of all-absorbing war problems, may we not pause long enough to take off our hats to the prophets of a century ago, Richard Rush and Charles Bagot, who did so much to preserve peace among the Anglo-Saxon peoples? [Applause.]

Mr. WINGO. Mr. Chairman, just a word before the vote on the amendment is taken. I hope the committee will not adopt the amendment. We discussed this very proposition very fully in the committee. I wish to offer this suggestion to my colleague. Action in order to enhance the price is really not the prime and only thing we want to punish. Limiting the production of those things that we need would be a more serious offense, in my judgment, than conspiracy for the purpose of enhancing the price, but now, if the gentleman will turn to section 4 of the bill——

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I will.

Mr. STAFFORD. It might become a bother to the Government, where we have guaranteed the price and the production is more than the country can consume, to limit the production, and yet the gentleman would make that a penal offense.

Mr. WINGO. No; the gentleman is going far afield.

Mr. STAFFORD. If the gentleman will permit further, a later provision provides that the President shall even be authorized to levy tariff duties if there are going to be any supplies coming from abroad that will destroy or lower the guaranteed price.

Mr. WINGO. That does not have anything to do with private domestic production.

Mr. STAFFORD. And yet it might be to the interest of the Government to have private production lessened.

Mr. WINGO. I do not think any court would hold we are trying to legislate to penalize the Government——

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order there is no quorum present.

Mr. FOSTER. If the gentleman will permit us——

Mr. COOPER of Wisconsin. How much longer is the gentleman going to run?

Mr. FOSTER. We want to finish this section and read the other one through.

Mr. COOPER of Wisconsin. I withdraw the point of order.

Mr. WINGO. Mr. Chairman, as I started to say, if gentlemen will read section 4, you will find that section makes the doing of these things, the doing of these acts unlawful, and to be frank, I think in the last two lines of section 4, page 5, we take care of the conspiracy proposition. But the provisions of section 4 make these things unlawful. That being true, it is not necessary to use the word unlawful in section 9. I hope the committee will not adopt the amendment.

Mr. ROBBINS. Will the gentleman yield?

Mr. WINGO. I will.

Mr. ROBBINS. Does not the gentleman think in a penal statute that is so severe in its penalties as this statute is in this section that there ought to be an intentional doing of an act or of things forbidden?

Mr. WINGO. Well, in order to answer the gentleman to my satisfaction, I would have to go into all the presumptions that flow from the doing of an act wrong per se. When a man does a thing it is presumed that he intends the natural consequences of his act. No sane man would do the things prohibited by this provision without a wrongful intent, doing what he knew was not only wrong, but also harmful to the country and unlawful by statute.

Mr. ROBBINS. If a man in a shipyard would take a holiday, would it be embraced in this section?

Mr. WINGO. I submit to the gentleman he can not find any court that would adopt such a strained construction. This is not to prevent a workman from going and taking a holiday, and I do not think anything in this section would prevent a workman from striking if he wanted to.

Mr. GARLAND. Suppose a number of them go on a strike, would it?

Mr. WINGO. I think not.

Mr. ROBBINS. It would undoubtedly do that, because there would be an agreement to cease work and limit production.

Mr. WINGO. If men strike, not for the purpose of bettering their condition, but in order to hinder war preparations, then they should be punished.

Mr. ROBBINS. Then you ought to have the word "unlawful" in this section, and then you would have it protected by the other section.

Mr. WINGO. In section 4 these same acts are declared unlawful.

Mr. STAFFORD. This does not refer to section 4.

Mr. WINGO. It does. You have declared certain things to be unlawful in section 4, and then in section 9 you make it a penal offense to conspire to do any of these things which in section 4 you made unlawful.

Mr. DEMPSEY. The prime consideration is that an act must be read as a whole and not separately.

Mr. WOOD of Indiana. If you are correct in your contention that all is covered in section 4 makes unlawful all in section 9, then in order to make the two consistent each one must be for the purpose of prosecuting an unlawful act. I agree with the gentleman in the main in his contention; but if you will take and read section 4 and then take and read section 9, we will find some of the things are not specifically defined in section 4. I would therefore suggest to the gentleman that the word "unlawfully," after the word "who," in first line of section 9, will cure whatever defect may have been made by reason of all in section 9 not being included in section 4. And in the event that it is, it can not hurt anything and it will make both sections certain.

Mr. WINGO. To be frank with the gentleman, I do not think it is necessary.

Mr. WOOD of Indiana. It would not hurt anything.

Mr. WINGO. I prefer that to the amendment the gentleman has offered.

Mr. WOOD of Indiana. I offer as a substitute to the amendment proposed that the word "unlawfully" be added after the word "who," in line 8, page 9.

Mr. WINGO. The committee is prepared to accept that, though unnecessary.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Indiana [Mr. WOOD].

Mr. WALSH. Mr. Chairman, I could not hear the amendment as he stated it. It certainly ought to be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana as a substitute for the amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the word "unlawfully."

Mr. LONDON. Mr. Chairman, I rise to a parliamentary inquiry. Has debate on this section been exhausted?

The CHAIRMAN. No.

Mr. LONDON. There seems to be a typographical error here. The expression "who, in order to enhance the price of necessaries," which appears in this bill in lines 3 and 4, page 9, should have appeared in lines 8 and 9.

Mr. SCOTT of Michigan. That has been disposed of.

Mr. LONDON. There is no doubt but that is a typographical error.

Mr. SCOTT of Michigan. That has been taken out.

Mr. LONDON. I know it has been taken out in lines 3 and 4, but the committee intended it should be in lines 8 and 9. In other words, it should follow the word "person" in line 8, section 9, so that the section would read:

That any person who, in order to enhance the price of necessaries, conspires, combines, agrees—

And so forth.

Mr. SCOTT of Michigan. That is the amendment presented by the gentleman from Indiana [Mr. SANDERS].

Mr. LONDON. I was under the impression that the amendment had been adopted by the committee.

Mr. SCOTT of Michigan. No.

Mr. LONDON. There is no reason why the committee should oppose it here. When the bill was before the committee, after considerable discussion, it reached the agreement that it was necessary in order to protect workers in case of a strike for the purpose of improving their condition, and not with the object of limiting the output.

Mr. WINGO. If the gentleman will permit, inasmuch as he was absent I will say that we have been discussing that very

amendment, that very proposition, and I think, if the gentleman will recall, the committee, after thoroughly going into this, stood by the language as it is now, and we specifically cut out the language that he is now asking to be restored.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LONDON. I do.

Mr. SANDERS of Indiana. Is not the gentleman's recollection that in the committee we did so amend section 9 as to include after the word "who" the expression "in order to enhance the price of necessaries"?

Mr. LONDON. The recollection of the gentleman from Arkansas [Mr. WINGO] seems to conflict with your recollection and mine. I am under the impression that we decided to incorporate the phrase "in order to enhance the price of necessaries."

Mr. SANDERS of Indiana. That is my recollection. Let me ask the gentleman a question. If section 9 is left as it now reads, and there is a strike at any plant producing these necessaries, is it the gentleman's opinion that every person joining in that strike would be guilty of this crime under subdivisions (c) and (d)?

Mr. LONDON. There is not the slightest doubt about it, no matter what the strike was for. The country has been very fortunate so far as strikes are concerned. There is complete cooperation with organized labor, and the only sections of the country where they suffer are those sections where the employers are a band of pirates and the workers are not given a chance to organize, so that in some sections the I. W. W. are merely working out the law of compensation. Where the employers are a band of thieves and conscienceless oppressors, there they have the I. W. W. to deal with, but wherever the employers have learned to recognize the right of the working people to improve their condition by collective efforts there has been no trouble, and there will be no trouble.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HAMLIN. The gentleman answered affirmatively the question of the gentleman from Indiana, that a strike would come under the ban of this section.

Mr. LONDON. I so believe. Otherwise I would not try to take up the time of the House.

Mr. HAMLIN. The gentleman does not want to say that when workmen strike their purpose is to "limit the facilities or the production or the manufacture of these materials"? In other words, that the purpose of the workingmen in striking is to injure the Government rather than better their condition. I do not think so.

Mr. LONDON. I have a pretty fair knowledge of the laws relating to labor unions. There is a section in the criminal code of New York State which affirmatively declares that the action of workmen in striking for the purpose of improving their conditions and getting better wages shall not be held a crime, because before that it was almost uniformly interpreted as a criminal conspiracy, and it was necessary to affirmatively declare it in the law of New York. I am familiar with the decisions of the courts in reference to the laws regarding the rights of workingmen. There is no reason why you should hamper workers who are resisting exploitation.

Mr. HAMLIN. I think there ought to be something in this law to punish men for doing these things for other purposes than merely enhancing the price of the materials.

Mr. ROBBINS. Does not the gentleman think that "unlawful" would be the better expression? Because there is a law which prevents men from striking for purposes other than that of bettering their condition.

Mr. LONDON. There is no Federal law covering that.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. McKEOWN. This is an amendment to the amendment of the gentleman from Indiana [Mr. SANDERS]. It was prepared as a substitute.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment to the amendment of the gentleman from Indiana, which the Clerk will report.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

Mr. HAMLIN. Oh, let the amendment be read, so that it will be in the RECORD.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the amendment offered by Mr. SANDERS of Indiana: Add to the amendment the words "or for the purpose of impeding the Government in carrying on the war," so that it will read, "in order to enhance the price of necessaries or for the purpose of impeding the Government in carrying on the war."

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House, under the previous order, adjourned until to-morrow, Sunday, April 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting for the consideration of Congress copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the health department of the Panama Canal for the fiscal year 1918 (H. Doc. No. 1069); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting certified copy of the findings of fact, with an opinion of the court, per curiam, in the case of the Yankton Sioux Indians *v.* The United States (H. Doc. No. 1069); to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 139) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges according to the provisions of the acts of July 2, 1862, and July 23, 1862, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay the State of Oklahoma in lieu thereof the sum of $1.25 per acre for the number of acres due said State, reported the same with amendment, accompanied by a report (No. 526), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10459) granting a pension to Jean N. Roach, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of North Dakota: A bill (H. R. 11736) for the erection of a monument to the memory of Richard Rush and Charles Bagot at Duluth, Minn.; to the Committee on the Library.

By Mr. BELL: A bill (H. R. 11737) to provide for the erection of a public building at the city of Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11738) to provide for the erection of a public building at the city of Buford, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11739) to establish a fish hatchery and fish station in the ninth congressional district of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11740) authorizing the erection of a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11741) to construct a suitable building for the use of the United States Court at Gainesville, Ga., and for

other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11742) to provide for the erection of a public building at the city of Canton Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11743) authorizing the erection of a post-office building in Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11744) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11745) for the relief of the State of Georgia; to the Committee on Claims.

Also, a bill (H. R. 11746) to construct a national highway in Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 11747) to provide for the erection of a public building at the city of Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11748) to construct a national highway from Gainesville, Ga., to Hightower Gap; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11749) to amend an act entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

By Mr. BELL: A bill (H. R. 11750) authorizing and directing the Secretary of Agriculture to conduct experiments in the cultivation of apple trees and apples and to establish an experiment station at Cornelia, Habersham County, Ga.; to the Committee on Agriculture.

Also, a bill (H. R. 11751) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 11752) authorizing the Secretary of War to provide and present a medal of honor to Dossey A. Lenning for distinguished military service; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Resolution (H. Res. 327) authorizing the Clerk of the House to pay to Amy S. Travis, widow of John A. Travis, late a messenger on the soldiers' roll of the House, a sum equal to six months' compensation; to the Committee on Accounts.

By Mr. HEFLIN: Resolution (H. Res. 328) to insure justice to the cotton farmer and an adequate cotton supply; to the Committee on Agriculture.

By Mr. STINESS: Memorial of the Rhode Island General Assembly, indorsing the proposed council of States on the establishment of definite relationship between sources of Federal and State revenues, and providing for official representation therein; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11753) granting an increase of pension to James W. Craig; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11754) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 11755) for the relief of James H. Hendricks; to the Committee on War Claims.

Also, a bill (H. R. 11756) for the relief of Joseph M. Davis; to the Committee on War Claims.

Also, a bill (H. R. 11757) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 11758) for the relief of the heirs of W. W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 11759) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 11760) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

Also, a bill (H. R. 11761) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

Also, a bill (H. R. 11762) granting a pension to Sanford A. Pinyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11763) granting a pension to Benjamin B. Glass; to the Committee on Pensions.

Also, a bill (H. R. 11764) granting a pension to Albert H. Free; to the Committee on Pensions.

Also, a bill (H. R. 11765) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 11767) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 11769) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 11770) granting a pension to Ernest P. Summer; to the Committee on Pensions.

Also, a bill (H. R. 11771) granting a pension to William M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11772) granting a pension to Sarah L. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting a pension to William H. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 11774) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 11775) granting an increase of pension to Martin K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Jackson A. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 11778) granting a pension to Mary A. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to Edward D. Millis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11780) granting an increase of pension to William T. Richardson; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11781) granting an increase of pension to Alfred Lukens; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 11782) granting an increase of pension to William T. Hoxey; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 11783) granting a pension to Elliott B. Peck; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11784) granting an increase of pension to Harvey Fleagle; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 11785) granting an increase of pension to Emma L. Beach; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11786) granting a pension to Jennette Hamilton; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11787) granting a pension to Fannie Campfield; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11788) granting an increase of pension to Robert W. Jones; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 11789) for the relief of Patrick J. Purcell; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 11790) for the relief of Perry L. Haynes; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 11791) for the relief of Lemuel Stokes; to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 11792) granting an increase of pension to Otto B. Varner; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 11793) granting an increase of pension to Joseph Forbes; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11794) granting an increase of pension to Mary Herbst; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11795) granting an increase of pension to Charles J. Schoonmaker; to the Committee on Pensions.

Also, a bill (H. R. 11796) granting a pension to Annie Eliza Whitney; to the Committee on Pensions.

Also, a bill (H. R. 11797) granting an increase of pension to Archie Morgan; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11798) to carry out the findings of the Court of Claims in the case of Marie L. Hermance, administratrix of Jeremiah Simonson, deceased; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 11799) to correct the military record of James H. Murphy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petitions of B. A. Larger, general secretary, Garment Workers of America, and of F. W. Crum and N. F. Hanf, both of New York City, urging the repeal of

the zone system of postage rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of California Federation of Women's Clubs, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of the First Church of Christ; Tent No. 1, Daughters of Veterans; and Sheridan Dix Post, No. 7, Grand Army of the Republic, all of San Jose, Cal., favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Woman's Peace Party of Cincinnati, opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of the Judson Manufacturing Co., 819 Folsom Street, and 11 other firms, of San Francisco, Cal., favoring payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of the James Graham Manufacturing Co., 531 Mission Street, and 11 other firms of San Francisco, Cal., favoring the payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of J. J. Pfister Knitting Co., post-office station A, Berkeley, Cal.; Klein-Norton Co., 253-259 South Los Angeles Street, Los Angeles, Cal.; and Hedges-Buck Co., post-office box 514, Stockton, Cal., favoring payment of income and excess-profit taxes in installments; to the Committee on Ways and Means.

By Mr. RAKER: Petition of H. N. Cook Co., of San Francisco, Cal., against putting leather goods under Government control; to the Committee on Agriculture.

Also, petition of Pedic Society of the State of California, favoring passage of House bill 3649, regulating practice of chiropody in Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of W. L. Rose, of Stockton, Cal., submitting war suggestions; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the United States, relative to central control of Government war buying; to the Committee on Military Affairs.

Also, petition of the United States Chamber of Commerce, favoring the national budget; to the Committee on Appropriations.

By Mr. STINESS: Petition of Rhode Island Homeopathic Medical Society, approving House bill 9563, the Dyer bill; to the Committee on Military Affairs.

Also, petition of Rhode Island State Board of Soldiers' Relief, requesting favorable action relative to House bill 8301; to the Committee on Appropriations.

By Mr. VARE: Memorial adopted by a meeting of citizens of Philadelphia, protesting against conscription of Irish by England; to the Committee on Foreign Affairs.

Also, memorial of the building committee, Philadelphia Chamber of Commerce, asking that housing operation be started to care for Government workers in shipbuilding plant in Philadelphia; to the Committee on Public Buildings and Grounds.

HOUSE OF REPRESENTATIVES.

SUNDAY, *April 28, 1918.*

The House met at 12 o'clock noon, and was called to order by Mr. GREENE of Massachusetts as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God in Heaven, whose glory shines round about us with ever-increasing splendor, and which discloses Thy wisdom, power, and goodness in every creative act, from the smallest grain of sand on the seashore to the farthest star that gilds the heavens; from the tiniest blade of grass to the most gigantic tree of the forest; from the most infinitesimal germ of life to man, the crowning glory of Thy creative acts, upon whom Thou hast bestowed the power of choice and thus dignified him as the architect of his own fortune—a stupendous responsibility, yet the evidence of Thy trust in him to meet the conditions of life and make for himself a character worthy of the highest admiration.

We meet here to-day, within these historic walls, to memorialize a man who for years was a conspicuous figure on the floor of this House—striking in his personality; strong in his intellectual, moral, and spiritual endowment; rising ever to the full measure of every trust reposed in him by his fellows; leaving behind him a record worthy of emulation.

We mourn his going, and our hearts go out in the warmest sympathy to those who knew and loved him; especially to the daughter who looked to him for strength, guidance, comfort. May the heart inspire the words of his colleagues that his name may live in history, a beacon light to guide those who shall come after us.

Comfort us all by the blessed hope of the immortality of the soul and inspire us to live worthy of the blessings Thou hast bestowed upon us and we will praise Thy Holy Name, in Jesus Christ our Lord. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. BURROUGHS. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE SULLOWAY.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. WASON by unanimous consent.

Ordered, That Sunday, April 28, 1918, be set apart for addresses on the life, character, and public services of Hon. CYRUS A. SULLOWAY, late a Representative from the State of New Hampshire.

Mr. WASON. Mr. Speaker, several Members of the House who have signified their intention of speaking to-day are unable to be present. I ask unanimous consent that any Member who desires may extend or print in the RECORD remarks on the life and character and service of the late Representative SULLOWAY.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that Members desiring to do so may extend or print in the RECORD remarks on the life, character, and service of the late Representative SULLOWAY. Is there objection?

There was no objection.

Mr. WASON. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

House resolution 329.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CYRUS A. SULLOWAY, late a Member of this House from the State of New Hampshire.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. WASON. Mr. Speaker, from my youth to the date of his death, CYRUS ADAMS SULLOWAY was an acquaintance and a friend. That acquaintance and friendship covered a period of about 40 years. During that period I knew him as a resident and citizen of the county in which I was born and have since lived. I knew him as a member of our State legislature, as Congressman from the first New Hampshire district, and I knew him as a lawyer, both of us practicing in the same courts.

He was born in Grafton, N. H., June 8, 1839, where his boyhood days were spent on his father's farm. In that town his early education was obtained in the public schools. Later, by his own industry and perseverance, with slight assistance from his parents, he was able to take a partial course of instruction at Kimball Union Academy.

In 1863 he was admitted to the bar of New Hampshire, and a few months later went to Manchester, N. H., and began the practice of law, which he followed until March 4, 1895, when he took his seat as a Representative in Congress from the first congressional district of his native State, which position by successive reelections he held, with the exception of two years (Mar. 4, 1913, to Mar. 4, 1915), until the date of his death.

In the early sixties, while he was studying law in Franklin, N. H., he three times voluntarily enlisted in the Union Army, three times determined and eager to defend his country, each time he was rejected by the Army surgeons owing to his physical condition.

The deceased Congressman was a self-made man. In early life his environments were humble but wholesome. He early in life was industrious and straightforward. These became his life characteristics.

In that typical rugged country of central New Hampshire he early learned nature and developed a love for her picturesque hills and valleys, her bubbling, sparkling streams, her green fields, and her forests. Here he learned to follow the winding brook with rod and line. This pastime was his favorite diversion from work and furnished sport through all the later years of his busy life.

In his chosen profession, by industry and conscientious application to his work, and conscientious efforts for his clients, he soon established himself in a large practice and was recognized as an able, forceful advocate in the trial of cases. It could be truthfully said of him that during his 30 years of active practice of law a poor and needy but worthy person, unable to recompense him fully for his legal efforts and services, received the same careful attention, and perhaps greater attention, than did the person possessing means and financial ability. Money for services to be rendered was not the guiding star of his professional life. The guiding star in his profession was justice—a star with brilliant luster radiating from a pedestal of justice. In his private office he would listen to the story of the poor and needy with care and patience, and later an opulent client might relate to him his story and receive only the degree of care and patience given to the humble and needy.

For years he was a central figure in our trial courts; the spectators' seats of the courtroom would be filled with people eagerly listening to his advocacy of a client's cause to a jury.

His dealings with members of his profession were frank, upright and candid. His criticism of an opposing client and witnesses was unique, piercing, and merciless, yet free from personal malice.

As a citizen he was kind; he was thoughtful, free from sham and demagogy; he enjoyed and loved his neighbors and his people, and these tenets were reciprocated by all who knew him.

As a member of the State legislature he was unassuming, a forceful advocate and a potential force on the side of any measure that he espoused. During his five terms in that body he was recognized as a leader, a popular and strong member. I remember well a legislative contest on a very important matter which Mr. SULLOWAY was opposing. The matter was being pressed for action. The opponents felt that a delay of a day or two would be to their advantage. The only way to prevent action on this particular day was to occupy the time in argument The opponents pressed Mr. SULLOWAY into action immediately; he secured recognition soon after 5 o'clock in the afternoon and talked continuously until 3 o'clock the next morning. About midnight, when the opponents as well as others were tired and hungry, he was informed that a lunch had been prepared at a certain place near the capitol; with a smile he told the members of the fact, and suggested that if they were hungry and not absent from the hall for more than two hours such absence would not prejudice their cause, as he would be unable to finish his speech within that time. When he finished, having spoken continuously for nearly 10 hourse, he showed little or no sign of fatigue other than slight hoarseness.

In Congress he soon became a tower of strength, and true to the instincts of his early manhood, evidenced by his eagerness to enter the conflict in the Civil War, he espoused the cause of the veterans of that war and their relatives. He analyzed their needs with such clearness, such force and integrity, that he became chairman of the Committee on Invalid Pensions and retained that position for 12 years until the Republicans lost control of the House of Representatives in 1911. It is proper for me to say that no veteran of that war or a member of his family, who had a just cause for relief, ever found a deaf ear in my former colleague.

In a conspicuous place in the statehouse at Concord, N. H., is an oil painting, life-size, of the deceased Congressman, procured through the efforts of members of the New Hampshire State Veterans' Association and by them presented to the State, there to remain a token and a memorial of their love and affection for him whose heart beat in sympathy with theirs, whose voice extolled their virtues, and whose efforts secured relief for them and their dependents.

In public life he placed duty first. His friendships, his home cares or ties, were always subservient to his public activities in Congress, to which a faithful constituency had elected him 11 times. During the last days of his life it almost seemed that he had a premonition that his activities would soon cease. What else could have impelled him three days before death to tell a personal friend and veteran of the Civil War that he was not afraid to die, that he sincerely regretted that his efforts for the veterans and their dependents must cease? To another personal friend, shortly before lapsing into a state of coma, he made certain requests for immediate attention to matters of interest to some of his constituents.

From boyhood to death his life was one of faithful and earnest devotion to duty; from a child until death his life was filled with charitable effort and thoughts; kindness was his jewel; charity his pearl; devotion to his loved ones, his constituents, and his colleagues in Congress was his diamond; justice was his earthly emblem of heaven.

His large stature, in weight 280 pounds, in height 6 feet and 7 inches, was indicative of his very nature. His heart was proportionate thereto; it furnished room to share the sorrows of others. His large hand and long arm were ever ready to lighten the burdens and ills of others. His busy life was never too busy to prevent his turning aside to alleviate suffering or soften grief. Above his statesmanship, his power of speech, his humor, above his intense Americanism, shines the golden goodness and greatness of his heart. He will be forever remembered for

> That best portion of a good man's life:
> His little nameless, unnumbered acts
> Of kindness and of love.

It was with sorrow that we learned of his sudden death. Personally we shall miss him more than words can express. His district, State, Nation, and thousands of personal friends have lost a true friend, a man in every sense of the word. In the words of Antony over Brutus:

> His life was gentle; and the elements
> So mixed in him that nature might stand up
> And say to all the world, "This was a man!"

Obsequies of the Hon. CYRUS A. SULLOWAY were held March 14, 1917, in the Franklin Street Congregational Church of Manchester, N. H. He was buried in the family lot in Franklin, N. H. Thirty Members of Congress accompanied the body by special train from Washington. The church was incapable of furnishing standing room to the large throng of people who came to pay their last tribute to the deceased. Business was suspended in Manchester—his home city—during the services at the church.

The legislature, being in session, recessed. The governor, the governor's council, members of the senate and house of representatives, and State officials attended in a body. Members of the Grand Army of the Republic and auxiliary orders were present; also members of the Elks and Knights of Pythias. The floral tributes were numerous and beautiful.

The Rev. Burton W. Lockhart, of Manchester, N. H., conducted the funeral service, and the Rev. Samuel Russell, of Lawrence, Mass., delivered the address, as follows:

"Milton says that 'Death is the golden key that opens the palace of eternity.' By a turn of that key, of which the great poet wrote, a unique and national figure has suddenly and unexpectedly stepped through the door of eternity into the realms of the unseen. As we think of the great loss which the State of New Hampshire and the entire Nation has sustained by the exodus of this notable man, we are reminded of the words of King David at the grave of Abner, 'Know ye not that there is a prince and a great man fallen this day in Israel?' These words of King David may be appropriately applied to New Hampshire's great Congressman, CYRUS A. SULLOWAY.

"Mr. SULLOWAY was great in his physical stature. He towered head and shoulders above many of his colleagues in Congress. He was doubtless one of the most picturesque and commanding figures among all the Nation's representatives at the Capitol. One can hardly think of Mr. SULLOWAY in connection with death. He was so alive, so vital and vigorous in action, in thought, and in word, that he left the impression of eternal youth. Although he had nearly rounded out four score years he never seemed like an old man. His great physique seemed to be permeated with the elixir of perpetual youth.

"Mr. SULLOWAY was also great in his accomplishments. Like Abraham Lincoln, his boyhood and youth was spent on a farm, where he early learned to earn his bread by the sweat of his brow. We are told that the strongest trees are found not in the sheltered nooks but in the most exposed places, where sweeps the full fury of the storm; that the hardiest flowers grow not in the hothouse but on the mountain side, in close proximity to the glacier and the snow. Congressman SULLOWAY was not a hothouse plant. He grew up among the rugged peaks of the old Granite State; he breathed the air of the bleak hills and the uplands, and he seemed to have imbibed the bracing atmosphere, so that his very presence was like a breeze from the mountains, inspiring and invigorating. He came forth not from the lap of luxury or the home of affluence, but from the humble home, where, if he had remained, he must necessarily have lived a circumscribed life. But he was not satisfied to be a mediocre man. He was ambitious to make the most of life's opportunity and he was willing to pay the price which brings success. His struggles developed his strength, and the difficulties which he was forced to encounter quickened inventiveness and inspired resolution. He used the obstacles in his way as stepping stones and steadily climbed upward until he reached the National Capitol. There for 20 years he served his con-

stituency, and there he died at his post of duty, a true servant of the people he represented.

"To have achieved such success he must have had some great qualities of heart and mind. Nature did much for him. He had a unique personality and great native ability; he had also a trained mind and an indomitable will and a great heart filled with love for his fellow man. He loved the 'common folk' and was touched with the feelings of their infirmities. The 'common folk' loved him and believed him to be sincere and transparent in all of his relations with them. One of the outstanding elements of greatness in this man was the natural and beautiful simplicity of his life. He lived the simple life; he cared nothing for the tinsel and veneer of the shallow social functions; he shrank from the court dress; he had no sympathy with the dilettante spirit of the age; he abhorred the make-up and the unreal. The great honor that his State and Nation conferred upon him did not inflate him with pride and vainglory. There was nothing ostentatious about him, his very gentleness made him great in the eyes of his admirers.

"Mr. SULLOWAY was a man of tremendously strong convictions, and sometimes he was not overcareful to use the most elegant language to express his convictions. He spoke in no polished phrases; he had a style of delivery all his own; he was simply inimitable in his rugged phraseology. He had native wit and satire, and, with his dynamic personality, he poured into his audience an irresistible logic that won for him many loyal supporters. But though a man of strong convictions, which led him at times to make wounds in the ranks of his political opponents, he was nevertheless big enough to fight fair; he was never revengeful nor unforgiving; he could be as tender as a babe and as forgiving as a mother's kiss.

"Mr. SULLOWAY was very human. He was subject to like passions as we. He doubtless made many mistakes, and who has not? He may not always have lived up to his ideals—neither have his critics lived up to theirs, unless their ideals are lower than we think they are. He has been misrepresented and libeled, and his shortcomings have been grossly exaggerated by unkind and ungracious people, who do not seem to be possessed of that love that thinketh no evil and that covereth a multitude of sins. In this they differ from the great man we eulogize today.

"He was always ready to throw the mantle of charity over the mistakes and shortcomings of his fellow men. I spak now from the viewpoint of one who has had an intimate acquaintance with him for a number of years. I have shared his hospitality and he has shared mine. I have slept in his bed and he has slept in mine. I have had quiet talks with him and I have looked through the windows of his soul, and I can say, without any reservation, that during all my acquaintance with him I have never heard him utter an unkind or an uncharitable word about anyone. He had a heart as tender as the heart of a child; his sympathy for the wayward and the prodigal was most beautiful; his purse strings were always open to the needy, and with the material help rendered was spoken the word of cheer and encouragement.

"I have seldom seen deeper springs of tenderness in any human being than in the great soul of our late Congressman.

"In the words of the poet, we voice our feelings:

"Now the laborer's task is o'er,
Now the battle day is past,
Now upon the farther shore
Lands the voyager at last.
Father, in Thy gracious keeping,
Leave we here our brother, sleeping.

"There the tears of earth are dried,
There its hidden things are clear,
There the work of earth is tried
By a juster Judge than here.
Father, in Thy gracious keeping,
Leave we here our brother, sleeping.

* * * * *

"Lay him gently down to rest,
Folded hands o'er tranquil breast,
Leave him there and do not weep,
He was weary, let him sleep.

"The sympathy of the entire Nation goes out to his bereaved daughter, who was his idol and inspiration. May the Father of mercies and the God of all comfort, who comforteth us all in our tribulation, comfort her in this hour of her sorrow as she sits in the shadow of a great affliction. May the sweet memories of the loved father and the sympathy of thousands of friends, and the mute eloquence of these beautiful flowers and the consolation of the gospel of God's dear Son all bring to her, to-day, messages of hope, and may the peace of God that passeth all understanding keep her heart and mind, through Christ Jesus."

I wish to incorporate as a part of my remarks and to read the following poem written by a friend of the deceased:

IN MEMORIAM.
TO THE HON. CYRUS ADAMS SULLOWAY.

"Veteran statesman of the hills!
Merrimack's tallest 'pine'!
New Hampshire bows in grief
Before death's bitter shrine.

"His service has been great,
His willingness, still more;
His influence was felt,
We know, from shore to shore.

"His feet pursued the paths
Of greatest good to man;
His precepts were to do
Each day the best you can.

"He towered high in form,
And battled without fear;
Within, his heart beat warm
In lending aid and cheer.

"We mourn our loss to-day;
The triumphs he has won
Will live in memory, still,
Although *his* work is done.

"Ye statesmen of the hills!
Ye rulers of our land!
Ye now miss in him
A strong and powerful hand.

"The light he shed still shines
Upon our paths to-day,
And, just across the borderland,
We'll greet thee, Sulloway."

—F. EDGAR BUXTON.

Mr. CANNON. Mr. Speaker, I have listened with great interest to the remarks of the gentleman from New Hampshire (Mr. WASON). He has spoken of Mr. SULLOWAY'S position in his native State, and of his service for public welfare there and in Congress. The period covered by the life and active public service of our deceased colleague is the most important period in the history of the Republic since the achievement of our independence, followed in the fullness of time by the adoption of the Constitution of the United States. Mr. SULLOWAY came here well equipped for his service in the National House of Representatives. He was efficient in the great struggle for the preservation of the Union, and efficient under the leadership of Lincoln in helping to mold public sentiment so that the Union was preserved, by force as well as by statesmanship, and then in a short time those who attempted to establish the Confederacy and those who preserved the Union were brought together again. Mr. SULLOWAY had courage in time of war, when force had to be resorted to, and courage after the war, courage as a Member of the House of Representatives.

Ability crossed on cowardice is a curse. Ability crossed on courage is magnificent.

The great majority of the people of the United States are in favor of a representative government, like ours, which gives time for thought, for information, for the cooling of passion, for safeguard against disruption by hasty and ill-considered revolution. Sometimes we boast that our Government more readily registers a change of public opinion than any other Government. That is not the case. Under our Government the Executive is chosen for four years, and is clothed with great power. Only by a two-thirds majority can we overrule the veto, and while in off years there may be a political revolution resulting in a change, temporary or permanent, in public opinion as registered at the ballot box, yet there can be no immediate change of policy unless the Congress by a two-thirds vote in House and Senate can overrule the veto, and legislate notwithstanding the objections of the President. In Great Britain, which in many respects is more purely a democracy than is the United States, I believe they have had three changes of government since the commencement of this great war. France, I think, has had four or five. Italy has had, I do not recall how many, but two or three.

There is a more ready obedience to the weathervane of public opinion in Italy, France, and Great Britain than there is in the United States. Here a longer time is given to see whether a change of public opinion is real and permanent. In the meantime the guaranty of the Constitution, like the grace of God, covers every citizen of the Republic.

In time of war under the Constitution of the United States the Executive is clothed with what we call the war powers exercised by him under the Constitution. It will be recollected

that during the four years' struggle for the preservation of the Union those who sought to form a Confederacy were substantially united, and those who were responsible for the election of Abraham Lincoln were divided, about two-thirds for the use of force and about one-third against it.

Abraham Lincoln the day the war began, or the first year and a part of the second year, might have said, as a war measure, "If you do not return to your allegiance to the Government I will, on the first day of January, 1863, as a war measure under the Constitution, free the slaves."

But he did not do that. He wanted to preserve the Union. He took an oath to preserve the Union under the Constitution with slavery or without slavery, but to preserve the Union.

Now the proclamation to free the slaves without legislation would not have been worth the paper upon which it was written had it not been that it had to be made good by force, and thank God it was made good, and I thank God in my old age that I have lived long enough to see but one sentiment between those who supported Lincoln and those who supported the Confederacy and their descendants to-day; we all thank God that under the leadership of that great President, that great man, when all the balance of us are forgotten, will stand through the milleniums as perhaps the greatest statesman that the world ever produced.

In this period of the war we have an Executive. He will be our President until the 4 h day of March, 1921, with such a war as we have and are participating in never before, so far as I know, equaled in the history of the world.

It is a source of satisfaction to me that the Congress, the Senate and the House, chosen by the people by direct vote, this body being chosen every two years and one-third of the other body chosen every two years, that substantially there is no center aisle—Republicans here and Democrats there. We are as a unit in this great struggle.

Public opinion we must pay attention to. Many men of many minds require patience, information, patriotism in a government of the people in the United States, and in the fullness of time in the civilized countries of the world. We are patient. We may make mis akes. The Executive may make mistakes. There are some people who believe that he has made mistakes and yet it would require two-thirds of the people to reverse the engine. I pray God that long before that time comes, if ever it comes, under his leadership, supported by the Congress of the United States, this great war may come to an end by the overthrow of that great autocracy so efficient and so powerful which in my judgment seeks to dominate the world.

I not only respected Mr. SULLOWAY, but I loved him. I was closely associated with him during stormy contests about policies. He was a great big man physically, a great big man mentally, a great big man patriotically, and there was no place where you could discover the white feather—honest in his convictions, courteous in maintaining them. He was always true to himself, true to the people whom he represented, and true to the best interests of the Republic. The end has come to many during the present session of this Congress. Seven Senators, I believe, and about the same number of Members of the House have crossed over. How many more of us will cross over before this war closes I know not. The average life of a generation is less than 40 years. We speculate—some do not because they have great faith—as to the future; orthodox or heterodox, we do not agree entirely as to what is to become of us after we cross over.

No two men ever worship the same God, because God to each individual is according to his conception of God. Yet ours is the Christian religion, and the great mass of the people believe in the Christian religion. Some of us perhaps are not orthodox from some standpoint. Some are Unitarians, some believe in the Trinity, some have faith about this, that, and the other, differing but yet substantially all charitable, thank God, and under our Constitution religious liberty is guaranteed. When I was a younger man I read a volume or two of Swedenborg—The Divine Love and Wisdom. He was a great man. He thought that after we departed this life we found the place which, under universal law, was most agreeable to us. He recorded, in substance, "It was given to me to be caught up to the spiritual heaven, and I saw one who was accounted a saint on earth who, having died, demanded entrance into Heaven; and the reply came that Heaven was not denied to anyone, but on entering he fell down headlong." He got to that zone, so to speak, where he found the people with whom he agreed.

Mr. Speaker, I shall be glad when the time comes for me to cross over if I can find the place where I shall dwell in eternity where Mr. SULLOWAY is to be found, and those of his kind. While our friend, Mr. WASON, was talking a short time ago, I made a few notes, and if I were to follow them clear through I would keep you here all of the afternoon. I shall close by saying may New Hampshire, one of the thirteen colonies that helped to achieve our independence, that produced her Websters, her Gallingers, her Chandlers, her Hales, her Sulloways—may she always remain true as she has been true heretofore to the Republic. Her contributions to the Republic have been great, and one of the contributors, and not the least, to this greatness was our late colleague, Mr. SULLOWAY.

Mr. SHERWOOD. Mr. Speaker, some 5,447 Congressmen have had voices and votes in this historic chamber during the past 50 years. Of this number only 22 served 20 years and over, and 8 more will have served 20 years at the end of this Sixty-fifth Congress.

In this remarkable group of long-service Members, serving 20 years and over, our departed friend, CYRUS ADAMS SULLOWAY, ranks among the first in point of efficient service and patriotic achievement. As chairman of the Committee on Invalid Pensions in seven Congresses, or 14 years, as financial guardian of the veterans of the Civil War, Mr. SULLOWAY carried out in letter and spirit the patriotic utterance of President Lincoln in his last inaugural address, caring for those who in that awful crisis bore the brunt of battle in a four-year war, and their widows and orphans. Hence "CY" SULLOWAY was regarded a revered benefactor and his name was a household word of affection and gratitude in every war-stricken home in the entire country.

While it may be true that length of service in the Congress may not be the exclusive gauge of merit or ability, the standard of estimate is true when the beneficiary has held his high place by fidelity to the best ideals and in patriotic achievement. Apply this test to CYRUS SULLOWAY, and his record of achievement places him among the most meritorious of all that array of Congressmen who have lived official lives in this Chamber during the past half century.

And it is a mooted question, whether one-half of all the 5,447 Members of Congress, who served on this floor during the past half century, did not leave Congress with less valid reputation than when they entered this often called Hall of Fame. That congressional life plays havoc with many untoward and ill-grounded ambitions is forcibly illustrated in the following tragic record:

Of the 391 Members of Congress who took the oath of office in first session of the Sixty-second Congress, 1911, only four belonged to the House in 1891, or 20 years previous—JOSEPH G. CANNON of Illinois, Sereno E. Payne of New York, Henry H. Bingham of Pennsylvania, and John Dalzell of Pennsylvania.

That accomplished scholar and profound student of American history, Dr. Elva Stanwood Alexander, LL.D., in a valuable book issued in 1916, discussing the often too frequent changes in membership in Congress says: "The House, like the heathen goddess, devours its own children. The rapidity with which the process goes on is a bit startling. The average length of a Member is less than six years."

Although New Hampshire, the birthplace and home of "CY" SULLOWAY, is one of the smallest States in the Union in area and population, ranking as the fortieth in population, it has furnished many distinguished statesmen and scholars to our honor roll, notably Daniel Webster and William E. Chandler, and one of the most pathetic and musical gems of poetic literature in the English language was written and sung by a soldier of New Hampshire, Arthur Kittredge, of Reeds Ferry. He wrote and sung "Tenting To-night on the Old Camp Ground," and one of my earliest memories of impulsive enthusiasm was in 1845, when I heard as a barefooted boy, in the open air, one starlit August night the famous Hutchinson family of New Hampshire sing to the accompaniment of the bells, the songs of emancipation. Sixteen years later the same family sang the songs of the Civil War, amid the enthusiastic plaudits of the Boys in Blue, around the gleaming bivouac fires in the camps of the Army of the Potomac.

The political career of "CY" SULLOWAY is rarely exceptional. His whole career was marked by fidelity to duty and courageous honesty. Let not this occasion pass without gathering a lesson of value to the living, especially to the young men of to-day who, like our departed friend in his youth, are struggling against what seems adverse fate.

The brightest gleam of hope for the young man of to-day is in the knowledge that the greatest statesmen who have ever shone in the high places of influence and power in this Republic were born poor and with limited opportunities for education.

On this sacred Sabbath day, in this historic Chamber, let us consecrate ourselves to that fervent and all-absorbing patriotism, that high purpose to serve the people we are honored to represent, with the fidelity which characterized our departed friend—a colleague whose friendship added to our joy of living,

and whose career gives us cheerful hopes for the best ideals of popular government.

Mr. GILLETT. Mr. Speaker, one of the saddest features of our life, no matter where it is cast, is the constant breaking up of friendships. Wherever we dwell, that is inevitable It comes from death, it comes from change of residence, from change of habit, sometimes from violent differences of opinion, but I think of no place where a man's lot could be cast where that happens more incessantly than it does to one who is long a Member in this House. The constant change of membership from session to session is forever interrupting our friendships and breaking off intimacies which have contributed greatly to our happiness. When Mr. SULLOWAY first came to Congress I was here. Yet to-day there are only a half dozen who were here then. During that time how many hundreds of men have come here and passed on, with whom I have made acquaintance, even intimate and enjoyable friendships.

I could not enumerate. Many men came for one term only, many for only two and there are very few whose own will unites with the will of their constituents to make this their permanent occupation, though I think that tendency is growing. When I first came here the sessions of Congress did not occupy, on the average, half the year and a Member expected to carry on also his private business. Now it absorbs practically all one's time with the result that it has become more a permanent and engrossing profession. I remember well, as any one would, Mr. SULLOWAY'S first appearance here, for he was a man whom to see was to remember. I suspect any one in the gallery looking down upon the floor of the House would always point him out as one of the few men about whom curiosity would be excited. His prodigious height, his great bulk of body, his unconventional appearance, attracted attention and made of him a marked man. And this extraordinary appearance did not mislead, because he was an extraordinary man.

I can not pretend that I was ever one of his intimates, although we were here together for 20 years, but it did not happen that our congressional lives ran at all in the same channel. You know our intimacies here are apt to be formed through committee work or from interests along the same lines or from the accidents of social life. It was, I presume by chance, that Mr. SULLOWAY'S appointment to a certain committee led him to that line of work where he became so eminent and so useful, and which I think was so in accord with his whole disposition, because that great frame and body of his held a great heart. He was full of human sympathy, and the committee on which he served was one which constantly appealed to that very element in a man's life, for it was his duty to constantly read over the appeals, and the history of men who had volunteered to risk their life for their country, and going back into civil life had suffered hardships and illnesses which brought their needs before his committee.

He had to study these accounts of human suffering which would appeal to anyone, but which particularly would appeal to one of his warm and sympathetic disposition. So it seems to me his life here by the accident of committee appointment was spent largely along just the lines that he would gladly have originally selected. It was spent in giving relief to human suffering, in rendering justice to the men who had risked their all for their country, and in that way his whole career was a constant benediction to his fellow men. He was a man who was singularly modest and retiring in his conduct on this floor because it was very seldom that he participated actively in the debates of Congress.

It was through no lack of ability, because when he did take a part he did it with a vigor and a power which always attracted attention and appreciation. They say great bodies move slowly, and it was perhaps on that account that he seemed somewhat lethargic and slow in taking part in congressional activity; or perhaps it was because of the native modesty of the man. He never put himself forward. It was our misfortune that he did not more often exercise that great power of speech which he possessed, and which, when he did display it, always attracted an admiring audience. But I presume he felt as a great majority of men in the House feel, that their line of work runs along the line of their committee duties, and his committee work chanced to be of a kind which did not call upon him for debate, but did call upon him for constant, assiduous, industrious labor in the committee.

It was in that way, it seems to me, that he contributed most to the efficiency of Congress; not by any parade, not even by the display of qualities which we should have liked to see oftener, but by quiet, modest, indefatigable labor in giving to the retired soldiers of the United States that care and attention and benefaction which he so deeply felt they deserved. He was a man of most decided and unswerving and outspoken convictions, one whom you could always depend on to do his duty, and who would never attempt to shirk or dodge. Indeed he had a courageous and outspoken scorn for the trimmer. No man could serve with him without feeling the warm heart, the depth of sympathy, the generosity of temperament which characterized his whole career here, and those of us who served with him lament, in his departure from us, a warm-blooded friend and a most useful public servant.

Mr. FULLER of Illinois. Mr. Speaker, when I first came to Congress at the commencement of the first session of the Fifty-eighth Congress I first met the Hon. CYRUS A. SULLOWAY, who was then the chairman of the Committee on Invalid Pensions. I was appointed a member of that committee, and during all of my service, and all of his service, down to the date of his death, I served with him on that committee. I thus came to know him well and we became the best of friends. I had the highest regard for his many good qualities of head and heart. There was not a particle of affectation or pretense about him. He always stood foursquare to the world. He was honest and sincere himself and had little patience with anyone who was not so.

He was a friend of truth, of soul sincere;
In action faithful, and in honor clear;
Who broke no promises, served no private ends,
Sought no title and forsook no friends.

One always knew exactly where to find him. He talked little, but always to the point, and there was no misunderstanding as to his position on any question on which he expressed himself. If all Members of the Congress were like him in that respect it would take much less time in which to transact the necessary business. I think he had the respect of every Member of the House, and his sudden death was a distinct shock, especially to those who knew him best. He was preeminently the soldier's friend, and the old soldiers of the Civil War, their widows, and orphans never had a better or truer friend in Congress than Uncle CY. SULLOWAY. In season and out of season he labored in their behalf. He firmly believed that the country owed a debt of gratitude for the services of the old veterans for which they could never be fully compensated, and that the least the country could do for them was to see that none suffered in their old age for the necessaries and ordinary comforts of life.

In the granting of pensions he was impatient of fixed rules, and believed and insisted that every case coming before his committee should be acted upon according to its merits, in which the service rendered and the needs of the proposed beneficiary should be the governing factors. Mr. SULLOWAY was a giant in stature and his heart was as great in proportion. A kinder-hearted man never lived. His name will be held in kindest remembrance so long as an old soldier of the Civil War lives, and by his host of warm, personal friends who from intimate acquaintance learned to admire and appreciate him for his many good qualities and kindly acts.

If stores of dry and learned lore we gain,
We keep them in the memory of the brain.
Names, things, and facts, whate'er we knowledge call,
There is the common ledger for them all.
And images on this cold surface traced
Make slight impressions and are soon effaced.
But we've a page more glowing and bright,
Whereon our friendships and our loves to write,
That these may never from the soul depart,
We trust them to the memory of the heart.
There is no dimming, no effacement there;
Each new pulsation keeps the record clear.
Warm, golden letters all the tablets fill,
Nor lose their luster till the heart stands still.

The grim reaper has been unusually busy with the Members of the Sixty-fifth Congress, and that fact brings us all to the realization that life is fast fleeting away, and as the shadows lengthen we find that we are—

A little more tired at close of day,
A little less anxious to have our way;
A little less ready to scold and blame,
A little more care of a brother's name;
And so we are nearing the journey's end,
Where time and eternity meet and blend.

A little more love for the friends of youth;
A little less zeal for established truth;
A little more charity in our views,
A little less thirst for the daily news;
And so we are folding our tents away,
And passing in silence at close of day.

A little less care for bonds and gold,
A little more zest in the days of old;
A broader view and a saner mind,
A little more love for all mankind;
And so we are faring adown the way
That leads to the gates of a better day.

A little more leisure to sit and dream,
A little more real the things unseen;
A little nearer to those ahead,
With visions of those long loved and dead;
And so we are going, where all must go,
To the place the living may never know.

Mr. SULLOWAY was an intensely patriotic man in the best and truest sense of the word. He loved this country and was proud of its achievements, in the past, and gloried in its growth and prosperity, and its consistent stand for the liberties of all mankind. If he were alive to-day, there is no shadow of doubt as to where he would stand on the great war in which the country is now engaged. He hated with all the earnestness of his strong nature all manner of despotic or autocratic government, and the administration, regardless of party politics, would have had in him a strong supporter of all measures calculated to bring victory to our cause and lasting defeat to the central powers in their attempt to rule the world by frightfulness and brute force. Just before we entered the war, his voice was stilled in death, but if men do live after what we call death, as I believe they do, his spirit is watching the great conflict, supremely confident that the outcome can only be the final end of autocratic government on earth and the eternal victory of right, justice, and free government among men. Wherever his spirit is to-day, I know that he cordially joins with all patriotic Americans in the sentiment expressed by the poet:

Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!

We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!

Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee!

Mr. HOLLINGSWORTH. Mr. Speaker, I first met Mr. SULLOWAY on the day of the organization of the Sixty-first Congress, when I stood near him before the Speaker's desk waiting to be sworn in as a member. His massive form was so striking and impressive that it arrested the attention of new members like myself and I shall never forget the impression it made upon me. He had then been in Congress 12 years and, although of modest mien and unpretentious, I naturally looked upon him not only as a physical giant, but as a wise counselor, both in experience and mental equipment. Subsequently, I learned by association that my first impressions were correct and that his sage-like appearance indicated the real man in him. His cordial handclasp on introduction won me at once and I ever afterwards in his presence felt a glow of friendly admiration. He seemed to me, in character and manliness, like the sturdy granite of his native State, and his friendship certainly proved of that type to me.

Coming over to where I was sitting a few days after the House was organized, but before the standing committees were announced, he remarked: "I see you wear the G. A. R. button and hope you will be put on the Invalid Pensions Committee. We need you." It turned out as he suggested and I had two years of pleasant service on that committee with Mr. SULLOWAY as chairman.

I learned from him his modest but effective method of dealing with pension legislation, particularly special bills to grant or increase individual pensions, and, as a result, when the score of that Congress closed I had secured more special acts for deserving soldiers of my district than any other Member of the House, not excepting Chairman SULLOWAY himself, and when I called to bid him good-by and thank him for the interest he had taken in me as a new Member, he good-naturedly congratulated me on my success, saying I had been one of the aptest students he had ever known along that line, and that my soldier constituents ought to be gratified at the work I had done for them. So they were, but they did not know how much of my success I owed to the friendly advice and assistance of my good mentor and friend, Mr. SULLOWAY.

I never expected to see him again. A slip, in the nature of a Democratic landslide, at the election in 1910, had left me out of the Sixty-second Congress and, being of the Middle West, and Mr. SULLOWAY of New England, our paths were not likely to again cross each other. A decided political jolt in 1912 also left both of use out of the Sixty-third Congress and our separation seemed final, but, at the election in 1914, the wave of political unrest having begun to recede, we were both reelected and came back to the Sixty-fourth Congress to renew a friendship which was to continue steadfast and cordial until the Angel of Death touched him, and he was called to his reward.

Naturally, therefore, I can not let this opportunity pass without placing upon his bier one little chaplet of love and remembrance.

Others, like his former colleague [Mr. WASON], who knew him in his home life, knew him where State honors and local distinctions were his, knew him before he came to Washington, and were more fortunate than I in long association with him in youth and in the maturity of manhood, have spoken at length of his virtues, his lovable character, his broad humanity and universal love of his fellow men, coupled with lofty patriotism and love of country, and each and every sentence and thought expressed, or which may be expressed on this occasion, has and will find in my own heart an echo and an abiding place. He was to me an ideal manly man, sincere and true. As a Member of the House he was able and active, although his seeming modesty in speech kept him from seeking to enter the so-called charmed circle of the "talking few."

Perhaps his most distinguishing characteristic was his intense loyalty and absolute love of justice and fair dealing. He was incapable of wronging any man, friend or foe. His loyalty to country during the Civil War led him early to seek service in the Union Army, but his physical condition was such at that time and during the war that this privilege was denied him, but this very denial seems to have made him more thoughtful of those in the service, and I am told he devoted his time and energies during the war largely to civic duties connected therewith, demonstrating the fact that in war there are civic heroes as well as military heroes, each deserving the highest commendation of their fellow countrymen. After the war his interest and friendship for the "boys in blue" continued, and, it is said, grew stronger and stronger as their years and increasing infirmities rendered them more and more proper objects of bounty from the great Government they had saved from destruction. So marked was this trait in his character that long before I knew him he had become known from one end of the country to the other in Grand Army circles as "CY. SULLOWAY, the soldiers' friend."

As a legislator in pension matters, he did not believe in the trivial technicalities which often bar needy soldiers and their dependents from receiving just assistance. He was old enough to remember the recruiting promise of every recruiting officer sent out by the Government in the sixties, that no volunteer soldier or his family should ever be permitted by the Government to come to want, and this promise in Mr. SULLOWAY's mind was a continuing obligation as binding as if written into the statutes like the present war relief measures. His big heart was also big enough to occasionally overlook in the Army records boyish delinquencies where no treasonable act or moral turpitude was involved, such as overstaying a leave of absence or being marked a deserter by mistake. As chairman and member of the Invalid Pensions Committee he acted upon this theory, and often a needy but deserving soldier wondered, as he thought of some small blot on his Army record, just how his bill happened to get through the committee, while one not so needy, or possibly not so deserving, comfortably fixed in this world, wondered at his own failure to receive as much as he thought the Government owed him. But SULLOWAY knew. His intuition was keen, and he readily recognized the difference between need and greed. He remembered the recruiting promise of the Government to care for the needy soldier, his widow and orphans, and in doing this his big heart and just mind led him at times to cut out the red tape sacredness of Army records often made up by an incompetent company sergeant or minor official. In this he showed a nobility of soul too rare in the public life of to-day; a justness of comprehension too often criticised by small minds. He was a friend of God's poor, and as such left many footprints on the sands of time. Requiescat in pace.

Mr. CLARK of Florida. Mr. Speaker, I shall take the time of the House now to say only a word or two. When I came to the House nearly 14 years ago I met Mr. Sulloway and was very much struck with his appearance when I first met him. I was fortunate enough after that time to live with him in the same hotel for a considerable period of time. I came to know him well. I never in my life have seen a man of such magnificent stature and such great brain power who was so meek and mild and almost childlike in his affections and friendships. I had occasion to know Mr. Sulloway, because I talked with him a great deal, and I regarded him as a man of wonderful ability. Yet he was the most unostentatious, modest man I think I ever knew. When his death was announced I felt that I had lost, and I had lost, a personal friend.

When I first came to Congress I represented 19 counties in the State of Florida, most of them lying along the eastern coast of the State, populated very largely by Federal soldiers and their widows. This, of necessity, involved me in a good deal of pension work. On every occasion when I went to Mr. Sulloway I found him sympathetic and kind, and he always gave me the assistance that I needed. As a new Member of Congress, I relied upon him absolutely in all pension matters and frequently sought his advice in other matters and he never failed me. He was a great man, and I say that with due consideration. Since I have been here I have seen many great men in this House—men of broad vision, men of great intellect, men of wonderful accomplishments. Mr. Sulloway easily ranked with those men, in my judgment. When he died a giant fell. Not only New Hampshire, but the Nation was the loser by his death. I grew not only to admire him, but to feel a very close affection for him. This House is one place where the measure of a man is not only soon taken, but it is accurately taken. Mr. Sulloway's measure was taken and he occupied a high place in the estimation of his colleagues. He was high-minded, noble, and true, and not only New Hampshire, but the Republic was made poorer when he left us. God bless his memory.

Mr. SLOAN. Mr. Speaker, brief shall be my uttered thoughts in contemplating the life, career, and death of this eminent New Englander with whom I met some time after coming to Congress. Several who have paid their tributes told of meeting Representative SULLOWAY when they first came to Congress. I saw him, but met him considerably later. His personality attracted me. Standing here among his fellows as one of the proud Lebanon cedars, I sought not to touch the form; but long before the conclusion of my first term I sat within the shade of this giant tree, and enjoyed the fruits of companionship that arose between the mountaineer of New England, old in statesmanship, and the young man of the plains, just entering the service.

There have been some very interesting remarks of a personal character this afternoon, more than are usual on such occasions. Statistics have been resorted to on this particular occasion more than on others. Perhaps it is because of the greater necrology of this Congress. Many have passed away and the term has little more than half elapsed.

In thinking of the number who have gone over, one fact has been overlooked by those of longer service. I am reminded of it by what has been said by every speaker to-day referring to the prominence of Mr. SULLOWAY in his service on behalf of the Civil War soldier. Of the 435 Members of this body, old or young in service, where once perhaps two-thirds of the membership had worn in battle time the blue or the gray, to-day there are but five who met in battle more than 50 years ago. At the head of those who wore the blue is Gen. ISAAC R. SHERWOOD, who has passed his fourscore years and still is, like SULLOWAY was, a giant. Well might we say of the men who lived and legislated 20 years ago, as was said of old, "There were giants in those days." By his side is the other Member from Ohio, Gen. HOLLINGSWORTH. Added to that number, I believe, there is but one more, Mr. OSBORNE, of California. Of those who struck for the then projected nation there are but two, Maj. STEDMAN, of North Carolina, and Gen. ESTOPINAL, of Louisiana, or five in all. There is another important statistical fact, showing how brief is this life and how little control we have over it. Here is the greatest law-making body on earth, the most ingenious contrivance for legislation in the world. Here we come nearer expressing the will of the greatest and most intelligent people on earth, and yet how absolutely helpless are we against the decrees which are constantly calling us away. "Death's hand no man can stay," and Congress and Parliament are composed of men.

It is a thought which should be expressed that our friend SULLOWAY died not yesterday, not last month, but nearly 14 months ago. But notwithstanding the lapse of time there are those among us who formed friendships with him that have impelled us to come here and pay our tributes, although many men consigned to their tombs are forgotten before a dozen suns have rolled. It is an especial tribute that old Members of this House and others have come and sat through these two hours and listened to the observations that have been made upon the life, character, and well-deserved fame of Mr. SULLOWAY.

He was a man of courage, a man of conviction, advocated fearlessly his cause, and never forsook a friend. Thus several times has it been remarked that he seldom spoke. Yet all who knew him recognized his commanding ability with juries, on the stump, and here in this Hall. In debate he had a lion's strength, but like the lion, he seldom exerted the lion's strength. He was not, like some great New Hampshire men, born in that State, educated in the Granite State, who went elsewhere for their careers. He was born there; he lived there; he rose in stature physically, professionally, and politically as Mount Washington rises above its fellows in the range. For the brief time he was absent from this Hall, when the membership looked about for the New Hampshire men it was said that the White Mountains were here, but Mount Washington was absent.

Telemachus said, "It is ever wrong to say that a good man dies." I will follow that rule by simply saying that the New Englander has passed. His life, of course, is passed, but, in common with all humanity, his deeds will live as deeds of all mankind will survive, as influences and causes for good or ill. In his case, I believe, in the family of which he was a part, in the community in which he resided, in the State which he honored, and the Nation which he served, his acts and counsel were all for the good. They will be preserved through the years and decades. New Hampshire granite has been transported to every State in this Union. Shafts of its enduring quality stand at the head of the graves in every State of the Union and every country on the continent. Upon those shafts there may be inscribed epitaphs embodying the inspiration of the poet and the wisdom of the greatest philosophers and sages, but I believe that deeper in American hearts and memories there will be the enduring deeds of CYRUS SULLOWAY than can be traced on these granite shafts.

A story once I read like this:

"I wrote my name upon the sands. When I returned the flood and ebbing tides had wiped out every trace that I had made. I then carved it upon the enduring granite. Years thereafter I returned to find that a lightning bolt had destroyed that granite shaft. Then I traced it upon enduring bronze. Years thereafter I returned. An earthquake had rent the base of that bronze and it lay buried under drifting dust and sand. I learned the lesson that if I would write my name where it would endure I would write it upon the hearts of men."

So, instead of on granite shaft or bronze monument, CYRUS SULLOWAY has his name written upon the hearts and memories of his fellow men. From New England to Florida, from Florida to California, wherever Grand Army of the Republic members are, and wherever their widows and orphans survive, his name is known and revered as the soldier's friend.

Mr. BURROUGHS. Mr. Speaker, we are gathered here to-day in this historic Chamber, the meeting place of the lower branch of the greatest legislative body in the world, to pay tribute to the memory of one who rose from a humble station to a prominent place in this great body, where he served for 20 years with great credit and distinction. He died "in the harness" in the service of his country. In the closing hours of the Sixty-fourth Congress with day and night sessions on March 2 and 3, he contracted a severe cold which developed into pneumonia, and despite the pleading of his colleagues, he refused to leave the Chamber day or night. He said: "There are many bills coming up here in these closing hours that are of national import, a few of them are measures that politically cut both ways. I am going to stay on the job for I am not afraid to meet these questions and I am not going to give anybody a chance to say I was a 'quitter.'"

This was typical of the character of Hon. CYRUS ADAMS SULLOWAY, Representative in Congress from the First New Hampshire district, from the day, as a young man, he walked barefooted 14 miles from Grafton, N. H., his birthplace, to Franklin, to enter the law office of the late Hon. Austin F. Pike, one of the famous attorneys of New Hampshire of that long ago period. Mr. SULLOWAY was born in Grafton, N. H., on June 8, 1839. He passed away early Sunday morning, March 11, 1917, from pneumonia, after an illness of but a few days. Mr. SULLOWAY's immediate family consisted of one daughter, Miss H. Belle Sulloway, who was with him here in Washington at the time of his sickness and sad death. The wife of Mr. SULLOWAY had died when this daughter was a very young girl. The sympathy, care, and anxiety for his daughter made the home life of Mr. SULLOWAY one of the striking features of his life.

He was admitted to the bar in 1863, and came down from Franklin where he had been studying law and opened an office in Manchester, N. H. He was allowed the use of a desk in the office of Judge David Cross, at that time one of the great leaders of the New Hampshire bar. Mr. SULLOWAY remained in the office for some time until one day, Judge Cross said to him: "Cy, I guess I have got to ask you to move out. I find you are getting some of my best clients away from me. You are able to open an office of your own and you will not have any trouble about getting business." He then went over into the office of Attorney Samuel Lord, a prominent lawyer of Man-

chester, where he remained until he formed a partnership with E. M. Topliff and the fame of the Sulloway & Topliff firm, with offices in the then new opera block in Manchester, became statewide. Topliff, one of the greatest and most skillful cross-examiners in the history of the New Hampshire bar, and SULLOWAY, forceful, homely in expression, imposing and convincing in argument in "summing up" to the jury, made a "pair that was hard to beat" in the then legal field of the Granite State.

Mr. SULLOWAY early "took to politics" and in 1872, was elected to the State legislature from Manchester. Again in 1887 he was returned to the House of Representatives at Concord, N. H., and he continued to serve there until 1894, when he was nominated for Congress for the first time, at an exciting and enthusiastic convention at The Weirs, with two candidates against him. From that time on he was renominated eleven consecutive times, covering a period of twenty-two years. All but once he was the victor at the polls in November. In 1912 when the Progressive movement was at its height, Mr. SULLOWAY was beaten by Hon. Eugene E. Reed, Democrat, by a few more than a thousand votes, but two years later, Mr. SULLOWAY "came back" and defeated Mr. Reed by a substantial majority, and was reelected to the Sixty-fourth Congress. He was again renominated for the present Sixty-fifth Congress and was reelected over the Democratic candidate, Hon. Gordon Woodbury of Bedford. He served in Congress just a full twenty years, which in later days of his service, was his hope and ambition.

This long period of service attested his strength and loyalty to the people of his district. He had a host of friends that never deserted him. He was faithful and energetic and attended carefully to the interests of his district. He was even more popular in his later days than when he started in office. He grew and developed as a legislator as his career blossomed with age. His six-foot-six and three-quarters inches came to be more and more beloved and honored as time passed. He obtained a record in New Hampshire never before equaled. No man before his day had ever served more than three terms in the lower branch of Congress. Many times his nomination was by acclamation, without an opponent, until he became known as CYRUS "ACCLAMATION" SULLOWAY. When he had opposition his great popularity due to a recognition of the value of the service he was rendering to his country and State, was sufficient to vanquish the hopes of any aspirant to his seat. They all went the same way, down to defeat.

I had long known the "Tall Pine of the Merrimack" as he was so often and so affectionately referred to. I knew of his unique personality and strength in the courts of law; I knew of it in the State legislature where he was a power in the public service; I knew of it in the Congress where he had served so long and faithfully; I knew of it in the field of politics, when I once tried to get his job; I knew of it in the hearts of the people when the votes at the primary had been cast, and I am proud that the people of the first New Hampshire district have seen fit to select me as the successor of one whom they so greatly loved. I am told that he became a great favorite with his fellow Members of Congress, and that he was regarded by them as a diligent and faithful public servant. There never was a word of suspicion spoken of him. He was an uncompromising Republican, a stanch and enthusiastic protectionist, a loyal and true citizen, the friend alike of the rich and the poor. He knew no sect, no creed, and his hand was out to all. His "God bless you," will be widely and sorely missed in Washington and in New Hampshire. His death brought genuine sorrow to the people in State and Nation.

Of his congressional career other Members who served with him here on this floor can speak much better than I. Suffice it to say that I know of his fidelity in looking after the interests of the working people and the industries of our State and country, of his services for the Portsmouth Navy Yard, of the tremendous work he did for the veteran soldiers and their widows and orphans, and the deep interest he had at all times in the welfare of his constituents. I did not always agree with Mr. SULLOWAY, but it is a pleasure for me now to record the fact that our differences were never personal. His great, warm heart made him always a fair and generous opponent as well as a loyal and devoted friend.

In closing I feel that I can say nothing that will so fittingly and adequately express the sentiment of the great body of the people of his own State, whom he so long in part represented on this floor, as to quote an editorial published in the Daily Mirror and American in Manchester, N. H., on Tuesday, March 20, 1917. This editorial was written by Mr. William H. Topping, who had for nearly 20 years served Mr. SULLOWAY as secretary or clerk of his committee here in Washington. I ask leave, Mr. Speaker, to print the editorial referred to as a part of my remarks.

The editorial referred to is as follows:

THE LATE CONGRESSMAN SULLOWAY.

The tribute paid to the late Congressman CYRUS A. SULLOWAY by the citizens of Manchester and New Hampshire was one of the greatest ever given to a citizen of the State. The thousands who gathered at his obsequies attested to the love, the esteem, and the admiration in which he was held. It was a wonderful demonstration to a remarkable man.

Congressman CYRUS ADAMS SULLOWAY in life was a unique character. His great size made him conspicuous wherever he went, as he towered far above the usual-sized man. But it was not his great stature that made him beloved by people all over the country and the idol of hundreds and thousands of residents of his native State. It was the human side of Mr. SULLOWAY that appealed to his friends. As he was large in stature, he was equally so in his generosity, simplicity, rugged honesty, and plainness. Political honors never swelled his head, and at the close of his 20 years of service he was the same modest, retiring, thoughtful, considerate, and plain man that he was when he first went to Congress 22 years ago.

His public career has been a brilliant one. Without "fuss or feathers" he made his name almost a household word from one end of the country to the other. In the Fifty-sixth Congress he was named as chairman of the Committee on Invalid Pensions by Speaker Henderson. This committee deals with all pension matters growing out of the Civil War. The wonderful work of Chairman SULLOWAY brought this committee from mediocrity to one of the most important in the House. Not only on general but on special legislation Mr. SULLOWAY's great work won for him and his committee the confidence of the House on both the Republican and Democratic sides of the Chamber. Faithful and conscientious work made it possible for this committee to receive, on practically all occasions, the almost unanimous support of the Members of the House.

In the matter of special legislation or private pension bills, Congressman SULLOWAY secured from the Bureau of Pensions one of the most exact and expert examiners in the country, who prepared the cases and briefed the evidence for the committee. Every case acted on was read and considered by the full committee. Unworthy cases seldom, if ever, got by the examiner. In one session of Congress alone more than 1,200 cases, where the soldier was blind, paralyzed, or bedridden, were passed. No such humane work had ever been accomplished by the committee before, and it brought Congressman SULLOWAY into national prominence.

In addition to this, Congressman SULLOWAY succeeded in getting through Congress much general legislation, which increased the pensions of both the soldiers and widows. His work in this line won for him unstinted praise, both from the old soldiers and from the general public. He was not radical in the matter of legislation, all reports to the contrary notwithstanding. He was just, fair, honest, and conscientious in his treatment of matters, both general and special.

On other questions of great public moment Congressman SULLOWAY was a man whose opinions were sought and whose judgment was respected. As a tariff man he was one of the strongest in the House. He was a great student of this subject and a firm believer that the success and prosperity of the business and industrial interests of this country must depend upon protection. He was equally as positive that labor's only guarantee to employment was through the instrumentality of this same tariff. In Congress, at the hustings, and in private conversation he vigorously and originally expressed his views in language that left no misgivings as to its sincerity.

Congressman SULLOWAY accomplished much for his district and his constituents during his long service. One of the monuments to his successful career is the Portsmouth Navy Yard. Unquestionably this yard would have been abandoned but for the tireless energy of the "Tall Pine." The Navy Department was against its continuance, the naval officers were all opposed to it, on account of the fact that the city, where it was located, lacked what they thought were proper social features. When other men from New Hampshire in Congress had grown weary of trying to do something for Portsmouth, Congressman SULLOWAY kept plugging away with that determination that always characterized his efforts, and he succeeded one day, in a speech filled with humor, patriotism, and pathos, in getting an appropriation of $1,000,000 through for the construction of a big, new dry dock, then the largest in the country. That dry dock saved the Portsmouth Yard, and continued efforts, followed by successful legislation, much of which was secured through the efforts of Mr. SULLOWAY, have brought the yard up to its present standard and made it one of the best in the country, and which has insured forever its continuance as such.

Other monuments to Congressman SULLOWAY are public buildings at Dover, Rochester, Laconia, and improvements in the Manchester building. One of the recent acts of the late Congressman was the passage of an appropriation through the House for an extensive addition, in both land and buildings, to the Manchester post office, amounting to $225,000. Liberal appropriations were secured by Mr. SULLOWAY for river and harbor improvements at Newmarket, Dover, and Portsmouth, among them being nearly half a million for the removal of Hendersons Point, which was successfully accomplished.

As a legislator Congressman SULLOWAY was highly regarded in Washington. He won the confidence of men of all parties. Hon. CHAMP CLARK and Senator JOHN SHARP WILLIAMS, of Mississippi, both formerly violent opponents of pensions at one time in the House, made speeches in which they devoted their entire time to a commendation of the work of Congressman SULLOWAY on pension matters. Both stated that a careful investigation of the efforts of the Manchester man had convinced them of their error, and that as far as they were concerned they were with Mr. SULLOWAY and his committee, and had the utmost confidence in the work they were doing.

The illness and death of Congressman SULLOWAY was attended by genuine sorrow and grief in Washington. His friends were legion in Congress, and great leaders on both sides of the Chamber called at his hotel and eagerly sought news of his condition. His death cast a great gloom over official Washington. A distinguished gathering of Senators and Representatives accompanied his body to this city and paid their last respects.

Manchester turned out and paid him an immense tribute. Rarely, if ever, has there been a more impressive service or a more distinguished gathering of citizens in New Hampshire than was assembled at the bier of the "Tall Pine of the Merrimack." People of all classes and conditions of life were there, for all loved him. This great throng of sad, sorrowful, and mourning citizens and friends of the Hon. CYRUS ADAMS

SULLOWAY answered his critics effectually and sufficiently. It was a wonderful tribute to this plain, rugged, homely man of the people and one that even a king might be proud of.

Of the personal side of Congressman SULLOWAY volumes could be written. His history is one of kind deeds. Tenderness, generosity, sweetness, loyalty, modesty, and honesty characterized his whole existence. He lived to make others happy. Of his mite of this world's goods he gave the larger share to his neighbor. He came out of Congress poorer financially than he entered, but he left behind a record for sterling and rugged honesty, and there never was a blot on his public service, a heritage to him dearer than all the money of the earth. Mr. SULLOWAY was a great student, quite a lover of poetry, especially some of Whittier's selections. He was an ardent reader, a thoughtful student, a conscientious legislator, a noble man, an ardent patriot, a kind and loving father, a man whose friends were legion, because he never lost the old ones and constantly added new. His place in the hearts of the New Hampshire people can never be filled. He occupied a niche of his own. The great man has gone from earth, but memories of his good deeds, his sterling qualities, and his generous ways will live on forever.

Mr. BURROUGHS assumed the chair as Speaker pro tempore.

Mr. GREENE of Massachusetts. Mr. Speaker, when I became a Member of the House of Representatives in 1898, having been elected at a special election for the remainder of the term of my predecessor, who had passed away, I first became acquainted with the Hon. CYRUS A. SULLOWAY. He had a distinguished appearance, being of mammoth stature, and I was drawn toward him by his strong and forceful characteristics. My intimacy with him continued during his long service as a Member of this legislative body.

It had generally been the custom in New Hampshire when a Member had served a few terms to change the representation, and I recall that at one convention, at which he did not appear as a contestant for renomination, there was a long discussion in the convention as to who should be nominated. With the multiplicity of candidates the convention could not seem to agree upon a candidate. He sat a silent spectator in the gallery listening to the proceedings, and finally, when the convention could not seem to agree upon anyone else, he was nominated by acclamation, and ever afterwards received the nomination of his party to appear here as a Member of the House.

In the campaign of 1912, owing to a division in the Republican Party, he failed to secure a reelection, although he was honored by the renomination. That was the fate that was meted out to quite a number of the older Members of the House. Mr. SULLOWAY and myself had the same characteristics in one respect, and that was we neither of us deserted the party to which we belonged. He never sought a nomination of any other party than his own. If the Republican Party was not strong enough for him to win in an election he preferred to remain at home.

I became quite intimate with Mr. SULLOWAY from the fact that like himself I wanted to be a soldier in the Civil War, but I had the misfortune to be born lame and that lameness kept me out of the service. He was rejected because the authorities did not think he was physically strong enough to endure the hardships of a soldier's life. I recollect that when the draft system was in effect during the Civil War the people desired to reduce the quota to be drafted as much as possible. They called upon me to go up to the surgeon's office and be exempted from the service; by so doing the quota from my own city would be reduced. My city was then a small one, having barely 12,000 people. Finally I was prevailed on to go before the surgeon in order that I might be legally exempted. It was a task that was exceedingly disagreeable to me. The moment the door of the office was closed the examining surgeon, who had known me from early childhood, said, "There is no need of examining you, you will be at once exempted," and he struck my name from the list. My father was 50 years of age when the war broke out and one of the first to enlist.

I was always very proud of the fact that my father, who then was 50 years of age, was a soldier of the Civil War. I was the only other male member of the family, and consequently there was but one of us who could go, and my father embraced the opportunity. I was nearly 20 years of age when the war began. I was familiar with all of the inducements that were given soldiers, and especially do I recall the first meeting held in the city hall at which we all gathered to see whether people were willing to volunteer as soldiers to preserve the Union. My father was one of the first who signed the roll, a large number following, and I well recollect the assurances that were then given that the family of any man who enlisted would always be cared for, if he gave up his opportunities in life and went into the service for the purpose of preserving the Union. That was very strongly impressed upon the youth of that day. My own State made great provisions for the families of soldiers. It does to-day contribute to the burial of every soldier and pays to the soldiers' widows additional compensation besides the pension they receive, in order that they shall not be deprived of necessities, and the State of Massachusetts makes special provision for the care of families where the husbands or sons enlist or are drafted into the service in the present world-wide war.

When I became a Member of this House Mr. SULLOWAY was prominent on the Committee on Invalid Pensions. He subsequently became chairman of that committee by reason of his long service. I admired the man in every feature of his life. I have been told by those who have been connected with the measurement of men that no two men measure alike, that there is always some feature that makes each man different from the other. Notwithstanding this confident statement it was my fortune to have some men serve in this body with me who were taken for me and I for them. I have frequently been taken for Gen. HOLLINGSWORTH, and he says that he has frequently been taken for me. But there is one particular mark that has always served as a distinction personal to myself. One night when going down town in my own city to attend a banquet I passed by a man in the evening and the shadow of the trees would prevent one from being known generally, and he said as he passed, "By gracious, isn't that Billy Greene?" I said "Yes," and he said, "I went to school with you 60 years ago, and knew you the moment I saw you step." I talked with him awhile, I knew him well as a boy. When I went to the banquet that night the man who presided at the banquet saw fit in introducing me to the company, all of whom I knew, to say that he happened to be in the gallery of the House of Representatives a short time ago, and that it was astounding to him that so many people in the gallery knew who I was; he said I was almost as well known in Washington as I was in Fall River.

In a little time after this episode when I was called upon to make some remarks, I said to them that I could tell them why I was known in Washington as well as at home. I told them that it was because I had a gait that no man can imitate, and when people sat in the gallery and saw me walk up and down the aisle it is natural for them to say, "Who is that lame fellow going along there?" And they are told it is Mr. GREENE of Massachusetts. That lameness has probably given me a wider acquaintance than I could have obtained in any other way. I rarely go into a strange city that I do not find some one who knows me by reason of the original step that I have. I have never regarded it as a misfortune, as some people do. Mr. SULLOWAY was noted in an assembly because of his stature, and I because of my lameness.

Mr. SULLOWAY and myself were very much alike, for both of us looked at the hopeful side of life; we never looked on the shadowy side, neither of us ever thought of the shadows, but more of the pleasures that life affords. I realized that he desired to do whatever he could for the benefit of his fellow men. The record that has been given here to-day by those who have spoken so generously of him is a record of which every person might well feel proud.

He was a man who was upright in character, firm in opinion, and he had a reason for everything he did. He was original in his expressions. I had not thought of his being a member of the legislature of the State of New Hampshire, and was glad to hear the remarks made here to-day in respect to his long service in his native State, and of the work that he did there. I saw him just before the close of the session of the Sixty-fourth Congress sitting in his seat. He then had quite a severe cold, and I admonished him that I thought he ought not to be in the House. I shook his hand, and felt the fever that was running through his veins, and I said to him, "Brother SULLOWAY, you ought to go home, you ought to go to bed that is the best place for a man who is sick—go to bed and keep out of this chilly wind and blast." That was on the last day of the session, as we were forming to go into the Senate to participate in the ceremonies of the second inauguration of President Wilson. Only a few days later, one short week, he was gone.

The Speaker appointed me a member of the committee to attend his funeral, and I never shall forget the sentiment that seemed to prevail in the city of Manchester, where he lived; the strong feeling displayed by the people there, the warm interest they had in his career, and the solidity of expression with which they appeared to be of one mind in regard to his faithful service. I was very strongly impressed by the sermon which has been alluded to to-day by the gentleman from New Hampshire, Mr. WASON, which was preached at Mr. SULLOWAY's funeral. I hope Mr. WASON will print, as a part of this service, the whole sermon, for it was certainly the most remarkable sermon I had ever heard preached at the funeral of any person I ever knew.

The preacher said Mr. SULLOWAY was a faithful, consistent, honest protectionist, and that if he were present here to-day this is what he would say. I thought of what has been said

sometimes of others, that a man being dead, yet speaketh; and when this preacher, small in stature but powerful in language, proceeded to say what he thought, believed, or knew CYRUS ADAMS SULLOWAY would have said had he been there to speak for himself, it was a most remarkable tribute. There was no hesitation in the voice of the preacher, no hesitation in the expression, but every word uttered was firm and true like the character of the late Congressman whom he so eloquently eulogized. He spoke well, and it was a wonderful tribute to the memory of a very good man.

The attendance at the funeral was very large. It was a church such as they rarely build now, one of those large churches with extensive galleries; but there was not a seat to be had anywhere in the church. Every seat was filled. Among other organizations present were the letter carriers of the post office. Mr. SULLOWAY was always very active in their behalf, as well as in behalf of the soldiers. The post office was closed as a tribute to his memory, and the letter carriers and other employees of the post office were enabled to be present.

I met there a large number of the prominent people of New Hampshire. They gathered at the funeral exercises. After the conclusion of the ceremonies I was invited to attend a conference, in order that it might be determined what was best to be done under the circumstances as to time of choosing his successor. When I was called upon to speak I said said that, for myself, I usually took the forlorn hope.

They thought that it was a forlorn hope to elect a Republican successor at that time in the year, when the snow was deep on the ground in the southern part of the district. I said that if I were living there I thought I should take the forlorn hope and risk it, but I yielded to the views of the Republicans of New Hampshire. They asked me, "Is it necessary for us to elect a successor to Mr. SULLOWAY in order that the Republicans may control the next House?" I said, "No, we can not control the House even if a Republican were elected to succeed Mr. SULLOWAY; and as you know a great deal more about conditions in New Hampshire than I do, and you think it would not be possible to get the Republicans out to vote who live in the country on account of the snow in the month of March and the practical impassability of the roads, I defer to your judgment." They thought that if they postponed the election until God's sun shone upon the earth and dissipated the snow they would then be able to send a Republican as the successor of Mr. SULLOWAY. I said, "In view of what the gentlemen here say who know, and in view of the fact that there is no necessity for trying to do something that you can not accomplish, I am willing to take your judgment and let the result speak for itself." As you all know, success came to our fortunes when the election was held and Mr. BURROUGHS easily was elected to succeed Mr. SULLOWAY.

Mr. SULLOWAY, in the Committee on Pensions as well as elsewhere, was very conscientious in whatever he did. It has been said that he looked with leniency upon many of the men whose cases were brought before him, because some of them had been put down as deserters undeservedly; and when he believed that to be the fact, he urged that this delinquency be overlooked. I may say that I sympathize a great deal with his idea in regard to that one fact. One of the most unpleasant things I have found in looking up pension legislation is that some good man had been marked as a deserter who was not a deserter, but who when the war was over was told by his commanding officer, "The war is now over. You do not need to wait here, you can go home"; and yet, where soldiers who had no thought of pensions failed to remain to be discharged regularly from the service, quite frequently such men have been marked as deserters, and so have been denied the privileges of the pension laws because the record showed that they deserted from the service. I would be glad to wipe out all those distinctions. I have in mind now the case of a young man who was a member of the Regular Army a few years ago. He was thrown from a horse and badly injured, and was sent to a hospital for treatment, and was allowed to wander away from the hospital.

He went home, but was marked as a deserter, and his record so stands to-day, when he did honorable service, and never should have been allowed to depart from that hospital; but the parties in charge of the hospital felt that by letting him go home and putting the charge of desertion against him it would relieve the United States Treasury of the responsibility which it otherwise would have to bear because of his injury in the service. No such narrow spirit ever characterized the life and character of the late CYRUS A. SULLOWAY, whose memory we hallow to-day. He was broad enough to throw the mantle of charity over every such case that came to his attention.

I have been gratified to listen to the tributes here to Mr. SULLOWAY's memory. Having taken the oath of office here on the 18th day of June, 1898, and having been a Member of the House ever since, it has been very pleasing to me to hear the kind words spoken by his associates.

Allusion was made by my colleague [Mr. GILLETT] to the fact that one of the saddest features of our life here is the passing away of our colleagues. That is very true. It is a very sad feature of life, but there is one compensation in our service here, and that is the extensive acquaintance we obtain and the friendships we form with men throughout the country, and the high character that attends nearly every service here.

The average population of a district is 200,000. It is natural that Representatives selected should be men of high standing, high character, well thought of at home and naturally would be well thought of here because of their average attainments, experience, and ability.

All of us can not become orators. Many of us could take a great deal more time in debate than we do, and so far as my experience is concerned I hear so much talk that I think that if one-half of it were eliminated the country would be a great deal better off. I fear some Members talk too long and too drearily to accomplish what they really seek to do. If Members would talk plainly and drop some of the long flights of eloquence, I believe better results would be obtained.

Mr. SULLOWAY did but little talking, but he could always be found in his seat. I have not examined the record of his attendance, but I think you will find that it will compare favorably with that of any Member of the House. I do not recall that he was absent except on account of sickness during all the time of his service here. He died respected by his fellow men and loved by his associates. The fine tributes to his character that will be recorded will be an honor to his memory, to his State, and to the country.

Mr. WASON. Mr. Speaker, when I left the floor I said that I wanted to read a tribute to the former Congressman SULLOWAY by ex-Congressman George C. Hazleton, who represented a district in Wisconsin in this House in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and who was born in Chester, N. H. This address was delivered at a meeting of the New Hampshire Association in the District of Columbia on May 14, 1917, and is as follows:

"Mr. President and friends, we have assembled here as members of the New Hampshire Association to lay our votive garland upon the new-made grave of CYRUS ADAMS SULLOWAY and to join our hearts and voices in tribute to his memory. In paying this our tribute to him, we pay it not less to our native State.

"We were bound to him and he to us by a common tie of nativity and by his genial affiliations from time to time with our society.

"We shall never look upon his like again. He was typical of no man but himself—sui generis—the first and last of his dynasty.

"He was of the rugged cast of men in form, feature, and character, a modern Samson in physique, and as he walked the earth he towered above his fellows like some tall peak that surmounts the Sierras.

"When he died the undertakers had to search three cities to find a casket large enough to receive his giant form, attired as when he stood upon the floor of Congress to advocate his favorite cause of the Union soldier.

"He was stricken down from his post of public duty just when our Government was about to enter the arena of international war, and when he was able to render valuable service in the councils of the Nation.

"He was far in advance of any of his contemporaries in the advocacy of State and National preparedness. He believed in the impressive power of a great Navy as a conservator of peace among the nations. As early as 1904, at the dedication of the soldiers' monument in my native town of Chester, where he received an ovation from many veterans of the Union Army, I heard him say, 'Nations are born and nations are extinguished where armed men meet on fields of deadly conflict. I believe,' he said, 'that we should increase our Navy as rapidly as our revenues and shipyards will permit, and the Army to at least 100,000 men.'

"This, as we all know, is not the time or place to elaborate the story of his private or public life, but if you seek a knowledge of the original sources of his development in person and character, you will find them well marked in the romantic regions that enveloped his early life, in the blood of the Anglo-Saxon that coursed in his veins, and in the sentiments, ambitions, and influences which he imbibed from the social system of the New England States.

"He was an ardent lover of nature, and, until his eyelids closed in the sleep of death, he loved and cherished the romantic

features of his native State—crystal lakes, mirrors of the skies; her mountain summits diademed with the snows of winter; and her mountain walls draped for half the year with scenes of transcendent beauty and of joy forever. Nor is this all. He was justly proud of her eventful history, civic triumphs, and material progress, and of that popular will that had kept him for more than a quarter of a century in the fields of his fondest ambitions.

"I have heard it said, but I will not vouch for its authenticity, that the younger Tell when traveling with his father, the great archer, on the lower levels of Switzerland, growing tired of the monotony said to his father, 'I do not like these lowland plains; I'd rather dwell 'mid the avalanche.' This goes to illustrate to some extent the sentiment that binds for life the mountaineer to his native mountain home. SULLOWAY was a fixture in his allegiance to his birthright and his citizenship. If there were richer harvests to be gathered in fields beyond, they had no charms for him. There is a fascination about this mountain life that is irrepressible. I heard it featured once in a memorial poem as it came from the lips of a native-born, home-loving, poet-preacher of New Hampshire who lived it out in love and peace in a life of three score years and ten within a radius of 20 miles from the spot on the mountain side where he was born.

"It was on the 4th day of July, 1863, a day ever memorable for Union victories. It was at the centennial celebration of the town in New Hampshire where my mother and her immediate kindred were born and where our worthy president of this association first saw the light of day. The committee of arrangements had invited one of their native-born townsmen, who had arisen to distinction in a career outside the State, to return to his native heath and trace for them the history of a hundred years.

"Suiting his lines to the occasion, our poet said:

"While I honor the man who comes back with his laurels
All blooming and fresh on the time-wrinkled brow,
From the scenes of debate or national quarrel
To blend with his kindred who follow the plow,
I cherish, I love the true hero who lingers
Life-long at the tomb where his fathers lie,
While the time-god is writing with skeleton fingers
Each scene on the heart as it fades from the eye.
I love the ambition that hovers the highest
To the fount whence our earliest pleasures flow,
Whose flight like the lark's is the surest and highest,
While its home is unseen in the valley below.

"'Paint me as I am,' said Cromwell to his limner. 'When you shall these unlucky deeds relate, speak of me as I am,' said Othello, 'nothing extenuate nor set down aught in malice'

"He who speaks of our dead SULLOWAY just as he was at every stage and turn in life, whether in youth or at the bar, in the legislature or in Congress, is his best eulogist and his truest friend. He may then justly say of him that he was the physical type of a giant race of men; that he was endowed by nature with a well-poised brain, a brave heart, and a genial temperament; that after the manner of America's self-made men, he forged his way upon his own merit from lowly conditions to one of usefulness and fame; that he faced the world until death called him to leave it with an open countenance and an honest hand; that in the drama of life he was never known to play the part of a pretender to advance his private interests or to win public favor; that if he cares to dwell upon his faults or frailties incident to human nature, he will find them condoned by his deeds of love and generosity, and he will find that many of the recipients of his princely charities still remain to bless his name and revere his memory.

"The domain of his personal and political strength lay in the hearts of the common people, they who 'wear their stars not on their breasts but in them.'

"He was familiarly known throughout the State as 'CY SULLOWAY,' or 'CY' for short, not out of disrespect but as a term of endearment. His political friendship reached beyond party lines. I was in Manchester once at a general election when he was running for Congress, and I heard a stalwart Democrat say 'I am a Democrat, dyed-in-the-wool, never cut my ticket, but this time I've got to vote for "CY,"' and so he did.

"I shall do him no injustice when I say that he was not a finished scholar. He did not claim it. His scholastic privileges were limited to the 'little red schoolhouse,' and a few terms at a New England academy. But he became an adept in that volume of human knowledge that was never taught and never learned in schools. Apropos to this, Farragut once wrote to his boy at college, 'Don't take too much time with your books; study men.'

"I can not speak of him, either, as one learned in the law, as the phrase goes. He did not claim it. He had never practiced his profession in the Federal courts so far as I know, but at the bar of his State he was regarded as a safe counselor, was considerate in his charges, and served the poor as faithfully as he served the rich. He was an adroit manager of his cases, and in jury trials especially he was a successful and powerful advocate.

"I can not say, either, that in statecraft he came up to the level of such men in the history of the State and Nation as Langdon and Sullivan, Webster and Woodbury, John P. Hale and GALLINGER, but on the line of public service where he wrought he was equally faithful and equally efficient. He stands to-day at the head of all others in our national legislation in securing from the Treasury just needs of the American soldier, his widow and his orphans, and I am inclined to think that it is upon the strength of his devotion to this cause that his chances of remembrance along the lines of the future largely depend.

"Mr. President, in forming an estimate of our men in public life we are apt to gauge our judgment by our own political proclivities. SULLOWAY was a Republican, and so am I. For myself, I could not pay him a higher tribute if I would. But if we apply the nonpartisan standard of public duty, that which goes to the general welfare, that which involves the integrity of our form of government as fashioned by the fathers, its coordinate powers, and the representative principle upon which it lives and moves and has its being, we shall find that in his fidelity to these essential principles of our national life he was as immovable as the granite hills. Partisan or nonpartisan, he stood foursquare for a tariff wall built up to high-water mark for the protection of American industries and American labor. He was for a navy large enough to police the navigable waters of the globe if need be to protect American commercial and treaty rights, and for an army adequate for the national defense and domestic peace. Judge him, if you will, by any of these tests and you will find him an efficient and faithful public servant.

"This is my epitome of the dead man's life. He was born in my native State of a loving New England mother, in an humble home where life was a struggle for existence, from which condition, unaided by the power of money or social influence, he made his way up against strong resistance to the zenith of his ambition in the American Congress, and died in the Nation's arms, and with stately obsequies she buried him as one of her worthy dead in his native earth beside his kindred dust, there to rest in peace forevermore.

"Well may I say in the presence of his death and the pending crisis amid the nations of the earth, in the language of Byron:

"Between two worlds life hovers like a star,
'Twixt night and morn upon the horizon's edge,
How little do we know that which we are,
How less what we may be.

"The eternal surge of time and tide rolls on
And bears afar our bubbles,
As the old burst new emerges, lashed from the foam of ages,
While the graves of empires heave, but like some passing wave."

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution already adopted the House will now adjourn.

Accordingly (at 2 o'clock and 50 minutes p. m.), the House adjourned until to-morrow, Monday, April 29, 1918, at 12 o'clock noon.

SENATE.

MONDAY, *April 29, 1918.*

(Legislative day of Wednesday, April 24, 1918.)

The Senate met at 12 o'clock noon.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Norris	Smith, S. C.
Baird	Hardwick	Nugent	Sterling
Bankhead	Henderson	Overman	Sutherland
Beckham	Hitchcock	Owen	Swanson
Brandegee	Johnson, Cal.	Page	Thomas
Chamberlain	Jones, N. Mex.	Phelan	Thompson
Colt	Jones, Wash.	Pittman	Tillman
Cummins	Kellogg	Poindexter	Townsend
Curtis	Kirby	Pomerene	Trammell
Dillingham	Lenroot	Saulsbury	Vardaman
Fall	Lewis	Shafroth	Walsh
Fernald	Lodge	Sheppard	Warren
Fletcher	McCumber	Sherman	Watson
Frelinghuysen	McKellar	Shields	Williams
Gallinger	McLean	Simmons	Wolcott
Gerry	Martin	Smith, Ariz.	
Gudger	Nelson	Smith, Ga.	
Hale	New	Smith, Md.	

Mr. CURTIS. I desire to announce the absence of the Senator from North Dakota [Mr. GRONNA] on account of illness in his family. This announcement may stand for the day.

Mr. WARREN. I wish to announce that my colleague [Mr. KENDRICK] is unavoidably absent. I wish this announcement to stand for the day.

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent on account of illness.

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. KIRBY. I wish to announce that my colleague [Mr. ROBINSON] is detained taking part in the third liberty loan campaign.

Mr. GUION. I desire to announce that my colleague [Mr. RANSDELL] is detained from the Senate by illness.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

REGISTRATION FOR MILITARY SERVICE.

Mr. CHAMBERLAIN. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate joint resolution 124 for the purpose of requesting a conference with the House.

The VICE PRESIDENT laid before the Senate the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. CHAMBERLAIN. I move that the Senate disagree to the amendments of the House and ask a conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a memorial of sundry representatives of the anti-suffrage associations of New England and New York remonstrating against the adoption of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. FERNALD presented a petition of York Pomona Grange, Patrons of Husbandry, of Waterboro, Me., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. THOMPSON presented a petition of the Sunday school of St. Paul's Episcopal Church, of Wichita, Kans., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented a petition of General Hazen Post, No. 258, Grand Army of the Republic, Department of Kansas, of Lincoln, Kans., praying for an increase in pensions to veterans of the Civil War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Minneapolis, Kans., praying for the enactment of legislation to increase the amount of tax on excess war profits, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Preston, Kans., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Chamber of Commerce of San Diego, Cal., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 3002) for the relief of the Copper River & Northwestern Railway Co., reported it without amendment and submitted a report (No. 411) thereon.

Mr. VARDAMAN. On the 11th instant I reported from the Committee on Post Offices and Post Roads the bill (S. 4208) authorizing postage rates on aeroplane mail. I now submit a report (No. 412) to accompany the bill.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 4456) granting a pension to Sarah J. Strout (with accompanying papers); and

A bill (S. 4457) granting an increase of pension to Dennett Cotton (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4458) to authorize the adoption, registration, and protection of a national trade-mark to distinguish merchandise manufactured or produced in the United States of America and used in commerce with foreign nations, or among the several States, or with Indian tribes, and to authorize the Secretary of Commerce to license the use of same, and for other purposes; to the Committee on Patents.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PHELAN submitted an amendment proposing to appropriate $6,000,000 toward the necessary additional navy yard on the Pacific coast of the United States, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the act (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Is the Senator going to speak on the bill?

Mr. BRANDEGEE. Yes; on the bill.

The VICE PRESIDENT. The Senator has already spoken on the bill.

Mr. BRANDEGEE. I am speaking on the pending amendment.

The VICE PRESIDENT. There is no pending amendment.

Mr. BRANDEGEE. Then I speak on the bill.

The VICE PRESIDENT. The Senator has spoken on the bill.

Mr. BRANDEGEE. No; I spoke on an amendment, and was limited to 20 minutes. I send to the desk and ask the Secretary to read a very short article from the New York Times of yesterday, purporting to give the report of the special agent of the President on the aircraft situation, as a part of my remarks.

The VICE PRESIDENT. We shall have to settle this question. The record shows that the Senator spoke on the bill, and an amendment will have to be offered.

Mr. GALLINGER. I offer the following amendment.

The VICE PRESIDENT. That will make it all right.

Mr. BRANDEGEE. Then I desire to speak on the pending amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 19, insert the following additional proviso:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Government Printing Office.

Mr. GALLINGER. I propose to address myself briefly to the amendment, but I will allow the Senator from Connecticut to speak first.

Mr. BRANDEGEE. As a part of my remarks on the pending amendment I wish the Secretary to read the report of the President's own commission on the aircraft situation.

The VICE PRESIDENT. The Secretary will read.

The Secretary proceeded to read the article and was interrupted by

Mr. SMITH of Arizona. Mr. President, a parliamentary inquiry. There has been so much noise about me that I can not hear what is going on. I simply ask if unanimous consent has been requested to read into the RECORD some clippings from a newspaper?

The VICE PRESIDENT. It is being done in the time of the Senator from Connecticut on the amendment of the Senator from New Hampshire.

Mr. SMITH of Arizona. The Senator from Connecticut has the floor?

Mr. BRANDEGEE. Yes; I have the floor.

Mr. SMITH of Arizona. That is different. I thought unanimous consent was asked.

Mr. BRANDEGEE. I am asking the Secretary to read it in order to relieve me of the reading. He is reading it in my own time.

Mr. SMITH of Arizona. I have no objection.

The Secretary resumed and concluded the reading of the article, which is as follows:

[From the New York Times, Apr. 28, 1918.]

AIR FAILURE A CRIME, BORGLUM DECLARES—PRESIDENT'S INVESTIGATOR SAYS NEARLY A BILLION WAS ABSORBED IN COLOSSAL PROFITEERING—NOT A FIT PLANE PRODUCED—DEMANDS COMPLETE JUDICIAL INQUIRY—SAYS RYAN'S POWER SHOULD EQUAL SCHWAB'S.

"The absorption of 'nearly a billion dollars without the delivery of a serviceable plane' calls for criminal investigation of the acts of members of the Aircraft Board, of men under Chief Signal Officer Squier, and of a ring of aircraft contractors, according to Gutzon Borglum, the special investigator, who was appointed by the President to study the causes of the failure in aircraft production.

"The President's investigator asserts that the conduct of the Aircraft Board in 'corralling contracts' and placing them in the hands of manufacturers, some of whom were utterly unprepared for the work, was 'unfair, unjustified, and, in the Nation's emergency, criminal.' He asserts that Gen. Squier was betrayed by subordinates and that he was imposed upon by a ring of aircraft manufacturers who were guilty of 'colossal profiteering.'

"Mr. Borglum's statement, sent to the New York Times, reads:

"'Gen. Squier is passed at last, as your editorial said to-day, and with the justice that plays no favorite. But with the passing of this official rubber stamp of interests that formed about the colossal appropriation have we cleaned the Augean stables?

RUBBER STAMP OF JUNKERS.

"'The Chief Signal Officer was the official rubber stamp for a group of American junkers, necessary to them to release nearly a billion, which they placed precisely as they in their uninformed advisory capacity chose and distributed to their own or affiliated interests, all to serve a common plan and purpose and all under a contract system so ingenious that it could in time absorb the entire appropriation and not deliver a serviceable plane—and this, in fact, it has largely accomplished. This system that protects the contractor and protects no one else bleeds the Nation and secures that interminable program and delay necessary to develop their product in chief—the motor. No one has indicted this same Chief Signal Officer more severely than I, but in his failure we must not forget that he, too, has been betrayed. He, too, has been the victim of confidence.

"'They and not he invented the mechanical phenomenon of history that has blocked the way, and, around the German Mercedes cylinder, created the greatest obstacle, as it has been the most lucrative mechanical experiment, ever conceived.

"'It was they, with his acquiescence, who camouflaged the Nation and the Government, but it was they who syphoned the Nation's wealth to their respective home towns, and have returned nothing.

"'The methods of the Air Board have been the cause of unjust censure of the national administration by the large available, unemployed manufacturing interests for the board's unfair, unjustified, and, in the Nation's emergency, criminal corralling of contracts which have been let to people who are even at this writing wholly unprepared to fill their contracts. This is not directly chargeable to Gen. Squier.

NO PROPER JUDICIAL INQUIRY.

"'There have been seven separate investigations of the aeronautic conditions, besides two petty reviews of factories related to the manufacture, not counting the special examination of the airplane production spasmodically carried on by Federal intelligence bureaus.

"'There has been no proper judicial inquiry, with power to subpoena, seize, and arrest, by the Federal Government, and there will be in consequence no just apprehension of the real culprits nor real adjustment of improper obligations until such inquiry is instituted. I doubt if machinery exists that can go to the bottom of this entire business. This is too big and necessarily too secret a matter—and should be removed from political influence—for the Senate to handle, nor have they the time or machinery to dig through wagonloads of records, examine thousands of witnesses, nor are they prepared to put the questions necessary to secure answers and so build and rivet a chain of evidence of ignorance, lack of plan, or purpose beyond selfishness and misuse of funds, of general and colossal profiteering, and what is a thousand times worse, of criminal neglect and indifference toward delivery to our troops of necessary war implements they were charged to create, and of constantly and willfully deceiving the President and the country as to the true state of their work.

"'No men free from junker lust can fail to be sad over Squier's failure, but the Nation will demand that those who have betrayed their superior must carry some of the blame. His demotion brings the terror of failure in this war louder and louder in our ears, and the anxious look in fathers' faces is growing set, and they are growing still as the fatal fact repeats itself—the boys have no planes, and we have none to send them.

MUST HAVE SCHWAB'S AUTHORITY.

"'There is no authority yet to give to Mr. Ryan. It is unthinkable that he will be given less authority than Mr. Schwab, or that he will be responsible to anyone but the President and the Nation. Nor must he be bothered or hindered by the actions of the past or asked to solve its wrecks. Some competent special tribunal should be at once created with authority to relieve him, and the rest will be simple.

"'It is not difficult to build planes nor to get engines or create engines, and quantity is but the measure of our almost unlimited and untouched manufacturing facilities. It will be simple, and empty willing hands wait all over the country, if we can but forget gain, personal greed, and profiteering, and everybody build, build, build.'

"Mr. Borglum's special report sent to the President has never been made public."

Mr. BRANDEGEE. Mr. President, that article appeared in the New York Times of yesterday. The New York Times is a great American newspaper, and I have the highest respect for it, although it differs in politics from me. It is a sensible, conservative, intellectual paper. I do not think it would intentionally print anything if it thought it was untrue.

Mr. Gutzon Borglum, the author, or reputed author, of that article, is a constituent of mine. He lives in Stamford, Conn. He was formerly a great friend of President Roosevelt—I believe he differed from him in the last campaign—but in my opinion he is a loyal, patriotic American. He has seen me several times in Washington. I know nothing against him personally. I have the highest respect for him, and I have absolute confidence in his loyalty and patriotism.

He told me that the President had given him a written authority, which he could take to the War Department, ordering the War Department to give him access to all the sources of information about our aircraft production. That was several months ago. I think that he had great difficulty in getting access to those sources of information, from what he told me. I think he was more or less obstructed, but he got it; at least, he told me he got it. I thought that his opinions and information were of sufficient importance to warrant their being laid before the Committee on Military Affairs of the Senate. I made appointments with several of the members of the Senate Committee on Military Affairs for Mr. Borglum, in order that he might lay his information before that committee, so that they might investigate it and ascertain whether he was right or wrong.

I do not vouch for the article that has been read into the RECORD; I know nothing about it. I know it has been published broadcast all over the country by a great and highly respectable newspaper, and I know that Mr. Borglum is at hand ready to give any information or to deny or explain or admit. If the situation as to our aircraft production is anything like what is delineated in the blistering words of that article, it behooves this department of the Government—the legislative department of the Government—to take some step to ascertain the truth.

It is asserted in the New York Times—which is a friendly newspaper to the administration and not a hostile critic—that the President appointed this man to make this investigation; that he has made a private report to the President, embracing the charges and allegations contained in that article, and that the President has never made it public. I do not know whether or not the President ought to make it public; I do not know whether or not the article ought to have been written; but I do know that through the Senate Committee on Military Affairs or some committee of the United States Senate, in this world agony, Mr. President, with civilization and the future of the universe at stake, the United States Senate ought to know, or ought to try to know, the truth about these things and ought not longer to be squelched and camouflaged and kept in the dark while we wage a war to make the world safe for democracy and publicity.

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I yield to the Senator from California.

Mr. PHELAN. May I address a question to the Senator from Connecticutt?

Mr. BRANDEGEE. You may.

Mr. PHELAN. What is the business or profession of Mr. Borglum?

Mr. BRANDEGEE. He is a sculptor.

Mr. PHELAN. An artist?

Mr. BRANDEGEE. He is a great sculptor, like St. Gaudens.

Mr. PHELAN. Has he any qualifications to judge of flying machines?

Mr. BRANDEGEE. I do not know. The President selected him, and, therefore, I think probably he did not have any qualifications. [Laughter.] I do not know. Let the Senator from California go to his President and find out. I can not find out anything.

Mr. PHELAN. I think it would be an answer, Mr. President, to the Senator from Connecticut to say——

Mr. BRANDEGEE. If the Senator wants to answer his own question, I have no objection. I have no information on the subject.

Mr. PHELAN. To say that a great artist, as Mr. Borglum is, is principally distinguished for his flights of imagination and no other flights.

Mr. BRANDEGEE. I do not yield to the Senator to make a speech, Mr. President. He wanted to ask me a question, and I have answered it to the best of my ability.

Mr. PHELAN. I have said all I desire to say.

Mr. BRANDEGEE. If the Senator has said all he desires to say, then I will resume the floor.

Mr. NORRIS. Mr. President, may I ask the Senator from Connecticut a question?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. I am asking for information. I am informed that this gentleman is the president of some aviation society; at least, that he has had a great deal of experience in aviation matters. I inquire of the Senator from Connecticut if that is true?

Mr. BRANDEGEE. I do not know; but it has been intimated to me, Mr. President——

Mr. FLETCHER. Mr. President——

Mr. BRANDEGEE. I will yield to the Senator from Florida in just a moment, but I want to complete my sentence.

It has been intimated to me that some aircraft association or board—whether or not it is the one with which H. D. Baker is connected I do not know—has made some sort of a charge against Mr. Borglum on the ground that he may possibly be interested in aircraft production. I know nothing about it, and I care nothing about it. I want the truth about this situation, and I think the Senate and the people are entitled to it. Now, I yield to the Senator from Florida.

Mr. FLETCHER. I was going to ask the Senator from Connecticut if he means to insist upon his statement that the President selected Mr. Borglum to make this investigation?

Mr. BRANDEGEE. Why, no; I have already said that I do not vouch for the article. The New York Times stands responsible for the article. It says the President appointed Mr. Borglum as his own special investigator, and that he has made a private report to the President, which the President has pocketed. That is the statement of the article in the New York Times and not my statement.

Mr. FLETCHER. The Senator from Connecticut stated, as I understood, that the President had selected Mr. Borglum to make this investigation.

Mr. BRANDEGEE. I did not say any such thing. I said the article stated that the President had selected Mr. Borglum.

Mr. FLETCHER. And I was going to ask the Senator whether he knew that Mr. Borglum applied to the President with the suggestion that he might give information, and the President merely gave him a letter authorizing him to proceed to make such investigation of the matter as he saw fit? That would be a different thing from the President selecting him to make this investigation.

Mr. BRANDEGEE. I will answer the Senator perfectly frankly. I do not want to split words or to cheesepare about this thing; I want to make a perfectly plain, frank statement. Mr. Borglum came to me and said that he had been very much worried about the aircraft production—that was months ago—and he said he was satisfied that the administration was being buncoed by these fellows with their optimism and their prophecies and promises of what they were going to do. As a patriotic American—and he is a Dane, I believe, by blood—he wants to win this war; he is against Germany; he is of a very intense disposition, being a Rooseveltian; he is a fighter; he is not afraid of anybody. He told me he went to lay this information before the President and the President was so impressed with it that he gave him a letter to take over to the War Department ordering the War Department to divulge to him all the contracts, all the information they had about aircraft production. He also stated that he was very much obstructed at almost every process where he tried to find out anything in the War Department. I do not know whether he was wrong or right about it; I am telling you what he told me. That is all I know about it.

Mr. McCUMBER. May I ask the Senator from Connecticut a question?

Mr. BRANDEGEE. Yes.

Mr. McCUMBER. Without reference to the qualifications of this gentleman, the fact is certain that we appropriated $640,000,000 to build aircraft; that there is now before us a bill to appropriate $400,000,000 more, making more than a billion dollars—the entire cost of the Franco-Prussian War as figured by Germany when she imposed that amount of indemnity upon France. We have used that much money and are asked for this additional sum; and what have we got? That is what the American people now want to know. What has become of the money, and where are the assets that are to be placed against the $640,000,000 which we have expended? I should like to have some one upon the Military Affairs Committee or some one in the Senate give us information as to what has been done.

Mr. BRANDEGEE. I should judge that we have "got it in the neck," Mr. President. [Laughter.] We have got "buncoed."

Mr. McCUMBER. I think so.

Mr. BRANDEGEE. If the Senator wants to know what I think about it; but I can not prove it. I simply feel that way myself.

I am not going to introduce any formal resolution about this matter, for I should immediately be called a traitor or pro-German if I tried to find out anything; but I think, the Committee on Military Affairs, knowing or having reason to believe on the authority of the New York Times that the President of the United States has a secret report in his pocket which divulges a situation such as is outlined by the New York Times, it would not be improper for the Committee on Military Affairs to investigate the matter, unless the President thinks it is incompatible with the public interest or the Democratic Party's interest; I think it would not be improper for us to know about it. Of course, if we can not be trusted to know anything, we had better prorogue ourselves and put this Government in commission and go home; but I think the Committee on Military Affairs ought to take judicial notice of that article and ought to act accordingly.

Mr. THOMAS obtained the floor.

Mr. GALLINGER. Mr. President, if the Senator will be kind enough to suspend for a moment——

Mr. THOMAS. I always suspend for the Senator from New Hampshire.

Mr. GALLINGER. I will ask that the proposed amendment which I have sent to the desk be again read, and then I will occupy five minutes, perhaps.

Mr. THOMAS. May I, before the Senator from New Hampshire does that, say a word upon this subject?

Mr. GALLINGER. Certainly. I withhold my request.

Mr. THOMAS. Mr. President, the chairman of the Committee on Military Affairs [Mr. CHAMBERLAIN] is absent from the Chamber, else I would not assume on behalf of the committee to refer to the so-called Borglum affair. Much of the information outlined in the article just read is already public; some of it is not; but whether that not heretofore stated is true or false may be an open question. I should say, however, for the information of the Senate, that Mr. Borglum and his story are not new to the members of the committee. I think that gentleman, with perhaps the exception of myself, has conferred with all of the members of the committee upon the subject which now appears in the columns of the New York Times. The committee has not so far called Mr. Borglum before it, because from the best information it can obtain Mr. Borglum is not entirely a disinterested witness upon the subject. Our information is also that he represented himself to the President as an authority upon the subject of aviation, which may be true; and if I am not misinformed, as a representative or member of some one of the numerous aeronautic associations of America, and the President gave him the letter to which reference has been made. We have heard, as I have stated——

Mr. BRANDEGEE. Mr. President, will the Senator allow me to ask him a question there?

Mr. THOMAS. Certainly.

Mr. BRANDEGEE. I am utterly ignorant about the statement the Senator has made, to wit, that Mr. Borglum was inter-

ested in some one of the several aeronautic associations. Does the Senator mean to intimate that he has any knowledge or information that Mr. Borglum was interested in a financial way in the manufacture of aeroplanes or in anything of that kind or in getting contracts?

Mr. THOMAS. I did not so mean when I said I heard he was identified with one of the aeronautic associations of the country; but, since the Senator has asked that question, I may say that some members of the committee have received information that Mr. Borglum is not entirely disinterested from the standpoint of a potential manufacturer.

Mr. BRANDEGEE. But is it information, or is it suspicion, or a mere charge?

Mr. THOMAS. I am not at liberty, Mr. President, at this time to give the Senator the source of my information.

Mr. BRANDEGEE. Of course, I do not want to cross-examine the Senator.

Mr. THOMAS. I hope to be able to do so later on, and I would be very glad to tell the Senator privately what I know upon the subject.

What we heard was sufficient to justify us in declining to hear Mr. Borglum, there being so much testimony available to which no question of its character would attach. I am sorry the Senator from Nebraska [Mr. HITCHCOCK] is not here.

Mr. HITCHCOCK. I am here.

Mr. THOMAS. I think the Senator from Nebraska can give more detailed information regarding the attitude of the committee toward Mr. Borglum than I can, because he has seen him on one and on, perhaps, two or three occasions. Had I known the Senator from Nebraska was here, I should not have assumed to speak upon the subject at all, since he is far more competent to do so than am I; but in view of the fact that this article had been laid before the Senate, coupled with the suggestion that the committee should have heard or should now hear Mr. Borglum, I deemed it necessary to say a word upon the subject.

Mr. GALLINGER obtained the floor.

Mr. HITCHCOCK. Mr. President——

Mr. GALLINGER. If the Senator from Nebraska desires to speak to the matter that has already been somewhat discussed, I will not call for the reading of the amendment, which relates to an entirely different matter, but will yield to the Senator from Nebraska.

Mr. HITCHCOCK. Mr. President, as the Senator from Colorado [Mr. THOMAS] has stated, the Committee on Military Affairs did not neglect altogether an investigation of the statements made by Mr. Borglum. I had several interviews with Mr. Borglum personally, and I spent an evening with him going over his papers. I believe I can state fairly that he has no valuable information that has not already in some form reached the Military Affairs Committee.

Mr. Borglum received in January a letter from the President authorizing him to make certain inquiries and directing officials of the War Department to give him certain facilities for making an investigation. Mr. Borglum endeavored to do so; he gathered a mass of material which was, in my opinion after I had examined it, not very dependable. He advised me at the time that he could place before the committee very definite information if the committee would exercise its power to subpœna witnesses and compel their attendance and the giving of testimony. I told him the committee would be glad to do so if he would furnish the names and addresses of the individuals. Mr. Borglum told me that he would do that thing, but, for some reason or other, although called upon several times, he failed to do it, and I assume that he did not feel sure enough of the information which he said he had, to furnish the names. Had the information been reliable it might have led to criminal prosecution, and if found true it would have reflected upon individuals in public employment at that time. The committee, in view of the fact that Mr. Borglum failed to give the names and addresses of the individuals who might be subpœnaed, did not feel justified in going any further than it did go.

Mr. President, let me also remind the Senate that the committee has investigated this matter and has made a report with a definite recommendation. Also that the recommendation has substantially been adopted by the President. I want to read a paragraph or two from the committee report to the Senate——

Mr. WARREN. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. Certainly.

Mr. WARREN. What is the Senator's information about the letter Mr. Borglum obtained from the President? Has it been recalled?

Mr. HITCHCOCK. Not that I know of.

Mr. WARREN. Has the authority been recalled?

Mr. HITCHCOCK. Not that I know of. I assume that Mr. Borglum has not been able to lay before the President any information more definite and certain than that which he was able to give to me, and, from my knowledge of the information that the committee had, I knew that such material as he had gathered would not be of any great additional value. The committee was not engaged in an effort to blacken the reputation of any individual; the committee did not want to make a scapegoat of anyone for the partial failure of the aircraft production. The committee was more interested in bringing about a reform of the organization which was in part responsible for the failure of production. So the committee made this recommendation:

> Your committee believes that the production of aircraft should be controlled by one executive officer appointed by the President and responsible to him.

That official the President has since appointed in the person of Mr. Ryan.

> He should be assisted by a corps of the best aircraft engineers and designers possible to obtain, both European and American.

That recommendation has not, so far as I know, been carried out, but we trust that, in the hands of so able a man as Mr. Ryan, a staff of able men will be selected to surround him in this work.

> The matter of production should be taken out of the hands of the Signal Corps entirely.

That practically has been done by the order of the President creating a Division of Aircraft Production, and naming Gen. Charles Kenly, of the War Department, in charge of that, with Mr. Ryan as his adviser. I assume that if the Overman bill passes the matter will be still further concentrated in the hands of a single man or a single board with power to produce aircraft. The trouble in part has been heretofore that power has been vested in one body, and advisory authority in another board, and there has been too much delay and too many debates.

The committee further recommended:

> And no man who has any near or remote interest in a company manufacturing airplanes or engines should be permitted to act as adviser or to be in authority.

That recommendation of the committee was due to the fact that certain information which had come to the committee indicated that certain members of the Aircraft Production Board and others with some authority had possible interests in companies enjoying large contracts. While the committee had no evidence that this had influenced them or had contributed to bring about a failure of aircraft production, the committee felt that there should be no suspicion of that sort, and that hereafter the rule should be adopted that those in authority in the manufacture of aircraft should not in any way, direct or indirect, have an interest in the production of aircraft.

Mr. McCUMBER. Mr. President, will the Senator allow me to ask him a question?

Mr. HITCHCOCK. I yield.

Mr. McCUMBER. The recommendations, of course, are very good and so self-evident that we can hardly understand why it would be necessary even to make such recommendations to the proper department; but it seems to me that the particular thing we are all interested in, and which I hope the Senator, while he is on his feet, will tell the American people, is, What have we got to-day for the expenditure of $640,000,000? Has the money been burned up? Have some profiteers picked the pockets of the American public and taken that money and given no return? Have we got a single machine, or what have we got to represent this enormous expenditure of $640,000,000?

The public are asking this question. We would like to know what our assets are in the shape of machines.

Mr. HITCHCOCK. Mr. President, my recollection of the figures is that something like $50,000,000 has been expended in the purchase of property, including the fields upon which are located the various schools for aviation. Some of that, I regret to say, has been unwisely expended. The evidence also showed, and this report shows, that something like 3,500 machines for training purposes have been constructed, and most of them are or have been in operation. The evidence also shows that we have graduated about 2,000 aviators from the primary training schools. Some of them have had final training, or advanced training, and are actually flying in France at the present time.

Mr. McCUMBER. Are they paid out of this fund?

Mr. HITCHCOCK. They are.

Mr. McCUMBER. Is the Senator certain about that?

Mr. HITCHCOCK. I am not certain; I assume it; but they certainly have been educated; and the expense of the education, the construction of the fields, the construction of the airplanes,

the hangars, and all of the construction has come out of this fund.

Mr. McCUMBER. But the men themselves are enlisted men, and they must be paid out of another fund.

Mr. HITCHCOCK. I presume so. I am not claiming that their salaries have been paid; but the expense of educating them, and the expense of the construction of these two or three thousand machines have been paid out of this fund.

When it comes to combat planes the committee reported very frankly that we had, in the year, met with failure. Only one combat plane had been made and shipped to France. Another combat plane had been manufactured and was burned up the day of its first flight. But an immense amount of money has been expended in the construction of plants for the manufacture of airplanes; an immense amount of money has been expended in gathering materials; an immense amount of money has been and is now invested in planes in a state of partial manufacture; and the committee expressed itself frankly as disappointed with the manufacture of combat planes and stated the reason for the failure.

Mr. WILLIAMS. Mr. President——

Mr. HITCHCOCK. When we went into this war we were in our infancy in airplane manufacture. The other nations were three or four years ahead of us. It would have been the proper thing to do, and the committee so states, for us to have taken the patterns which other nations had succeeded with, and to have proceeded with the manufacture of airplanes of the types that were then in use in Europe. It would have been the proper part for our Aircraft Production Board to have manufactured engines which were in successful operation in Europe. But the board made the great mistake of deciding to put all of our eggs in one basket, and decided to manufacture a so-called liberty motor which would take in its development, as has now been discovered, a year, and we neglected meanwhile to manufacture the airplanes and the engines which had already met with success in Europe.

Mr. McCUMBER. Mr. President, will the Senator let me ask him another question? Could we not in the beginning have contracted with the great manufacturers of automobiles scattered all over the United States and set many of them, like the Ford Co., to the production of airplanes?

Mr. HITCHCOCK. We could have engaged in the manufacture of successful European engines and successful European aircraft; but the Aircraft Board decided that it would have everything American, and it was not until the late fall of last year that they discovered their mistake, and then proceeded to undertake the manufacture of European airplanes and engines in this country. We are now trying to manufacture the Bristol Fighter, the De Haviland machine, and the Handley Page, which is the great bombing machine of Great Britain. We began too late, unfortunately. We should have begun last May. We did not actually begin the manufacture of European machines until this winter.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I do.

Mr. WILLIAMS. I wish to ask the Senator a question. By way of general preamble I may say that there is very little difference between manufacturing a machine and buying it, if the machine is all right. I want to ask the Senator how many combat machines we have bought that were manufactured in France and how many combat machines we have bought that were manufactured in Great Britain, because I do not want the country to rest under the impression that we have only one combat machine in Europe.

Mr. HITCHCOCK. We have contracted for a large number, but it would be contrary to the public interest for me to state how many have been delivered. I will say that the number is distressingly small. France has not been able to deliver them; Italy has not been able to deliver them, apparently because we did not keep our contract for the supply of raw materials; and although Great Britain is turning out 100 battle planes a day she is only able by that means to make up her wastage, so that she has not been able to deliver battle planes to us.

Mr. WILLIAMS. I saw in one of the magazines—Current Literature, I think—that we had ordered several hundred planes that had been manufactured by France, or in France, and delivered to us in France.

Mr. HITCHCOCK. That is a mistake, I am sorry to say; and a great many of the publications that have been put out, I regret to say by authorized authority, in the United States have been gross exaggerations, calculated utterly to mislead the American people, and for a long time they misled the committee. I could tell the Senator, and I will in private, how many machines we actually have flying in France to-day. They are of French manufacture, and they are not the first-rate combat machines at that, because France has need of all her own combat machines over her own lines.

Mr. WILLIAMS. Would it be out of order for me to ask the Senator whether we have over 100 of them?

Mr. HITCHCOCK. It would not be out of order to ask, but——

Mr. WILLIAMS. Would the Senator consider that he had no right to answer the question.

Mr. HITCHCOCK. I should regret to give the answer, and I think the Senator would be disappointed with it if given.

Mr. McCUMBER. Mr. President, the Germans undoubtedly know how many we have. Why should not the American people know? What reason is there for keeping the information from us?

Mr. HITCHCOCK. I do not want to take the responsibility of stating the number. We have not any authority to give the information. It was given to us in confidence.

Mr. McCUMBER. Of course, then, I will not ask the Senator to state it.

Mr. HITCHCOCK. I will say that the report of this committee was not designed to make bad matters worse. The report of this committee was designed to bring about a reform, or to help in bringing about a reform, that the President was engaged in, and we believe it has helped. We believe that the action taken by the President already will go far to bring about a reform, and that even at the present time new energies and strong abilities have been put to work to make up for the lost time. Previous preparation is not altogether lost. We have a great deal of material on hand. We have great factories that are now engaged in the work.

Mr. McCUMBER. Will the Senator explain just one statement he made a moment ago, when he said that we should have begun our work of construction in May, but that we really did not begin it until December? What was the real reason for this delay at such a critical period in the history of this war?

Mr. HITCHCOCK. The Aircraft Production Board labored under the delusion that we could bring about a miracle in the United States; that we could in the twinkling of an eye, or within a few months, design and create machines which are necessarily the result of a long process of development. They thought, and they said, that they could produce a Liberty motor in four months, and it has taken them a year. That was one reason why they depended upon this new American engine instead of taking any one of the four or five successful European machines. It was a mistaken policy. The board has been ousted from power by the President, a new head has been put in it, and I think no useful purpose can be subserved by going into the details any further than I have already done.

Mr. NORRIS. Mr. President, may I ask my colleague a question?

Mr. HITCHCOCK. Certainly.

Mr. NORRIS. I ask it purely for information. I understand that a statement was made a few evenings ago before the National Press Association to the effect that large quantities of the so-called Liberty motor had been ordered by the British Government, and were being used by them, and large quantities by the French Government. I should like to ask the Senator if that is true?

Mr. HITCHCOCK. A large number of orders for Liberty motors have been placed, but, of course, they are subject to test. We are not absolutely confident that those motors will stand the tests. The Liberty motor apparently is likely to be a machine about equivalent, and perhaps a little superior when finally developed, to the RollsRoyce Eagle engine, the great bombing engine of England, a machine weighing over 800 pounds, and having something like 400 horsepower. We believe it will be equivalent to that machine, but it has not quite attained that yet. We are under contract to deliver these machines to Great Britain and France and Italy also, but they have got to stand the tests when delivered.

Mr. NORRIS. They have not got them quite so that they will stand the tests yet?

Mr. HITCHCOCK. We have some Liberty motors which are successfully operating in this country, and we have some which have failed; and, as the committee said, they are practically just emerging from the experimental state.

Mr. NORRIS. Let me ask my colleague another question. Do they or do they not expect to use the Liberty motor in the combat machines?

Mr. HITCHCOCK. In the bombing machines, yes; and bombing machines are combat machines. In the single-seaters; no. The single-seater is a battle machine which must have a light

powerful engine. The Liberty motor is a heavy powerful engine.

Mr. NORRIS. I do not think I was quite explicit in my question. When I said "combat machine," I meant the machine that goes into the air as a fighting machine, to fight other airplanes. Do they use the Liberty motor in those machines?

Mr. HITCHCOCK. The bombing machine fights other airplanes, but——

Mr. OVERMAN. Mr. President, I rise to a point of order. Is this debate on the amendment that is pending?

The VICE PRESIDENT. The Senator from North Carolina is well aware that anybody can say anything in the United States Senate on any subject.

Mr. OVERMAN. But we are acting under a unanimous-consent agreement now.

Mr. NORRIS. No; we are not.

The VICE PRESIDENT. The discussion is really on airplanes, but it is legally on the amendment.

Mr. OVERMAN. I understand that. I thought perhaps more than 20 minutes had expired.

The VICE PRESIDENT. No; the Chair will keep the Senator's time.

Mr. NORRIS. Let me ask another question while I am on my feet. Are we now manufacturing bombing planes in this country?

Mr. HITCHCOCK. We are beginning to.

Mr. NORRIS. Are we manufacturing them to such an extent that the output is considerable, and to what extent?

Mr. HITCHCOCK. We have turned out a few De Haviland machines, and we have a large number of Handley Page machines in course of manufacture; also some Bristol Fighters coming on.

Mr. NORRIS. Those are the English and the French machines?

Mr. HITCHCOCK. Yes.

Mr. NORRIS. Those are the machines which the Senator said he thought we ought to have commenced to manufacture at the beginning of the war?

Mr. HITCHCOCK. They are.

Mr. NORRIS. How many of those have we manufactured?

Mr. HITCHCOCK. We have only sent one to Europe so far.

Mr. LODGE. Mr. President, I have here a very interesting article published by the New York World, whose unfailing fidelity to the President I think no one can question. I will not ask to have it all read. It was published on April 9, with large headlines. It is largely a statement of Mr. Morgan, who has been until recently vice president of the Curtiss Co., in which he gives a very interesting explanation of the delays that have occurred, and why they have occurred—the constant cancellation of contracts, and the constant, endless changes and improvements emanating from Washington. Perhaps the moral of it is contained in one sentence. He says that the Curtiss Co.—

are making flying boats in large quantities for our Navy and the British—and the Navy, Mr. Morgan explained, does not tinker. It decided on a model and stuck to it. The result is it is getting its flying boats.

Mr. President, I will not delay the Senate by asking to have this article read, but I will ask that it may be printed in the RECORD as a part of my remarks.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The matter referred to is as follows:

ARMY COULD HAVE 1,000 WAR PLANES, BUT HAS NOT; WHY?—W. A. MORGAN, LATE VICE PRESIDENT OF THE CURTISS CO. AND PRODUCTION EXPERT, TELLS—"CHANGE, CHANGE, CHANGE" BY A BOARD THAT NEVER SEEMED TO KNOW WHAT IT WANTED.—MIGHT HAVE BEEN SHIPPING 500 PLANES A MONTH NOW.—COSTLY PLANT AND 11,000 MEN, EAGER TO GO AHEAD WITH BRISTOL FIGHTERS, PARALYZED BY INDECISION AT WASHINGTON AS TO MOTORS, GUN MOUNTS, GUNS, EVERYTHING.

About a week ago a pursuit airplane of the type known as the Bristol Fighter, a two-seated gun-mounting machine made from an English design by the Curtiss Aeroplane Co. of Buffalo, N. Y., made a test flight at that city.

Of its capabilities nothing much was made public. The machine upon landing was accidentally destroyed by fire. But the plane's exact capabilities—and its destruction—are not so important as the state of affairs revealed by the appearance of this single machine. And that state of affairs, the World is assured on excellent authority, is this:

"CHANGE, CHANGE, CHANGE."

The Curtiss Co. could have, and would have, completed by this month no less than 1,000 pursuit machines were it not for the policy of "change, change, change" insisted upon by the Aircraft Production Board at Washington.

Instead of having one pursuit machine at Buffalo, wrecked, the company could have finished and shipped them by the hundreds upon hundreds, literally to swarm in the air over the battle sectors held by our soldiers. It could be turning them out now at the rate of 500 a month, with increasing productivity as time passed. But the Aircraft Production Board from week to week, from month to month, changed its plans.

It changed its motors, it changed its gun mounts, it changed its guns, its instruments—there were literally hundreds of abrupt alterations in design.

These assertions which The World quotes are made by William Arthur Morgan, of Buffalo, who was vice president and production expert for the Curtiss Co. until last month, when he resigned, broken in health and disgusted in spirits by the long strain of waiting, waiting, waiting for a chance to carry out one of the biggest jobs of the war.

At Atlantic City, where Mr. Morgan is convalescing, he told a World reporter yesterday the story of his experience with the Aircraft Board during the time he was with the Curtiss concern—and an unusual story it was.

A word about William A. Morgan. For 22 years he was with Swift & Co., the Chicago packers, latterly handling $25,000,000 worth of business annually. He became president of the Buffalo Copper & Brass Rolling Mill at the outbreak of the war and built it up from a business of $1,500,000 in 1914 to $60,000,000 in 1916, when the American Brass Co. bought it in. Mr. Morgan is a big production man, thoroughly used to handling immense projects.

He made several million dollars for himself out of the copper and brass mill and therefore had no financial interest in getting into the airplane business. But when offered the vice presidency of the Curtiss Co. he accepted for patriotic reasons. He thought he could best do his bit for America by helping to get out part of the "enormous fleet" of airplanes which the Government talked enthusiastically about soon after we entered the war. Mr. Morgan arranged to give—and did give—his Curtiss salary to the Red Cross.

MR. MORGAN'S STORY.

"I joined the Curtiss Co. on July 16 last," Mr. Morgan said. "After sizing up the possibilities of the concern and talking to its staff of experts we went to Washington and consulted with the Aircraft Board as to the number of airplanes we could turn out. We figured conservatively that we could produce 3,000 pursuit planes and 1,000 bombers from January 1 to July 1, 1918. The members of the board said that if the $640,000,000 appropriation for our air service went through they would give us a contract for that number of machines.

"At that time, understand, the appropriation had not yet gone through. But, relying on the word of the board, we hurried back to Buffalo, where I had taken an option on a piece of land, and closed for it. The land and the necessary buildings for the work we purposed to do cost about $5,500,000. The Curtiss Co. was not in a position to swing such a big deal, and so I personally went out and borrowed $4,000,000 from a banking house. We got busy and began putting our buildings up within a few days. We had to send to Canada for some of the steel, but we got it into the country cheaper than we could have bought it here.

"Erection work was begun on July 27, and by September 15 we had 540,000 square feet of space. And up to this time we did not have the contract. I was staking everything on the word of the Aircraft Board.

CONTRACT SIGNED, THEN CANCELED.

"The contract was signed on September 19. It was changed a little, so that it ordered 3,000 pursuit machines—fighting machines—and 500 heavier bombers. By November 2 we completed a second building and had a total of 1,170,000 square feet of space. We were ready to go ahead with our job—a $30,000,000 contract.

"But on November 7 last they canceled the whole contract. This was because of the first of the many, many changes in design. The pursuit plane that we were to build was a copy of a certain French machine, a very good fighting plane, which is still good enough to be in use in considerable numbers by the French. It was a single seater.

"But it seems that the Kaiser had sent some two-seaters over Verdun; that is, machines from which the pilot fired from the front and his companion had a second gun which he could fire at any plane which was chasing him. So the Aircraft Board immediately countermanded our order and set about to get a two-seater design. They accepted the Bristol, which is an English machine.

"We could have turned out the original plane ordered of us in great quantities very quickly. We could have begun production in December and got into quantity production in January, perhaps at the rate of 500 a month. We could have turned out any sort of plane they wanted, even the Bristol Fighter, at that rate; but we could not get the definite 'go-ahead.'

"My own belief is that it would have been far better to have made some of the original type; to have had 1,000 of them over there now protecting our lines, rather than to have none over there. We can't fight with designs. We have to fight with actual planes."

It is Mr. Morgan's estimate that the Curtiss Co. lost $500,000 a month through lack of production, beginning with that month of November and continuing up to date. The concern should have been making other machines and increased shipments from January, 1918, of $350,000 to nearly $400,000 in December, 1918, and has been obliged to increase its inventory from $2,000,000 to $11,000,000.

A COMPLETE HALT.

"Naturally, there was a complete halt when our contract was canceled, but to make up for this cancellation the board sent us word to go ahead and build 600 planes of the 'advanced training type.' This is a two-seated, dual-control machine, which I may not describe in detail. But we showed them, with this 'plane,' what we could do in the way of production. We had a sample finished and in the air within 10 days, and I believe the 600 have all been turned out and shipped by now.

"Finally, we got our order for the Bristol Fighters. The contract was for 2,000.

"From the very beginning we were never able to get a definite 'go-ahead' order so we could rush the production of this machine. We were, it must be remembered, maintaining immense overhead expenses. I personally was morally responsible for a $4,000,000 loan. Not that I cared so much about that. I'd give every cent I have to be able to feel that we'd turned out a great quantity of machines; that they were protecting our fighters; and that I had aided in doing this as my contribution toward winning the war.

"Well, on November 22 the executive committee of the Curtiss Co. wrote a strong letter to the Aircraft Board and told them that we were not responsible for any delays there had been, and that on account of these delays, which were not our fault, we felt that the Government should finance our operations—at least those extensions which we had made. This they agreed to do, and in January they took up our $4,000,000 mortgage.

HUNDREDS OF CHANGES.

"The changes that the board ordered in the Bristol Fighter were literally hundreds. Their first great difficulty was about a motor. They decided primarily to use the Liberty eight-cylinder, which, as is now

known, has been entirely discarded, but they found that would not fit in the Bristol. Then they decided upon a certain type of French motor, and then upon another type of French motor of greater power.

"These changes, of course, caused important changes in the machine, its balance, and so on. Then they could not seem definitely to decide upon what sort of machine gun to use. They would order one kind, then another, then revert to the first again.

"This necessitated alterations in the machine proper and alterations in the gun mounts. Then a certain sort of instrument would be ordered, abandoned, and another type ordered and abandoned. We never knew where we were—and here was a force of 11,000 men literally straining at the leash, ready to give all their strength and skill to the job of fast production."

Mr. Morgan personally bought $150,000 in liberty bonds, and offered these at the rate of $2,500 a week as prizes to the department showing the greatest efficiency. He had gathered this army of men and was receiving from 300 to 1,000 applications a day from others who wanted to be in on the big production job. But the big production job was virtually stalled.

"Any idea that reached here from abroad was seized by those in charge of our air program," Mr. Morgan said. "It was a case of constantly copying something. In our air program, I have found, no encouragement is given to American companies and American designers to produce something of their own.

"I do not want to appear to be holding a brief for the Curtiss Co. alone. I know that all the others have had the same experience, but I do want to stick up for the American manufacturer in general, and I want to assert that we Americans can—and will, if we are permitted—turn out as good airplanes as Germany does, and a great many more than Germany can turn out. We can produce enough to blind the Kaiser's armies if the authorities will let us go ahead.

NO TRICK TO DO IT.

"It is no trick to turn out airplanes by the thousands—and I believe they will win the war—if the authorities will only decide what they want. But they hadn't the last I heard."

"What is the remedy for the situation?" Mr Morgan was asked.

"Stop tinkering and let the manufacturers alone," he replied. "As Mr. McNab, of the President's investigating committee, is quoted as saying the other day, if the authorities want to tinker, let them get a big tract of land down in Virginia and tinker to their heart's content. Meanwhile the manufacturers will be producing."

"There are between 12,000 and 15,000 men at the Curtiss Buffalo plant," Mr Morgan said, "but they are not proceeding with anything like the efficiency they are capable of. They are making flying boats in large quantities for our Navy and the British—and the Navy," Mr. Morgan explained, "does not tinker. It decided on a model and stuck to it. The result is it is getting its flying boats. The company has an order for those which will run several months yet."

But, the former vice president asserted vigorously, it should long ago have been giving its best energies to the battle planes, and there should be at least 1,000 of that type protecting our soldiers in France.

Mr. Morgan was not able to say when the Bristols will begin to appear in appreciable numbers. His health gave way in January because of the strain he had been under, and he went to California. Returning, he resigned from the Curtiss Co. March 1.

Mr. Morgan is strongly in favor of a separate Government department, with its own officers, to take hold of the situation, get down to business in a hurry, and turn out planes instead of only designs.

Mr. GALLINGER. Mr. President, recalling the Senate to the amendment that I submitted a moment ago, I will ask that it be again stated.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 2, at the end of line 19, it is proposed to insert the following:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Government Printing Office.

Mr. GALLINGER. Mr. President, I have submitted that amendment on behalf of the senior Senator from Utah [Mr. SMOOT], who on yesterday was called out of the city in consequence of the illness of a son. Over the telephone he asked me if I would, in his name, submit the amendment, and call attention to some observations that he made in a very elaborate speech that he made in the Senate on March 12 and 13, 1912, when the so-called public printing bill was under discussion.

I am a member of the Committee on Printing, but not a member of the Joint Committee on Printing, which consists, as I remember it, of the Senator from Arizona [Mr. SMITH], the Senator from Florida [Mr. FLETCHER], and the Senator from Utah [Mr. SMOOT]. The Joint Committee on Printing has jurisdiction over the affairs of the Government Printing Office. They, as I understand it, test the paper and purchase the paper and give out contracts for the delivery of paper to that great establishment. They have technical knowledge, and I know from my association with those Senators upon the Committee on Printing on the part of the Senate, they have been very diligent in seeing to it that the interests of the Government are carefully safeguarded in every important particular, even in the most minute particulars, as far as the administration of that great office is concerned.

It has occurred to me, having some knowledge of the printing business myself, or I did have in early life, and from the information I have gleaned as a member of the Committee on Printing, that there are more reasons why this establishment should be exempted from the operation of the bill than have been presented, and they have been very ably presented for the exemption of certain other instrumentalities of the Government.

The Senator from Utah, when the printing bill to which I have called attention was under consideration, discussed the matter very elaborately and learnedly, and I am going to ask that the Secretary read two brief extracts which I have marked, one on page 5 and the other on page 8 of the speech to which I have alluded. These are extracts from the speech of the Senator from Utah [Mr. SMOOT].

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

From the very foundation of the Government Congress has insisted on direct supervision over the public printing and binding. The Public Printer was for many years called the "Congressional Printer," and the Government Printing Office was established primarily for the work of Congress and only incidentally for that of the other branches of the Government. Congress has never relinquished its control over this work, and I doubt if it ever will. It is absolutely essential that the Government Printing Office should be immediately responsive to the wishes and needs of Congress, or else that publicity which is vital to good government could not be insured the people of the country.

* * * * * * *

As a consequence of the failure of the contract system the Government, in 1860, purchased a private printing plant for the sum of $135,000, "with the approval of the Joint Committee on Printing," as directed by joint resolution of June 23, 1860. The building in which this plant was located is still a part of the Government Printing Office, being located at the corner of H and North Capitol Streets. That was the beginning of the Government Printing Office. The original investment of $135,000 in this plant has grown to approximately $8,000,000.

Mr. GALLINGER. Mr. President, I am not going to delay the Senate in discussing this matter. I hope the Senator in charge of the bill will accept the amendment. If not, I trust that the Senate will vote in favor of the amendment. This is a business institution. It is a great workshop, the greatest in the world of its kind, and I think it would be a very great mistake to pass over even to the President of the United States the authority to disturb its operations. It is being administered in a very careful way, as economically as it can be under the circumstances, and it is being administered especially under the direction of a joint committee of this and the other body, and in the supervision of the work of that institution the appropriations that are being made for that institution are so well guarded and cared for that I can not conceive any good could possibly come in even giving authority to interfere with it in any way.

Mr. President, I might talk an hour on this subject, because I have studied it pretty carefully; but I, in common with the Senator in charge of the bill and in common with the Senate in a general way, am anxious that the measure which is now before the Senate should be disposed of, and for that reason I shall content myself with the few words that I have uttered.

Mr. SMITH of Arizona. Mr. President, I will say to the Senator from New Hampshire that the Joint Committee on Printing is composed of an equal number of Members of the House and Senate, and at this time I happen to be chairman of that committee. I see no necessity whatever for the exemption of the Government Printing Office in the operation of the powers granted thus far in the bill before the Senate. It is true we buy all the print paper that the Congress of the United States uses and we exercise the care of which the Senator has spoken.

The Government Printing Office to-day, it is fair to say, does millions of dollars worth of printing outside the orders of the Joint Committee on Printing. It would be impossible for the Joint Committee to supervise the furnishing of the necessary paper that goes before that office every day in the year. The result is that the executive department of the Government itself makes such an enormous demand on that department and in such exigent matters at times that the Committee on Printing can not supervise it, because that department of the Government has contracts and agreements with the print-paper makers of the country at a price much less than we have found it able to get as a bid from the print-paper people. The result is that in other branches that have to have printing done in the greatest printing office to-day in the world the work is done largely through private contract at less prices for the paper than we have been able to obtain.

I think by excluding the Government Printing Office from the operation of the bill we may very seriously limit the effectiveness of many war measures. Therefore I, as a member of the committee, aside from that as a Member of the Senate, would anyhow oppose this particular exclusion from the powers granted in the bill. The powers of the bill even are nothing to compare with the powers heretofore granted the President in other matters. Why we should make an exception and the Printing Office, that does four times as much printing for the departments as it is doing for Congress, should be excluded from its operations I am not able to see. I hope the Senate will vote down the amendment.

Mr. GALLINGER. I will ask the Senator is he sure of his figures when he says the Printing Office is doing four times as much business for the executive department of the Government as for Congress?

Mr. SMITH of Arizona. No; I am glad the Senator called my attention to it. When I said four times, I was merely making an estimate of what I observed coming before the committee. I was probably not by any means correct in that statement.

Mr. GALLINGER. I think not.

Mr. SMITH of Arizona. But certainly there is an enormous amount of it done. I think more than is done under purely congressional contracts.

Mr. FLETCHER. Mr. President, I regard the amendment offered by the Senator from New Hampshire as unnecessary and as probably proposing something that would be harmful. There is not, of course, any possibility of the President interfering with the operations of the Government Printing Office under the authority given in the bill. There is a possibility of his interfering with other bureaus or other departments that are having printing done outside the Government Printing Office and ordering it all to be done in the Government Printing Office, and I think that ought to be done wherever it is possible. I think the Government printing ought to be done at the Government Printing Office, the one plant established by the Government, and not in various basements and side offices of departments and bureaus, as they may see fit to order printing done. It ought to be done by the Government at the Government plant—the Government Printing Office.

The bill would allow the President to transfer these bureaus and coordinate the whole printing business in the Government Printing Office, which would be a very desirable thing to do.

If the Senator's amendment should be adopted, it might interfere with the existing law, under which the President can fix the price of news-print paper at the Government Printing Office. We had up the question some time ago, at the time when I preceded my friend the Senator from Arizona as chairman of the Joint Committee on Printing, involving the price of news-print paper. We had a contract of 2½ cents a pound for that paper. The manufacturers decided after awhile that they wanted 3 cents a pound. They made a demand for that price. The Public Printer, in an effort to supply the news-print paper required at the Government Printing Office, himself undertook to get a lower figure, and that was refused. We referred the matter to the Federal Trade Commission. They investigated the situation and reported back that 2½ cents a pound, at the present price, under present conditions, with the cost of labor and of material and all that, would give the manufacturers a profit of 8 to 10 per cent on their business. We undertook to reason with the manufacturers and plead with them as a matter of patriotism in these circumstances to let us have the paper at 2½ cents a pound. They declined. Prices were going up; they did not know, if they undertook to make a contract at 3 cents, what might happen, and they did not want to make that for any great extension of time, that we feared there would be pretty soon a demand for 3½ cents. Thereupon we appealed to the President and expressed the view that under the act which had been previously passed by Congress he had the authority to fix the price of the paper. The President referred the matter to the Attorney General, who held that he had, and thereupon he ordered the price fixed, and at the price which the Federal Trade Commission had found upon inquiry and investigation was a fair and reasonable price and allowed the manufacturers a fair and reasonable profit—2½ cents a pound. So we are operating now under that order of the President fixing the price of news-print paper at 2½ cents a pound. If this amendment is adopted, it might take away from the President that very authority and power which he is now exercising.

Mr. GALLINGER. If the Senator will permit me, if the President is exercising it and it is not called in question, how on earth could this take that power away from him, if he has it now?

Mr. FLETCHER. Because the Senator would add to the bill a provision that this authority to coordinate bureaus and redistribute functions should be denied to the President in regard to the Printing Office.

Mr. GALLINGER. That is not the position the Senator took. The Senator said that it would interfere with the President fixing the price. The Senator is mistaken about that, of course.

Mr. FLETCHER. I do not know how far it might extend. It might be held that it limited the authority and power of the President by putting it in this bill, so that he could not exercise the authority he now has with reference to the Government Printing Office. My remark referred not only to the mere matter of fixing the price, but I was using that as an illustration.

Mr. SMITH of Georgia. Will the Senator allow me?

Mr. FLETCHER. Yes.

Mr. SMITH of Georgia. Would it not rather be held, if it is considered the President has ample power over it already, it is not necessary to put it in this bill?

Mr. FLETCHER. I am afraid not. Here the proviso is offered that such authority shall not extend to the Government Printing Office. Putting that into this bill, it might be held, being subsequent to the authority we have already given, that it might perhaps limit that authority and exclude the Government Printing Office from the exercise of the authority by the President.

Mr. JONES of Washington. Does the Senator really think this bill covers the Government Printing Office, anyway?

Mr. FLETCHER. I have some question about it. To be frank with the Senator, I do not know that it would, but I am assuming that it might, and I presume the Senator from New Hampshire feels that it does. I have some question about its having anything to do with the Government Printing Office.

Mr. JONES of Washington. I merely wish to say that I propose to vote against the amendment because I do not think the bill covers the Printing Office at all.

Mr. FLETCHER. Precisely. I am not quite sure of that. I have not viewed it from that standpoint, and I have not discussed it from that standpoint, but I think there is a great deal in what the Senator suggests, and even from that point of view the amendment is not needed and would be unwise. I think under the circumstances the amendment ought to be defeated.

Mr. GALLINGER. Will the Senator permit a further question? The Senator fortified his argument a moment ago by the suggestion that a great deal of printing is done outside of the Government Printing Office. Is not that negligible? Is it not a very small amount?

Mr. FLETCHER. I will say to the Senator it has been our policy to decrease that as much as possible, and I think we have pretty largely eliminated it. There were a number of branch offices, the Senator will recall. We have, I think, pretty nearly eliminated them, but my impression is now that, on account of the unusual demand for printing of all kinds, there has been some increase in that direction.

Mr. GALLINGER. Congress can at any moment abolish those branch offices, of course, if it chooses to do so.

Mr. FLETCHER. I think that is likely; but this one thing the President would change if the bill gives him any control at all.

Mr. GALLINGER. I ask for the yeas and nays on agreeing to my amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES of Washington (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is absent in connection with the liberty loan. I will allow this announcement to stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Utah [Mr. SMOOT] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. BECKHAM. My colleague, the senior Senator from Kentucky [Mr. JAMES], is absent on account of illness. I ask that this announcement stand for the day.

Mr. MYERS. Mr. President, has the Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. OVERMAN. If the Senator from Connecticut were present, he would vote the same way as the Senator from Montana intends to vote.

Mr. MYERS. I am informed that if present the Senator from Connecticut would vote the same way as I shall vote. I therefore feel at liberty to vote.

Mr. GALLINGER. From what source does the Senator from Montana get that information?

Mr. MYERS. From the Senator from North Carolina [Mr. OVERMAN]; but if there is any doubt about the matter I shall not vote.

Mr. OVERMAN. The Senator from Connecticut is against the amendments and for the bill.

Mr. GALLINGER. This amendment was never previously presented, and the Senator from Connecticut, therefore, has had no opportunity to examine it.

Mr. MYERS. Then, being paired with the Senator from Connecticut, I will withhold my vote.

Mr. FERNALD. Mr. President, I have a pair with the Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote "yea."

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Arkansas [Mr. KIRBY] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from New York [Mr. WADSWORTH] is paired with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 28, nays 44, as follows:

YEAS—28.

Borah	Frelinghuysen	Knox	Sherman
Brandegee	Gallinger	Lenroot	Smith, Ga.
Cummins	Hale	Lodge	Sterling
Curtis	Harding	McCumber	Sutherland
Dillingham	Hardwick	New	Townsend
Fernald	Johnson, Cal.	Norris	Watson
France	Kellogg	Page	Weeks

NAYS—44.

Ashurst	Jones, Wash.	Phelan	Swanson
Baird	King	Pittman	Thomas
Beckham	Lewis	Pomerene	Thompson
Chamberlain	McKellar	Saulsbury	Tillman
Colt	McNary	Shafroth	Trammell
Culberson	Martin	Sheppard	Underwood
Fletcher	Myers	Shields	Vardaman
Gerry	Nelson	Simmons	Walsh
Gulon	Nugent	Smith, Ariz.	Warren
Henderson	Overman	Smith, Md.	Williams
Jones, N. Mex.	Owen	Smith, S. C.	Wolcott

NOT VOTING—23.

Bankhead	Hitchcock	Kirby	Reed
Calder	Hollis	La Follette	Robinson
Fall	James	McLean	Smith, Mich.
Goff	Johnson, S. Dak.	Penrose	Smoot
Gore	Kendrick	Poindexter	Wadsworth
Gronna	Kenyon	Ransdell	

So Mr. GALLINGER's amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate as in Committee of the Whole, and open to further amendment.

Mr. HARDING. Mr. President, if there were anything necessary to emphasize the epoch-making character of the pending legislation it would be the vote which has just now been recorded. One hesitates to talk to a jury the minds of whose members are already fixed, but it is my judgment that if the Senate of the United States is going to accept an Executive mandate and pass this bill, with every suggestion of amendment refused, Congress can only fittingly complete the program by delegating the taxing and appropriation power, adjourn, and go home.

When this measure was first proposed to the Senate, Mr. President, I thought, in my own mind, that I should like to give it support. I am a believer in concentration of powers for war; I am even a more emphatic believer in coordination of powers; but you can not coordinate until you first participate, and the difficulty with the war machinery of the Government is the lack of participation on the part of a number of cogs in the completed machine. I think experience on the western battle front of Europe has demonstrated the need of concentrated authority, and I believe in it very cordially; and I have no partisan or political prejudices which would lead me to deny any essential power to the President of the United States.

I think, Mr. President, we can speak on this question now without subjecting ourselves to the charge of partisan inspiration or intent. My judgment is that the votes recorded on Saturday will disprove for all time the partisan character of any objection to this bill. I note in the roll call that 10 very representative and highly trusted members of the majority side, all of whom are in as cordial sympathy with the party in power as those who outnumber them, voted for the amendments proposed by the Senator from Georgia [Mr. SMITH] and the Senator from Iowa [Mr. CUMMINS]; while, on the other hand, on this side of the Chamber there were seven votes made up of so-called "stand-patters" and so-called Progressives, who gave their sanction to the administrative wish. So I think it is fair to say that no one can urge that there is partisan intent back of any objection to the bill.

I make bold to say, Mr. President, that if I were inspired by partisan designs I would urge the speedy passage of this measure; then I would hold the administration everlastingly responsible for everything done; and then add to it the greater and more serious responsibility of the alteration of the American form of government. I do not know that I take myself too seriously as a Senator. I have always had the notion, however, that this was a pretty important office, and out in my State they look upon an election to the Senate as an assumption of some considerable responsibility and a command to assume a part of the responsibility of the Government of the Republic. We ought to be consistent. We boast our popular form of government; we proclaim our participation in a war for democracy—though I would have it said in passing that I have never swollen the chorus on that particular issue—we accepted the challenge of the German war party that a republic is not so constituted that it can defend itself; and then, the moment that we are involved, we propose to entirely put aside our popular form of government and dwell in America under the most autocratic form of government on the face of the earth.

If I believed that that was necessary, Mr. President, to win the war, I rather think I should give it my sanction; but until I am convinced of the necessity, in the exercise of my duties as a Member of this body, I beg to be excused.

I am perfectly anxious to coordinate, to cooperate, to concentrate, aye, to consecrate all American power and resources and energies to the winning of this war; but, Mr. President, I am not willing as a Senator to surrender the functions and responsibilities of this body, to create a smoke screen for a retreat from our boasted popular government to the establishment of a complete dictatorship; I think I would rather fight a bit, covering the retreat.

I have offered, Senators, a very simple amendment to the bill, which will again put to the test the judgment of the Senate whether in giving to the Chief Executive every necessary war power we shall also give to him the complete control of our civil affairs, without let or hindrance on the part of Congress. I am willing to go to the very limit in the grant of war authority. I want to say in passing, however, that I am not yet convinced of the necessity.

Mr. President, coordination is the simplest thing in the world. I venture to give to the Senate a little example which developed recently before the Senate Committee on Commerce. At the very time when one of the bureaus of the Government concerned with war production was making a very loud outcry about its inability to carry out its program on time because of the failure to secure necessary shipments of steel, and the Senate Committee on Commerce was assembled to hear this plaint and see what it could do to remedy it, I happened to have a personal call from a member of the War Industries Board, who came down to the Capitol without any thought of appearing before the committee. I told him of the problem that was pending before the committee, and he said, "Well, why not let me go before your committee; I am concerned myself with the delivery of steel." It was quite a natural thing to do; and so the gentleman, very eminent in his particular line and a very high authority in the distribution and allotment of steel to our varied industries, came before the committee and met the head of the Emergency Fleet Corporation, who was calling for steel. Those two gentlemen had never before met. One was the head of a constructing organization and the other was a very important factor in a distributing organization which had to function before construction could be effected. Well, the moment they came together the difficulty was discussed, and we found that the acting head of a great governmental shipbuilding yard had arrogated to himself the problem of securing deliveries of steel and deliberately ignored the War Industries Board here in the Capital, which was charged with that function. The moment that was discovered the situation was cleared; by this chance meeting of two heads of bureaus coordination began; and that situation was relieved in 48 hours.

How perfectly simple a matter it would have been if somebody in authority in the executive department of the Government had asked of one bureau, "Why are you in trouble?" and, securing its answer, turned to another bureau which is charged with the responsibility of relieving that situation, and said, "Why are not you relieving the troubles," for instance, "of the Emergency Fleet Corporation?" Those two inquiries would have brought about instantly the same coordination that was effected by this chance meeting before the Committee on Commerce. My complaint is that the executive department of the Government has not given the attention that it ought to have given to the problem of coordination.

I am reluctant to speak about this bill, because I am the last man in the Senate, I know, who is inclined to find fault with the administration in this hour of trial. I had ten times rather add a note of confidence to the popular mind than to cry out with a single objection, no matter how well founded. I have no grievance against the President of the United States, and I hope my statement will not be misconstrued when I say that the chief

source of lack of coordination in our war activities is the Executive himself. Not by design—I do not pretend to say that—but the Chief Executive of the United States ought to understand that we have finally come to a condition in this country when everybody must do not his bit, but his most and his best; and in order to do things effectively we must have the Executive and the Congress and every bureau working in complete harmony and fullest coordination, and there is not any one person in the world to-day who can effect that so quickly as the President of the United States himself.

Referring again to the pending measure, if the President of the United States would come to Congress and say in person that this most revolutionary legislation is necessary to the winning of the war, I would vote "aye" without a hearing before a committee. I believe I will go further than that. If the President of the United States, who writes very much more effectively than any other occupant of the presidential chair, will only sit down and indite an official message on this subject to the Congress of the United States, I believe I should even then vote to respond to his request. By such a process we should share responsibility. But, Mr. President, I am not going to vote for this revolutionary legislation and take on the shoulders of the Senate alone the responsibility of altering our form of government. Let the President say, "In order to win this war we must change our form of government, and I as Executive will share the responsibility with the Congress," and then we will have a different situation. To avoid that sole assumption of the responsibility on the shoulders of the Congress, I am going to propose at the end of my remarks the amendment which I have sent to the desk, namely, to limit these transfers of functions and commissions of authority to the things that have to do directly with war production and the conduct of the war. I am quite willing to go that far, and I make the proposal because I am going to draw the line in the Senate and before the American people between war activities and war emergencies and the alteration of our civil institutions.

I do not know whether the Senate has stopped to think, as it ought—sometimes I am afraid it has not—that under the stress and anxiety and unavoidable hysteria of war we are, either consciously or unconsciously, changing our long-established American institutions. We are very much altering our form of Federal Government. If any man says to me, "Well, this is only a change for war," I warn him now that 99 per cent of the changes effected in this war emergency will continue after the war, and if they are helpful changes they ought to be continued after the war. I have already said on this floor that in the name of war we have seized the transportation lines of this country, and I stake my reputation as a prophet or as an observer of American tendencies and say now that you will never see them returned. Meanwhile, in the name of war, the seizure is going to go further, and I am not sure but that it is contemplated in this extraordinary grant of power. If it is a good thing I have no serious objection; but, Mr. President, I call attention to this very serious thought—that the tremendous task of altering the civil institutions of the United States of America ought to be done in the deliberations and reflections of peace and not in the stress and strain and anxieties of war.

There has been some little quotation of a former President relating to these matters.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FRANCE. I note that there are but seven Senators present——

Mr. HARDING. I hope the Senator will not ask for a quorum. If the Senator will allow me, I had rather not have a quorum called at this time.

The PRESIDENT pro tempore. The Senator declines to be interrupted.

Mr. HARDING. I have no disposition to oppose the pending bill by any tactics of delay; and if the Senator from Maryland, whose purpose and courtesy I very greatly appreciate, will only allow me to submit my remarks while the Senators are enjoying their lunches I think my feelings will have been relieved and quite as much accomplished as though more of the Senators were present to hear what I have to say. The Senator from Mississippi [Mr. WILLIAMS] accepts the suggestion with approval, and I thank him.

Mr. OVERMAN. Mr. President, the Senator from Mississippi just paid the Senator from Ohio a very high compliment.

Mr. HARDING. We all do that.

Mr. WILLIAMS. I hope the Senator will not object to my having said that he was a very sensible man. That is what I said.

Mr. HARDING. I thank the Senator, because that is a sort of an antidote to a good many things that have been said on this floor that more or less ruffled my feelings, so we will adjust the account along friendly lines.

Getting back to my theme, the Senator in charge of this bill and a number of the Senators who have been speaking in support of it on the floor have quoted a former President of the United States as one who has recommended these changes in our executive institutions.

I do not know that it is important for me to add any further light on this particular phase of the question; but it seems to me it is only justice to a former President, who is a very great patriot and is doing all that he can in support of the war, to put him right in the RECORD. I recall that when the pending bill was first presented to the Congress he contributed a signed editorial to one of the great newspapers of the land, in which he undertook to say some things that are pertinent at this moment. I speak of the Hon. William H. Taft, and I quote him:

> Now, as out of a clear sky the administration, through Senator OVERMAN, has put in a bill to authorize the President "to coordinate and consolidate the executive bureaus, agencies, and offices in the interest of economy and more effective administration of the Government." This seems indeed to have been a "Roland" for the Military Committee "Oliver." It abandons the view that no coordination is necessary and confers a complete and unlimited power of coordination by Executive edict. This has no precedent in the history of the country. The bill gives the President the authority to unite departments or divide them up, to transfer bureaus from one to another department, to consolidate them, to create new ones with new powers, to transfer appropriations for the same function to new agencies; indeed, to melt all the present structure of the great executive departments and divide the molten mass into new departments, bureaus, and agencies for the better carrying on of the war and the more effective exercise of his powers as Commander in Chief of the Army and Navy. He is given specific authority to employ by Executive order any additional agency or agencies, and to vest therein the performance of such function as he may deem appropriate—

I think it is fair to say, however, that that has been modified in the bill—

> Thus the President may create an office and its duties and appoint a man to fill it in the same Executive order. The only limitation is that the office shall not last longer than the war and the duties of the office created shall have some relation to the carrying on of the war. The whole purpose of the bill seems to be to exclude Congress from any voice in framing the machinery for coordinating war agencies and to exclude the Senate from any power to confirm coordinators. The creation of an office is ordinarily regarded as a legislative function. The Constitution permits Congress to dispense with confirmation by the Senate only in case of "inferior" offices.

And then Mr. Taft goes on to enlarge upon the fact that the adoption of any such measures as the one proposed is the equivalent of Congress submerging itself and turning over all of the power of Congress to the Executive.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. HARDING. Certainly.

Mr. OVERMAN. I want to say that I have the greatest respect for Mr. Taft. It is more than respect. I love him, and without regard to party no man has ever been in the presidential chair for whom I have had a higher respect. I want to say that in passing. I do not want to do him an injustice. I did read from three of his messages to Congress, setting forth that we had an unscientific form of government, and that its activities ought to be coordinated. I was corrected then by the Senator from Pennsylvania [Mr. KNOX], when I argued that Mr. Taft favored such legislation. The Senator from Pennsylvania said, I think, that he was in the Cabinet at that time, and he understood that the President favored coordination, but he wanted it done by Congress; and the RECORD will show that when the Senator from Pennsylvania said that he knew that to be a fact, I agreed that that was so; that I would not say that Mr. Taft favored it, except to illustrate that in every department of this Government there was confusion, and that the President had asked that there be coordination and concentration.

I want to say that I had no intention of doing Mr. Taft an injustice; and I am only arguing for what he said in these three messages to Congress, and referring to the fact that he himself had abolished a good many revenue offices of this country under the authority Congress had given him, and had abolished customhouse offices under the authority which Congress had given him. I did not intend to misrepresent him.

Mr. HARDING. I understand the point of the Senator from North Carolina, and it dovetails precisely with the line of argument I have tried to follow, namely, that the modification of our governmental system ought to be done in the deliberations and reflections of peace. Mr. Taft's suggestions were made in a time of peace. If I may quote from him one paragraph further in this connection, you will note that he touches on a thing that I have already touched upon and wish to enlarge upon for a moment.

At another place in his editorial Mr. Taft said, referring to the bills proposed by the Military Affairs Committee:

If these bills are not adequate or suitable, why does the President not suggest the changes he wishes in the departments and the bureaus and the new offices or agencies he wishes created? If he or Mr. Baker has any definite plan of better coordination, why should it not be presented for consideration by the legislative branch of the Government and its action in a constitutional way? Not one definite proposal of this sort has been made to Congress.

That is the suggestion of a former very trusted and very patriotic Chief Executive of the Republic, who knows what he is talking about; and it seems to me that it would be a very simple matter for the President to ask of Congress the thing he desires. I said a little while ago that I hope I do not take myself too seriously as a Senator, but I have been thinking of the inconsistency of American argument and thought. We rightfully boast of the Republic; we talk about the inspired fathers and the immortal Constitution, and I agree with that; we felicitate ourselves upon the constant progress in something like a century and a third of American experiment in making stable a popular form of government; in this hour of trial and anxiety we say very much about America giving of her strength and resources and soul and spirit to make the world safe for democracy; and then, quite apart from that, we have been very busy in the last few years, under the influence of leadership more or less of kin to the Chief Executive, in popularizing this branch of the Congress. I think it was under the inspiration of Mr. Bryan that we turned to the election of Senators by popular vote. Mr. Bryan did not discover that scheme. Hamilton advocated it in the Constitutional Convention; but we adopted the popular election of Senators, and then we sanctified it out in my State by primary popular nomination, all the while bringing the Senate a little closer to the people as presumably the great deliberative body of the Republic; and then, in spite of our boastfulness of our popular form of government and the perfection of our plan, the moment we get into embarrassment, the Executive asks the Senate substantially to abdicate. I do not think it is fair, Mr. President, to any self-respecting Member of this body to ask him to vote to put aside the power with which he has been charged in the Constitution, and the responsibility that comes to him with the commission from the people who sent him here.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Oklahoma?

Mr. HARDING. I do.

Mr. OWEN. I was only going to make the observation to the Senator that in the Parliament of Great Britain and in the Parliament of France, while they did give these great executive powers to the officers in charge of the Government, nevertheless they retained at the same time the power, by a vote of no confidence, to change a ministry and to put in charge executive officers who would conduct the affairs of government in accordance with the better public opinion of the country. We do not have that system here, but I think we ought to have it. I think we ought to have an arrangement by which a vote of no confidence could be declared by Congress, and in that way lead to the retirement of any official appointed by the President to discharge these great functions, which would prevent an abuse of these powers by inefficiency, or incompetence, or any other objectionable feature.

Mr. HARDING. Mr. President, I do not want to elaborate on the suggestion of the Senator from Oklahoma, but I venture to say, in addition, if we had either the English or French system in this country we would have a different ministry than we have at the present time, and I am not quite sure but that we would long since have corrected some of the things which it is designed to alter by the passage of this bill.

Mr. President, I want to have it perfectly understood that I do not want to stand upon the floor of the Senate and find fault with any particular bureau or individual in any particular department of the Government. There has been some direction of thought along lines very unfair in that particular. Some one very high in authority has said that the investigations of the Congress have not been patriotically inspired, and that they were designed to furnish information for some future partisan advantage. I am just a little weary of the man who talks about seeking partisan advantage on the part of a minority. There has not been a President of the United States from Washington to Wilson who had such cordial support on the part of the Congress as the Chief Executive of to-day, and I rejoice to say from the minority side of this Chamber the support of the administration in all its war measures by the minority has been cordial and almost unanimous. But I do not understand that that sort of a consecration to the cause of the war requires a Member on either side of this Chamber to follow every suggestion of the Chief Executive regarding our institutions of peace.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. HARDING. If you please, I submit the following amendments, and I will address myself, if I may with the Chair's permission, to the amendments.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In line 10, page 1, after the word "agencies," insert the words "having to do directly with war production or the conduct of the war"; in line 3, page 2, after the word "officer," insert the words "having to do directly with war production or the conduct of the war"; in line 24, page 2, after the word "law," insert the words "having to do directly with war production or the conduct of the war"; in line 1, page 3, after the word "officer," insert the words "having to do directly with war production or the conduct of the war."

Mr. JONES of Washington. The Senator may intend to discuss it, but I merely wish to ask if he does not think that is covered by the proviso on page 2 reported by the committee?

Mr. HARDING. No; I do not think so, answering the Senator from Washington. I have taken deliberate pains to make this amendment as restrictive as possible and still give the grant of authority. I have therefore employed the language "having directly to do with war production or the conduct of the war." I will very willingly admit, Senators, that even in that language the amendment is a very broad one, and that the Chief Executive, if he desired so to do, could reach out very far in the various branches of the Government to exercise his authority on the assumption that it had to do directly with the conduct of the war. But I am willing to go so far, Senators, as to grant this authority, and then if there is any abuse of it, let the blame be on the executive head. I have never thought at any time that the Executive would abuse any grant of power contained in this bill, but it is a very singular thing, Senators, if there is no intended exercise of this power, that every suggested restriction should be declined. I do not remember who said it, but I want to indorse the sentiment that power ought not be granted unless it is expected to have it exercised. Somebody has said that more effectively, but you will get the thought. I want, if I can, to share the burdens of this tremendous time with the Executive. This bill is so directly involved that I must speak of it. I would like to retain just a semblance of respect for the Congress, not only in the estimate of the American people, but in the estimate of those whom Congress has provided places for here in the Capital of the Republic. I know of nothing more disgusting to public service in the Senate than the attitude of bureau heads and bureau employees toward the Congress of the United States.

Mr. President, I was in one of the departments in Washington a few months ago when an Assistant Secretary had the effrontery to say to me, a Member of the Senate, not with personal application, that they could get along very well with the progress of certain Government undertakings if it were not for the interference of the "numskulls on Capitol Hill."

I very recently had a much more perturbing experience. There is pending in this body a bill proposing to appropriate $60,000,000 under a Government housing program. In my State there is a great industry concerned with the construction of houses, and their material is very much needed in this program, and it might very fittingly be given at least a square deal, because it conserves the supply of iron in construction. Through some influence or other the gentlemen who are to have this task in charge have written in their specifications a condition that bars the industry from my State from participating in this housing program. I ventured to address a letter to the department asking if there could not be a correction of the specifications, which should conform to the municipal building codes of the country and admit this material. The head of the department to which we are to commit the task of spending $60,000,000 had the effrontery in making reply to say to me, "I hope you will ask me to do nothing further in this matter." That is the reply of one who is to spend $60,000,000 of Government money to a Member of the Senate who asks only for a square deal and a conserving program in such an undertaking.

It seems to me that Congress might reasonably assert itself, and then if we want to give a real example to the country of coordination and cooperation and consecration, let the Chief Executive and Congress get a little closer together. It would not be an anstonishing spectacle——

Mr. OVERMAN. I wish the Senator would state the name of that man. I think whenever any head of a department treats a Senator of the United States disrespectfully his name ought to

be known, and he should be cut off the pay roll. I myself have insisted on that course.

Mr. HARDING. It is no trouble at all. I am glad to oblige the Senator. I refer to Mr. Eidlitz, who has charge of the housing program.

Mr. OVERMAN. What position does he occupy?

Mr. HARDING. He has charge of the housing program.

Mr. OVERMAN. He ought to be taken care of.

Mr. HARDING. Mr. President, I fear my time is rapidly expiring, and I may say in concluding, if the Senate will adopt the amendments I have proposed, while I am frank to say these amendments will not in any way bring about the limitations of powers that I would desire, it will at least have the seeming effect of preserving our civil institutions from the revolutionary processes of war. It seems to me the United States Senate, boasting of our institutions and respecting itself, ought to place that limitation on the bill, and if with such a limitation as that the Chief Executive will come just a little closer to the legislative branch of the Government and take the Senate collectively, not individually, into his confidence, and give to America the spectacle of one of the people coordinating and cooperating with this collective body of representatives of the people, giving the American thought and patriotism and energy to the completest prosecution of the war, it will do more to enlist American confidence and add to the spirit of American determination than anything which could be done.

I think we need just a little stronger committal to this task we have undertaken. I want the Executive to have the power needed to lead us on to a peace with victory and nothing less, Senators; but if we are going to go in that direction, let us not go at the sacrifice of the inherited institutions of this Republic. Let us not in this moment of anxiety and more or less hysteria completely overturn the things that we have boasted in the past, all because there has been individual failure in the processes of bringing the several branches of the Government into closer coordination and cooperation.

I hope the Senate, out of respect to itself and out of assurance to the people of the United States that we have not lost our heads in this hour of peril, and out of challenge to the monarchs of Europe that a republic can be preserved in time of war and made capable of defense and offense, will let us preserve these institutions with so much of a safeguard, if we may, as is contained in the amendment that I have submitted to the Senate.

Mr. OVERMAN. Mr. President, I always listen to the Senator from Ohio with great interest, and I agree with the Senator from Mississippi [Mr. WILLIAMS] that he is a very wise man. The Senator used one expression, and I should like to know what he meant by it and what he intended to convey. He said this bill is designed to cover up something.

Mr. HARDING. Mr. President, if the Senator will allow me, there has been a constant succession of mistakes, not unnatural, from the very beginning of this war. There has been failure here and failure there, and the perfectly manly thing to do would be for the responsible heads to acknowledge that mistakes have been made and proceed to correct them under existing authority.

Mr. OVERMAN. The Senator will let me say——

Mr. HARDING. I want to answer the question completely. I did not mean to offer any inference of crookedness or scandal. There will be always scandal under any government in a time of war. In the enormous processes of production and expenditure it is absolutely unavoidable, and there are cormorants by land and sea that hover wherever there is a sanguinary conflict. But the mistakes we have made have been mistakes in putting into responsible positions men who are not fitted for them.

Mr. OVERMAN. Mr. President, would it not have been fairer if the Senator had said this bill is intended to correct those mistakes than to say it is designed to cover them? Does he not think it is unjust? He has made a charge. If he can show me that this bill was designed to cover up something——

Mr. HARDING. Mr. President, I will not permit that meaning to be attributed to me. I do not mean that it is a bill to cover up mistakes. I mean it is a bill, if you please, to correct the errors and put the responsibility of the errors on Congress.

Mr. OVERMAN. I am glad the Senator said that, because he used the words "to cover up."

Mr. HARDING. Since it is drawn out at this time, if the Senator will allow me in his time, I want to emphasize another reason for objecting.

Mr. OVERMAN. Mr. President, I have but a short time, but I want to know what the Senator meant by this bill covering up something, and that there is a design to cover up something. The bill does not cover up; it is to correct errors. That is what it is intended to do.

Mr. HARDING. Let me see if I can make it explicit. There have been numberless errors on the part of department heads and others in authority.

Mr. OVERMAN. Yes.

Mr. HARDING. It would have been a very simple thing to have corrected these errors by removals and changes such as have recently been made by Executive authority. It would also be possible to have corrected mistaken policies. But the Executive has not seen fit to make that acknowledgment and make all the necessary corrections, and he asks at the hands of Congress this blanket authority in order to say to the people of the Republic that he has been a victim of conditions heretofore that he could not correct, but under the authority granted by this bill he will bring about the necessary changes. I say that that is an unfair position to take. I have not at any time attributed to the President nor to any department head anything that is dishonorable or irregular.

Mr. OVERMAN. I am glad the Senator has corrected himself, because, as the Senator will admit, when he said this bill was designed to cover up something it was a very unjust imputation. The Senator has also said if the President had said to him, this bill was to be used in the interest of the national defense to support this country he would vote for anything, not only this bill but for giving any other power. He has forgotten perhaps what the bill says. I will read it again. This is said to be an administration measure. The bill is "for the national security and defense." It is asked to be given "for the successful prosecution of the war." It is asked "for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief." I thought when the bill was introduced that that was a sufficient limitation as to war powers.

Mr. HARDING. Will the Senator permit me?

Mr. OVERMAN. Certainly.

Mr. HARDING. The Senator knows that the Executive has established a practice of addressing Congress in person. The Senator knows that it is a practice from time immemorial in the history of the Republic for the Executive to send his written messages to Congress. I have no desire in any way to discredit the Senator from North Carolina, but here is a revolutionary measure. There have been a thousand things proposed——

Mr. OVERMAN. Mr. President——

Mr. HARDING. Just a moment; I want to finish this. There have been ten thousand things proposed to the Congress in written or spoken messages on the part of the Chief Executive of less importance than this measure. Why should not the Executive come to Congress and let it understand officially that he wants this authority and share with Congress the responsibility for the proposed changes?

Mr. OVERMAN. I deny that this is a revolutionary measure, and I deny that Congress has in any way by this bill abdicated any power. I am tired of hearing Senators talk about the abdication of power, when we have it in our power after the bill is signed to repeal it, when we have the whole machinery of legislation here that gave the power, and nothing on God's earth is asked for in this bill except what? To exercise power which Congress already has given. I will ask the Senator, Is there anything in the bill asked for that Congress itself has not granted?

Mr. HARDING. I quite agree with that, Mr. President, but in the exercise of granted functions by the transfer of authority and the elimination of certain Government agencies and the concentration in other agencies you turn the Government over to the administrative establishment.

Mr. OVERMAN. I do not think that is a fair argument. You have got to trust the President. He is honest; he is an able man. You have got to trust everybody in every position, and we are bound to trust the President to do right and do it in the interest of what the bill says.

Now, my friend has introduced this amendment. It was brought and argued before the committee and the limitation expressed in the first section was considered sufficient to limit the President to do those things only as to war measures in the interest of carrying on the war. Some Senators on that committee thought it was specific enough and differed from my friend from Ohio. I really suggested the amendment which we placed in the bill making it absolutely specific. It was argued in the committee for two or three days. We said this authority should be given and it should be limited to the prosecution of the war and the successful defense, support, and maintenance of the Army and Navy, for the better utilization of resources, and so forth. That was sufficient. What is the

use to put anything else in? But some Senators had a doubt about it and said it should be more specific. Now, what should we do? Listen:

That the authority by this act granted shall be exercised only—

Absolutely. We put the word "only" in there—

That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

We have to trust the President to carry out the law.

Mr. President, we also have another limitation. The Senator from Ohio objected to making it 12 months. I told him that I was willing to make it 6 months. I believe the Senator from Washington also raised that objection. That was limited. What other limitation is there? This whole act ceases to be of effect after the war. It is limited only to the war.

Mr. HARDING. Will the Senator allow me?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I yield.

Mr. HARDING. If that is the real purpose, and I accept the Senator's statement, what can be the real objection to making it more emphatic?

Mr. OVERMAN. I think it is more emphatic now than the Senator's amendment would make it. I think it is emphatic, and I am opposed to the amendment. I think it only confuses by adding the same words in half a dozen sections about the same thing. That is why I am opposed to it.

Senators talk about the abdication of power. This, I say, is not only limited to the war but the President can only transfer the powers Congress has already given. Where is there any abdication of power in doing that? Wherein does the abdication come? What powers have we abdicated except that the President is made by the Constitution the executive officer? He is compelled by his oath of office to execute the powers that Congress has given him. That is all this bill seeks to do. It is to let him execute the authority Congress has given him. Do you tell me that that is abdicating power? What power do we abdicate? I should like the Senator to state what power we have abdicated to the President. It is a power that has been given by Congress already, and we let him under his oath of office in time of war execute that which the Constitution compels him to do. Now, where is there any abdication of power?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. OVERMAN. I always gladly yield to the Senator from New Hampshire.

Mr. GALLINGER. If that be so, does not the Senator's argument against the amendment of the Senator from Ohio apply in this case? If the President has all this power why do you emphasize it by adding to it in passing another bill? That is the answer the Senator made to the Senator from Ohio.

Mr. OVERMAN. I said the Senator from Ohio said we had abdicated the power. I want him to tell me what power we are abdicating? Can the Senator from New Hampshire tell me?

Mr. GALLINGER. I could tell the Senator a hundred.

Mr. OVERMAN. Tell me some power that we are abdicating.

Mr. GALLINGER. I did not suppose that the matter was in question.

Mr. OVERMAN. You can not answer it. It has not been answered as to any power we are abdicating. We are giving the power to the Executive to transfer and redistribute functions that Congress has already given him, and that is the limitation. It is surrounded by this limitation everywhere.

Mr. GALLINGER. I can not follow the Senator in that argument, because if we are not giving to the President more power than he had before, why on earth has the Senate been spending weeks on this bill?

Mr. OVERMAN. The Senator does not understand the bill. The bill authorizes the President for the interests of the war to distribute powers that have already been given him. That is what it is.

Mr. GALLINGER. If they have been already given, what more on earth can he have by the bill?

Mr. OVERMAN. The powers have been given him, but he can not coordinate and bring them together in the interests of justice and economy and the more efficient manner of fighting the war.

Mr. GALLINGER. If the Senator will permit me just a word, I think I understand the bill; but I do not understand the reasoning of the Senator from North Carolina.

Mr. OVERMAN. I am sorry the Senator like some other Senators has not read the bill. He has read it, but he has not digested it.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I am always glad to yield to my friend from Georgia.

Mr. SMITH of Georgia. Under the bill the power is given to transfer the duties of officers confirmed by the Senate to officers who have not been confirmed by the Senate. Does the Senator think we yield no responsible authority when we permit the functions of the Government to be transferred to men who have not been confirmed by the Senate?

Mr. OVERMAN. The function Congress has already provided. It is a question of law that I am talking about. Senators say it is an abdication by Congress when it is only the law Congress has passed that we permit him to exercise.

Mr. HARDING. I should like to give the Senator from North Carolina one example. When we were discussing the war finance corporation bill the Senator went to a great deal of trouble to arrange that the licensing committee should be under the control of the Senate in respect to confirmation. If this bill is passed, that authority can be transferred by the President of the United States and the Senate can not say him nay. We will have no more to do with passing on the qualifications of that bureau than on some institution over in China.

Mr. OVERMAN. As I said, when we transfer it to some other man he exercises what power? No more and no less than the statute gives. Senators talk too much about men. Senators talk about Mr. Creel and talk about confirming a man. Under this bill nothing can be done in the way of the increase of power, but you transfer it from one man who is not efficient to an efficient man, and he can not distribute any power except what Congress has given.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. OVERMAN. Certainly.

Mr. CUMMINS. I can hardly think the Senator from North Carolina means all that he says. His intellectual processes are usually accurate and luminous, but I think he is now in fault. The Senator from North Carolina says that we are not abandoning or granting any legislative power in this bill.

Mr. OVERMAN. I say we are giving nothing but authority to transfer functions already granted.

Mr. CUMMINS. The Senator from North Carolina said the bill contained no abdication, if you please, of legislative or congressional power. Let me put this case to him. At this time Congress and Congress alone has the power to transfer the duties of the War office to the Navy office. Is not that true?

Mr. OVERMAN. Does the Senator mean under this bill?

Mr. CUMMINS. No; I mean at this time Congress alone has power to transfer the duties of the War Department to the Department of the Navy.

Mr. OVERMAN. I do not know. The Senator is better informed about that than I am. Congress established the War Department; it established the Navy Department. Congress established the War Department with certain limitations; it established the Navy Department with certain limitations. If the War Department has half a dozen purchasing agents and the Navy Department has also purchasing agents, under this bill, Congress having already created the purchasing agents, and there is the limitation, the President is authorized to transfer the functions. That is all.

Mr. CUMMINS. Let us keep to the point. Congress has established a War Department and a Navy Department, and it has given to each of them certain powers which at this time can be exercised only by the War Department and the Navy Department, respectively. Now, we are proposing to give to the President the power to transfer the functions, powers, and duties of one of those departments to the other.

Mr. OVERMAN. Well, what function?

Mr. CUMMINS. All the functions that Congress has reposed in either of the departments.

Mr. OVERMAN. Who gave those functions?

Mr. CUMMINS. Congress gave the functions.

Mr. OVERMAN. That is the point I am making.

Mr. CUMMINS. The point, though, is not good, if I may remind the Senator from North Carolina of that fact. The power that we are giving up is the power to assign the functions of one of these departments to the other. It may be wise or unwise, but the Senator from North Carolina must certainly see that we are granting our entire control over the exercise of power by the persons to whom we have heretofore granted the power.

Mr. OVERMAN. What is transferred is power which has been granted by Congress and Congress alone, and therefore we do not abdicate our power. We allow the President to make cer-

tain transfers of power. Who is the President? He is the Executive under the Constitution. Congress makes the laws; the President executes them. That is what the writers on elementary law tell us. Now, when we confer this power we allow the President to exercise it by a redistribution of these functions. That is what the bill says.

Mr. CUMMINS. It is just as much a legislative power, however, to declare who shall exercise the power as to define the power itself.

Mr. OVERMAN. Well, we are asking that the President may exercise the power that Congress has granted by transferring incompetent men and replacing them by competent men, by transferring from one department to another power that Congress has given. Therefore, there can not be any abdication of power on the part of Congress.

Mr. SMITH of Georgia. Will the Senator permit me to ask a question?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. OVERMAN. I do.

Mr. SMITH of Georgia. Would it not, perhaps, be a better plan if there is an incompetent man at the head of one of these places to remove him?

Mr. OVERMAN. That is begging the question. I should like to have some one tell me what power we have abdicated. It can not be done.

Mr. BRANDEGEE. Mr. President, I will do it.

Mr. OVERMAN. Well, state it.

Mr. BRANDEGEE. We have abdicated the legislative power.

Mr. OVERMAN. There it is again. My question is, Will the Senator tell me some power we have abdicated under this bill?

Mr. BRANDEGEE. We have abdicated all our powers.

Mr. OVERMAN. The Senator says we have abdicated all of our powers, and yet he can not tell me wherein we have done so when the bill itself says it is only designed for the purpose of permitting a transfer of power that Congress has already granted.

Mr. BRANDEGEE. I am not talking about the purpose of the bill; I am talking about the language of the bill.

Mr. OVERMAN. I am talking about the language of the bill. It provides for a redistribution of functions which have already been granted.

Mr. BRANDEGEE. It proposes to take away jurisdiction from one department and confer it on another.

Mr. OVERMAN. The Senator says that it is a transfer of power; but where has Congress abdicated its power? How does Congress abdicate the powers when it has already given them? It is only for the purpose of transferring a power that Congress has given.

Mr. BRANDEGEE. Because Congress has given powers to specific agencies and departments, now you propose to allow the President, under the guise of calling it rules and regulations, to make new statutes.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. OVERMAN. I yield to the Senator.

Mr. BORAH. Mr. President, I suppose what the Senator from Iowa [Mr. CUMMINS] and the Senator from Connecticut [Mr. BRANDEGEE] mean is that we are attempting to abdicate legislative powers.

Mr. BRANDEGEE. Yes; impotently. The Supreme Court of the United States will attend to it, though, after we get through. I have no doubt of that.

Mr. BORAH. In other words, there is no such thing as the legislature in fact delegating legislative powers. We may attempt it in this bill—though I do not think we are—but if we are attempting it, we are attempting a vain thing, because it will ultimately be declared so. I do not care to enter upon an argument at length of this question, but I desire to say that I do not think we are abdicating any legislative power.

There is no doubt, Mr. President, but under the decisions which have been rendered by the Supreme Court time and time again since the Aurora case, away back in 1807, Congress could, for instance, pass a law which would authorize the suspension of the functions of any one of the departments, or all the functions of a department, if the President should deem it in the public interest to have them so suspended. It has been decided time and time again that the functions of a law may be entirely suspended upon the judgment of some agency designated by the Congress to determine when they should be suspended. And that determination may rest upon nothing more than that he deems it in the interest of the public welfare. If we may pass a law authorizing the suspension of all the functions of some department if the Chief Executive should deem it essential to the public welfare that they should be suspended, we can certainly pass a law authorizing the transfer of the functions of one department to another through the same agency and for the same reason. I do not believe that, under the decisions to which I have referred, we are abdicating any power. If we are attempting to do so, there is one thing very clear, and that is that it will be futile in the end. But I do not accept the theory that we are attempting to do so. An unbiased and dispassionate consideration of the measure in the light of the decisions must bring an investigator to that conclusion, it seems to me.

Mr. HARDING. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. HARDING. How is the Senate going to escape its responsibility of confirming important legislative administrative officers?

Mr. BORAH. Mr. President, I do not believe this bill provides for any such a proposition. Of course, we could not abdicate that power. If the law when enacted should be so executed—which, in my judgment, would be in violation of the plain terms of the bill—that that should be effectuated, it would be a void act, and would be so declared. If some officer exercising a function for which he must be confirmed should undertake to exercise that function without confirmation, his official authority could be tested in a proper proceeding.

But, Mr. President, let us recall for a moment some of the things which Congress has already done in the way of the so-called abdication of power. Take, for instance, the tariff law which we passed a number of years ago. In that law we provided that if the President should deem it proper he might suspend the provisions of the law entirely as to any nation which he thought was not treating us fairly in commercial matters. That law depended entirely for its execution, upon its vitality or its nonvitality, upon what the President deemed to be wise or deemed to be fair as between two nations of the earth. We provided specifically that if any country should deal with our exports under such conditions or with such tariffs upon them as seemed to be unfair to us, the President of the United States might suspend the law entirely as to that country. If, on the other hand, he should deem that they had brought themselves within the limits of fair practice, the law should again go into force upon his proclamation.

There, Mr. President, was upon the face of it an apparent effort to delegate power. The law was to have no effect except upon the will or discretion of the President; yet the Supreme Court of the United States held that, we having selected an agent upon whose discretion we were willing to rely, and having designated that, his discretion being in full force, he should suspend or execute the law, it was not a delegation of power, because Congress itself had said when it should go into effect, to wit, upon the discretion of the President, and when it should not be in effect, also dependent upon the discretion of the President. It seems to me that we have not done anything more than that here; indeed, I do not think we have gone nearly so far.

I hope the Senator will bear in mind that when a transfer does take place, when a function is transferred, that function must be functioned according to the law which we have made. If all the duties of the Department of Justice were transferred to the postmaster of Washington, he would still have to perform those duties and functions in accordance with the law which we have made. The agency would simply be changed, and it would be changed solely upon the authority of and by reason of the instruction of the Congress of the United States.

I am frank to say that when this bill first came up for consideration this was the one proposition with which I was concerned, because I made up my mind, if it was a delegation of power, not only we should not make that delegation but we should not attempt it. Listen to this language——

Mr. THOMAS. May I ask from what the Senator is going to read?

Mr. BORAH. I shall read from Field against Clark, in One hundred and forty-third United States.

SEC. 3. That, with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever, and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States which, in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States, he may deem to be reciprocally unequal and unreasonable.

Observe the latitude that is there given to the President. Whenever he deems any transaction between this Nation and

any other as being unequal or unreasonable or unfair, he may suspend the duty which Congress has imposed, and when he deems that they have brought themselves back within that law, he may impose the duty.

Mr. HARDING. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. Yes, sir.

Mr. HARDING. I should like the Senator from Idaho to say whether he thinks the making of the Executive an agency for the suspension of the operation of a tariff law is comparable in its effect to a measure which places the whole civil fabric in the hands of the Executive to change it as he sees fit?

Mr. BORAH. So far as the principle is concerned, and the question of whether or not we are delegating power, with all due respect to the able Senator from Ohio, I do not believe there is any distinction.

It may be that, by reason of the magnitude of the task which we are imposing upon the President, or the magnitude of the power which we are giving him under this direction, a different question would arise that would relate alone to the wisdom or to the policy of our action; but, as to the delegation of power, enabling him to say whether or not a function shall be performed by this department or by that department, in my judgment, is not to be compared as a test of the delegation of power with the power of the President to say whether or not a law passed by the Congress shall be operative against a foreign country so far as imports are concerned.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Tennessee?

Mr. BORAH. I yield.

Mr. McKELLAR. I will ask the Senator, Is it not a much stronger case for this reason? It was argued in the case of Field against Clark that there was an express transfer of legislative power in regard to a peculiarly legislative matter, and for that reason it was void, whereas the powers granted under this bill are purely executive and administrative.

Mr. BORAH. Precisely. Permit me to call the attention of Senators to an early case in regard to this matter, whence all this authority seems to flow:

> The authority given to the President by the act of June 4, 1794, to lay an embargo on all ships and vessels in the ports of the United States "whenever, in his opinion, the public safety shall so require."

Now, the laying of an embargo is peculiarly and distinctly within the legislative duties and functions of a government, and it seems to have been conceded that that could not have been done without authority from Congress; but Congress authorized an agent whom it chose as the proper agency to determine when the embargo should be laid. What was the effect of that embargo which was laid by the President and taken off by the President? It practically demoralized the business of this country; it practically reduced all of New England to bankruptcy; it established a law of commerce throughout this part of the world; it, indeed, brought us into conflict with other nations of the earth; and yet upon the option or upon the discretion, or upon what the President deemed to be in the interest of the public safety, he was permitted to control the commerce of the country under the laws which Congress had theretofore seen fit to pass.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. Yes.

Mr. HARDING. When the Congress made this grant it knew the specific object in mind, whereas we are proposing to grant power without one single suggestion of the thing to be accomplished.

Mr. BORAH. I will come to that in a moment, but I can not quite agree with the Senator upon that point. Again:

> By the act of February 9, 1799, to remit and discontinue, for the time being, the restraints and prohibitions which Congress had prescribed with respect to commercial intercourse with the French Republic, "if he shall deem it expedient"—
>
> Expedient—
>
> "and consistent with the interest of the United States," and "to revoke such order whenever, in his opinion, the interest of the United States shall require."

In other words, Congress placed in the Commander in Chief of the Army and Navy in the crisis which confronted us in our relations with France the sole power of determining when commerce should come into this country and when it should not.

Mr. President, I do not think this bill goes even so far, because, as stated by the able Senator from Tennessee [Mr. McKELLAR], we are now dealing alone with executive agencies and matters over which the President has supervision and control already by specific acts of the legislature.

The virtue of this bill consists in the fact that we do not suspend, nor give the President the power to suspend, the functions of any department. We say, "You may select this department and you may transfer an agency to that department; but when it is transferred the function of the agency shall be the same as that prescribed by the Congress of the United States." If this law is carried out in accordance with its intent and in accordance with its plain language, not a single syllable of any statute passed by Congress will be disregarded in the functioning of the different departments.

I say this much, Mr. President, in justification of those who are supporting this bill. I do not think that it is a delegation of power; but, weak as my argument may be, and incomplete as my reasoning may be, nevertheless I would not want to be understood, under any circumstances, as undertaking to delegate to the President of the United States any function which belongs to the Congress of the United States. I never intend at any time during this war to vote for a measure which I believe to be unconstitutional. The able Senator from Pennsylvania [Mr. KNOX] has said that, in his opinion there is very little need for this proposed law; that practically all that the President can do under it can be done without it; that we are adding very little to the powers of the President. To use his language, that we are simply providing him crutches when he already has wings with which to soar as the Chief Executive and as the Commander in Chief of the Army and Navy of the United States. So I say that those of us who are supporting this measure have no idea that we are voting for a measure which has the effect of delegating legislative power to the President of the United States.

Mr. THOMAS. Mr. President, I think the argument of the Senator from Idaho [Mr. BORAH] is unquestionably sound. I am unable to perceive anything that would justify the impression that Congress in passing this bill is abdicating any of its functions or surrendering any of its powers. We are going nothing which can not be undone to-morrow or later, if in the wisdom of the Congress it should be undone. The vast power, in other words, which this bill imposes upon the President, a power enabling him to rearrange the functions and bureaus of the Government, can not be an abdication if that power can be destroyed or changed by the same body which confers it. When a king abdicates his throne his right to it is gone; he can not resume it; the term "abdication" practically conveys the idea of abandonment; and we can not abdicate that which we do not abandon. I fully agree, too, that if this bill is one which involves an abdication or surrender of legislative authority, that fact makes it eo ipso invalid, because the moment we attempt to do it we attempt to surrender something which it is not within our power to surrender, and consequently it is unthinkable that we are deliberately doing that.

Mr. President, an administrative incident has recently occurred which I think illustrates the wisdom of the argument of the Senator from Idaho. The President of the United States is the Commander in Chief of the Army and Navy; his power as such is absolute. The other day the exigencies at the front required a unification of command, and Gen. Foch was made the commander in chief of all the allied forces. The President of the United States approved that action, and by that approval he bestowed for the time being upon Gen. Foch, an alien to America, a foreigner, the power which he possesses; or, rather, he transferred that power for the time.

No man questions the right of the President to place for the time being, or as long as may be necessary, the chief command over the forces of America in France in the hands of a foreigner. By so doing he does not abdicate his authority as Commander in Chief and he does not surrender the power of command given to him under the Constitution, for he may resume it and will resume it whenever the emergency passes, which required this exercise of power. Now, to say that this bill amounts to a surrender of legislative power to the President is also to say that when the President approved the appointment of Gen. Foch he abdicated and surrendered his power as Commander in Chief of our Army in France; yet that seems to me impossible. There is not a man in this body, Mr. President, who does not commend with all his heart the appointment of Gen. Foch and the approval of that appointment by the President of the United States.

Mr. VARDAMAN. Mr. President, it is not my purpose to continue at length the discussion of this question; it is manifest to me, from what has transpired in this Chamber, that the Senate has made up its mind, and is only waiting an opportunity to express to the world its conclusion and put the stamp of its approval upon what is known as the Overman bill. There are some things, however, which I desire to touch upon briefly.

I wish to say, at the outset, Mr. President, that one of the most gratifying signs of the times is the utter absence in the Senate of partisan spirit and partisan bias in considering measures that have to do with the conduct of the stupendous conflict in which our country is now engaged. The spirit embodied in the imperishable words of the immortal Webster, "Let our object be our country, our whole country, and nothing but our country," fills every breast and breathes through every word uttered by Senators upon this floor.

Senators may differ on economic problems, they may be swayed by partisan interests in the consideration of ordinary matters of legislation, their judgments may vary regarding the performance of routine duties, but in purpose and intent, regarding the prosecution of the war, there is perfect unanimity, and the end to be attained is the common goal to which we are all striving. Such is the splendid spectacle which this distinguished body presents to the world to-day. It must be inspiring to our masters, the people at home, and comforting to our allies across the sea.

Mr. President, the shallow-brained creature, drunk with egotism, suffering with an acute case of autogeneal infallibility, who pretends to possess a corner on all patriotism, while questioning the capacity of other Senators to understand the great measures that we are considering, and also sneeringly expresses doubt ever and anon of the loyalty of his fellows, fills my soul with mingled feelings of pity and contempt. It is the habit of this creature in his intercourse with his fellows to—

> Damn with faint praise, assent with civil leer,
> And without sneering teach the rest to sneer:
> Willing to wound, and yet afraid to strike,
> Just hint a fault, and hesitate dislike.

In all the annals of the world's history this peculiar type of man has been developed, the unfortunate incident to an abnormal state of things. If I may be permitted a personal reference, I should like to say that I have made it a rule of conduct throughout my entire life to concede to every man freedom of thought, honesty of purpose, and the unproscribed privilege of free speech. My knowledge of human nature causes me to indulge the presumption that my fellow man in the main is going to do what is right or is doing the proper thing under the circumstances according to the lights before him. I ask for myself no more than I concede to my fellows.

Much has been said about the defeat of this bill being construed as questioning the ability, integrity of purpose, and patriotism of the President of the United States. For myself, I desire to say that I regard the present President of the United States as a man of unusual ability, of wide reading, profound study, and as a man of letters the peer of any living American. His genius for expression, coupled with the maturity of his ideas upon matters generally, make his speeches and writings most attractive reading; but I do not think Mr. Wilson, with all of his learning, capable of grasping in detail the great multiplicity of questions or functions which must necessarily be performed at this time in the name of the President. No human intellect could possibly grasp and comprehend all of these questions, and he must therefore necessarily delegate authority to some one else, and that some one else is going to use the authority delegated according to his conception of the requirements of the situation, and, I fear, in many instances not in accord with the high ideals, not always in keeping with the ethical principles and the broad patriotism which must necessarily influence the President and characterize his conduct in the performance of his peculiar functions. It is a mistake for the Congress to legislate with the idea that the person who is to administer or execute the law is possessed of omniscience or the godly quality of infallibility. There is no divinity which hedges about the officeholder that exempts him from the errors common to mortals. And this is true of Presidents as well as constables.

The votes that I have cast on the amendments to the pending bill were not induced by any lack of confidence in the integrity, learning, or patriotism of President Wilson. They were induced rather by a desire to preserve free government and save for posterity our constitutional system unimpaired, and transmit to the generations to follow the glorious heritage which our forefathers bequeathed to us. I am going to indulge the presumption that the President is going to do his duty as God gives him the power to understand it. If I ever had any doubt about the President performing his duty under the powers conferred by the pending bill those doubts were removed when the able, industrious, and pertinacious Senator from North Carolina [Mr. OVERMAN] gave the Senate the assurance that the President would not interfere with the Federal Reserve Board, the Interstate Commerce Commission, or, indeed, any other of the agencies of government which have been established as the result of time, trial, experimentation, and the best judgment of American statesmanship, and which do not relate to the conduct of the war. I am quite sure the distinguished Senator from North Carolina has authority to speak for the President and to bind him mentally and morally on all matters pertaining to the enforcement of this proposed law, although, indeed, the President needs no one to stand sponsor for him in order to command my confidence.

No; I am not afraid to trust President Wilson, but since the Interstate Commerce Commission and the Federal Reserve Board are not to be interfered with there can be no reason why the right to interfere with them, to abolish them, to disorganize them, temporarily perhaps, should be incorporated in the pending bill. It is unwise to legislate with the view of conferring power upon anybody, however learned and wise that person may be, to do a thing which the judgment of the Congress declares should not be done. I do not believe there are a dozen Members of this body who think that the President should abolish either of these two boards or interfere in any way with the orderly performance of their respective functions.

Now, if it is an expression of confidence in the President that you desire, I am willing and rather prefer that the confidence be expressed in a measure which could possibly do no harm, and I might add if a resolution embodying that idea shall be introduced I shall with great pleasure vote for it.

It has been said by the able, eloquent, and splendidly equipped Senator from Georgia [Mr. SMITH], the erudite, eloquent Senator from Colorado [Mr. THOMAS], and the profound student of public questions, the junior Senator from Alabama [Mr. UNDERWOOD], that we are not legislating with the view of having the laws enforced solely and exclusively by the present occupant of the White House. Mr. President, we must realize that the tenure of man on this earth is limited. In the midst of life we are in death; changes come with marvelous rapidity; and tragic mutations characterize the course of everything in this life. If the silver cord which binds Woodrow Wilson to earth should be snapped, we do not know who will succeed him. We do not know what influence may control the directing hand. We do not know what disasters might be in store for the country if that sad event—and God save the Republic from such a disaster—should befall the Nation. It is well, therefore, at all times to legislate with prudence, and I submit more necessary to move with care and circumspection to-day, in the shadow of a world disaster, than in normal times. The world is wild, daft, crazed with a blood lust and greed for gain; a storm rages in every brain; and the accelerated heartbeats, on account of the succession of disasters which come to us on every wind, renders impossible calm, dispassionate thinking.

I would confer only such powers as are absolutely necessary to the successful conduct of this war, and I would confer these powers only as they are needed. If it shall appear that further powers are necessary to be conferred upon the Chief Executive, let Congress remain in session and stand ready to delegate those powers.

The learned Senator from Massachusetts [Mr. LODGE] announced a few days ago, in a very able and eloquent speech delivered in this Chamber, that—

> the whole theory of the democratic government is that the people intrusted with power should be carefully limited, because the theory of our ancestors—and it is a good theory to-day—was that human nature is too weak to be trusted with unlimited power, and that when it is intrusted with unlimited power the rights of the people are in danger.

And let me say that every word the distinguished Senator uttered quoted above is pregnant with vital, essential truth.

The immortal Thomas Jefferson, the variety of whose information, far-reaching vision and superb judgment surpassed any statesman of modern times, who lived in the morning of our national life, thoroughly imbued with the spirit of the men who gave this Government being, and christened it with their patriotism and love, said:

"The will of the people is the only legitimate foundation of any government and to protect its free expression should be our first object. * * * The first principle of a good government is certainly a distribution of its powers into executive, judiciary, and legislative, and a subdivision of the latter into two or three branches. * * * *No government can continue good but under the control of the people.* * * * Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes. * * * *Unless the mass retains sufficient control over those entrusted with the powers of their government, these will be perverted to their own oppression, and to the perpetuation of wealth and power in the individuals and their families selected for the trust.* Whether our Constitution has hit on the exact degree of control necessary is yet under experiment; and it is a most en-

couraging reflection that distance and other difficulties securing us against the brigand governments of Europe, in the safe enjoyment of our farms and firesides, the experiment stands a better chance of being satisfactorily made here than on any occasion yet presented by history."

I might proceed without limit to quote from this inexhaustible storehouse of wisdom; but the above is sufficient to make clear my idea, and to direct as I would if permitted the course of the Senate in the further consideration of this question.

Mr. President, we all understand the influences which surround men in high places. We are all familiar with the weaknesses of humanity, the fallibility of the flesh. We know the avidity with which man is inclined to reach out for more power, and we know from the stories of the past just what the ambitions of men have cost the masses of humanity in blood and treasure. I would limit the President's authority as I would limit the authority of the Members of this body and of the other House in the performance of their official functions, and I would be more careful in fixing those limitations under present conditions than I would in normal times. The stream has overflowed its banks; the flood rushes ruthlessly to the sea; it is therefore well, if we would save the farms and happy homes that dot the landscape in the valley, the dikes should be made stronger and stronger still. The only person that we can afford to give unlimited power, or rather, unproscribed freedom of action, is the private citizen, who is the source of all power in this Republic. But it seems to me, Mr. President, that the private citizens, whose toil produces the wealth of this country and maintains its commerce in time of peace, and whose strong arm is keeping aloft the Nation's flag in the war-cursed State of France, is the only person whose functions, whose privileges, whose rights, the Congress is inclined to curtail or limit.

But, Mr. President, the vote taken on Saturday indicates the temper of the Senate on this measure. I am going to accept the judgment of the Senate, and I am going to vote for this bill, whatever amendments may be adopted. If the President thinks he needs the powers to successfully conduct the war, I am going to resolve the doubt in favor of the bill and let him have them. I trust that all may be well for the Republic in the end. I am determined that it shall not be said of me, after we have entered this war, that I have denied the President any power thought necessary to bring success to our arms.

Congress has imposed upon the Chief Executive enormous responsibilities. They are enough to crush a weaker man.

I hope the President, in the providence of God, may be able to meet the requirements of the moment and to prevent designing politicians and job hunters who flock around him like the vultures around Prometheus, from taking advantage of the unsettled conditions of the present to promote their pecuniary interest and private political aspirations. I hope the President will be able to listen only to the righteous and to put behind him the dangerous advisers who will take advantage of this emergency to promote their own well-being at the expense of the public interest. I want the President to have every conceivable power necessary to meet the obligations which have been imposed upon him, and I shall not with my vote withhold from him any legitimate, proper authority which the exigencies of the hour demand should be conferred upon him.

Mr. GALLINGER. Mr. President, this bill is soon to be passed, I apprehend, and I hope it will be pretty nearly the end of legislation of this kind at this session of Congress.

It surprised me very much to have the Senator from North Carolina [Mr. OVERMAN], the acting chairman of the committee, say that we have not delegated any additional power to the President in the bills that we have been passing from time to time. I do not believe the Senator from North Carolina can make the country believe that, notwithstanding he apparently has persuaded himself on that point that such is the fact.

This very day a very prominent Member of the majority made the suggestion to me that he hoped, after this bill had passed, that we could look after the appropriation bills and adjourn Congress. I said to him that that met with my cordial approval, and that I trusted the majority would so shape matters that we could get away from the heated term in Washington in a reasonable time this summer. But, Mr. President, looking at bills lying on my desk, it seems to me that if we are going to take up some other bills that have been introduced by distinguished Members of the majority, instead of felicitating ourselves that we will have a few weeks or months in which to rest from the duties that we have been discharging so earnestly and arduously, we would better send for our winter clothes and conclude that we are going to be here until the next session of Congress.

Mr. President, I find on my desk, among others, two bills that have attracted my attention. Of course, it may be said that they will not be acted on. They are before committees of the Senate and House, having been introduced by prominent and influential Members of this body and the other one, and I apprehend that they may be pushed for consideration before we adjourn.

The first is House joint resolution 268, introduced by Mr. AYRES, of Kansas. I am not going to read the entire joint resolution, but will content myself by reading four or five lines from it, as follows:

> That the President is authorized from time to time to purchase, to store, to provide storage facilities for, and to sell for cash at reasonable prices wheat, flour, corn, meal, oats, rye, barley, rice, beans, and potatoes, and products of same.

Mr. President, I suppose that after Congress passes that measure, if we should do so, it will be said that we have not given additional powers to the President of the United States. We will have simply put him in the business of buying and selling the products of the farms—that is all—and I am opposed to it. But it will be said that is necessary for the national defense and the security of our country, and that we should do it. I do not like that kind of legislation. It is not the kind of legislation that we have had in the past. It is not in consonance with the fundamental ideas of our governmental system.

I have been much disturbed, Mr. President—I have made no talk about it because it is not very important what my opinion may be on the subject—when I have read that we are going to force upon the countries of Europe democracy, or the principles of democracy, which means, if it means anything, the system of government that we have in the United States; that we are going to overthrow autocracy in Germany and in other nations that are at war with our allies and ourselves. My concern has been that while we are trying to do that, if we accomplish it, we are in danger of fastening upon our own country a system of autocracy such as the world has never known before. It may be said that it is only for the war. That may be for 1 year or for 10 years, God only knows; but I do not believe that we ought to abandon those principles for which our forefathers fought, and for which the Government fought during the Civil War, and for which we have stood in all history in matters of legislation.

I turn to another bill—and I am only going to talk for two or three minutes, Mr. President—Senate bill 4152. I want to read the first provision of it. It is a bill introduced by no less a personage than my good friend the able Senator from Oregon [Mr. CHAMBERLAIN]. I presume that he introduced it on his own responsibility. I do not know whether that is so or not, because it is a very difficult matter for us to know exactly where to place responsibility in reference to bills that come before us for consideration at the present time. This bill provides:

> That the President be, and he hereby is, authorized, either directly or through such executive department or agency as he may designate, to take over for and on behalf of the United States from time to time during the present war the possession and use or ownership of any and all personal property and such use of, or such right, title, and interest in and to, any and all real property, or any part or portion thereof, as in his opinion is necessary for the national security and defense or the conduct of the Government.

Mr. President, that is a sweeping and drastic bill. It proposes to pass over to the President of the United States the right to take over not only the real estate of the citizen at his sweet will, but the right to take over the personal property of every citizen of the Republic, if he sees fit to do so, upon the plea that it will aid him in the successful prosecution of the war. I suppose that means that in the case of the accumulations of the citizen, the bank account of the citizen, the money that he has accumulated through long years of hard labor and which he has put away for the protection of his family or perhaps for himself in his old age, the President of the United States can reach out his strong hand and take that property and use it as he sees fit, under the unsupported plea that it will aid him in prosecuting the war to a successful issue. It is a tremendous power, but yet I apprehend that if that bill shall pass—I hope it may not—Senators will say, as they are saying regarding the so-called Overman bill now under consideration, "Why, that is not giving the President any great power. It is not adding to his power to enable him to do that. He ought to be given absolute and unquestioned authority to do anything and everything, so far as the citizen is concerned, that he sees fit to do as Commander in Chief of the Armies and Navies of the United States, and as Chief Executive of this land."

Mr. KING. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. I yield; certainly.

Mr. KING. I have not seen the bill to which the Senator is now referring.

Mr. GALLINGER. I will send it to the Senator.

Mr. KING. But I apprehend that it must be drawn upon the theory that the President of the United States is authorized to exercise, for and in behalf of the Government and as the agent of the Government, the power of eminent domain. The Senator knows that in every State of the Union public-utility corporations have the power to exercise the right of eminent domain, and they may condemn real estate, and they may condemn personal property. Obviously, during the progress of the war, we may have to condemn personal property at times, because we are now condemning real estate necessary in the prosecution of the war; and if this is merely giving to the President the power to exercise the right of eminent domain——

Mr. GALLINGER. To do it without condemnation.

Mr. KING. Or the right to condemn personal property necessary for the prosecution of the war, I do not think the Senator could complain because we give him legislative authority, if legislative authority is necessary, for that purpose.

Mr. GALLINGER. Mr. President, in view of the arguments that have been made by other Senators, I am not surprised that the Senator from Utah makes this argument to-day. It is in line with what we have heard on the bill that is about to pass—that no matter what power we give to the President of the United States, he will exercise it wisely, and, as the Senator now suggests, he will have a right to exercise it without our authority. I do not believe so. The Constitution provides that no property shall be taken from the citizen without due process of law, but now it is proposed to do that very thing without reference to the provision of the Constitution.

I say to the Senator from Utah, and I say to the Senate, that when we put into the hands of the President of the United States, if we ever shall, the power that is embraced in that bill, to take possession arbitrarily and ruthlessly of the real estate of the citizen and the personal property of the citizen without any process of law, we are putting in the hands of the President a power that, in my judgment, has rarely if ever been heard of in the history of the world. For that reason, as I said a moment ago, if we are to adjourn this session of Congress within any reasonable time, I hope these two bills, at least, will not be pressed for consideration, because if they are I feel sure that the length of time that has been consumed in the consideration of the bill upon which we are soon to vote will be but a small portion of the time that will be taken in discussing the two bills to which I have just called attention; and I might enlarge the list, because there are other bills of a similar character lying about my desk, and which we are told we should support because, forsooth, the President wants it done. That is the crux of the argument, and I reject it as absolutely unsound and dangerous.

Mr. President, in the legislation of this session, and also of the last session, we have very largely taken from the legislative department of the Government the powers granted to that department by the Constitution of the United States, and passed them over to the executive department. I can not, by any possible course of reasoning, reach any other conclusion than that. It may some time become necessary to change our form of government, but it does not exist to-day. No one can state what the emergency in this country will be in the future, and we may be driven to do unconstitutional things to save the Government. As we scanned the newspapers this morning, and read the declaration of Lloyd-George, every one of us was forced to the conclusion that there is a great peril facing the United States at the present moment, and that we undoubtedly will have to resort to extraordinary means to support our armies and our navies before this war comes to a conclusion. I am willing to go to any reasonable extent along that line, but I do not believe this bill is calculated to accomplish that. I have voted for every so-called war measure that has been presented to Congress. I left my sick bed to come here to vote for the declaration of war, and I want to aid the President in every reasonable, proper, and constitutional way in the conduct of the war; but I am not willing to abrogate all the powers, the functions, the rights, and the duties that the Constitution imposes upon the legislative branch of this Government, and pass them over to any other department of the Government or any individual, however high his position may be. I may be wrong in some conclusions that I have reached regarding that matter, but nevertheless I have been persuaded—and I have been unable to disabuse my mind of the feeling—that we have gone about as far as we ought to go; indeed, that we have gone further than we ought to go until a greater emergency confronts the country than confronts it at the present time.

Mr. President, that is all I care to say. I do not want to obstruct the President in the performance of the great duties that are imposed upon him. I fully understand what his responsibilities are and what his troubles are. I knew Abraham Lincoln, and I know how he felt at certain critical times during the Civil War, because I myself saw the tears course down his cheek in a great emergency; and I have no disposition whatever to embarrass our present Chief Executive in the prosecution of the war in any reasonable and proper way. But I say again, Mr. President, that I think we ought to be very careful, we ought to take counsel with ourselves, laying aside, what we have laid aside, all partisanship in this matter, and ask ourselves the serious question whether we are not endangering the prerogatives and the rights of the legislative branch of the Government in putting such enormous powers into the hands of the Chief Executive.

I have no disposition to delay a vote upon this bill. Indeed, if I had had my way, it would have been voted upon before now. How I shall vote upon it is a matter of conscience with me, for which I shall be responsible to my own people and to the country; and I hope that every Senator will conscientiously and honestly cast his vote in the interest, as he sees it, of the great fundamental principles of our Government, and the perpetuity of our institutions.

Mr. CUMMINS. Mr. President, when upon a former occasion I expressed the belief that the authority sought to be granted to the President in this measure was beyond our constitutional power, I did not enter into the discussion of the subject at any length, first, because my mind was chiefly concerned with another phase of the matter; and, second, because I was perfectly aware, as I am now, that in the juncture in which we find ourselves every Senator will discover constitutional ground upon which to plant himself for the performance of any act which he thinks ought to be performed. I am not willing, however, that the debate shall close without putting on record a restatement of my views concerning our constitutional authority to pass the bill. I am moved to do it because the entire discussion since that time has misapprehended and misconstrued wholly the position I attempted to take.

This measure is not an abdication of legislative power in any proper sense of that word. It is an abdication of legislative responsibility, however, in the complete and perfect sense of the word. It is an attempt to delegate to the President legislative power, and I reach that conclusion—and I shall be very brief about it—in this way:

The act of transferring powers and functions from one office, whether created by the Constitution or by statute law, to another office, likewise created by the Constitution or by statute law, is a legislative act. There can be no reasonable controversy with regard to that proposal. Otherwise we would have no power, we would have no authority ever to accomplish a purpose of that kind, and that we have the power is manifest by simple reference to its constant use by legislative bodies.

Whenever the transfer of the powers and functions shall occur, therefore, under this bill from one office to another or from one officer to another, the transfer must be accomplished by the legislative will. If this bill proposed that the functions or powers of one officer, say the Secretary of War, should be transferred to another officer, say, the Secretary of the Navy, but that the law should not go into effect until the President determined the existence of some event or some fact upon which the transfer should take place, it would be a legislative transfer and not an executive transfer, and the law would be wholly constitutional.

If, however, the bill admits the construction that it places in the discretion of the Executive the authority to make a transfer of all the powers of the Government in and amongst its offices and officers, then the transfer when it takes place is not a legislative one, it is not in accord with the legislative will, it is not dictated by the legislative judgment, and it becomes an executive act, and in my judgment is not warranted by the Constitution.

I am not prepared to admit that we could pass a law which would declare that whenever, in the judgment of the President, it is for the public welfare that the functions and powers of the Interstate Commerce Commission should pass to the Federal Reserve Board. But even it should be so admitted this is not such an act. The transfer that we authorize here is not to go into effect upon the happening of an event found by the President to exist or to have occurred, not upon the occurrence of any fact which he is to discover, adjudge, and promulgate.

In a very brief way that is the reason which led me to the conclusion that we were exceeding our constitutional authority, and every word which has ever been written by the Supreme Court upon this subject as far as we have gone along that line simply confirms my conviction that this particular measure is not in harmony with the Constitution.

I have said so much because I wanted my view to be understood, and if it ever becomes material in the future I wanted my attitude toward the subject to be incapable of misunderstanding. One is compelled, if he feels a doubt about his conclusion in regard to the matter, to state it, in view of all the differences of opinion which exists among men who are learned in the law. I did not say originally nor do I say now that my doubt with regard to our constitutional authority would be the paramount influence with me in the vote that I shall pass upon the measure. I am especially opposed to certain parts of the bill not so much because I think we are without authority to enact it but because I think we are inflicting a blow upon free institutions and lifting up an obstacle in the way of the successful prosecution of the war and the unification of the people that we can not easily remove.

Mr. HARDING. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Smith, Ariz.
Baird	Gulon	Martin	Smith, Ga.
Bankhead	Hale	Nelson	Smith, Md.
Borah	Harding	New	Smith, S. C.
Chamberlain	Hardwick	Norris	Sterling
Colt	Henderson	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Thomas
Cummins	Jones, Wash.	Page	Townsend
Curtis	King	Poindexter	Trammell
Dillingham	Kirby	Pomerene	Underwood
Fall	Knox	Reed	Vardaman
Fernald	Lenroot	Saulsbury	Walsh
Fletcher	Lewis	Shafroth	Warren
France	Lodge	Sheppard	Williams
Frelinghuysen	McCumber	Shields	Wolcott
Gallinger	McKellar	Simmons	

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment of the Senator from Ohio [Mr. HARDING].

Mr. JONES of Washington. I ask that the substance of the amendment be read; I do not ask that it be read into every section of the bill, but just to get the language of the amendment.

The SECRETARY. In line 10, page 1, after the word "agencies," insert the words "having to do directly with war production or the conduct of the war." The same words are inserted in two other places.

Mr. JONES of Washington. I simply want to read into the RECORD in connection with that the language of the amendment proposed by the committee:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

I must say that I can not myself see any substantial difference in the two. The President is the judge in both cases, and I think the limitation is the same in one as in the other.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HARDING. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). Upon the amendments to the bill I am paired with the Senator from Wyoming [Mr. KENDRICK], and I withhold my vote.

Mr. FERNALD (when his name was called). I am paired with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote "yea."

Mr. SUTHERLAND (when Mr. GOFF's name was called). I desire to announce that my colleague [Mr. GOFF] is absent on account of illness. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. GALLINGER (when Mr. SMOOT's name was called). As I announced on a former occasion, the Senator from Utah [Mr. SMOOT] is absent from the city on account of illness in his family.

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Hampshire [Mr. HOLLIS], I vote "nay."

The roll call was concluded.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the senior Senator from Michigan [Mr. SMITH], and vote "yea."

Mr. TILLMAN. Repeating the transfer of my pair that obtained on the former vote, I vote "nay."

Mr. SIMMONS. I transfer my pair with the Senator from Minnesota [Mr. KELLOGG] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. GERRY. I have a general pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDENT pro tempore. He has not.

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. McLEAN]. I transfer that pair to my colleague [Mr. WALSH] and vote "nay."

Mr. SMOOT (after having voted in the affirmative). I have just been informed that the pair of some Senator has been transferred to me, and therefore I shall withdraw my vote.

Mr. SWANSON (after having voted in the negative). I understand that the Senator from Rhode Island [Mr. GERRY] transferred his pair to me. I was detained from the Senate on official business. I withdraw my vote, so that the transfer may stand.

Mr. SMOOT (after having voted in the affirmative). I am informed that my transfer has been arranged in some other way, and therefore I will let my vote stand.

Mr. CURTIS. I desire to announce that the Senator from New York [Mr. WADSWORTH] is paired with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 30, nays 43, as follows:

YEAS—30.

Brandegee	Hale	New	Sterling
Cummins	Harding	Norris	Sutherland
Curtis	Hardwick	Page	Townsend
Dillingham	Johnson, Cal.	Poindexter	Underwood
Fernald	Knox	Reed	Watson
France	Lenroot	Sherman	Weeks
Frelinghuysen	Lodge	Smith, Ga.	
Gallinger	McCumber	Smoot	

NAYS—43.

Ashurst	Henderson	Nugent	Smith, Md.
Baird	Jones, N. Mex.	Overman	Smith, S. C.
Bankhead	Jones, Wash.	Phelan	Thomas
Beckham	King	Pittman	Thompson
Borah	Kirby	Pomerene	Tillman
Chamberlain	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Vardaman
Culberson	McNary	Sheppard	Warren
Fletcher	Martin	Shields	Williams
Gerry	Myers	Simmons	Wolcott
Gulon	Nelson	Smith, Ariz.	

NOT VOTING—22.

Calder	Hollis	La Follette	Swanson
Fall	James	Owen	Wadsworth
Goff	Johnson, S. Dak.	Penrose	Walsh
Gore	Kellogg	Ransdell	
Gronna	Kendrick	Robinson	
Hitchcock	Kenyon	Smith, Mich.	

So Mr. HARDING'S amendments were rejected.

Mr. CUMMINS. I offer the following amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. Add at the end of section 2 the following proviso:

Provided, That nothing in this act shall be construed to affect the powers functions, or duties of the Interstate Commerce Commission as defined in the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913, and as defined in the act entitled 'An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes,' approved March 21, 1918."

Mr. CUMMINS. Mr. President, I want Senators to observe that this is not a mere paraphrase of the amendment offered by the Senator from Georgia [Mr. SMITH] and which was disposed of on Saturday. The amendment offered by the Senator from Georgia, and I was entirely in favor of that amendment—I think it ought to have been adopted—exempted entirely the Interstate Commerce Commission from the operation of the act. I am sorry it was not done, but I accept the judgment of the Senate with regard to that question. The amendment which I have offered exempts two powers or two functions alone now conferred upon the Interstate Commerce Commission by law.

The commission is charged by law with very many duties and enjoys large powers under the statutes. I bow to the will of the Senate, although I do not concur in its wisdom, that these functions and these powers, generally considered, may be transferred by the President to any office or officer he may select. They are exceedingly important as well as very numerous. My amendment, however, seeks to segregate just two things among all the powers which have been conferred upon the Interstate Commerce Commission and to relieve them from the operation of this measure. They are first the duty and function of valuing the railroad property of the United States. This duty and function were conferred by an act of Congress passed in 1913. They were conferred or charged upon the Interstate Commerce Commission

because Congress believed that the body which had administered the regulatory law of the United States was the best possible tribunal for the ascertainment of the facts relating to the value of railroad property. I ask that the commission may be permitted, uninterfered with by this law or by any act of the President under it, to continue the work of valuation upon which it has entered and which it has carried forward to a point so closely approaching completion.

I need not say more, for I have already indicated how vital I think this work is and how much concerned the people of the United States are in the proper, fair ascertainment of the value of railroad property.

I ask also that the power and function and duty of the Interstate Commerce Commission as created by an act which Congress passed one month ago shall be retained by the commission. I ask that what it is authorized to do under what is known as the railroad act approved by the President on the 21st day of March, 1918, may remain untouched by the provisions of the present bill. You all remember what those powers are. There was never a debate in Congress more interesting than the one which led to the adoption of the railroad bill and the retention of certain powers of the Interstate Commerce Commission. We were then dealing with this precise subject. We were determining what the Interstate Commerce Commission should do, what power it should have over the operation of the great property passing into the hands of the President. By an overwhelming vote of both the Senate and the House the power of the Interstate Commerce Commission of reviewing rates that might be initiated by the Director General upon the complaint of anyone interested in the subject was retained, or confirmed, as you may see fit to call it, in the Interstate Commerce Commission.

The distinguished chairman of the Interstate Commerce Committee of the Senate led the fight for the retention of this power upon the part of the Interstate Commerce Commission. He was ably and effectively supplemented in his campaign for this measure of protection to the people of the country by the most eminent Members of the majority of the Senate. There was almost unanimous concurrence in the opinion expressed through the votes of the Members of this body and of the House just about one month ago, that the welfare of the people of this country require that the power which had theretofore been granted to the Interstate Commerce Commission for reviewing and passing, after a full and adequate investigation, upon the rates which might be established from time to time by the Director General should be retained. Nobody wants to take away from the Director General the right to initiate rates. I think he would have had that right even if we had been silent in the railroad act with regard to it, and he ought to have it, but equally let the Interstate Commerce Commission be continued in its power under proper circumstances to review the rates which may thus from time to time come into existence.

I ask Senators in all seriousness has anything happened in the last month which leads them to distrust the judgment they then entered or to modify the opinion which they then expressed? We all know that nothing has happened. The conditions are precisely the same. What was for the interest of the people of this country then is for the interest of the country now, and I am appealing to the Members of the Senate with all the earnestness of which I am capable to reflect a moment before they overturn the fabric which has been erected with infinite pains through years of effort upon the part of Congress, with the approval of all the people, and substitute some other system in its stead.

I have no reproaches in my heart and there shall be none upon my lips. I have no disposition to enter into the history of the war and its delinquencies. If there have been delinquencies they are not to be laid at the door of Congress, nor do I insist that, in the main, they could have been avoided by any human foresight.

Because there have been difficulties in our preparations for war, because there have been obstacles in the way which we have found it impossible to surmount, I hope that Congress will not, in an impulse of fidelity to the administration, clothe the President with a power which he can not use in the conduct of the war, although there is a sense in which the Interstate Commerce Commission and all that it does and all that it controls is related to the war, just as the energy of every human being in America, no matter in what channel it may be employed, is in some way related to the mighty controversy which is now engaging the attention and the strength and the power not only of the United States but of every other considerable nation in the world.

I hope that Senators will not regard the question I have proposed in this amendment as foreclosed by the vote which defeated the amendment offered by the Senator from Georgia [Mr. SMITH]; I hope they will review the subject calmly and reflectively and retain for the welfare of the people, and thereby for the successful prosecution of the gigantic undertaking which we have assumed, the jurisdiction and the functions of the Interstate Commerce Commission in these two respects at least.

Mr. SMITH of South Carolina. Mr. President, the two points to which the Senator from Iowa [Mr. CUMMINS] has called the attention of the Senate were, of course, reviewed when we had the railroad bill under discussion. I want to say in reference to the first—the physical valuation of the railroads—that the information gathered by that commission with reference to the real valuation of the roads would have been of considerable importance to the committee. I made inquiry of the member of the commission who had charge of the physical valuation of the railroads, and although three or four years had been consumed in the investigation, something like $11,000,000 had been expended, he informed me, and through me the committee, that there was not information of any importance to give us; and, as has been suggested, that at a time when we were attempting to pass an act here dealing justly with the owners of that property in its relation to the public whom they serve. The committee did not get one word of any value whatever in relation to that valuation.

I desire to say in this connection that a study of the provisions of the physical-valuation law will convince any practical business man as to its utter impracticability if not its impossibility of executon. The physical value of the roads necessarily changes from time to time; no one will pretend to say that the physical value of a piece of property to-day must necessarily be the same as of the date of the inception of a long investigation and ascertainment of its value.

So I consider as to that feature of the proposed amendment which has been offered by the Senator from Iowa that a good purpose would be served if we should either give somebody the power to suspend the law or should suspend it ourselves.

Mr. CUMMINS. Will the Senator from South Carolina yield to me?

Mr. SMITH of South Carolina. I will.

Mr. CUMMINS. I assume the person to whom the Senator from South Carolina is referring is Judge Prouty. Judge Prouty is not a member of the commission at all, but is chairman of the committee or bureau on valuation.

Mr. SMITH of South Carolina. Yes.

Mr. CUMMINS. And is it not true that he said that the inventory which had been in the course of being made in the last four years was complete with regard to a great many railroads and was incomplete, although partially advanced, with regard to a great many others, that the elements of value had not been passed upon by the commission in any case; but that in one year the inventory could be completed and in one more year the commission could pass upon the entire matter?

Mr. SMITH of South Carolina. Mr. President, there was quite a good deal of explanation, as will always be found in connection with requests for great appropriations by Congress, but we got no information as to the roads that had been valued which was of any use to us in determining the compensation which we ought to give the roads. I am fully convinced of the truth of my statement, and I think the Senator from Iowa perhaps does not attach such great importance to that work as would be attached to the second proposition.

Mr. President, I took the position in the committee and on the floor of the Senate that the rate-making power of the Interstate Commerce Commission should remain with that body. I then gave my reasons for that contention, and I shall not now repeat them. I am as heartily in favor of that now as I was then.

The difference between the legislation that was proposed at that time and this legislation is this: There we specifically proposed to remove from the Interstate Commerce Commission the rate-making power and during the operation of Federal control of railroads to give it to the Director General of the Railroads. Here we simply provide that if the exigency of this war emergency calls for a transfer of the functions of one department to another for the proper prosecution of the war, the President shall have the power to do that. I take it that after the Senate and the other House have so overwhelmingly expressed their will as to the rate-making power, the President of the United States will not seek, and is not seeking, by indirection to do that which he found he could not do by direction; and if the emergency arises by which the functions of the Interstate Commerce Commission must be discharged by some other agency, the rate-making power will not be assumed by it.

I will go one step further, Mr. President. I want to make myself plain. Never before in the history of the world has

such a conflict appalled the nations of the earth; never before since the foundation of this Government has the menace of its disruption loomed so large as now. In the awful armed struggle the conditions and circumstances have so radically changed that veterans of other wars are on the same footing with the novices that go to the front. Each day brings new experiences. This war is being fought largely in the scientific laboratories of the different countries. We are face to face with the issue, which is growing larger and more menacing, as to whether or not America with her Government shall exist. Not only that, but we are threatened with the danger of having our very Government disrupted and being placed under the domination and control of those who in this war have evidenced the fact that all common feelings of humanity as expressed in our civilization are disregarded. The very sanctity of our firesides, the virtue and chastity of our women, are in the balance. Our enemies have a disregard for all that we, even in moments of passion and under the impulse of war, will grant to our enemies. That is denied to those whom this horde of rapine and lust have overrun. The means they have with which to accomplish their hellish purposes seem to have availed in part.

Under these circumstances I am willing, for one, if it becomes necessary to do so, to place the entire power and resources of this country in the hands of one man in order to save that which is dearer to you and to me than are the wealth and property of this country as expressed in rate-making or commerce or otherwise. I am willing to lay all upon the altar of our country and to give one man supreme power, a godspeed, and the upholding and the encouragement that you and I can give him. I will give it all if we can save that which has made this country so dear to us if the President asks it in the supreme hour of our peril. He must recognize the responsibility for which he is asking. He has become the spokesman, the head and front, of that organized, solidified force that is to meet in the shock of battle and compel a decision as to whether or not America, with her civilization and her laws, shall exist or shall cease to exist. He has asked it, and I, for one, shall vote to give it to him. If he says it will take the civil, the military, and the naval forces combined to accomplish our just purpose, if he wants to assume the responsibility now, I am willing to give to him the trial. I do not know. In this cataclysm all the old landmarks have been wiped out; the very nature of warfare has been changed and is changing from day to day. The air and the depths of the ocean have become battle fields; and you and I do not know with what to meet the attack. What was essential and efficient in all the wars preceding this seems to have been discarded, and brave men are feeling their way along to find proper and efficient weapons with which to meet the kaleidoscopic changes in this murder across the sea.

I do not know, God knows I wish I did know, what is right in this emergency, in this hour of darkness; but not knowing, I will not hold on to the little precedents which have granted me the enjoyment of certain rights and privileges, if by withholding them I shall be in doubt as to whether or not I have subtracted somewhat from the power that is necessary in order to meet the power which is concentrated abroad. There is no Senator on this floor who has greater regard for State rights than have I, who will hurry with a gladder heart or with swifter feet to reestablish them when the glad day shall come that this menace is removed; but I will not stand pleading for State rights now.

Until that hour has come, I believe in trusting the loyalty and patriotism of those who are charged with responsibility in the prosecution of this war. If I did not believe in them, I would ask and I would join with others in asking their removal from office. You and I can not afford to take chances now. If these men do not measure up to the supreme task, we shall have to have others. America is dearer to me and to you than is the mere partisanship of Democracy or Republicanism. Over and above it all and in it all are America and her institutions. If these men can not preserve them, we have men who can. Every American citizen has the same object in view. To the men whom we have charged with responsibility for the prosecution of this war I am willing, upon their initiative, upon their suggestion, to say, "I do not know; you have asked it, and here it is." If in the execution of that policy it proves to be a failure and there is a lack of judgment and efficiency on their part, then we must have others.

America is to be saved, and I will not stand and quibble over whether or not there is precedent on the statute books for a law we are called upon to enact. The question is what is necessary in the judgment of those charged with responsibility to win this war. The situation grows darker every day; there is not a man here whose heart is not chilled at the revelations that come day by day from the other side. It is time for us, not in a spirit of criticism but in a spirit of Americanism, to seek to save the Nation, and then as partisans of different political faiths to fight out our differences when the skies are clear and there is on the horizon no cloud of rapine and lust that threatens our peace and happiness and the perpetuity of our splendid form of government.

Mr. SMITH of Georgia. Mr. President, if I knew a man in the United States who I thought had superhuman qualities, if I thought the President had such qualities, if I thought there was anyone anywhere who, if given all power, would show all wisdom, I would willingly make him dictater and give him all power to whip the Germans, but, unfortunately, there is no man of that class.

The Senator from South Carolina [Mr. SMITH] says that he wishes to put power in the hands of those charged with responsibility. He is giving up by this bill the authority of those charged with responsibility, for the Constitution provides that not only shall the Congress declare war and provide money to conduct it, but also it shall make rules for the regulation and government of the armies and navies. Congress is charged by the Constitution with a full share of responsibility, and we are not simply transferring power to those charged with responsibility; we abandon our own responsibility.

I have at all times been willing to vote for the portion of the bill which gave the President the right to redistribute the functions of the Army and the Navy, of the Shipping Board, and of the Emergency Fleet Corporation. I have been opposed to authorizing him to transfer the functions of the civil establishment. I am opposed to that because I am sure it will not help win the war and because there is nothing in the civil establishment that ought to be changed merely during the war. I grant that there are features of the civil establishment that might be wisely changed, if carefully studied and changed permanently, not simply during the war.

I am sure the Interstate Commerce Commission ought not to be interfered with, and I am sure that the Federal Reserve Board ought not to be interfered with. I hope the President will not interfere with them; I hope no President will interfere with them. I know if he does he strikes my country a blow that may shatter her finances, her banking, and her industries during the war.

I can not accept the mere statement that it is desired to make these changes to help win the war when I look further and see that the changes might weaken the country industrially and hinder the country in winning the war. I do not recognize the President as the wisest banker or the wisest business man in the land. I do not see any reason why the control of these branches of the civil government as regulated by the Congress should be transferred to any President.

Mr. President, I have prepared an amendment in the nature of a substitute for this bill, which gives all the power asked so far as the Army and Navy, the Shipping Board, and the Emergency Fleet Corporation are concerned. I do not desire to detain the Senate to present it formally and have it voted upon, for votes taken show it will not be adopted, but I ask leave to have it printed in connection with my remarks. I do not intend to offer it.

The VICE PRESIDENT. Without objection, permission is granted.

The amendment referred to is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. That for the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the land and naval forces the President is hereby authorized to make such redistribution of functions in and among the War and Navy Departments, the United States Shipping Board, and the United States Shipping Board Emergency Fleet Corporation as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon such departments, board, corporation, or bureau, and upon bureaus, offices or officers of the same, in such manner as in his judgment shall seem best fitted to carry out the purposes of this act, and to this end is authorized to make such regulations and to issue such orders as he may deem necessary: *Provided*, That such regulations and orders shall be in writing and given due publicity: *Provided further*, That this act shall remain in force during the continuance of the present war and for one year after the termination of the war by the proclamation of the treaty of peace, or at such earlier time during the said year as the President may designate: *Provided further*, That the termination of this act shall not affect any act done or any right or obligation accruing or accrued pursuant to this act and during the time that this act is in force.

SEC. 2. That in carrying out the purposes of this act the President is authorized in and among the War and Navy Departments, the United States Shipping Board, and the United States Shipping Board Emergency Fleet Corporation to utilize, coordinate, or consolidate any bureaus, offices, or officers, to transfer any duties or powers from one existing bureau, office, or officer to another, and to transfer the personnel thereof, or any part of it, either by detail or assignment.

SEC. 3. That the President is further authorized to establish an executive agency which may exercise such jurisdiction and control over the production of aeroplanes, aeroplane engines, and aircraft equipment as in his judgment may be advantageous; and, further, to transfer to such agency, for its use, all or any moneys heretofore appropriated for the production of aeroplanes, aeroplane engines, and aircraft equipment.

SEC. 4. That for the purpose of carrying out the provisions of this act any moneys heretofore and hereafter appropriated for the use of any such department, bureau, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said function.

SEC. 5. That upon the termination of this act all executive or administrative agencies, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as heretofore or as hereafter by law may be provided, any authorization of the President under this act to the contrary notwithstanding.

SEC. 6. That all laws or parts of laws conflicting with the provisions of this act are to the extent of such conflict suspended while this act is in force.

Mr. SMITH of Georgia. Mr. President, with reference to the transfer of functions in the Army and Navy, the Shipping Board and the Emergency Fleet Corporation, I wish to say that I do not believe that that power is of any great value, yet I am perfectly willing to have it granted. The thing of real value has been done since this bill has been under consideration so far as the Shipping Board is concerned, for we have had at last placed there a man of powerful mind and organizing capacity. What we have lacked there has not been the power to transfer functions; it has been the failure to transfer men. What was needed was not the moving around of authority but the placing in control of one man—not simply an admiralty lawyer or a few lawyers who knew nothing about shipbuilding—a real manufacturer or a real construction genius to build ships. Thank God, I believe that there is such a man now in charge of that work.

Take the building of our fighting aircraft. The trouble has not been because of a failure to transfer functions; the President has had that power; it has been because of the lack of a man to attend to the work. The trouble in the War Department now is not the lack of power by the President to transfer functions; it is a change of men we need; it is the placing of men in position with power who really mean to fight the war. I will not name any of them who might resign and have substitutes put in their places, but that would be vastly more important to the country and vastly more important in connection with our whipping the Germans than this bill allowing a transfer of functions. It is not the transfer of functions that is so much needed; it is the placing of men with mind and strength and iron in places of responsibility, who will change the management and put force and drive and strength into every part of the War Department. That is what is needed to whip the Germans.

Still I am willing for functions to be changed around. They say there is red tape in the way. Why, Mr. President, there is not a man who knows anything about the organization of the departments in Washington who does not know that there is no red tape in the departments except that which the lack of executive ability on the part of Cabinet members has permitted to stay. It does not take an act of Congress to get rid of the red tape. That plea in behalf of this bill is persuasive only to the uninformed.

We have not been told of a function that is to be changed anywhere. Do you know why? Because there is not one of sufficient importance to be worthy of mention. That is why. I do not object very much to any portion of this bill except as it has reference to the Federal Reserve Board and the Interstate Commerce Commission. I do not think it will amount to much in its effect upon the civil departments. I do object to it very much as to those two agencies.

I have been trying to get a little comfort about the Interstate Commerce Commission, and wondering if it will not be a pretty difficult thing to transfer their functions to some other bureau, and, if they are transferred, if the repository of those functions will not be compelled to hold a trial and give a hearing to unjustly treated shippers and communities. I do not know; I have been thinking about it since last Saturday, just trying to find some way to save the industries of the country from the wreck that might otherwise be caused by this bill. If the transfer of the functions of the Interstate Commerce Commission requires what I suggest, nowhere else can an agency be found to perform the functions, and they must be left where they are.

I have said that under no circumstances would I vote for this bill. I think the best thing about it is the amendment of the Senator from New York [Mr. WADSWORTH], which definitely gives power and authority with reference to the man to be put in charge of building flying machines. There is something tangible in that. If the President wants the authority to change the functions of the War and Navy Departments, I am perfectly willing for him to have it; but I can not tell anything he wants to change, and I do not think there is much that can be accomplished. I have about come to the conclusion that the true reason we have not been told anything is because there is nothing to tell. There might something come up; and I think the President ought to have a free hand about the War and Navy Departments, and if anything should come in connection with which he wanted to take action I would be in favor of his taking it. If I am mistaken and he has something in mind, I still wish to give him a free hand; if there is anything he can do, I want him to do it; and if there is anything others can do to help win this fight I want them to do it. No man lives who is more impressed with the serious feature of the war or who is more willing to make sacrifices to whip the Germans than I. I have reached the conclusion that we must not only win in France but that before we get through we must finish the fight for good, and reach a place in the fight where we will not be troubled with the Germans any more.

I am willing to carry the fight that far. I think it is a fight to the finish. I think it is useless to talk or think about anything but fighting the Germans when you think of the Germans. I would have our own country realize the seriousness of the fight, the folly, the lack of vision of our country in not getting ready for it before we declared the state of war to exist; and now I am in favor of the immediate preparation of men and ordnance for 5,000,000 men, at least. I agree with ex-President Taft; I think it is folly for us blindly to see this fighting going on in France, not realizing that we may have to fight by ourselves; and if we have any vision we will prepare the guns and the munitions and the men to fight by ourselves, if necessary. God grant it will not be necessary; but if there is one chance in ten that it may be necessary, there is no excuse for not getting ready to do it.

I trust the Ordnance Department will proceed upon the theory that we must have the guns and have the cannon and have the powder to arm and keep at the front 5,000,000, and I trust we will take steps in the near future to prepare the officers for that number and be ready to put them into action. Anything less is lack of vision.

Mr. President, I have not fully made up my mind, all the amendments being beaten, whether to vote at all, or to vote against this bill, or to vote for it. I do not think there is a great deal in it. There are just two things to cause serious harm in it. I refer to the Federal reserve and the Interstate Commerce Commission. If the President really sees anything in the transfer of functions that can do any good, I wish he had told us about it. I do not see it. I am willing for him to have it. But whatever happens, I believe the Senate, without regard to any partisan spirit, without regard to politics, is ready to back the President and stand to the last man for everything that will help conduct the war with force and power.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Upon that I ask for the yeas and nays.

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McLean	Smith, Ariz.
Baird	Gulon	Martin	Smith, Ga.
Bankhead	Hale	Myers	Smith, Md.
Beckham	Harding	Nelson	Smith, S. C.
Brandegee	Hardwick	New	Smoot
Chamberlain	Henderson	Norris	Sterling
Colt	Johnson, Cal.	Nugent	Sutherland
Culberson	Jones, N. Mex.	Overman	Swanson
Cummins	Jones, Wash.	Page	Thomas
Curtis	Kellogg	Phelan	Townsend
Dillingham	King	Pittman	Trammell
Fall	Kirby	Pomerene	Underwood
Fernald	Knox	Reed	Vardaman
Fletcher	Lenroot	Saulsbury	Walsh
France	Lewis	Shafroth	Watson
Frelinghuysen	McCumber	Sheppard	Williams
Gallinger	McKellar	Shields	Wolcott

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present. The Senator from Iowa has asked for the yeas and nays upon the amendment.

The yeas and nays were ordered.

The VICE PRESIDENT. If there be no further discussion, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). Making the same announcement as on the former roll call with reference to my pair, I withhold my vote.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. GERRY. I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. CHAMBERLAIN. I announce that the Senator from Oklahoma [Mr. OWEN] is detained on official business.

Mr. CURTIS. I announce the following pairs:

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from Louisiana [Mr. RANSDELL].

The result was announced—yeas 31, nays 43, as follows:

YEAS—31.

Brandegee	Hale	New	Sterling
Cummins	Harding	Norris	Sutherland
Curtis	Hardwick	Page	Thomas
Dillingham	Johnson, Cal.	Poindexter	Townsend
Fernald	Kellogg	Reed	Underwood
France	Knox	Sherman	Vardaman
Frelinghuysen	Lenroot	Smith, Ga.	Watson
Gallinger	McCumber	Smoot	

NAYS—43.

Ashurst	Jones, N. Mex.	Nugent	Smith, Md.
Baird	Jones, Wash.	Overman	Smith, S. C.
Bankhead	King	Phelan	Swanson
Beckham	Kirby	Pittman	Thompson
Chamberlain	Lewis	Pomerene	Tillman
Colt	McKellar	Saulsbury	Trammell
Culberson	McLean	Shafroth	Walsh
Fletcher	McNary	Sheppard	Warren
Gerry	Martin	Shields	Williams
Guion	Myers	Simmons	Wolcott
Henderson	Nelson	Smith, Ariz.	

NOT VOTING—21.

Borah	Hitchcock	La Follette	Smith, Mich.
Calder	Hollis	Lodge	Wadsworth
Fall	James	Owen	Weeks
Goff	Johnson, S. Dak.	Penrose	
Gore	Kendrick	Ransdell	
Gronna	Kenyon	Robinson	

So Mr. CUMMINS's amendment was rejected.

Mr. STERLING. Mr. President, I think it should hardly be necessary at this time for a Senator to state his position in regard to the war and its vigorous prosecution; but some intimations have been made by the Senator in charge of the bill, and I do not know but by one or two other Senators as well, to the effect that the matter of politics was involved in the opposition to the bill.

I simply want to say, Mr. President, that I have hardly been able to think in terms of party in the discussion of any of these war measures. I am for the prosecution of this war on our part with all America's might, mind, soul, and strength until it ends in a victory for the allied arms; until every German soldier, whether he be in France, Belgium, Serbia, Roumania, or the Ukraine, is back within the original boundaries of the German Empire, and the allies, free from the scourge of the Hun, can dictate the terms of a just and lasting peace. To this end, Mr. President, I have supported every war measure from the declaration of war down to the present hour; and I have not paused either to measure closely or to dole out the powers we conferred upon the President in the several bills in which we have granted him such large powers, as, for example, the food-control bill, the espionage act, and the trading-with-the-enemy act, nor have I paused to scrutinize them closely from the standpoint of our authority under the Constitution to confer such powers. It was my desire that the President have all the power necessary to accomplish the purposes of the acts which I believed to be steps reasonably necessary in the winning of the war. But these acts which we have already passed related to particular subjects. The powers granted were certain and specific. The Congress and the country knew what could be done and what to expect. These grants of power are not analogous to the grant asked for in the pending bill; they form no precedent for it; neither do the acts cited in the brief of the Senator from North Carolina. Indeed, since in all these cases they were specific grants for specific purposes, they constitute an argument against the blanket power here sought for rather than an argument in favor of it.

And I here venture the assertion that powers such as are here contemplated were never asked or granted or dreamed of before. Have we yet fully realized what they are? Inquiry has failed to reveal the purpose for which they are wanted. One of the excuses for granting them is that they will never be exercised, at least, to anything like their full extent. Much of the discussion has been discursive, and naturally so, inevitably so, because of lack of any knowledge, definite or indefinite, as to the consolidations or reorganizations or reforms of any kind which were to be effected on the passage of the bill. Senators have regarded the exemption from the operation of the bill of the Federal Reserve Board and the Interstate Commerce Commission as highly important. I agree with them. The bill is heralded as a war measure. It is for the period of the war and a limited time thereafter. In the usual phraseology, it is for the national security and defense. Why should not only these two but the Civil Service Commission, the Federal Trade Commission, and every other permanent and independent commission whose primary functions and powers are in no way connected with the prosecution of the war be exempt? What redistribution of their powers and functions can be made that will aid in the prosecution of the war? Name one.

But the discussion in regard to these commissions, important as they are, is, after all, so much camouflage of the main issue, which is, Shall the President be given the power, without one scintilla of evidence as to the necessity for such power, without the citation of one concrete instance in which it is thought desirable to exercise the power, to redistribute all the functions and powers of the several executive departments of government? For this is what this bill, in very terms, proposes to do. Has that been fully comprehended? Has the full meaning, significance, and sweep of it been grasped?

There is no legislation with which to compare it, for the simple reason that no legislation ever enacted by Congress has been revolutionary. This is. Four great departments of government were created in 1789 by Congress, the only power that could create them—the Departments of State, of the Treasury, of War, of Justice. The others have been added since. Their powers and functions were conferred and prescribed by the several acts of creation; and thus Congress distributed their powers and functions. Subsequent acts of Congress have, as need has arisen, added other powers and functions. They are all appropriate, all necessary. Whether in peace or in war, they are to be and can effectually be administered only by the departments to which they were originally severally distributed. Having been in the exercise of these powers and functions for now considerably more than a century, these departments have the adequate and necessary rules, regulations, equipment, and machinery for the transaction of all the business pertaining thereto or over which they have control. Congress could not itself make a redistribution of these powers and functions without creating havoc indescribable. Nothing would so cripple our energies or paralyze our war efforts or our war program as to undertake now a redistribution of the powers and functions of the executive departments.

What would the Department of Commerce do with the powers and functions of the Department of War if it had them, or vice versa; or the Department of Agriculture with the powers and functions of the Department of the Navy if it had them, or vice versa? I can imagine the consternation with with which the farmer, who has been benefited in a thousand ways by the interest and activities of the Department of Agriculture, will view the grant of a power which in its exercise could transfer the powers and functions of a great department on which he has come to rely to some other department—one which neither under the law nor through experience nor tradition has the remotest connection with his agricultural needs or ideals. He would think, if he did not exclaim—

> Oh Judgment, thou art fled to brutish beasts, and men have lost their reason.

If not something worse; and, level-headed as he usually is, he would, in answer to the claim that this was for the purpose of winning the war, be apt to say: "One good way to win the war is not to get stampeded to begin with."

It is time we learned the naked truth, that power to redistribute all the functions and powers of the executive departments of the Government is not, and never can be, necessary to the winning of the war. When the people understand the situation, and that this bill is not a bill simply to prevent duplication in the secret service, or in the health service, or in some other service, but that it carries with it the awful power to reorganize the Government by revolutionizing the great governmental departments that have stood the tests of time, of peace and of war as well, they will denounce a measure which as yet is imperfectly understood by them, if understood at all. This failure to understand is through no fault of theirs, but because of the meager reports that have gone out in regard to the scope of the bill and the persistent camouflage in which its proponents have indulged.

Will we not take a lesson from the warnings of statesmen and from students of our institutions? I quoted that fine ad-

monition found in Washington's Farewell Address in my remarks a few days ago. I shall not repeat at length, but here is one sentence:

The necessity of reciprocal checks in the exercise of political power by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others has been evinced by experiments, ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them.

One further excerpt:

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transcient benefit which the use can at any time yield.

Point out, if you can, one benefit—even transient benefit—which will result from a power to redistribute all the functions and powers of the executive departments of the Government.

Mr. President, in seeking to justify this bill its advocates justify a dictatorship, some of them openly and avowedly so. This is not the fifth century before the Christian era. This is not Rome, with her turbulent population of patricians on one side plebeians on the other, with a mighty foe at her gates. There is no need for a Cincinnatus here. But if subsequent Congresses prove facile to the principle of this bill, the time may come when the factions temporarily united and the enemy beaten back Cincinnatus, conscious of his power will not return to his plow.

There never was greater truth than that expressed by Judge Simeon E. Baldwin, former governor of the State of Connecticut, and I am not sure but that he was chief justice at one time of the supreme court of that State. He says:

The form of every government and the powers which it may exercise must rest either on the will of the governing authority or the consent of those who are its subjects. Political absolutism may be built up on either of these foundations. It exists whenever those who are governed are for the time under the dominion of a power which they can not control and which knows no limits but those of personal discretion.

Under this bill, in regard to every one of the 10 great executive departments of this Government, in the transfer of functions and powers of each, there is no limit except the discretion of the President of the United States.

Here again I desire to quote from another article from a book entitled "The old law and the new order," by Mr. G. W. Alger. He says:

Among the forgotten books of political philosophy there is one which, perhaps more than any other, should be remembered in America, because it is the philosophy which stood at the beginning of the American Revolution; a philosophy the attempt to apply which was one of the great causes of that Revolution. This book was Bolingbroke's "The Idea of a Patriot King." In that work, written at a time when parliamentary government was at its lowest ebb, and English politics a sink of corruption, when rotten boroughs flourished and the votes of unrepresentative representatives had to be bought on every important measure, Bolingbroke advocated the control of Parliament and of the legislative affairs both of England and her colonies by the strong hand of a pariot king. Bolingbroke believed that the vigorous use of the royal prerogative by a patriot king ruling with wisdom, and controlling by a strong hand Parliament and the affairs of the nation, would afford a practical solution for the evils created by a corrupt, inefficient, unrepresentative, and factional Parliament. America did not accept this doctrine then. The idea of a pariot king collapsed under George III. His attempt to put this philosophy into effect was among the causes of the Revolution which separated us from Great Britain.

One of the great contributions of America to British freedom came through our refusal to accept this new political doctrine. The patriot-king theory disappeared in England after the Revolution. A cure for the conditions which the pariot king and his prerogative proposed to cure was found in a reformed Parliament and a better system of representation.

Mr. President, we have no rotten boroughs in the United States. Never in the history of Congress have we had more than a very few, if any, unrepresentative representatives; the general high character of the Members of both Houses is beyond dispute; and hence there is no need under our system and practice of a patriot king. Americans now would repudiate the idea of a patriot king as emphatically as their forefathers did in 1776. A few years ago there was a distinguished Senator from Georgia a Member of this body. I think probably most of the Members here now had the privilege of knowing him while he was yet a Member. He was an able and distinguished Senator, a prominent member, if not chairman—I am not sure about that—of the Judiciary Committee of the Senate. He was one of the ablest lawyers and one of the finest reasoners in the Senate, Hon. Augustus O. Bacon. He had something to say in 1906 on the President and Congress in an article written for the Independent. The article was presented here by Senator Hale, of Maine, and was made a Senate document.

I want to read just the two short concluding paragraphs of his article. He says:

These limitations thus set by the Constitution on the powers of the President are not quoted here in depreciation of the executive office. As already said, it is as designed by the Constitution a great and a noble office—the greatest and the noblest of all the earth.

And as an American citizen I heartily believe in that statement and have pride in the fact that our Chief Executive holds such an exalted place.

But it is an executive office, and to no one who has filled or who shall hereafter fill it is given any constitutional warrant to exercise directly or indirectly the legislative function.

There can be no condition more dangerous to the maintenance of free government than is found in the concentration in the hands of one man at the same time of both the executive power and practically the power to make the laws he is to execute. Whatever may be the form of government, when these two powers are thus concentrated in the hands of one man, the government is an autocracy pure and simple.

Now, Senators, I ask you to note the last few lines of this paragraph and see how pertinent and significant they are. Says Mr. Bacon:

It makes no difference in practical effect whether that one man himself decrees the laws or whether they are enacted in obedience to his dictation.

So, Mr. President, how can we here, without, as I said, a scintilla of evidence to show the necessity for it, grant a power to the President to revolutionize the great departments of government and all the business of the Government? If they would point out a single instance in which it were necessary, I would, in my eagerness to prosecute this war to a successful conclusion, gladly support and vote for it; but that they have wholly failed to do. Must we reorganize the great departments of the Government in order to avoid duplication in the Secret Service or in some other subordinate branch of the service? Such has been the argument advanced by the chief proponent of this measure. It will avoid duplication in this or that branch of the service. But all this can be easily and speedily accomplished under power that already exists or by proper legislation to that end, if, indeed, there is duplication sufficient to make it worth while.

Mr. President, in view of my chief objection to the bill, I desire to suggest by way of an amendment the remedy. It will effect every purpose mentioned in this long debate and still enable us to preserve the semblance of free government—"a government of laws and not of men."

My amendment which I now propose is as follows:

In lines 2 and 3 on page 2 of the bill strike out the words "executive department," and then to carry out the meaning of the amendment and make the rest of the bill harmonize with it strike out the word "department" in line 25 on page 2 of the bill.

What will be the situation if the words "executive department" are stricken out in lines 2 and 3 and the word "department" stricken out in line 25?

This will be the situation: The President will not have the power under the bill, if you strike out the words "executive department" and the word "department," in line 25, to redistribute the powers and functions of the several executive departments, but he can go into a department, take therefrom a bureau or a division or an officer, if he desires, and transfer it or him to some other department or bureau if he is needed there, or he can consolidate or coordinate bureaus of different departments. That is the purpose and the object of this amendment. It will permit the President to take any commission or bureau or officer of one department, and if his services can be better utilized in some other department to transfer the bureau, commission, or officer to that other department; but the original primary function of the great departments of the Government as established in the laws of their creation will remain intact as they should be.

The VICE PRESIDENT. The Chair would like to inquire of the Senator from South Dakota if he is speaking to the amendment or talking on the bill?

Mr. STERLING. From the time I proposed the amendment I have been speaking on the amendment. My desire was to explain briefly the amendment. I have finished both what I had to say on the original bill and on the amendment.

The VICE PRESIDENT. The Chair finds it a little difficult to keep the record of time. The question is on the amendment of the Senator from South Dakota.

Mr. HARDWICK. Mr. President, I have no desire to detain the Senate except for a few brief moments.

I have endeavored since this bill has been before the Senate to do all I could to confine it to the war-making agencies of the Government. I understand full well that the proponents of the bill contend that the language in the bill as they have reported it does so confine it, but that language is so general, it is so indefinite, that I am afraid it is not only capable of but liable to a stretched construction, and that as construed the powers will be made to cover not only the war-making departments and bureaus and agencies of the Government but every bureau and every agency and every department of the Government, even where it touches civic affairs only and exclusively.

Therefore I have been very much disappointed in some of the amendments that sought to accomplish that purpose which I believe have not been approved by the Senate. Still, in this crisis that confronts our country, I am more than anxious that the Executive shall have every power that possibly can be conferred on the President of the United States in his office as Commander in Chief of our Army and Navy, and I would hesitate not to confer such powers even if coupled with it there were certain other things that I thought were of doubtful wisdom.

So it is my purpose, with a great deal of doubt and with some reluctance, because the bill has not been limited in the way in which it should be, to vote for the bill. I take that course with less reluctance and with less doubt because in other matters that I regard as much more important, in other matters that affect directly the liberties and rights of the American citizens, we have not hesitated to confer powers far greater than these. As I said, I have not either the same amount of tender solicitude or of grave concern upon the proposition to grant very large powers over mere executive agencies of the Government and mere Government employees in comparison with granting such powers over American citizens in the ordinary civic concerns of the country.

For those reasons, Mr. President, because we are facing in my opinion a crisis which demands that every possible improvement shall be made in the use of our military and naval forces against the foe, I am going, after a great deal of doubt, to vote for this measure.

Mr. MYERS. Mr. President, I suppose we are nearing a vote on this bill, and I will say that I intend to vote for the bill. I am particularly pleased with the amendment adopted one day last week, I understand, in my absence, by unanimous vote, which confers actual and needed executive power, by virtue of law—administrative authority—upon the Government Aviation Board, of which Mr. John D. Ryan, of Montana, is now the chief. I was compelled by official business to be absent from the Chamber several days last week while the bill was being considered, and I understand that, in connection with the discussion of the amendment to which I have referred, the distinguished Senator from Colorado [Mr. THOMAS] paid a compliment to Mr. Ryan and predicted that his appointment would result in increased activity in aircraft production. Had I been here I would then have indorsed what the distinguished Senator from Colorado said, and I now take pleasure in indorsing it.

Mr. Ryan is a highly respected and distinguished citizen of Montana, who has been unusually successful in large business and industrial enterprises. He is a gentleman of a high degree of executive ability, and the people of his State are highly pleased with the appointment which he has received in connection with our prosecution of the war. Under his guidance I predict greatly increased activity in aircraft production and good results which I expect to result speedily to the benefit of the country in the prosecution of the war and the advancement of our cause. Mr. Ryan is a man of large affairs, wide experience, and much force of character, and the Government is fortunate to obtain his services in the most important field to which he has been called and in which he has consented to serve.

Mr. DILLINGHAM. Mr. President, I dislike to let this bill come to a vote without briefly stating the reasons why I can not give it my support.

I was rather startled a few days ago when the Senator from Idaho [Mr. BORAH] made the statement that our Government, which had been formed under the Constitution, had been so changed, so revolutionized that it has now become a bureaucratic Government, a Government controlled by the bureaus, and I was more surprised at what I understood to be his statement that because of that fact he intended to support this measure.

My mind went back to the address of the President of the United States on that historic evening of the 2d of April of last year, when assembled in the Hall of the House of Representatives he called the Nation to arms. In that message I find the President used this language:

> I shall take the liberty of suggesting, through the several executive departments of the Government, for the consideration of your committees, measures for the accomplishment of the several objects I have mentioned. I hope that it will be your pleasure to deal with them as having been framed after very careful thought by the branch of the Government upon which the responsibility of conducting the war and safeguarding the Nation will most directly fall.

Down to that time, during all the years in which our Government has had an existence, it has been the practice of the Chief Executive to avail himself not only of the right but the privilege which the Constitution gives him to inform Congress from time to time of the state of the Union and to recommend such measures as he shall judge necessary and expedient. Down to the incoming of the present administration that, I believe, has been universally the practice; but, after securing the declaration of war against Germany, eight long months ensued in which no message came from the President of the United States to the Congress regarding the necessity for or the character of the measures which were known throughout the country as administration measures. On turning to the Constitution I find that that clause to which I have referred reads:

> He shall from time to time give to the Congress information.

But in the message of April 2, 1917, the President distinctly informed the Congress that hereafter he shall communicate with it through the departments, and they through the committees of Congress. The result was that all during that long first session of the Sixty-fifth Congress, in which the great war legislation was framed and enacted, this body and the corresponding body at the other end of the Capitol were left without adequate knowledge of the conditions upon which the enactment of the legislation which had been suggested through the various departments of the Government over which the President presides had been requested.

In looking over the measures that were passed during that momentous summer and autumn following the declaration of war I find among other acts was the great bond act of April 24. There was also the authorization of the President to take over enemy vessels; the Army conscription act of May 18; the act of May 22, temporarily increasing the Army and the Navy; the act of June 12, amending the war-insurance act; the war-appropriation act of June 15, which carried an appropriation of over $3,000,000,000, and in which provision was made for creating the great fleet now in process of construction. We had also the espionage act of June 15; the aviation act of July 24; an act providing for priority in shipments of August 10; the food-survey act of August 10; the food-control act of August 10; the second bond-issue act of September 24; the act of October 1, creating an Aircraft Board and providing for its maintenance; the revenue act of October 3; and very many other great and important war measures, in the consideration of which and in the enactment of which Congress was left many times to act in the dark, but concerning which there was united action on both sides of this Chamber. I have examined the votes on those various measures. Many of them were passed viva voce; to hardly any of them was there a material opposition. During the war period it has been difficult to determine who in this body was a Democrat and who was a Republican, so far as his action has affected war legislation.

We have come down to this time without information from the President upon the state of the Union and without recommendations by the President of appropriate legislation; but all war legislation has been enacted upon the recommendation of the appropriate Senate committees who have been in communication with the several departments of the Government. The major portion of the information which the Senate as a body has secured has come through inquiries upon the floor of the Senate addressed to the chairmen of the committees having charge of the respective bills when under consideration.

But now when we are confronted with this measure we are outside the line of all previous legislation. When other bills were presented, hearings were had, I presume, before committees; the secretaries of the different departments appeared and in some instances brought with them experts. They presented facts and conditions, and information was obtained upon which the measures were reported favorably to the Senate. But this measure came directly from the White House; nobody denies that. It is brought to this body by a member of the Cabinet; it was delivered to the Senator from North Carolina [Mr. OVERMAN], who introduced it, and it bears his name.

As a member of the Committee on the Judiciary, I sat with that body on 14 different occasions when this bill constituted the only matter under consideration. During all those 14 days I heard but one reason given as a justification for the passage of the act; that was that it was desirable to avoid the duplication of work in the different departments; but there we were met by the statute, which was proposed by the Senator from North Carolina in 1917, as an amendment to the appropriation bill, and which was passed, directing the Bureau of Efficiency to investigate all cases where there had been a duplication of work, and which gave the President free authority to correct that evil. When the committee came to consider this measure, as has been stated on the floor of the Senate by the Senator from Missouri [Mr. REED], it was moved, inasmuch as we had no information as to the necessity of this legislation, to invite the heads of the different departments to come before the committee and to inform us whether there was need for such legislation as this; and if so, what it was. But in every instance such motions were voted down in committee by a small majority.

So, as I have stated, we considered this matter at 14 different sessions of the committee. It has been considered by the Senate during the period of four weeks. I have watched the debate carefully, and I can not now recall an affirmative statement of a single action that the President wants to take under this bill; I do not recall a single condition which he wishes to remedy, other than the one I have mentioned; and yet this bill gives him a power broader by far than ever was asked by or dreamed of by any other President of the United States.

I had hoped, Mr. President, that this bill might be properly amended. I would go to the outside limit in conferring power upon the President in time of war. As was said by the Senator from Ohio [Mr. HARDING] to-day, I believe in the concentration of power when great things are to be accomplished; but, Mr. President, I can not forget that this Government was formed by wise men; I can not forget that it is "a government of the people, by the people, for the people"; and that we are the people's representatives. As a Senator of the United States I am bound by my oath of office to maintain the Constitution. The provisions of this bill, I believe, exceed all constitutional bounds. It belittles the legislative branch of the Government and is an attack upon the dignity of Congress. If adopted, it will be quoted in time to come as a surrender on the part of Congress of the powers which the people and the Constitution have vested in this body.

Mr. President, I have no criticism to offer upon anybody who takes a different view from that which I entertain. I look upon this measure as one which I can not, upon my conscience, support. Had it been amended as I think it might have been amended and still given the President the most unlimited powers in maintaining his strength and the strength of the Nation in this war, I would have voted for it gladly; but one amendment after another has been rejected, until we are compelled to believe that those voting against such amendments are reflecting the President's will. If that be true, the bill is one which its maker intends to have cover every activity of government and to give him a power the breadth of which can not be measured.

I would have quoted from the Farewell Address of Washington, where he warns us against usurpation of power by the Executive, had it not been quoted five minutes ago by the Senator from South Dakota [Mr. STERLING]. It is a warning applicable to present conditions, and one which ought to be observed and carefully heeded at this time, when a great responsibility rests upon us as a body. For one, I am unable to support the measure.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota.

Mr. STERLING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Arkansas [Mr. ROBINSON], I vote "nay."

The roll call was concluded.

Mr. GERRY. Making the same transfer of my pair as on the last vote, I vote "nay."

Mr. CURTIS. I announce the following pairs:

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from Louisiana [Mr. RANSDELL].

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Hampshire [Mr. HOLLIS], and vote "nay."

Mr. WEEKS. I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from North Dakota [Mr. GRONNA], and vote "yea."

The result was announced—yeas 24, nays 46, as follows:

YEAS—24.

Brandegee	Gallinger	McCumber	Smoot
Cummins	Hale	New	Sterling
Curtis	Harding	Norris	Sutherland
Dillingham	Johnson, Cal.	Page	Townsend
France	Kellogg	Poindexter	Watson
Frelinghuysen	Knox	Sherman	Weeks

NAYS—46.

Ashurst	Gerry	Lewis	Overman
Baird	Gore	McKellar	Phelan
Bankhead	Henderson	McLean	Pittman
Beckham	Jones, N. Mex.	McNary	Pomerene
Chamberlain	Jones, Wash.	Martin	Saulsbury
Colt	King	Myers	Shafroth
Culberson	Kirby	Nelson	Sheppard
Fletcher	Lenroot	Nugent	Shields
Simmons	Swanson	Trammell	Williams
Smith, Ariz.	Thomas	Underwood	Wolcott
Smith, Md.	Thompson	Walsh	
Smith, S. C.	Tillman	Warren	

NOT VOTING—25.

Borah	Hardwick	La Follette	Smith, Ga.
Calder	Hitchcock	Lodge	Smith, Mich.
Fall	Hollis	Owen	Vardaman
Fernald	James	Penrose	Wadsworth
Goff	Johnson, S. Dak.	Ransdell	
Gore	Kendrick	Reed	
Gronna	Kenyon	Robinson	

So Mr. STERLING's amendment was rejected.

Mr. JONES of Washington. I offer an amendment to which I think the Senator in charge of the bill will have no objection.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In line 11, on page 2, it is proposed to strike out the words "one year" and insert the words "six months"; and in line 13 to strike out the words "during the said year."

Mr. OVERMAN. I accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HALE. I offer an amendment, which I will ask the Secretary to read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 9, it is proposed to strike out all after the word "*Provided*," down to the words "*Provided further*," in line 14, and to insert the following:

That this act shall remain in force for one year or for such shorter period as the President may designate.

Mr. HALE. Mr. President, I realize that the hour is late and that some Senators are tired. I shall therefore occupy but a very few moments of the time of the Senate explaining my amendment.

This whole bill is in the nature of an experiment. It may or it may not work out well. The experiment is demanded not by the Congress but by the Executive. If the bill passes, it will pass not because we like it or approve of it but solely because during this war we do not like to do anything to tie the hands of the President in matters connected with the conduct of the war. We shall be giving great and undefined powers to the President really at his own request. If the experiment works out successfully, well and good. The law will have justified itself. If it does not work out successfully it should no longer continue a law. And who is to decide as to the success or nonsuccess of the law; the President to whom we are giving these powers and whose acts will therefore be in judgment or the Congress which confers the powers on him? Obviously, I believe, the latter; and yet if the bill, as proposed, becomes a law, and the President is given these powers for the period of the war and one year thereafter, for the period of the war and one year thereafter he will keep them if he so wills whether we want him to or not unless we can muster a two-thirds vote to repeal the bill over his veto. In other words, in all human probability it will lie with the President and not with the Congress to decide whether or not the law shall remain in force.

The amendment which I have introduced limits the operation of the law to one year or such shorter time as the President may designate. Under the amendment at the close of the year, the law would cease to operate and matters would return automatically to the present status. If the bill proves a success, all we shall have to do will be to enact legislation extending it for a further period. If it does not prove a success, it will cease to operate under its own terms. If it is partially successful and partially not, it may be renewed in improved form. In other words, at the conclusion of one year we, of the Congress, can determine whether or not the experiment has turned out a success. If it proves successful there can be little question that the law will be extended. If not successful after a year's trial it should certainly not be continued, at least in its present form. I believe that the effect of the amendment will be to insure the safest possible use of the great powers conferred by the bill and to continue in the Congress the right to grant or withhold these powers according to whether the year shall show that the experiment has worked out well or ill.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Maine [Mr. HALE].

The amendment was rejected.

Mr. BRANDEGEE. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

If any power, constitutional or not, has been inadvertently omitted from this bill, it is hereby granted in full.

[Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was rejected.

Mr. PHELAN. Mr. President, I assume that when the Senate fixed a limit upon debate—30 minutes upon the bill and 20 minutes upon amendments—it was an invitation to Members to participate in the debate to a moderate degree. The constitution of California requires the supreme court, when it renders a decision, also to express the reasons for the decision—a most excellent plan.

I am constitutionally opposed to all legislation of this kind; and while I favor this bill, it is because it is a war measure. It is as old as Rome, referred to so eloquently by the Senator from South Dakota [Mr. STERLING], that "in the midst of war law is silent"; and if the Senate feels that it has been neglected, because an appeal has been made by the country to the President to get results and to that end coordinate and consolidate, it is because the lawmaking power falls into a kind of desuetude by reason of the fact that this country is engaged in the greatest war that has ever afflicted mankind, and action is required.

This legislation is only for the period of the war and for the purposes of the war, and may be repealed at any time by the Congress.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from South Dakota?

Mr. PHELAN. I do.

Mr. STERLING. I simply wish to state that the Senator from California is in error in ascribing to me the quotation he has just given. I did not use that quotation.

Mr. PHELAN. Mr. President, the Senator misunderstands me. I stated that the aphorism quoted by me—inter arma leges silent—is as old as the Rome which he brought into this discussion when he spoke of taking Cincinnatus from the plow. I was very much moved by the Senator's remarks. Indeed, I was so much moved that I left my chair and took the floor, because I sympathized with the spirit in which he uttered his speech more than with the sentiment. Nobody could doubt the sincerity of the Senator when he feared that by passing this legislation we would be fostering or condoning usurpation.

Washington has warned us against the dangers of usurpation; but usurpation is the taking of unauthorized power, and the President comes to Congress for the very purpose of avoiding any imputation of that kind. He wants Congress to authorize in the most general terms his exercise of the powers of the departments attached to the executive branch of this Government. He might, it is true, by suggestions to the heads of the departments—men of his appointment—to do this thing and that thing, consolidate and coordinate; but he would like to regard them, as we would, as to a very great extent independent departments, exercising powers conferred upon them by Congress; and yet we all know that the members of the Cabinet are but the arms of the President; that the Constitution in specific language charges him with executive duties. He is the only Executive, and these creations of Congress are merely his clerks. Certainly it would be usurpation if they took from the President in any sense the executive power with which he is invested by the Constitution. So far from being usurpation, this legislation is acquiescing in that other great provision of the Constitution conferring legislative powers upon the Congress; and we are here to-day legislating, acting within our functions, and because it is war time we are not specific in our decrees. We say to the President, "You are charged with inefficiency. Your departments are charged with a lack of coordination. Use this power."

It is singularly unfortunate for the Senator to have quoted George Washington, who, serene in his safe Mount Vernon home, delivered his farewell address warning against usurpation; but when he was in the field, as Woodrow Wilson is in the field to-day, fighting the battles of his country and thwarted at every step by the Congress trenching upon his powers as Commander in Chief of the Army, the same Washington asked Congress to remove all barriers and restraints and to allow him, Washington, to have the supreme command; and because he was given the supreme command in the field we finally won the battles of the Revolution.

Why was it given to Washington? Because the exigencies of the time demanded it. Because he was not suspected of usurpation. Lord Brougham says, in effect, that it will be a test of the advancement of the civilization of mankind, the appreciation with which the character of Washington is regarded in history. Up to that time usurpers were frequent, from the days of Greece and Rome down to modern times; but Washington, serving only his country, and seeking the best means to serve his country, told Congress to desist with its meddlesome tactics and allow him to fight and to win the war.

So I resent any accusation of usurpation or the countenance of usurpation or the condonation of usurpation in any vote I cast for this measure. Woodrow Wilson has been accused by no one of coveting power. He has been cast by fortune in the place where he has to exercise power, and he only asks the means by which he can, consistently with the Constitution and without usurping powers, do his work. I say this is war time. "Diseases desperate grown by desperate remedies are relieved, or not at all"; and we are now resorting, I confess, to a desperate remedy. But there is authority for it in no less a leader than Abraham Lincoln, quoted in the eloquent speech recently made by the standard bearer of the Republican Party, Mr. Hughes, in the recent campaign; and I may say, judging from this and in answer to the Senators on the other side, that their standard bearer is not with them. Lincoln says:

"I can no more be persuaded that the Government can take no strong measures in time of rebellion because it can be shown that the same could not be lawfully taken in time of peace than I can be persuaded that a particular drug is not good medicine for a sick man because it can not be shown to be good medicine for a well one."

Mr. President, we are a sick man—a very sick man—and this measure proposes medicine unpleasant to take; but I sincerely believe that if we take it we will be very much better, and for that reason I shall support the bill.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed and read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. OVERMAN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KIRBY (when Mr. ROBINSON's name was called). I announce the unavoidable absence of my colleague [Mr. ROBINSON] in connection with the liberty loan campaign. If he were present, he would vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. Not seeing him in the Chamber, for the present I refrain from voting.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I am informed that he would support this bill if he were present, and therefore I will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is unavoidably absent on important business. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to announce the absence of the Senator from Oklahoma [Mr. OWEN], the Senator from Wyoming [Mr. KENDRICK], and the Senator from South Dakota [Mr. JOHNSON], who are necessarily called from the Chamber, and I have been instructed to say that were they present they would vote in favor of the passage of the bill.

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I am informed that if he were present he would vote as I do. I therefore vote "yea."

Mr. CURTIS. I desire to announce the absence of the junior Senator from North Dakota [Mr. GRONNA] on account of illness in his family. If present, he would vote "yea."

Mr. FALL. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. In view of the announcement that he would vote "yea" if present I will vote. I vote "yea."

Mr. GUION. My colleague, the senior Senator from Louisiana [Mr. RANSDELL], is detained at home by illness. If he were present, he would vote "yea."

Mr. SMITH of Georgia. I am released from my pair with the Senator from Massachusetts [Mr. LODGE], and I vote "yea."

Mr. CURTIS. I announce the following pairs:

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from New York [Mr. WADSWORTH] with the Senator from Louisiana [Mr. RANSDELL].

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

The result was announced—yeas 63, nays 13, as follows:

YEAS—63.

Ashurst	Henderson	Norris	Smoot
Baird	Jones, N. Mex.	Nugent	Swanson
Bankhead	Jones, Wash.	Overman	Thomas
Beckham	Kellogg	Page	Thompson
Borah	King	Phelan	Tillman
Chamberlain	Kirby	Pittman	Townsend
Colt	Lenroot	Pomerene	Trammell
Culberson	Lewis	Saulsbury	Underwood
Curtis	McCumber	Shafroth	Vardaman
Fall	McKellar	Sheppard	Walsh
Fletcher	McLean	Shields	Warren
Frelinghuysen	McNary	Simmons	Watson
Gerry	Martin	Smith, Ariz.	Weeks
Gudon	Myers	Smith, Ga.	Williams
Hale	Nelson	Smith, Md.	Wolcott
Hardwick	New	Smith, S. C.	

NAYS—13

Brandegee	Gallinger	Poindexter	Sutherland
Cummins	Harding	Reed	
Dillingham	Johnson, Cal.	Sherman	
France	Knox	Sterling	

NOT VOTING—19.

Calder	Hitchcock	Kenyon	Ransdell
Fernald	Hollis	La Follette	Robinson
Goff	James	Lodge	Smith, Mich.
Gore	Johnson, S. Dak.	Owen	Wadsworth
Gronna	Kendrick	Penrose	

So the bill was passed.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 10265, commonly known as the housing bill.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. GALLINGER. I ask the Senator from Virginia if he proposes to go on with the bill to-night.

Mr. SWANSON. No; I do not.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 6 minutes spent in executive session the doors were reopened and (at 6 o'clock and 6 minutes p. m., Monday, April 29, 1918) the Senate adjourned until to-morrow, Tuesday, April 30, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 29 (legislative day of April 24), 1918.

ASSISTANT ATTORNEY GENERAL.

H. LaRue Brown, of Boston, Mass., to be Assistant Attorney General, vice Charles Warren, resigned.

DIRECTORS OF WAR FINANCE CORPORATION.

Angus W. McLean, of North Carolina, to be a director of the War Finance Corporation to serve for a term of four years.

Eugene Meyer, jr., of New York, to be a director of the War Finance Corporation to serve for a term of four years.

Allen B. Forbes, of New York, to be a director of the War Finance Corporation to serve for a term of two years.

William P. G. Harding, of Alabama, to be a director of the War Finance Corporation to serve for a term of two years.

MEMBERS OF CAPITAL ISSUES COMMITTEE.

James B. Brown, of Kentucky, to be a member of the Capital Issues Committee.

Frederic A. Delano, of Illinois, to be a member of the Capital Issues Committee.

John S. Drum, of California, to be a member of the Capital Issues Committee.

Henry C. Flower, of Missouri, to be a member of the Capital Issues Committee.

Frederick H. Goff, of Ohio, to be a member of the Capital Issues Committee.

Charles S. Hamlin, of Massachusetts, to be a member of the Capital Issues Committee.

John Skelton Williams, of Virginia, to be a member of the Capital Issues Committee.

UNITED STATES ATTORNEYS.

Frank A. O'Connor, of Waterloo, Iowa, to be United States attorney, northern district of Iowa. A reappointment, his term expiring May 14, 1918.

Robert C. Saunders, of Seattle, Wash., to be United States attorney, western district of Washington, vice Clay Allen, resigned.

UNITED STATES MARSHALS.

Henry A. Skeggs, of Birmingham, Ala., to be United States marshal, northern district of Alabama. A reappointment, his term expiring May 18, 1918.

Christopher C. Gewin, of Mobile, Ala., to be United States marshal, southern district of Alabama. A reappointment, his term expiring May 7, 1918.

Leroy C. Jones, of Boise, Idaho, to be United States marshal, district of Idaho, vice Thomas B. Martin, whose term has expired.

William Hickey, of Yankton, S. Dak., to be United States marshal, district of South Dakota, vice Thomas W. Taubman, whose term has expired.

Daniel F. Hudson, of Cheyenne, Wyo., to be United States marshal, district of Wyoming. A reappointment, his term expiring May 14, 1918.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Chaplain Joseph Clement Martin, National Army, to be chaplain in the Regular Army with rank from April 23, 1918.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Alfred Salem Niles, of Maryland, to be second lieutenant with rank from date of appointment.

CAVALRY ARM.

Corpl. Howard D. Lee, Third Engineers, to be second lieutenant with rank from date of appointment.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 29 (legislative day of April 24), 1918.

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICERS.

To be major generals.

Brig. Gen. William P. Burnham.
Brig. Gen. Willard A. Holbrook.
Brig. Gen. James H. McRae.
Brig. Gen. George B. Duncan.
Brig. Gen. Ernest Hinds.
Brig. Gen. Charles H. Martin.
Brig. Gen. Charles S. Farnsworth.
Brig. Gen. James W. McAndrew.
Brig. Gen. Edward F. McGlachlin, jr.
Brig. Gen. Le Roy S. Lyon.

To be brigadier generals.

Col. Robert H. Noble.
Col. Charles Gerhardt.
Col. William R. Dashiell.
Col. Guy H. Preston.
Col. Frank M. Caldwell.
Col. Lutz Wahl.
Col. John L. Hines.
Col. Joseph G. Castner.
Col. Julian R. Lindsey.
Col. George H. Jamerson.
Col. Lincoln C. Andrews.
Col. Dwight E. Aultman.
Col. Ora E. Hunt.
Col. Thomas W. Darrah.
Col. Johnson Hagood.
Col. Lytle Brown.
Col. Alfred A. Starbird.
Col. Edward T. Donnelly.
Col. Fred T. Austin.
Col. William I. Westervelt.
Col. Augustine McIntyre.
Col. Richard W. Young.
Col. George A. Wingate.
Col. Hugh S. Johnson.
Col. Frank T. Hines.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Raymond Joseph Fox to be chaplain with rank of first lieutenant.

John Raymond O'Mahoney to be chaplain with rank of first lieutenant.

MEDICAL CORPS.

To be first lieutenants.

Joseph Francis Bredeck,
James Loving Hamner,
William Bell Foster, jr.,
Meredith Mallory,
Joseph William Garrett,
Charles Chester Dickinson,
Harold Ward Stone.
William Ralph Campbell,
Gregory Everett Stanbro,
Howard Paul Blake,
George Leslie Dailey,
Harry Justin Felch.
Frederick Pelham Sutherland,
Sydney Sigsfried Schochet,
Alan Callender Sutton,
Guy Alvin Caldwell,
Edward Peter Heller,
John Edward Williams,
Charles Hansford Brownlee,
Rollan Walter Kraft,
John Alfred White,
Norman St. George Vann,
William Crawford White,
Wooster Hassell House,
Kenneth Dayton Allison Allen, and
George Randolph Harris, jr.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

First Lieut. Wallace J. Redner, Infantry, to be first lieutenant of Cavalry.

INFANTRY ARM.

First Lieut. Folsome Reed Parker, Cavalry, to be first lieutenant of Infantry.

FOR PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Tully C. Garner.
Second Lieut. Archibald R. MacKechnie.

PORTO RICO REGIMENT OF INFANTRY.

Second Lieut. Ernesto F. Colon to be first lieutenant.

PROVISIONAL APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants.

William Herman Goodrich,
William Harry Bauman,
Henry Myron Smith,
Edwin Joseph Dowd,
Harry Morris Krohn,
Clem Oliver Gunn,
Ralph Moore Wyatt,
Louis Albert Williford,
Percy Stuart Lowe,
Maury Leo Webster,
Claud Thomas Gunn,
Wayne Allen Harrod,
Lewis Franklin Moore.
George Washington Phillips,
Leon Aurile White,
Edward Dreiss, jr.,
Winslow Burhans Van Devanter,
Harold Young Keeler,
Foster Chichester Harlow,
Edward Nolan Delahunt,
George Minot Cavis,
Phillips Wainwright Loomis,
Ephraim Preston Jolls,
John William Callahan,
Willis Doyle Kimmel,
Blackstone Drummond Ayres,
Robert Augustus Chambers,
Alan Fuller Cameron,
Howard Milton Cool,
Charles Harold Cuppett,
Walter Lee McCormick,
Norton Swasey Crocker,
Robert Martin Chase,
Lyman Clement Rafferty,
Arnold Dante Amoroso, and
Harold Francis O'Donnell.

FIELD ARTILLERY.

To be second lieutenants.

Benson Glenwood Scott,
Ralph Hirsch,
Robert Sickels,
David Barton Kinne, jr.,
Robert Victor Maraist,
Nathan Warner Gillette,
Edwin Stewart Brewster, jr.,
Paul Ryrie Scott,
Melvin Lewis Craig,
Earl Gordon Wagner,
Joseph Clifford Robbers,
Blagden Manning,
Don Castles Kreger,
Laurence W. Boothe,
Samuel Arrington Palmer,
Harold Kondolf,
Jay Williams Sechler,
John Campbell Moses,
John Craig Miller, jr.,
Walter Arthur Metts, jr.,
John Edwards Stryker, jr.,
Morgan Foshee Simmons,
Russell Lagrange Jolley,
Frank Camm,
Robert Benjamin Frantz,
George Raymond Bell,
Leonard Harrison Frasier,
Samuel Lomax Hassell, jr.,
Clifford B. Cole,
Arthur Pope Shepard,
John Swope Burrell,
Charles Kemper Dunn, and
Richardson Lester Greene.

CAVALRY ARM.

To be second lieutenants.

Cecil Marryat Boycott,
Thomas Henry Dugan, jr.,
Harry Hope Fenley,
William Joseph Egan,
Redding Francis Perry,
Marcellus Lowry Stockton, jr.,
Lawrence Patterson,
Blaine Bee Wallace,
Samuel Gibson Stewart,
Charles Howard Espy,
Warren Henry McNaught,
Gregory Eflin Sawyer,
Herbert Naugle Odell,
Frederic Holdrege Bontecou,
Roy Edson Craig,
Frederick Albert Victor,
Ralph Damon Dolsen,
Early Edward Walters Duncan,
Edward Marple Daniels,
Paul Evert,
Philip Richard Upton,
William Golay Boatright,
Winfield Chapple Scott.
Theodore Keller Rothermund,
George Edward Heidenreich,
Clinton Montross Burbank,
Ray Duff Willson,
Donald Thomas Nelson,
Chevy Chase,
David Lewis Jones,
Gilbert Davison Johnson,
Chester Lawrence Conlon,
Cleon Barnes Warren,
Leo Thomas McMahon,
Andrew Wylie,
Marcus Gunn,
William McCord Peeples,

John Paul Prosper Eckert,
Phillip Bassett Shotwell,
Harold Moorman Collins,
Nathaniel Wheeler,
Richard Relf,
George Sherwood Richardson,
Ralph Eugene Ireland,
Bryan Llewellyn Davis,
William Stewart Cannon,
William Taylor Myers,
Eugene James Kelly, and
Emerald Clark Robbins.

INFANTRY ARM.

To be second lieutenants.

Edward Italy Watson, jr.,
William Ewart Gladstone Graham,
Gerage D. Curtis,
Jesse Ralston Lippincott,
Gaylord Benton Angus,
Paul Ward Beck, jr.,
Hiram Wendell Tarkington,
Luke Witt Loftus,
John Core Duffy,
Douglas Osborne Mead,
Charles Arthur Wagner, jr.,
Talley Dozier Joiner,
Earl Russell Fretz,
Charles Harold Turner,
Franklin Joseph Peck,
Clarence Matthew Tomlinson,
Lester Hardee Barnhill,
Francis Youlden Cowle,
Chester Wyatt Buchanan,
Sterner St. Paul Meek,
Stuart Hughes Smythe,
David Barrett Head,
Robert Matthews Burr,
Julian Vance Link,
Kenneth Clark Johnson,
Forbes Rickard, jr.,
Joseph Jenkins Cornish,
Ralph W. Neelands,
Ralph Wagner Shepherd,
Elbert Arcularius Nostrand,
William Frederick Williams, jr.,
Hervey Aldrich Tribolet,
Robert Brooks Ennis,
Leo Joseph Hagerty,
Levie Wilson Foy,
James Hereford McGinnis,
John Thomas Hains,
Wilbur Henry Vinson,
John Cord Blizzard, jr.,
Leon Simon Oppenheimer,
Robert Harris McFarlane,
Howard Clark, jr.,
Adrian Barton Drake de Kay,
William Martin Means,
Henry Ellis Bacon,
Thomas Edward Clark,
Jesse Switzer Ogden,
Efton Murrel James,
Arnold L. Gralapp,
Thomas Linton Urquhart,
Ronald Patten Wildes,
Earl Bryan Mathews,
David M. Fisher,
Robert Ignatius Stack,
Paul Wilbur Warren,
John Huling, jr.,
Paul Sherman Strickland,
Harvey Chaplain Bounds,
David Aston Turner,
William Hamilton Russell,
Paul Augustas Reinke,
Orryl Samuel Robles,
Walter Headden Ogden,
Horatio Ward Wells,
Ralph Hipple Dean,
Horace Kelita Heath,
Maurice Embry Gibson,
Harry Russell Evans,
Robert Golden Carter,
Bartholomew Robins De Graff,
George La Franc O'Connor,
Harold Napoleon Gilbert,
Charles Eugene Rust,
Jay Johnson Morrow Scandrett,
Monroe Heath,
Joseph Bryan Thompson, jr.,
Fred George Coffield,
Wilbert Christian Hendricks,
Isaac Schechter,
William Albert Collier,
Walter Scott Huxford,
John Hanlon Atkinson,
James Hunter Martin,
Archibald Miles Mixson,
Paul Wesley Sherman,
Albert Gresham Wing,
William Fred Rehm,
Edward Nicholson Fay,
Ralph Ellsworth Ladue,
Edward Watson Kelley,
Harry Charles Crowl,
John Franklin Lancaster, jr.,
Claude Delorum Collins,
David Beckwith Miller,
Thomas Graves Cherry,
Paul Taylor Funkhouser,
Roger William Sanders,
Arthur Tinker,
Louis William Seggel,
Wallace Williams,
George Clarence Nielsen,
Raymond Greenleaf Sherman,
Robert William Blessing,
Burdette Garrison,
James Alexander Miller,
Errol Edgerton Crouter,
Earl Campbell Horan,
Samuel Baker Chism,
Walter Judson Ferguson,
William John Henry Ryan,
Coleman Ferrell Driver,
Wallace William Millard,
Frederick Josiah Bradlee, jr.,
Sherman Stiles Spear,
Robert Morgan Burrowes,
Walter Wellington von Gremp,
Kie Doty,
Charles Homer Tinsley,
Harold Tyler Hayes,
Leo Charles Scheibelhut,
Albert Elliot Holleman,
Clarence Wynn Duerig,
George Harvey Ferguson,
Joseph Hamilton Richardson,
Sterling Mackay Palm,
Arthur Grady Hutchinson,
Owen Greek Smith,
Norman Marcus Nelsen,
Harvey Lewis Littlefield,
Roy Nathan Hagerty,
Ronald L. Ring,
Alfred Timothy Wright,
John DeJarnette Faison,
Albert William Selwyn Little,
John Ainsworth Andrews,
John Agustin McCann,
Jack Bryant,
George Andrew Lockhart,
Robert Whitley Miller,
Rumsey Lewis,
Mark Milton Potter,
James Julian Pirtle,
Alfred Edward Dedicke,
George Frederick Macdonald,
John Raymond Booth,
Paul Gray Miller,
James Clay Ward,
Ralph Burten Henning,
Richard Oscar Bassett, jr.,
Jerome Heslen Joyce, jr.,
William Mead Ferris, jr.,
Edward Adams Mead,
Frank Opper German,
Harry Boissonnault,
Arnold Richard Christian Sander,

Ceryl B. Godfrey,
Stanley Marshall Prouty,
Richard Dodson Robinson,
Charles Alfred Fuller, jr.,
Carl Alstien Foss,
William Hervey Thomas,
Wilbur Ellsworth Bashore,
Harold Head,
Alan Campbell Clark,
Phillip Carl Johnson,
William Henry Crampton,
William Walter Watson,
Walter William Boon,
Hugh McCord Evans,
Homer Virgil Gooing,
Mark Farnum,
Michael Joseph Mulcahy,
Harold Stokely Wright,
George Merrick Hollister,
Lois Chester Dill,
Edward James Maloney,
Wesley Houser,
Richard Abram Jones,
Alexander Baldwin Mitchell,
William Trafford Teachout,
Joseph Terry McCaddon, jr.,
Paul Jennings Swank,
Lloyd D. Yates,
Clarence O'Leary,
Frank Thomas Richard,
Laurence Welch Wilkin,
Roy Bernhard Trelstad,
Peyton James Brown,
Hugh Barclay,
Lawrence William Jenkinson,
Wright Hackett Ross, jr.,
Nelson Macy Walker,
James Hodges Drake,
Francis Wayland Chatham,
Charley Elkins Rogers,
Henry Julius Morgan, jr.,
Leland Barton Aseltine,
Hugh Dudley Benedict Cotton,
Donald Howard Williams,
Milton Brandt Goodyear,
Charles Downing Winchester, and
George David Armstrong.

PROMOTIONS IN THE ARMY.

CHAPLAINS.

Chaplain Joseph L. Hunter to be chaplain with the rank of major.

Chaplain Edward F. Brophy to be chaplain with the rank of captain.

MEDICAL CORPS.

Capt. Harry R. McKellar to be major.

To be captains.

First Lieut. Edgar E. Hume,
First Lieut. Harry L. Arnold,
First Lieut. Walcott Denison,
First Lieut. James E. Ash,
First Lieut. Calvin H. Goddard,
First Lieut. Bascom L. Wilson,
First Lieut. Clarence P. Baxter,
First Lieut. John E. Walker,
First Lieut. Henry F. Lincoln,
First Lieut. Edgar A. Bocock,
First Lieut. Willis P. Baker,
First Lieut. Henry L. Krafft,
First Lieut. Paul R. Hawley,
First Lieut. John Dibble,
First Lieut. George C. Dunham,
First Lieut. Joseph M. Greer,
First Lieut. Joseph de R. Moreno,
First Lieut. Robert B. Hill,
First Lieut. Arthur M. Alden,
First Lieut. Gouverneur V. Emerson,
First Lieut. Louis J. Regan,
First Lieut. William A. Haggins,
First Lieut. Shannon L. Van Valzah,
First Lieut. William O. H. Prosser,
First Lieut. George C. Beach, jr.,
First Lieut. Jesse I. Sloat,
First Lieut. David N. W. Grant,
First Lieut. James S. Simmons,
First Lieut. Cyrus B. Wood,
First Lieut. Charles Le Baron, jr.,
First Lieut. Alvin J. Bayley,
First Lieut. John F. Corby,
First Lieut. Prescott S. Tucker,
First Lieut. Roy M. Fortier,
First Lieut. Roy E. Fox,
First Lieut. Herbert De W. Porterfield,
First Lieut. Dean F. Winn,
First Lieut. Alva B. McKie,
First Lieut. Albert W. Kenner,
First Lieut. Robert E. Parrish,
First Lieut. William L. Edmundson,
First Lieut. Cary R. Pollock,
First Lieut. James F. Roohan,
First Lieut. Emery B. Neff,
First Lieut. Arturo Carbonell,
First Lieut. Edward A. Coates, jr.,
First Lieut. William R. Klingensmith,
First Lieut. Leroy T. Howard,
First Lieut. James A. Bethea,
First Lieut. Asa M. Lehman,
First Lieut. Harrison J. McGhee,
First Lieut. Thomas L. Gore,
First Lieut. Oramel H. Stanley,
First Lieut. S. Munson Corbett,
First Lieut. William C. Thomas,
First Lieut. Samuel R. Norris, and
First Lieut. Benjamin Norris.

QUARTERMASTER CORPS.

Lieut. Col. William G. Gambrill, to be colonel.
Maj. James A. Logan, jr., to be lieutenant colonel.

CAVALRY ARM.

First lieutenants.

Second Lieut. Burton C. Andrus,
Second Lieut. Harold E. Lewis, and
Second Lieut. Newell P. Weed.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be colonel.

Lieut. Col. Joseph H. Earle.

To be lieutenant colonel.

Maj. Gilbert Van B. Wilkes.

To be majors.

Capt. Mason J. Young,
Capt. Layson E. Atkins,
Capt. George Mayo,
Capt. Paul T. Bock, and
Capt. Arthur P. von Deesten.

To be captains.

First Lieut. Simon Medine,
First Lieut. Samuel L. Kuhn,
First Lieut. Louis Graham,
First Lieut. Roy McCutchen,
First Lieut. William Lohmeyer, jr.,
First Lieut. William A. Clark,
First Lieut. Aubrey H. Bond,
First Lieut. Hubert W. Collins,
First Lieut. Harold J. McDonald,
First Lieut. Maurice P. van Buren,
First Lieut. Frederick S. H. Smith,
First Lieut. Frank B. Hastie,
First Lieut. Harold Van V. Fay,
First Lieut. Oscar R. Peterson,
First Lieut. Thomas K. Meloy,
First Lieut. Robert Adams Love,
First Lieut. Bennet H. Bowley, jr.,
First Lieut. Robert D. Ingalls,
First Lieut. William L. G. Mackenzie,
First Lieut. Walter L. Medding,
First Lieut. Warren A. Lyon,
First Lieut. Roger W. Parkhurst,
First Lieut. Albert C. Lieber, jr.,
First Lieut. Robert K. Munroe,
First Lieut. James A. Bjerregaard,
First Lieut. Eugene F. Gaebler,
First Lieut. William C. Atwater,
First Lieut. Henry E. Strout, jr.,
First Lieut. John A. Strang,
First Lieut. George E. Robinson,

First Lieut. Frank C. Rogers,
First Lieut. Philip N. Cristal,
First Lieut. Clifford H. Springer,
First Lieut. Edward P. Morton,
First Lieut. Langley S. Homer, and
First Lieut. George J. Nold.

MEDICAL CORPS.

To be majors.

Capt. Edgar E. Hume,
Capt. Harry L. Arnold,
Capt. Walcott Denison,
Capt. James E. Ash,
Capt. Calvin H. Goddard,
Capt. Bascom L. Wilson,
Capt. Clarence P. Baxter,
Capt. John E. Walker,
Capt. Henry F. Lincoln,
Capt. Edgar A. Bocock,
Capt. Willis P. Baker,
Capt. Henry L. Krafft,
Capt. Paul R. Hawley,
Capt. John Dibble,
Capt. George C. Dunham,
Capt. Joseph M. Greer,
Capt. Joseph de R. Moreno,
Capt. Robert B. Hill,
Capt. Arthur M. Alden,
Capt. Gouverneur V. Emerson,
Capt. Louis J. Regan,
Capt. William A. Haggins,
Capt. Shannon L. Van Valzah,
Capt. William O. H. Prosser,
Capt. George C. Beach, jr.,
Capt. Jesse I. Sloat,
Capt. David N. W. Grant,
Capt. James S. Simmons,
Capt. Cyrus B. Wood,
Capt. Charles LeBaron, jr.,
Capt. Alvin J. Bayley,
Capt. John F. Corby,
Capt. Prescott S. Tucker,
Capt. Roy M. Fortier,
Capt. Roy E. Fox,
Capt. Herbert DeW. Porterfield,
Capt. Dean F. Winn,
Capt. Alva B. McKie,
Capt. Albert W. Kenner,
Capt. Robert E Parrish,
Capt. William L. Edmundson,
Capt. Cary R. Pollock,
Capt. James F. Roohan,
Capt. Emery B. Neff,
Capt. Arturo Carbonell,
Capt. Edward A. Coates, jr.,
Capt. William R. Klingensmith,
Capt. Leroy T. Howard,
Capt. James A. Bethea,
Capt. Asa M. Lehman,
Capt. Harrison J. McGhee,
Capt. Thomas L. Gore
Capt. Oramel H. Stanley,
Capt. S. Munson Corbett,
Capt. William C. Thomas,
Capt. Samuel R. Norris, and
Capt. Benjamin Norris.

COAST ARTILLERY CORPS.

To be lieutenant colonels.

Maj. Theodore H. Koch,
Maj. James L. Long,
Maj. Frederick L. Dengler,
Maj. Richard H. Williams,
Maj. Clifford C. Carson,
Maj. George T. Perkins,
Maj. John B. Murphy,
Maj. Jairus A. Moore,
Maj. Frank B. Edwards,
Maj. Henry C. Merriam,
Maj. Harry W. McCauley,
Maj. Robert W. Collins,
Maj. Elisha G. Abbott, and
Maj. Samuel M. English.

To be majors.

Capt. Edward J. Cullen,
Capt. Joseph J. Grace,
Capt. Oscar A. Russell,
Capt. Walter J. Buttgenbach,
Capt. Charles O. Schudt,
Capt. Marcellus H. Thompson,
Capt. William W. Rose,
Capt. Albert Gilmor,
Capt. Clarence A. Mitchell,
Capt. William P. Currier,
Capt. Horace F. Spurgin,
Capt. Edward A. Brown,
Capt. John G. Donovan,
Capt. Guy L. Gearhart,
Capt. Allen Kimberly,
Capt. Geoffrey Bartlett,
Capt. William E. Shedd, jr.,
Capt. Robert Arthur, and
Capt. William P. Wilson.

To be captains.

First Lieut. Ross G. Hoyt,
First Lieut. William Mayer,
First Lieut. Hubert A. McMorrow,
First Lieut. Douglas G. Clark,
First Lieut. Vernon G. Cox,
First Lieut. Ralph G. Lockett, and
First Lieut. William F. Lafrenz.

To be first lieutenants.

Second Lieut. William W. Dinsmore,
Second Lieut. Arthur Duffy,
Second Lieut. Ellsworth Young,
Second Lieut. John W. Fuchs,
Second Lieut. Thomas R. Bartlett, and
Second Lieut. Dudley F. Taylor.

CAVALRY ARM.

To be colonels.

Lieut. Col. Frank R. McCoy,
Lieut. Col. Willard H. McCornack,
Lieut. Col. Guy V. Henry,
Lieut. Col. Wallace B. Scales,
Lieut. Col. Conrad S. Babcock,
Lieut. Col. Rush S. Wells, and
Lieut. Col. Robert R. Wallach.

To be lieutenant colonels.

Maj. Rush S. Wells,
Maj. Robert R. Wallach,
Maj. Lewis W. Cass,
Maj. Henry J. McKenney,
Maj. Casper W. Cole, and
Maj. Frank T. McNarney.

To be majors.

Capt. Lewis W. Cass,
Capt. Henry J. McKenney,
Capt. Casper W. Cole,
Capt. Frank T. McNarney,
Capt. Henry D. F. Munnikhuysen,
Capt. Archibald T. Colley,
Capt. Hugh H. McGee, and
Capt. Joseph Plassmeyer.

To be captains.

First Lieut. Harry Foster,
First Lieut. Alexander C. Strecker,
First Lieut. Dwight Hugher, jr.,
First Lieut. William R. Stickman,
First Lieut. Lloyd W. Biggs,
First Lieut. Wilkie C. Burt,
First Lieut. Harry L. Sommerhauser,
First Lieut. Harold E. Dickinson,
First Lieut. Adrian B. C. Smith, and
First Lieut. Rufus S. Ramey.

To be first lieutenants.

Second Lieut. Graham T. Winslow,
Second Lieut. Edward B. Harry,
Second Lieut. Herbert D. Bowman,
Second Lieut. Albert G. Klapp,
Second Lieut. Fred P. Clark,
Second Lieut. Edward A. Titcomb,
Second Lieut. Henry C. Tatnall,
Second Lieut. Harry L. Jones,
Second Lieut John W. Middendorf, jr.,
Second Lieut. Calvin R. MacGillivray,
Second Lieut. George S. Clarke,
Second Lieut. Harold P. Stewart,
Second Lieut. Harold LaR. K. Albro,

Second Lieut. Ward H. Porter, and
Second Lieut. Elias Lyman, jr.

INFANTRY ARM.

To be colonels.

Lieut. Col. John H. Hughes,
Lieut. Col. George W. Helms,
Lieut. Col. Rufus E. Longan,
Lieut. Col. Edward A. Roche,
Lieut. Col. Henry M. Dichmann,
Lieut. Col. Halstead Dorey,
Lieut. Col. George F. Baltzell,
Lieut. Col. Edgar T. Conley,
Lieut. Col. Charles H. Bridges,
Lieut. Col. John Robertson,
Lieut. Col. James V. Heidt,
Lieut. Col. Patrick H. Mullay,
Lieut. Col. Monroe C. Kerth,
Lieut. Col. Lambert W. Jordan, jr.,
Lieut. Col. Harvey W Miller, and
Lieut. Col. Daniel G. Berry.

To be lieutenant colonels.

Maj. William W. Bessell,
Maj. Frank C. Burnett,
Maj. Collin H. Ball,
Maj. A. Owen Seaman,
Maj Clifford U. Leonard,
Maj Benjamin H. Pope,
Maj. Julian L. Dodge,
Maj. Herman Glade,
Maj. Frank S Bowen,
Maj. Robert H. Peck,
Maj Ward Dabney
Maj. William W. Taylor, jr.,
Maj. Russell C. Hand,
Maj. George A. Herbst,
Maj. Philip J. Lauber,
Maj Thomas M. Hunter,
Maj. Elverton E. Fuller,
Maj William S. Neely,
Maj Frank H. Adams,
Maj George C. Lewis,
Maj. William H. Patterson,
Maj. Leonard J. Mygatt,
Maj. Elliott M. Norton,
Maj. Roscoe H. Hearn,
Maj. Morris M. Keck,
Maj. Answell E. Deitsch,
Maj. Joseph C. Kay,
Maj. Walter C. Jones, and
Maj. La Vergne L. Gregg.

To be majors.

Capt. Ernest L. Pell
Capt. Joseph C. Hatle.
Capt. John W. Simons, jr.,
Capt. Edward G. Taylor,
Capt. Alfred H. Erck.
Capt. Fred P. Jacobs,
Capt. Walter S. Greacen,
Capt. Homer H. Slaughter,
Capt. Henry C. K. Muhlenberg,
Capt. John F. Curry,
Capt. James E. Chaney,
Capt. William J. Fitzmaurice,
Capt. Owen R. Meredith,
Capt. James C. Williams,
Capt. Robert E. O'Brien.
Capt. Simon B. Buckner, jr.,
Capt. Charles H. Bonesteel,
Capt. Robert H. Fletcher, jr.,
Capt. Frederick A. Barker,
Capt. Agard H. Bailey,
Capt. George C. Bowen,
Capt. John H. Hester,
Capt. Franklin L. Whitley,
Capt. Alfred H Hobley,
Capt. Arthur J Hanlon,
Capt. Olin O Ellis,
Capt Elmer C. Desobry,
Capt. Emile V. Cutrer.
Capt. Harry B. Cren,
Capt. G. Barrett Glover, jr.,
Capt. Henry J. Weeks,
Capt. Roy A. Hill,
Capt. Arthur E. Bouton,
Capt. Enoch B. Garey,
Capt. Leonard H. Drennan,
Capt. Charles K. Nulsen,
Capt. John H. Muncaster,
Capt. Theodore K. Spencer,
Capt. Charles D. Hartman,
Capt. Edgar S. Miller,
Capt. Thomas C. Lonergan,
Capt. Albert L. Sneed,
Capt. Lester D. Baker,
Capt. Walter R. Weaver,
Capt. Alva Lee,
Capt. Roy W. Winton,
Capt. Frederick C. Phelps,
Capt. James L. Frink.
Capt. Edmund R. Andrews,
Capt. Henry J. Damm.
Capt. Max R. Wainer,
Capt. Robert H. Willis, jr.,
Capt. Charles E. Coates.
Capt. Martin C. Shallenberger,
Capt. William B. Loughborough,
Capt. James W. Peyton,
Capt. Oral E. Clark,
Capt. Robert Coker.
Capt. William F. Hoey, jr.,
Capt. Alexander W. Maish.
Capt. William J. McCaughey,
Capt. Eugene R. Householder,
Capt. Eugene Santschi, jr.,
Capt. William A. Ganoe,
Capt. Elmer F. Rice.
Capt. Benjamin F. Castle,
Capt. John W. Lang.
Capt. George T. Everett,
Capt. Henry H. Arnold,
Capt. Walter R. Wheeler,
Capt. Barton K. Yount.
Capt. Denham B. Crafton,
Capt. William E. Selbie,
Capt. John L. Jenkins.
Capt. Charles H. White.
Capt. Alvin G. Gutensohn,
Capt. Stanley L. James,
Capt. John S. Sullivan,
Capt. Bruce B. Buttler,
Capt. Evan E. Lewis.
Capt. Paul A. Larned,
Capt. James H. Laubach.
Capt. George R. Harrison,
Capt. Ralph W. Dusenbury,
Capt. Thomas C. Spencer,
Capt. Fauntley M. Miller,
Capt. Ray C. Hill.
Capt. Patrick J. Morrissey,
Capt. Thomas M. R. Herron,
Capt. John D. Reardan,
Capt. Chester A. Shephard, and
Capt. Charles W. Harris.

TRANSFER FROM THE RETIRED LIST.

CAVALRY ARM.

Capt. Louis R. Ball to be major.

INFANTRY ARM.

First Lieut. Charles C. Todd to be major.
Second Lieut. Claude N. Feamster to be captain.

APPOINTMENT BY TRANSFER IN THE ARMY.

CAVALRY ARM.

Second Lieut. Veno Earl Sacre, Infantry, to be second lieutenant of Cavalry.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:
John P. Miller,
James P. Olding,
Albert S. Rees, and
Hollis M. Cooley.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:
Howard K. Lewis,
Robert T. Merrill, 2d,
Francis G. Marsh,
Percy K. Robottom,
Stanley R. Canine,
Joseph P. Norfleet,

Bernard O. Wills,
Walter V. Combs,
Thomas Moran,
Francis P. Traynor,
Roy C. Smith, jr.,
Walter D. La Mont,
Clarkson J. Bright,
William D. Kilduff,
Herbert A. Ellis,
Herbert R. Hein,
Morris D. Gilmore,
James McD. Cresap,
Paul M. Bates,
Elliott B. Nixon,
Joseph M. Blackwell,
Norman L. Kirk,
Merritt Hodson,
Fred Welden,
Pat Buchanan,
Franz B. Melendy,
Joseph R. Mann, jr.,
John F. Meigs, jr.,
John W. Gates,
William C. Barnes,
Marion C. Cheek,
George C. Fuller,
Harry R. Bogusch,
Lee C. Carey,
Glenn A. Smith,
Donald C. Godwin, and
Edwin J. Gillam.

Ensign William D. Austin to be a lieutenant (junior grade).

Pay Clerk Samuel B. Caldwell to be a chief pay clerk.

The following-named temporary warrant officers to be ensigns for temporary service:

Le Roy H. Ripley,
Frank A. Saunders,
Warren P. Boardman,
Benjamin J. Shinn,
William J. Clark,
Merton R. Hinkle,
Caspar Yeager, and
Lon H. Robb.

The following-named enlisted men to be ensigns for temporary service:

William Y. Rorer,
Cedric O. Eaton,
Charles A. Oliver,
Harry F. Newton,
Fred C. Forster,
George E. Ernest,
Albert J. Fern,
Frank Leghorn,
Edward F. Manning,
William G. Spurlock,
Theodore A. Kelly,
William H. Fiddler, jr., and
Frederick J. Leonard.

The following-named ensigns of the United States Naval Reserve Force to be ensigns for temporary service:

George L. Heyer,
Harold B. Collins, and
William C. Eberle.

The following-named ensigns of the National Naval Volunteers to be ensigns for temporary service:

Alan M. Gray,
Hale G. Knight, and
Charles A. Williams.

The following-named pharmacists to be dental surgeons for temporary service:

William F. Murdy and
Clarence A. Chandler.

The following-named pay clerks to be assistant paymasters with the rank of ensign for temporary service:

Independent W. Gorton,
Daniel Lynch,
Edward H. Duane,
Raymond A. Auringer, and
Lloyd C. Sowell.

Harry M. Peterson to be an acting chaplain for temporary service with the rank of lieutenant (junior grade).

John M. J. Quinn to be an acting chaplain for temporary service with the rank of lieutenant (junior grade).

Second Lieut. Francis S. Kieren to be a first lieutenant in the Marine Corps for temporary service.

First Lieut. Francis S. Kieren to be a captain in the Marine Corps for temporary service.

First Lieut. Alvin J. Daigler to be a captain in the Marine Corps for temporary service.

Second Lieut. Carl J. Jessup to be a first lieutenant in the Marine Corps for temporary service.

The following-named temporary second lieutenants to be second lieutenants in the Marine Corps for a probationary period of two years:

Lester D. Johnson and
Edgar B. Pendleton.

COAST GUARD.

Cadet Engineer Leo Robert MacHale to be third lieutenant of Engineers.

POSTMASTERS.

MISSISSIPPI.

John T. Griffin, Rolling Fork.

SOUTH CAROLINA.

Cuttino M. Mellichamp, Edgefield.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 29, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, O God, our Heavenly Father, for that wise and beneficent providence which has ever been the inspiration of our people to prosperity and greatness.

Make us wise, we beseech Thee, in our generation, that with a firm and steadfast faith in Thee we may press forward to greater achievements.

Hearten our soldiers at the front; give wisdom, skill, sagacity to their commanders; strengthen our arms and give us victory in this critical hour, that good may live and evil perish. In His name. Amen.

The Journal of the proceedings of Saturday and Sunday was read and approved.

WAR SUPPLIES—CONFERENCE REPORT (NO. 527).

Mr. FIELDS. Mr. Speaker, I submit a conference report on the bill (S. 3803) authorizing the President to sell war supplies for printing under the rule.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.
GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war, submit the following written statement explaining the effect of the action agreed on:

The difference between the two Houses consists in the fact that the Senate bill provided that the proceeds of the sale authorized in the bill should be used by each department or bureau whose products were sold, whereas the House insisted that the proceeds should be covered into the Treasury. The Senate accepted the House amendment.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply.

Mr. WALSH. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that no quorum is present and evidently there is not.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Illinois to go into Committee of the Whole House on the state of the Union on the bill H. R. 11259.

The question was taken; and there were—yeas 289, answered "present" 1, not voting 140, as follows:

YEAS—289.

Alexander	Esch	La Follette	Sabath
Almon	Evans	Langley	Sanders, Ind.
Anderson	Fairfield	Larsen	Sanders, N. Y.
Anthony	Farr	Lazaro	Sanford
Ashbrook	Fess	Lea, Cal.	Schall
Aswell	Fields	Lee, Ga.	Scott, Mich.
Ayres	Flood	Lever	Scully
Baer	Focht	Linthicum	Sears
Barkley	Foster	Little	Sells
Benkes	Francis	Lobeck	Shackleford
Bell	Frear	London	Sherley
Beshlin	Freeman	Lonergan	Sherwood
Black	French	Longworth	Sims
Blackmon	Fuller, Ill.	Lufkin	Sinnott
Blanton	Fuller, Mass.	Lundeen	Sisson
Booher	Gandy	Lunn	Slayden
Borland	Gard	McAndrews	Sloan
Bowers	Garland	McArthur	Smith, C. B.
Brand	Garner	McClintic	Snyder
Britten	Garrett, Tenn.	McCulloch	Stafford
Browne	Garrett, Tex.	McFadden	Steagall
Browning	Gillett	McKenzie	Steenerson
Buchanan	Glynn	McKeown	Stephens, Miss.
Burnett	Good	McLaughlin, Mich.	Stephens, Nebr.
Burroughs	Goodwin, Ark.	Magee	Sterling, Ill.
Butler	Gordon	Mansfield	Stevenson
Byrnes, S. C.	Gould	Mapes	Stiness
Byrns, Tenn.	Graham, Ill.	Martin	Sweet
Campbell, Kans.	Greene, Mass.	Mason	Swift
Candler, Miss.	Hadley	Mays	Switzer
Cannon	Hamill	Mecker	Tague
Cantrill	Hamilton, Mich.	Merritt	Talbott
Carlin	Hamlin	Miller, Wash.	Taylor, Ark.
Carter, Okla.	Hardy	Mondell	Taylor, Colo.
Cary	Harrison, Miss.	Montague	Temple
Chandler, Okla.	Harrison, Va.	Moon	Thomas
Church	Hastings	Moore, Pa.	Tillman
Clark, Fla.	Haugen	Moores, Ind.	Timberlake
Classon	Hayden	Morgan	Towner
Claypool	Hayes	Nolan	Treadway
Coady	Heaton	Oldfield	Van Dyke
Collier	Heflin	Oliver, Ala.	Venable
Connally, Tex.	Helm	Oliver, N. Y.	Vinson
Connelly, Kans.	Helvering	Osborne	Volstead
Cooper, Wis.	Hersey	O'Shaunessy	Walker
Cox	Hicks	Overstreet	Walsh
Crisp	Hilliard	Padgett	Walton
Currie, Mich.	Holland	Paige	Ward
Dallinger	Hollingsworth	Park	Wason
Davidson	Houston	Parker, N. J.	Watkins
Davis	Howard	Parker, N. Y.	[illegible], Va.
Delaney	Huddleston	Peters	Welling
Dempsey	Hull, Iowa	Polk	Welty
Dent	Hull, Tenn.	Pou	Whaley
Denton	Humphreys	Purnell	Wheeler
Dickinson	Igoe	Quin	White, Me.
Dies	Ireland	Rainey, H. T.	White, Ohio
Dill	James	Raker	Williams
Dillon	Johnson, Ky.	Ramsey	Wilson, Ill.
Dixon	Johnson, Wash.	Ramseyer	Wilson, La.
Dominick	Juul	Randall	Wilson, Tex.
Donovan	Keating	Rankin	Wingo
Doolittle	Kehoe	Rayburn	Wise
Doremus	Kelley, Mich.	Reed	Wood, Ind.
Dowell	Kelly, Pa.	Robbins	Woods, Iowa
Drane	Kennedy, Iowa	Roberts	Woodyard
Dunn	Kettner	Robinson	Wright
Dyer	Key, Ohio	Rogers	Young, N. Dak.
Eagle	Kincheloe	Romjue	Young, Tex.
Elliott	Kinkaid	Rose	Zihlman
Ellsworth	Kitchin	Rouse	
Elston	Knutson	Rubey	
Emerson	Kraus	Rucker	

ANSWERED "PRESENT"—1.

Rodenberg

NOT VOTING—140.

Austin	Brodbeck	Carew	Cooper, Ohio
Bacharach	Brumbaugh	Carter, Mass	Cooper, W. Va.
Bankhead	Caldwell	Chandler, N. Y.	Copley
Barnhart	Campbell, Pa.	Clark, Pa.	Costello
Blakl	Caraway	Cleary	Crago
Cramton	Gray, N. J.	McLemore	Scott, Iowa
Crosser	Green, Iowa	Madden	Scott, Pa.
Curry, Cal.	Greene, Vt.	Maher	Shallenberger
Dale, N. Y.	Gregg	Mann	Shouse
Dale, Vt.	Griest	Miller, Minn.	Siegel
Darrow	Griffin	Morin	Slemp
Decker	Hamilton, N. Y.	Mott	Small
Denison	Haskell	Mudd	Smith, Idaho
Dewalt	Hawley	Neely	Smith, Mich.
Dooling	Heintz	Nelson	Smith, T. F.
Doughton	Hensley	Nicholls, S. C.	Snell
Drukker	Hood	Nichols, Mich.	Snook
Dupré	Husted	Norton	Stedman
Eagan	Hutchinson	Olney	Steele
Edmonds	Jacoway	Overmyer	Sterling, Pa.
Estopinal	Johnson, S. Dak.	Phelan	Strong
Fairchild, B. L.	Jones	Platt	Sullivan
Fairchild, G. W.	Kahn	Porter	Sumners
Ferris	Kearns	Powers	Templeton
Fisher	Kennedy, R. I.	Pratt	Thompson
Flynn	Kiess, Pa.	Price	Tilson
Fordney	King	Ragsdale	Tinkham
Foss	Kreider	Rainey, J. W.	Vare
Gallagher	LaGuardia	Reavis	Vestal
Gallivan	Lehlbach	Riordan	Voigt
Glass	Lesher	Rowe	Waldow
Godwin, N. C.	Littlepage	Rowland	Watson, Pa.
Goodall	McCormick	Russell	Weaver
Graham, Pa.	McKinley	Sanders, La.	Webb
Gray, Ala.	McLaughlin, Pa.	Saunders, Va.	Winslow

So the motion of Mr. FOSTER was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. DALE of New York with Mr. DALE of Vermont.

Mr. GALLAGHER with Mr. NORTON.

Mr. GRAY of Alabama with Mr. WATSON of Pennsylvania.

Mr. BARNHART with Mr. FORDNEY.

Mr. OLNEY with Mr. GEORGE W. FAIRCHILD.

Mr. NICHOLLS of South Carolina with Mr. REAVIS.

Mr. BANKHEAD with Mr. WALDOW.

Mr. DOUGHTON with Mr. SMITH of Idaho.

Mr. BRODBECK with Mr. DARROW.

Mr. CROSSER with Mr. BENJAMIN L. FAIRCHILD.

Mr. DECKER with Mr. COOPER of Ohio.

Mr. BRUMBAUGH with Mr. GOODALL.

Mr. DEWALT with Mr. COSTELLO.

Mr. CLEARY with Mr. AUSTIN.

Mr. DOOLING with Mr. DENISON.

Mr. CALDWELL with Mr. FOSS.

Mr. DUPRÉ with Mr. CARTER of Massachusetts.

Mr. EAGAN with Mr. EDMONDS.

Mr. FERRIS with Mr. BACHARACH.

Mr. FLYNN with Mr. CRAGO.

Mr. CAMPBELL of Pennsylvania with Mr. COOPER of West Virginia.

Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.

Mr. FISHER with Mr. BLAND.

Mr. CAREW with Mr. CRAMTON.

Mr. GALLIVAN with Mr. CHANDLER of New York.

Mr. GLASS with Mr. GREENE of Vermont.

Mr. GODWIN of North Carolina with Mr. GRIEST.

Mr. GRIFFIN with Mr. HASKELL.

Mr. HAYDEN with Mr. KAHN.

Mr. GREGG with Mr. GRAY of New Jersey.

Mr. JACOWAY with Mr. KIESS of Pennsylvania.

Mr. JONES with Mr. HAMILTON of New York.

Mr. HENSLEY with Mr. LEHLBACH.

Mr. LITTLEPAGE with Mr. GREEN of Iowa.

Mr. MCLEMORE with Mr. HAWLEY.

Mr. HOOD with Mr. KEARNS.

Mr. MAHER with Mr. HUSTED.

Mr. NEELY with Mr. KENNEDY of Rhode Island.

Mr. OVERMYER with Mr. KING.

Mr. PHELAN with Mr. HUTCHINSON.

Mr. PRICE with Mr. KNUTSON.

Mr. RAGSDALE with Mr. MCLAUGHLIN of Pennsylvania.

Mr. STEDMAN with Mr. MADDEN.

Mr. JOHN W. RAINEY with Mr. MILLER of Minnesota.

Mr. RIORDAN with Mr. MORIN.

Mr. RUSSELL with Mr. MOTT.

Mr. SAUNDERS of Virginia with Mr. MUDD.

Mr. SHALLENBERGER with Mr. NICHOLS of Michigan.

Mr. SHOUSE with Mr. PLATT.

Mr. SMALL with Mr. PORTER.

Mr. THOMAS F. SMITH with Mr. PRATT.

Mr. SNOOK with Mr. SNELL.

Mr. STEELE with Mr. STRONG.

Mr. STERLING of Pennsylvania with Mr. TILSON.

Mr. SULLIVAN with Mr. TINKHAM.

Mr. SUMNERS with Mr. VOIGT.

Mr. WEAVER with Mr. WINSLOW.

Mr. WEBB with Mr. ROWE.
Mr. GARNER with Mr. CURRY of California.
The result of the vote was then announced as above recorded.
A quorum being present, the doors were opened.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BRITTEN. Mr. Speaker, before the House goes into the Committee of the Whole I would like to address the House on a question of personal privilege. I shall not take up the usual hour of the time of the House, because I realize that the subject matter I am about to discuss has been talked of and aired a number of times, but I would like to call the attention of the House to the fact that I have never yet replied to the gentleman from Alabama [Mr. HEFLIN] concerning me.

The SPEAKER. What is the question of privilege founded on?

Mr. BRITTEN. The foundation of it appears in the RECORD of last Friday, at page 6147 [permanent RECORD, p. 4683]. It was the insertion in the RECORD of a speech by the gentleman from Alabama on April 5 last, about three weeks ago.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Has not the House just voted to go into Committee of the Whole House on the state of the Union?

The SPEAKER. It has.

Mr. BRITTEN. But it has not yet gone into the Committee of the Whole.

The SPEAKER. A question of privilege is the highest thing that can arise in the House, and you can do everything with it except to interrupt a roll call.

Mr. BRITTEN. Mr. Speaker, the gentleman from Alabama [Mr. HEFLIN] on April 5, three weeks ago, made a speech in which he directly or indirectly referred to the gentleman from Illinois [Mr. MASON] and myself as being disloyal, or not properly patriotic in this emergency.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. To suggest to the House that the gentleman from Illinois was present when I made that speech, and replied to it.

The SPEAKER. The gentleman says that he did not reply to it.

Mr. HEFLIN. Why, the gentleman followed me. I sat right here on the front seat and heard his speech on the 5th of April.

Mr. BRITTEN. Mr. Speaker, addressing the Chair, does the gentleman from Alabama desire to prevent me from addressing the House this morning?

The SPEAKER. The Chair does not know.

Mr. HEFLIN. The gentleman from Alabama will desire to prevent it unless he is given an opportunity to reply, because the gentleman from Illinois did reply to me.

Mr. BRITTEN. I am almost inclined, then, Mr. Speaker, to withdraw my request in order to obviate that spectacle.

Mr. STAFFORD. That would be a terrible price.

Mr. BRITTEN. I would like to call the attention of the House to the basis for my question of privilege. It is this: That while the gentleman made his speech on April 5 his remarks were not inserted in the RECORD until the day before yesterday, and there was no opportunity of replying.

The SPEAKER. What is it the gentleman from Alabama said about which the gentleman from Illinois desires to talk?

Mr. BRITTEN. The gentleman presented a statement written by T. Everett Harre, an irresponsible writer, published by the American Defense Society, and sent broadcast, in which one Sylvester Viereck, of New York, boasted of having written a bill which I introduced in Congress. That is the basis of my raising the question of personal privilege.

The SPEAKER. The gentleman will proceed.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Did I understand that the gentleman from Illinois arises to a question of personal privilege? I was not present in the Chamber at the time he took the floor.

The SPEAKER. Yes.

Mr. GARNER. And that he states that an article was inserted in the RECORD by the gentleman from Alabama, and if I remember correctly was read from the floor of the House, and that that constitutes the question of personal privilege?

The SPEAKER. Yes. It is owing entirely to what was in the document.

Mr. GARNER. Just one suggestion, if I may, while I am upon my feet, without interrupting the gentleman. If statements made by gentlemen on the floor of the House can later on be made the basis for questions of personal privilege, there is no doubt but that the time of this House can be consumed each day in each week until the end of the session with questions of personal privilege.

The SPEAKER. The Chair will state over again that the proper way, the direct way, the easy way, the short way, when one gentleman makes a statement which another gentleman claims to be unwarranted, upon the floor of the House, is to have the words taken down and have the House immediately deal with it. The gentleman from Illinois finds himself in this situation, however: That the remarks of the gentleman from Alabama were never printed until last Friday.

Mr. GARNER. I am not going to controvert that statement, but the gentleman from Alabama did insert what purported to be his remarks in the next morning's RECORD.

Mr. BRITTEN. Oh, the gentleman is thinking of an entirely different speech, one that has nothing to do with this subject matter.

Mr. GARNER. I think myself where a Member is not present and statements are made concerning him by another Member on the floor of the House he ought to have the opportunity to reply to it, but where a Member is present and a statement is made affecting him, if he does not refer to it at the time he ought to be estopped from further taking up the time of the House in respect to it.

Mr. BRITTEN. Does not the gentleman think that I have a proper basis for a question of personal privilege when a Member gets on the floor of this House and says that a certain man in New York claims authorship of a bill, a very important bill, which I had introduced?

Mr. GARNER. Well, I will answer that by asking the gentleman this question: Did not the gentleman reply to it at that time?

Mr. HEFLIN. Yes; he replied at that time.

Mr. BRITTEN. I attempted to reply to it briefly at that time, and would have specifically replied in the intervening time, but the speech was three weeks ago, and the remarks of the gentleman from Alabama had not been inserted in the RECORD until the day before yesterday. The speech to which the gentleman from Texas [Mr. GARNER] refers, which was corrected in the RECORD by the gentleman from Alabama, was one in which certain typographical errors were made last Thursday, and therefore appeared in the RECORD two days in succession.

Mr. HEFLIN. Mr. Speaker, a point of order.

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. The gentleman from Illinois was present when I read this statement given out by this American Defense Society. He then denied that Viereck wrote this bill in question and said he wrote it himself. Now he wants to reply again to a question which he has already denied and which I did not dispute after he said Viereck did not write the bill, but he wrote it himself. I am just asking for a square deal, Mr. Speaker; all I ask is fair treatment at the hands of the House and everybody else. I do not think the gentleman ought to be permitted to take up the time of this House to answer a speech that I made when he was present and to which he replied on that very day.

The SPEAKER. If he replied on that very day——

Mr. HEFLIN. He spoke that very day, immediately following me.

Mr. BRITTEN. Mr. Speaker, I had permission to address the House for five minutes that day, and when my time expired it was extended another five minutes, and it was not on the question of personal privilege. While I followed what the gentleman from Alabama had said, there was no way of knowing positively what he said, because he talked for 30 minutes or more, until——

The SPEAKER. The gentleman will proceed.

Mr. BRITTEN. Until his speech appeared in the RECORD on Saturday.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The gentleman has not yet pointed out the language to which he objects.

Mr. BRITTEN. I am just about to do that, if the gentleman will allow me.

The SPEAKER. The gentleman has not had any chance.

Mr. WINGO. The gentleman has said it was remarks appearing in the RECORD of Friday, made on April 5, and it seems the remarks he referred to were read at that time by the gentleman from Alabama and that the gentleman replied during the discussion. I have no desire to interfere with the controversy——

Mr. HAMILTON of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMILTON of Michigan. Has not the Chair ruled that the gentleman from Illinois might proceed?

The SPEAKER. The Chair has, but the gentleman from Arkansas is in his rights.

Mr. HAMILTON of Michigan. Regular order!

Mr. WINGO. Mr. Speaker, I have no desire to interfere with the controversy, but our Committee on Mines and Mining wants to go ahead with the war-minerals bill. If the gentleman has a question of personal privilege to which he has not replied, it might be necessary; but I think the gentleman will agree with me that the gentleman from Alabama in making his speech read what the gentleman now objects to. I was present at the time—and the gentleman from Alabama has not put in the RECORD, as I understand it, any additional new matter—and the gentleman from Illinois rose and made an explanation of the criticism made by this defense society and of the correspondence in which he protested against it and where they acknowledge that it was an error; now I submit under orderly procedure the gentleman having replied showing it was an unjust charge against him that it is not proper to rise a second time in explanation of it.

The SPEAKER. The Chair has decided that point, and the gentleman will proceed.

Mr. BRITTEN. Mr. Speaker, the CONGRESSIONAL RECORD, page 6147, of Friday, April 26 [permanent RECORD, p. 4683], contained remarks of the gentleman from Alabama [Mr. HEFLIN] made on the floor of the House some three weeks prior to that date. My basis for the request for personal privilege is in the following statement. The gentleman from Alabama said:

I hold here a statement issued this year by Mr. Harre, of the Council of Defense—

When he was in error—

or the American Defense Society, who talks about this bill and says that Viereck, the traitor in New York, who was the editor of the Fatherland, notoriously against this Government, notoriously in sympathy with Germany, that—

Here is what Mr. Harre is supposed to have said—

on the afternoon of June 25, the day upon which this bill was introduced by Congressman BRITTEN, of Illinois, Mr. Viereck read to me the text of the bill proposing that citizens of German or Austrian birth or descent upon their request should be exempted from military service in foreign lands.

Then the gentleman from Alabama was interrupted by Mr. SWITZER.

Will the gentleman yield? By whom is that issued, what society?

Mr. HEFLIN. By T. Everett Harre, and these extracts are signed by the secretary of the American Defense Society. Now, gentlemen, what do you think of that—that Viereck wrote that bill. Did he send it to the Member from Illinois? How came that bill here? How came it to be introduced in this body? Those are questions that we must consider.

And then, in his own handwriting, the gentleman from Alabama inserted, outside of the typewritten record:

While our boys are fighting at the front we must not fail to do our duty here. [Applause.]

The champion applauder for the other side has applause on the brain.

In order to make certain that this speech as it appeared in the RECORD on Friday morning was an exact counterpart of the speech as it was delivered on the floor of the House, I sent for the original typewritten copy, which I have here. With a few exceptions the speech is identical with the remarks made by the gentleman on the floor.

But he said:

Now, gentlemen, let me say in conclusion, let us stand together and all together by the President, this great American, the Commander in Chief of our Army and Navy.

And then he has put the word "applause" in there, for fear the House and gallery did not quite appreciate the importance of it.

Mr. WINGO. Mr. Speaker, I rise to a point of order. The gentleman is complaining, under a question of personal privilege, of the gentleman from Alabama writing "applause" after some remarks that do not refer to the gentleman from Illinois. I have no objection to his proceeding under personal privilege, but in order to save time——

The SPEAKER. I think the gentleman had best omit that.

Mr. BRITTEN. The speech has been changed by adding a number of "applauses," and the word "loud" before the final "applause."

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HEFLIN. To say that the word "applause" is not inserted anywhere except where applause occurred on the floor.

Mr. WINGO. A point of order, Mr. Speaker.

The SPEAKER. What is the point of order?

Mr. WINGO. The point of order is that both gentlemen are discussing the word "applause."

The SPEAKER. The gentleman from Arkansas is entirely correct. The gentleman from Illinois [Mr. BRITTEN] will stick to his text.

Mr. BRITTEN. I shall refrain further from talking about "applause." A little further down in the gentleman's remarks of April 5 he uses this language:

Gentlemen—

Referring to my bill—

If that is Americanism, I can not subscribe to the doctrine. If that is loyalty to the boys at the front and to the flag, then I am not loyal myself.

Mr. Speaker, the gentleman refers to my bill. He does not necessarily say it is disloyal. He does not say that I am unpatriotic, but he characterizes the entire matter as being disloyal from his point of view, and he has here repeatedly slapped his ponderous chest and indicated what he has in his heart against 14 Members of Congress. He has repeatedly mentioned my name among them—14 Members who, from his point of view, according to the dictates of his heart, are disloyal to the Government. I do not mean to impugn the patriotism of any Member of this House, and I never did.

Mr. WINGO. Mr. Speaker, I make the point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The gentleman is not speaking of the charge that the gentleman from Alabama made when he charged Mr. Viereck with having written his bill. That is the charge. I do insist that the gentleman shall stick to the charge that has been made.

The SPEAKER. The gentleman will proceed in order.

Mr. BRITTEN. Mr. Speaker, on page 5510 of the RECORD, in the corrected copy of the gentleman's remarks of April 23, the gentleman from Alabama, referring to both Mr. MASON and myself, said these words—and, by the way, he was referring to his Age-Herald editorial—

Now, whoever furnished the gentleman from Illinois [Mr. MASON] with the editorial attacking me, misrepresenting me, charging me falsely with having said the speech——

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The gentleman is reading what the gentleman from Alabama objected to about the Age-Herald. It has nothing to do with the question of privilege.

The SPEAKER. The gentleman from Illinois will proceed in order.

Mr. BRITTEN. I was using the gentleman's remarks, and was going to have them apply to my own position to-day.

The SPEAKER. The gentleman is at liberty to quote anything stated by the gentleman from Alabama reflecting on him and making a statement about that. That is absolutely fair. But to drag up the Age-Herald here again——

Mr. BRITTEN. I will not drag that in again without the permission of the House. I will get at it in this way: The gentleman from Alabama said he did not understand why the gentleman from Illinois was not dealing fairly by him, and when he presented the article from the Age-Herald—that is, the editorial—he also ought to have presented a subsequent editorial.

Mr. WINGO. Mr. Speaker, I make the same point of order. The gentleman is repeating the same offense.

Mr. BRITTEN. All right, Mr. Speaker——

The SPEAKER. The gentleman will leave out the Age-Herald.

Mr. BRITTEN. I will leave that out. He said that in presenting certain matters before the House, as a matter of fairness to the gentleman from Alabama, both statements should be presented.

Mr. WINGO. I insist on the point of order. The gentleman is referring to a question of privilege that the gentleman from Illinois [Mr. MASON] might have.

Mr. BRITTEN. Which I also have.

Mr. WINGO. The gentleman from Illinois [Mr. BRITTEN] was not mentioned in that controversy with reference to the Age-Herald, and I insist that he confine himself——

The SPEAKER. If the Age-Herald had nothing to say about the gentleman from Illinois [Mr. BRITTEN], the Chair thinks it is out of place.

Mr. BRITTEN. Mr. Speaker, in order to save time I will send to the Clerk's desk a letter from the American Defense Society, written the day after the gentleman from Alabama [Mr. HEFLIN] addressed the House, April 6, and also a statement accompanying that letter, which I would like to have the Clerk read to the House.

The SPEAKER. The Clerk will read it, without objection.

The Clerk read as follows:

AMERICAN DEFENSE SOCIETY (INC.),
New York, April 6, 1918.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

MY DEAR MR. BRITTEN: Your letter is a little obscure, for you have heretofore characterized the statement made by Mr. Harre as emanating from this society; and you mention that Mr. HEFLIN read into the RECORD a copy of the Defense Society's statement concerning it; but I can not tell whether you refer to that or to the recent news release, a copy of which I inclose. If the latter, it probably did no harm; and if the former, any harm that it did can be immediately counteracted by reading this inclosed statement.

Yours, truly,

HENRY C. QUINBY,
Chairman Executive Committee.

STATEMENT BY AMERICAN DEFENSE SOCIETY.

MARCH 27, 1918.

On [blank date] an article appeared in a number of newspapers purporting to be issued with the approval of the American Defense Society, and written by Mr. T. Everett Harre, in which the writer attempted to show the connection between George Sylvester Viereck, of New York, and certain men of influence in the Nation's Capitol at Washington.

Among other things, the article attributed to Mr. Viereck the boast that he was the author of H. R. 5184, introduced in Congress on June 25, 1917, by Representative FRED A. BRITTEN, of Chicago, the title of which bill was "To authorize the President to exempt from foreign military service, upon their request, such citizens of German or Austrian birth or descent whose blood ties in the enemy country might discourage the supreme effort that is necessary for the victory of our troops on foreign soil."

Mr. Viereck has since denied making this statement, and upon Congressman BRITTEN'S assurance that there is not the slightest truth in it the society is willing to correct any injustice which may have been done to Mr. BRITTEN in the premises, and to say that it has confidence in Mr. BRITTEN'S attitude, irrespective of whether Mr. Viereck did or did not make the statement attributed to him.

Mr. BRITTEN explains that his bill was introduced for the sole purpose of increasing the efficiency of the Army and with no intention to provide an evasion of the draft law.

Mr. Harre's article said that the Britten bill "was in line with another bill to repeal the conscription law for raising the National Army," which might have led the reader to believe that Mr. BRITTEN was also the author of this bill, while in fact he voted for the conscription law and made a speech in its favor on the floor of the House. The inference, therefore, is entirely erroneous.

Congressman BRITTEN is entitled to a correction of the statement made by Mr. Harre that "the Congressman from the ninth district of Illinois, who introduced the bill, was one of those men specifically characterized by President Wilson as willful men, who have attempted to frustrate and hinder the prompt passage of legislation necessary for this Nation's conduct of the war."

The President's reference to a "little group of willful men" was made on March 4, 1917, prior to our entrance into the war, and was directed against the Senators who had succeeded in talking to death a bill "authorizing the President to arm American merchant ships," and for which bill Mr. BRITTEN had voted favorably in the House on March 1, 1917.

[Applause.]

Mr. BRITTEN. Mr. Speaker, the article referred to and presented to the House by the gentleman from Alabama [Mr. HEFLIN] was quite a lengthy one. It covered two columns, closely printed. The author, T. Everett Harre, an unreliable newspaper man, by some method had his article sent out by the American Defense Society, a pure mistake, as indicated in the letter just read. As soon as the American Defense Society learned of its mistake it issued a second statement, which was dated March 27, a week prior to the date of the speech of the gentleman from Alabama [Mr. HEFLIN]. I will use his language as closely as I can when I say that if Mr. HEFLIN had desired to be fair to me he would have had this second statement read as well as the first. Those are almost the identical words, boiled down, used by Mr. HEFLIN when referring to Mr. MASON the other day for not having presented the second statement of a certain newspaper in Alabama.

Mr. HEFLIN. Mr. Speaker, I never saw this other statement. If I had seen this other statement, I would not have read the first one. It is not a question now as to who wrote the bill. The fact remains that the bill was introduced by the gentleman, and I was criticizing the purpose of the bill.

The SPEAKER. The gentleman will proceed in order.

Mr. BRITTEN. If my bill is subject to criticism, and if I am to be designated by anybody as disloyal or unpatriotic because of attempting to improve the draft law, I think that Congress ought to know my position in the premises. If my bill is in error, every word of it or any one word of it, if my bill is not true and patriotic, then the words of the President of the United States might be equally criticized. I hold in my hand a letter from Adjt. Gen. McCain, dated April 15, 1918, just two weeks ago, in which he says:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, April 15, 1918.

Hon. FRED A. BRITTEN,
House of Representatives.

MY DEAR MR. BRITTEN: In compliance with your request, there is inclosed herewith advanced copy of general orders promulgating Executive order defining the status of conscientious objectors in the military service.

Very truly, yours,

H. P. MCCAIN,
The Adjutant General.

Now, my bill was intended to improve the military service.

Mr. WINGO. Mr. Speaker, I rise to a question of order.

The SPEAKER. What is the gentleman's point of order?

Mr. WINGO. The gentleman's question of personal privilege goes to a statement attributed to a certain gentleman, making the false charge that that gentleman had written a bill introduced by the gentleman from Illinois. Now, I am perfectly willing to have the gentleman attempt to discuss the merits of the bill, but not under the guise of a question of personal privilege. The question of the merits of his bill that he introduced is not a question of personal privilege. The question of personal privilege is that the gentleman from Alabama [Mr. HEFLIN] had quoted a man as claiming to have written that bill which the gentleman introduced. That is a different question. This is a question of the merits of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to say with respect to the point of order that the statement the gentleman from Illinois is now about to make goes to the very crux of his question of personal privilege. He proposes to show that he is not disloyal, and the gentleman from Arkansas [Mr. WINGO] evidently would stop him at that point.

Mr. WINGO. Oh, I object to the gentleman's remark.

The SPEAKER. Of course, the Chair can not anticipate, and nobody can anticipate, what the gentleman is going to say. This bill, whatever it is, was the cause of the trouble, it seems, on which the speech of the gentleman from Alabama [Mr. HEFLIN] was based; and inasmuch as the thing is up, it looks to the Chair as though the gentleman has the right to explain his bill.

Mr. WINGO. If the Speaker will indulge me in just one statement, the question of privilege is not the charge of disloyalty, but the charge that some one else wrote the bill that the gentleman introduced.

The SPEAKER. That was one part of it.

Mr. WINGO. And if he raises the question that some one has charged him with disloyalty, of course the gentleman is entitled to be heard on that charge.

The SPEAKER. That is what he has raised two or three times.

Mr. WINGO. If he wants to discuss and establish his loyalty, certainly I shall not object.

The SPEAKER. The gentleman will proceed in order.

Mr. BRITTEN. I should like to suggest to the gentleman from Arkansas that it is not necessary for me to establish my loyalty.

Mr. WINGO. I did not say it was. The gentleman from Pennsylvania [Mr. MOORE] made that suggestion. I did not.

The SPEAKER. The Chair will not permit debate between Members and the gentleman who has the floor about this thing.

Mr. BRITTEN. Mr. Speaker, my name has been repeatedly connected with the names of other Members of Congress by the gentleman from Alabama [Mr. HEFLIN] as being unpatriotic from his point of view, and he has always used this particular bill to indicate how he arrived at that conclusion as far as I was concerned; and I think I ought to have the right to explain to the House the character of my bill, and just what the President of the United States thinks of it.

Mr. HEFLIN. Will the gentleman yield right there?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. BRITTEN. No; I do not.

Mr. HEFLIN. Then, Mr. Speaker——

The SPEAKER. The gentleman declines to yield.

Mr. HEFLIN. I——

The SPEAKER. The Chair will admonish the gentleman from Illinois that he has got nothing to do with those other 14, if that is the number, and he will attend to his own case.

Mr. BLACKMON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. BLACKMON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKMON. As I understand it, the gentleman from Illinois [Mr. BRITTEN] was given the right to speak to a question of personal privilege with reference to something that occurred a day or so ago. Now, in speaking to his question of personal privilege he goes back three or four weeks, to discuss something that happened three or four weeks or a month ago.

The SPEAKER. Well, it was the thing that happened several days ago that he was complaining of.

Mr. BLACKMON. But can he recite the history of what the gentleman from Alabama has been saying or what he says he has been saying for a long time before?

The SPEAKER. The Chair will do the best he can to hold the gentleman to the direct line.

Mr. BRITTEN. Mr. Speaker I will read a part of the Executive order of March 20, 1918, signed by Woodrow Wilson, The

White House. It is by order of the Secretary of War; Peyton C. March, Major General, acting Chief of Staff; and marked "Official: H. P. McCain, Adjutant General."

"I hereby declare that the following military service is noncombatant service:

a. Service in the Medical Corps wherever performed. This includes the sanitary detachments attached to combatant units at the front; service in the divisional sanitary trains composed of ambulance companies and field-hospital companies, on the line of communications, at the base in France, and with the troops and hospitals in the United States; also the service of supply and repair in the Medical Department.

b. Any service in the Quartermaster Corps, in the United States may be treated as noncombatant. Also in rear of zone of operations, service in the following: Stevedore companies, labor companies, remount depots, veterinary hospitals, supply depots, bakery companies, the subsistence service, the bathing service, the laundry service, the salvage service, the clothing renovation service, the shoe-repair service, the transportation repair service, the motor-truck companies.

c. Any engineer service in the United States may be treated as noncombatant service. Also, in rear of zone of operations, service as follows: Rebuilding buildings, operation and repair; road building and repair; construction of rear-line fortifications, auxiliary defenses, etc., construction of docks, wharves, storehouses, and of such cantonments as may be built by the Corps of Engineers; topographical work; camouflage; map reproduction; supply-depot service; hydraulic service; and forestry service.

2. Persons ordered to report for military service under the above act who have (a) been certified by their local boards to be members of a religious sect or organization as defined in section 4 of said act, or (b) who object to participating in war because of conscientious scruples, but have failed to receive certificates as members of a religious sect or organization from their local board, will be assigned to noncombatant military service as defined in paragraph 1 to the extent that such persons are able to accept service as aforesaid without violation of the religious or other conscientious scruples by them in good faith entertained.

Now, let us see how the very object of my bill differs from the President's desires, if at all. What is the object of this Executive order?

Mr. HEFLIN. Mr. Speaker, I make the point of order against the gentleman reading an order or The Adjutant General or the Secretary of War or the President which exempts from military service religious and conscientious objectors to war in defense of his bill, which exempts boys of German blood and Austrian blood from fighting for the flag. The Secretary has not said, and the President has not said, that he exempts from service men of German and Austrian blood or descent.

Mr. STAFFORD. Mr. Speaker, a point of order. The gentleman can not, under the guise of a point of order, make statements of that kind.

Mr. HEFLIN. I was stating my reasons.

Mr. BRITTEN. Mr. Speaker, I ask to have stricken from the RECORD the attempt of the gentleman to disguise himself in the American flag during my time.

The SPEAKER. The gentleman will proceed.

Mr. BRITTEN. Mr. Speaker, in revising my remarks may I have the privilege of striking from the RECORD the pretended patriotic remarks of the gentleman from Alabama?

The SPEAKER. If the gentleman from Illinois objects to the language of the gentleman from Alabama, he can have the words taken down.

Mr. BRITTEN. It is not worth the while.

Mr. MOORE of Pennsylvania. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman from Illinois was recognized and had the floor. The gentleman from Alabama injected some remarks into his speech without permission of the Chair. Does not the gentleman from Illinois have the right to strike out those remarks?

The SPEAKER. The rule about that is this: Speaker Reed taught me a lesson in regard to it. One day I was making a speech, and I thought I was making a good one. I wound up with a long rhetorical sentence, and right in the middle of it Mr. Steele, of Indiana, popped up and asked me a question which had nothing on the top of the earth to do with it. I answered his question and then went back and repeated the sentence, and then when it was brought to me I struck his question and my answer out. The next morning he rose to a question of privilege and wanted to know why it was stricken out. Mr. Reed asked me, and I told him it had nothing in the world to do with my speech, and I did not propose to have a good sentence like that ruined by Gov. Steele or anybody else. Then, as I say, the Speaker taught me a lesson. He said that when a man has the floor and another gentleman interrupts him to ask him a question and he answers it he has no right to strike it out, but that if a man breaks in without permission on the gentleman who has the floor and gets his remarks in the gentleman making the speech has a perfect right to cut them out, or if he declines to yield and the man insists on interrupting he has a right to cut them out.

Mr. SAUNDERS of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SAUNDERS of Virginia. In connection with the question of order that was raised, I do not think the record is exactly straight. Of course, the gentleman from Alabama can not break into the remarks of the gentleman from Illinois without his permission, but the gentleman from Alabama made a point of order that the gentleman from Illinois was not proceeding in order.

The SPEAKER. The Chair has disposed of that.

Mr. SAUNDERS of Virginia. And therefore I submit that the gentleman from Illinois has no right to strike the remarks out.

Mr. MOORE of Pennsylvania. Mr. Speaker, may I ask the Chair a question?

The SPEAKER. The gentleman may proceed.

Mr. MOORE of Pennsylvania. The Chair did recognize the gentleman from Alabama to make a point of order, and the Chair permitted him to proceed for some time.

The SPEAKER. There was no way of stopping him. [Laughter.]

Mr. MOORE of Pennsylvania. May I ask by way of answering whether the Chair ruled upon that point of order?

The SPEAKER. The Chair did not.

Mr. MOORE of Pennsylvania. Then should it go into the remarks of the gentleman from Illinois without his consent?

The SPEAKER. The gentleman from Alabama made the point of order and then some remarks in pursuance of that.

Mr. MOORE of Pennsylvania. May I ask the Speaker what would be the remedy to stop the gentleman from Alabama [Mr. HEFLIN] from injecting his remarks under these circumstances?

The SPEAKER. The Chair does not know. The Chair is doing the best he can. The gentleman from Illinois will proceed in order.

Mr. BRITTEN. Mr. Speaker, for the benefit of the House I will say that the bill to exempt those having warm blood ties from service abroad was not a hastily prepared measure. I took the matter up with some of the greatest fighting generals in the Army to-day, not reserve officers, whose opinions might be biased or whose sentiments might have been swayed prior to our entry into the world war, but officers in the Regular Army, generals in the Army; and one distinguished officer, who is doing wonderful service to-day, said to me: "BRITTEN, I would not send that character of man to the other side, because he would not make a good soldier. Your bill is perfectly proper and highly desirable; go ahead, introduce that kind of a bill." How valuable would a man be in the terrible game of war if he did not want to fight? I distinctly recall the parallel that was drawn for me by this general that afternoon in his office. He said: "BRITTEN, supposing there were three American soldiers in the ditch, backed up against the wall, and one of them had warm blood ties and was weak-hearted and did not want to fight or kill. Do you know what would happen if they were attacked by three Germans or three Austrians? All three of our fellows would be killed, because of the weak link in that chain of three. He would not have the ambition or the nerve or the desire to kill when fighting his next of kin on the other side, and that character of man should not be sent into the first-line trenches and is not being sent to the first-line trenches to-day." The President's order is the best evidence of it.

To increase and improve the efficiency of the Army something along this line was necessary, and it is being done to-day. The desires of my bill are now in effect, just as though Congress had passed it favorably. Mr. Speaker, there are many matters which I would like to bring to the attention of the House in connection with my being an honorary member of the American Defense Society, which issued this erroneous statement presented by the gentleman from Alabama [Mr. HEFLIN]—an honorary member because of my desire to put the country in a state of preparedness, when Members like the gentleman from Alabama [Mr. HEFLIN] were voting contrary to that desire and fighting against any preparedness; but, of course, if I should proceed along that line gentlemen on the other side of the House will say that I am not talking to the point of order. Therefore on some other occasion I expect to show a great many votes against preparedness measures for many of which the gentleman is voting favorably to-day.

I shall show that many appropriations that he is voting for to-day he voted against in times gone by. His foresight was not as good as his hindsight, and at another time I shall bring that matter to the attention of the House.

Mr. BLACKMON. Mr. Speaker, I do not profess to know anything about parliamentary law, but the issue on which the gentleman rose——

Mr. BRITTEN. Mr. Speaker, I am through. I do not desire to use any more time. I want to thank the House for listening

to me. I realize that this debate, if it may properly be called a debate, between the gentleman from Alabama and Members of Congress whom he has so maliciously and wrongfully characterized has dragged and dragged until the House is finally disgusted with it. [Applause.]

LEAVE OF ABSENCE.

Leave of absence was granted to Mr. COOPER of West Virginia for one week, to participate in the liberty-bond campaign in his district.

ORDER OF BUSINESS.

Mr. EAGLE. Mr. Speaker, I ask unanimous consent to be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes.

Mr. FOSTER. Mr. Speaker, I shall have to object to that.

Mr. EAGLE. Very well.

The SPEAKER. The gentleman from Illinois objects. The motion of the gentleman from Illinois [Mr. FOSTER] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259 is agreed to.

MINERALS AND METALS FOR WAR PURPOSES.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, with Mr. SAUNDERS of Virginia in the chair.

The Clerk reported the title of the bill.

Mr. FOSTER. Mr. Chairman, what is the parliamentary status?

The CHAIRMAN. At the time the committee rose on Saturday last an amendment had been offered and a substitute for that amendment and an amendment to the amendment. The question, of course, will arise, first, on the amendment to the amendment.

Mr. WINGO. Mr. Chairman, I would like to submit a request for unanimous consent. The gentleman from Texas [Mr. EAGLE] was prevented from submitting his request by reason of the House having already voted to go into the Committee of the Whole. I ask unanimous consent that the gentleman from Texas may proceed for 10 minutes. He very seldom addresses the House, and whenever he does it is always to the point and of value.

Mr. ROBBINS. On what subject?

Mr. WINGO. I do not know.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from Texas may proceed for 10 minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, do I understand the request of the gentleman from Arkansas to be that the gentleman from Texas be privileged to speak out of order on a question not in order on the bill under consideration?

Mr. WINGO. That is my understanding.

Mr. STAFFORD. Then I ask that the unanimous-consent request be coupled with the further request that a gentleman on this side be privileged to proceed for 10 minutes on a subject that is not in order on this bill. If the gentleman having charge of this bill wishes to delay the consideration of it by interminable discussion of outside matters we might as well have 10 minutes on each side.

Mr. FOSTER. Mr. Chairman, of course I have been trying to keep down discussion as much as possible, but the gentleman from Texas does not occupy much time, and if he wants 10 minutes I have not any objection to that.

Mr. STAFFORD. It has been suggested since I made my request that it might be half an hour.

Mr. FOSTER. I shall object to any half hour. Let me say this in all kindness, that after these two speeches of the gentlemen who shall share this time I shall object to any more time being consumed that does not apply strictly to the bill and the matter in hand.

Mr. STAFFORD. May I inquire, through the courtesy of the gentleman from Texas, whether it has anything to do with the cause celebre, Heflin-Britten-Mason?

Mr. EAGLE. It is in reference to one phase of it, in order to express my belief that the matter has gone far enough, and to hope that the spirit of fraternity may succeed that of belligerency.

Mr. STAFFORD. I raise no objection to that commendable spirit of the gentleman from Texas.

Mr. EAGLE. Mr. Chairman, I represent here in this Congress a district that has all of the elements that I can imagine in the American population—city people and country people, northern people and southern people, Jew and Gentile, Catholic and Protestants, prohibitionists and antiprohibitionists, labor and capital. I come from the far Southwest; and yet in the five years I have been here I believe on no occasion, by my speech or my vote or my conversation, has provincialism or partisanship actuated me. New England and the East are my country; the golden Pacific slope is my country; the mighty manufacturing North is my country, even with its foreign population being assimilated there; and equally my beloved South is my country. It is our common country. Every vote I cast and every speech I make, though they are very few, and every sentiment of my heart are for one country with one common future. [Applause.] It has been painful to me as an American who hopes himself patriotic that in the different views we entertain and different sentiments we have in reference to the mighty questions that shake this Nation from shore to shore and in the solution of which the whole round world is involved, gentlemen whose personal friendship is dear to me, irrespective of the section whence they come, irrespective of the constituency which they represent, shall in the discharge of their conscientious duties come to unkind words and precipitate continuously for the disturbance of our deliberations emotions that tend sometimes to gather men into groups and sections and parties in anger, and that give comfort to those of this Nation who are not whole-heartedly for the prosecution of this war. I know each of those gentlemen fundamentally in his heart wishes our sacred cause to prevail, and would not be willing for enemies to say that our councils are divided. My friends, this very hour men from Texas are joining men from Illinois, the home of some of these belligerent statesmen; they are joining men from Alabama, the home of one gentleman who participates in these deliberations of belligerency; they are joining men who come from all the other States—in one vast fraternal, sacred enterprise. What do those soldier boys know about any emotions except duty?

Let us quit these unseemly wrangles. [Applause.] We have had enough of it. I know the gentleman from Alabama, and his purposes are just and patriotic even if he is impetuous. I know the gentleman from Illinois, and there is not a kinder heart in America; and I am tired of hearing these gentlemen quarrel with each other to the distraction of the House and the injury of public business. When several hundred thousand of our boys, from California to Maine and from Illinois down to the Gulf of Mexico, are in the trenches on the front in Flanders and in France, with shot and shell and dynamite from whirring aeroplanes pouring destruction in their midst; with others on the sea, where the cowardly submarine is lurking for them; when this Nation is spending its treasure and preparing to spend its blood as freely, and more so, than any Nation in all recorded time, without hope of compensation in land or treasure or anything else except the preservation of its sacred ideals; buckling on its armor to do its duty to civilization, let us cease these wrangles, and let these gentlemen, having given and taken in combats of words, now give and take the right hand of fellowship and declare that, instead of quarreling any more with each other, they will join every one of the rest of us and give our undivided time, thought, and energy to our quarrel against the infamous forces that are endeavoring to destroy our Nation. [Applause.]

Mr. MASON. Mr. Chairman, I just ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MASON. Mr. Chairman, I desire to say that the tone of the gentleman from Texas [Mr. EAGLE] strikes a responsive chord in the heart of every man. So far as I am concerned, the personal equation I would wipe out as cheerfully as I would do the most pleasant thing in life.

But I appeal to the gentleman from Texas [Mr. EAGLE] whether, if he had given everything he could give to his country, and his reputation for loyalty and patriotism was assailed upon this floor, he would not in duty to his family and to his country, and to the boy that is carrying a gun for my country, resent it? Should I be silent when they assail my reputation for loyalty to my country under those circumstances? [Applause.] Let the gentleman from Alabama [Mr. HEFLIN] correct the statement he has made in regard to me, let him leave me without the sting of insulting remarks to the effect that I am working for the Kaiser, when I have given everything I could; let him correct the statement he made misquoting my words in the last speech he made, and I will be silent; but so help me God, whenever a man assails my loyalty to my country, I would be a dishonest sire of an honest American boy, who is fighting for his country, if I did not reply and defend the good name of my family. [Applause.] And I intend to reply to that, gentlemen, within the next 24 hours unless corrections are made of such misstatements. I shall rise to a question of personal privilege.

But I thank the gentleman from Texas for his kindly offer of mediation. I thank everybody who is willing to stop it. Has it not been my continuous plea, and has not the gentleman from Alabama [Mr. HEFLIN] insulted me and made fun of me, because of it, to "Let us quit fighting each other and fight the Kaiser"? He repeats it but to ridicule me, and I would be unworthy to represent the great State of Illinois if I did not have the courage and the grit to defend my State, to defend myself, and to defend the honor of my own family. [Applause.]

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. BLACK. Mr. Chairman, a parliamentary inquiry. Would it be in order to offer a substitute for the McKeown amendment? As I understand that amendment, it is not a substitute for the Sanders amendment but an amendment to that amendment. Now, the inquiry that I wanted to submit was this, namely, would it be in order for me to offer a substitute to the McKeown amendment?

The CHAIRMAN. Let us see if the Chair understands the situation. If there is an amendment there may be an amendment to that amendment. There may be a substitute to that amendment and amendment to that substitute. Now, do I understand the amendment offered to the amendment is not a substitute but an amendment?

Mr. BLACK. The McKeown amendment is offered as a substitute.

Mr. CANNON. I would like to have the amendment to the amendment read.

The CHAIRMAN. The Clerk will read the first amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert "in order to enhance the price of necessaries."

The CHAIRMAN. That is the first amendment. Now the Clerk will report the substitute to that amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana as a substitute for the Sanders amendment: Page 9, line 8, after the word "who," insert "unlawfully."

Amendment offered by Mr. MCKEOWN to the amendment offered by Mr. SANDERS of Indiana: Add the words "or for the purpose of impeding the Government in carrying on the war," so as to read: "In order to enhance the price of necessaries or for the purpose of impeding the Government in carrying on the war."

Mr. CANNON. In what line is that last amendment?

Mr. HAMLIN. The same line and the same place.

The CHAIRMAN. The Chair will state to the gentleman from Texas [Mr. BLACK] that the Chair stated the status of the situation correctly. There was an amendment, and then there was an amendment to that amendment, and then there was a substitute for the amendment—not the amendment to the amendment, but the original amendment. Now, that substitute is amendable.

Mr. BLACK. But not the amendment offered by the gentleman from Oklahoma [Mr. MCKEOWN]? I can not offer a substitute for that. I offer a substitute, then, for the amendment offered by the gentleman from Indiana [Mr. WOOD].

Mr. HAMLIN. Mr. Chairman, as I understand the parliamentary situation, the gentleman from Indiana [Mr. SANDERS] offered an amendment to this section and the gentleman from Indiana [Mr. WOOD] then offered an amendment to that amendment?

The CHAIRMAN. No. He offered a substitute to that amendment.

Mr. BLACK. The gentleman from Oklahoma [Mr. MCKEOWN] offered a substitute.

The CHAIRMAN. No. That is a mistake. The gentleman from Indiana [Mr. SANDERS] offered the amendment and the gentleman from Indiana [Mr. WOOD] offered a substitute for the Sanders amendment, and the gentleman from Oklahoma [Mr. MCKEOWN] offered an amendment to the Sanders amendment, which, you see, would be voted on first.

Mr. HAMLIN. I understand. Then the gentleman from Texas could not be permitted to offer a substitute?

The CHAIRMAN. For the Sanders amendment?

Mr. HAMLIN. Yes.

The CHAIRMAN. No. There has been a substitute offered to the Sanders amendment.

Mr. WINGO. The only thing that would be in order would be an amendment to the substitute?

The CHAIRMAN. That is all. The Chair stated that. There is no difficulty about the situation when you get the facts. The first vote would come on the amendment to the Sanders amendment. That is a perfecting proposition on the amendment to the Sanders amendment. Without objection, the Clerk will report the Sanders amendment and then the McKeown amendment to the Sanders amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert "in order to enhance the price of necessaries."

Amendment offered by Mr. MCKEOWN to the amendment offered by Mr. SANDERS of Indiana: Add the words "or for the purpose of impeding the Government in carrying on the war," so that the Sanders amendment as amended would read: "In order to enhance the price of necessaries or for the purpose of impeding the Government in carrying on the war."

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute for the amended amendment.

The substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. FOSTER. Mr. Chairman, I want to see if we can have an agreement that we may read the balance of the bill without interruption, and then amendments might be offered and discussion had for two or three hours, whatever is thought best.

Mr. ANDERSON. Mr. Chairman, I have observed that these agreements, when made, always result in the utmost confusion and always result in men coming here and voting upon propositions upon which they have heard no debate; and while I desire to expedite the bill, the experience that I have observed in the House does not warrant me in consenting that such an agreement be made by unanimous consent.

Mr. FOSTER. I withdraw my request, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois withdraws his request. The Clerk will read.

The Clerk read as follows:

SEC. 10. That the President is authorized from time to time, whenever in his judgment it may be required for the successful prosecution of the war, to requisition necessaries, and to requisition, or otherwise provide, storage facilities for such necessaries; and he shall ascertain and pay a just compensation therefor. Compensation provided for under this section shall be paid from the appropriation made by section 18 of this act. If the compensation so determined be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such necessaries or storage space, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies.

Mr. ROBBINS. Mr. Chairman, I want to offer an amendment to perfect the text. Add, after the words "United States," in line 5 of page 10, these words, "as provided in section 12 of this act." If you will turn to section 12, you will there find a specific reference to the Judicial Code, under which this proceeding is to be instituted. In this section that is entirely omitted, and it ought to be included, so that there will be no mistake about the remedy that is to be invoked. It is merely to perfect the language.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 10, line 5, after the words "United States," insert "as provided in section 12 of this act."

Mr. ANDERSON. Mr. Chairman, I would like to be heard in opposition to the amendment. The proceeding provided for in this section is not upon all fours with the proceeding provided for in section 12. This section provides for the requisition of necessaries; that is, for the requisition of the chemical elements provided in the bill, the compensation to be determined by the district courts with a jury. The process provided for in section 12 is for a hearing or the trial of the cause before the Court of Claims, which is a proper method of procedure in the case there prescribed, where it is proposed to take over a plant with a great many different elements and involving a very large amount of money. The process is a court proceeding, and is, as I stated, intended to cover those cases where the property taken is of large extent and the question to be considered is difficult and technical.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. ROBBINS. What is the proceeding provided for in section 10?

Mr. ANDERSON. The proceeding provided for in section 10 is a proceeding in the district court instead of the Court of Claims, and that permits the man who has property taken to try his case in his own judicial district, where the property is taken. We made this same distinction in the food law and made it on mature consideration.

Mr. ROBBINS. Mr. Chairman, I withdraw the amendment. I see I was mistaken.

The CHAIRMAN. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 11. That the Secretary of the Interior, with the approval of the President, is authorized from time to time to use the funds provided under section 18 to enter into contracts for necessaries for periods of not exceeding two years, to purchase, to store, to provide storage facilities for, and to sell necessaries at reasonable prices to be fixed by the Secretary of the Interior, with the approval of the President: *Provided*, That if any minimum price shall have been theretofore fixed pursuant to the provisions of section 14 of this act, then the price paid for any such articles so purchased shall not be less than such minimum price: *Provided further*, That nothing in this act shall be construed to authorize entering into contracts under this act after the termination of the war. Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. ANDERSON. Mr. Chairman, I move to strike out, in line 13, page 10, the words "to use the funds provided under section 18."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 10, line 13, strike out the words "to use the funds provided under section 18."

Mr. ANDERSON. Mr. Chairman, I make this motion because if the amendment proposed by the committee to section 18, which makes those sections mere authorizations for an appropriation instead of an appropriation, is adopted the words which I move to strike out would have no meaning in connection with this section. In fact, I think they have none, anyway, because with those words stricken out the language would read:

The Secretary of the Interior, with the approval of the President, is authorized from time to time to enter into contracts.

That is exactly what is sought to permit to be done by this section.

Mr. FOSTER. The gentleman is right about that. But what is intended by this fund that is sought to be provided in section 18 is that it should be used in buying these necessaries.

Mr. ANDERSON. Of course, if an appropriation is made for the purposes of this act. Whether in this bill or in an appropriation bill reported from the Committee on Appropriations, that money will be available to carry out the purposes of this act, either to pay the amounts called for by these contracts or for any other purpose.

Mr. FOSTER. The gentleman thinks they could do it just the same when the appropriation is made?

Mr. ANDERSON. Yes.

Mr. FOSTER. You may be right about that.

Mr. ANDERSON. I take it that you will have two appropriations to carry out this bill, whether the appropriation section remains in it or not—one for administrative purposes, for stenographers, clerk hire, and experts, rent, and everything of that sort, and then you will have an appropriation of a general fund for the administration of the act, which I take it will be a revolving fund, out of which all the expenses of the administration of the act will be paid. The contracts will be taken up, the purchases will be made, and everything of that kind will be done under the general appropriation, as in the case of the Food and Fuel Administration.

Mr. FOSTER. The gentleman knows that no part of this $50,000,000 will be used for the purpose of paying any expenses.

Mr. ANDERSON. The appropriation of $50,000,000, I take it, is an appropriation for the administration of the act in the sense of buying the minerals or elements specified in the bill, paying for property requisitioned, and fulfilling contracts. Now, if no appropriation is made in the bill—and it may not be—then this language is entirely foreign to this section.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. DEMPSEY. I think the gentleman's motion to strike out is absolutely necessary, because as it reads now all that the President is authorized to do is to use the fund. He is not authorized to enter into contracts.

Mr. ANDERSON. The gentleman is correct.

Mr. DEMPSEY. And what you evidently intend to authorize the President to do is to enter into contracts, not to use the funds to enter into contracts at all. In other words, it is stronger and broader and clearer if you strike out what the gentleman proposes than if it is in there.

Mr. ANDERSON. The gentleman from New York is quite right.

Mr. FOSTER. The gentleman is correct about that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CARAWAY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bills of the following titles:

S. 3388. An act to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 15, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees and for other purposes; and

S. 4292. An act to conserve the gold supply of the United States, to permit the settlement in silver of trade balances adverse to the United States, to provide silver for subsidiary coinage and for commercial use, to assist foreign Governments at war with the enemies of the United States, and for the above purposes to stabilize the price and encourage the production of silver.

MINERALS AND METALS FOR WAR PURPOSES.

The committee resumed its session.

Mr. HAMLIN. Mr. Chairman, my attention has just been directed to a matter that I think the attention of the committee ought to be called to. The second proviso of this section reads as follows:

That nothing in this act shall be construed to authorize entering into contracts under this act after the termination of the war.

But this act provides for the purchase and sale of certain minerals under certain conditions. Now, it has been suggested to me—and, I think, with considerable force—that it might happen that at the time the war terminated the Government might have on hand a lot of these minerals or materials for which it would have no use in the world, except to dispose of them to the people who consumed them, and that to sell them after that time would involve the making of contracts. Each sale would be a contract, and it has been suggested to me that there ought to be some exception to this direct prohibition against the making of contracts after the termination of the war. It had occurred to me that perhaps we ought to insert after the word "war" the words "except so far as it shall be necessary in order to dispose of any material which may be in the possession of the Government at that time," limiting the right to make contracts to the disposal of whatever material might be on hand and in possession of the Government at the time the war is terminated. I have not offered that yet as an amendment. I am simply making a suggestion.

Mr. DEMPSEY. Let me suggest to the gentleman that instead of the language he suggests we use this language—

Except to sell materials on hand.

Mr. HAMLIN. That is better.

Mr. DEMPSEY. That is shorter.

Mr. HAMLIN. That is better. I think there ought to be something of that kind to allow the Government to dispose of materials on hand. I offer that amendment, to insert on page 10, line 24, the words "except to sell materials then on hand."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMLIN: Page 10, line 24, after the word "war," insert "except to sell materials then on hand."

Mr. PARKER of New Jersey. I suggest to the gentleman that he might use the words "dispose of" instead of "sell."

Mr. HAMLIN. I am perfectly willing to substitute the words "dispose of" for the word "sell," so that it will read:

Except to dispose of materials then on hand.

Mr. JOHNSON of Washington. That means that contracts may be entered into for that purpose.

Mr. HAMLIN. Only to dispose of materials that might be on hand at the close of the war.

Mr. JOHNSON of Washington. What would become of the money? Would it go into the Treasury or into the revolving fund?

Mr. HAMLIN. That is specifically provided for. It goes into the Treasury. It says that any money not needed in the revolving fund shall be covered into the Treasury.

Mr. JOHNSON of Washington. What becomes of the revolving fund?

Mr. HAMLIN. That goes back into the Treasury as soon as there is no further use for it.

Mr. JOHNSON of Washington. When will there be no further use for it?

Mr. HAMLIN. As soon as this business is closed up after the war is ended.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. SANDERS of Indiana. Section 11 provides for the entering into contracts for necessaries. Now, if you add the provision suggested by the gentleman from Missouri [Mr. HAMLIN], is there any danger of that being construed to prevent the Government from selling such necessaries as it finds it essential to purchase under section 14 to protect guaranties? In other words, under this bill you have the right to guarantee to any producer that he shall have a certain price for all of the necessaries that he produces. Now, in order to protect the Government in a certain way you permit the Government to purchase under that section.

Mr. HAMLIN. I see the gentleman's point—that in case the Government should enter into a contract under the minimum-price provision of this bill——

Mr. SANDERS of Indiana. Not exactly enter into a contract, but guarantee——

Mr. HAMLIN. Guarantee the minimum price, and the war should suddenly terminate, then we might have to protect ourselves by purchasing the materials.

Mr. SANDERS of Indiana. We are very likely to have that. In other words, if we guarantee a certain price, especially if more is produced than is used in ordinary channels, the Government is going to be compelled to purchase that, because otherwise it would have to pay the producer so much money, and the Government will purchase those necessaries. However, in the section which gives the right to purchase to protect the guaranty there is also a provision authorizing the sale; but when the gentleman from Missouri [Mr. HAMLIN] proposed his amendment, it occurred to me that that might be in conflict with the right to sell. Would it not be preferable to say that nothing in this act shall be construed to authorize entering into contracts for the purchasing of such necessaries under this act after the termination of the war? That would leave the Government the right to store and to provide storage facilities for, and to sell.

Mr. HAMLIN. That has got to be done. I see the gentleman's point, and I can conceive of a condition that might arise where it would be a little bit embarrassing. We might say, "except the right to purchase material to protect any guaranty made and to dispose of the same." That would certainly cover it.

Mr. DEMPSEY. The guaranty made under section 14?

Mr. HAMLIN. The guaranty made under section 14, yes.

Mr. WINGO. Let me suggest these words:

Except for the purpose of disposing of any property on hand or necessary to protect the Government in any guaranty under section 14.

Mr. HAMLIN. On property purchased.

Mr. WINGO. Or necessary to protect the Government.

Mr. HAMLIN. Or such acts as are necessary.

Mr. SANDERS of Indiana. Is it not safer to put in the affirmative provision, rather than to put in an exception there?

Mr. HAMLIN. I take it we all want to leave in the general provision to compel the closing of contract making after the termination of the war, in so far as it is possible to do so. So I think it is all right to leave this section in, with the exception suggested.

Mr. SANDERS of Indiana. Will the gentleman yield further?

Mr. HAMLIN. Yes.

Mr. SANDERS of Indiana. It occurred to me that the provision in lines 22–24 itself might be in conflict with the subsequent provisions of the law authorizing the purchase in order to protect guaranties.

Mr. HAMLIN. Yes.

Mr. SANDERS of Indiana. The provision in lines 22 to 24, page 10, is as follows:

Provided further, That nothing in this act shall be construed to authorize entering into contracts under this act after the termination of the war.

I think the language would more clearly express the intention that was in the minds of the committee if it should read "that nothing in this act shall be construed to authorize entering into executory contracts."

Mr. HAMLIN. If you do that, you are going to get into all sorts of trouble and doubts.

Mr. SANDERS of Indiana. The other section authorizes the purchase of this material after the war—that is, any time during the guarantee.

Mr. HAMLIN. If the gentleman will permit, I think the modification suggested by my colleague from Arkansas [Mr. WINGO] will clear that up, that after the word "war" insert "except for the purpose of disposing of property on hand or such as may be necessary to protect the Government under guaranties of section 14."

Mr. COOPER of Wisconsin. Will the gentleman submit to a question?

Mr. HAMLIN. Certainly.

Mr. COOPER of Wisconsin. If you ask the owner of property and he says, "I am going to dispose of it," that does not mean that he is going to store it. It means—it is generally understood to mean—that he is going to part with the title. Does not the gentleman think that he ought to provide in the alternative that the Government shall sell, store, or otherwise dispose of the property.

Mr. HAMLIN. That is in the bill. I will call attention to the fact that the first part of section 11 provides for the entering into contracts for necessaries for periods not exceeding two years to purchase, to store, to provide storage facilities for and to sell necessaries at reasonable prices, and so forth.

Then we put in the proviso that nothing in this act shall be construed to make these contracts after the termination of the war. It occurred to us that they ought to have the right to dispose of the property then on hand.

Mr. COOPER of Wisconsin. But suppose it should be for the interest of the Government not to dispose of it, as the word "dispose" is customarily understood, but to store it. The Government might itself want to use it for something else. To "dispose of" means to get rid of. Why not put in the words "sell, store, or otherwise dispose of," because dispose of would not mean to store.

Mr. HAMLIN. I do not think the Government as a government would have any use for material except to see that it got into the hands of the people who must use it. I do not think we will have any trouble on that line.

Mr. COOPER of Wisconsin. There might be a falling market or a rising market or a glutted market, and it might be to the direct interest of the Government to store the necessaries for future use. Whatever is left over it might be to the direct financial interest of the Government to keep.

Mr. HAMLIN. For a time I realize that is true, but I do not think there is much danger of that.

Mr. COOPER of Wisconsin. There ought not to be any danger at all, and if you can eliminate the danger by the use of proper language why not use it? Why not use the words "sell, store, or otherwise dispose of"?

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent to modify my amendment in the manner which the Clerk will report.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 10, line 24, after the word "war," insert the following: "except for the purpose of disposing of property on hand or such as may be necessary to protect the Government on its guaranty under section 14."

The CHAIRMAN. Without objection, the gentleman from Missouri will be allowed to modify his amendment as reported.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask that the amendment of the gentleman from Missouri be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. COOPER of Wisconsin. Mr. Chairman, I move an amendment to the amendment of the gentleman from Missouri by inserting before the word "disposing" in his amendment the words "selling, storing, or otherwise."

Mr. HAMLIN. I have no objection personally to that.

Mr. COOPER of Wisconsin. It seems to me that it makes the meaning clear.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COOPER of Wisconsin to the amendment of Mr. HAMLIN: After the word "of" insert "selling, storing, or otherwise," so that the amendment will read "except for the purpose of selling, storing, or otherwise disposing of property on hand or such as may be necessary to protect the Government on its guaranty under section 14."

Mr. JOHNSON of Washington. Mr. Chairman, I rise in opposition to the amendment. I think it is a mistake to try to put exceptions in it.

The CHAIRMAN. Does the gentleman oppose the amendment to the amendment or the amendment?

Mr. JOHNSON of Washington. The perfected amendment.

The CHAIRMAN. Then, if the gentleman will suspend, the Chair will put the question on the amendment to the amendment. The question is on the amendment of the gentleman from Wisconsin [Mr. COOPER] to the amendment of the gentleman from Indiana [Mr. SANDERS].

The amendment to the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I really think that it is a mistake to begin to make exceptions when we are undertaking to state in this bill that it is a war measure and shall end with the war. We have a right to suspect that at the conclusion of the war we will find a pretty extensive Bureau of Mines. We have a right also to expect that that bureau will come to Congress asking for an extension of a great many things that are in here, and we also have a right to expect that if at the conclusion of war that bureau finds itself with metals on hand or contracts on hand or many other things, it will then come to Congress in order to determine the method of closing the contracts, including possibly the selling over a period of time, so as not to destroy the market. I do not believe the amendment of the gentleman adds any particular weight, and it puts us in the position of trying to decide what we will do at the end of the war in a business which we are rearranging completely in this bill.

Mr. HAMLIN. The gentleman, of course, understands that under the provisions of this bill it is possible that the Government may have some minerals on hand at that time.

Mr. JOHNSON of Washington. Certainly, and that is why the Bureau of Mines, or the "Mining Administration," as it is to be called, can come to Congress and find the way of disposing of them. In other places where the Government is in the selling business—the Forestry Service, for instance—there are many restrictions which call for advertising for bids, and so on, and I think we might do well to wait until we reach the time when we are ready to sell on account of the end of the war. I yield the floor.

Mr. HAMLIN. Very well, let us take a vote.

Mr. STAFFORD. Mr. Chairman, on a matter independent of the pending amendment, I wish to direct the attention of the chairman——

Mr. HAMLIN. Then let us have a vote upon the amendment first.

Mr. STAFFORD. In connection with this amendment I assume then that the President is to have authority to enter into contracts after the termination of the war for the stated purposes included in the exception?

Mr. HAMLIN. Yes.

Mr. STAFFORD. Then my original inquiry was along the same line. In the fourth line of the section authority is given to the Secretary of the Interior to enter into contracts for necessaries for periods not exceeding two years. I assume he has that authority to enter into those contracts regardless of whether the war continues or not.

Mr. FOSTER. No; that is up to the time the war is closed.

Mr. STAFFORD. The language does not so state.

That the Secretary of the Interior, with the approval of the President, is authorized from time to time to use the funds provided under section 18 to enter into contracts for necessaries for periods of not exceeding two years.

Mr. FOSTER. But in other parts of the bill it says no contracts shall be entered into for this purpose after the war is ended.

Mr. STAFFORD. That is further limited by the following language:

That nothing in this act shall be construed to authorize entering into contracts under this act after the termination of the war.

Mr. FOSTER. Yes.

Mr. STAFFORD. But the President may have authority at any time under this present section to enter into contracts for periods of two years, before the termination of the war. The tenure of the contract is two years.

Mr. FOSTER. Not to exceed two years. Of course, they can ke it for two years.

Mr. STAFFORD. Following that language, we find that the President is given further power to purchase, store, to provide storage facilities for, and to sell necessaries at reasonable prices to be fixed by the Secretary of the Interior. Has not the President the right to enter into contracts for a period of two years under the prior clause to purchase these necessaries?

Mr. FOSTER. To purchase these necessaries for two years?

Mr. STAFFORD. Yes; for a period of two years.

Mr. FOSTER. Yes.

Mr. STAFFORD. What is the purpose of limiting, as the paragraph does, the authority of the Secretary of the Interior to enter into contracts for necessaries for periods of not exceeding two years by the further language to purchase, store and provide storage facilities for, and to sell necessaries at reasonable prices to be fixed by the Secretary of the Interior? The language is rather ambiguous in its meaning as to just what the committee intends by those two respective clauses.

Mr. FOSTER. The committee understands what it is trying to express, and that is that the President should have the right, through the Secretary of the Interior, to purchase these articles, making contracts to purchase them for a period not exceeding two years before the war closes, and he has the right under that provision to store and to provide storage facilities, which he would have to do if he is going to store, and then to sell the necessaries—dispose of them at a reasonable price. He can make those contracts not to exceed two years.

Mr. WHITE of Maine. Would not these latter powers be limited by the life of the act? It looks to me as though you had given the President authority to enter into contracts for necessaries, which, I assume, carries the power to enter into contracts for the purchase of the various commodities named in the bill for a period not exceeding two years.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. I yield to the gentleman from Maine.

Mr. WHITE of Maine. Then you go on in the next clause and authorize the President to purchase necessities and to exercise powers—other powers—but it would seem to me that by the language that subsequent power was limited by the life of the act, notwithstanding he had power to enter into contracts for the purchase of necessaries which might extend for two years.

Mr. FOSTER. These suggestions, I will say to the gentleman, are what the Government may do in reference to buying and selling and storage of these necessaries.

Mr. STAFFORD. Will the gentleman permit? Are these the only powers that the Secretary of the Interior is authorized to exercise under the general head of entering into contracts for necessaries?

Mr. FOSTER. Under this section, yes, as I understand.

Mr. STAFFORD. Is not the language definitive of the general authority and, as suggested by the gentleman from Maine, coextensive? One is very general authority of the broadest character and the other is delimiting; although it does not so state, it is delimiting.

Mr. COOPER of Wisconsin. Mr. Chairman, in reply——

Mr. STAFFORD. I will yield to my colleague.

Mr. COOPER of Wisconsin. May I say a word in reply to the query propounded by my colleague [Mr. STAFFORD]? It seems to me the meaning of the section is plain as it is written. Line 13 in the first clause authorizes the President to enter into contract for necessaries for a period not exceeding two years. For instance, he could enter into a contract to-day for goods—necessaries—to be manufactured and delivered at any time within two years from this date. Then he is next given power, line 15, to purchase, store, and provide. He can take money and buy necessaries already manufactured and in existence. They are two separate and distinct powers, one supplementary to the other. He could not make a contract for the manufacture of the necessaries, and so forth, or for the bringing of them here without having the contract specify some time for their delivery. Under the language of the law, if this becomes a law, the time of delivery must be within two years from the date of the contract.

Mr. STAFFORD. My colleague will understand when the goods are purchased he enters into a contract——

Mr. COOPER of Wisconsin. Not necessarily. He can send out——

Mr. STAFFORD. Quite necessarily.

Mr. COOPER of Wisconsin. He can take the cash right at hand, the money, and buy these necessaries and have the prop-

erty delivered and take a receipt for the payment. He would not have to wait until——

Mr. STAFFORD. That is not the way the President or the Secretary of the Interior would proceed under the powers vested in him by this act.

Mr. COOPER of Wisconsin. If the gentleman will pardon me, I think that the executive officials of the Government very frequently go out and make purchases for cash in these times, hand over the money, and get a receipt for the payment.

Mr. STAFFORD. If the gentleman will permit, there are laws which forbid any department official going out into the market and purchasing supplies for the Government without first calling for bids.

Mr. COOPER of Wisconsin. We have made lump-sum appropriations since this war began and purchases have been made in just the way I described, and the President has made purchases under the $100,000,000.

Mr. STAFFORD. We have made lump-sum appropriations, but the general statute saying how this authority should be exercised still pertains.

Mr. FOSTER. I do not believe there is any trouble about this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out all of section 11, line 24, the balance of the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 24, beginning with the word "any," strike out all down to and including the word "receipt," line 6, page 11.

Mr. CANNON. Now, will the Clerk read the words proposed to be stricken out?

The Clerk read as follows:

Any moneys received by the United States from or in connection with the disposal by the United States of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. CANNON. Mr. Chairman, section 12 provides for the use of $50,000,000 for this purpose, or as much as may be necessary. Now, the query is, What is the use, without stronger reasons than I can conceive, of authorizing the use of this $50,000,000 for such purpose as a revolving fund? Congress is almost continuously in session. The appropriation is to follow, and whether the authorization is five millions or ten millions or fifty millions, as Congress may determine, it can be used as a revolving fund. I do not see the necessity for the revolving fund.

Mr. FOSTER. Will my colleague yield?

Mr. CANNON. Yes.

Mr. FOSTER. If they do not have the revolving fund to use for this purchase and sale, if this were stricken out, then, if they made a purchase and sale, the proceeds of that sale would be covered into the Treasury, under the gentleman's amendment?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. And it would take a special appropriation act to use it?

Mr. FOSTER. It would take another appropriation to pay back the funds.

Mr. CANNON. Well, it ought to do so.

Mr. FOSTER. It would take a pretty large fund.

Mr. CANNON. If my friend will pardon me.

I want to state here and now that there is but one possible excuse for this legislation, and that is manganese.

Mr. FOSTER. I think the gentleman is wrong about that.

Mr. CANNON. I do not think so at all.

Mr. FOSTER. I think the record shows quite differently.

Mr. CANNON. Well, I have read the record, and read it very carefully.

Now, then, take manganese. You are going to buy it for a minimum price in order to encourage the little fellows to go out now and develop new sources of supply, when, at the same time, you have got to depend upon the large development that we now have, and which is possible, with ample capital, and that large development, of the 240,000 tons to be delivered this year, with 6,000 per cent of increase in manganese in five years, produced largely, as I understand it, by the Butte Co. in Montana. That company is headed by Mr. Ryan, is it not?

Mr. FOSTER. Yes; they can produce it there if they put in the machinery.

Mr. CANNON. And the newspapers say he is going to put in $1,500,000 in machinery. Mr. Ryan goes at the head of another important branch of the service—the Aviation Section—and I am exceedingly glad that he does.

Now, what does it require for a small development? Machinery, work, and to get that slight development in the presence of this large capital the guaranty of the minimum price is given, and that goes to Mr. Ryan's product. Well, now then, with that in sight, and with the poor fellow tramping through the forest, digging for the mineral, and begging for transportation over the railroads, if he has a little money and wants to get some machinery, he must have priority for the machinery, when there is this great use for shipbuilding and for munitions and for everything else. Priority is to be given to the little fellow, who is to be patted on the back, you know, but his product, small in amount, would only be useful to the large producer, who would get the same increase in price as the small producer gets, when without a guaranty the demand for manganese in five years has increased the output to 6,000 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Now, what nonsense——

Mr. HAMLIN. I would like to ask the gentleman a question.

Mr. CANNON. I will be glad to answer, if I can.

Mr. HAMLIN. If we do not have a revolving fund, and it becomes necessary for the Government to buy some of this material in order to keep our munition plants running, and we go and buy it and sell it to them, we must take that money and put it in the Treasury. And then it may become necessary next day for them to buy some more, and Congress may not be in session, and it may take a little time to get appropriations through. Would you stop the manufacture of war materials?

Mr. CANNON. It would not require this time as to the munitions people and the shipbuilding people. They can do it direct. And I am here to say that I am satisfied, and for that reason I am moving to strike this out, that the price of manganese—and about 700,000 tons, I believe, will be required, according to the——

Mr. HAMLIN. Eight hundred thousand.

Mr. CANNON. Or 800,000 tons, whatever it is, which has been multiplied 6,000 per cent, and is produced very largely by the capitalists with plants that can command transportation. And the price of manganese is sufficient, if it has been increased in five years 6,000 per cent, to bring the manganese. And what we can not get in that way we bring from Brazil.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. CANNON. Yes.

Mr. COOPER of Wisconsin. Has the gentleman from Illinois observed that the language in line 12 is that this is to be used as a revolving fund "in the discretion of the President"?

Mr. CANNON. Oh, the discretion of the President! All is in the discretion of the President! Your President and mine controls the various departments and the various war measures. I do not believe it is wise to make this revolving fund.

Mr. McKENZIE. Will my colleague yield for a question?

Mr. CANNON. Yes.

Mr. McKENZIE. Is it not a fact that under this bill the Government is, in a way, going into business, or, in other words, it is establishing a business concern in mining and operating of mines and guaranteeing a certain amount of capital to keep up the prices, and so forth? Now, if that $50,000,000 is the capital stock, and it is lost, of course that ends the matter; but suppose in the management of this business they sell the product, bring the money back, and it goes into this revolving fund, it is in the Treasury of the United States and the people are just as well off as they would be if it went into the Treasury direct, with this, perhaps, one exception, that if we do not have the revolving fund, then you have got to vote some more capital direct, and I can not see any objection to this. And I wish my colleague would point out more clearly his objection to the revolving fund.

Mr. CANNON. Great heavens! The revolving fund! We have got ample discretion, in my judgment, now. This does not capitalize anybody. This places a bounty. You can not spend a dollar of this to capitalize a manganese factory. But you can put a bounty on the factory.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I just wanted to show this authority. I think I have got it here.

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. CANNON. Mr. Chairman, can I have more time?

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Illinois have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mind you, this brings in the Interior Department. I can tell you who can capitalize these people, if necessary. The Council of National Defense, with Mr. Baruch at the head of it, I believe; the War Board organization; the War Finance organization, with the $500,000,000 that has just been authorized to be administered by the Secretary of the Treasury. They can do the financing. Let me read you; I did not read it the other day.

Now, listen. I read: "You do not mean financial assistance," said the gentleman from Missouri to the Secretary of the Interior. Oh, no; he is just going to fix the guaranty.

Secretary LANE. I think he—

The man who is going to make the manganese—

I think he can get his financial assistance from this new financial scheme that you gentlemen have passed giving the Treasury Department that power, or that we may contract with him through the War Industries Board or some other means by which he will be guaranteed a certain price for a certain amount of his product.

Now, who produces the 240,000 tons?

Mr. HAMLIN. Mr. Chairman, will the gentleman yield there?

Mr. CANNON. Yes.

Mr. HAMLIN. I think the gentleman from Illinois failed to apprehend fully the statement of his colleague [Mr. MCKENZIE]. It is not the intention or purpose of this bill for the Government to finance a single one of these concerns directly—not one. We will say to this man with a small mine, "We will guarantee, if you will produce the ore for a certain period of two years, that you will not receive less than so much per ton for the product. We are going to guarantee that you will get on the market not less than so much." Now, the Government needs the capital for itself to make good the guaranty. That is the capital he is talking about.

Mr. CANNON. It may be the capital he is talking about, but it is not the capital the Secretary of the Interior is talking about. You must guarantee the Butte Co., of Montana, for its large output when you guarantee the small producer, and your bill does so; and yet the large producer in five years has increased his output 6,000 per cent. The effect of this bill, if enacted, will be to use the small producer to increase the price of the large producer.

Mr. HAMLIN. The Secretary of the Interior said the miners could go to the Finance Corporation and make a loan. We are not asking to give them a single dollar.

Mr. CANNON. The little fellow that has to be engaged—he is not now producing; he has not the capital to produce. When you guarantee a minimum price for the manganese, does he go to Mr. Ryan? Does not that guaranty go to everybody who is producing?

Mr. HAMLIN. Yes.

Mr. CANNON. Absolutely so; and the price has hastened this production, this 6,000 per cent in the last few years.

Now, what is the use in falling over ourselves and enacting legislation that is not necessary and which may lead, not dishonestly but from mistaken action, to great scandal and great abuse?

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. SCOTT of Michigan. If I understand the question just asked by the gentleman, under the terms of this bill the Government does not enter into a contract for the production of a commodity.

Mr. CANNON. It can.

Mr. SCOTT of Michigan. It can; but unless the man voluntarily makes the contract, there is nothing in this proposed statute which compels him to enter into that contract.

Mr. CANNON. No; you can not mandamus a man to make him contract.

Mr. SCOTT of Michigan. No. But let me ask the gentleman this question.

Mr. CANNON. Yes.

Mr. SCOTT of Michigan. Even with this bonus which it is proposed to give under the terms of this bill, will that of itself stimulate production, or will it result possibly the same as the bonus that was given on wheat? The farmer to-day says, by allowing us $2.20 a bushel on wheat, instead of encouraging us, you have reduced the price of it, holding us down. We could have got $3 if you had not put us down to $2.20. What does the gentleman think of that?

Mr. CANNON. That is speculation. I do not believe in interfering with the law of supply and demand until it is absolutely necessary.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. If I may be allowed another minute——

Mr. GARLAND. I will yield to the gentleman two minutes. I want to ask him a question.

Mr. CANNON. Very well.

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes more.

Mr. GARLAND. I notice you concede that the production has increased very largely?

Mr. CANNON. Yes; 6,000 per cent.

Mr. GARLAND. Do you recognize that the importation has increased also?

Mr. CANNON. Precisely.

Mr. GARLAND. Showing a greater consumption.

Mr. CANNON. It has not increased in proportion.

Mr. GARLAND. From 1908, 108,000 long tons, to 1917, 620,000 long tons.

Mr. CANNON. Two hundred and forty thousand tons, with little increase of its use, is produced in the United States.

Mr. GARLAND. Does it not naturally follow, under the gentleman's plan of reasoning, that this great increase of production will call for increasing imports? Does not the additional increase show that there is need of more of it?

Mr. CANNON. The price has increased also.

Mr. GARLAND. The quantity is what we are speaking of. Quantity is the necessity. We only fix the price in order to get the quantity.

Mr. CANNON. I know; but in my judgment there is nothing about this bill that has a plausible argument for it except manganese.

Mr. GARLAND. I am talking about manganese now.

Mr. CANNON. They are talking about pyrites, and all that kind of thing. We are exporting sulphur, which is just as good as pyrites for sulphuric acid.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I appreciate, of course, the force of what the gentleman from Illinois [Mr. CANNON] has said, but still I think that the point made by his colleague [Mr. MCKENZIE] is unanswerable. The thing now paramount in the mind of every loyal American is the winning of this war, and this is one of the bills whose primary purpose is to confer upon the Government such authority as that it will be independent of private manipulation or control when necessary to secure supplies of things essential to the prosecution of the war.

If the owners of these very valuable minerals or of the lands on which they are located do not voluntarily enter into contracts to supply the Government, the Government has the power under a subsequent section to acquire the lands, smelters, and other properties, whether the owners are willing or not. But the provision which we are now discussing relates entirely to a situation where the contracts are voluntary. The $50,000,000 revolving fund is to be used in that connection. In my judgment the point raised by the gentleman from Illinois [Mr. MCKENZIE] is, as I have already said, unanswerable. If this money is used to buy necessaries—the $50,000,000 or any portion of it—and for some reason the Government does not wish to use all those necessaries at that particular time, but does wish to dispose of them in a particular way for money, and it gets the money into its possession, it ought to have the right to use that sum of money for the same purpose for which the original appropriation was made.

In other words, it ought to go into the revolving fund for carrying out the purposes of that section, the voluntary contract section plan, and not for the forcible taking of property. Therefore, with all respect to my friend from Illinois [Mr. CANNON], I think that his amendment ought not to pass.

Mr. STAFFORD. Mr. Chairman——

Mr. FOSTER. Mr. Chairman, I would like to close debate on this. How much time does the gentleman from Wisconsin want?

Mr. STAFFORD. Ten or fifteen minutes. I want to speak along the general lines of the bill.

Mr. FOSTER. Why not take it on the next section?

Mr. STAFFORD. I have not spoken so far.

Mr. FOSTER. I want to say that we must finish the bill to-day, and I propose to keep the committee in session, if I can, until 10 o'clock to-night, if necessary. I think nobody ought to complain that I have not been liberal in the matter of debate.

Mr. CANNON. The gentleman has been very liberal, but my friend should recollect that "must" is for the king. The gentleman said "must."

Mr. FOSTER. I will modify that, and say that I would very much like to finish the bill to-day.

Mr. CANNON. I know that is what my friend means.

Mr. STAFFORD. I move to strike out the last two words.

Mr. HAMLIN. Let me make a suggestion. As section 14 is the main section in this whole business, the meat of the whole thing, why can we not proceed with the reading of the bill until we reach that section?

Mr. JOHNSON of Washington. I want to offer a little amendment to section 12.

Mr. FOSTER. Certainly.

Mr. HAMLIN. That is all right.

Mr. JOHNSON of Washington. And I want to discuss it, because it deals with the right of one department of the Government to go into another department and take the Government's own property. We have had to provide for that in the case of taking timber, and I think it is necessary with regard to this.

Mr. STAFFORD. Mr. Chairman——

Mr. FOSTER. How much time does the gentleman from Wisconsin want?

Mr. STAFFORD. Ten or fifteen minutes. Let me proceed. I shall not take up much time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, the debate has proceeded thus far in justification of this very exceptional bill—which in its provisions is founded almost word for word upon the authority conferred in the food-control act—on the idea that because there is need in this country for one character of minerals, therefore we are justified in vesting the Bureau of Mines with authority to develop mines of all characters in the production of the various minerals that are enumerated in the catalogue. As the gentleman from Illinois [Mr. CANNON] has said, there is but one main mineral which has been instanced in justification of this bill, and that is manganese. As far as many of the others are concerned, not even the shipping industry can be used as an argument why this bill should be passed. The gentleman from New York [Mr. DEMPSEY] on Saturday said that this bill means the relieving of the shipping situation. I deny it. Certainly we do not mean to say that the ships that are used in the transportation of antimony from China will not continue to be used in the same trade. Will the gentleman from New York [Mr. DEMPSEY]—protectionist that he is, and desirous of giving perhaps every industry in the country all the materials that are necessary in the manufacture of its products of home production—go to the extent of having hothouse production of tea, so as to relieve the ships on the Pacific from transporting it from China? Further, as to the transportation of manganese from Brazil, is it intended that we are going to discontinue the ships that go to South American countries? Are we going to enter into that character of trade prohibition whereby we are going to say "no" to our South American allies, and say to them, "We will not purchase your needed raw materials and we will not use the ships for the return cargo in the shipment of your ferromanganese, but intend to develop mines at home that have been unproductive and unprofitable heretofore in the manufacture of ferromanganese"? No manufacturer of steel in this country has been protesting at the lack of ferromanganese in the manufacture of necessary steel in meeting the needs of the Government.

I have a slight acquaintance with the steel industry. True, the price of manganese went mountain high shortly after the outbreak of the war; but the price has been falling since, and it has fluctuated, and now because there may be pointed out cases where ships are needed in the transportation of antimony from China or manganese from Brazil to this country, or pyrites from Spain, are you going to justify the Bureau of Mines in launching into an unheard-of venture to develop unprofitable mines? And how? By guaranteeing a price. And who is to pay that price? The American people are going to pay that price. Manufacturers are going to get the benefit of the minerals at the market price, but the difference between the market price and the guaranteed price, under this artificial control by the Government that is proposed in this bill, will be paid by the Government. And who is the Government? The people of the United States. Do you mean to say that your constituents are going to approve of a policy some years ago advocated only in that little narrow district around Boston, known as the Home Market Club, of producing everything that the home market demanded?

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. STAFFORD. I yield to the gentleman.

Mr. McKENZIE. I would like to ask the gentleman from Wisconsin if he has any apprehension that it is among the possibilities that our shipping connections with South America might be cut off.

Mr. STAFFORD. I have no apprehension whatever as to the shipping facilities with South America, China, or Japan. I am not basing legislation in Congress on fear. I do not believe that we are warranted in going to the extreme, departing from the established principles of our Government, in advocating Government guaranty of price and the development of unprofitable mines.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. The gentleman has answered my first question, and now I put the second one. If the gentleman did have any apprehension that it was possible that we might find ourselves shut off from the over-sea production of manganese, would he favor this bill?

Mr. STAFFORD. I would not, because the testimony shows that we can produce it without aid from the Government, and we are going ahead to meet that condition. Why are we meeting that condition? Anyone acquainted with the steel industry knows the price of manganese has advanced, and that they can go ahead and manufacture ferromanganese from products of the mines that have heretofore been wasted. The testimony shows that the production of ferromanganese in this country has risen 600 per cent. Shortly after the European war began and when the United States began to furnish large supplies of munitions to the allies there has been a greater demand for ferromanganese, but for six or eight years prior to that time the importations were virtually stationary.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MILLER of Minnesota. The gentleman appreciates how difficult it may be for any company to secure finances to develop a new mining proposition.

Mr. STAFFORD. Certainly; it is most difficult to secure money to float any proposition of a chimerical character. There is no difficulty for any person or any business concern that has men at the head of it of known standing to secure money to extend its production. The Dodge Bros., for instance, of Detroit, are erecting a large Government plant, partly by the aid of Government money, but mainly on the tremendous basis of their own credit, involving the expenditure of millions and millions. Why? Because the Dodge Bros. are men of known credit and can get money for the establishment of any new industry.

Mr. MILLER of Minnesota. Will the gentleman yield to me to state a concrete proposition?

Mr. STAFFORD. I will yield to the gentleman.

Mr. MILLER of Minnesota. I know where there is a mine of ferromanganese——

Mr. JOHNSON of Washington. I know where there are several.

Mr. MILLER of Minnesota. So do I, but this one in particular contains iron and manganese together, which is a valuable mineral. It is not valuable either for mineral or manganese at the former price. But at the price the manganese is now selling I think it is a valuable proposition commercially. The Government has got to have manganese. It is owned by a corporation of what we call smaller individuals, just business men. They absolutely can not get a dollar to develop that mine. Is it not advisable that the Government should take that mine and go ahead and develop it?

Mr STAFFORD. No; there is no need of it for, as far as ferromanganese is concerned, it can be obtained from other quarters.

Mr. MILLER of Minnesota. It can not.

Mr. STAFFORD. It is being obtained from South America. What justification can there be for the Government going into the mining proposition on 50 articles, some of which can be obtained freely, like cobalt from Canada, or arsenic from Canada, which furnishes 90 per cent, or antimony from China, which furnishes 87 per cent; and I could go on with other articles? What justification is there for the Government launching into the policy of developing mines of such minerals when they can be obtained in ample quantity in the usual course of trade?

Mr. MILLER of Minnesota. I can answer the gentleman in one sentence. We can not obtain them in the course of trade, because the shipping all over the world has been cut off.

Mr. STAFFORD. There is no contention that there is not free communication between this country and Canada in the way of obtaining mineral supplies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEMPSEY. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. DEMPSEY. As I understand the gentleman's answer to the gentleman from Minnesota, it is that he believes that men of recognized standing in the financial world who have enterprises which they can demonstrate are good enterprises, can get capital in these times. Does not the gentleman recognize the fact that we are not going to get these supplies from abroad because of the lack of shipping, and to increase production we must go into the mines which have not been working, and men must go into them under the stress of war conditions, and so must have the help which this bill supplies?

Mr. STAFFORD. I have a general idea of the way abandoned mines in the Galena district in my State which had been abandoned for years and years in the production of zinc and lead, because the price was not alluring, were operated by reason of the price going up. As far as the gentleman's position is concerned, gentlemen who have credit, as the late James J. Hill stated, can obtain money to develop anything. Mr. Ryan today is going ahead and developing ferromanganese because the price warrants it, and wherever the price warrants it production will follow.

But the Government nowhere is claiming that there is any lack of ferromanganese in the United States to manufacture Government supplies. Mr. Chairman, under the guise of war necessity they are advocating that this bill be passed, when they know if it is passed, and the Government lends its support by guaranteeing the price and authorizing the President to levy a tariff on these articles to protect that guaranty, it will take a year or more—two years—before the necessary supplies of these articles can be produced here at home, and in the meantime ships will be continuously employed in such transportation. Ought we not to have our shipping increased to the extent of the same amount of money that will be sunk by this bill, if it is a shipping question, which I question, rather than to have it sunk in unproductive mines, against all principles of business and good economics?

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. JOHNSON of Washington. And is it not quite probable that as we go into the development, both in a Government way and in an additional way, on account of the increased price, we will come to a time where we will have to warn the public to look out for the difference between a Government guaranteed mine and an old dead boy that has been brought up, resurrected, and offered to the public, and in which the public will sink millions of dollars?

Mr. STAFFORD. As the gentleman suggested the other day, every mining proposition that has been regarded as a dead loss for years and years—properties in which your father and my father invested money—will be resurrected and their stock again put on the market, and that will be used as a warrant for the Government going into the production of minerals—50 articles—where there is no limitation whatever upon transportation facilities to furnish those necessary supplies here. Who says that there is any lack of transportation facilities in obtaining supplies from Canada? Is it the idea of this bill to erect a Chinese wall in these times when it is necessary for the Government to secure supplies from everywhere in the world, and have the Government go into the mining business, the business of developing this prospector's proposition and that prospector's proposition?

No one can justify the hothouse production of minerals or any other commodity, especially in these war times, when we need all the money, not for wasteful extravagance in sinking and developing needless mines, based upon the recommendation of some theoretical professor or some State geologist, but in useful pursuits to carry out the real war needs of the country.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto be now closed.

Mr. GREEN of Iowa. Oh, can the gentleman not wait a moment or two?

Mr. FOSTER. Oh, we have been debating this for an hour and we must proceed. The gentleman can get in on something else.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto be now closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 7, noes 18.

So the amendment was rejected.

The Clerk read as follows:

SEC. 12. That whenever the President shall find it essential to the successful prosecution of the war to secure an adequate supply of necessaries he is authorized, through the Secretary of the Interior, to requisition and take over, for use or operation by the Government, any undeveloped, insufficiently developed or operated, or idle mineral land or deposit, mine, smelter, or plant and to develop, operate, or cause the same to be developed or operated in such manner and through such agency as he may direct. Whenever the Secretary of the Interior, with the approval of the President, shall determine that the further use or operation by the Government of any such mineral land, deposit, mine, smelter, or plant, or part thereof, is not essential for the successful prosecution of the war the same shall be restored to the person entitled to the possession thereof. The United States shall make just compensation, to be determined by the Secretary of the Interior, approved by the President, for the taking over, use, occupation, and operation by the Government of any such mineral land or deposit, mine, smelter, or plant, or part thereof. If the compensation so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as added to said 75 per cent will make up such amount as will be just compensation, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code. Compensation provided for in this section shall be paid from the appropriation made by section 18 of this act. The Secretary of the Interior, with the approval of the President, is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such mineral land or deposit, mine, smelter, or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Any moneys received by the United States from or in connection with the use or operation of any such mineral land or deposit, mine, smelter, or plant, or part thereof, may, in the discretion of the President, be used as a revolving fund for the purpose of the continued use or operation of any such mineral land or deposit, mine, smelter, plant, or part thereof, and the accounts of each such mineral land or deposit, mine, smelter, plant, or part thereof, shall be kept separate and distinct. Any balance of such moneys not used as part of such revolving fund shall be paid into the Treasury as miscellaneous receipts.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to offer an amendment.

Mr. FOSTER. Mr. Chairman, before the gentleman begins, in line 9, page 12, the word "judicial" is incorrectly spelled, and in line 13 the word "essential" is incorrectly spelled. I ask unanimous consent that those words be correctly spelled.

The CHAIRMAN. Without objection, the change will be made, as indicated.

There was no objection.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

Mr. CANNON. Is not this the section that enables the Secretary of the Interior to seize these mines and run them and pay for them?

Mr. FOSTER. Yes; it does.

Mr. CANNON. Then this does do more than guarantee the price?

Mr. FOSTER. It is section 14 more particularly that does that; but I hope that we can get along with this a little faster.

Mr. CANNON. If we had a full committee here we might. I doubt if a majority of the committee, if it was all here, would understand this, for I doubt that more than a few of them have read this bill. Does my friend think they have?

Mr. FOSTER. I can not tell, but I would not like to say that they have not, because I do not believe Members would legislate without reading the bill.

Mr. CANNON. Oh, doubting Thomas!

Mr. JOHNSON of Washington. Will not the gentleman permit me to offer an amendment so that we can make this reach the public domain?

Mr. FOSTER. Is there objection to my request?

Mr. CANNON. I think we better go on for a little while more. Perhaps we will have some more vacant seats if we proceed a little while.

Mr. FOSTER. Then I withdraw the request.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to offer an amendment, and I shall read it for the information of the chairman of the committee. I desire to move to amend section 12, after line 15, embracing in my amendment the same words that have been added to the Agricultural bill to enable the War Department to go into the forest reserves to secure timber. It is possible that the first 10 lines of this section now authorize that to be done in the case of minerals in the reserves. But perhaps not; and I propose to make sure by using exactly the same words that were prepared in the Senate after we had

amended the last Agricultural bill and had found some difficulty in finding exactly the right phraseology. The words are these:

That hereafter, during the existing state of war, the Secretary of Agriculture is authorized, under regulations to be prescribed by him, to permit the War Department—

I change that to the Interior Department—

or any other department, board, or commission of the Government, to take from the national forest such minerals—

I change it to minerals instead of timber—

as may be needed in the prosecution of the war.

I see no reason why such amendment should not go in. The point is here. I am not fully familiar with the procedure by which citizens are permitted to develop mineral prospects in the forest reserves. There are restrictions, I know. There has never been any occasion for the Government to sell minerals from the reserves, but in the selling of timber there had to be advertising and other delaying steps, which we eliminated for the time of the war by the words quoted. If other sections are like the district which I have the honor to represent, there is lots of manganese in the forest reserves that has not been developed, because mining has been discouraged under the existing policy.

Mr. HAMLIN. The gentleman doubtless is very familiar with this——

Mr. JOHNSON of Washington. Pardon me. I am not so familiar with mining privileges in the forest reserves.

Mr. HAMLIN. What is the present status in relation to these forest reserves, so far as permitting private individuals to go in these reserves and mine? Is there any law permitting that now?

Mr. JOHNSON of Washington. Oh, I think so; but under restrictions such as to amount almost to prohibition. In the West we have forest reserves which embrace mountains containing minerals, and the protection of the reserves has served in a way to repress and stop prospecting and mining also. Men there are writing to me all the time desiring to go into reserves to develop something they claim to have discovered in the early days.

Mr. HAMLIN. I hardly think the gentleman's suggestion would be sufficient unless we have a general law or such law permitting mining on these reserves.

Mr. JOHNSON of Washington. We are allowing the Secretary of Agriculture to permit any department to go into the forest reserves, which means that part of the public domain in the reserves, and take anything needed for war purposes.

Mr. HAMLIN. Certainly; but the Government is not proposing in this bill to go into the mining business.

Mr. MILLER of Minnesota. Will the gentleman yield for a brief statement?

Mr. JOHNSON of Washington. Certainly.

Mr. MILLER of Minnesota. If I am incorrect, I hope somebody will put me right. Some years ago, having in mind this exact matter of the development of the mineral deposits on forest reserves, I prepared and introduced a bill providing for a system under which an individual could go and prospect and if successful could take a lease, royalty should be taxed, and so forth. I had several conversations with Mr. Pinchot, then in charge of the Forestry Division, and he told me that he rather favored, not the exact terms of the bill, but the general program. I thought I was getting along beautifully with it for about a year or two, until we suddenly came to a stop, and here was the stop: He wanted the revenues of the mining to go into the Treasury of the United States.

Mr. JOHNSON of Washington. That has been one of the troubles.

Mr. MILLER of Minnesota. He said they would have to go into the forest-reserve fund to be used for that purpose.

Mr. JOHNSON of Washington. So as to make a good showing for the reserves.

Mr. MILLER of Minnesota. And that is where I understand the matter ended. I do not think it has ever gone further; if it has, I would like to be advised.

Mr. JOHNSON of Washington. I have no doubt the amendment I propose could be inserted as a separate paragraph anywhere in the bill, and I would be glad to withhold it; then secure further information and advise the gentleman. Of course everybody knows the Forest Service is expected to make a showing sufficient to justify its getting the large appropriations it has received from year to year, but the resources in the forest reserves belong to the Government, and some of them have been for sale. All of these resources should be available for war purposes without strings of any kind.

Mr. MILLER of Minnesota. Can the gentleman conceive of any reason why the Forestry Service should carry on a mining operation?

Mr. JOHNSON of Washington. No; except for carrying on this war. The Government admits prospecting under certain restrictions.

Mr. MILLER of Minnesota. Should the Government have the revenues from the mines?

Mr. JOHNSON of Washington. Well, I have always thought not. It is stopping development, of course. It discourages prospecting. Prospects are undeveloped, one of the reasons which seem to make necessary a bill of this kind. However, if the Government gets behind, in general terms, the mining business——

Mr. FESS. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. FESS. The answer of the gentleman from Missouri to the gentleman's question that the Government was not going into the mining business—I would like to know the full force of this language——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to have five more minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

Mr. FESS. I would like to have the gentleman's opinion of this language:

That whenever the President shall find it essential to the successful prosecution of the war to secure an adequate supply of necessaries he is authorized, through the Secretary of the Interior, to requisition and take over, for use or operation by the Government, any undeveloped, insufficiently developed or operated, or idle mineral land or deposit, mine, smelter, or plant and to develop, operate, or cause the same to be developed or operated in such manner and through such agency as he may direct.

Mr. JOHNSON of Washington. This is due to a war exigency, and that is the one clause in the bill that gives me a reason for supporting the bill. If we have got minerals in our forest reserves that are needed for the prosecution of the war, for heaven's sake let us go and get them. The Government might as well go after the minerals as to go after the aeroplane spruce stock in the forest reserves. Or go after anything else that it needs for war purposes. I thought we had given that power long ago. The people want the President to take anything needed for the Army and Navy. Of course, this bill undertakes general mining development on the side, and there is where the troubles come in.

Mr. HAMLIN. I think I ought to be permitted to say that in answering the question of the gentleman from Washington perhaps I made it a little too broad a statement without any qualifications. What I meant to say was this: That it was not the intention of this bill of putting the Government in the mining business at all, and under these conditions mentioned here which the gentleman has just read, in case there would be somebody who had a mine but for some reason would not develop it, then the Government, if it needed the mineral that would come from that mine, would have the right to go in there and take possession of it and operate it. But we are not expecting that that condition will arise at all.

Mr. JOHNSON of Washington. We are having that same trouble in the spruce industry right here. The nonresident owner does not make the spruce available.

Mr. FESS. I do not see any limitation in this section against the Government going into the mining business.

Mr. JOHNSON of Washington. If that is the case, then is it not just as well to have a provision here so that we shall not be in danger of any one department of the Government falling into a controversy with another department as to what that department shall be paid?

It is difficult to coordinate the three branches of the Government.

Mr. LONGWORTH. Does not my colleague believe that even without this language the Government would have this power?

Mr. FESS. I rather think so.

Mr. HAMLIN. I think so.

Mr. JOHNSON of Washington. Suppose the forest reserve should say: "We must be paid just as we were paid before for timber"?

Mr. ANDERSON. It only takes it out of one pocket and puts it into another.

Mr. JOHNSON of Washington. But when you come to bids and other things, lots of time is lost.

Mr. FOSTER. I will say frankly that I have no objection to it.

Mr. JOHNSON of Washington. Then I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. JOHNSON of Washington offers the following amendment: Page 11, line 15, after the word "direct," insert the following: "That hereafter during the existing state of war the Secretary of Agriculture is authorized, under regulations to be prescribed by him, to permit the Interior Department, or any other department, board, or commission of the Government to take from the national forests such minerals as may be needed in the prosecution of the war."

Mr. FOSTER. Mr. Chairman, I ask for a vote.

Mr. DEMPSEY. I will just say, if the gentleman will permit one question, that I think the gentleman's amendment is absolutely unnecessary, and I will call his attention to the language.

Mr. JOHNSON of Washington. It is possible it may be, but it can not do any harm.

Mr. DEMPSEY. The language is to authorize him "to requisition and take over."

"Requisition and take over" would imply ownership by somebody else and not by the Government, and your language covers Government land.

Mr. JOHNSON of Washington. Covers land in conservation, that is laid aside for posterity and for the purpose of future resources.

Mr. DEMPSEY. And not the public land?

Mr. JOHNSON of Washington. The reservation, and the exact word I had in mind is the word "take." That is, take without payment.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Washington [Mr. JOHNSON].

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Chairman, just a moment. I want to know if we can not agree on time to close debate on this section.

Mr. GREEN of Iowa. I would like a little time along here somewhere.

Mr. FOSTER. Yes; and the gentleman from Wisconsin [Mr. COOPER], too. And I ask unanimous consent that the debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. Mr. Chairman, I have only two verbal corrections to make. But perhaps they have been corrected before.

Mr. STAFFORD. They have been corrected.

Mr. COOPER of Wisconsin. Then that is all right.

Mr. GREEN of Iowa. Mr. Chairman, I think it is possible the members of the committee do not fully understand the importance of manganese in connection with the shipping problem. We are now importing over half a million tons annually of ferromanganese and manganese ore. The greater portion of this comes from Brazil, a little from Cuba, and a little from India, though how it is brought from there now is more than I can understand, yet the export record so shows. And it also comes from some other countries. In order to carry a half million tons annually it requires a large amount of shipping. The most of this manganese is imported in the form of ore, I suppose, because facilities for smelting are insufficient in Brazil. It makes a very bulky article, and it is obvious that there must be a considerable difficulty in getting it at a time like this. Gentlemen will remember that a short time ago we noted in the newspapers that the collier *Cyclops* had probably been lost at sea, and also that this collier was loaded with manganese. I assume the collier was taken for this purpose on account of the difficulty in getting in communication with Brazil. We had, so far as I knew last, no regular steamship line to Brazil. The exports from Brazil mostly go to England or to continental Europe, and then come back over here by an extremely roundabout way. If we are to get this manganese from Brazil, it will necessitate that we put on ships, which, for the most part, would carry but little in going to Brazil and be loaded with this kind of cargo coming back. It is not necessary for me to say to the House that at this time the great problem in this war is the problem of ships and more ships, and the reason for the crisis that is now upon us is because of the lack of ships to transport troops, munitions, and supplies to Europe. Anything that we can possibly do that would tend to help out the ship situation ought to be done at this time.

The problem in connection with manganese is highly important in that direction. I do not know just how many ships will be required to transport this—half a million tons annually are imported—but it certainly will require a large quantity of shipping which ought not to be used in that manner.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DEMPSEY. The Secretary of the Interior estimates it will take two and one-half million tons of shipping and five tons of shipping to each ton of ore imported. That will be found in his testimony.

Mr. GREEN of Iowa. I thank the gentleman for his suggestion.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. If there is warrant for our authorizing the Government to develop ferromanganese and fix the price of the commodity, and the like, what warrant is there for the Government going into these "57 other varieties," where there is no pressing need on account of shipping facilities?

Mr. GREEN of Iowa. The gentleman from Wisconsin can have no controversy with me over that question. I do not think it is necessary to include all the minerals mentioned. Some of them have little or no connection with war operations.

Mr. HAMLIN. Just a minute. I would like to call the attention of the gentleman from Wisconsin to the testimony of Mr. Leith, of the Shipping Board, on page 45. He knows what he is talking about. He says:

Mr. LEITH. We haven't finished our entire list in detail, but we have gone over in detail a considerable number of minerals and made an approximation for the remainder, and I will say that in the list of 45 mineral commodities we estimate a saving of slightly less than 2,000,000 tons of minerals carried, which reduced to deadweight tons, reduced to a factor which recognizes the space minerals occupy for the distance, will amount to a saving of 300,000 to 400,000 deadweight tons.

Mr. STAFFORD. I suppose that he refers to the one article of ferromanganese?

Mr. HAMLIN. No; that is not the only article.

Mr. GREEN of Iowa. There is not anywhere near that much ferromanganese imported, even including the ore.

Mr. STAFFORD. I will ask, if the gentleman will permit, What warrant is there for the Government going into the mining business of producing cobalt when we get all our supply from Canada, or mica, when we get 90 per cent of our supply from Canada?

Mr. HAMLIN. There may not be any at all.

Mr. FOSTER. We want to control imports as they come in.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAMLIN. Mr. Chairman, I ask that the gentleman from Iowa may have the time that the gentleman from Wisconsin was allowed but did not take. I wish to ask him a question.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HAMLIN. The gentleman from Wisconsin never seems to have conceived of the purposes of this bill, and I say it respectfully.

Mr. STAFFORD. No; he has not conceived of all the purposes. It is impossible to conceive of all.

Mr. HAMLIN. I think the gentleman has looked mainly for things to criticize, not for things to approve.

Mr. STAFFORD. I have looked over the bill to find things to approve, so that I could support it, but I see so many objectionable features in it that I can not approve it.

Mr. HAMLIN. Production is not the only feature of this bill. It covers the question of distribution and also control. Take cobalt: It is a necessity, and it is shipped in here; but we ought not to let one concern take it all, to the detriment of a competitor.

Mr. STAFFORD. As I understand it, this bill is not framed to cover that purpose.

Mr. HAMLIN. Oh, yes; it does that very thing.

Mr. FOSTER. It will give the Government control.

Mr. STAFFORD. The gentleman is just trying to point out one good feature in order to cover up a dozen nefarious features.

Mr. FOSTER. The gentleman does not know what he is talking about.

Mr. STAFFORD. The gentleman always knows what he is talking about.

Mr. FOSTER. The gentleman has not the facts behind him.

Mr. STAFFORD. The gentleman has the facts. The committee has no facts at all.

Mr. GREEN of Iowa. Mr. Chairman, I have always favored the production of ferromanganese in this country. When the last tariff bill was up for consideration I was opposed to taking off the duty of $2.50 per ton on that mineral. If the duty had been retained as I then urged, I think we would now have no occasion to be using our shipping in this way. Now the condition confronts us that we have to import half a million tons annually. It is not possible now to relieve the situation by any tariff rate. The only way of encouraging production is through

some such method as is suggested by this bill, although I would prefer that the method was made more definite and specific than it is, instead of being so framed that it is almost impossible for anyone to tell just exactly what is intended to be done. But in any event we must have the minerals for war purposes. We must relieve our ships, if possible. For that reason I shall support the bill with such amendments as can be obtained to make it more specific.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FESS. I would like to have the gentleman's opinion as a lawyer on this point.

Mr. GREEN of Iowa. I will try to give it to the gentleman.

Mr. FESS. In line, section 12, page 11, is the word "necessaries," which is defined in the first article of the bill as pertaining to the items enumerated. Now, in looking over these items on page 2, I count 39 specifically stated, and then a blanket statement in line 8, "and other rare and unusual elements the supply of which may in the judgment of the President be inadequate" and so on. How broad is that—"and other rare and unusual elements"?

Mr. GREEN of Iowa. It would be impossible for anyone to define it. I assume that is the answer that my friend expected me to make. You can not tell the limits of it.

Mr. FESS. Then there is no limit as to what the Government may do under this bill as to the number of items to be produced?

Mr. GREEN of Iowa. Provided they are classed as "rare."

Mr. LONGWORTH. If my colleague will pardon me, this includes "chemical compounds" of those things. There may be a million things.

Mr. FESS. I noticed that. I noticed also that my colleague attempted to omit that.

Mr. LONGWORTH. I only did it on the assurance of the committee.

Mr. FESS. You propose here a penalty of $5,000 or imprisonment for two years, or both, for the willful destruction of these necessaries, and some of the necessaries are not named in the bill. Is that the usual method of drafting a statute?

Mr. GREEN of Iowa. No. Such a form as that was never heard of, I think, until the bill at the present time. I do not approve it. My recollection is that it was sought to amend the bill in these respects, but the amendments failed.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DEMPSEY. I do not think, if the gentleman please, that you could be punished for destroying anything except an article that was enumerated. I think the construction of the law would be that it would hold good as to those things enumerated, but you could not possibly punish a man as to articles not enumerated.

Mr. LONGWORTH. Take, for example, sulphuric acid. If anybody destroyed sulphuric acid he would be punished under this bill, yet sulphuric acid is not mentioned.

Mr. GREEN of Iowa. I do not approve the indefinite language of the bill, but I think it very doubtful whether conviction could be legally had for the destruction of an article not enumerated. In criminal law nothing is left to implication, and that construction is always given to the law which is most favorable to the defendant. It should be borne in mind also that the acts penalized must, under the terms of the bill, be willful.

The CHAIRMAN. The time of the gentleman from Iowa has again expired. The Clerk will read.

Mr. HELM rose.

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. HELM. To strike out the last word.

The CHAIRMAN. The time has expired. The Clerk will read.

The Clerk read as follows:

SEC. 13. That whenever the Secretary of the Interior, with the approval of the President, finds it essential in order to prevent undue enhancement, depression, or fluctuation of prices of, or in order to prevent injurious speculation in, or in order to prevent unjust market manipulation or unfair and misleading market quotations of the prices of necessaries, hereafter in this section called evil practices, he is authorized to prescribe such regulations, to be approved by the President, governing, or may either or wholly or partly prohibit, such operations, practices, and transactions as he may find essential in order to prevent, correct, or remove such evil practices. Such regulations may require all persons coming within their provisions to keep such records and statements of account, and may require such persons to make such returns, verified under oath or otherwise, as will fully and correctly disclose all transactions, including the making, execution, settlement, and fulfillment thereof. He may appoint agents to conduct the investigations necessary to enforce the provisions of this section and all rules and regulations made by him in pursuance thereof, and may fix and pay the compensation of such agents. Any person who willfully violates any regulation made pursuant to this section, or who knowingly engages in any operation, practice, or transaction prohibited pursuant to this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall, upon conviction thereof, be punished by a fine not exceeding $10,000 or by imprisonment for not more than four years, or both.

Mr. FOSTER. Mr. Chairman, in line 8, page 13, there is a misprint. The word "of" is spelled "rf." I ask that that typographical error be corrected.

The CHAIRMAN. Without objection, the correction indicated will be made.

There was no objection.

Mr. HELM. Mr. Chairman, I move to strike out the last word.

Mr. FOSTER. I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

Mr. ANDERSON. I am going to move to strike out the section, and I want to be heard on that.

Mr. FOSTER. Then I will withhold my request.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] moves to strike out the last word.

Mr. HELM. Mr. Chairman, I confess a very strong partiality and leaning toward the gentlemen managing this bill, and I would like to vote for the bill if I can see my way clear to do so. At present I am somewhat confused, and I would like to have the chairman of the committee or some one else give me just as much information on it as he possibly can.

The Standard Oil Co. is perhaps the biggest business going concern in the United States. It often operates through a number of subsidiary corporations. I suppose the Steel Trust is the next largest business going concern in the United States, and I suppose it operates in a manner similar to the methods of the Standard Oil Co. Now, if I understand the uses to which the funds provided for in this bill may be put, and I take it that the most of these minerals are used in greater or less volume by what is commonly called the United States Steel Corporation, is it possible that the United States Steel Corporation can organize subsidiary corporations, weak in themselves, to go out and prospect for minerals, and if they find a prospect for some mineral, can one of these subsidiary organizations of the Steel Corporation come back to the Bureau of Mines and secure funds with which to operate that prospect?

Mr. FOSTER. Not at all—not a dollar.

Mr. HELM. I have gotten it into my head in some way that this fund could be used in that way.

Mr. FOSTER. It is not provided that they can use one cent to put into mining unless the Government does the mining itself.

Mr. HELM. Has it not been developed here in the debate that when a concern needs money with which to finance its business the Government will supply the money?

Mr. FOSTER. Not in this bill. This does not provide that they can supply one cent to anybody.

Mr. HELM. How are these funds to be used?

Mr. FOSTER. These funds are to be used in buying and selling at the market price. The Government might procure all the imported article that came into the country and distribute it among the manufacturers using that material.

Mr. HELM. Now, let us follow that up. If one of these supposedly weak subsidiary organizations of the Steel Corporation should go out and find a prospect for one of these minerals could that organization come back to the Bureau of Mines and secure funds, or a guaranty, to operate this prospect or open it up? What safeguard is there in this bill to prevent these large, overpowering business concerns from manipulating this bill to their advantage?

Mr. FOSTER. Under the food bill, the man who raises 50,000 bushels of wheat has just the same guaranty of the price for his product as the man who raises 100 bushels of wheat, has he not?

Mr. HELM. Yes.

Mr. FOSTER. There is just the same thing in this bill and nothing more.

Mr. HELM. The difference is that the man who raises 100 or 50,000 bushels of wheat is either a renter of land or the owner of land in his individual capacity, while it might be that there is a possibility for the United States Steel Corporation or some similar organization so to use the funds provided in this bill that it can prospect to its own advantage at the expense of the United States Government.

Mr. FOSTER. No. The guaranteed price is the same to everybody. If any organization goes out and develops the production of any mineral, it will get the guaranteed price.

Mr. JOHNSON of Washington. On page 11, in the first part of section 12, it is provided that the Secretary of the Interior may requisition and take over, for use or operation by the Government, any undeveloped, partly developed, or idle mineral

land or deposit, mine, smelter, or plant and to develop and operate the same.

Now, in the lower part of Alaska is a little smelter that has been running in opposition to the consolidated smelters. This little smelter is near the home of the present Delegate from Alaska. That smelter has struggled along all these years, and has seen the ore from the big Guggenheim mine go right by it in boats to the consolidated smelters on Puget Sound. Now, suppose the little smelter gets plenty of Government money and becomes a pretty good-sized smelter, what is to prevent the directors of that smelter, after it has been developed with Government money, selling it out to the other smelters, receiving enough money to pay the Government back, but also putting a large sum of money into their own pockets?

Mr. FOSTER. Does the gentleman mean that the Government will take it over?

Mr. JOHNSON of Washington. The Government may develop and operate it until it is a real smelter, doing business in competition with the big consolidated smelter.

Mr. FOSTER. The Government would not take over a smelter or a mine unless it was undeveloped or unless that smelter or mine refused to operate, and it became necessary to operate it for the successful prosecution of this war. Then the Government would have the right to take that smelter or mine if it became necessary.

Mr. JOHNSON of Washington. All right and proper. I am for that, and am willing to let the matter of selling out or unloading wait for the future to look after.

Mr. HELM. Do I understand from the chairman of the committee that there is no possibility of any such manipulation that this revolving fund or any part of it can be used in the way I have suggested.

Mr. FOSTER. I can assure the gentleman that there is not.

Mr. ANDERSON. Mr. Chairman, I move to strike out the section.

Mr. COX. I want to offer an amendment to perfect the text.

Mr. ANDERSON. That has priority.

Mr. COX. I move to strike out the word "may," in line 16, page 13, and insert the word "shall," and on page 13, in line 18, strike out the word "may" and insert the word "shall," and in line 19, on the same page, strike out the words "or otherwise."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COX: Page 13, line 16, strike out the word "may" and insert the word "shall." Page 13, line 18, strike out the word "may" and insert the word "shall." Page 13, line 19, strike out the words "or otherwise."

Mr. COX. Now, Mr. Chairman——

Mr. FOSTER. Mr. Chairman, I do not object to that amendment.

Mr. COX. Then I do not want to debate it.

Mr. ANDERSON. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the amendment.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. COX. Yes.

Mr. SANDERS of Indiana. I presume in line 19 the two words "or otherwise" were placed there for the purpose of protecting persons who did not take the oath. If the gentleman should strike out the words "or otherwise," he ought to insert "or affirmation."

Mr. COX. No; for the reason that I presume every Member is going to vote for this bill, although I do not think that anybody wants it. This is a vital section aimed at what is designated in the section as evil practices, and the corporation or individual who proposes to get the benefit of the legislation ought to report solemnly under oath so that they will have no way of equivocation whatever.

Mr. SANDERS of Indiana. But suppose the keeper of the records of the corporation, or suppose the individual, should belong to a religious sect which objects to taking an oath.

Mr. COX. Then let him affirm.

Mr. SANDERS of Indiana. That is the point I am making. With the gentleman's amendment it would have to be verified under oath. If you strike out the words "or otherwise," you should substitute the words "or affirmation."

Mr. COX. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting after the word "oath" the words "*or affirmation.*"

The CHAIRMAN. Is there objection to the modification asked for by the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The question now is on the amendment as modified, offered by the gentleman from Indiana.

The question was taken, and the amendment was agreed to.

Mr. COX. Now, Mr. Chairman, I offer the following amendment to perfect the text. It is to strike out the period after the word "agent" in line 25, page 13, and insert the matter the Clerk will report.

The Clerk read as follows:

In line 25, page 13, strike out the period and insert the words "at a salary of not in excess of $2,000 per year."

Mr. COX. Will the committee accept that amendment. I do not care to discuss it.

Mr. FOSTER. I do not care anything about that.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Chair wishes to make a statement as to a matter which seems to be somewhat misapprehended. The impression seems to prevail that anyone offering an amendment to perfect the text has a preferential right to the floor as against some one else who has been recognized and made a motion to strike out the section. That is a mistake. No one seeking to offer a perfecting amendment, has a right to recognition as against another who has been recognized, and moved to strike out the section or paragraph proposed to be perfected. There is a relation of priority in the matter, but it relates to the order in which the motions shall be submitted. No one who has obtained the floor on a motion to strike out a section, can be taken from his feet by another Member seeking to offer an amendment to perfect the text. The Member offering an amendment to strike out has a right to proceed with his argument to conclusion, and then before the motion is put if some one else wishes to offer a perfecting amendment, he can be recognized to submit, and speak to the same. Two amendments will then be pending, but under the rules, the perfecting amendment must be put before the amendment to strike out. The Chair makes this statement because there seems to be a misapprehension as to the relative rights of Members of the committee in this connection.

Mr. ANDERSON. Mr. Chairman, I move to strike out the section. As I have said before, I think all of us desire to give the administration every authority that is essential to carry on the war and procure the necessary materials for that purpose, and to establish the Government control which is essential to secure those materials. But the section under consideration goes so far, and is so absolutely unlimited in its terms, that it seems to me it is susceptible of being used for most oppressive purposes.

This section was taken from a similar section in the food bill, but that section was limited to the operations and transactions of a speculative character upon exchanges, boards of trade, and institutions of a similar character, and related only to transactions upon such exchanges. The provision was necessary in connection with the food bill, because it was expected that the Food Administration in obtaining control of the wheat crop would undertake to become the sole purchaser of wheat, and it was therefore necessary to prohibit speculative transactions of boards of trade which might have an effect of increasing the Government's obligations under the minimum price, or which might have the effect of destroying the control the Government sought to establish.

Now, this provision is not limited to transactions of boards of trade or upon exchanges. It is universal in its application, and under it the Secretary might issue regulations touching any practice which in his judgment, or in the judgment of some one in his office, would be considered an evil practice. Under this section practically any sale which had the effect of enhancing or depressing the price—and any sale must have some effect on the price—might and would be prohibited.

If gentlemen of the committee can state any reasons at all for leaving the section in the bill, I am willing to withdraw my opposition, but I doubt if any member of the committee can suggest any sound reason for leaving it in the bill. No one suggested it in the hearings before the committee, except one man, and this is the reason that he gave. He was asked by Mr. SAUNDERS this question:

I notice that section 13 deals with the question of market manipulations following the provisions of the food bill. Do you think that is necessary with reference to these necessaries named in the bill?

Mr. MOORE. This may be a good club to have up your sleeve in case anything unexpected should turn up.

In other words, this provision is designed to furnish the department with a club by which it may prevent any individual doing any sort of a decent business from doing that business in his own way, under which they can compel men not doing business on an exchange, but men anywhere, to do business in

the particular way in which the department desires to have it done. It seems to me that this section in the broad way in which it is now drawn contains such possibilities of oppression and it is intended for that purpose according to the testimony, that it ought not to remain in the bill. If it were limited to transactions upon an exchange, if it were limited in such a way that it were possible even in the remotest degree to know how it was to be exercised, and for what purpose, I would have no objection to it, but there is nothing in it, no rule of action by which we or the department can be guided.

Mr. FOSTER. Mr. Chairman, the committee had this section under consideration for some little time, and it felt that in the administration of the bill it might be found very necessary that such a section as this should be in the law in order to prevent manipulations and evil practices that might come about with these necessary war materials. So the section was kept in the bill. I realize, as the gentleman from Minnesota [Mr. ANDERSON] has said, that there is not possibly direct necessity for this section in this bill, as there might have been in the Food Administration bill, because there we have the boards of trade and all that, and yet what we want to do is to provide the Government with a club, to use if it be necessary, against those who want to follow evil practices. It seems to me that it is important that the Government should have that power.

Mr. ANDERSON. May I ask the gentleman what evil things he has in mind?

Mr. FOSTER. I do not know what may come in the development of this, but if they do come in such a manner that it is necessary to use this club, the Government may say to a producer, "You are performing an evil practice here in the way in which you are conducting your business, and we propose to apply section 12 to you."

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. FESS. Has not the Government a most powerful club in the ability to fix the price?

Mr. FOSTER. That is true. The Government has large powers there, but it seems to me that if, in the language of the bill, it should be found "essential in order to produce undue enhancement, depression, or fluctuation of prices, * * * hereafter in this section called evil practices," then the President should be authorized to prescribe such regulations as are necessary to prevent it.

Mr. FESS. My thought was that this applies only to the manipulation of prices, and if the Government has the power given in the bill to fix the price, it would seem to me that it would relieve the necessity for this section.

Mr. FOSTER. The Government will not fix the price on all of these articles. It is not very likely that it will. The price of many of them will go along in their usual way, but it may become necessary when they are manipulating the prices of the articles, doing many of those things that ought not to be done, that the price should be fixed, and this will give them power to prevent that.

Mr. COOPER of Wisconsin. Does not the gentleman think it would be a good thing for the Government to have a club to prevent one thing specified in lines 9 and 10, namely, "unfair and misleading market quotations of the prices of necessaries"? In other words, to prevent public dishonesty.

Mr. FOSTER. Certainly; that is one of the things.

Mr. FESS. If you are going into that, you have a pretty good-sized job on your hands.

Mr. FOSTER. I agree with the gentleman.

Mr. FAIRFIELD. As I understand it, the Government can now do two things. It can fix the price if necessary and can commandeer the article.

Mr. FOSTER. It can.

Mr. FAIRFIELD. And yet the committee deems it necessary to grant further power.

Mr. FOSTER. If it should be desired to do so, to have that price to compel those things to be done or not to be done.

Mr. ROBBINS. How are you going to enforce this section, which is a criminal section, when you have no fixed market, such as the board of trade or a metallic exchange where these goods are sold? What would be the market price which a man would violate to render him subject to the provisions of this section?

Mr. FOSTER. There is a market for many of these articles quoted, but not in the general way that other articles are quoted.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the motion of the gentleman from Minnesota to strike out the section.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were—ayes 22, noes 15.

So the motion was agreed to.

The Clerk read as follows:

SEC. 14. That whenever the Secretary of the Interior, with the approval of the President, shall find that an emergency exists requiring stimulation of the production within the United States, its insular possessions, Territories, and District of Columbia of any one or more necessaries, and that it is essential that the producers of any one or more of such necessaries shall have the benefits of the guaranty provided for in this section, he is authorized, with the approval of the President, from time to time, seasonably and as far in advance as practicable, to determine and fix and give public notice of what, under specified conditions, are reasonable guaranteed prices, in order to assure such producers a reasonable profit. The Secretary of the Interior shall, from time to time, establish and promulgate such regulations, with the approval of the President, as he shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment and differences in price for any of the several specified necessaries. Thereupon the Government of the United States hereby guarantees every producer of these specified necessaries that, upon compliance by him with the regulations prescribed, he shall receive for any necessaries produced in reliance upon this guaranty within the period, not exceeding two years, prescribed in the notice, a price not less than the guaranteed price therefor as fixed pursuant to this section. Such regulations shall prescribe the terms and conditions upon which any producer shall be entitled to the benefits of such guaranty. When the President finds that the importation into the United States of any of these necessaries produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty, if any, on each of the necessaries and to the value of each of the necessaries at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon each of these necessaries, when imported, in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon any of these necessaries under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential, in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the Secretary of the Interior with the approval of the President is authorized also, in his discretion, to purchase any of these necessaries for which a guaranteed price shall be fixed under this section, and to hold, transport, or store, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war, or to use the same as supplies for any department or agency of the Government of the United States. Whenever and wherever it is in his judgment necessary for the effective prosecution of the war, the President, through the Secretary of Interior, is authorized and empowered to fix the prices of necessaries, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign. Any moneys received by the United States from or in connection with the sale or disposal of necessaries under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 18, after the word "empowered," strike out down to and including the word "dealer," as follows, to wit, "to fix the prices of necessaries, wherever and whenever sold, either by producer or dealer."

Mr. SANDERS of Indiana. Mr. Chairman, the amendment which I have offered comes on page 16, line 18, and the expression that I desire to have stricken out is this:

To fix the prices of necessaries, wherever and whenever sold, either by producer or dealer.

The appeal that has been made to the committee in the debate upon this bill has been an appeal to support this measure upon the ground that it is a war measure, because of an absolute necessity to stimulate the production of these necessaries in the United States. One reason that has been advanced is that a great tonnage of these necessaries comes from foreign countries, and it is necessary to use ships to carry them here, and if we produce them in the United States that great amount of shipping may be released. In the hearings before the committee, which took a number of days, there was not a suggestion or statement from anyone that there was any necessity of preventing profiteering with reference to any of the necessaries named.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. I will.

Mr. LONGWORTH. Does the gentleman construe the language which he seeks to strike out to authorize the fixing of maximum prices?

Mr. SANDERS of Indiana. I do. That is the particular feature of that expression to which I desire to direct my argument. In order to increase the domestic production we have a guaranteed minimum price authorized. We have the right in the Secretary of the Interior to go out and make contracts for many of these necessaries, with a view of inducing the producers in the United States to enlarge their production, to increase their output, in order that this country may be supplied.

The Secretary of the Interior when he appeared before our committee laid great stress and great emphasis upon the necessity of production in great quantities of those necessaries within the borders of the United States, and I think it might be well to refer to what the Secretary of the Interior said. On page 7 of the hearings he uses this language:

This bill is primarily a bill for the development of what might be called the minor minerals in the United States.

Then, on page 8, he says:

That is the kind of thing that can be done throughout the United States, provided you can give some kind of guaranty that the man who develops these new properties which are in competition with the materials which come from abroad where there are larger deposits, provided that the man who develops the small deposits in the United States can be assured that he will get his money out of the investment that he puts into the development of these mines.

Again, on page 10, the Secretary of the Interior stated, and when he stated this he laid great stress upon this fact:

We have got to develop every resource we have; we have got to prepare ourselves in spirit and materially for such a contest.

Referring to his former statement that this morning's paper quotes Von Hindenburg as saying, that the first act has ended:

So I ask you gentlemen, in considering this bill, to look upon it from two standpoints—from the standpoint that you would have looked upon it five years ago, in time of peace, as a thing that should be done so as to reveal what America possesses, and as a measure that is necessary for the conduct of this great enterprise upon which we are embarked.

Then, later, he says:

We know approximately what we have. We simply want to be able to say to the small man and to the large man, "Gentlemen, go farther in and find what you have; bring it out, and we will see that you are not ruined by the competition of foreign countries."

And he adds:

I think that is good Americanism; I think that is common sense.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I would ask that the gentleman have five minutes more.

Mr. FOSTER. Mr. Chairman, I have no objection to the gentleman having five minutes, but I would like to see if we could not agree upon time on this section.

Mr. ROBBINS. I have an amendment to offer.

Mr. WOOD of Indiana. I have an amendment.

Mr. ANDERSON. This section is probably the most debatable one of the entire bill. I think there are probably gentlemen who will have amendments and some would like to talk to the amendment suggested by the gentleman from Indiana.

Mr. FOSTER. I think we might agree on time.

Mr. ANDERSON. I would rather not at this time, if the gentleman will permit.

Mr. FOSTER. I would like to get through; all right, we will let it run along for a few minutes and then I will make my request again.

The CHAIRMAN. Is there objection to the request for five additional minutes? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Chairman, I want to see whether I understand exactly the gentleman's argument. Is his argument this, That the fixing of the maximum price in advance would tend to curtail rather than increase production?

Mr. SANDERS of Indiana. Yes; that is the point.

Mr. LONGWORTH. I think the gentleman is absolutely correct.

Mr. SANDERS of Indiana. This bill, as has been said a number of times in this discussion, was taken largely from the food bill; in fact, if you read the hearings, you will find that Dr. Manning stated that it was copied from the Agricultural bill, by which he meant the food bill.

I want this committee to keep in mind this fact, that this part which I seek to strike out is added to the similar section in the food bill from which it is copied. In other words, this section which proposes to fix a maximum price has no precedent in the food bill, and it has no precedent in any legislation that has been passed since the beginning of the war except the one instance of coal. Now, I do not desire to enter into a discussion of the fuel question. We all have our views about that. I do not think it has been altogether successful. A great deal of criticism has been made against Dr. Garfield, but I think when we consider the facts it will appear that Dr. Garfield is not the only man to blame because of the failure of the Fuel Administration.

Back of the order that Dr. Garfield issued is the legislation which this Congress passed authorizing the fixing of a maximum price for coal. It is not a correct economic theory, and it was because of that illy advised legislation that the disaster in coal administration resulted. I do not think Dr. Garfield has in all cases been wise in the administration of fuel, but I do not think you could select any man, regardless of how wise he is, or how much he has studied economy, or how much he knew about coal, and put upon him the burden of fixing a maximum price, and have success in the administration of coal. But remember that the coal proposition is an entirely different one from the one under consideration. Coal is something that is used by all the people of the United States, while the use of these necessaries is limited.

An appeal was made to us that the coal barons were exacting immense profits from the people, and it was upon that appeal that that amendment was finally put into the food bill. But, gentlemen, who says that there has been any profiteering with reference to these necessaries? Not a single witness. What argument has been advanced in the general debate or at any other time authorizing the fixing of these maximum prices? These few words that I seek to have stricken out here—to fix the prices of necessaries wherever and whenever sold, by either producer or dealer—are simply the weasel words used in the last part of the last act, which draws all the blood out of the desirable portions of the bill. I stood up in general debate and said I was heartily in favor of this bill, because it encourages the industry. We undertake to appropriate $50,000,000. I do not know how much will be appropriated when it is finally acted upon, but this Congress is willing to appropriate millions of money, even if some of those millions shall be wasted, in order to encourage production and increase the quantity of these important minerals. But this Congress would be unwise, it seems to me, to undertake to go into the realm of stimulating the production of these minerals, enact this law, which is subject to some criticism, give all these vast powers with the purpose of increasing the production, and then in a few sentences destroy all of the efficacy of all the other portions of the bill that tend toward the increase in production.

Mr. ROBBINS. Will the gentleman submit to an inquiry?

Mr. SANDERS of Indiana. I will.

Mr. ROBBINS. If you turn back to section 11, already adopted——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ROBBINS. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Indiana have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBBINS. If you turn back to section 11, on page 10 of the bill, you will find there is a provision in line 16 that provides thus:

To purchase, store, provide storage facilities for, and sell necessaries at reasonable prices, to be fixed by the Secretary of the Interior with the approval of the President.

Mr. SANDERS of Indiana. That is the price after the Government——

Mr. ROBBINS. You are proposing to strike out the price-fixing clause?

Mr. SANDERS of Indiana. I am not proposing to strike out this. This is the general price-fixing clause which provides that you can put a maximum price on all these necessaries.

Mr. LONGWORTH. This is a minimum price on these necessaries?

Mr. ROBBINS. It would be a minimum or maximum. It would be the price.

Mr. SANDERS of Indiana. With a minimum guaranteed price I have no quarrel, and anyone who will support this bill will support it because it proposes to fix a minimum price or guarantee a price for producers, or because it authorizes the contract with the producers in order to encourage production; but the contention I make here is that this provision fixing prices, an unprecedented thing except in the coal proposition, absolutely destroys everything of value in all the rest of the bill, which is to encourage production.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. I will.

Mr. COOPER of Wisconsin. Suppose there is no such power as this conferred upon the President; would there be any danger of an undue enhancement of prices through private manipulation?

Mr. SANDERS of Indiana. I do not think so, because I think this bill forbids combinations, forbids agreements for the purpose of enhancing the price, and it gives the power to the Government to requisition and take over anything it wants to. It gives the Government the power to protect itself against any profiteering, and nobody suggests that any profiteering is likely to occur.

Mr. COOPER of Wisconsin. But to take over these plants because the price is too high is a much more drastic remedy than to fix the price.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Would the gentleman yield for one question?

Mr. SANDERS of Indiana. I will.

Mr. FESS. I understand the gentleman's view of the minimum price is to stimulate production, while the maximum price would be a limitation of the production?

Mr. SANDERS of Indiana. One operates against the other.

Mr. FESS. And that this bill is specifically for the production of these needed minerals?

Mr. SANDERS of Indiana. Yes.

Mr. FESS. And therefore the maximum price would not operate to increase production?

Mr. SANDERS of Indiana. Yes.

Mr. FESS. I think that is pretty clearly understood.

Mr. SANDERS of Indiana. And in further answer to the question asked by the gentleman from Wisconsin [Mr. COOPER], I want to say that the earlier provisions of this bill give ample protection by regulation to prevent excessive profits, and that is one thing, and the fixing of an absolutely arbitrary price is another thing. That is illustrated in the coal administration. They fixed the price in my district, and some of the mines could dig the coal at that price, but at some of the wagon mines it was fixed below the cost of production. This bill authorizes the fixing of arbitrary prices above which a man will not sell the goods he produces.

Mr. BLACK. I just wanted to ask if the gentleman does not think that under the licensing provision of this bill it would be within the power of whoever administers it to fix the maximum price, even though the language you refer to is stricken out of the bill?

Mr. SANDERS of Indiana. The provision with reference to the regulations forbids the charging of exorbitant prices and making illegal profits; but that is all directed to the question of profits. This is not dealing with the question of profits at all. The Government has the right to fix absolutely the price, regardless of any profit that the person could make.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. In a moment. I want to make a suggestion, and that suggestion is this: That Mr. Hoover has been able to handle the price situation in fairly good shape, and Mr. Hoover's administration has been fairly successful, regardless of the criticisms that have been made against it. He has made mistakes, but the reason why the Food Administration was more successful than the Fuel Administration was because the Food Administrator was not called upon to exercise this power as to maximum prices. Those who administer the act will probably think that the granting of the power means that they shall exercise that power, and the mere power lodged in the hands of one person to fix the price will absolutely curtail the production. You might just as well undertake to encourage home production by enacting a tariff law that protects the industry and then say that whenever the President sees fit he could bring us back to free trade, where it would not be protected. In other words, what is needed is stability, and all the parts of the bill that have been praised are those that propose to give us production. That is the crying need. We are in no danger of profiteering. Suppose we do have to pay a little more. The question of excessive prices is not nearly as important to be guarded against as having a production under the amount needed to make the war munitions that we absolutely must have. [Applause.]

Mr. LONDON. Mr. Chairman, the gentleman from Indiana [Mr. SANDERS] who preceded me failed to take note of the fact that the Government is bound to protect itself against the possibility of overproduction. If his argument were sound, it would apply to the provision which confers upon the President the power to increase tariff duties on these various articles. The Government must retain the power to increase tariff duties in order to prevent an oversupply of these necessaries. It may find itself with an enormous quantity of material on its hands. It may be compelled to sell that material. The law does not authorize the Government to continue the operation of any mine or any of these operations subsequently to the termination of the war, and in order to protect itself it is compelled to secure itself against an oversupply It must have the right to fix the tariff to suit conditions, and it must have the right to fix the maximum. Otherwise the bill is absolutely indefensible. You can only stand for this bill on the theory that the Government is preparing for the possibilities of a very long war.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Pardon me; I will yield in one moment. You can only stand for this bill on the theory that the Government is preparing for a long contest.

Mr. JAMES. Now, will the gentleman yield?

Mr. LONDON. I do.

Mr. JAMES. Did not Mr. Hoover say before the committee that the only weak link in the food law was that it did not carry a determination of a fair profit to the retail distributor?

Mr. LONDON. Yes; but the point is this: If you get yourself to vote $50,000,000 out of the people's money in order to encourage private industry, in order to help private owners of holes in the ground to develop mines, and then at the conclusion of the war contingency to permit these individual owners of the ground to enrich themselves by having a mine developed at the expense of the Government solely because there was an incidental benefit to the Government during the short period of the war; if you permit that, you must necessarily protect the Government against the contingency of an oversupply, against the contingency of large quantities of these products coming to the Government with the Government as the guarantor of the price. How can the Government guarantee a minimum price for all the products of these mines without at the same time securing itself by possessing the power to fix a maximum price?

The gentleman is mistaken in applying the theory which prevails in the private market—in applying the theory which is supposed to prevail through the operation of the law of supply and demand. There is no such law; but it is presumed that there prevails in the private market a law of supply and demand, a sort of a natural law, unaffected by anything men will do. The gentleman deals with an extraordinary situation. Here is the Government, the guarantor of a minimum price. There are large mines, there are large opportunities for the production of these articles; this country can produce five or six or ten times as much as it needs; the only reason that we have been importing some of these articles is because it has been cheaper to import them. The basis of all tariff legislation heretofore has been free trade in raw materials, so as to promote manufacture. We will find ourselves in this situation: The Government is to be the guarantor of a minimum price, which is supposed to be an attractive price, which is supposed to guarantee more than a reasonable profit, without any opportunity to limit the output or limit the price. Instead of 2,000,000 tons, the Government may find itself with 10,000,000 tons of minerals. Where will the Government be?

Mr. BUTLER. Having guaranteed the minimum?

Mr. LONDON. Yes; having guaranteed the minimum. That was the necessity for the provision in this bill.

The difficulty with this bill is that it is all a piece of speculation. I am opposed to the principle of the thing; but I am going to vote for it, because it is supposed to be necessary to carry on the war. I am opposed to the very idea of it—that public money should be used to help develop private ownership in natural resources.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. May I have five minutes more?

Mr. FOSTER. I have no objection to the gentleman having five minutes, but can we not agree upon a limit of time?

Mr. WOOD of Indiana. I have an amendment to offer.

Mr. ROBBINS. I have an amendment.

Mr. FOSTER. I have no objection to gentlemen offering amendments.

Mr. ANDERSON. I want 10 minutes on this proposition.

Mr. FOSTER. I ask unanimous consent, Mr. Chairman, that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the pending amendment close in 10 minutes. Is there objection?

Mr. ANDERSON. Reserving the right to object, I should like to discuss this particular amendment at least 10 minutes.

Mr. HAMLIN. Can we not agree on time for the whole section and all amendments thereto?

Mr. FOSTER. We have been very liberal about debate on this bill.

Mr. LONDON. All the debate revolves around the same thing.

Mr. HAMLIN. I think there ought to be rather liberal debate on this section and all amendments thereto. Let us see if we can not agree to that.

Mr. FOSTER. Can we not go ahead then and finish the reading of the bill?

Mr. CANNON. Oh, we can not agree to that.

Mr. FOSTER. I have stood on this floor for three or four days trying to get some limitation on debate. Of course, we can

not fix any limitation in the absence of a quorum, as everybody knows.

Mr. STAFFORD. This is an important section, and the next section, providing the amount of money to be appropriated, is also important.

Mr. FOSTER. We have already had 30 minutes on this section. I ask unanimous consent that debate on this section and all amendments thereto close in 45 minutes.

Mr. ROBBINS. I will have to object to that, as it will not give time to all those who wish to speak. I have taken no time on this bill.

Mr. WOOD of Indiana. I have not opened my mouth, and I want five minutes.

Mr. FOSTER. I am not saving any time for myself.

Mr. TAYLOR of Colorado. Make it an hour.

Mr. FOSTER. I will agree, then, to make it one hour.

The CHAIRMAN. The gentleman has evidently had intimations from various gentlemen who want time. Will the gentleman furnish a list to the Chair?

Mr. FOSTER. That the gentleman from Indiana [Mr. WOOD] have 5 minutes, the gentleman from Michigan [Mr. CURRIE] 5 minutes, the gentleman from Pennsylvania [Mr. ROBBINS] 5 minutes, the gentleman from Minnesota [Mr. ANDERSON] 10 minutes, the gentleman from Indiana [Mr. FAIRFIELD] 5 minutes, the gentleman from New York [Mr. DEMPSEY] 5 minutes, the gentleman from Ohio [Mr. FESS] 5 minutes, the gentleman from Indiana [Mr. COX] 5 minutes, the gentleman from Colorado [Mr. TAYLOR] 5 minutes, and the remainder of the hour we would like to reserve for ourselves.

Mr. STAFFORD. Where does the gentleman from New York [Mr. LONDON] come in?

Mr. FOSTER. That is outside of whatever time he may secure.

Mr. COX. Will the various amendments that are to be offered be voted on at the conclusion of the hour?

Mr. FOSTER. Let us vote on them as we go along.

The CHAIRMAN. The time taken in voting not to be considered a part of the hour.

Mr. WINGO. The hour to be actual debate.

The CHAIRMAN. The Chair will read the list of names proposed in this arrangement and the time for each: The gentleman from Indiana [Mr. WOOD], 5 minutes; the gentleman from Michigan [Mr. CURRIE], 5 minutes; the gentleman from Pennsylvania [Mr. ROBBINS], 5 minutes; the gentleman from Minnesota [Mr. ANDERSON], 10 minutes; the gentleman from Indiana [Mr. FAIRFIELD], 5 minutes; the gentleman from New York [Mr. DEMPSEY], 5 minutes; the gentleman from Ohio [Mr. FESS], 5 minutes; the gentleman from Indiana [Mr. COX], 5 minutes; the gentleman from Colorado [Mr. TAYLOR], 5 minutes; and 10 minutes for the committee. That makes an hour. Then the gentleman from New York [Mr. LONDON] desires some time outside of that.

Mr. GARLAND. I have been out of the Hall for a moment. I would like two minutes.

Mr. FOSTER. We will see that the gentleman gets it.

Mr. LONDON. I would like to have five minutes.

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is to make a request for time which is not to be considered a part of the hour. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the debate on this section and all amendments thereto terminate at the expiration of the hour. Is there objection?

There was no objection.

The CHAIRMAN. How much time does the gentleman from New York [Mr. LONDON] desire?

Mr. LONDON. Five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. HICKS. Will the gentleman from New York yield for a question?

Mr. LONDON. I yield to the gentleman.

Mr. HICKS. Is not the principle underlying this bill, in a general way, the application of the doctrine of protection?

Mr. LONDON. No; the ordinary principle of protection has nothing to do with it, because the tariff legislation of this country has been based, and in most countries is based, upon the admission of as much raw material as possible free of duty. This bill has absolutely nothing to do with protection. You are dealing here with an extraordinary situation. The statement was made before the committee that the minerals mentioned in this bill represented an import of about 2,000,000 long tons a year, three-quarters of which, at least, could be eliminated in case of extreme necessity, and hope is held out that by offering an attractive price and giving the Government an enormous sum of money, to be used as a revolving fund, that the production of the minerals in sufficiently large quantities will be accomplished.

Mr. FESS. Will the gentleman yield?

Mr. LONDON. I will.

Mr. FESS. I understood that gentleman to say that the protective tariff system is based upon the admission of raw materials free.

Mr. LONDON. I do not want to get into a discussion on the protective tariff. I know that it is discussed at funerals and weddings, but I have no time for it now. In most countries tariffs to encourage manufactures admit raw materials free.

Mr. FESS. That is not the case in this country.

Mr. LONDON. It was with the last tariff.

Mr. FESS. That principle was written into the Wilson bill in 1894, and that was the first time it was brought to light.

Mr. HICKS. The principle of this bill is to increase production, is it not?

Mr. LONDON. It is intended to stimulate production; whether it will or not I do not know. Now, I want to answer the argument of the gentleman from Indiana [Mr. SANDERS], which I was proceeding to do until interrupted by an attempt at a tariff discussion. I believe as a rule the gentleman's suggestions are sound, but he has not well considered this proposition. If the United States is to retain the necessary power to protect itself against overproduction, it must retain the power of fixing a maximum price.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LONDON. Yes

Mr. SANDERS of Indiana. My understanding of the gentleman's argument is that because we guarantee a certain price, therefore there may be a great production and the Government should have the right to curtail the price.

Mr. LONDON. The Government should have the right to protect itself against being called upon to pay an extraordinarily large price for a larger production than it really needs.

Mr. SANDERS of Indiana. Does not the gentleman think that if the United States guaranteed a certain price it ought to pay that price?

Mr. LONDON. Undoubtedly; I speak of the minimum price. The point is this: These minerals are in the United States. The reason they have been imported heretofore is because it has been cheaper to import them into the United States than to produce them here. Now, an attractive price is held out to everybody who will produce them, and my point is that the Government must protect itself and its own Treasury against overproduction in these very articles.

Mr. ANDERSON. May I ask the gentleman a question?

Mr. LONDON. Yes.

Mr. ANDERSON. If there is an overproduction, the danger will not be that the price will be too high but that it will fall below the Government guaranty.

Mr. LONDON. No; the price will never fall below the Government guaranty. You put the Government in this absurd position which you would not ask of an individual or corporation. A corporation would not make a contract with any party to supply to it an article in unlimited quantities with a guaranteed price. When you guarantee the price, you must limit the output or reserve the right to fix a maximum price, and that was the object of this provision.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. FAIRFIELD. Is it the gentleman's understanding that the Government is under the necessity of taking all that is produced at the guaranteed price?

Mr. LONDON. Of course; that is the bill.

Mr. FAIRFIELD. And the Government has no discretion?

Mr. LONDON. No choice about it. The proclamation is issued enumerating certain minerals and fixing the price. Anybody producing them afterwards will say that he has incurred expenses in the production of the minerals covered by the guaranteed price.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ANDERSON. Mr. Chairman, I shall support the amendment of the gentleman from Indiana [Mr. SANDERS], because it seeks to strike out of the bill a method of price fixing which has been a failure the world over. The world is not altogether without experience in the matter of legal price fixing as distinguished from economic price fixing. From the very earliest date men have tried to fix prices by legal methods. The ancient Babylonians attempted it 2,250 years before Christ. The Athenians attempted it; the Romans attempted it; the Hindus attempted it; the French tried it in the thirteenth century. It

has been tried by every nation in the world engaged in the present war. Legal price fixing, as distinguished from economic price fixing, has been a failure the world over. In the first place, if the price is fixed low, the only way to enforce is to put people in jail, and you can not put enough people in jail to enforce a legal price which is economically too low. If you fix it too high, the immediate effect is that the normal price of competition immediately rises to the maximum price. The net result is a higher price than normally obtains. We have made a success in fixing the price of wheat; and why? Because we undertook to control the commodity. The only articles as to which price fixing has been a success are those commodities on which the Government here, in England, and in France has controlled the price by controlling the commodity itself. This bill includes five different methods by which the Government can control the price of the commodity: First, it can control the profits of the manufacturer or producer under the license section. Second, it may control because it has the power to buy and sell any portion or all of the product. Third, it can control because it has the right to contract for the entire output or any proportion of the output for a period of two years. Fourth, it can fix the price because it has the power to requisition the commodity at a price fixed by the Government, and, finally, it can fix the price because it has the power to guarantee the minimum price below which the price of the article can not fall. These are economic methods. They have been tried and have succeeded. These are, in part, the methods by which the ordinary individual in private life maintains the price, and these are the only methods by which they can be established. I have talked with Mr. Hoover about this matter in private conversation a great many times. Mr. Hoover will say to any gentleman who will ask him that the experience of all European countries and of America is to the effect that price fixing is successful only where it is possible for the Government to fully control the commodity, and under no other circumstances. There is another difficulty connected with legal price fixing, and it is this: First, when you fix a price by tacking it up on the wall and saying to the world that this is the price, you destroy the law of supply and demand, although my good friend from New York [Mr. LONDON] says that there is no such law, which acts not only as an agency for the fixing of the price but also as a distribution agency. In other words, unless a community which has a low supply can by increasing the price in that community draw the supply from some other point where there is a surplus, there will be no even distribution of the commodity. Secondly, whenever you attempt this artificial method of legal price fixing you are obliged at some time to establish a purely arbitrary and purely governmental machinery of distribution. You must set up an entirely new and artificial machinery of distribution; otherwise you will have local shortage and famine.

Mr. LONDON. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. LONDON. Does not the gentleman overlook the fact that in this case the Government is the sole buyer, because it is the guarantor?

Mr. ANDERSON. If it is the sole buyer and controls the entire product it can buy at its own price under the power of requisition, and it can sell it at its own price, because it is the owner of the property, and it may sell it to licensees if it so desires. It can maintain the price if it does control the entire commodity.

The argument made by the gentleman from New York [Mr. LONDON], it seems to me, touching overproduction is absolutely fallacious. The great fear expressed by Mr. Hoover and by all gentlemen who argued the question of increased price on wheat was that if the price was fixed too high we would get such overproduction that the natural operation of competitive conditions would reduce the price below the Government guaranty and thereby involve the Government in large expenditures in maintaining a minimum price. So there is nothing in that argument.

There is another difficulty with this method of sticking a price on a wall and saying "This is the price." It has no flexibility; it can not adjust itself to dislocations of the transportation machinery and overconsumption in one place and underconsumption in another, or overproduction in one place and underproduction in another. It dislocates and must dislocate the entire distribution and price-fixing functions of the country, and that has been the experience not only here but in France and England and in Germany as well. I repeat again, that the enactment of the language which the gentleman from Indiana seeks to strike out simply means authorizing the Government to enter into what has been demonstrated to be an economic failure the world over.

I do not object to price fixing in this emergency if it is necessary and is done in a way that is economically sound, as in the case of wheat, because if it is done that way it is successful; but when it is done under the theory of sticking a price on the wall and saying that is the price it inevitably fails. We ought not to encourage a method of procedure or administration that is certain to fail.

Mr. Chairman, I do not know of anything that I can say which will overemphasize the undesirability of entering at this time or at any time upon a system of legal price fixing because of the entirely harmful and dislocating effect of that method of price fixing upon the industry wherever it has been tried. [Applause.]

Mr. FESS rose.

Mr. FOSTER. Does the gentleman desire to speak on this amendment?

Mr. FESS. I do.

The CHAIRMAN. The gentleman from Ohio.

Mr. FESS. Mr. Chairman, the gentleman from Indiana [Mr. SANDERS] made a very clear statement of the difference in operation between minimum and maximum price fixing. I think that he stated an economic proposition that is aquiesced in by all the leading economists, that minimum price fixing by the Government would have the tendency of stimulating production; that is, it guarantees to the producer that if he produces an article he will not have it left on his hands, but he will always have a buyer at a price below which the purchaser can not go. In other words, he not only has the price fixed below which the purchaser can not go, but is sure of a purchaser for all he produces and he knows, therefore, that he will not have any of it left on his hands. The purpose of such legislation is to stimulate production. That is a fundamental principle. The maximum price, on the other hand, is absolutely in antithesis to that. You fix a maximum price not to stimulate production but to curtail production, and the gentleman from New York very succinctly stated that the maximum price ought to be fixed in order to insure the country against overproduction. It is a statement of the same thing in a little different language. However, when you come to the discussion of the question of overproduction it is always a doubt whether it is overproduction or underconsumption. One school of economists declare there is no such thing as overproduction, but it is always underconsumption, but I think we have spent an immense amount of time in hairsplitting discussion of such a question, that it is no matter to us if we were out on a boat and it was capsized whether we went down or the water came up, it would have exactly the same effect on us.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. FESS. I will yield to my colleague.

Mr. LONGWORTH. Is there any possible argument in favor of this bill except that it is to guard against underproduction?

Mr. FESS. I think that is wholly the purpose, so stated in the act, and its proponents who urge it, as can be read in the hearings on the bill.

Mr. LONGWORTH. The whole purpose?

Mr. FESS. It is to guard against underproduction and thereby insure, by stimulation of production, the needed supply; and for that reason, and that alone, it appears to me that there is some justification for the bill from the point of view that we need these articles, must have them. Under the present situation we are not producing in sufficient quantities at home, and we can not safely depend upon getting them from abroad. If we had the ships, quite probably we might secure from outside of the country our satisfaction, but it is well known that ships are our greatest need at this time, and it would seem to me, although greatly averse to this sort of legislation, the Government is justified in taking this step at this time.

Mr. HAMLIN. Will the gentleman yield?

Mr. FESS. In just a minute. The one specified purpose of this legislation is to stimulate production rather than curtail it. I now yield to the gentleman.

Mr. HAMLIN. I have very great respect, as the gentleman has reasons to know, for his opinion upon any proposition that he discusses. This thought occurred to me. I agree with him that perhaps the prime purpose of this bill is to stimulate production in certain rare minerals, but another important feature, of course, is to control distribution; but does not the gentleman see this trouble that might arise? Take any one of these minerals that we feel we must stimulate by offering a guaranteed price. We can not see from the top of the ground. Some man or men will open a mine that is a successful mine and will produce marvelous amounts of this stuff, maybe. Under the Government guaranteed price there is no protection left to the Government, no means left to the Government to protect itself, and it might involve quite large sums of money.

Mr. FESS. I would say to my friend that I reciprocate his good opinion, and I am ready to concede the force of his statement when applied to articles of abundant production; if, for example, you are going to take, say, mercury, an article of

which we are producing now more than we need, or sulphur, another of which we are producing more than we need, and molybdenum or bromine, and so forth, there would appear some reasons for your contention. I called attention to these very articles when we first began the consideration of this measure, and asked why articles produced in quantities beyond our need should be enumerated in such a bill as this. It would appear that strong influence must have been exerted to get the encouragement of Government assistance back of these producers. Not even a minimum price should be granted on articles of which we produce an abundance.

Instead of applying a maximum price to the entire list in order to cover these fees, it would be wise to omit these from the bill since this bill is for the purpose of stimulating prices and not curtailing them, and I think we ought to cut out the maximum price.

Mr. Chairman, I do not wish to inject a partisan discussion at this time, but this proposed legislation in the light of the long and heated debate between the two parties for the past 50 years on a real American policy has a peculiar pertinent significance in this hour of crisis. The Republican Party has waged a warfare with the Democratic Party over placing the country where it would be independent of the world for its needs. The Democratic Party now sees the strength of our contention.

Mr. Chairman, this measure seeks to secure the necessary supply of ores, metals, and minerals for war purposes. The sponsors of the bill declare the reason for such legislation is want of ships. That is, articles that must be imported demand ships to carry them. Every ship thus employed, say the proponents of this bill, is taken from the supply necessary for exportation of munitions and men to Europe. In order to save the ships that carry ores, metals, and minerals from South America, Spain, and the Scandinavian countries, this bill proposes to release this demand on transportation by producing the necessaries here at home. The method proposed is for the Government to guarantee a price for the elements for a period of the war and a fixed time thereafter. It will be seen that whatever the purpose, here is a governmental and official encouragement of development of home industries. It is not technically a subsidy, but rather a guarantee of a profit. The proponents of this bill, especially the Democratic Members, disdain any interest in the encouragement of home industry, but declare were the country supplied with ships they would prefer to continue to buy abroad rather than develop at home; to invest capital and employ labor abroad rather than at home, especially when the initial cost is less abroad than at home. This is the same old free-trade doctrine.

While I intend to vote for this measure, because we must have the goods, I will not allow our Democratic friends to overlook the penalty we as a Nation must now suffer from their shortsighted free-trade policy. Had an American policy been pursued, to center American energy and capital as well as labor upon producing from our mines at a reasonable price determined by the cost of the production, this country would not now be asked to do the heretofore unheard-of task of guaranteeing a fixed price for all and any quantity of the elements mentioned in this proposed measure. Had such a policy been in vogue instead of the unfortunate Underwood Act, ready capital would have welcomed profitable investment, in which the American workmen would have been steadily employed at an American wage, and this Nation would not have been in the unfortunate situation of dependency upon any foreign country for our needs. We would not suffer the danger of fatalities from lack of necessary elements when the world is at war. This development of our own natural resources to the point of national independence is a fundamental argument for protection. It is one of the cardinal principles of the protectionist, who has unceasingly persisted in his contention that it is unpatriotic to pursue a policy which makes the Nation dependent upon any foreign country for any article of necessity if that article can be produced at home. Let our Democratic friends face the situation which has resulted largely from their shortsighted policy of free trade, the relief of which this measure is now proposed by them.

This bill enumerates 39 different articles which are declared to be necessary elements in our war work. Some of these articles, at least four or five, such as bromine, sulphur, mercury, and molybdenum, we now produce our needs. Others we produce various percentages of our needs. Dr. George Otis Smith, of the Geological Survey, who possesses the reputation of accurate information, is authority for the following percentages:

In the case of antimony we produced from domestic ores only about 10 per cent of what we needed; so I would put antimony at 10.

In the case of arsenic the corresponding figure would be 60; we came nearer our requirements with that.

In the case of bromine we have apparently met requirements, and we can express the production as 100 per cent there. We know the Government requirements for military purposes promise to be several times this year what they were last year; so we must not let this figure of 100 per cent please us too much, because there is the probability that we are facing a deficit in the production of bromine.

Our production of 42,000 tons of chromium ore last year met about 37 per cent of the requirements. We hope to increase that production this year to about 50,000 tons.

In the matter of the abrasives, corundum and emery, the requirements were more nearly met last year, say 90 per cent; and yet that 10 per cent that was lacking was of the highest grade of abrasive, of emery, which has hitherto been imported from Turkey, and the deficit was a serious one because it was the grade of emery that is especially needed in the manufacture of optical glass.

In the matter of graphite the domestic supply furnished 25 per cent of our consumption, but there again in the graphite which we especially need in connection with the expansion of our metal industry, namely, the graphite that is used in the making of crucibles, our American product last year was only about 11 per cent of the needs in the crucible grade of graphite. There is where we hope to stimulate production in the Southeastern States.

I have already mentioned magnesite, where our home production was about 99 per cent; and manganese was about 23 per cent. I may mention in this connection the record that we have made in the matter of magnesium, the metal. Formerly there was no production in this country of magnesium, and the supply from abroad being cut off a supply has been developed in this country, and the 1917 figures are very satisfactory; 115,800 pounds of this metal, a very light metal, so that weight means considerable quantity, and with the increased production there has been a corresponding decrease of the price, from something like $5 a pound early in 1916, to $2 or less a pound last year.

Molybdenum, another steel-hardening metal; our production can be stated at something over 100 per cent in that, because we export molybdenum largely because that is a steel-hardening metal more in favor with the English and the French than it is with our own steel makers.

In the matter of mercury we have increased our production until we are exporting it, and the corresponding figure indicative of our productive capacity is 120.

In the platinum metals I would say to Mr. Taylor that while the so-called "precious metals" are not included in this bill, something more precious than the precious metals is included, namely, the platinum metals, and, as Secretary Lane stated, there is where we find the real deficit. Our own home supply last year was only about 13 per cent of the platinum and the allied metals needed by our industries.

In the matter of pyrite last year our home production was 33 per cent; potash, as I have already stated, 10 per cent.

In the case of sulphur, that to some degree supplements the pyrite, although the two are not, of course, absolutely interchangeable; in the manufacture of sulphuric acid we are self-sufficient, to use Secretary Lane's expression; 105 is the figure for sulphur.

In tin, on the other hand, we produced only 1½ per cent of our requirements, mostly coming from the extreme corner of Alaska, as stated by Secretary Lane.

In tungsten our production was 65 per cent.

As to vanadium, it is hard to give a figure, because there again we are not large users, but I think we can safely say that we produce more than we consume.

Mica I omitted to mention, and mica is a mineral which is used especially in connection with electrical apparatus. Our production was 38 per cent of the consumption, but there again I must qualify the statement, because there are certain grades of mica that are especially adapted for special uses that come almost wholly from outside the country.

This bill is drafted on the basis that if we agree upon a price that will guarantee a profit to the producer we will secure the elements from our own mines. It must be such a basis, since we are told we can not depend on foreign countries, since we have not the ships to transport them. Had we the ships, this administration would undoubtedly continue to buy abroad rather than develop at home.

It would be highly edifying to reexamine the argument of the Democratic Members of the Sixty-third Congress in the discussion of the Underwood bill. When Republicans urged a protective rate on these needed ores, metals, and minerals in the interest of home production, that American enterprise might be stimulated and encouraged, that capital might be invested, and labor employed at an American scale of wages, they were met at every turn with the same old demagogic cry of robber tariff and special privilege. Now, when, as an inevitable consequence, the Nation's resources are undeveloped, while the needed elements still lie buried, awaiting the skill and genius of our country to develop them, the world in the vortex of war, and essential articles imperatively called for, here come our Democratic friends, now responsible for results, and propose to rectify the shortsighted policy which finds us the richest Nation of earth in resource, but in direful distress from lack of an American policy of industrial independence, and offer the guaranty of the Government to those who will by hook or crook furnish us with the necessaries so bountifully deposited within the bowels of the earth.

While as a policy I am sincerely opposed to governmental price fixing, and also to governmental ownership and operation, where it can be carried on by private enterprise, yet in the face of an imperative situation such as we now confront I have no other choice but to vote for the measure. But we here and now serve notice on the Democratic leaders that the country will hold their party responsible for the pitiable state of our mining industry, and no amount of protestation will be sufficient to ex-

plain away the folly of their policy of dependence upon foreign countries, which they now propose to correct by the socialistic remedy of making the Government responsible for needed production when by the employment of the sheerest common sense as applied to legislation private enterprise could and would have relieved the Government of all responsibility, and assured the Government at the same time the maximum of needed production. This bill is just 39 object lessons of the futility of free trade as a national policy and furnishes the severest indictment of the Democratic Party for its folly in fixing it upon the Nation, as well as a pitiable confession of the party's failure to employ wisdom as applied to the all-important issues before us.

Mr. Chairman, I repeat that I shall vote for the measure. It admits we have the necessary articles if we but use the means to produce them. I regret it seems necessary now to resort to this sort of legislation, all of which would have been avoided had we pursued the protective policy as applied to these items. But our Democratic friends repudiated that policy in 1913. The war has operated as a protective policy for the Nation in certain respects, as is noted in the matter of dyes, for which, prior to the war, we wholly depended upon Germany, but since the war closed out the German product American genius has developed the industry, which after the war, without protection, we will see destroyed if Germany is permitted free access to our markets, which God forbid.

While we will pass this bill giving authority to guarantee prices for these articles, we should immediately make certain our duty to restore the protection policy to take care of the problems after the war, and thereby avoid such governmental responsibility as this measure entails.

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, I think that there is no Member of the House but that is loath to oppose any necessary legislation at this time. I have listened with a good deal of interest to the continual denial of the fact that there is any such economic law as the law of supply and demand. I am wondering if after awhile we will not get to the point where we shall be willing to try to amend the moral law, or the law of gravitation. There is perhaps no more definite law than the law of supply and demand, providing combination is eliminated. I think that is the opinion of every political economist in the world who is recognized as worthy of respect.

I am in favor of this amendment for the reason that I fear we may be led into the habit of legislating contrary to economic law, defending ourselves on the ground of the exigencies of the case. It may be that, more than we realize, we shall break down ultimately the basic, fundamental principles upon which sound legislation rests, and just as often as we can we ought to challenge any such breaking down of well-established principles by any proper amendment to the bill that may be proposed. It is for that reason particularly, and believing that all necessary power should be granted and granted frankly and gladly, that I say more and more we should challenge the granting of plenary power to any men or set of men in connection with matters upon which we legislate.

Now, this bill undertakes to provide for underproduction. That is the sole reason for which it is brought in. No one attempts to defend it on any other ground. It includes, in my judgment, certain minerals that ought not to be included, for there is an abundance of sulphur; there is an abundance of mercury. There may be in connection with the development of sulphur a difficult proposition of which we have not thought, the difficulty of working the mines where they are located, because of the physical obstacles that surround them.

White men and efficient labor can not be secured down there to work in those sulphur mines. And yet it is true that enough labor that can be taken there will produce the sulphur that we need without undue haste in legislating to that intent. And that is true in regard to mercury. But there are many of these minerals that are so rare that I doubt very much whether there is any danger at all, such as the gentlemen have been pleased to talk about here. But there is danger that the little mine may be absolutely shut out in connection with the fixing of a maximum price. Suppose a mine should be discovered that would yield large quantities at a very reasonable price and yet not more than 50 per cent of what we want? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask unanimous consent that I may have opportunity to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FAIRFIELD. In that case the small operator would never have any opportunity to develop, for the price fixed might easily be less than to justify the uncertainty in the opening of a small mine. The result would be just the opposite of that which the bill intends. Gentlemen have assured us that the intention is to stimulate production, to insure an adequate supply of these rare materials.

At the same time studied phrases to grant unlimited power to throttle the industry even before it is born are worked into the bill.

All needed power should be given, but almighty power belongs of right to the Infinite. All human agencies are fallible. To grant power to do what is unwise would work ruin if used unwisely. Power grows by what it feeds upon. The continual asking for grants of unlimited power is in itself an acknowledgment of weakness. The delegation of such power when not needed is a surrender of the rights of the House and a violation of our obligations under the Constitution.

Mr. FOSTER. Does the gentleman from Pennsylvania desire to speak on this amendment?

Mr. ROBBINS. No.

Mr. FOSTER. I just want to say a word. This amendment which the gentleman from Indiana [Mr. SANDERS] offers seeks to strike out the right of the Government to fix the price at which these articles shall be sold, if it should become necessary. There was one notable instance of fixing price which Mr. Hoover, the Food Administrator, called to our attention, and that was in connection with insecticide, which had gone from 4 cents to 18 cents a pound, and he fixed the price at 8 cents a pound to the consumers, or those who use this article, and yet gave 100 per cent profit over the prewar price.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. SANDERS of Indiana. Mr. Hoover did that under the provisions of the food bill, which authorized regulations to prevent excessive profits.

Mr. FOSTER. Yes

Mr. SANDERS of Indiana. And that, in this bill, is the part stricken out, or else it was a voluntary arrangement.

Mr. FOSTER. It was probably a voluntary arrangement. It seems to me, Mr. Chairman, the time may come when it will be necessary to fix some price to the people in this country that they may not be unduly charged for an article that is necessary to have. I hope the amendment will not prevail.

Mr. LONDON. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONDON. This bill deals with two classes of minerals, does it not, rare minerals and those minerals which have been largely imported, although they can be produced in enormous quantities here? Is not that true?

Mr. FOSTER. That is true.

Mr. LONDON. So that the Government needs the power of fixing the maximum price for the latter group of minerals. Those that have heretofore been imported and which can be produced here in large quantities will be thrown on the hands of the Government. Is not that the situation?

Mr. FOSTER. Yes.

Mr. LONDON. We are not fixing the maximum price now, but giving the Government the power to fix the price in a contingency.

Mr. FOSTER. Yes.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BLACK. On that point I have heard it stated during this debate that if the Government guarantees the price of a commodity and it is produced in larger quantities than the Government expects, it is thought under this provision to fix a lower price. It seems to me that is not consistent.

Mr. FOSTER. No. That is not the idea.

Mr. HAMLIN. The bill provides that the Government shall pay as much as the guaranty.

Mr. BLACK. I think that is as it should be.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. SANDERS].

The question was taken, and the Chairman announced that the "ayes" appeared to have it.

Mr. HAMLIN. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 40.

Mr. SANDERS of Indiana. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded.

Tellers were ordered; and the Chairman appointed Mr. FOSTER and Mr. SANDERS of Indiana to act as tellers.

The committee again divided; and the tellers reported—ayes 40, noes 46.

Mr. LONGWORTH. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is no quorum present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Flood	Kreider	Rucker
Austin	Flynn	LaGuardia	Sanders, La.
Bacharach	Focht	Lazaro	Sanders, N. Y.
Barnhart	Fordney	Lehlbach	Sanford
Brodbeck	Foss	Lesher	Scott, Iowa
Brumbaugh	Frear	Littlepage	Scott, Pa.
Butler	Gallagher	Lunn	Sears
Caldwell	Gallivan	McAndrews	Shouse
Campbell, Pa.	Glass	McArthur	Siegel
Carew	Godwin, N. C.	McCormick	Sisson
Carter, Mass.	Goodall	McKinley	Slemp
Carter, Okla.	Goodwin, Ark.	McLaughlin, Pa.	Small
Clark, Fla.	Gould	McLemore	Smith, Idaho
Clark, Pa.	Graham, Pa.	Madden	Smith, Mich.
Cooper, Ohio	Gray, Ala.	Magee	Smith, T. F.
Cooper, W. Va.	Gregg	Maher	Snell
Copley	Griest	Mann	Snook
Costello	Griffin	Meeker	Snyder
Crago	Hamill	Morin	Steele
Cramton	Hamilton, N. Y.	Mott	Stephens, Nebr.
Crosser	Harrison, Va.	Mudd	Sterling, Pa.
Curry, Cal.	Haskell	Neely	Stiness
Dale, N. Y.	Hawley	Nicholls, S. C.	Strong
Dale, Vt.	Heaton	Nichols, Mich.	Sullivan
Darrow	Heintz	Norton	Sumners
Denison	Hollingsworth	Olney	Templeton
Dent	Hood	O'Shaunessy	Thompson
Dewalt	Howard	Padgett	Tilson
Dies	Husted	Peters	Tinkham
Dooling	Hutchinson	Phelan	Towner
Doremus	Jacoway	Platt	Treadway
Doughton	Johnson, S. Dak.	Porter	Waldow
Drukker	Jones	Pou	Ward
Dunn	Juul	Powers	Watson, Pa.
Dupré	Kahn	Pratt	Watson, Va.
Eagan	Kehoe	Ramsey	Wilson, Ill.
Eagle	Kelley, Mich.	Reavis	Winslow
Edmonds	Kennedy, R. I.	Riordan	Wise
Estopinal	Key, Ohio	Rose	Woodyard
Fairchild, B. L.	Kiess, Pa.	Rowe	
Fisher	King	Rowland	

The committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration House bill 11239, found itself without a quorum, whereupon he caused the roll to be called, when 266 Members, a quorum, answered to their names, and he reported the names of the absentees to be printed in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The vote on which the failure of a quorum developed was on the amendment of the gentleman from Indiana [Mr. SANDERS]. A quorum of the committee now being present, the vote will be taken again.

Mr. CANNON. I ask unanimous consent that the amendment may be reported.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the amendment upon which the vote is to be taken be reported. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 16, line 18, after the word "empowered," strike out to and including the word "dealer," being as follows: "To fix the prices of necessaries wherever and whenever sold, either by producer or dealer."

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] and the gentleman from Indiana [Mr. SANDERS] will again take their places as tellers.

The committee again divided; and the tellers reported—ayes 82, noes 84.

Accordingly the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 15, line 14, after the word "section," in line 14, strike out the word "and" and all of lines 15, 16, 17, 18, 19, 20, 21, 22, and 23 to the semicolon at the end of line 23, and insert in lieu thereof the following: "by reason of such necessaries being produced without the United States at a less cost than they can be within the United States, there shall be added to the then existing duty on any such necessaries an increased duty equal to the difference in the cost of producing said necessaries in the United States and the country in which the same are produced at a less cost."

Mr. WOOD of Indiana. Mr. Chairman, if there is any virtue in this measure, it is in its purpose to encourage domestic production and to prohibit the importation of necessaries manufactured in foreign countries. Under this section it is sought to protect the United States Government against any liabilities that may arise by reason of the introduction of articles manufactured in foreign countries in consequence of a low rate of duty. I believe the section as it now reads is absolutely void because it is uncertain. The purpose in introducing the amendment that I propose is to make that certain. It is sought, if you please, to protect the United States against increased liability on account of the prices which it guarantees to the domestic producer, to protect it against a similar article being brought in from the outside. Now, the only manner in which that protection can be adequately had and definitely ascertained is through the investigation made by the President or some one under his authority to find out what is the difference in cost in producing that necessary abroad and in producing it in our own country; and in order that the Government may be protected against the increased liability, because of its having fixed a price thereon, there should be ascertained the difference between the cost of production abroad and the cost of production at home. If that is then added it will accomplish the very purpose for which this portion of this section was created and it will make certain that which is now uncertain. It is a well-known principle of law that unless a measure of this character is made certain, or if it is left in the realm of uncertainty, it becomes void because of the fact that it is uncertain.

As the language in the bill now is, there is no rule whereby the difference can be ascertained. It does provide that the investigation shall be had. For what purpose? It does not provide for what purpose. The only purpose would be to ascertain the reason why the United States Government is taking upon itself a greater liability because of competition with foreign necessities—the articles that it is guaranteeing the price of here. That being true, the measure should provide a way to ascertain the difference in the cost of production, and the rule should be fixed certain in the bill and the duty added to the duty then existing, which should be the difference between the cost of production abroad and the cost of production at home.

If my amendment is adopted, it will do that which it is sought to accomplish and make that certain which is uncertain. I do not think there should be any difference or division upon the proposition, for the only purpose is to make certain that which is uncertain. I therefore hope the amendment will be agreed to.

Mr. FOSTER. Mr. Chairman, I only want to say that with this amendment the Government would have first to investigate to find out what that difference would be. This is simply a temporary measure, and gives the Government the right to protect itself if these materials shall be on hand at the close of the war.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. FOSTER. I can not now. So I think the gentleman's amendment ought not to be agreed to for that reason. I reserve the balance of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The time has been limited and divided between certain Members.

Mr. MOORE of Pennsylvania. Did the gentleman from Illinois yield back the balance of his time?

Mr. FOSTER. I will say that I reserve the balance of my time.

The CHAIRMAN. The committee has 10 minutes.

Mr. MOORE of Pennsylvania. I do not wish to speak, except that I thought the gentleman from Illinois would go more extensively into the matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken; and on a division (demanded by Mr. WOOD of Indiana) there were 53 ayes and 73 noes.

So the amendment was rejected.

Mr. ROBBINS. Mr. Chairman, I offer the following amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, is all time exhausted?

The CHAIRMAN. No; several gentlemen, under the unanimous-consent agreement, have some time, and the gentleman from Pennsylvania [Mr. ROBBINS] is one of them. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The Clerk read as follows:

Page 17, line 5, after the word "receipt," insert:

"*Provided*, That the investigations necessary, and reports required to be made, and services to be rendered under the provisions of this act shall be made by and through the Bureau of Mines, the Geological Department, and the Bureau of Markets and Quotations, as the Secretary of the Interior, with the approval of the President, shall direct."

Mr. FOSTER. Mr. Chairman, I make a point of order against the amendment.

Mr. ROBBINS. Will the gentleman state his point of order or will he reserve it?

Mr. FOSTER. Yes; I will reserve it.

Mr. ROBBINS. Mr. Chairman, the purpose of this amendment is to prevent the creation of a new department with a lot of new officers to carry out the provisions of this bill. The purpose of the bill principally is to discover where these secondary minerals exist. Another purpose is to develop them either by running the mines or entering into contracts for two years with the owners to purchase the minerals at a certain fixed price. One of the principal provisions in this bill is to prevent hoarding and manipulating or enhancing the price by combinations.

The United States Government has three well organized and equipped bureaus that can administer the provisions in this bill without a single new department being created or putting more public servants on the pay roll. We have now a Department of Mines and Mining.

Mr. FOSTER. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. FOSTER. I will say to the gentleman from Pennsylvania that the committee made this change to inspire confidence in the mining industries throughout the United States, and so that there would be no new organizations built up, and also because it would cost less money.

Mr. ROBBINS. Then why not say so in the bill? From the beginning to the end there is not a paragraph that refers to the Bureau of Mines, or any other department through which the provisions of this act shall be carried out.

Mr. FOSTER. They are all in the Department of the Interior.

Mr. COX. The Bureau of Markets is not.

Mr. ROBBINS. No; the Bureau of Markets is in the Department of Agriculture, and I provide by this amendment that, with the permission of the President, the Secretary can call on these departments for assistance in carrying out the operations of this bill.

I ask gentlemen to turn in the bill to a provision that has not yet been read. To show you that it is not the intention of those who put this bill in operation to confine it to the departments already organized, there is a provision in lines 11 and 12, page 19, section 20, that "such reports to the President shall, in addition to other matters, contain an account of all persons appointed or employed," the salary or compensation paid or allowed each, the aggregate amount of the different kinds of property, and so forth. The purpose of my amendment is to confine the work of that bureau to those already employed, and that there shall be no need of taking on a large number of new employees and pay them "salary or compensation" to enforce this bill. We have a properly equipped Bureau of Markets and Quotations now. More than that, the Mining Bureau now has 1,700 employees in it, an increase of 1,230 during the last year, and they are men who are skilled in discovering and analyzing the mineral wealth of the country. Then take the Geological Survey. I have some knowledge of that because in the matter of chrome I made an investigation to determine whether or not there was chrome in a certain part of the country. We get a part of the chrome that we already use here now and a part of our supply is imported, and I discovered that the Geological Survey had investigated the situation with reference to chrome and they know all about this and more of these other minerals. In the case of chrome we used 114,000 tons last year, and of this amount we produced 42,000 in the United States and imported 72,000 tons. The Geological Survey Bureau report that we have an abundance of this mineral that could be developed, and that if this bill is passed, to encourage the development of those small mines where this mineral is found, we will not need to import any more into this country. Why not use the Geological Survey for that purpose? Why create a new department with a lot of employees and a great number of officeholders to come here to fill up these numerous buildings that we are building down here on the Mall? We do not need them. The Geological Survey and the Bureau of Mines and the Bureau of Markets will cover the whole field in the way of the discovery, development, and marketing of these secondary minerals.

Mr. JOHNSON of Washington. The gentleman knows this is to be a brand-new bureau, to be known as the mineral administration?

Mr. ROBBINS. No; I do not. If that is the case, then I protest against it, and I offer this amendment for the purpose of preventing that very thing.

Mr. JOHNSON of Washington. A letter that I have from the Director of the Bureau of Mines informs me that there will be created a mining administration, and that a letter that I have written will be referred to that administration when it is created by this bill.

Mr. COX. Is it to be separate and apart from the Bureau of Mines?

Mr. JOHNSON of Washington. It is to be above it.

Mr. COX. And a new army of employees brought here?

Mr. JOHNSON of Washington. Yes; and it is to be known as the mineral administration.

Mr. ROBBINS. The purpose of my amendment is to prevent any such thing and to put these activities under the charge of the existing bureaus, to be carried on by the now constituted and established departments of the Federal Government.

If this amendment is adopted there will be no need to pay additional salaries to any of the employees now engaged in any of the three bureaus above named. The only expense the Government need pay out will be traveling expenses and cost of investigation. These employees will remain on the salary list just as they now are.

Moreover, the Government will secure the services of trained and experienced men who have attained their position under the civil service and who are by experience, education, and ability prepared to do this work, and the delay of organizing the new department of "mineral administration," as suggested by the gentleman from Washington, will be entirely unnecessary. The creation of new offices during this war has become very obnoxious to the American people. I wish to register my protest against this, and if the majority intend to favor economy in government, this is a chance to show their good faith by voting for this amendment.

Moreover, this means efficiency as well as economy. I intend to support this bill because many of these minerals are needed by the United States Government for use in this war.

In the case of manganese, which is required for the hardening and toughening of steel, we used 800,000 tons last year. Of this amount we imported 610,000 tons and produced the balance at home. This mineral exists extensively in the United States, and if proper protection is given and guaranteed to those engaged in its production, we can mine the entire amount required and release the ships that are engaged in that trade for use in the war.

Chrome is another product, as set forth above. We used 114,000 tons last year and produced 42,000 and imported 72,000. This mineral has recently been found, as it always is found, in the serpentine geological formation in Washington, Oregon, and southern Pennsylvania. The Geological Department has examined this deposit, and while this mineral only occurs in pockets they report it to exist in sufficient abundance within our own borders to supply our domestic requirements.

In fact it is believed that in southern Pennsylvania the deposit, which was worked with great profit from 1829 to 1848, can now be opened up again and made sufficiently productive to supply the entire needs of the United States.

This mineral, which could be produced in the United States at about $10 per ton, was found in Turkey, where men worked for 24 cents a day, and could be imported into the United States at a profit at $6 a ton. Hence our home producers, when the protection was taken off, were compelled to shut down and the mineral went out of existence as a home product, but with the war on to-day and importations from abroad almost cut off the price of the mineral has advanced from $10 a ton to $70 a ton, and with protection the domestic mines will be again opened and the price per ton brought down to a reasonable sum sufficient to pay good wages to the American workmen engaged in this industry and a fair remuneration will be given to the capital invested.

Chrome is one of the absolutely necessary minerals. It is used in hardening of steel, in tanning the buff leather used by our soldiers, in their shoes and leggings, and as one of the basic quantities of paint and for chemicals and drugs.

I am glad to see the Democratic Party willing to protect this industry and keep the money at home to pay wages to our own workmen that heretofore has been sent to Turkey and South Africa and paid to foreigners.

Tungsten is another metal that is absolutely necessary to toughen steel. It is found in large quantities in Colorado and Arizona. We used 90,000 tons of it last year and produced but one-half of it at home. We can produce it all under the protection given by this bill.

I might go over the whole 45 precious or secondary minerals mentioned in this bill, and with but few exceptions it is possible to develop and produce all of these within the United States or Alaska that we require for domestic consumption and our war activities.

Mr. Chairman, I look on this bill as one of the most important pieces of legislation we have yet considered. It is absolutely necessary. I am heartily in favor of it. It is a step in the right direction, taken, alas, too late; but better taken now than omitted longer.

Every particle of steel that is used in our arms and in our munitions, for fine work, requires one or the other of these metals, depending on whether they are to be hardened like armor plate or toughened like the frames of automobiles, trucks, or airplanes

I shall cast my vote for this bill most willingly and enthusiastically as a war measure; that, however, is the only reason I support it. I look for great good to our country and its resources from this protective feature and its complete operation.

Mr. FOSTER. Mr. Chairman, I make the point of order that this is not germane; that it is proposed to put it into three different departments not named in the bill, one of them being from the Agricultural Department.

Mr. STAFFORD. Mr. Chairman——

Mr. FOSTER. Oh, if there is to be any debate upon it I will withdraw the point of order.

Mr. GARRETT of Tennessee. Then I will renew the point of order.

Mr. FOSTER. But I just want to save debate upon it.

Mr. HAMLIN. Let us have a vote upon it. We will vote it down.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. GARRETT of Tennessee. No.

Mr. FOSTER. If there is to be any debate I withdraw the point of order.

Mr. CAMPBELL of Kansas. There undoubtedly will be debate upon the point of order.

Mr. FOSTER. Then I would like to withdraw it. Let us vote it down.

The CHAIRMAN. The point of order, then, is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. ROBBINS) there were—ayes 38, noes 63.

So the amendment was rejected.

Mr. COX. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 5, strike out the word "two" and insert the word "one."

Mr. COX. Mr. Chairman, this is an amendment upon which I will not consume my whole five minutes. The first part of section 14 now under consideration is what is regarded as the guaranty part of the section. The limit of time fixed upon the guaranty as reported by the committee in the bill is placed at two years. My amendment proposes to fix the limitation at only one year. Now, gentlemen of the committee, I am unable to understand why the mining industry of this country should have its proceeds guaranteed for two years when the House, in the Agricultural bill, recently overwhelmingly defeated a proposition to guarantee to the farmers the price on the wheat for a period of two years. Again, I do not know and no other person knows when the war may possibly end. From the newspaper reports it strikes me that Germany is endeavoring for a decision this summer. Whether they are going to be successful in it or not I do not know, and no other person knows. But why do you want to fasten upon the Treasury of the United States a guaranty for two years? Why do you want to saddle upon the Treasury of the United States a proposition to take $50,000,000 out of the Treasury and guarantee in all human probability to a lot of owners of defunct mines of this country a fixed price upon their commodities? Why do you not guarantee it for one year and then, under the same rules and regulations fixed by the President wherein and whereby he guaranteed the price of wheat from year to year, let him guarantee the price of these commodities from year to year. In other words, gentlemen, my proposition proposes to fix a limitation for one year, leaving all the power in the hands of the President exactly as fixed in the bill instead of fixing the limitation at two years. This amendment ought to carry.

Mr. HAMLIN. Will the gentleman yield?

Mr. COX. I will.

Mr. HAMLIN. The gentleman understands, of course, that the language of the bill is not to exceed two years, and in the judgment of the Secretary or President he may limit it to one year. Then the gentleman understands further, does he not, that sometimes it requires a great deal of time to open up and develop a mine and get the machinery installed and to operate it, and if we are seeking to encourage, which we are, these small mines which are not very much developed yet, one year's time would hardly give time to operate at all under the guaranty.

Mr. COX. I can not agree with the gentleman upon that proposition. It takes quite a period of time to open up wheat fields and prepare them also.

Mr. HAMLIN. They are opened up already.

Mr. COX. No; they have got to buy new machinery from year to year and——

Mr. DEMPSEY. But the gentleman recognizes the fact that the wheat crop is an annual crop?

Mr. COX. So is the production of the mines an annual crop, a daily crop.

Mr. DEMPSEY. The wheat fields are yielding from year to year, whereas——

Mr. COX. So do the mines of all kinds.

Mr. DEMPSEY. Whereas a mine may take more than one year to get it to producing at all.

Mr. COX. Oh, that is begging the question again. I put the question squarely up here. Do you want to give the mine men a guaranty of two years, when one year is sufficient? It is all that is needed. I do not propose to jeopardize the Treasury of the United States by fixing a limitation of two years when one year will bring all the results that are needed to stimulate production.

Mr. FESS. Will the gentleman yield for a question?

Mr. COX. Yes; for a question.

Mr. FESS. Page 14, line 16, I see the word "seasonable" is used. What is the meaning of "seasonable" in mining?

Mr. COX. I do not know.

Mr. FESS. I would understand what it was in raising wheat, but I do not understand what it was with reference to mining.

Mr. FOSTER. They can not mine at certain places during certain seasons of the year. That is about it, and they go out and work at something else part of the year and then go back when they can operate the mines. That is all there is to it.

Mr. COX. Now, I think this amendment ought to carry and save the Treasury of the United States all that can be saved under a bill that no one is for. Yet all will vote for it.

Mr. GARLAND. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to oppose this particular amendment?

Mr. GARLAND. I do. Mr. Chairman, I do not think that the amendment should pass. There are a great many of these metals that take a long time to develop, and to fix a stated time of one year is not at all like growing wheat. I rose, however, to send to the desk a clipping from this morning's Washington Post which bears on the situation in my estimation relative to this bill, and is I believe a very good reason why this bill should quickly pass. And I ask the Clerk to read it in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[From the Washington Post, Apr. 29, 1918.]

GERMANS PROPOSE BOYCOTT—TRADE COMBINE AIMS TO CONTROL RAW MATERIALS IN WORLD-WIDE BELT.

CHRISTIANIA, *April 28.*

A number of great German and Austro-Hungarian concerns, including the German Oriental Co. the North German Lloyd Steamship Co., and the Lohmans, has formed a huge combine, to be known as the "Europaesche Handelsgeselischaft," at Bremen to control and centralize the import trade in war products of all kinds and in raw materials from Russia, Persia, Mancharia, China, Turkestan, Roumania, and Finland.

It is intended to organize a union of all exporters in these countries who had prewar business relations with Germany and to exclude neutrals who deal with entente countries from all products handled and from all commerce with the central powers.

It is purposed also to organize a boycott and undermine the financial and commercial position of proentente neutrals and to form in the central powers a commercial bloc, which will include friendly neutrals. Officially, the combine will liquidate one year after peace is signed, but will continue unofficially.

Mr. GARLAND. Mr. Chairman, I yield back any time that may be remaining.

Mr. CANNON. I would like to know whom that comes from?

Mr. GARLAND. That came from a newspaper of this morning.

Mr. CANNON. Is that all? Just a newspaper?

Mr. GARLAND. It did. Clippings from newspapers are put in here in evidence from time to time.

Mr. CANNON. I just wondered if the man who wrote it had been drunk the night before.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. Cox].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Does the gentleman from Colorado [Mr. TAYLOR] desire to use his time?

Mr. TAYLOR of Colorado. Not until the next section.

The CHAIRMAN. Does the gentleman from New York [Mr. DEMPSEY] desire to use his time now?

Mr. DEMPSEY. Not now.

The CHAIRMAN. The gentleman from Michigan [Mr. CURRIE] is recognized.

Mr. CURRIE of Michigan. Mr. Chairman, I am in accord with the expressed purpose of this bill. My observations will relate largely to bromine—one of the most important products referred to. It has been my privilege to acquire information upon this subject which leads me to tell the House that it will be unnecessary in encouraging the production of bromine to expend a single dollar of the fifty millions proposed to be appropriated by this bill.

BROMINE AND BROMIDES.

It may be interesting for the House to know that in Michigan—and, I am proud to say, at my home town of Midland and westward to Mount Pleasant—is located the greatest bromide industry in the world, save possibly the exception of Germany. There bromine is extracted from bromine-bearing rock. In this country it is extracted from bromine-bearing brine. This brine is obtained from wells 1,200 to 1,400 feet deep. Brine may be rich in chlorine, calcium, magnesium, or other properties, yet not contain sufficient bromine to warrant extraction, so the important factor is to locate a place where the brine has a high bromine content. In this respect nature has favored the Michigan district.

The importance of bromine in prosecuting the war can hardly be overstated. It is divulging no military secret for me to say that bromine is used principally in the manufacture of war gases, and in some bombardments now as many gas shells are used as high-explosive shells. Bromides are produced from bromine and consist of a combination of bromine and either sodium, potassium, strontium, or ammonium. Bromides are famed for their medicinal value. Eminent physicians in the hospitals at the front have recently discovered in bromides the most effective cure in shell-shock cases.

This bill seeks to encourage production in the United States of essential products, and we applaud the avowed purpose. For years the Republican Party has contended for this very principle. It realized long ago that sound economic policy demanded the production in America of every essential product that could be produced here. In times of peace it meant a greater American market and that American dollars might be spent at home. In times of war it means that this country should be as nearly self-supporting as possible. The protective tariff upbuilded the industries of this country and makes us the powerful factor in this war. For this industrial preparedness the Nation owes it to the wisdom and foresight of Republicans, who protected American industries. [Applause on Republican side.] The tariff saved for America its great bromide industry of to-day. A few years ago, when Germany saw this industry threatening her supremacy in the bromide world, she backed her bromine syndicate with the "yellow-dog fund" and by every unfair means sought to crush competition. The Germans paid a substantial tariff and actually sold bromides here for three years at less than the cost of production in Germany. Nevertheless it was this constant drain of her finances into the Treasury of the United States and the matchless ingenuity of an American chemist that saved the day for our bromide industry.

Herbert H. Dow, head of that great chemical institution which bears his name (The Dow Chemical Co.), after years of research, learned how to liberate bromine by electrolysis—passing of an electric current through the brine. The economy of the Dow process, together with the protection afforded by the tariff, made it possible for this industry to withstand the German attack. It pleases me to tell you that in the Midland district there are being produced 2,000,000 pounds of bromides annually—more than enough to supply the entire requirements of this country during normal times; and with Government aid already decided upon, within six months this production will be increased by one-half. Not one single dollar of the fifty million proposed by this bill need be spent to assure this country of an adequate supply of bromine. The country may thank a protective tariff and the pluck and ingenuity of Herbert H. Dow for wresting from the Germans world monopoly in bromine.

INDIGO AND INDIGOIDS.

Permit me to suggest to the committee that dyestuffs should be added to the essential products named in this bill. Prior to the war 90 per cent of all dyestuffs came from Germany. In this country we use annually 9,000,000 pounds of indigo alone. About 5 per cent of this is natural indigo, and the remainder is synthetic. There are hundreds of varieties. Our late and distinguished Member from Connecticut, Mr. Hill, introduced a bill in the Sixty-fourth Congress providing a substantial tariff for dyestuffs. Enterprising American chemical manufacturers appeared before Congress promising to produce the full requirements of this Nation if afforded protection until this industry could be established sufficiently to withstand German competition. But when this bill passed Congress in September, 1916, it contained an amendment relieving from the 5 cents per pound specific duty "indigo and all indigoids * * *." I do not want to be understood as saying that Germany influenced the insertion of this amendment, and if it did, no Member of Congress was aware of it; but I do say that German interests are now concerned in having that provision remain unchanged.

Members of the American Chemical Society, advocating the repeal of this amendment, urged that it might be construed to even permit German sulphur dyes to escape duty; but strange as it may seem, it remained for a professor in a great American University to answer this argument, and by inference at least urge that this amendment be retained. When the assignors to Badische Anilin & Soda Fabrik, of Ludwigshafen-on-the-Rhine, applied for a certain patent at the United States Patent Office, they referred to this same professor as a leading authority and attached his statement to their claims. It is an established fact, too, that one of the chemists of the Badische Co., of New York, was instrumental with the university professor in allaying the fears of those who were concerned for the future of our chemical industry.

This statement by me is based upon an editorial appearing in the Journal of Industrial and Engineering Chemistry, which is quite lengthy, and I ask unanimous consent to extend my remarks by inserting it.

[Reprinted from the Journal of Industrial and Engineering Chemistry, vol. 9, No. 4, p. 332, April, 1917.]

AGAIN I SAY, "AMERICA FOR AMERICANS."

In our last issue we announced the policy of always being willing to publish criticisms of matter appearing in this Journal, with the further statement that those so criticized would be given opportunity to reply. With complete willingness we include ourselves among those subject to criticism, at the same time reserving to ourselves the same privilege of reply.

On the evening of March 9 I was handed the following communication in person by Prof. Alexander Smith, head of the department of chemistry in Columbia University and a past president of the American Chemical Society, with the request that it be published in this Journal.

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CRITICISMS OF CHEMICAL LEGISLATION WHICH ARE NOT WISE, BUT OTHERWISE.

(By Alexander Smith.)

The editorials in this Journal and the reports of addresses by the editor, Dr. Herty, have called the attention of chemists, and all interested in chemistry, to the wording of one paragraph of the tariff bill of September, 1916, in which the dyes relieved from the 5 per cent per pound tax are specified. The classes mentioned include "* * * natural and synthetic indigo and all indigoids whether or not obtained from indigo * * *." My purpose is not to discuss the matters of public policy involved in these exemptions, but simply to call attention to a serious error in the arguments used by the critics of the section in question.

Dr. Herty refers to Nietzki's Chemie der Organischen Farbstoffe, and says, "That if our chemists did not know what 'indigoids' were, Prof. Nietzki did know. In the fifth edition (1906) I found the group of dyes known as 'indigoids' completely specified. The list included all forms of sulphur dyes."

Now no argument is really supported by a misrepresentation of the facts, although in this instance the misrepresentation was entirely unconscious and unintentional. In 1906 Nietzki did not know what "indigoids" were, because the word does not occur in the book, and was in fact first introduced to the science two years later by Friedländer (Ber., 41 (1908), 772) in a paper entitled "On Indigoid Dyestuffs." In 1896, aside from some halogen derivatives of indigo, and one or two dyes related to indigo and found in natural indigo, practically no dyes closely related to indigo were known and there was no need for a class name. The invention of thio-indigo red in 1905 was followed by the production of a large number of substituted indigoes, all of which contained the chromogenic group —CO—C=C—CO—, and so in 1908 the term "indigoid" was suggested to cover the members of this group. Authoritative works (Cain-Thorpe, The Synthetic Dyestuffs, 1913, 174; Green, Analysis of Dyestuffs, 1915, 123 and 38; Thorpe, Dictionary of Applied Chemistry, 1912, 3, 130; Wahl, L'industrie des Matières Colorantes Organiques, 1912, 317, 346) now all mention indigoids, and define them as indicated above, and the definition in every one of these books absolutely excludes the possibility that any chemist could even think of sulphur colors in the same connection. Numerous other references could be given to show that the word "indigoid" is always used with the meaning stated above. It is sufficient to quote Thorpe:

"Indigoids.—The congeners of indigo may be divided into two different classes. One of them contains the true derivatives of indigo, in which one or more of the eight hydrogen atoms of the two phenylene groups are replaced by other substituents; the other embraces substances which are strictly analogous to indigo in their constitution, but different from it in the construction of the complex connecting the two phenylene groups, which in this case as well as in that of indigo may have their hydrogen atoms replaced by other substituents. An enormous variety of new dyestuffs may thus be synthesized, all of which contain the characteristic chromophoric group of indigo: —CO—C=C—CO—."

An examination of Nietzki's book shows clearly that he distinguishes between sulphur dyes and indigo dyes, for he divides dyes into 13 classes, and places the former in Class X and the latter in Class XII,

and uses this classification consistently. Dr. Herty's misunderstanding seems to have arisen from a superficial examination of a more condensed classification occurring in Nietzki's volume. In one place he mentions five classes determined solely by the properties used in dyeing, namely (1) basic colors, (2) acid dyestuffs, (3) mordant dyestuffs, (4) neutral or salt dyestuffs, and (5) an unnamed group which includes insoluble dyestuffs, such as indigo, certain azo-dyestuffs, and the sulphur dyestuffs. But he does not say, or even imply that these dyes—mostly vat dyes—are similar to indigo, but only that the sulphur dyes do not belong to the other four classes, and he does not use the term indigoids, because that term did not then exist. These are simply a somewhat heterogeneous collection of dyes, which do not belong to the first four classes. Furthermore, an examination of Nietzki's book shows that he would have felt grossly insulted if anyone had stated that he classed sulphur dyes with indigo dyes. He not only puts them in separate classes, but on page 291 he defines sulphur colors on the basis of the method of manufacture, and on page 295 gives their general properties. On page 325 he says, "Indigo dyestuffs are all derivatives of indol C_8H_7N," and not one of the sulphur colors he mentions in Class X, thiazol and sulphur dyestuffs (p. 288, et seq.) is derived from indol. There is, therefore, no possibility that anyone would include a sulphur brown as an "indigoid," either on the basis of anything Nietzki says, or on the definition of indigoids now found in many recent authoritative works, for these definitions absolutely exclude any such interpretation.

Dr. Herty seems to think that Mr. Caesar Cone, who died on March 1, 1917, and can not now make any reply, caused the introduction of the word "indigoids," and did so with the deliberate intention of widening the exempted group so as to make it include sulphur dyes. Since the word "indigoid" is a purely scientific term, and is not used as a trade classification, there is no reason to suppose Mr. Cone ever heard of the word before it appeared in the act. All who knew Mr. Cone personally are well aware that he would never have been guilty of using a subterfuge of this description. The introduction of the word indigoids is easily explicable in an entirely different way. In a case (Treasury Decisions, 36450, 30, No. 23, 11–15 (June 8, 1916), and 36965, 32, No. 5, 64–67 (Feb. 1, 1917)) tried before the general appraisers, and reversed by the court of appeals, the word "indigoids" made its first appearance in connection with the chemical trade. Its introduction into the act was undoubtedly based on this case.

A reading of the two reports shows that the act of 1913, paragraph 514, places "indigo and dyes obtained from indigo" on the free list. The lower court decided that dyes chemically similar to indigo (such as thio-indigos) and made from the same fundamental substances, but not made from finished indigo itself, were covered by this exemption. The higher court reversed this decision, claiming that the act applied only to dyes made with indigo as one stage in the actual manufacture.

Incidentally, the indigoid group is also defined in the report by references to Thorpe's Dictionary, in a way that excludes all dyes not containing the characteristic indigo chromogenic group. The new act differs from the old, therefore, in the fact that chemical cousins of indigo, now known as indigoids, even if not made from indigo itself, are included in the exemption. But there is not the slightest possibility of the word indigoid being interpreted so as to cover any dyes not actually containing the indigo chromogenic group.

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When Prof. Smith handed me this communication in an envelope bearing the printed inscription "Columbia University, in the City of New York, Department of Chemistry," I confess I was surprised, for, as far as I could remember, he had never published an article before in the field of industrial chemistry. This surprise was largely increased when I learned that the communication was on the subject of dyestuffs.

I have been pretty closely associated with every stage of the fight for an American dyestuff industry, have followed the discussions in all available journals, and, through the aid of clipping bureaus, have followed closely the discussions in the daily press. Never before had I seen or heard of anything written or spoken by Prof. Smith on this subject. This surprise, however, was increased to amazement when I first read the above communication. Let me explain.

The title of Prof. Smith's article is a paraphrase of an article which I wrote for the Annual Review of the New York Journal of Commerce, published on February 5, 1917, which article was reproduced in the March, 1917, issue of this journal, as a part of my editorial "America for Americans." In his opening sentence above, Prof. Smith states, "The editorials in this journal, etc." I have written only two on this subject, so it is evident that Prof. Smith has seen the one containing the Journal of Commerce article.

In his second paragraph he quotes me, and strange to say, in a contribution to a scientific journal he gives no reference as to the source of the quoted matter. This is a curious oversight for one so accustomed to publication as he is. As a matter of fact, he quoted sentences written by Mr. Isaac Russell, a reporter of the New York Evening Mail, who, after a 15-minute interview with me one day in my office and having no knowledge of chemistry or German and with only a few rough notes written on a piece of paper not larger than an ordinary envelope, wrote a three-quarter column story about indigoids and tariff legislation, which was printed in the Evening Mail of January 31, 1917.

Reading the story, I felt that Mr. Russell had done a pretty good piece of reportorial work for so technical a subject, and was gratified to note that in recording my discussion of the subject he did not use quotation marks, for there were a number of errors in his article. Knowing that the evening newspaper public would not be interested in a correction of such inaccuracies of chemistry and of German translation, I determined to put the matter straight before those who would be interested in such matters, and so tore up the partly written article on "Chemical legislation: Wise and otherwise," which I had been requested to write for the Journal of Commerce and wrote instead the article referring only to dyestuff legislation under the modified title, "Chemical legislation: Not wise but otherwise." Thus, I gave over my own signature my views, for which I would therefore be solely and entirely responsible.

Among the inaccuracies of the reportorial statements were those quoted by Prof. Smith. I did not make such statements. Prof. Smith's unctuous sentence, "Although in this instance the misrepresentation was entirely unconscious and unintentional" smacks of insincerity, for the merest tyro in chemistry could not have made such statements if they were "unintentional."

What I did say over my own signature was, "If a poll were taken of the dyestuff consumers in the United States as to what is an 'indigoid' which is 'not derived from indigo,' how many could answer the question definitely?" and, further, that I had failed to receive an answer from "five of the most prominent American dyestuff chemists." I further stated that from information received there was good ground to believe that effort would be made to bring in sulphur dyes without payment of the special duty and that the basis of the effort would be the classification in the fifth edition of Nietzki's book. I did not seek to justify any such contention. I did refer to the misfortune that would befall the American dyestuff industry if such a contention should be sustained by the board of appraisers. I certainly hope that it would not be so sustained, but that does not affect the intention of the importer who had determined to test the matter.

It was a public duty to call attention to this intended move against the revenue of the country and the American dyestuff industry. Regardless, however, of anybody's views as to 'indigoids not obtained from indigo,' one thing is certain—if Congress would repeal that excepting clause, no test cases of sulphur dyes could ever arise, and that is the point for which all who are interested in the American industry should struggle. "Safety first" fits this case.

From the mere reading of Prof. Smith's communication I fail to see its purpose. Many things suggest that the natural thing for Prof. Smith to have done would have been to tell me frankly of his researches in the meaning of indigoids and to advise that I publish a correction. This would have enabled me to clear up his misunderstanding of the situation. Instead he hands me a paper fully prepared, with the request that it be published in this journal, of which I am the editor.

Does he seek to safeguard the American industry? If so, he should reserve his ammunition for the board of appraisers and aid the Government attorneys should the case arise. Was it to exhibit great learning in this popular field? If so, he seeks notoriety in a way which is extremely unusual, to say the least. Does he seek to bolster up the cause of the importers by allaying discussion of a matter which might sweep away with it indigo alizarin, and the other excepted dyes, or by lulling us into a false sense of security?

I regret to harbor the last thought, but am impelled to it by the unexpected defense which he makes of the late Mr. Cæsar Cone's motives. Mr. Cone made no secret of his position in this matter. In the brief of the Proximity Manufacturing Co. (Mr. Cone's company) to the Senate Committee on Finance, filed last July, these words occur: "And we respectfully submit that the second paragraph of section 401 should be amended by adding: 'and natural and synthetic alizarin, and dyes obtained from alizarin, anthracene and carbazol; and natural and synthetic indigo and all indigoids, whether or not obtained from indigo, shall be returned to the free list and shall be exempt from duty.'"

Again, in an address by Mr Cone before the National Association of Garment Manufacturers at St. Louis, Mo., on November 16, 1916 (a printed copy of which is before me bearing the imprint of Harrison Printing Co., Greensboro, N. C.), Mr. Cone said (p. 10 of this address): "Now while we are on this dyestuff question—I don't know whether you gentlemen know it or not, but I have been personally vilified somewhat by some of my friends because I was the only man, the only manufacturer in the United States that attempted to oppose the duty that they have put upon certain dyestuffs, and particularly on indigo. * * * On the 8th or 9th of September a bill was passed putting a duty of 30 per cent on indigo, and any indigo that comes to this country now bears that duty, and I dare say that it would have been 30 per cent plus 5 cents a pound but for the efforts made by my attorney and myself in Washington. And I thought at one time that I was going to be successful in keeping that 30 per cent off." Engaging frankness, amounting even to a boast. His own words confirm completely every statement I have ever made concerning Mr. Cone and this legislation.

Now, if there is a joker in this tariff bill I have never thought that Mr. Cone was primarily responsible for it; he was not a chemist. There is good ground, however, for a reasonable inference at this date that if this discussion continues a little longer we shall know who is responsible for it.

Meanwhile more light is thrown on Prof. Smith's remarkable contribution by a chain of interesting events which have happened recently. On February 7 a card was mailed to me from E. D. Lee, librarian of the chemistry reading room of Columbia University, requesting me to return the volume of Nietzki's which I had taken out on Prof. Metzger's card. Returning from Washington, D. C., on the 10th, the volume was immediately returned. Then arose the following correspondence:

671 JAMES STREET, PELHAM MANOR, N. Y.,
February 23, 1917.

Mr. CHARLES H. HERTY,
Editor Journal of Industrial and Engineering Chemistry,
Forty-first Street and Madison Avenue, New York.

DEAR SIR: In the Textbe Record of February 2, I read the article mentioning that in the fifth edition of Nietzki the group of dyes known as indigoids is completely specified and that the list includes all forms of sulphur dyes.

This classification of sulphur dyes being quite new to me, I tried to find the information about indigoids, but after getting hold finally of the above-mentioned book and looking all over it, I can not find it.

I would appreciate very much if you would write me the exact page of Nietzki dealing with this matter.

It may interest you to know that I have, however, found an exact definition of indigoids in the following textbooks:

The Synthetic Dyestuffs, etc., by Cain Thorpe.
The Manufacture of Organic Dyestuffs, by Wahl.
Analysis of Dyestuffs, by Green.
And also in Dictionary of Applied Chemistry, by Thorpe.

Sincerely, yours,

(Signed) Dr. H. MEYER.

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35 EAST FORTY-FIRST STREET,
New York City, February 26, 1917.

Dr. H. MEYER,
671 James Street, Pelham Manor, N. Y.

DEAR SIR: Replying to your letter of February 23, I beg to refer you to the two concluding paragraphs of the introductory chapter, fifth edition, of Nietzki's "Chemie der Organischen Farbstoffe," page 27.

Very truly, yours,

(Signed) CHAS. H. HERTY, *Editor.*

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671 JAMES STREET, PELHAM MANOR, N. Y.,
March 2, 1917.

Mr. CHARLES H. HERTY,
Editor Journal of Industrial and Engineering Chemistry,
Forty-first Street and Madison Avenue, New York.

DEAR SIR: I am in receipt of your letter of February 26, and wish to thank you for your information.

In going over the two paragraphs on page 27 of Nietzki's Chemie der Organischen Farbstoffe, fifth edition, I can, however, not find anything about sulphur dyes being "indigoids." Nietzki, after giving the four

groups of dyestuffs, namely, I Basic, II Acid, III Mordant, and IV Neutral or salt dyestuffs, puts in a fifth group all the colors which do not belong to any of these four groups, and on account of their unsolubility have to be produced direct on the fiber, and mentions as examples indigo, insoluble azo dyestuffs, and also sulphur dyestuffs, but I do not think it says that sulphur dyestuffs belong to the indigo class; it would then be just as correct to call indigo a sulphur dyestuff.

Sincerely, yours,

(Signed) Dr. H. MEYER.

As the two letters from Dr. H. Meyer were written on paper without letterhead, and as I had never even heard of anyone in Pelham Manor, I did not care to continue such a discussion and so simply filed the letters. A few days later, however, I was somewhat interested to learn that a Dr. H. Meyer was a chemist of the Badische Co., at 128 Duane Street, New York City.

On the 9th of March Prof. Smith handed me his communication. I was at once struck by the similarity of literature references to definitions of indigoids given by him and by Dr. Meyer in his letter of February 23 and a somewhat similar treatment by both of Nietzki's "condensed classification," as Prof. Smith alliteratively describes it.

A few days later I was interested to learn that on June 30, 1913, an application for a patent on "producing hydrogen" (U. S. Patent 1,115,770, issued Nov. 3, 1914) was filed by Carl Bosch and Wilhelm Wild, of Ludwigshafen-on-the-Rhine, Germany, assignors to Badische Anilin & Soda Fabrik, of Ludwigshafen-on-the-Rhine, Germany, a corporation of Baden. The assignment was executed June 12, 1913, and recorded June 30, 1913. On July 3, 1914, the United States Patent Office, Division 31, received a communication labeled Paper No. 3 (a certified copy of which is before me), in which was recorded certain amendments to the patent and the substitution of new claims for the original claims. The paper further gives what the attorneys of these applicants assert to be a report "of Prof. Alexander Smith, of Columbia University, a leading authority, and who has reported as follows:" Here follows what purports to be from a report by Prof. Smith. I shall not take the space in this Journal to publish it unless these statements are questioned. This was the first definite knowledge I had of a direct connection of Prof. Smith with the Badische Anilin und Soda Fabrik.

With some light gained yet still puzzling over the meaning of all of this, I finally referred to Mr. Isaac Russell, the Evening Mail reporter who had written the first interview on this subject, the letters of inquiry sent to me by Dr. H. Meyer. I told Mr. Russell he would probably find Dr. Meyer with the Badische Co., at 128 Duane Street. Mr. Russell thanked me and said he would seek an interview with him and bring out the fact that there appeared to be definitions of indigoids not made from indigo which made the tariff revision, as drawn, perfectly safe. On March 21, Mr. Russell informed me that he visited the offices of the Badische Co., at 128 Duane Street, and found that Dr. H. Meyer was out; he was informed, however, that Dr. Meyer lived at Pelham Manor and could be reached by telephone at the number given in the Westchester section of the telephone directory. This number shows the address 671 James Street, thus agreeing with the address given on Dr. Meyer's letters to me. On March 22 Mr. Russell appeared at my office. He reported that he had been to the Badische Co.'s offices and met Dr. Meyer.

Instead of giving him an interview Dr. Meyer said, as Mr. Russell reported to me, "I think you had better not take this up in the newspapers. It is a technical chemical subject, and it had better be settled by the chemists and college professors in the chemical journals. A chemical journal is soon to appear with an article on this subject by a professor." Mr. Russell further said that Dr. Meyer had referred him to me as editor of the paper in which the article was to appear. Mr. Russell asked me for a copy of this article out of which to make an article for the Evening Mail as a follow-up to the first Mail article. He said he had told Dr. Meyer he would go to me for a copy of the article and use it in lieu of the interview which Dr. Meyer had declined. He said Dr. Meyer approved this idea. I declined to give Mr. Russell a copy of this article as the galley proof of Prof. Smith's article had not yet been sent to him.

This article by Prof. Smith, about which Dr. Meyer was so well posted, is the only communication I have received on this subject. To my mind all of this establishes with reasonable certainty a Smith-Meyer-Badische connection and all that goes with it.

Only one thing more—all of the rest of us have been fighting to build up an American dyestuff industry, not simply as an economic necessity, but because we know how closely related this industry is to the production of high explosives for our Army and Navy.

Meanwhile, during the progress of the details recorded in this reply, our country has been drawn daily nearer and nearer into war with Germany, and even to-day when most of us hold strongly the conviction that we are already at war with Germany, Prof. Smith telephoned at noon to the office of this Journal to learn whether his communication would be published in the April issue and was seemingly gratified to be assured that it would.

Again I say, "America for Americans!"

CHAS. H. HERTY.

March 22, 1917.

If there is one industry more than another closely allied with modern war preparation it is the chemical industry. Germany has long sought supremacy in this line; and we are shortsighted indeed if encouragement of any sort is withheld from this industry. And in this connection permit me to say that the Bureau of Mines is doing wonderful work.

My reason for speaking upon bromine and indigo is that I have had an unusual opportunity to gain information upon these subjects. You will therefore pardon my reference again to that Midland industry—The Dow Chemical Co.—but I am certain that Congress will be interested to know that in spite of many obstacles this company is now producing at the rate of 1,500,000 pounds annually—one-sixth of the Nation's entire requirements—and within six months this capacity will be doubled. It is the only concern in America to-day manufacturing indigo. Another great concern will soon be manufacturing it, and shortly the entire requirements of the United States will be produced right here in our own country. But if the war should end in the near future—and this is the prayer of humanity—Germany, with its great factories, experience, and Government aid would be able to crush this industry if the law remains unchanged. Our ambition should be, so far as economically possible, to produce in this country every essential product, and we should be doubly anxious and certain that never again will we be found dependent upon Germany for anything. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. CURRIE of Michigan. Mr. Chairman, may I ask unanimous consent to extend my remarks in the RECORD on this subject?

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on this subject. Is there objection?

There was no objection.

Mr. FOSTER. In line 3, on page 17, the word "use" should be changed to the word "used," and in line 4 the word "miscellaneous" is spelled wrong. I ask that those corrections be made.

The CHAIRMAN. Without objection, the corrections as indicated will be made.

There was no objection.

The Clerk read as follows:

SEC. 15. That whenever the President shall find that limitation, regulation, or prohibition of the use of any of these necessaries is essential in order to assure an adequate and continuous supply of necessaries, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated. Whenever such notice shall have been given and shall remain unrevoked all persons shall, after a reasonable time prescribed in such notice, conform to the order providing such limitation, regulation, prohibition, or reduction. Any person who willfully violates the provisions of this section, or who shall violate any rule or regulation made under this section, shall be punished by a fine not exceeding $5,000, or by imprisonment for not more than two years, or both.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, before the reading of the next paragraph begins I would like to know if the gentleman from Illinois [Mr. FOSTER] intends to go further to-night? There may be some discussion on section 15.

Mr. FOSTER. No. I move, Mr. Chairman, that the committee do now rise.

The CHAIRMAN. The gentleman from Illinois moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. LITTLEPAGE, by unanimous consent, was granted leave of absence for six days, for the purpose of making liberty-loan speeches.

EXTENSION OF REMARKS.

Mr. ROBBINS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the mining bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks on the bill. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 30, 1918, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRISON of Mississippi: A bill (H. R. 11800) providing for the employment by the United States Government of disabled soldiers and sailors of the United States forces, and prescribing the preference to be extended them in filling clerical and other vacancies; to the Committee on Reform in the Civil Service.

By Mr. SNYDER: A resolution (H. Res. 330) transferring jurisdiction of Indian reservations in the State of New York not now specifically assumed by the Government to the State of New York; to the Committee on Indian Affairs.

By Mr. MONTAGUE: A joint resolution (H. J. Res. 283) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MAHER: Memorial of the Legislature of the State of New York, pledging its loyalty in the present war and favoring after the war the entrance by the United States into a league of nations to safeguard peace; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11801) granting a pension to William A. Croos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11802) granting an increase of pension to Daniel E. Keister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11803) granting an increase of pension to Thadeus Sweitzer; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11804) granting a pension to Kate Vetter; to the Committee on Pensions.

By Mr. BOWERS: A bill (H. R. 11805) granting a pension to Bernice D. Jordan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11806) granting an increase of pension to Ruth E. Rohrer; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11807) for the relief of E. F. Mathews; to the Committee on War Claims.

By Mr. CONNELLY of Kansas: A bill (H. R. 11808) granting an increase of pension to Frank Stafford; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 11809) granting an increase of pension to Joel Sanders; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11810) granting an increase of pension to Gustav T. W. Schmidt; to the Committee on Pensions.

By Mr. DRANE: A bill (H. R. 11811) granting an increase of pension to William Amspacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11812) granting an increase of pension to William T. O'Bannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11813) granting an increase of pension to Mathias Keller; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 11814) granting a pension to Mrs. George E. McCartey; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11815) granting an increase of pension to Alexander Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11816) granting an increase of pension to Jesse Stewart; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 11817) granting an increase of pension to Frank J. Melton; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 11818) granting an increase of pension to Archie Morgan; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 11819) for the relief of Charles D. Crego; to the Committee on Military Affairs.

Also, a bill (H. R. 11820) granting a pension to William G. Bryce; to the Committee on Pensions.

Also, a bill (H. R. 11821) granting an increase of pension to William F. Fogarty; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 11822) granting an increase of pension to Albert S. Winchester; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11823) granting a pension to Sarah Keys; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 11491, for special relief of Daniel E. Keister; to the Committee on Pensions.

By Mr. CARY: Resolution of the Northwestern Wisconsin Buttermakers' Association, relative to lowering the tax on oleomargarine; to the Committee on Agriculture.

Also, resolution of the Northwestern Wisconsin Buttermakers' Association, urging the repeal of the second-class postage rider to the war-revenue act; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of D. E. Muany, New York City, urging the repeal of the second-class postage provisions of the war-revenue act; also memorials of the New York Board of Trade and Transportation, the New York State Federation of Women's Clubs, National Implement and Vehicle Association, and the National Dairy Conference, protesting against the second-class postage provisions of the war-revenue act and urging repeal of these provisions; to the Commtitee on Ways and Means.

By Mr. DYER: Memorial of Missouri Live Stock Producers' Association, favoring a national dog law; to the Committee on Agriculture.

Also, petition of Edward C. Sump, quartermaster's depot, Fort Mason, San Francisco, Cal., urging that military rank be conferred upon the clerical workers of the Quartermaster's Corps; also, a resolution of the Board of Directors of the School District of St. Joseph, Mo., urging universal military training; to the Committee on Military Affairs.

Also, resolution of Federal Employees' Union, No. 86, relative to increase of salary for Federal employees; to the Committee on Appropriations.

Also, petition signed by numerous citizens of St. Louis, Mo., urging war-time prohibition; also memorial of the traffic department, Merchants' Exchange, of St. Louis, asking for amendment of the Overman bill; also letters from the American Insurance Union, Committee on State and National Legislation, Modern Woodmen of America, and the Knights and Ladies of Security, urging amendment of S. 3475; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the Northwestern Wisconsin Buttermakers' Association, protesting against the proposed reduction of the tax on colored oleomargarine; to the Committee on Agriculture.

Also, petition of citizens of Melrose, Wis., urging war prohibition; to the Committee on the Judiciary.

Also, resolutions of the Northwestern Wisconsin Buttermakers' Association and of the National Dairy Conference protesting against the zone system for second-class mail matter, and asking for the repeal of that part of the war-revenue act; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of the Chicago Allied Printing Trades Council asking for repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr HAMILTON of Michigan: Petition of the members of the Ladies' Clubs of Buchanan, Mich., protesting against the zone system and asking for its reconsideration; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Resolutions of Tacoma Lodge No. 102, International Association of Machinists, Tacoma, Wash., urging the enactment of legislation providing for short terms for Federal judges; to the Committee on the Judiciary.

By Mr. MAHER: Protests against the Senate amendment to House bill 10358, which would prevent lump-sum employees from receiving the $120 per year increase in salary, from the following locals of the International Brotherhood of Stationary Firemen: No. 98, Hamilton, Ohio; No. 52, Cleveland, Ohio; No. 8, Peoria, Ill.; No. 220, Los Angeles, Cal.; No. 326, Danville, Ill.; No. 11, Buffalo, N. Y.; No. 1, Kansas City, Mo.; No. 219, Manchester, N. H.; No. 205, Ottumwa, Iowa; No. 32, Detroit, Mich.; No. 161, Sacramento, Cal.; No. 19, Springfield, Ill.; No. 333, Franklin, N. H.; No. 350, Somersworth, N. H.; No. 354, Escanaba; No. 323, Augusta, Me.; No. 47, Brockton, Mass.; No. 348, Evansville, Ind.; No. 191, Bellows Falls, Vt.; No. 7, Chicago, Ill.; No. 337, Portsmouth, Va.; No. 17, Syracuse, N. Y.; No. 23, Forth Worth, Tex.; No. 143, Northampton, Mass.; No. 48, St. Paul, Minn.; No. 340, Philadelphia, Pa.; No. 6, St. Louis, Mo.; No. 247, Lesfau Falls, Me.; No. 299, Lynn, Mass.; No. 29, Minneapolis, Minn.; No. 263, Fort Edward, N. Y.; No. 150, Canton, Ohio; No. 349, Diferiet, N. Y.; No. 33, Providence, R. I.; No. 14, Lowell, Mass.; and No. 88, Worcester, Mass.; to the Committee on Appropriations.

By Mr. RANDALL: Resolution of the State Conference of Social Agencies assembled at Santa Barbara, Cal., favoring war-time prohibition of liquor in order to conserve food, fuel, transportation facilities, and man power; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions favoring partial payments of war excess and profits taxes from Lord & Taylor, Tip-Top Waist & Dress Co., Oppenheimer & Berliner, Smith & Hemenway Co., Leo Feist, Commission Credit Bureau, and C. H. D. Robbins Co., New York City; Valatie Yarn Co., Valatie, N. Y.; John A. Murphy & Co., Buffalo, N. Y.; J. Howard Brown & Co., John F. Davidson, Philadelphia, Pa.; to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 30, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we take Thy name upon our lips and bow reverently before Thee that we may gain Thy favor and be kept this day in the embrace of Thy loving care. As Thou hast sent us into the world to make the world safe for freemen to live in, as Thou hast called us to give the supremacy to right over might, we pray that this day we may be enabled to subject the physical to the spiritual and raise the standard of righteousness both in our lives and in the life of the Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, April 24, 1918, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Smith, S. C.
Baird	Henderson	Norris	Smoot
Bankhead	Hitchcock	Nugent	Sterling
Calder	Johnson, Cal.	Overman	Sutherland
Colt	Jones, Wash.	Owen	Swanson
Culberson	Kellogg	Phelan	Thomas
Cummins	King	Pittman	Thompson
Curtis	Kirby	Poindexter	Tillman
Fall	Knox	Pomerene	Trammell
Fernald	Lenroot	Reed	Underwood
France	McCumber	Shafroth	Vardaman
Frelinghuysen	McKellar	Sheppard	Walsh
Gallinger	McLean	Sherman	Watson
Gronna	McNary	Simmons	Williams
Guion	Martin	Smith, Ga.	Wolcott
Hale	Nelson	Smith, Md.	

Mr. SUTHERLAND. I wish to state that my colleague [Mr. GOFF] is absent on account of illness.

Mr. POMERENE. I desire to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

Mr. KIRBY. I wish to announce that my colleague [Mr. ROBINSON] is detained, taking part in the third liberty loan campaign. I wish also to announce the absence of the senior Senator from Kentucky [Mr. JAMES] on account of illness.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

THE YANKTON SIOUX V. THE UNITED STATES (H. DOC. NO. 1070).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a certified copy of the findings of fact, with an opinion of the court, per curiam, of December 3, 1917, in the case of the Yankton Sioux Indians against The United States, No. 31253, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. Mr. President, I have a memorial from the mayor and city council of the city of Tacoma, Wash., calling attention to the fact that the United States is urging a minimum use of wheat, and to the further fact that by reason of this and the use of substitutes prices have been very greatly increased for the substitutes. They ask that some branch of the Government be vested with authority to take care of this situation. The memorialists close their memorial as follows:

> The spirit of the people at large is loyal to the point of any needed sacrifice, but food is essential to life. In this as in all things affecting the life of the Nation the common people ask only the application of the recognized American principle: A square deal.

I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. STERLING. I present a memorial of the Woman's Foreign and Home Missionary Societies of the Methodist Church of Vermilion, S. Dak., protesting against the use of grain and sugar in the manufacture of intoxicating liquors. I ask that the memorial be printed in the RECORD without the names.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

VERMILION, S. DAK., *April 3, 1918.*

To the Congress of the United States of America:

We, the members of the Woman's Foreign and Home Missionary Societies of the Methodist Church of Vermilion, S. Dak., do solemnly protest against the enormous waste of grain and sugar used in the manufacture of malt liquors in the United States, and we respectfully ask that this waste be stopped.

We are proud of our State in the stand she has taken, and we wish to help our sister States and the Nation in nation-wide prohibition and to help feed its defenders and save our country and our people to their liberty. The housewives are gladly cooperating with the Food Administration to feed our soldiers and our allies, and in their interests and the interests of the home and the people of the United States we repectfully ask that the manufacture and sale of malt and spirituous liquors be discontinued.

Mr. WARREN presented resolutions adopted by Monticello Grange, No. 6, Patrons of Husbandry, of Pinebluff, Wyo., favoring the fixing of prices on commodities and utensils used in the agricultural industry, which were referred to the Committee on Agriculture and Forestry.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I have been requested to present to the Senate the following resolution, which was passed unanimously by the executive council of the National American Woman Suffrage Association at a special meeting held in Indianapolis April 17, 1918. The executive council consists of the presidents of the State auxiliaries of the national association in the 48 States, and the resolution reads as follows:

> Whereas America is fighting for the right of self-government for the people of Europe while one-half the people of America are denied that right; and
>
> Whereas the ideal of democracy can be defended with increased zeal abroad if it be given practical application at home; and
>
> Whereas the votes of the loyal women of America are needed as never before to sustain American ideals at the polls while our men fight for American ideals in the trenches; and
>
> Whereas, country by country, all Europe is recognizing woman suffrage as a war measure fundamental to democracy, British women, Danish women, Icelandic women, Russian women, all having been enfranchised since the war began: Therefore be it
>
> *Resolved*, That we women, in executive council assembled, call on the Senate of the United States to pass the Federal suffrage amendment, to the end that America may be strengthened in the fight for democracy abroad by the added strength of her democracy at home; and be it further
>
> *Resolved*, That a copy of these resolutions be sent to each Member of the Senate and to the President of the United States.

Mr. President, this resolution, it seems to me, emphasizes the inconsistency of our position in fighting for democracy and at the same time denying to one-half the people of the United States the right to participate in government.

If the Declaration of Independence is true when it says that the just powers of government are derived from the consent of the governed, it seems to me we can not consistently contend for the establishment of democracy in other nations as long as we deny it in our own.

The verity of this fundamental principle of democracy was thought to be so clear and conclusive that in the same instrument it was declared to be a self-evident truth—that is, one that is not the subject of question or dispute. How, then, can we justly deny to our own mothers, sisters, wives, and daughters the right to pass upon the laws that shall govern all?

Mr. President, the resolution further shows that this is a world question. It is not one confined to a State or to the United States. It shows that it is agitating the people of all nations; that it is an evolution in government; that it is proceeding with certainty in its determination in favor of the rights of humanity. Let us end this inconsistency and enthuse all of our people by adopting the joint resolution for a constitutional amendment granting equal suffrage to all of the governed of our States and Nation.

PUNISHMENT OF SEDITIOUS ACTS AND UTTERANCES.

Mr. FRANCE. Mr. President, for some time I have thought of introducing a few letters out of the number which I have received upon a subject of very great importance to the country. I take this occasion to introduce them, as to-morrow the Senate will have before it the so-called sedition bill, and I think these communications bear somewhat directly upon that subject. I submit the communications and ask that they be read.

Mr. OVERMAN. I can not understand just what is to go into the RECORD.

Mr. FRANCE. If the Senator will give me a few minutes, I will explain the nature of the communications.

Mr. OVERMAN. The Senator wants to have some letters read?

Mr. FRANCE. Yes.

Mr. GALLINGER. As a part of his remarks.

Mr. OVERMAN. All right. I could not hear what the Senator said.

Mr. FRANCE. I ask that they be read, and I wish to say just a few words in connection with their presentation.

Mr. President, I confess that I have been profoundly disturbed by the course of our recent debates upon the sedition bill. Had I not come to know something of the minds and, I trust, something of the hearts of certain of my colleagues here whose words have so distressed me, I should have been forced to come to the conclusion that they had lost faith in the Republic and in the loyalty of her people.

There are spies here. In every warring country there must be spies. Mercenary spies are the foul and filthy vultures and harpies of war. But if such spies there be who attend or read the debates of this Senate, I say to them count not words spoken here in overzeal against those foolish ones who in this hour speak with contempt or ridicule when we mistake in putting on our unaccustomed armor. Go tell your Kaiser to look beyond the western line where stand the serried ranks of the heroic French and British hosts, and far beyond the point where from his high vantage ground he first saw the flag of this Republic flying gallantly and defiantly amid the storm and roar of his artillery, and far beyond the sea to the western horizon of the world, and bid him there behold what is written upon the western skies; for with the hand of this Republic it is written that his kingdom has been numbered and that here is an end to his autocracy, for through America and through a new and more comprehensive and cooperative democracy the people of the world are at last coming to their own. Go tell your Kaiser that it is a powerful hand when it shall be fully clenched and mailed, that the arm is unwithered, and that the mighty loins of the Republic girding now for battle—a Republic of a hundred million freemen whose blood is uncorrupted by sedition and untainted by treason—possess a power unbending and invincible, even though she may be somewhat awkward in this first putting on of her habiliments of war. She will be an adversary against whom his legions will dash and break in vain, for the young Republic has a great, loyal, lion heart, soon to be incased, full armored in gold and steel, and even yet upon these and, more than all, thrice armed in the eternal justice of her cause.

Mr. President, while we were for days debating a treason and sedition bill to place a gag and a rough hand upon the lips of the American people, I have been hearing from all parts of our country, to use your own most apt expression, men "Crying out to the Republic, 'What wilt thou have me to do?'"

I know that in my national organization or man-power bill I had proposed what seemed a drastic measure. It is quite natural that it should seem to be radical to attempt to transform a great free Republic for the time being into a "Nation in arms," and yet when my plan was given some publicity, particularly by the New York Times, I received from every section of our great country, and from those in different stations of life unknown before to me, words of encouragement and approbation. From New England they came, from the far South, from the Southwest and West, and even from Alaska, stretching away in her magnificent distances beyond the Arctic Circle, almost forgotten, but with her heart warm and loyal beneath her winter snows.

Mr. President, is it not possible that our plans have fallen thus into confusion because we have not had faith strong enough in the everlasting righteousness of our cause, in the absolute indestructibility of free institutions, in the immutable and indomitable spirit of our people, in their loyalty and devotion, which would lead them in this hour to count nothing too great a sacrifice which must be done to save the Republic from all harm? I have faith in our country. I have faith in the justice of our cause. I have faith in the love and loyalty of the sons of this Republic, and I now ask permission to have read these sincere and patriotic communications to which I have referred, from people unknown to me before they wrote. The first is from Brooklyn, N. Y., from an old lady 78 years old, but one whose words demonstrate that she has not lost her interest in her country; the second is from New York City, from a man over 50, who objects to the maximum age of 45; the third is from a big business man in Alabama, president of a large wholesale concern; and the fourth is from a prominent young man in Arcadia, Fla.

The fifth is from Juneau, Alaska, from a young lady, who says, though far away from the centers of activity, she is still keenly alive to some of the big things confronting our Nation to-day. I withhold from the RECORD the names of certain of the writers and some more personal portions of the letters, but the originals may be consulted by any Senator who may desire to do so. In the case of the Alaska girl, her name with her truly patriotic and eloquent words, written with so clear a comprehension of the Nation's need, I desire to have incorporated in the RECORD.

With reference to the young lady from Alaska, I merely wish to say this word: On the 2d of April I presumed on the time of the Senate to plead for that national organization and integration which I believed to be absolutely necessary for the winning of this war. In my weak way I attempted to give something of the philosophy which I believe underlies such a great and comprehensive plan. I had given some consideration to what I then said, and it took me over an hour to express what I wished to say; but I know that nothing I could have said or nothing which I could possibly now say can speak with a persuasiveness which can approach that of this little girl in Juneau, Alaska, who now pleads with you for that better national organization which I believe to be indispensable if we are to successfully continue in this war against that new and fearful creation of our modern civilization—"the Nation in arms."

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BROOKLYN, N. Y., *February 10, 1918.*

Senator JOSEPH IRWIN FRANCE,
United States Senate, Washington, D. C.

DEAR SIR: If I had a thousand votes, I would cast them all for passage of your grand bill of conscription as the only way to solve war's industrial problems.

'Tis so direct and wonderfully simple—the keynote to success for America. Can nothing be done to pass it? Who could fail to see what a sweeping power (which we need) to secure our dear country from a disgraceful breakdown.

True, we have the soldiers, all courageous fighters; but they must be fed.

Must red tape be resorted to, in order somebody may have a say of no account, as it often happens?

When I read your bill in the New York Times Magazine it was so striking. The whole plan was like a moving picture to success. Well, here is one without a vote—from an old lady 78 years old—but have not lost my interest in our dear country.

May your bill pass unanimously.

Respectfully, ——— ———.

—

NEW YORK, N. Y., *February 10, 1918.*

Hon. JOSEPH I. FRANCE,
Washington, D. C.

DEAR SIR: Have just read your article in the Times on the organization of the labor for the farm and factory to stand behind the "boys" on the other side.

From the very start there was nothing in this line but a disorganized crowd of men willing to work, yet no one to take the lead and do something in a practical common-sense way. The man who had been the most extensively advertised, by getting his name and picture in the paper more times than the other fellow, was considered just the man for the place; otherwise he could not get what is called in the language of the day a "look in." No matter whether Republican or Democrat, no one seemed to be able to look ahead 24 hours. They could not see a chance of a serious condition ever confronting them, and that is more responsible than anything else for the present seemingly chaotic condition of affairs. If you had a pull, you could get where your services could be of some good. With no pull you could go work as a laborer or at anything you could get. There is an endless chance to criticize, but this is the time to build and not destroy, and much criticism tends that latter way, though honest criticism from anyone should prove beneficial. The difficulty is that honest criticism not judiciously made may start a conflagration.

One thing I object to in your article is the 18 to 45 rule. Why? There are plenty of men over 45 more competent than many men under. When the country needs men who can and are willing to work, why toss a man in the scrap heap because he is 45. If the rule is to apply to war workers in the factory, why not apply it to the President of the United States, Members of the House of Representatives, Senate, Cabinet, etc.? I am over 50 years old, yet am just as competent to-day as I was at 35, with the additional advantage of experience.

* * * * * * *

Yours, ——— ———.

—

———, ALABAMA, *February 14, 1918.*

Senator JOSEPH IRWIN FRANCE,
Washington, D. C.

SIR: I have read in the New York Times an account of your bill which you have introduced in Congress entitled "Conscription for all men from 18 to 45 years," and I wish to express to you my sincere wish that this bill will be acted upon favorably in Congress, as it is certainly just to the Nation as a whole, and would very likely include myself, and I am only 40 years of age. But be that as it may, until the war is over every man's business is war, and if he can not serve in the trenches or in the Navy very likely he could serve in some other department that will help to prosecute this war to a successful and final closing.

My line of business has already been conscripted in service, and the * * *, as a whole, are doing as much as any other line of business men in sacrificing profits and working on small margins to help win the war, and every man, woman, and child in the South as a rule are trying to do their bit in every way possible.

With my very best wishes for the passage of your bill, I am,

Yours, very truly, ——— ———.

—

———, FLORIDA, *February 12, 1918.*

Hon. JOSEPH IRWIN FRANCE,
United States Senate, Washington, D. C.

DEAR SENATOR: Noting an excerpt of your conscription bill in my New York Sunday Times.

This is the only letter I have ever written since the outbreak of the war, except a few, very few, personal letters to my delegation, although have handled all the war data. * * * In my judgment the bill is the most important proposal of all endeavors by the Government. It is more in accord with what I have at all times been sure would prevail than any measure introduced in Congress. It is the only sure foundation and underpinning upon which a safe governmental fabric and superstructure can be builded for a successful prosecution of the war and a safe return to civic life. This is merely to express an individual interest, which I, however, believe is shared by every true American patriot.

Give my regards and best wishes to my life-long friend, your compatriot in Congress, Senator DUNCAN U. FLETCHER.

Sincerely, ——— ———.

JUNEAU, ALASKA, *March 7, 1918.*

Senator JOSEPH IRWIN FRANCE,
Annapolis, Md.

DEAR SIR: In the February 10 issue of the New York Times I read a short sketch of one of your conscription plans. I was quite pleased with the article and wrote it in a little poem, which I thought you might like to see, so I am sending you a copy. Kindly pardon all the errors of an Alaskan girl who, though far away from the centers of activity, is still keenly alive to some of the big things confronting our Nation to-day.

Yours, very truly, BINGIE OLDS CARPENTER,
Occidental Hotel, Juneau, Alaska.

IN UNITY IS STRENGTH.

While a great number of men in Congress are worrying about having the War Department changed
A small number of men are thinking of the whole Nation being rearranged.
These few are the men of brains who look ahead
And would see that all our Army would be clothed, cared for, and fed.
They would reorganize immediately as a war measure of the day
And later develop the plan into a permanent national policy that would stay.
Whereby the United States might know in detail at all times
Just what its resources were in man power for every vital industry in all lines.
The immediate war project in brief would be
To enroll all men between 18 and 45 and thus they could see
What every man could best be called to do
When needed at home or afar to protect Red, White, and Blue.
The future plans of this great unity stand
Would enroll every man, woman, and child within the land
And to keep records of each, their birth and death, and all between
So as to know the Nation's power in full it would seem.
Some of the Senators who are the leaders of this plan
Think that to win the war we must be organized to a man.
In upholding this drafting plan they say in part
The following words which must come right from the heart:
The best and most effective thing we have to-day
Is our drafting law, that we all will say;
For when we draft men we get the fighting force we need
And don't have the hazards of the voluntary creed.
But as President Wilson and everyone will say
What use is a war horse in a land without the hay?
In other words, if our Army go to the front to fight
Without an organized system how can they be fed right?
The farmers and munition hands should all be drafted, too.
There then would be a head to things and the flag could pilot through.
The way things stack up now it seems we draft our men to fight
And make them go to Europe just to clean the Germans right.
If we do this, why don't we then draft all the factory dads
That make the guns and food and things to keep the Army lads?
The Army and the Navy, who are toiling in the strife,
Can never win without the men behind who sustains life.
For every soldier in the field it takes at home five men
To supply all the food and guns and shells to them.
Not only think of ourselves, but our allies need to eat,
It will take a mighty organization to supply them fat and meat and wheat.
When the working power of the whole United States will be enrolled to a man
Our President then being at the head can
Have all the help in any special line
To do a job in record-breaking time.
Classified power in these modern times is the only kind that counts,
Whether in the little-town affairs or in the vast national amounts.
The sooner we realize that the drafting and unity must not only take in those who go to the front to fight,
But those in every walk of life, then only will things come out right.
And how easy it will be to conquer all the plans of autocracy
And with the strength of united, itemized, and detailed labor power bring to all the world the light of justice and democracy.

(Bingie Olds Carpenter.)

ORDER OF BUSINESS.

Mr. OWEN. Mr. President, there are a number of very short bills on the calendar, to which I think there is no objection, providing for certain amendments to the national bank act, and which are urgently desired by the Comptroller of the Currency to be considered. I should be very much gratified if we might dispose of those bills at this time.

Mr. GALLINGER. I think we ought to proceed with the regular order.

Mr. THOMAS. I ask for the regular order.

The VICE PRESIDENT. The regular order is demanded. If there be no further petitions and memorials, reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 2496) for the refund of duties paid on materials destroyed by fire, reported it with amendments and submitted a report (No. 413) thereon.

Mr. SUTHERLAND, from the Committee on Military Affairs, to which was referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (S. 2205) for the relief of Isaac J. Reese (Rept. No. 416); and

A bill (S. 3566) authorizing the President to appoint Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army (Rept. No. 415).

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 10843) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 417) thereon.

NATIONAL GERMAN-AMERICAN ALLIANCE.

Mr. KING. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 3529) to repeal the act entitled "An act to incorporate the National German-American Alliance," approved February 25, 1907, and I submit a report No. 414) thereon.

In this connection I desire to state that later, if I have the time, I shall submit my personal views in regard to the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

ALLEY HOUSES IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back favorably without amendment the bill (S. 4410) to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914, and I submit a report (No. 418) thereon. As this is an urgent matter, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. SMOOT. Mr. President——

Mr. SMITH of Maryland. I will say to the Senator from Utah that in 1914 Congress passed a law prohibiting the use of houses in certain alleys in the District of Columbia. That law requires that the use of those houses be discontinued on July 1, 1918. The houses which still remain in the alleys and are habitable to-day house between 8,000 and 9,000 people. The Commissioners of the District of Columbia, as well as the Committee on the District of Columbia, think it is important that the time should be extended for the use of those houses until a year after the war, on account of the acute housing conditions in the District of Columbia.

Mr. SMOOT. If the bill is not going to lead to any debate I shall not object, but if it leads to debate I shall object to its immediate consideration. Can the Senator say whether or not there is likely to be any debate on the bill?

Mr. SMITH of Maryland. I wish to say that it is important that the people who are occupying these houses should know whether they can remain in them, because unless this bill is passed they will have to vacate them on July 1, 1918. Your committee thought that it was very important that the matter should be acted upon at once.

Mr. SMOOT. Mr. President, if the bill leads to any considerable debate I reserve the right to object, but if it does not I shall not object.

Mr. JONES of Washington. Mr. President, I merely wish to take a moment. I was very much interested in the enactment of the law which this bill proposes to suspend, and it would only be because of the urgent necessities of the Government itself that I would consent to any suspension at all of that law. I agreed to this report in the committee; but I wish to state for the benefit of the record that I did so simply because of the necessities of the Government and because of the necessity of those people who are now occupying alley houses having some place in which to live. I did not do it out of any sympathy whatever for the owners of the property; I have no sympathy for them at all. They have taken no steps whatever since the law was passed to meet its terms. When it was passed they declared that it was unconstitutional and that they were going to fight it to the end; but they have apparently abandoned that plan of action. So I have no sympathy for them at all, and I want them to understand that when the time limit fixed by this suspending bill expires they must be prepared to obey the law as it is now written or suffer the consequences. The conditions that are a disgrace to our Capital must be abolished just as soon as it is possible to do so.

Mr. SMITH of Maryland. I will say to the Senator from Washington that I think the entire committee is in sympathy with his views in regard to this matter. There is no disposition to stop the removal of these houses, but simply to delay it in order that the housing accommodations of the city may be improved. There are 90,000 more people here than there were before the war, and it is hard to get houses. My idea in regard to the present consideration of this bill was that the people living in those houses ought to know what they have to depend upon. So far as I am concerned, I am in entire sympathy with the Senator from Washington. I think the houses ought to be done away with, but I think the time limit should be extended.

Mr. JONES of Washington. I did not intend to suggest that the chairman of the committee took any different attitude. I am satisfied that he is in hearty accord with my position in the matter.

Mr. SMITH of Maryland. Absolutely.

Mr. OWEN. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the operation of the second paragraph of section 1 (relating to the use or occupation of alley buildings as dwellings) of the act of Congress approved September 25, 1914, entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," be, and the same hereby is, postponed until the expiration of one year following the date of the proclamation by the President of the exchange of ratifications of the treaty of peace between the United States and the Imperial German Government.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLLECTION OF GARBAGE IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Maryland. I also report from the Committee on the District of Columbia the bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, and I submit a report (No. 419) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. President, I will say in regard to this bill that the Commissioners of the District of Columbia thought they had a contract for the collection and disposal of the garbage and refuse in the District of Columbia, and there was a forfeit of $3,000 put up; but the contractors refused to sign the contract and forfeited the $3,000. As matters now stand there is no way in which to get rid of the refuse. This is a House bill, which has been passed by the House, and it gives to the Commissioners of the District of Columbia a means of providing for the disposition of the refuse and the garbage.

Mr. SMOOT. I should like to ask the Senator what expense to the Government is involved in this bill.

Mr. SMITH of Maryland. It gives the commissioners the privilege of condemning certain properties in order that they may carry on the business. They now have no means whatever of disposing of the refuse and the garbage. They had a contract, as they thought; there was a forfeit of $3,000 put up; but when the time came to sign the contract the contractors refused to sign it.

Mr. SMOOT. The Senator has not answered my question, and I shall have to put it in another way. Has the Senator any idea as to how much money will be involved in the passage of this bill?

Mr. SMITH of Maryland. I suggest that the bill be read, so that the Senator can see. There is quite an amount involved, I think some $600,000; but that will be reduced to about $200,000 by the revenue from the disposal of the by-products.

Mr. SWANSON. Mr. President, I reserve the right to object until I see whether or not it precipitates a discussion. If it does and there is any delay, I must make an objection.

Mr. SMITH of Maryland. I will say to the Senator from Virginia that the passage of this bill is very important if we want the refuse and the garbage taken care of in the District of Columbia. The commissioners have no means whatever of taking care of it after the expiration of the present contract, which will expire on June 30 of this year.

Mr. SWANSON. I reserve the right to object when I see how much time it will take.

Mr. OWEN. Let the bill be read.

Mr. GALLINGER. Mr. President, I hope the Senator from Virginia will not get impatient. This is a matter of supreme importance to the people of the District of Columbia.

Mr. SMITH of Maryland. It is a very important matter to the health of the people of Washington.

Mr. GALLINGER. The present contract expires on the 30th of June. No one has been willing to enter into a new contract, and the District of Columbia has to take care of this garbage if the health of the people is to be conserved. I hope, even if it does take a few minutes, that the bill will be considered at this time.

Mr. SMITH of Maryland. I will say to the Senator from New Hampshire that the commissioners have made three advertisements for bids. They got one, but the company submitting it has refused to sign the contract, and forfeited the $3,000 that was put up; and nobody can be gotten to take the contract.

The VICE PRESIDENT. The Chair will state to the Senator from Utah that the bill provides for an appropriation of $620,000, or so much thereof as may be necessary.

Mr. SMITH of Maryland. I will say that that is the initial proposition; but a great deal of it comes back from the sale of by-products—the greases, and so forth.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. POINDEXTER. I ask that the bill be read, Mr. President.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill? The Chair hears none.

Mr. POINDEXTER. I reserve the right to object. I have not the slightest idea what the bill proposes, and I can not tell unless I either read it myself or hear it read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 4460) for the relief of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., and of the Philadelphia & Reading Coal & Iron Co. (with accompanying papers); to the Committee on Finance.

By Mr. JONES of Washington:

A bill (S. 4461) granting a pension to Abbie B. Garrett (with accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4462) granting a pension to Etta Warner (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4463) granting an increase of pension to Henry Divelbiss (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4464) for the survey and construction of a system of military highways on the Pacific coast (with accompanying papers); to the Committee on Military Affairs.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. REED. Mr. President, I ask unanimous consent at this time to introduce a bill because I am obliged to leave the Chamber. It is a bill authorizing the President to increase the Military Establishment by an additional 3,000,000 men. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs. I think by next Friday I shall be prepared to submit some remarks to the Senate in support of its passage.

The bill (S. 4459) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, was read twice by its title and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, be, and the same is hereby, amended by adding after paragraph 4, section 1, the following: "The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of 3,000,000 men, organized, officered, and equipped, as provided in the third paragraph of this section, such men to be called for training at such time and in such numbers as the President may direct."

SEC. 2. *Be it further enacted*, That section 2 of the aforesaid act be amended by striking out the sentence "Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act" and inserting in lieu thereof the following: "Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies who have declared their intention to become citizens and who at the time of such draft shall be between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with this act."

INCREASE OF NATIONAL ARMY.

Mr. POINDEXTER. Mr. President, I introduce a bill directing the Secretary of War to call an additional 1,500,000 men from the registry of the selective-draft act and to proceed forthwith to train and equip them for service in the National Army.

In introducing it I should like to say that I notice in the press the Secretary of War is considering this matter and that conferences are being held about it, and I presume that Congress is waiting until somebody in the War Department prepares a bill and has it introduced. My opinion is that Congress ought to act immediately and that there ought not to be any delay in

increasing the Army. Instead of holding conferences we ought to act. The foundation for this increase is already laid in laws that have already been enacted. All that is necessary is to call an additional number of men, and the brief bill which I am now introducing authorizes contracts and the incurrence of expenses that may be necessary in carrying out this work. There ought not to be a day, there ought not to be an hour, lost. Destiny and opportunity are marching by while we are holding conferences. One year, at least, is required to train men for battle, and immediate steps ought to be taken to provide them. I ask that the bill be referred to the Committee on Military Affairs.

The bill (S. 4465) to increase the National Army was read twice by its title and referred to the Committee on Military Affairs.

THE CONGRESSIONAL RECORD.

Mr. GALLINGER. Mr. President, I submit a resolution, to which I trust there may be no objection, and I shall ask immediate consideration for it.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 233), as follows:

Resolved, That the Committee on Printing is hereby directed to inquire into the reasons for the irregular delivery of the CONGRESSIONAL RECORD to addressees outside of the District of Columbia; and also as to what improvements may be adopted that will make more legible the mailing addresses placed on the wrappers.

Mr. GALLINGER. Mr. President, some weeks ago the distribution of the CONGRESSIONAL RECORD outside of the District of Columbia was suspended. I called attention to that fact, and an explanation was given that there was not a sufficient supply of print paper to print it. Shortly after the supply of paper appeared to be adequate and the RECORD was again sent to those who are designated by Senators and Members of the other House and they were received to some extent at least. Complaints are now coming to me that the RECORD is being received so irregularly that it is of very little consequence to those who want to read the RECORD and keep up with the proceedings of Congress, and there are many such people in the country, some in my own State.

Two letters came to me yesterday, and I will read just a paragraph from each. One letter says:

Yesterday morning the RECORD of April 10 reached me—

This was written April 25—

It stirred my blood some to think that somebody held up my mail as long as he pleased. The RECORDS come usually two at a time in fair condition, but now everything is mixed. This morning the RECORD for April 5 has arrived, but nearly all the numbers up to and including April 20 are here.

That letter is from a lady residing in Massachusetts, who reads the RECORD, a New Hampshire woman.

The next letter is from a gentleman living on a farm in New Hampshire, an educated man, formerly a resident of the State of Texas, who has returned to his old home. He says:

The CONGRESSIONAL RECORD now comes to me addressed in such better way as that the postal clerks can read the addressing, but to offset this improvement the dates come badly mixed so as to break up all consecutive numbering and dates; for example, those for the 5th and 10th of April were followed by those for the 18th and 19th. This method makes it as interesting as reading the dictionary, as I am not smart enough to keep up with the procession. If other recipients get theirs in the same way, it may well disgust those who try to read the RECORD. I suppose the Official Bulletin gets out promptly. It looks to me as though some sinister method lies against outside distribution of the RECORD.

Mr. President, there is a great need of improvement in the Postal Service at the present time. It not only applies to the CONGRESSIONAL RECORD but it equally applies to our individual mail. As an illustration, three copies of my home paper—those for Thursday, Friday, and Saturday last—reached me this morning all at the same time. A paper printed in Manchester, N. H., on last Thursday also came in this morning's mail. Our letters are to a very large extent being transmitted in the same irregular fashion.

I have no disposition to invite a controversy about this matter, but I understand that it largely results from the fact that the Postmaster General in his wisdom or unwisdom—unwisdom I think—has taken off the cars where the mail was formerly distributed, and that the mail is now distributed at the terminals. I noticed one day when I was in the Union Station a great pile of mail at one end of the concourse. A wagonload was there waiting to be distributed, and I have been told that it sometimes remains at certain terminal points four or five days before the mail is distributed.

It is something that ought to be corrected; but that does not enter into this matter that I have called attention to in my resolution. I simply want the Committee on Printing to call before it those who are handling the CONGRESSIONAL RECORD and inquire why it is that the RECORDS are not being sent out with some degree of regularity. I hope the resolution will pass and the grievance complained of be removed.

Mr. SMITH of Georgia. Is the resolution to be acted on now?

Mr. FLETCHER. Let the resolution be read again. I did not hear it. I may say that as of the RECORD there were only printed for a while enough copies to supply the local demand, and it was held up as to outside distribution. That might account for the delay.

Mr. GALLINGER. I called attention to it, I will say to the Senator from Florida, and it was then corrected, and the RECORDS were then going out regularly, as I understand it, and they are reaching the people; but in some cases they are reaching them in 5, 10, or 15 days after the date of publication.

Mr. FLETCHER. I did not know but that the copies now supplied for outside distribution were printed at a very much later date.

Mr. GALLINGER. The Committee on Printing can readily make an inquiry.

Mr. FLETCHER. I ask to have the resolution read.

The resolution was again read.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE POSTAL SERVICE.

Mr. GALLINGER. In this connection I ask to have printed without reading a portion of an article from the Journal of Commerce and Commercial Bulletin of New York, under date of April 25, 1918. It relates to the Postal System in a broader sense, a matter that I feel very sure Congress will have to take cognizance of and look into in the near future.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"INEFFICIENT POSTAL SERVICE.

"Is there any good reason why Congress should not take up the problem of postal reform before it adjourns? The service has steadily deteriorated for many years until at last it has become a monumental example of inefficiency, for which the war is no excuse. No more striking instance of Government failure in business has ever been presented, and for some unaccountable reason there is a singular indifference to public complaints.

"In first-class mails delays are excessive and constant. They began long before the disorganization attributed to the war and before introduction of the parcel post, though the latter much intensified the decline of the service. It is no uncommon experience for letters to be not merely hours but days behind a reasonable period for delivery. Local letters not infrequently require 24 hours for delivery in this city or near-by suburbs, and corresponding delays are a common occurrence in the mail transit between near-by cities. Such delays in first-class mail are a serious concern not alone in family and social affairs but especially in business matters which are particularly dependent upon prompt and regular mails. As this branch of the service is of supreme importance and particularly profitable under the advanced rates, the present low standard of efficiency should not be any longer tolerated. There should be no difficulty in improving this branch of the service, especially as letter rates have been raised from 1 and 2 cents to 2 and 3 cents.

"In the case of second-class mails the deterioration has been much greater than in the first class. Newspapers and periodicals are commonly days and not infrequently a week behind normal delivery. Publishers and subscribers are weary of complaints, which usually receive scant attention and fail to bring any relief. Many complaints are never made, because useless.

* * * * * * *

"The Post Office is the biggest business institution in the United States. There is no organization more closely interwoven in the life and industry of the country. As a means of communication it is far more vital to convenience and comfort than the telephone or the telegraph; and is only exceeded in importance by the railroads. Yet it is operated on a low and discreditable standard of efficiency. Both as a business organization and as a public service it must be classed as defective, and any of our big business institutions selected at random would smother it in shame by comparison. For this deplorable condition there is only one party to blame, and that is an overpatient public. As long as the public submits to bad service there will be no improvement. When public opinion demands better service with sufficient vigor, improvement will promptly come. At present there seems to be no way of awakening the responsible autocrats and bureaucrats at Washington to a sense of their incapacity. Congress, with its passion for investigation, might with advantage turn on the limelight in this direction. Instead of spending time on Utopian plans for absorption of the telephone, telegraph, and express companies, or the development of motor-truck lines, aeroplane routes, or cutting out pneumatic tubes, etc., it would be far better to meet the primary objects of the service, which are to carry the first and second class mails with

promptness and regularity. What have the various commercial organizations to say about our present postal service? The Merchants' Association of this city has already made its protest. Others should follow."

Mr. SUTHERLAND. May I inquire of the Senator from New Hampshire whether the article he has submitted has anything to do with the mail between this country and our boys at the front?

Mr. GALLINGER. It has not. I think it is the domestic mail that this article discusses. I understand there is a great deal of complaint being made at the nondelivery of mail to the soldiers.

Mr. SUTHERLAND. I hoped that the article had something to do with that subject, and that an inquiry might be made to see how those mails could be facilitated.

INCREASE OF THE ARMY.

Mr. SMITH of Georgia. I submit a Senate resolution, which I ask to have read and go over under the rule to be called up.

The resolution (S. Res. 234) was read as follows:

Resolved, That the Senate hereby urges immediate action to provide means for the organization of an army of 5,000,000 men.

Resolved further, That the Committee on Military Affairs be requested to prepare a bill providing for the immediate training of officers and the manufacture of munitions for an army of 5,000,000.

The VICE PRESIDENT. The resolution will go over under the rule. The morning business is closed.

FIRST YEAR OF PRESENT WAR.

Mr. McCUMBER. Mr. President, I wish to give notice that after the close of the routine morning business on Friday I shall ask permission to submit some brief remarks in a review of the first year of American activity in the present war, its lessons, and suggestions for our future work.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

Mr. OVERMAN. Mr. President, I desire to give notice to Senators that to-morrow morning I expect to call up the conference report on what is known as the espionage bill.

AMENDMENT OF NATURALIZATION LAWS—CONFERENCE REPORT (S. DOC. NO. 220).

Mr. HARDWICK. I present a conference report on the disagreeing votes of the two Houses on the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States, relating to naturalization.

The VICE PRESIDENT. Is there a request to consider the report now?

Mr. HARDWICK. No; the papers are in the possession of the House.

The VICE PRESIDENT. The conference report will lie on the table and be printed.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with amendments as follows:

Page 1, subdivision 7: Strike out in lines 5, 6, 7, and 8 the following: "and who may be honorably discharged therefrom after an enlistment of not less than four years, or who may receive an ordinary discharge with recommendation for reenlistment," and insert the following: "and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment."

Page 2, line 22: Strike out the word "at" and insert in lieu thereof the words "engaged in the present," so as to read: "Any alien serving in the military or naval service of the United States during the time this country is engaged in the present war."

Page 3, line 11: After the words "United States" insert the following: "and the place of such military service shall be construed as the place of residence required to be established."

Page 4, lines 4 and 5: Strike out the words "for the time required."

Page 4, line 7: Strike out the word "rebuttable."

Page 4, line 21: After the first "the" in the line insert the words "time of the."

Page 6: At the paragraph commencing "During time when the United States is at war," after the word "During," insert the word "the."

Page 7, subdivision 9: In the fifth line of the subdivision, after the word "naturalization," insert "as provided in this subdivision."

Page 8, subdivision 10: In line 3 of the subdivision strike out "May" and insert "July." In line 4 of the subdivision strike out "10" and insert "14."

Page 9, subdivision 11: In line 14 of the subdivision, after the word "hearing," insert "or heard"; strike out the word "due" and insert "90 days"; after the word "notice" insert the words "given by the clerk of the court."

On page 10, in the second proviso: After the words "*Provided further*" strike out "That the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization." In lieu of this insert "That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization."

Page 10, subdivision 12: Strike out the word "no" in the first line of the subdivision and insert the word "any."

Page 11, in line 2: Insert, after the words "United States is now at war," the word "who."

Page 11, line 5: After the word "service," insert the following: "may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization."

Page 16, section 3, paragraph 3: Strike out "Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to detain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

THOMAS W. HARDWICK,
THOMAS P. GORE,
WILLIAM P. DILLINGHAM,
Managers on the part of the Senate.

JOHN L. BURNETT,
ADOLPH J. SABATH,
JOHN E. RAKER,
E. A. HAYES,
ALBERT JOHNSON,
Managers on the part of the House.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. SWANSON. I move that the Senate proceed to the consideration of House bill 10265, commonly known as the housing bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from North Carolina [Mr. OVERMAN], which will be read:

The SECRETARY. On page 4, at the end of section 1, add the following additional proviso:

Provided further, That in communities where housing development is to be carried on under this act such communities, or persons desiring so to do, shall be permitted to furnish a certain per cent of the cost of providing said housing facilities under such a plan of development and under such terms and conditions as may be agreed upon by the Secretary of Labor and the persons interested in the plan of development, but in no instance shall a loan of more than 85 per cent of the cost of development be made to such communities or the persons interested in the development: *And provided further*, That the Government shall take a first lien for the amount of money so advanced by the Government.

Mr. FALL. Mr. President, a parliamentary inquiry. That amendment comes in after line 17 on page 4. Is it the status of the bill now that the Senate has considered all of page 4 except this amendment?

Mr. SWANSON. I think a mistake was made in the announcement by the Secretary. We have only considered page 2.

The amendment ought to come at the end of subsection (b). We have not considered page 3.

Mr. FALL. That was my understanding.

Mr. SWANSON. I think it was a mistake, and I will ask to have it corrected. I believe the amendment was intended to be added to subsection (b) of section 1.

Mr. FALL. I should like to ask the chairman of the committee if it would not be possible—I think it would very greatly facilitate matters if it were possible—to consider now an amendment on page 1 of the bill. There will be such amendments offered later, and if the amendment were adopted it would possibly obviate the necessity existing in the minds of Senators to offer various other amendments and bring up the discussion of the general subject. I will say frankly that I offered the suggestion a few days since with reference to this bill which I shall offer at the proper time in the shape of an amendment, but if it is held that the first section on page 1 of the bill can not be amended until after we conclude the consideration of all the other amendments, other amendments will be offered which would not be offered provided that that amendment is adopted by the Senate on page 1.

The suggestion which I offer is that to be consistent with ourselves, not to stultify ourselves, we should strike out the words "Secretary of Labor" in the bill and insert in lieu thereof "President of the United States," vesting directly in the President the power to exercise the authority conferred by the bill. Certainly by the passage yesterday by this body of the Overman bill it becomes all the more apparent that it would be stultification to vest authority in the Secretary of Labor which yesterday we provided should be coordinated or exercised by the President of the United States.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from New Mexico yield to the Senator from North Carolina?

Mr. FALL. I yield.

Mr. OVERMAN. I will be very glad to withdraw the amendment for the present if the Senator wishes.

Mr. FALL. I wanted to know whether the Senator from Virginia, who has charge of the bill, would insist upon going along in regular order or whether he would be willing to consider now the amendment to section 1?

Mr. SWANSON. I think that would precipitate a long debate on minor matters. I know the amendment the Senator contemplates offering. I suggest that the question as to who shall administer this law be passed over and the bill be perfected, saving the right to offer the amendment later.

Mr. FALL. I will explain my position to the Senator very briefly, if he will allow me.

Mr. SWANSON. Then, we would see if a conclusion could be reached as to that proposition. I suggest that we continue to perfect the bill, and the rights of the Senator will be reserved. I will give him every opportunity, and if the Senator fails to have the administration fixed as he desires in the bill he will have an opportunity to offer his amendment after that is disposed of. It seems to me we would make headway to go on and perfect the bill and then dispose of section 1. There was a unanimous-consent agreement that the bill should be disposed of by sections. We were proceeding by sections, and I will ask to reconsider that section in committee of the whole.

Mr. LODGE. We are not proceeding by sections.

The PRESIDING OFFICER. The Senator from New Mexico has the floor. Does he yield further?

Mr. FALL. I yield.

Mr. SWANSON. Unanimous consent was given that the bill should be disposed of by sections.

Mr. LODGE. To dispose of the committee amendments first.

Mr. SWANSON. No; that was rejected, and then a unanimous-consent agreement was made that the bill should be considered by paragraphs.

Mr. LODGE. We have never disposed of paragraph (b) on page 3.

Mr. SWANSON. We have not reached that.

Mr. LODGE. The amendment of the Senator from North Carolina is away over on page 4.

Mr. SWANSON. That was a mistake. The Senator from Massachusetts was not here. That ought to be an amendment to paragraph (b). Unanimous consent was given that the bill should be disposed of by paragraphs.

Mr. LODGE. I supposed we were on paragraph (b).

Mr. SWANSON. We are on paragraph (b).

Mr. LODGE. That does not shut out anybody from offering amendments to any part of the bill.

Mr. FALL. If the Senator will yield a moment, I will explain exactly my position.

Mr. JONES of Washington. Mr. President, I wish to know about the unanimous-consent agreement referred to.

Mr. FALL. I yield to the Senator.

Mr. JONES of Washington. I did not understand that there had been any unanimous-consent agreement. My recollection is that I objected to the request that was made in the beginning of the consideration of the bill, and I said at that time I could see some reasons for the plan to be adopted with reference to appropriation bills, but I was opposed to it with reference to bills of this kind.

Mr. SWANSON. I asked unanimous consent that the committee amendments be considered first.

Mr. JONES of Washington. Yes; and I objected.

Mr. SWANSON. An objection was interposed, and then I asked unanimous consent, as I recollect, that the bill should be disposed of by paragraphs for amendments. I have no desire to insist on that request, but if a motion to reconsider should prevail I simply desire to dispose of it in the way that may be most speedily done and most satisfactorily to the Senate. My suggestion was that we should proceed with the bill and perfect it. Of course, the Senator from New Mexico has intimated to me that if the authority to administer it is not given, as he suggests, he would offer a certain amendment, and after that question is disposed of that amendment could be offered, but what I asked was to complete the bill instead of reverting back to section 1, paragraph 1. I leave it entirely to the pleasure of the Senate. That was simply a suggestion of mine.

Mr. OVERMAN. I understand that my amendment has been withdrawn for the present, so that the Senate can go on with other amendments to the bill.

Mr. FALL. I am perfectly willing always to state exactly my reasons for any suggestion that I may make. If we are to proceed as we are proceeding now, with the understanding that we can not offer an amendment now and have it considered and adopted or rejected to section 1, if that is the parliamentary situation, then I shall have an amendment to offer to subsection (c) on page 3.

The PRESIDING OFFICER. As the Chair understands the parliamentary situation, the Senator from New Mexico may offer his amendment now. Whether it shall be considered or not is a matter that is to be determined.

Mr. FALL. Mr. President, I will explain my position exactly. I propose to offer an amendment to this bill provided this authority is left as it is now in the bill, on page 3, after the word "money," in line 8, to insert:

Provided further, That in managing, leasing, renting, exchanging, selling, or conveying such lands, houses, buildings, and equipment no preference shall be given one laborer or class of laborers over another.

I shall follow that up by proposing amendments to other portions of the bill along a similar line if the power to exercise the authority conferred by the terms of this bill is vested in the President of the United States. I do not care to raise these questions or to offer these amendments providing that there shall be no differentiation in favor of or against union labor; otherwise I shall offer the amendments and discuss them at the proper time, giving my reasons for guarding the provisions of the bill by such amendments, as I understand those reasons to exist. If the power is vested in the President it is for him to exercise it, and I shall then have no desire to offer these later amendments.

The PRESIDING OFFICER. Let the amendment which the Senator intends to propose be sent to the desk.

Mr. FALL. Mr. President, I offer the following amendment: On line 3, page 1, I move to strike out the words "Secretary of Labor, under the direction of the President of the United States," and to insert "President of the United States."

Mr. SWANSON. We have not yet finished the reading of the bill to that point. The Senator's amendment will be in order when the reading shall have reached that point.

The PRESIDING OFFICER. The amendment is now in order, as the Chair understands.

Mr. FALL. The amendment is on page 1, line 3.

Mr. SWANSON. That has been passed.

Mr. FALL. That is exactly the proposition about which I was asking, and the Chair has ruled that I might offer this amendment.

The PRESIDING OFFICER. The Chair understands the parliamentary situation to be such that the amendment may be offered at this time.

Mr. FALL. Then I offer that amendment.

Mr. SWANSON. I should like to make a suggestion. There must be some final disposition of things. The language "the Secretary of Labor, under the direction of the President of the United States," has already been adopted by the Senate by a vote. That question was voted on and decided in the affirmative

by the Senate. I have told the Senator from New Mexico that I would move to reconsider the vote by which it was adopted, so that these questions could come up again, but that paragraph has been amended and disposed of.

Mr. GALLINGER. The paragraph was not fully disposed of for I myself have an amendment to offer to it, but the Senator from Virginia is right in saying that the amendment was agreed to. The vote whereby it was agreed to ought to be reconsidered, if the Senator from New Mexico is to offer his amendment.

The PRESIDING OFFICER. The Chair understands that this amendment proposes to strike out some other portion of the bill that was not agreed to.

Mr. FALL. It would be necessary to perfect the bill, of course, to strike out the words "Secretary of Labor." where they occur, for instance, on page 4. There the words "the Secretary of Labor" appear twice; that is, in subsection (c) and also in section 2.

The PRESIDING OFFICER. Why does the Senator from Virginia think the amendment is not now in order, if he wishes to raise the question?

Mr. SWANSON. Because unanimous consent was given that the bill should be considered and disposed of by paragraphs as in Committee of the Whole. Subsection (a) has been read and amended, and subsection (b) is now under consideration.

The PRESIDING OFFICER. Has there been any unanimous-consent agreement about that?

Mr. SWANSON. There was a unanimous-consent agreement that the bill should be considered by paragraphs. I think that will be found in the RECORD.

Mr. FALL. That it should be considered by sections, I presume, not by paragraphs.

Mr. SWANSON. There is bound to be some disposition of a matter. The Senate can not adopt a section and then proceed to dispose of it again without reconsidering the vote by which it was first adopted.

Mr. LODGE. Mr. President, I do not think there could have been such an agreement on a bill of this character. I never heard of such a thing in the Senate.

Mr. SWANSON. I will look up the RECORD in regard to the matter.

Mr. LODGE. It would not be allowed to shut up the text of a bill. I am not speaking of committee amendments—but to shut up the text of a bill in water-tight compartments, and after they have been read that then the text of the bill could not be amended. The whole bill is open to amendment until it is passed to a third reading.

The PRESIDING OFFICER. That is usually the case.

Mr. SWANSON. The whole bill is amendable after it gets into the Senate, but does the Chair hold that, after an amendment is adopted as in Committee of the Whole, then it can be further amended without a reconsideration of the vote by which the amendment was agreed to, and there be no termination to a matter?

Mr. LODGE. If the Senator from Virginia had listened to what I said, he would have known that I did not refer to the amendments of the committee, but that I referred to the text of the bill.

Mr. SWANSON. I asked unanimous consent; but objection was made, and the whole bill was read.

Mr. LODGE. Then the whole bill is open to amendment.

Mr. SWANSON. When that was completed, if the Senator will permit me, I asked unanimous consent that the committee amendments should be first considered. Unanimous consent was refused. I then asked unanimous consent that the bill should be considered by paragraphs, each paragraph to be open to amendment from the committee or from any Senator. That agreement, as I understand, was made, and we were proceeding with the consideration of the bill by paragraph and had reached paragraph (b).

The PRESIDING OFFICER. The Chair does not understand that there has been any unanimous-consent agreement to adopt this bill by sections and that when a section shall have been completed it can not be further amended. The Chair does not understand that there is any unanimous-consent agreement that there shall be such a procedure.

Mr. SWANSON. I ask the Secretary to look up the record of the first day's proceedings, when the bill came up for consideration, and see what the agreement was.

The PRESIDING OFFICER. The Chair holds that the amendment of the Senator from New Mexico [Mr. FALL] is in order.

Mr. FALL. Mr. President——

Mr. GALLINGER. Mr. President, will the Senator from New Mexico yield to me?

Mr. FALL. I yield to the Senator from New Hampshire.

Mr. GALLINGER. For the purpose of allowing the Senator from New Mexico to offer his amendment, which does take the place of an amendment which was agreed to—that is, the insertion of the words "under the direction of the President of the United States"—I ask the Senator from Virginia to ask unanimous consent that the vote by which that amendment was agreed to be reconsidered.

Mr. SWANSON. I stated to the Senator from New Mexico that after we proceeded further with these paragraphs—and I do not see why any Senator should object—I would ask unanimous consent to reconsider the vote by which that was agreed to, so that it could be further discussed.

Mr. FALL. I think I have the floor, Mr. President. I have endeavored to explain, and will again explain, for the benefit of the Senator from Virginia, that if we now proceed—although I, of course, understand that we shall have a later opportunity, with or without his consent, to amend this section, though I thank him for his consideration, yet I know that I would have a right to offer the amendment which I proposed—if we are going to proceed now, I shall offer other amendments, and I will say to the Senator from Virginia that, in my judgment, the amendments which will be offered will require so much more time for their consideration by the Senate that he will lose time instead of gaining time, unless he accepts the suggestion of the Senator from New Hampshire, if it is necessary to reconsider the words or the paragraph to which I have called attention.

Mr. SWANSON. If it will facilitate matters and save time I ask unanimous consent that the vote by which everything has been adopted may be reconsidered, and that we proceed by unanimous consent with a rereading of the bill.

The PRESIDING OFFICER. That will relieve the situation. Is there objection? The Chair hearing no objection, it will be so arranged.

Mr. LODGE. Mr. President, as a matter of record, there was no agreement of any kind in reference to this matter. I have before me the RECORD of the first day's proceedings, which discloses that there was no agreement of any kind.

The PRESIDING OFFICER. The Chair so understood.

Mr. SWANSON. From what page of the CONGRESSIONAL RECORD does the Senator from Massachusetts quote?

Mr. LODGE. From page 5193 of the RECORD of April 17.

The PRESIDING OFFICER. The section of the bill is open to amendment, and the Senator from New Mexico has the floor.

Mr. FALL. Mr. President, when this bill was up for consideration I made the suggestion prior to the passage of the Overman bill that, to be consistent, the words "Secretary of Labor" should be stricken from this bill and the words "President of the United States" should be inserted. As I have just stated, I can not conceive now, since the passage of the Overman bill, how there could be any possible objection to the amendment which I have offered. I sincerely hope it will be adopted. It will relieve my mind, I will say, to a very great extent of the objections which I have, and which I shall urge most strenuously, to other provisions of the bill.

I am frank to say that I think the bill is a very poorly considered bill. I am distinctly in favor of voting all the money necessary for housing purposes in cooperation with necessary war work, but there has not yet been in this or in any other Congress a measure of such importance as affecting the entire future of this country, in my judgment, as this measure now up for consideration may become.

It is adopting an entirely new rule, Mr. President; and in the event the amendment which I have offered is rejected, I shall undertake to explain at length my reasons for offering it and the objections which I have to other provisions of the bill vesting this absolute authority in the Secretary of Labor.

I am aware of the fact that some of my colleagues are willing to amend this bill by providing that the authority shall be vested in the Secretary of Labor, in the Secretary of the Navy, and in the Secretary of War, but that would not remove my objections at all. The authority, if it is to be vested in anyone, should be vested in the President of the United States. If the President of the United States then chooses to delegate that authority to the Secretary of the Navy, to the Secretary of War, and to the Secretary of Labor, or to any one of the three or to anyone else whomsoever, his then is the responsibility. After the Senate voted as it did yesterday, certainly I will under no circumstances by my vote assist in the passage of an act—a subsequent piece of legislation—undertaking to drive a wedge into the legislation which we adopted on yesterday.

I have other and very strong reasons for my objection to the bill as it stands now, just as serious even in the event that the amendment which I understand will be offered, possibly in the nature of a substitute for my amendment, shall be adopted.

Mr. President, I do hope that the amendment vesting this power in the President of the United States will be adopted.

Mr. FRELINGHUYSEN obtained the floor.

Mr. SWANSON. Will the Senator yield to me for a moment?

Mr. FRELINGHUYSEN. I yield to the Senator.

Mr. SWANSON. I should like, for the information of the Chair and of the Senate, in regard to the understanding as to the procedure during the consideration of this bill, to read from the CONGRESSIONAL RECORD, page 5204, as follows:

Mr. SWANSON. I ask unanimous consent that the bill be proceeded with by paragraphs, and that committee amendments be first considered.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent to proceed with the bill by paragraphs. Is there objection?

Mr. GALLINGER. And that the committee amendments be first considered.

Mr. SWANSON. Yes; that the committee amendments be first considered.

Mr. JONES of Washington. I am not willing to consent that committee amendments shall be first considered. I can see reason for such a request in the case of an appropriation bill, but I think there are many reasons why we should not follow that practice in the case of a bill of this character.

Mr. SWANSON. Very well; I will modify the request and merely ask that the consideration of the bill be proceeded with by paragraphs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none.

Mr. GALLINGER. We have reached another agreement, and I suggest that we proceed under that.

Mr. FRELINGHUYSEN. Have I the floor, Mr. President?

The PRESIDING OFFICER. The Senator from New Jersey is entitled to the floor.

Mr. FRELINGHUYSEN. Mr. President, the Senator from New Mexico [Mr. FALL] and I are agreed on one point, and that is that the powers conferred by this bill should not be conferred upon the Secretary of Labor. However, we differ in regard to conferring those powers on the President. I believe that the various departments having contracts and in Government plants control of the industries, for the employees of which it is proposed to provide housing facilities, should administer this bill, namely, the Secretary of the Navy and the Secretary of War, and therefore I offer as a substitute for the amendment of the Senator from New Mexico an amendment conferring these powers upon the Secretary of War and the Secretary of the Navy; or, if my amendment is not the first amendment offered, I offer my amendment as a substitute to the amendment of the Senator from New Mexico and should like to speak to it.

The PRESIDING OFFICER. The Chair understands that the bill is to be considered by sections. The amendment offered by the Senator from New Jersey, however, is not in order just now, because the words proposed to be stricken out are not yet in the bill; those words constitute an amendment reported by the committee, but have not yet been adopted.

Mr. FRELINGHUYSEN. May I ask the Chair to state why my amendment is out of order?

The PRESIDING OFFICER. Because the amendment of the Senator from New Jersey proposes to strike out words which have not yet been incorporated in the bill. The Secretary will read the words proposed to be stricken out.

The SECRETARY. On page 1, line 3, after the words "Secretary of Labor," the committee proposes to insert the words "under the direction of the President of the United States"; Mr. FRELINGHUYSEN proposes to strike out the words "Secretary of Labor, under the direction of the President of the United States."

The PRESIDING OFFICER. The words "under the direction of the President of the United States" are not yet incorporated in the bill. Those words merely constitute a suggested amendment.

Mr. LODGE. If the Chair will permit me, the Senator from New Jersey can surely move to strike out the words "Secretary of Labor."

The PRESIDING OFFICER. Certainly.

Mr. LODGE. And to insert the "Secretary of War and the Secretary of the Navy."

Mr. FALL. Mr. President, there is an amendment pending now to strike out the words "Secretary of Labor" and insert the words "President of the United States."

The PRESIDING OFFICER. Just a moment.

Mr. LODGE. The Senator from New Jersey can move his amendment as a substitute for that amendment.

The PRESIDING OFFICER. The Senate will be in order. We have reconsidered the whole matter, and we are now commencing anew with the bill as though nothing had been done heretofore. The Senator from New Jersey has the floor and has offered the first amendment, which the Secretary will state.

The SECRETARY. On page 1, line 3, it is proposed to strike out the words "Secretary of Labor" and insert——

Mr. FALL. Mr. President, I should like to make a parliamentary inquiry. I understood that I had an amendment pending and that the Senator from New Jersey was offering his amendment as a substitute for my amendment.

The PRESIDING OFFICER. That was the Chair's understanding at first; but we have reconsidered the whole matter and we have commenced on the bill anew. The Senator from New Jersey is recognized, and his amendment is pending.

Mr. FALL. I bow to the decision of the Chair.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. As I understand the Senator——

Mr. FRELINGHUYSEN. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. FRELINGHUYSEN. I will yield for a question.

Mr. SWANSON. Has the Senator from New Jersey the floor?

Mr. FRELINGHUYSEN. I have the floor; yes.

The PRESIDING OFFICER. The Chair does not so understand; the Senator from Virginia has the floor.

Mr. SWANSON. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. FRELINGHUYSEN. Mr. President, I have offered this amendment to the bill because I do not believe that the powers conferred in this bill are conferred on the proper department. It creates a new building organization in the Department of Labor that is entirely unnecessary and impracticable. I am a member of the committee, and I was opposed to vesting these powers in the Department of Labor, and several other members of the committee agreed with me; but realizing and recognizing the emergency that existed in the lack of housing facilities for employees at various war plants, we agreed to report the bill, leaving the title as it was when introduced, but reserving the right to amend the bill on the floor and to oppose the bill if these powers were not transferred to the department which we believed was the proper department.

There is no good reason to create a new building department; it is contrary to the policy at the present time of the Senate, that the departments shall be coordinated and consolidated instead of increased in number; it is contrary to the idea of efficiency, which is so sorely needed, and the lack of which has been so often criticized on this floor.

Under my amendment the Secretary of War and the Secretary of the Navy will be empowered to undertake the housing of the employees in the plants under their direct control. This bill provides $50,000,000 to erect houses for the employees at the arsenals, at the navy yards, and in the war industries controlled by private corporations; but wherever the houses are to built they will come directly under the contractual relations of either the Secretary of War or the Secretary of the Navy.

There is absolutely no reason to create a new building department at tremendous cost to the taxpayers, a new organization, causing confusion and conflict with the other departments; and why? Is the War Department equipped to build the houses at the plants where it is buying war munitions, or at its own arsenals? There is a construction division in the Council of National Defense with a thousand officers, expert engineers and construction experts, inspectors, draftsmen, and so forth. They have purchased machinery to construct the buildings for those departments. They have built 16 cantonments at a cost of $138,000,000. They have contracted for and built $338,000,000 worth of buildings for the War Department; and all of the physical construction of the buildings for the War Department has been placed under that division. They have prepared a contract which, after a year's experience, has been found to be economical and satisfactory to the contractors.

Is the Navy Department equipped to take over these activities? The Navy Department has the Bureau of Yards and Docks, with 400 engineers and construction experts. They have built an office building in this city containing 940,000 square feet. They have built the addition to the Academy at Annapolis. They have built $120,000,000 worth of buildings. They can take care of these activities. They are in their stride, so to speak; and there is absolutely no excuse for creating another building department.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. Certainly.

Mr. KING. I am inclined to agree with the statements made by the Senator, and with the amendment which he has offered; but I wanted to ask the Senator whether, from his investigations or the investigations of his committee, he is satisfied that

the War Department in the erection of the cantonments has adopted plans that argue that it can construct these buildings cheaper than they could be constructed by some other agency? There has been considerable criticism that the War Department, through the cost-plus contracts, has incurred expenses and expenditures far beyond the benefits which have been derived; that the buildings have cost too much; that they have had too many instrumentalities and agencies, as a result of which the Government has not received a quid pro quo.

Mr. FRELINGHUYSEN. I am very glad the Senator from Utah has raised that question. I quite realize that at the beginning of this war, when haste was the essential factor, when it was absolutely essential that we should house a draft army of nearly 700,000 men before the winter set in, these cantonments should be hastily constructed, and therefore they had to gather the labor from all points of the compass, they had to make their contracts in a hasty manner, and it is quite true that there was great extravagance and a lavish expenditure of money; but since that time, I am told, this construction division has been reorganized. They have improved their system of contracts. They have a fee system. They pay a fee to the architect and to the builder, and in the case of recent construction I understand that the cost has been very moderate; but this bill provides that the contracts shall be advertised for upon public bids. Therefore in the present situation the criticism of the Senator from Utah does not apply.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Tennessee?

Mr. FRELINGHUYSEN. I yield to the Senator from Tennessee.

Mr. McKELLAR. I merely wanted to ask, if the Senator's amendment is adopted, will the building operations be conducted through the cantonment department presided over by Mr. W. K. Starrett?

Mr. FRELINGHUYSEN. I understand so, yes; and in the Navy Department under Admiral Parks.

Mr. President, there is another objection that I have to leaving the administration of this bill in the Department of Labor, and that is that it will create a serious situation in the War Department, and the Navy Department, and the Shipping Board. The materials—lumber, brick, cement, and other building materials—produced in this country required for building are practically being exhausted by the needs of these departments, and it has been necessary to allocate these materials under priority arrangements. After much confusion and difficulty they have accomplished it, and these different departments now have an opportunity to procure the necessary amount of material for their building operations. Now you create another department and you are going to bring about a clash and a conflict which will cause more delay and greater blunders; and haste is the essential factor. The Bethlehem Steel Co., which is making our heavy and light artillery ammunition, can increase the capacity of that plant if it has four or five thousand more employees and it needs to house them; and I understand some of this money—several millions of it—is to be used to build houses at that plant.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. I yield.

Mr. KING. Perhaps the question that I am about to propound is not germane to the discussion which the Senator is making. I have heard a good many criticisms, though, that there is no necessity for the erection of buildings by the Government; that the localities in which these industries are being carried on could, with some slight effort and by appeals to their patriotism, care for those who may be employed by the Government in Government activities. What I am afraid of is that if the Government starts upon a housing scheme every man who is doing some work for the Government, no matter where it is, no matter how remote, will appeal to the Government to house his employees, upon the ground that the houses that are furnished in towns or in the neighborhood are not sufficiently hygienic, that the sanitary arrangements are not adequate, that the Government ought to adopt better methods, and that those methods would be best carried on by the Government taking charge of the housing of all of the employees.

Does not the Senator think, from the evidence that was taken before his committee, that the corporations and individuals who have contracts with the Government in the various communities in which these industries are being carried on can, with some little persuation and appeals to their patriotism, care for all of the employees that may be brought there?

Mr. FRELINGHUYSEN. Mr. President, I am in favor of better housing facilities, better hygienic and sanitary conditions, for the workingman, but we are engaged in a great war, and it is no time to indulge in sociological experiments. What we need is munitions and more munitions, and we need them quickly. While I believe in the English plan of making these houses permanent, so that they can be sold, I believe that they should be built hastily and economically, and only those necessary for the needs of the workingmen at these various plants.

Why, there are hundreds of men in this city to-day, from every locality in the country, anxious to get this money from the Government to build up their different localities, wherever there is a war munition plant, and for many of these projects there is absolutely no necessity. I understand that this $50,000,000 is not to be limited to that, but that the motive of those who are back of it is to create great community centers, involving the expenditure of $500,000,000, $600,000,000, or possibly $700,000,000 of the Government's money.

Now, this is a war emergency measure. We have no right at this time to stop to consider uplift questions. What we need is housing at these various plants as quickly and economically as we can get it, so that we can get the necessary amount of labor. We do not want to waste time with a lot of fancy architectural designs, the consideration of idealistic plans, when we need to house these men at once.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. FRELINGHUYSEN. I do.

Mr. KING. I do not think the Senator quite apprehended my view. I perfectly agree with him that this is not the time for any experiments in sociology or in the betterment of the conditions of the people. We are at war, and it is important that we should get munitions just as rapidly as possible; but the question that I asked the Senator was whether the investigations before the committee demonstrated that it was absolutely necessary, in order to obtain the munitions that the Government requires, that the Government should go into this experiment of building houses?

Apropos of what I have just said, if the Senator will pardon me, I have learned that some of these idealists are in these departments now, and that they have drawn elaborate plans for houses that would be suitable for men whose income was forty or fifty thousand dollars a year, with oak floors, and with magnificent furnishings—permanent houses. What I am afraid of is that if we do go into this housing business the matter will drift into the hands of some of these idealists and faddists, and we will have millions and hundreds of millions of dollars ultimately to pay for this experiment placed in the hands of irresponsible people.

Mr. FRELINGHUYSEN. Mr. President, I think that if my amendment prevails, and the responsibility of building these houses—directly designed to increase the production of these various munition plants—is placed in the War and Navy Departments, those officers will see the practical side of this and build these houses as economically as possible, and only at those plants where they are necessary. Now, I have heard that that idealistic plan referred to by the able Senator from Utah exists in the Department of Labor, under Mr. Eidlitz; and that is what this bill is designed to bring about. It does not exist in the War and the Navy Departments. They are carrying on this war, and they see the practical side of it; and the only reason I have offered this amendment is because it is the only practical and businesslike way to build these houses; not that I have anything against the Department of Labor or their desire to control this situation. The only practical, businesslike way to do this thing is to put it in the departments that have control of these various war activities.

Why, think of this possible situation, Mr. President: Take an arsenal under the direction of the Secretary of War. These houses are erected, and they are rented under the direction of the Secretary of Labor. The plumbing needs repairing, or the houses need to be painted; is the manager of that arsenal to take charge of that? No. The Department of Labor have to be conferred with and their consent obtained first, because this bill provides that the Secretary of Labor shall manage these houses. Take the Bethlehem Steel Co. plant, in charge of a superintendent responsible for furnishing our munitions. A man applies to him—an expert machinist, we will say—for employment. He says, "I can not come unless I can be housed"; but the superintendent of the Bethlehem Steel Co. has to confer with the Department of Labor before he can procure a house for his own employee.

Mr. President, if the Senate believes in efficiency, if it believes in coordination, if it believes in conserving the funds of this Government in the interest of the taxpayer and the bond buyer, it will vote for this amendment.

Mr. FALL. Mr. President, the trouble about the Senator's amendment is that it does not cover the subject matter of the bill itself. If, in connection with it, he would move to strike out all after the words "United States," in line 7, down to the word "and," in line 8—that is, the words "and in industries connected with and essential to the national defense"—his argument as to placing the power in the hands of the Secretary of War and the Secretary of the Navy, and not in the hands of the Secretary of Labor nor in the President generally to allocate as he pleases, might have much more effect.

Mr. FRELINGHUYSEN. Mr. President, may I interrupt the Senator?

Mr. FALL. I yield.

Mr. FRELINGHUYSEN. The jurisdiction under this act over plants where war industries are being carried on is over plants with which the Government now has contracts.

Mr. FALL. But, Mr. President, if the Senator will pardon me a moment, he is devoting his argument and his amendment entirely to one portion of the bill. The Navy purposes and the arsenals are specifically mentioned in the bill, and his amendment and his argument go to that particular phase of the bill; but there is a much broader proposition involved in this bill. The Senator must recall that Congress has been passing almost every day war legislation, and we have now declared every industry in the United States a necessary war industry. Agriculture itself, of course, is. Mining is. We have so defined it in specific language. Now, the only possible way to allocate the duties under this bill is by some central authority. I assume, of course, that the President of the United States would use the Secretary of the Navy and the Secretary of War where it was necessary to vest the power in them under this bill. I presume that he would do that.

Mr. FRELINGHUYSEN. Mr. President, may I interrupt the Senator further?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. FALL. I yield.

Mr. FRELINGHUYSEN. I understand the Senator to state that these war industries are not under the control and direction of the Secretary of War or the Secretary of the Navy?

Mr. FALL. No; the Senator misunderstands me. For instance, take the words in the bill, "for such industrial workers as are engaged in arsenals and navy yards of the United States." Now, the workers in the arsenals, of course, are directly under or connected with the performance of the duties of the Secretary of War or some of his departments. In the navy yards of the United States, of course, they are directly connected with the Secretary of the Navy or some of his departments; but the industries connected with and essential to the national defense have been defined by the Congress of the United States to be every possible industry in the United States, including agriculture.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico further yield to the Senator from New Jersey?

Mr. FALL. I yield.

Mr. FRELINGHUYSEN. As I understand, the only plants where these houses are to be constructed are those plants having large contracts with the War and Navy Departments, and where the houses are essential to increase the number of employees, so as to furnish the Government with its necessary equipment; and naturally, while the bill may be as broad and is as broad as the Senator says, the need, the good to be accomplished, is directly connected with those plants that are now controlled under contracts with the Government.

Mr. FALL. Mr. President, does the Senator think it is a violent assumption for me to say that that being the case the President of the United States would leave the authority where it could be best executed?

Mr. FRELINGHUYSEN. I believe, Mr. President, that these two departments, having direct knowledge of their own needs and having construction divisions in those departments, are better equipped to administer this act than the President of the United States.

Mr. FALL. I agree thoroughly with the Senator that they have made some progress possibly in their particular line of industry or social uplift even, and that they might perform better service than some one else whom the President might discover or in whom he might vest this authority. However, this is a broad bill. Under the terms of it they can go into the State of Arizona to-day, and without availing themselves of the authority vested heretofore by the Congress of the United States in the President, the President of the United States can take over the mines in Arizona. They can go into the State of Colorado, and availing themselves of the authority vested in the President of the United States they may take over every coal mine in that State. They can go into the State of West Virginia, into the State of Ohio, or Illinois, or Pennsylvania, and without taking over the mines themselves, as the President is authorized to do under the terms of what we know generally as the food act, under the terms of this bill the Secretary of Labor can take every house of every laborer engaged in these industries who is now at work, and if he chooses to do so he can say, "You are not a union-labor man, and therefore you will have to vacate the house, and I take charge of it and I rent it," and a union-labor card shall be necessary to be presented before the occupant can obtain work in the mine, because unless he can find a house to live in he can not work.

This may be a very violent assumption, and doubtless it is, but I want to say, in passing, I am inclined to believe at times, and I am not convinced at all it would not be for the best interests of this country, right now and in the future, if every laborer in the country belonged to a union-labor organization. I am inclined to think that possibly that is coming about, and I am not prepared to say that it would not be by odds the best for the country now and in the future if every laborer in the country was a member of a union-labor organization.

To-day, however, we are confronted with this condition, that less than 10 per cent of the laborers of the United States are members of labor unions, while in England they can deal collectively with labor unions because the labor unions constitute 90 per cent of the labor of the country. We are not in that condition now.

The Secretary of Labor declared one great duty of his office to be the building up of the union-labor organizations, as I understand it. He has not only declared that the one great duty of his office as Secretary of Labor was mediation and conciliation between employers and employees, but that mediation and conciliation meant dealing with men collectively, and to deal with them collectively meant that they must be unionized.

Mr. THOMAS. If that is the case, does not the Senator think that Mr. Wilson is secretary of union labor rather than Secretary of Labor?

Mr. FALL. I am afraid so. Of course, I can not speak for him except out of his own mouth. I have here his speech made at Seattle in 1913, on reading which I think the Senator would be justified in forming that conclusion, and from various other utterances of the Secretary. He may be right, as I said; it may be best in time of peace, it may be best in time of war, that labor in this country should be unionized. The only difficulty that I can see and the only objection I have to union labor now in this country is that union labor desires to be treated with collectively and refused to recognize collective responsibility.

Mr. GALLINGER. Will the Senator yield for a question?

Mr. FALL. I yield.

Mr. GALLINGER. I have not, Mr. President, the honor of the acquaintance of the Secretary of Labor. I have no doubt he is doing a good work in various directions, but I had occasion to notice that on several occasions where the Secretary of Labor addressed laboring men at mass meetings of laboring men, where it is to be presumed a majority of them were nonunion men, he always addressed them as fellow labor unionists, which I thought was an unfortunate method that he had adopted, because he was talking to union men and to nonunion men, but apparently only recognized the one class.

Mr. FALL. In my judgment, and it is my personal judgment, the Secretary of Labor has rather conceived it to be his duty, and as I said it may be best for the country, that he should assist in unionizing labor in this country and use his office for that purpose.

He may be right about it; it may be that would be for the best. But this is not the time to try it. You must not undertake now to unsettle all the business of the country and to upset the labor of the country even more than it is now upset by seeking to force by the strong arm of the law in war time the nonunion laborer into a union-labor camp into which it has refused to enter in peace time.

Mr. President, I do not say that the Secretary of Labor would do this, but his entire effort has been along this line in time of peace. He has seemed to think and has declared that it was the duty of his department to prevent the crushing of labor by the building up of union labor, and I do not know but that I shall now quote some of his expressions as published in the

New York Times of November 13, 1913, in addressing the Union Labor Congress of Seattle.

Mr. President, I do this in all friendliness, so far as I am concerned; but I desire to express now my disagreement with some of the theories, at least, advanced by the present Secretary of Labor in addressing the conference of the American Federation of Labor at Seattle. He referred specifically to the then strike in the copper mines in Michigan and dwelt on it at great length and announced the most peculiar theory in reference to the individual right of property which has been announced by anyone of whom I have any knowledge except an anarchist.

As the Senator from New Hampshire [Mr. GALLINGER] just said, in addressing this organization—which, however, was a union-labor organization—he addressed them as "fellow unionists." Among other things, he said:

> The Department of Labor as now organized and directed will be utilized to cooperate with the great trade-union movement in its effort to elevate the standard of human society.
> One of the general duties imposed on the department is that of promoting the welfare of wageworkers.

I might stop to say, by way of comment, that that evidently referred to the general wage-working class, whether it belonged to the union or not. He continues:

> The one great specific duty imposed on the department is to act as a mediator and to appoint commissioners of conciliation in trades disputes. There can be no mediation, there can be no conciliation between employers and employees, that does not presuppose collective bargaining, and there can not be collective bargaining that does not presuppose trade-unionism.

He speaks then of the situation at Calumet, Mich., and speaks of the great profits there. I have his words here. I do not think it is necessary to read them in full, but he speaks of the great profits they have made by one mine. He then concludes:

> They say their property is their own; that they have the right to do with it as they please. Maybe they have, but those who take that position have a false conception of the titles to property.

He proceeds to discuss titles to property. This is quoting from the New York Times, and I will call attention to the direct quotations from the Secretary as to what he said:

> The Secretary said every title was law created and law protected, and that, deprived of those laws, the property involved would be at the mercy of the first strong and cunning man who desired it.

Now, quoting from the Secretary:

> "Law had created those titles," he continued, "not primarily for the welfare of the man to whom it conveys it, but for the welfare of the community. Society has conceived, whether rightfully or wrongfully, that the best method of promoting the welfare of society is to convey titles to individuals in real estate and personal effects. It does it, however, not for the welfare of the individual, but for the welfare of the great mass of the people.
> "If any individual or corporation takes the ground that the property is his own, that he has the right to do with it as he pleases, and fails to take into consideration the fact that the title has only been conveyed to him as a trustee for the welfare of the society, then he is creating a condition that will cause society to modify or change these titles to property, as it has a perfect right to do whenever, in its judgment, it deems it for the welfare of society to do it."

This is the end of the quotation.

In giving the figures which he did in this speech the inference which he drew was that because of the profits which were made by individual owners of mines society had a right to deprive those individuals of their property; that the profits made constituted the measure of the right of society to confiscate property.

Of course, Mr. President, no man has a right to burn his house. In that far he is a trustee of his property for the welfare of society. It is true that in a time of need or peril the United States or Government or society itself can take over individual property, but that is for the needs of Government itself; but the right of condemnation and the measure of that right is not the profit made by the owner. Otherwise you might say when two men are managing farms alongside one another under exactly the same conditions and one makes a profit of 50 per cent and the other only 5 per cent, under the theory advanced by the Secretary of Labor the man making 50 per cent profit owes his property to society, and therefore society can confiscate it because of the profit he makes out of it. Of course, that is nonsense in so far as our present state of society is concerned, and it would not be listened to with very much patience until we have gone further than we have yet gone in the line of not only State socialism but in the line, I may say, of Russian socialism, or bolshevikism.

Mr. President, as I have said, the amendment offered by the Senator from New Jersey may be perfectly proper; it may be that it is best to vest in the Secretary of the Navy the power to provide housing facilities for all those engaged directly in naval work; it may be best to vest in the Secretary of War the housing facilities for all those engaged in arsenal work, as is expressly set forth in the bill, and not vest it in the Secretary of Labor.

Mr. President, I wander in the realms of speculation when I undertake to even imagine for a moment the result of the vast power contained in the few words following "navy yards of the United States," being the words "and in industries connected with and essential to the national defense." As I said in opening, practically every industry now——

Mr. FRELINGHUYSEN. May I ask the Senator a question?

Mr. FALL. I yield.

Mr. FRELINGHUYSEN. The Government is going to pay for the houses, is it not, at the various industrial plants?

Mr. FALL. I presume so.

Mr. FRELINGHUYSEN. Then why should it not be under the control and charge of a Government official?

Mr. FALL. That is exactly what I am proposing, that the President of the United States shall be vested with the authority contained in the bill and allocate it as under the circumstances may seem best.

Mr. FRELINGHUYSEN. That is the difference between the Senator and myself. The Senator believes that the President should do it. I believe that the Secretary of the department having control of the activities of that department should do it.

Mr. FALL. Then to be consistent the Senator should insert "the Secretary of Agriculture and the Secretary of the Interior," because the Secretary of the Interior has general charge of mines upon the public domain and the public lands and the Secretary of Agriculture has general charge of the agricultural industries of the country.

Mr. FRELINGHUYSEN rose.

Mr. FALL. If the Senator desires, I will yield.

Mr. FRELINGHUYSEN. I can not see why the Secretary of Agriculture or the Secretary of the Interior should have anything to do with this matter. I can see why the Secretary of the Navy and the Secretary of War should do it, because they are buying munitions from these industries, which need more employees, and therefore the Government is going to build the houses for the employees at these industries. Therefore it does directly have some relation to them.

Mr. FALL. I know the Senator is very seriously impressed with the great necessity for housing employees in his State engaged there.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from New Jersey?

Mr. FALL. I will yield in a moment, if the Senator will allow me to conclude what I was saying. There the Senator is undoubtedly very familiar with the housing of naval employees and those engaged in arsenal work and munitions work, and so forth. That is a matter of absolute necessity which we all recognize. The Senator is familiar with the conditions there; but there are 48 States and there are 96 Senators here. The Senators from the other States are somewhat familiar with conditions existing in their States, and they are looking somewhat to what might occur throughout the United States and not only around the navy yards or arsenals. It is with these matters in view that I am speaking as I am. I have the utmost respect for the Senator from New Jersey, and for his sincerity. I know his eye is fixed on the navy yards and the employees engaged therein, and he does not sufficiently, in my judgment, take into consideration the fact that this bill vests the broadest powers that were ever attempted to be vested along this line in any authority. To be perfectly frank with the Senator, I believe the Secretary of the Navy is possibly more incapable of handling agricultural labor than would be the Secretary of Labor himself. I do not think that the Secretary of War is capable of handling any class of labor at all except those who labor with their mouths. I now yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. The Bethlehem Steel Co. are now making 40 per cent of the munitions and heavy artillery for the Government. They could increase their capacity accordingly if $7,000,000 were spent there for housing. The contracts are made by the Secretary of War and not by the Secretary of Agriculture or the Secretary of the Interior. That is a war-industries plant. There are many other plants from which the War Department and Navy Department are buying munitions. If the Government is to assist these war-industrial plants, these private corporations, to increase their capacity by increasing the number of their employees through housing facilities provided by the Government, the Government, being the largest customer of those plants and needing an increased supply of munitions, should have control over those plants, and the department making the contract with those industrial plants should have the control over those houses. That is the point I make.

Mr. FALL. Mr. President, I understand the Senator, I think, and I am very unfortunate that I can not make him understand me. I understand, further, that under the law as it exists to-

day the President of the United States can go to any private steel plant in the United States, the property of an individual, and commandeer it and take it over and operate it; he can fix the wages and pay the laborers and conduct the property. I understand that under the terms of this bill the President need not do that, but it will enable the Secretary of Labor to absolutely control that private plant by seizing all the housing facilities and taking charge of them.

Now, I am not in favor of vesting that power in the Secretary of Labor or the Secretary of the Navy, either. I am in favor of vesting it in the President of the United States, who stands before all the people of the United States as the representative of the administrative power in this country, and who sits, as he says, upon the true throne of administration in this country. I am willing to vest these extraordinary powers in him. Then the people will hold him responsible. I am willing to vest them in him, but not to provide that discrimination should be made or authority vested in this bill as between different classes of labor or laborers, because the people of the United States will hold him responsible.

There is a power far greater than that of the Congress of the United States. There is a power greater than that of the 48 States of the Union. There is a power greater than the President of the United States or the Commander in Chief of the Army of the United States, and that is the residuum of power left by the tenth amendment to the Constitution of the United States in the people of the United States. That power can only be exercised by public opinion. Public opinion is the expression of that great residuum of power to which we listen and to whose command the President of the United States may bow.

I regard the informing function of Congress as the greatest function at this time. Through debate upon just such bills as this the people can learn of something that is going on, and through the passage of such bills as that yesterday, the people of the United States can understand that the President of the United States, whom they have elected and placed in the White House, is responsible directly to them and that they do not necessarily hold responsible his subordinate officers.

Mr. President, I want to clear it away so that that public opinion constituting the greatest force in this country may reach the President unimpeded. If it is necessary to vest these vast powers in some one to save this country, if it is necessary to go to a man on horseback, a military dictatorship, while I hope that we may avoid that necessity, I am willing to go as far as anyone. However, I do not want little petty politics, the consideration of union labor or any other class of labor, to enter into this proposition at all; and I have confidence enough in the President of the United States even yet to believe that when he assumes the personal responsibility under the authority vested in him directly that he will not yield to any such consideration as against the general welfare of the people of the United States. I have no such confidence in some of his subordinate officers.

Now, Mr. President, as a substitute for the amendment of the Senator from New Jersey, I move to strike out the words "Secretary of Labor," page 1, line 3, and to insert in lieu thereof the word "President."

Mr. SWANSON. Mr. President, I understand the vote will first come on the substitute offered by the Senator from New Mexico for the amendment offered by the Senator from New Jersey.

The PRESIDING OFFICER. That is the correct situation.

Mr. SWANSON. There is this difference between the amendment offered by the Senator from New Mexico and the amendment offered by the Senator from New Jersey: The Senator from New Jersey simply desires to eliminate entirely the Secretary of Labor from any consideration or action in this matter and to confine it to the Secretary of War and the Secretary of the Navy. The Senator from New Mexico would leave it to the President so that he may select the agencies that he thinks best to administer the law. The committee reported to give the power to the Secretary of Labor under the direction of the President, which is practically the same thing as the amendment offered by the Senator from New Mexico.

Mr. President, I do not think the Secretary of Labor ought to be eliminated from having a part in this work. Under the existing conditions the Secretary of Labor has a large employment bureau, and if any of these large plants—navy yards, arsenals, or any of the great industrial plants—need labor the Secretary of Labor, with the agency he has, goes over the country and tries to get mechanics, tries to get labor. It was through his efforts to supply labor for these plants that he realized the conditions which exist at the great industrial centers. The labor would not remain at work. They would get an expert mechanic and he would stay there 30, 60, or 90 days and then leave. Then they would have to go over and over the condition in what is known as turnover of labor. The Secretary of Labor made an examination with money furnished him by the President. He ascertained that the greatest trouble at the navy yards and arsenals and these industrial plants where war munitions are being manufactured is the deficiency in labor, the great turnover of labor, and that was occasioned by lack of housing facilities. He made a report, and that report was then taken to the Cabinet. Then there was another report, under money furnished by the President, of all the industrial centers, arsenals, navy yards, and where people had contracts with the War and Navy Departments. We have been complaining at the delay that has been occasioned. These reports were made and they are confidential—any Senator can see them—as to the conditions at the navy yards and arsenals and the places where guns, powder, munitions, and other things are being contracted for by the Government. The general impression is that from 25 to 50 per cent increase of output could be made if housing facilities were given.

This bill was introduced in the House. The Committee on Public Buildings and Grounds of the House reported it unanimously after a long and full hearing of the various plans and purposes; and it was reported to the House of Representatives, and I think passed that body with but 17 votes against it. It came to the committee of which I am chairman. We had the Secretary of Labor before us. He told us of the plans, purposes, and intentions, and I wish to say that I do not think anybody who appeared before the committee made a better impression than the Secretary of Labor as to the conditions and how he expected to remedy them. Those hearings have been printed and have been here for two weeks.

Mr. LODGE. Mr. President——

Mr. SWANSON. I yield to the Senator.

Mr. LODGE. Do I understand that the Secretary of Labor is to have control of the labor in the yards and arsenals?

Mr. SWANSON. Not the labor; he simply procures labor. For instance, where they need 5,000 workmen he tries to get them. He tries to ascertain where there is a superabundance of labor. He has been trying to do that ever since the war started.

Mr. LODGE. But he has no control over it.

Mr. SWANSON. He has no control over it. I never said that he had control. In doing this work he ascertains the conditions at the plant. He made a report that there was a great turnover of labor. You get hundreds of mechanics and you get experts. They were at first green, not acquainted with the work, but many experts would leave and others would come, and this is due to the housing conditions. Great Britain has spent $700,000,000 for housing at munition plants. I understand this matter was discussed in the Cabinet. It was discussed by the Secretary of Labor and by the Secretary of War and the Secretary of the Navy, and a conclusion was reached that the Secretary of Labor is the best person to administer it. The Secretary of War and the Secretary of the Navy agreed that the Secretary of Labor should do it under the direction of the President.

I understand that they have already selected a man for the Navy Department who will represent the Navy and a man for the War Department to represent the Army and a man from the Shipping Board whom the Secretary of Labor has selected. If left to the Secretary of Labor, the Secretary of War, and the Secretary of the Navy there would be three to administer it. I have no objection to leaving it to the President and let the President select them, but I am unwilling to have the Secretary of Labor entirely eliminated when he has made these surveys, knows the conditions, and is engaged now in getting employees to go to the plants. The amendment offered by the Senator from New Jersey would eliminate him entirely and get rid of the work he has done. He has done this work efficiently and he impressed me very favorably, indeed.

Consequently, as between the substitute offered by the Senator from New Mexico and the amendment offered by the Senator from New Jersey I shall vote for the substitute offered by the Senator from New Mexico, because the Senator from New Mexico proposes to leave it to the President. That does not necessarily exclude the Secretary of Labor, who has done great work. If the amendment of the Senator from New Jersey prevails, the Secretary of Labor is excluded, the work he has done is eliminated, and the work that he has done has been valuable and efficient. He has been a very great source of strength to the Army and Navy at the arsenals and munition plants engaged in war production. He knows the conditions. What he has done is valuable and he should be included in it. I think it is wrong to endeavor to eliminate him from this bill.

Mr. CURTIS. Mr. President, several Senators are absent from the Chamber who wish to be present when the vote is taken, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	New	Smith, S. C.
Bankhead	Gronna	Norris	Smoot
Brandegee	Hardwick	Overman	Sutherland
Calder	Hitchcock	Page	Swanson
Culberson	Jones, N. Mex.	Poindexter	Thomas
Curtis	Jones, Wash.	Pomerene	Trammell
Dillingham	King	Reed	Underwood
Fall	Kirby	Shafroth	Vardaman
Fernald	Lodge	Sheppard	Warren
Fletcher	McKellar	Sherman	Watson
France	McLean	Shields	Wolcott
Frelinghuysen	Martin	Smith, Ariz.	

Mr. SHEPPARD. I wish to announce that the Senator from California [Mr. PHELAN] and the Senator from Kentucky [Mr. BECKHAM] are detained on official business.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is therefore shown not to be present, and the Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. HENDERSON and Mr. NUGENT answered to their names when called.

Mr. SIMMONS, Mr. PITTMAN, Mr. TILLMAN, and Mr. JOHNSON of California entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is upon the adoption of the substitute for the amendment proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN], the effect of which will be to strike out the words "Secretary of Labor" and to insert the words "President of the United States," that being the substitute proposed to the amendment of the Senator from New Jersey.

Mr. SWANSON. Mr. President, as I understand, the Senator from New Jersey offers his amendment to the text of the bill, and for that amendment the Senator from New Mexico has offered a substitute.

The PRESIDING OFFICER. The Chair only stated the effect of the substitute to be to strike out the words "Secretary of Labor" and to insert the words "President of the United States."

Mr. POMERENE. Mr. President, may I ask that the substitute be read?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Mr. FRELINGHUYSEN offers an amendment on page 1, line 3, after the word "the," to strike out the words "Secretary of Labor" and to insert "Secretary of War and Secretary of the Navy," and Mr. FALL offers as a substitute for the amendment of Mr. FRELINGHUYSEN to strike out the words "Secretary of Labor," on page 1, line 3, and to insert the words "President of the United States" in lieu thereof.

Mr. SWANSON. As I understand, the vote will first come upon the substitute proposed by the Senator from New Mexico.

The PRESIDING OFFICER. The vote will first come upon the substitute to insert the words "President of the United States." The question is on the amendment in the nature of a substitute for the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair would suggest that the amendment proposed by the committee, to insert the words "under the direction of the President of the United States," would seem now to be surplusage and should be disagreed to. They are now neither germane nor necessary.

Mr. FRELINGHUYSEN. Does the Chair refer to my amendment?

The PRESIDING OFFICER. Not at all. The Senator's amendment has been disposed of.

Mr. FRELINGHUYSEN. I merely wish the right to offer the amendment in the Senate.

Mr. SWANSON. The words "under the direction of the President" should be eliminated.

The PRESIDING OFFICER. They are not necessary.

Mr. LODGE. I may not have caught it, and I ask has the amendment of the Senator from New Jersey, as amended by the substitute of the Senator from New Mexico, been adopted?

The PRESIDING OFFICER. It has been adopted.

Mr. SMOOT. The RECORD will not show it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Jersey as amended by the amendment of the Senator from New Mexico.

The amendment as amended was agreed to.

Mr. THOMAS obtained the floor.

Mr. GALLINGER. Mr. President——

Mr. THOMAS. I yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment, which does not appear now to be necessary. Without objection, it is rejected.

Mr. GALLINGER. Mr. President, when this bill was previously under consideration I called the attention of the Senator from Virginia to what I thought was unfortunate phraseology. The Senator was not in a very amiable frame of mind on that day, and he paid little attention to my suggestion.

Mr. SWANSON. The Senator from New Hampshire evidently was not observing; he certainly had some one else in view.

Mr. GALLINGER. I want now to make a suggestion, to which I think the Senator from Virginia will agree. I suggest to transfer the words "and their families," on page 1, at the end of line 8, to come in after the words "United States," in line 7. I trust the Senator will read the language, and I think he will see that that will be a desirable change.

Mr. THOMAS. Should not the words come in after the word "workers," in line 6, so as to read "such industrial workers and their families"?

Mr. GALLINGER. No; as I suggest, it would read "such industrial workers as are engaged in arsenals and navy yards of the United States and their families." I think the words "and their families" would better come in after the words "United States."

Mr. SWANSON. It will be all right in that way. I will say that this language came over in the bill from the other House, and we did not feel that we should act as a committee of censorship on that body.

Mr. GALLINGER. I feel like amending any bill that comes here from the other House, especially one that is drawn by a blacksmith, as I think this bill was.

Mr. SWANSON. I have no objection to the Senator's amendment.

Mr. GALLINGER. I move the amendment which I have stated, Mr. President.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Public Buildings and Grounds was, in section 1, page 1, line 6, after the word "arsenals," to insert "and navy yards," so as to read:

And other community facilities for such industrial workers as are engaged in arsenals and navy yards of the United States.

The amendment was agreed to.

The next committee amendment was, in the same section, on the same page, line 9, before the word "employees," to insert "also," so as to read:

And also employees of the United States.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMAS. Mr. President, a very important amendment was adopted when this bill was previously under consideration, being first offered by myself and afterwards by the junior Senator from Minnesota [Mr. KELLOGG]. In view of the action of the Senate a few moments ago, whereby all that had been accomplished heretofore in the consideration of this bill was set aside, I now ask for a reconsideration of the amendment that was adopted upon the motion of the Senator from Minnesota, a copy of which I understand the Secretary has.

The PRESIDING OFFICER. The whole matter, as the Chair understands, has been reconsidered.

Mr. THOMAS. I understand that; and for that reason I am offering the amendment hitherto offered by the Senator from Minnesota and accepted by the Senate in order that we may adopt it again.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2 it is proposed to strike out the proviso following the word "constructed," in line 15, and to insert the following:

Provided, That colleges, museums, libraries, State or municipal buildings and the furnishings in private dwellings shall not be acquired except by contract, nor shall any occupied dwelling be taken under the powers in this act given except by contract unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality on petition setting forth the reason and necessity for such taking; the hearing on such petition shall be summary in character, and the determination of such judge shall be final.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Colorado [Mr. THOMAS], proposed as a substitute for the committee amendment beginning on line 15, page 2, and extending to the bottom of the page.

Mr. SWANSON. I accept that amendment.

Mr. JONES of Washington. I wish to offer an amendment to the amendment, to come in after the word "final," which I believe is the last word in the proposed substitute.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the amendment just stated, following the word "final," it is proposed to insert a comma and the words "but in no event shall any occupied dwelling house be taken except by contract, unless such dwelling be upon lands desired for the construction of a Government structure."

Mr. SWANSON. I have no objection to that being adopted for consideration by the conferees. I think it is all right.

Mr. GALLINGER. I ask that the amendment to the amendment again be read.

The amendment to the amendment was again read.

Mr. JONES of Washington. I suggest that the entire amendment be read with the amendment which I have proposed added to it.

The PRESIDING OFFICER. The Secretary will read the amendment as proposed to be amended.

The Secretary read as follows:

Provided, That colleges, museums, libraries, state or municipal buildings and the furnishings in private dwellings shall not be acquired except by contract, nor shall any occupied dwelling be taken under the powers in this act given except by contract unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality on petition setting forth the reason and necessity for such taking; the hearing on such petition shall be summary in character and the determination of such judge shall be final, but in no event shall any occupied dwelling house be taken except by contract unless such dwelling be upon lands desired for the construction of a Government structure.

Mr. SWANSON. Mr. President, I suggest to the Senator to insert the word "private," so as to read "private occupied dwelling house," because in some cases where there are summer hotels, for instance, it is the intention to take them——

Mr. JONES of Washington. "Private occupied dwelling house"—that will be satisfactory to me.

Mr. SWANSON. But there is an intention in the case of some of the summer hotels which are not occupied except for two or three months during the year, and which are capable of housing hundreds and thousands of workmen, to take them for the purposes intended by this bill.

Mr. JONES of Washington. That is all right.

Mr. THOMAS. Mr. President——

Mr. JONES of Washington. I should like to state the purpose of the amendment in just a word.

Mr. THOMAS. I yield.

Mr. JONES of Washington. The purpose of the amendment is to prevent the taking of a dwelling house, putting its occupants out, and merely putting somebody else in that house.

Mr. SWANSON. There is no intention of doing that; that was testified to before the committee; and I have no objection to the amendment if it is made to apply only to private residences.

Mr. JONES of Washington. "Occupied private dwelling house," I think, will cover the idea.

Mr. THOMAS. Mr. President, I think the amendment to the amendment is rather contradictory of the preceding portion of the amendment. The suggestion of the Senator from Washington, if I correctly apprehend it, virtually eliminates private dwellings from the operation of the bill.

Mr. JONES of Washington. I think the Senator is mistaken.

Mr. THOMAS. I may be; but that is the effect of it, as it appears to me.

Mr. SWANSON. There is an exception in case it is intended to erect thereon a Government structure.

Mr. THOMAS. Yes; I understand that; but under the amendment which was offered on a preceding occasion by the Senator from Minnesota, occupied dwellings could be taken either by contract or by an order of the district judge of the particular district in a summary proceeding.

Mr. JONES of Washington. They can be taken here on the order of a judge if the land is necessary for the purposes covered by the bill.

Mr. THOMAS. But only under those circumstances.

Mr. JONES of Washington. Yes; that is true.

Mr. THOMAS. And that eliminates from the bill all other structures which are used for dwellings.

Mr. SWANSON. I think it would be well to carry out the purpose of the Senator from Washington, but the objection of the Senator from Colorado should certainly be considered. It might be well to insert in the amendment to the amendment a qualification to the effect that a private dwelling can be taken if the surrounding land is desired by the Government. For instance, such a case as this may arise, and the Government ought not to be subject to blackmail or extortion: In some of these places it will be necessary to have thousands of employees in order to insure the production of war material, and I think it is expected to build in some instances small villages or towns to house and take care of the employees. Now, there might be five or six houses in such a place, and under the language as drawn, unless the Government intended to build over those lands, they could not take the dwellings. There is no purpose in any of the cities to transfer a house from A and give it to B; it has been testified that that is not the intention; but there are certain cases where the Government will probably desire to build two or three thousand houses, and the conditions might be such that it would be necessary to provide waterworks or an electric plant on the land occupied by a private dwelling, and the proposed amendment to the amendment might really destroy the whole program in a given case unless it were so framed as to take care of such a situation. If the amendment is so drawn as to take care of cases like that, I think it would be a very proper amendment.

Mr. JONES of Washington. That is what was intended. I did not have before me the original amendment, which was adopted some days ago, so as to frame the amendment to the amendment in connection with it, and I drew the amendment to the amendment in a hurry; but the Senator from Virginia has stated the idea that I want to cover, and I would be perfectly willing to have it adopted in some such form and let it go to conference. Any language that will cover the idea that I had in mind will be satisfactory to me.

Mr. SWANSON. I suggest that the amendment be read. If the Senator from Colorado is right, it might be very embarrassing.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. At the end of the amendment proposed by Mr. THOMAS it is proposed to insert the following:

But in no event shall any occupied private dwelling house be taken except by contract, unless such dwelling be upon lands desired for the construction of a Government structure.

Mr. SWANSON. I suggest that it be amended so as to read "unless such dwelling and surrounding land," and so forth.

Mr. THOMAS. Mr. President, the Senator from New Mexico [Mr. FALL] has suggested to me that the amendment which was adopted as offered by the Senator from Minnesota [Mr. KELLOGG] some days ago provides an opportunity for a hearing by the owner of the premises involved and the right to file an answer to the summary proceedings. That does not appear in the amendment read by the Secretary.

The PRESIDING OFFICER. The Secretary only read the amendment to the amendment, the Chair will state. The amendment was proposed, and then an amendment to the amendment, which was read.

Mr. THOMAS. But the Secretary read the amendment which had been adopted when this bill was up last week, and that amendment the Senator from New Mexico advises me was sufficiently broad to permit the owner of the property to file an answer and be heard. As read, the amendment does not seem to have that provision in it.

Mr. LODGE. That was put in the amendment offered by the Senator from Minnesota some days ago.

Mr. THOMAS. Yes; but it was not in the amendment read by the Secretary.

Mr. LODGE. Then, it was incorrectly read.

The PRESIDING OFFICER. The Secretary will read the amendment again.

Mr. FALL. Mr. President, I call the attention of Senators who were present when the amendment of the Senator from Minnesota was adopted some days ago to the fact that I suggested at that time that there should be some notice given of the hearing. So, after the word "petition," as it appeared in the committee amendment on page 22, my recollection is that there was inserted by unanimous consent the words "and after notice," so that it read:

unless the necessity thereof shall be determined by a judge of the circuit or district court of the United States exercising jurisdiction in the locality, on petition and after notice, setting forth the reasons and necessity for such taking.

The PRESIDING OFFICER. Does the Senator from Colorado desire to propose the amendment with the words now suggested by the Senator from New Mexico included?

Mr. THOMAS. Yes; Mr. President, I think those words should be included in the amendment.

The PRESIDING OFFICER. Then, the amendment will be considered as so modified.

Mr. FALL. The words "and after notice" should be inserted after the word "petition."

The PRESIDING OFFICER. The Secretary will read the original amendment.

The Secretary read as follows:

Provided, That colleges, museums, libraries, State or municipal buildings, and the furnishings in private dwellings shall not be acquired except by contract, nor shall any occupied dwelling be taken under the

powers in this act given except by contract, unless the necessity thereof shall be determined by a judge of the circuit or district of the United States exercising jurisdiction in the locality, on petition setting forth the reason and necessity for such taking; the hearing on such petition shall be upon notice to the owner and occupant of such dwelling, and the determination of such judge shall be final.

The PRESIDING OFFICER. That seems to include the words indicated by the Senator from New Mexico.

Mr. SWANSON. Now I ask the Secretary to read the amendment to the amendment offered by the Senator from Washington.

The SECRETARY. It is proposed to add the following to the amendment just read:

But in no event shall any occupied private dwelling house and the adjacent land be taken except by contract, unless such dwelling be upon lands desired for the construction of a Government structure.

Mr. SWANSON. That is wrong.

Mr. JONES of Washington. The words "adjacent land" have been put in the wrong place.

The PRESIDING OFFICER. That seems to conflict in any event with the purpose of the main amendment, in the opinion of the Chair.

Mr. JONES of Washington. Oh, no.

The PRESIDING OFFICER. The Chair is only stating his own construction of the amendment. The question is upon the adoption of the amendment to the amendment.

Mr. SWANSON. Let it be again read.

Mr. FALL. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FALL. The amendment which was adopted last week has just been read and appears to be satisfactory, except in so far as it is desired to amend it now; but the amendment which has been adopted by the Senate now is not the amendment which was adopted last week with the provision inserting the words "after notice."

The PRESIDING OFFICER. The Senator is laboring under a misapprehension. No amendment has been adopted. An amendment that was heretofore adopted and then reconsidered has been proposed again by the Senator from Colorado and is now pending. To that amendment the Senator from Washington has offered an amendment.

Mr. FALL. What I desire to know is whether the amendment now pending is the amendment of the Senator from Minnesota as amended last week?

The PRESIDING OFFICER. It is the same.

Mr. SWANSON. It is the same without amendment.

Mr. FALL. The original amendment of the Senator from Minnesota did not contain the words "after notice," and the original amendment was amended in that respect.

The PRESIDING OFFICER. It is the same amendment as modified and perfected.

Mr. SWANSON. It is the amendment that was finally adopted.

The PRESIDING OFFICER. The question is upon the amendment to the amendment.

Mr. SWANSON. Let the amendment be stated again.

The PRESIDING OFFICER. Would the Senator like the whole amendment to be read?

Mr. SWANSON. No; simply the amendment to the amendment.

Mr. JONES of Washington. I suggest the Secretary read it, and then that the Senator from Virginia put in the words he desires at the proper place. It is pretty hard to express the idea.

The Secretary read as follows:

But in no event shall any occupied dwelling house be taken except by contract unless such dwelling be upon lands desired for the construction of Government property.

Mr. SWANSON. "Or adjacent land."

Mr. THOMAS. Mr. President, I may be obtuse, but I can not escape the conviction that the amendment proposed by the Senator from Washington defeats, in part, the purpose that is to be conserved by the amendment which I revived.

Mr. SWANSON. As I understand, if the Senator from Colorado will permit me, the amendment as adopted by the Senate as amended permitted the Government to take a house from A and give it to B if the court decided the Government might use it.

Mr. THOMAS. Precisely.

Mr. SWANSON. The Senator from Washington desires to eliminate that authority, except in cases where the Government desires to take that private residence and construct there or upon adjacent lands buildings of its own. In a case like that the Government could take the private residence under the amendment to the amendment.

Mr. THOMAS. That fortifies my understanding of the amendment. Now, Mr. President, if housing is a matter of such great concern, I think we ought not to limit the Government to the taking of structures which are not occupied, but we should permit the Government to take those which are occupied and which the Government needs far more, perhaps, than the occupants.

The amendment which was adopted the other day made ample provision whereby such structures, if needed, could be secured by contract. Failing in an agreement, a summary proceeding was provided for, and the decision of the judge of the United States court having jurisdiction of that proceeding is summarily made, and is final. Now, the amendment offered by the Senator from Washington certainly destroys that part of the amendment, because in no case can an occupied dwelling be taken under this law if the Senator's addition to the amendment is adopted, except by contract, unless in cases where the land may be needed as a part of a general system of construction.

I do not think we should narrow the operation of this bill in so small a compass, because it will certainly prove inconvenient, if not extremely annoying, and it may perhaps in some places defeat the immediate operation of the bill. I do not think the addition to the amendment should be adopted.

Mr. JONES of Washington. Mr. President, I want to say just a word.

I do not see what conditions could arise in connection with the war that should cause us to take one family out of a house and put another family in it. The sole purpose of this amendment is just to prevent the exercise of power in that way. But there may be cases where there is a tract of land that the Government wants, upon which there is a private dwelling occupied by a family. This amendment permits the taking of that private dwelling for the purpose of putting a Government structure upon it and any surrounding lands that there may be; and that is the situation that it is hoped to meet. I do want to limit the general amendment proposed to that extent. I think it ought to be done; and, as the chairman has said, it was testified in the hearing that they do not want the power to put A out of his house and put B in it.

The language of this amendment, of course, was framed hurriedly; and while it may not exactly cover the situation, I think it could be worked out so as to meet the idea of the chairman, which is the very idea that I want to meet.

Mr. THOMAS. Mr. President, I am gratified to know that I understand the object of the Senator perfectly. I disagree with him in his conclusion that there are not conditions, and may not hereafter be conditions, which would justify the ousting of one family from a house and a provision for its occupancy by some other family. We judge of these matters to some degree by conditions here in the city of Washington, which perhaps is an extreme example of congestion. There are a great many people in the city of Washington who might just as well be somewhere else, and, so far as the welfare of the country is concerned, they ought to be somewhere else.

In saying that, I do not intend to reflect upon that class of people; but I suppose Washington is to-day the most congested city in the Union, and it is due to the very rapid expansion of our various bureaus and organizations consequent upon our declaration of war. There are a great many people in Washington who are here because they like to be here. The excitement, the surroundings, and the atmosphere of Washington are congenial to them. That is all right in times of peace, but in times like these that class of people, well to do for the most part, can better serve their country by being somewhere else, and if they are not disposed to go willingly, then the Government ought to be empowered to take the houses which they occupy and devote them to the shelter of the employees of the Government who must be here; and in that event, of course, the people whose business does not require them to be here must go somewhere else. Indeed, I think it would be a very good idea if the President of the United States should issue a proclamation requesting all people in the city of Washington who do not permanently reside here, and who have no business here, to get out. That would relieve the congestion and enable a great many people who hardly have places where they can find shelter now to secure some sort of a habitation. It would be better for the Government and it would be better for the people against whom the proclamation is aimed.

In this city, therefore, Mr. President, the power should be given to whoever is to administer this bill to go to such occupants and say: "Here, I want to make a contract with you for the occupancy of this house. You are not obliged to be here, but the people for whom I want it must be here; and if I can not contract for possession, then I must summon you before the judge of the United States court and let him determine whether the necessities of the public are or are not greater than your convenience."

Of course, if this proposed amendment to the amendment is adopted, that method of relief in cities like Washington will be practically eliminated from the operation of this bill; and as a result those in whose behalf we propose to enact this legislation must wait until structures can be erected for them, and they will be unable to obtain shelter until they are erected. If housing is so much needed, Mr. President—if shelter for the employees of the Government, the workmen at these various industrial institutions, can only be obtained through Government aid—then we ought to pass a bill that will enable those administering the law to take houses which are already in existence as well as to build houses for those who are to come.

The PRESIDING OFFICER. The question is upon agreeing to the amendment to the amendment.

Upon a division, the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs upon the adoption of the amendment as amended.

The amendment as amended was agreed to.

Mr. CALDER. Mr. President, will the Chair advise me what disposition has been made of the committee amendment on page 2, lines 6 and 7?

The PRESIDING OFFICER. It has not yet been acted upon. The Secretary will state the next amendment.

The SECRETARY. The next amendment is the committee amendment proposing to strike out, on page 2, lines 6 and 7, the words "local transportation and other community facilities and parts thereof."

Mr. CALDER. Mr. President, as I understand, the object of this amendment is to permit the President of the United States to take over local transportation and other community facilities, or parts thereof, in any given place where it may be found necessary to provide housing facilities for Government employees. It would seem to me that this language is very necessary in the bill.

I recall that when the Senate considered legislation dealing with the construction of houses for men employed in the shipyards of the Nation, the Senate also considered another bill dealing with the transportation question. For several weeks I objected to the consideration of that transportation legislation until, after a careful examination of the whole subject, I became convinced that it was necessary to permit the Shipping Board, if they were to go into the housing business, also to have some authority to take over transportation facilities. As the result of this legislation, we have been able to avoid taking up this housing question in many places where it would otherwise be necessary. Some local trolley lines have been taken over and some have been extended, and we have been able to take men to shipyards located several miles from cities where houses could be had, thereby avoiding the expenditure of large sums of money for the construction of houses.

I think this committee amendment ought not to be agreed to. I really believe that it would be better to have the language in the bill than to have it stricken out.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. On the same page, lines 13 and 14, it is proposed to strike out the words "local transportation, and other community facilities."

The amendment was agreed to.

The SECRETARY. The next committee amendment is on page 3, lines 3 and 4, where it is proposed to strike out the words "local transportation, and other community facilities."

The amendment was agreed to.

The SECRETARY. On page 3, line 7, before the word "lien," it is proposed to insert the word "first."

The amendment was agreed to.

The SECRETARY. On the same page, lines 10 and 11, it is proposed to strike out the words "local transportation, and other community facilities."

The amendment was agreed to.

Mr. LODGE. Mr. President, I want to offer an amendment, to go at the end of line 13, paragraph (d).

Mr. GALLINGER. Mr. President, if the Senator will permit me, preceding that I should like to offer an amendment, which I think the chairman of the committee will agree ought to go in the bill.

Mr. LODGE. Certainly; I withhold my amendment until the Senator offers his.

Mr. GALLINGER. I send the amendment to the desk, and ask to have it stated.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from New Hampshire.

The SECRETARY. On page 3, line 8, after the word "money," it is proposed to add the following:

And provided further, That in no case shall any property hereby acquired be given away, nor shall rents be furnished free; but the rental charges shall be reasonable and just as between the employees and the Government.

Mr. SWANSON. Mr. President, I have no objection to that. That is the purpose of those who will administer the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, the Senator from New Mexico [Mr. FALL] asked me to present an amendment, which he understood the chairman of the committee would accept.

Mr. LODGE. My amendment comes in on line 13.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. SWANSON. I think the amendment of the Senator from Massachusetts is possibly a little fuller than the one to which the Senator from Washington refers and is practically of the same character.

Mr. LODGE. I should like to have my amendment stated.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Massachusetts.

The SECRETARY. On page 3, line 13, after the word "determine," it is proposed to insert a colon and the following proviso:

Provided, That no loan shall be made at a less rate of interest than 5 per cent per annum: *And provided further*, That no loan shall be made and no house or money given under this act to any person not an American citizen.

Mr. SWANSON. I have no objection to that amendment.

Mr. JONES of Washington. Mr. President, I want to suggest to the Senator from Massachusetts the amendment of the Senator from New Mexico.

Mr. LODGE. Does it relate to this amendment?

Mr. JONES of Washington. It may relate to that amendment.

Mr. SWANSON. The Senator from New Mexico, as I understand, wanted an amendment inserted to the effect that the loans must be secured.

Mr. JONES of Washington. That they shall be properly secured by lien, mortgage, or otherwise.

Mr. LODGE. Yes; I think that ought to be put in, to make it harmonize with the preceding paragraph—"without reserving a first lien."

The PRESIDING OFFICER. Is it proposed as an amendment there?

Mr. JONES of Washington. I suggest that the amendment of the Senator from Massachusetts be read, and then he will see where it would be proper for the language to come in.

The PRESIDING OFFICER. The Secretary will again state the amendment of the Senator from Massachusetts.

The SECRETARY. On page 3, line 13, after the word "determine," it is proposed to add the following:

Provided, That no loan shall be made at a less rate of interest than 5 per cent per annum: *And provided further*, That no loan shall be made and no house or money given under this act to any person not an American citizen.

Mr. JONES of Washington. I suggest that that would properly come in after the words "per annum"—"and properly secured by lien, mortgage, or otherwise."

Mr. LODGE. It would go in right after the word "loan."

The PRESIDING OFFICER. The Senator's suggestion is adopted as a part of his amendment. The question is on the amendment offered by the Senator from Massachusetts, as modified.

Mr. JONES of Washington. I suggest that it be read in its modified form.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The SECRETARY. As modified, the amendment reads:

Provided, That no loan shall be made at a less rate of interest than 5 per cent per annum, and such loan shall be properly secured by lien, mortgage, or otherwise: *And provided further*, That no loan shall be made and no house or money given under this act to any person not an American citizen.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment, as modified, was agreed to.

Mr. THOMAS. Mr. President, I want to call the attention of the Senator having charge of the bill to the words "or otherwise," which appear on page 2, line 5, and the same words upon line 11 of page 2. By reading the first clause their connection with the sentence in both cases will be apparent:

To purchase, acquire by lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements—

And so forth. Mr. President, I am not aware of any other manner of acquiring property than by purchase, lease, construction, requisition, or condemnation.

Mr. SWANSON. That was put in there because it is generally put in legal documents, to cover gifts.

Mr. THOMAS. I would prefer to see the words "or gift" inserted, then. The word "otherwise" is an extremely broad one.

Mr. SWANSON. If the Senator will move to amend by putting in the words "or by gift," I have no objection, and then the words "or otherwise" can be eliminated.

The PRESIDING OFFICER. Without objection, the amendment proposed is agreed to.

Mr. THOMAS. If that amendment is accepted, of course, I do not care to occupy the time of the Senate in its discussion.

The PRESIDING OFFICER. The next amendment proposed by the committee will be stated.

The SECRETARY. On page 3, lines 6 and 7, it is proposed to strike out the words "what is commonly known as the Maltby Building, as well as all other" and to insert "all," so as to read:

(c) To take possession of, alter, repair, improve, and suitably arrange for living purposes to be used under the terms of this act all houses on square 633, owned by the United States, together with any other houses in the District of Columbia owned by the Government and not now occupied.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. SWANSON. Mr. President, recurring to the amendment adopted upon the suggestion of the Senator from Colorado [Mr. THOMAS], I should like to have the Chair state where that amendment comes in.

The PRESIDING OFFICER. The Chair understood that it was proposed to strike out "or otherwise" and insert "by gift."

Mr. SWANSON. Wherever those words occur in the bill?

The PRESIDING OFFICER. Yes.

Mr. SWANSON. They occur in two or three places.

The SECRETARY. On page 2, line 5——

Mr. THOMAS. And on page 2, line 11.

The PRESIDING OFFICER. Wherever the expression occurs.

Mr. SWANSON. Wherever it occurs; I hope the Secretary will make the amendment.

The PRESIDING OFFICER. It is so ordered. Wherever it occurs, the Secretary will strike out "or otherwise" and insert "by gift."

Mr. THOMAS. And also on page 4, line 20.

Mr. LODGE. Mr. President, in connection with the part of paragraph (e), where we have just stricken out the words "Maltby Building," and where it goes on "all houses on square 633, owned by the United States, together with any other houses in the District of Columbia owned by the Government and not now occupied," I should like to ask the Senator why the Government should not have a right to take and use the unoccupied embassies of Austria and Germany? I should not think of proposing that we should take the property of the late ambassadors here, as Germany has taken the property of Mr. Gerard, because I do not think we would want to be thieves even in time of war; but why should we not use those great unoccupied houses for our own purposes?

Mr. SWANSON. The bill does not include any specific houses. None have been named.

Mr. LODGE. Oh, no; but this is limited to houses owned by the Government and not now occupied.

Mr. SWANSON. If the Senator will permit me, this was simply the Maltby Building that was included, and we expected to change that into a residential building. It was ascertained that it would take $120,000.

Mr. LODGE. I was not objecting to that.

Mr. SWANSON. The other part was to take buildings out here that belonged to the Government.

Mr. LODGE. So I understand.

Mr. SWANSON. We have not named any buildings here; and if any buildings are to be condemned or acquired, by purchase or otherwise, in the District of Columbia, by the provisions of the bill before the act becomes operative they must make a specific report to Congress and Congress must make the appropriations. If the Senator desires these buildings to be taken under the provisions of this bill he can have a report made. They are authorized to spend $10,000,000 to sequester buildings in the District of Columbia.

Mr. LODGE. The Senator misconceives my purpose. I only wanted to give the Government the authority if they have not the authority already.

Mr. SWANSON. The Government has authority under this bill.

Mr. LODGE. Then I will allow the suggestion to stand that we use those two embassies.

Mr. PHELAN. Mr. President, what action has been taken by the Imperial German Government as to the property of Ambassador Gerard?

Mr. LODGE. As I understand, they have seized his property. He had no house there.

Mr. PHELAN. His personal property?

Mr. LODGE. His personal property, which was stored there, has been seized. I am not proposing to seize any of the personal property of the Austrian ambassador or the German ambassador; I do not know that they have any here; but there are those two large, empty houses. Why should we not have the benefit of them during the war?

Mr. PHELAN. Is the fee in the respective Governments?

Mr. LODGE. Yes; they own them. I understand so. I know that is the case with the German Embassy, and I think it is the case with the Austrian Embassy.

Mr. PHELAN. It would be like the acquisition of foreign territory here.

Mr. SWANSON. We have an alien enemy act here which permits all that property to be controlled. That bill was passed long before this bill was introduced. It is alien enemy property, and a law has been passed which will enable the Government to dispose of it.

Mr. LODGE. Well, I hope they will; that is all.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. The next amendment is on page 3, line 21, where, after the words "Secretary of Labor," it is proposed to insert a comma and the words "with the approval of the Superintendent of Public Buildings and Grounds," so as to read:

The Secretary of Labor, with the approval of the Superintendent of Public Buildings and Grounds, shall, in the construction of buildings in the District of Columbia, make use of any lands owned by the Government of the United States deemed by him to be suitable for the purpose—

And so forth.

Mr. SWANSON. Mr. President, I desire to strike out "the Secretary of Labor" and insert "the President"; also to strike out "with the approval of the Superintendent of Public Buildings and Grounds."

Mr. LODGE. In other words, the Senator withdraws that amendment?

Mr. SWANSON. I withdraw that amendment and move to substitute the word "President" for the words "Secretary of Labor."

Mr. FALL. Mr. President, will not the chairman of the committee make that motion apply to the entire bill—that wherever the words "Secretary of Labor" occur they shall be stricken out and the word "President" inserted?

Mr. SWANSON. We can do that as we reach the different places in the bill.

Mr. FALL. Wherever the phrase occurs in the bill, I suggest that "Secretary of Labor" be stricken out and "President" inserted.

Mr. SWANSON. That should be done in each case as we reach it. We are reading the entire bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. SWANSON. I desire to withdraw the amendment proposing to insert "with the approval of the Superintendent of Public Buildings and Grounds."

The PRESIDING OFFICER. Without objection, that amendment offered by the committee is rejected. The Secretary will state the next amendment of the committee.

The SECRETARY. The next amendment is on page 4——

Mr. SWANSON. On page 4, line 3, I move to strike out "the Secretary of Labor" and insert "the President."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 3, it is proposed to strike out the words "Secretary of Labor" and insert the word "President."

The amendment was agreed to.

Mr. SWANSON. Also, on line 13, I move to strike out "Secretary of Labor" and insert "President."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. LODGE. What has become of the committee amendment in lines 6, 7, 8, and 9?

Mr. FALL. I suggest to the chairman that that amendment should be made on line 18 also.

Mr. SWANSON. Yes; also on line 18.

Mr. LODGE. Mr. President, there is an amendment here that we have not dealt with, striking out the proviso in lines 6, 7, 8, and 9.

The PRESIDING OFFICER. That has not been reached yet.

Mr. LODGE. We have gone to lines 13 and 18. I thought we had passed over it.

The SECRETARY. On lines 6, 7, 8, and 9 it is proposed to strike out the words:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character whenever it is practicable.

Mr. POMERENE. Mr. President, I hope the chairman of the committee will not insist on that amendment.

The chairman of the committee the other day, on April 17, in discussing this very proposition said that it was the purpose of the committee to leave it to the discretion of the Secretary of Labor, as the bill read at that time, to erect either permanent or temporary buildings, as he might deem proper. In my judgment, that is the way it should be; but this amendment, striking out the language read by the Secretary, would take away from the department or the President, as the bill now reads, the authority to put up temporary structures; and it seems to me the only construction which could be placed upon the bill, with that language eliminated, would be to have all the structures permanent.

Mr. GALLINGER. Mr. President, if the Senator will permit me, the language "whenever it is practicable" would give the President the right to construct a permanent building if it was imperative, so I agree with the Senator.

Mr. POMERENE. Mr. President, the observation of the Senator from New Hampshire is absolutely correct. Of course, we are only providing for these housing privileges because of the necessities of the war. I can understand, where we have arsenals and other industries connected with the War or Navy Departments, that it might be advisable to have permanent, substantial structures, and wherever such a case exists I want the structures to be permanent; but in many places there will be additional labor required for a year or two years or at most during the continuance of the war, and it does seem to me that common prudence would suggest that there should be nothing more than a temporary structure in cases of that kind.

A little matter came to my attention the other day. My colleague [Mr. HARDING] referred to it on yesterday. The committee having charge of the housing projects under the pending legislation prepared certain specifications for building, and they had printed certain regulations in which it was provided that none but a very excellent quality of cast-iron sewer pipe should be used. It so happens that in my own State there are large concerns that are interested in the manufacture of vitrified sewer pipe. This piping is approved by nearly all of the municipalities in our State and elsewhere in that vicinity. It may be that there are certain localities where none but steel or cast-iron pipe should be used; but it certainly does seem to me that any pipe should be used which would meet with the approval of the local authorities. The vitrified sewer pipe is much cheaper than the iron or steel pipe; and why any man in charge of this building project should say that only iron or steel pipe can be used is beyond my comprehension. If they were to build all permanent structures there might be some excuse for it, but I hope the Senator in charge of the bill will not insist upon that amendment.

Mr. SWANSON. Mr. President, this provision in the House bill says that they shall put up temporary buildings wherever practicable. It leaves a certain amount of discretion, but it would make it the subject of a great deal of comment if the authorities put up any permanent buildings anywhere. The language was stronger than was really deemed advisable where they wanted to put up permanent buildings. A part of the employees in the arsenals and navy yards are willing at once to buy their buildings, pay a certain amount of cash, and make the remaining payments in installments. They had an idea that in places like that they ought to put up permanent buildings. A permanent wooden structure can be put up nearly as quickly as a temporary building, and the Government would not lose any money. It was thought wise to leave it discretionary with them to put up either temporary or permanent buildings, as they thought the situation required.

Mr. POMERENE. Then why did not——

Mr. SWANSON. If the Senator will permit me, take a place where you expect the population to be reduced one-half when the war is over. It would be absolute folly to put up permanent buildings there. They would not sell for more than temporary buildings and yet the cost is three and four times what it would be in ordinary times. They expect to put up temporary buildings at such places, while at the Boston Navy Yard, the Philadelphia Navy Yard, the Mare Island Navy Yard, at Charleston, and Norfolk they can put up permanent buildings and the employees are willing to buy them.

All that is desired is that there shall be a discretion lodged with them to determine whether it is wise at a given place to put up permanent or temporary buildings. The language was such that they felt that unless it was impracticable or nearly impossible to put up temporary buildings they would have to put up permanent buildings.

Mr. POMERENE. May I ask the Senator who felt that way?

Mr. SWANSON. Those who are to have the administration of it who appeared before the committee.

Mr. POMERENE. Who are they?

Mr. SWANSON. Mr. Eidlitz and others.

Mr. POMERENE. Yes, Mr. President; and I think I can shed a little bit of light upon that. Some of these material men came to see me and wanted me to support this committee amendment, because they said they wanted permanent structures everywhere, and quoted the British authorities to the effect that they had discovered that none but permanent structures should be used.

Mr. SWANSON. If the Senator will permit me, I have not seen any material man. No material man appeared before the committee. The Secretary of Labor, in discussing this matter, said that Great Britain spent $700,000,000 for permanent buildings. He did not think it practicable in America, because Great Britain is a small country and permanent buildings with the large population could be quickly disposed of, and that most of the buildings would be temporary, but there are places where permanent buildings ought to be put up. Unless you are going to have an immense loss, if you put up temporary buildings in Philadelphia, there would be an absolute loss; if you put them up at Mare Island it would be a loss; if you put them up at Puget Sound it would be a loss. But in the majority of places the buildings should be temporary. I find lumber people are anxious to have temporary buildings. No material men and no lumbermen appeared before the committee or applied to me. The only suggestion which was made was by people who expect to administer this law, who think they ought to have discretion to take what is best for each place. If the Senator will offer an amendment which will do that, that is all I desire.

Mr. POMERENE. The language of the House bill if left alone will provide exactly what the Senator is now working for.

Mr. SWANSON. I have no objection to this language. All I want is to have the discretion left with them.

Mr. POMERENE. This would leave the discretion with them.

Mr. SWANSON. But it is so strong that it would be hard to put up permanent buildings anywhere.

Mr. POMERENE. No; not at all.

Mr. SWANSON. It reads this way:

Provided, That houses erected by the Government under the authority of this act shall be of either permanent or temporary character, as is most practicable.

Mr. POMERENE. I have not any objection to the language if it assumes that form.

Mr. SWANSON. I would prefer to eliminate it. Otherwise it might leave it that they should prefer permanent buildings.

Mr. POMERENE. I think common horse sense used by the department and by those in charge of this building will determine the question as to whether we ought to have permanent buildings in a given locality.

Mr. SWANSON. I would suggest this amendment, and it is all anyone desires:

Provided, That the houses erected by the Government under authority of this act shall be of either permanent or temporary character, as is most practicable.

Mr. POMERENE. I have no objection to that.

Mr. GALLINGER. Mr. President, I am going to venture to suggest to the Senator, though his suggestion may be better than mine, that it should read:

That houses erected by the Government under the authority of this act shall be of a temporary character unless otherwise determined by the President.

Mr. SWANSON. That would lead to long delays, I fear. There are a great many of these employees who have the money to pay in part for the houses and all they ask is the privilege of purchasing these buildings. It will not cost the Government anything. At some of the places the buildings are going to be permanent, but it seems to me wise to leave it to be determined whether they shall be temporary or permanent according to the conditions.

I offer this as a substitute:

Provided, That houses erected by the Government under the authority of this act shall be of permanent or of temporary character as is most practicable.

Mr. KING. Will not the Senator accept this?—

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character, except where the interests of the Government will be best subserved.

Mr. SWANSON. I have no objection whatever to that amendment.

Mr. POMERENE. That sounds better.

Mr. SWANSON. I will accept it.

Mr. POMERENE. I ask that the amendment be read as now stated by the Senator from Utah.

The SECRETARY. Strike out and insert:

Provided, That houses erected by the Government under the authority of this act shall be of only a temporary character, except where the interests of the Government will be best subserved.

Mr. GALLINGER. Be best subserved by what?

Mr. POMERENE. By buildings of a permanent character.

Mr. KING. I thought that was covered by the language of the bill.

Mr. FRANCE. Mr. President, I agree with what the Senator from Ohio has said. I have prepared an amendment along that line which I think perhaps covers the ground somewhat more fully than that offered by the Senator from Utah, if the Senator from Ohio will yield.

Mr. POMERENE. I yield the floor.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 4, at the end of line 13, insert the following:

Provided, That where it shall be necessary temporary structures may be erected, but that where and when possible, in the judgment of the President, permanent houses shall be constructed, such houses to be located and constructed in accordance with plans to be approved by the President on suitable sites convenient to, or in the neighborhood of, navy yards, arsenals, coast defenses, ship or naval bases, Government yards, or other plants, such structures to constitute, whenever possible, a part of the permanent plan or system of national defense.

Mr. SWANSON. I think the amendment goes as far as we ought to go in limiting this work. That shows a preference for temporary buildings unless the Government interests would be subserved by permanent ones, and that, I think, is right.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator having charge of the bill if we have made any provision for a bureau of housing and transportation?

Mr. SWANSON. I know of none except as the Shipping Board may have organized one.

Mr. JONES of Washington. That would be organized, I take it, under this bill.

Mr. SWANSON. The bill would give the power to effect an organization to carry out its purposes.

Mr. JONES of Washington. I merely want to call the attention of the Senator to the fact that the Secretary of Labor is not waiting for us to pass a bill in order to establish a bureau.

Mr. SWANSON. I will say, in justice to the Secretary of Labor, that he has been very efficient and capable in this as in other matters during the war.

Mr. JONES of Washington. I am not questioning that.

Mr. SWANSON. The Senator may not have been here when I stated that the President gave him, I understand, $60,000 out of the appropriation to make this investigation, and he made these reports as to conditions, getting the material which justified him in recommending to Congress the passage of this act.

Mr. JONES of Washington. I have a letter here with this letterhead:

Office of the Director, Department of Labor, office of the Secretary, Washington. Bureau of Industrial Housing and Transportation, 613 G Street NW.

This is a letter with reference to the matter the Senator from Ohio [Mr. POMERENE] referred to a moment ago, and I am simply calling attention to it, because I think many Senators may be interested in it. I received telegrams from some vitrified pipe or brick people in my State protesting against putting out specifications of the buildings requiring the use of iron pipe only for sewage purposes connected with the building. It seems to me that the director of this housing bureau, according to the information they had, prepared specifications that would exclude everything except iron pipe. Of course that would give the iron-pipe people an absolute monopoly, and they could fix their prices at about whatever they saw fit in submitting bids to comply with the specifications. These people protested against that. I take it this is the same proposition that the junior Senator from Ohio [Mr. HARDING] referred to yesterday, when in his remarks he said:

I ventured to address a letter to the department asking if there could not be a correction of the specifications which should conform to the municipal building codes of the country and admit this material. The head of the department to which we are to commit the task of spending $60,000,000 had the effrontery in making reply to say to me, "I hope you will ask me to do nothing further in this matter."

I took this matter up with this organization upon the receipt of these telegrams and I suggested that it would be very unwise to get out specifications confining the sewer connections to one particular class of material; that from the Government's standpoint, as well as otherwise, it would be wise to leave it open and get the bids, and then take whatever was best. I received a letter the heading of which I have just read, and while it is not quite so discourteous as would appear to have been the reply to the Senator from Ohio it is a very peculiar letter, to say the least of it, to come from the head of a bureau of the Government in reply to those who have a right to inquire in reference to these matters. He says:

I have your favor of April 19. The vitrified-pipe interests are certainly on the job.

Then he goes on to say:

I have seen three or four of them, and have had numerous letters from various representatives of the Government, and I believe that I have satisfactorily met the views of the clay-pipe manufacturers in adjusting the standards.

Mr. THOMAS. Who is the author of that?

Mr. JONES of Washington. This is from Mr. Eidlitz.

Mr. THOMAS. Does it not also appear that the iron-pipe men are on the job?

Mr. JONES of Washington. They got their work in first—that is, they got it done, really. This letter does not give me any information that is definite to show what arrangement we had made, but he says he thinks he has made things satisfactory to these people. He says they are "on the job." He is certain the other people were on the job, and they seemed to have the ear of the director of this bureau the organization of which Congress has not authorized.

Mr. POINDEXTER. Mr. President, I wish to make a brief comment on what my colleague [Mr. JONES of Washington] has said about a letter he received, similar to other letters that I have seen from this new army of officials who have come in as an incident of the war, men who are utterly inexperienced in public matters. The trouble with the letter and the state of mind which makes such letters as that possible is that these men are unable to distinguish properly between public and private business. That is the trouble with them. They are put into an office for the first time, and never having before felt the responsibility of dealing with the people's business they imagine that they can proceed along the same lines and with the same methods that they used in conducting their own private business.

Mr. FRELINGHUYSEN. Mr. President, $50,000,000 would furnish all the houses that are necessary to house the employees at these war plants. We might just as well tear the mask off this bill and show the motive back of it. This bureau, which has been created in the Department of Labor, a bureau of which Mr. Eidlitz is the head, has been created with the idea of building a whole lot of community centers for industrial workers throughout the country that are not needed in any way, but of course to win the war——

Mr. SWANSON. I should like to ask the Senator his authority for that statement.

Mr. FRELINGHUYSEN. My authority for the statement is men who are connected with Mr. Eidlitz, the plans that are now being prepared, the numerous contractors who are down here, and representatives of the councils of various cities who are looking to——

Mr. SWANSON. Why did not the Senator have those witnesses summoned?

Mr. FRELINGHUYSEN. Because I did not know of it when the hearing was held before the committee.

Mr. SWANSON. Then have them brought here.

Mr. FRELINGHUYSEN. I have just heard of it. Does the Senator deny that that is the motive back of it?

Mr. SWANSON. I deny, as far as anyone appeared before the committee, that there was any such motive behind this bill. Here is a report from 15 or 18 places which was brought before the committee, which the Senator had every opportunity to read, showing where the plant was located and the necessity for housing the employees. I heard nothing about any such wild scheme as that. This matter was investigated by the Committee on Public Buildings and Grounds. The Senator is a member of the committee. He voted to report this bill. If he knew of these matters, I wish he had brought the attention of the committee to them. I would have summoned the committee to hear the parties.

Mr. FRELINGHUYSEN. I voted to report the bill in order that this appropriation of $50,000,000 as an emergency might be applied in the proper direction, to build houses at those plants, and $50,000,000 will more than build the houses needed for the employees at the plants. But I made the reservation that these houses should be built under the direction of the department having direct charge of those industries. The Senator will remember that, and that several other members of the com-

mittee at the same time made the same reservation. We did not believe it should be placed in this bureau with all its idealistic ideas.

Mr. SWANSON. The Senator would put it in the hands of the President.

Mr. FRELINGHUYSEN. I have just found out that the President has created this bureau and the whole policy is now illuminated. It shows what is behind this whole proposition, because I have had delegation after delegation from my State in my office asking me to intercede with this department in order that they might get a contract to erect buildings for these communities. If we are entering on a real estate proposition in this bill, let us know it. Let us hold up the bill and make some inquiry.

Mr. SWANSON. If the Senator will permit me, here is a confidential report, and it states everything that is contemplated. He has been given an opportunity to examine it as to plants in his own State and elsewhere. It is confidential; it gives the number of houses needed, the number of people needed, the amount of contracts, and a full statement of the entire purpose. Here is the report submitted to the Senate committee. Does he doubt it? Did he read it?

Mr. FRELINGHUYSEN. I know as much about the war industries as those papers can tell me. I sat in the Military Committee four months and heard the evidence in regard to the need of housing facilities at these plants. I know they need them, and I am willing to vote for them, but I am not willing to vote for a great socialistic experiment to build a whole lot of houses that are not needed.

Mr. SWANSON. The bill limits it to navy yards, arsenals, and industrial plants engaged in war production. The Senator did not offer any other provision to it.

Mr. FRELINGHUYSEN. Mr. President, the Senator knows I do not care to have a controversy with him. I only want to accomplish what the bill was intended to accomplish in this instance, and that is to provide the necessary housing facilities, but I want to point out to the Senator that we are going before the people of this country asking them to subscribe to liberty loans, we are taxing them to the utmost limit, and the Senate should be absolutely sure what the policy is behind the bill before they make any extended appropriation of money or create a policy which will cost us millions of dollars in the end and for which we shall have to tax the people or ask them to loan their money. Therefore I feel that we ought to know what is the motive behind this bill, and in view of statements which have come to me and to men in my State and in other States, that this is a policy to build up great community centers for industrial workers, we should be absolutely sure whether that is the policy in the bill or not.

Mr. CALDER. Mr. President, I subscribe in the main to what the Senator from New Jersey [Mr. FRELINGHUYSEN] has said. I have met Mr. Eidlitz, the gentleman referred to as the Director of the Building Commission of the Department of Labor. He is a business man of the city of New York. He is held in very high repute, and has had large experience in the construction of buildings in the city of New York. I am certain that he is in no wise involved in any undertaking here of profit to himself. But it is a fact, Mr. President, that in the Building Bureau, organized by the Department of Labor, he has surrounded himself with many of the social uplifters and tenement-house reformers of the country.

I have in my hand an article printed in last Friday's New York Sun which tells of the Shipping Board building a model town costing $3,000,000 at Camden, N. J. It is said that 907 houses are planned. It is proposed that workers may buy or rent these houses, and it is believed the houses will be ready in three months. Then it goes on and tells in detail what it is proposed to do.

> The town will be made as beautiful and as utilitarian as possible. Though it will be incorporated as a part of Camden, it will be known as Haddon Township. The houses, 907 in number, will be brick mostly and detached and laid off in rows. They will cost approximately $3,070 each.
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> The city of Camden is ready to spend $325,000 in building schoolhouses, fire stations, sewage, and water plants. Extension of Camden trolley lines to Haddon Township will be undertaken by the Emergency Fleet Corporation at a cost of $125,000.

The town will be made as beautiful and as utilitarian as possible. It will be incorporated as a part of Camden, known as Haddon Township. The city of Camden is ready to spend $325,000 in building public schools, fire stations, sewage, and water pipes.

Mr. President, this is the second model township the Shipping Board has provided for that I know of—the one at Newport News and this one. I do not seriously object to the building of model, practical houses for the employees of the Government. My own judgment is that if a subject of this kind could be handled without too much attention being paid to the social side of things or the uplifting idea, perhaps we could construct these centers in the interest of the Government, and incidentally in the interest of the men employed in the Government plants.

I am convinced that the Government can not build frame barracks near navy yards and munition plants and induce men to leave other parts of the country, where they have attractive homes, to work in those plants if they are compelled to live in houses that are not attractive and comfortable. Skilled mechanics who are paid from $8 to $10 a day are not going to leave their place of abode in some pleasant city or town to work in Government plants under bad living conditions.

So, for my part, I am willing to erect permanent houses where it is practicable, provided, of course, every safeguard is taken to insure as near as possible the return of the Government money.

But I fear, as the Senator from New Jersey has just expressed it, that this is only a beginning. One of the gentlemen interested in this very work in talking to me recently intimated that this was only the beginning. I do not agree with the Senator from New Jersey that $50,000,000 will cover this work. I think that perhaps before a year is over we will be asked to contribute much more.

I would even go as far as to give $50,000,000 more if it should prove to be necessary, but, unless we are very careful, not only will $50,000,000 be asked, but $500,000,000 more.

So I am uncertain just what to do to safeguard the situation, because I know houses must be built and I know conditions must be met; but if this could be handled as a purely business proposition, and loans were made by the Government, under proper security, to the owners of munition plants, gun factories, and shipyards placing the responsibility upon them, I am sure better results would be obtained.

I can see no reason, Mr. President, why men who are making vast sums of money from Government work should not undertake some responsibility themselves for housing their own employees; and I am quite certain that if the thing was properly worked out we could dispose of this matter without the Government assuming the entire responsibility. But unless we are careful we are going to enter upon a stupendous scheme here, which in the end will cost the Government hundreds of millions of dollars, and the only result will be, as in the case of Camden and Newport News, the building of beautiful suburban villages all over the country to which the National Treasury will contribute very large amounts.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. I yield.

Mr. KING. In support of what the Senator is saying, I wish to state that I have received at least four letters from different parts of the United States, from individuals who are connected directly or indirectly with munitions and other industries furnishing supplies to the Government, urging me to support measures that will look to the appropriation of millions and hundreds of millions of dollars to build splendid houses for all who are engaged in work which conduces to the prosecution of the war. I have not any doubt in the world but what there is a propaganda now about to be inaugurated, if it is not already started, to induce the Government to furnish buildings for the employees of nearly every man who has any contract, directly or indirectly, with the Government.

Mr. CALDER. The Senator is correct. This measure is a departure from the custom of the country. Its only excuse is because we are at war, and I am afraid that some gentlemen outside of Congress interested in uplifting the human race have hit upon this method to work out some scheme of their own. It is a fact, however, that the whole country needs additional housing facilities.

When this bill came up the other day I took the trouble to communicate with the mayors of several of our larger cities. I find that in Boston in the year 1916, $38,350,000 worth of new buildings were constructed, and in the first three months of this year only $1,006,000 worth of buildings were constructed. On that basis it would mean that the building operations this year in Boston would be only 15 per cent of the total operations of 1916. In St. Louis, in 1916, the value of the buildings erected was $12,851,000.

On the basis of the first three months of this year the operations in St. Louis will not exceed $2,600,000, 20 per cent of those of 1916. In Philadelphia in 1916 the building operations totaled in value $47,000,000, and for this year they will probably not exceed $10,000,000. In Chicago in 1916 the building operations

totaled $112,835,000, and this year they will not exceed $30,000,000. In the city of New York building operations totaled in 1916 the sum of $191,000,000, and this year they will not exceed $40,000,000.

Mr. THOMAS. Mr. President, I desire to ask the Senator from New York, who is competent to speak upon these matters, whether that is not due very largely to the tremendous increase in cost and scarcity of material and also of labor?

Mr. CALDER. The Senator from Colorado is correct in the main, Mr. President. The material and labor going into building construction has increased in price about 50 per cent. I have analyzed the figures recently in New York City, when I was home last week, and I find that while the claim has been that the increased cost will be 100 per cent I think it is fair to say that it is somewhere between 40 and 50 per cent.

In connection with the figures I have just given, a careful estimate indicates that the building operations for 1916 in this country, outside of Government construction, were substantially $1,500,000,000, and that for this year they will not exceed $300,000,000—a falling off of 75 per cent. My information is that in every large city of the Nation there is a scarcity of housing facilities. In apartment houses, in tenement houses, in dwelling houses, there is 100 per cent occupancy, and while the conditions in New York are not quite so bad as they are in Washington they are very bad, indeed.

So, Mr. President, with that in mind, and realizing just what the Shipping Board has done in the matter of building these villages in the neighborhood of shipping plants, it seems to me that we are going to have, unless we are careful, tremendous building operations by the Government in the near future.

I offered an amendment to the War Finance Corporation bill when it was pending, which, if it had been agreed to, would have permitted, by offering proper security, the insurance companies and the mortgage companies of the country to come to the War Finance Corporation for aid. I said at the time that one of my reasons for offering that amendment was to enable corporations that ordinarily loan money in building operations to get relief if they needed it from the War Finance Corporation. The Senate, however, did not agree with my views in the matter. Therefore we lack relief in that direction.

The Senator from Colorado has referred to the increased cost of building materials. I might add to that, for the Senator's information, that in the city of New York to-day you can not get a building loan for new structures. There is some money to loan for permanent mortgages, but very little in comparison to what was obtainable a short time ago. The money formerly available for building operations is being used for the purchase of liberty bonds or is being held for the payment of the Government taxes due in June.

If I could write this measure or amend it properly, I would have it read that the department of the Government charged with the responsibility of this legislation, instead of itself building houses, should, under proper security, loan to responsible people the money with which to build. In that way we would encourage home building by private concerns; we would take care of the necessities of the country at this time, and, to a large degree, assure to the Nation the return of the investment made by the Government itself.

Mr. KIRBY. Mr. President, I should like to ask some member of the committee if it has been determined to spend in the District of Columbia $10,000,000, which I see is proposed here, for building in this District? I understand a great number of employees are in the Food Administration Department and that a great number are in the Fuel Administration Department. I can not understand why the Food Administration Department should not be located in St. Louis and why the Fuel Administration Department should not be located in Chicago. I think these different departments might as well be located in other cities which are nearer the scene of the activities in the line of their control, where the offices and employees might easily be accommodated without the construction of new buildings. It seems to me that a great many of the other departments that are located here are not necessarily in direct touch with the heads of the departments and do not need to be located in Washington. If that is true, I do not see why they might not be sent to these other cities, where the Government would not be compelled to build houses to take care of the employees. I would like to know if any suggestion has been made to the committee negativing the idea that that could be done and demanding that these buildings must necessarily be erected here?

Mr. SWANSON. Mr. President, I will say to the Senator from Arkansas that a very accurate estimate was made as to what the departments expected relative to the increased number of employees in Washington. Each department was asked as to increased work and the number of employees that were expected and needed. The War Department estimated that it would need from May 1 to July 1, 4,928 additional employees; from July 1 to the 1st of December, 4,195 additional employees. The Labor Department estimated that it would need 80 additional employees from May 1 to July 1, and from July 1 to December 1 it would need 190. The Navy Department estimated that from May 1 to July 1 it would need 634 additional employees and from July 1 to December 31 it would need 740. All of the various departments were asked to furnish estimates, and the estimated total from May 1 to July 1 is 11,182 additional employees, and from July 1 to December 31, 11,598. They have made an estimate for the month of March, and the actual increase in needs exceeds the estimate that was made.

Some of these departments possibly might be decentralized—if I may use that expression—as Mr. Schwab took some of the Shipping Board clerks to Philadelphia.

Mr. KIRBY. Does the Senator's report show what the forces in the Fuel Control Department and the Food Administration are?

Mr. SWANSON. The Fuel Administration expects to have 160 additional clerks from May 1 to July 1, and 240 additional clerks, I think it is, from July 1 to December 31.

Mr. KIRBY. How many have they now? That is what I am trying to ascertain?

Mr. SWANSON. I have not an estimate as to how many they now have.

Mr. KIRBY. It would seem to me that most of these matters might be taken care of by putting employees in other cities, where they could be accommodated without going to the trouble of building houses. They would not be far enough away to cause any inconvenience in the finishing up of the work.

Mr. SWANSON. In addition to that we have the large works in connection with the Navy and the making of our large guns in the gun factory in Washington, and a large increase in that part of the money which is appropriated for the District of Columbia will be used for housing persons who are needed in the Washington Gun Factory or Navy Yard.

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia if he has made any inquiry or estimate as to the amount of money which has already been expended by the Government in the District of Columbia in the matter of building houses?

Mr. SWANSON. I do not think the Government has spent any money in that way. I do not know whether it would have authority to expend any money unless there was a special appropriation for that purpose, and I am not aware of any such.

Mr. GALLINGER. Oh, yes; we made an appropriation, I think, of $2,000,000 last year for the construction of a building on Sixth Street. I think I am not mistaken about that.

Mr. SWANSON. For housing?

Mr. GALLINGER. No; I mean buildings of all kinds.

Mr. SWANSON. The only appropriation that has been made in recent years was for the building opposite the Treasury Department, next to the Belasco Theater, which they are now building. As to rentals, that question does not come to our committee.

Mr. GALLINGER. What interests me is, that when I came here last October and drove about the city I was inclined to throw up my hands and say that the work that I had tried to do for 25 years to make Washington the most beautiful city in the world—that was the stereotyped phrase—had been pretty much thrown away. We have constructed shacks—some of them are almost shacks—all over our parks in the District of Columbia. We have ruined our parks; we have ruthlessly cut down trees that have required 75 years to grow; and we are continuing that work. We have now invaded Potomac Park; we have taken East Seaton and West Seaton Parks; we have taken that strip of land known as Henry Park; and we are going on with that kind of work.

Mr. SWANSON. I will say to the Senator that I am not acquainted with the details of it; it did not come from the Committee on Public Buildings and Grounds; it came, I think, from the Committee on the District of Columbia, of which the Senator is a member, and probably he has as full information as I have in regard to the matter.

Mr. GALLINGER. The appropriation was made by the Appropriations Committee, but what I desire to know is, who determines where these buildings shall be erected? I know enough about the District of Columbia to know that the Government might have gone out a mile or so and acquired land that would not have done injury to the District of Columbia, so far as its beauty is concerned, upon which all of these buildings, or most of them, could have been erected; and if it had been necessary to build structures for movies we might have done that also to accommodate those who are going to occupy those buildings; but it seems that somebody has gone along in the District of

Columbia, absolutely without regard to the beauty of the city, has destroyed the parks and has destroyed the appearance of the city, so far as its beauty is concerned, without any regard to results. That is the way it strikes me.

Mr. SMITH of Georgia. Mr. President——

Mr. GALLINGER. I yield.

Mr. SMITH of Georgia. I am very anxious to ask the Senator who authorized this horrible performance?

Mr. GALLINGER. I do not know; I know that an appropriation was made last year when I was absent on account of illness.

Mr. SMITH of Georgia. There was not any necessity for it.

Mr. GALLINGER. An appropriation was made of something over $2,000,000, and I think the site for that building was described—I refer to the building on Sixth Street NW., running back to the Fish Commission Building.

Mr. SMOOT. That cost over $6,000,000.

Mr. GALLINGER. The Senator from Utah says it cost over $6,000,000. Magnificent trees were cut down in that park, the value of which could not be estimated to this District. So the work has gone on. "Woodman, spare that tree" has been forgotten; our great effort to beautify Washington, to have wide streets, beautiful avenues, and lovely parks has been lost sight of absolutely; and I do not know under whose authority it was done, although, of course, the appropriations were made.

Mr. SMOOT. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. SMOOT. There have been appropriations made for some of these buildings; but I want to say to the Senator that there have been buildings erected and paid for from the fund of $100,000,000 which we granted to the President.

Mr. GALLINGER. There is no question about that.

Mr. SMOOT. There has been expended in one case about $6,000,000, in another case $2,000,000, and altogether about $12,000,000 which the Appropriations Committee have recommended for the erection of these temporary structures. I will ask the Senator from Virginia if that is not correct?

Mr. MARTIN. I would not undertake to give the figures accurately, but substantially that is correct.

Mr. SMOOT. That amount is substantially correct at any rate. Then, I will say to the Senator, I do not know how much has been taken out of the President's fund for the purpose of erecting different buildings.

Mr. GALLINGER. A little while ago I noticed that the House of Representatives had refused to appropriate something over $4,000,000 for the building on the old Arlington Hotel site.

Mr. SMOOT. The House did not refuse, but the Senate refused to put it in the bill, and the Senator will remember that then immediately the amount necessary was taken out of the President's fund.

Mr. GALLINGER. I think the Senator correctly states the fact. The Senate refused to make that appropriation of over $4,000,000 for the building on the old Arlington site; but those who were constructing that building reached out and got that $4,000,000, and I presume they made a fair profit on it; I do not know how much. So we are going along.

I am perhaps not more concerned than any other Senator about the District of Columbia, but I was a member of the Committee on the District of Columbia for 22 years; I was chairman of the committee for 10 years; and I gave the best efforts of my life, neglecting interests of my own constituents, to build up the city of Washington along correct lines. We made wonderful progress, so much so that many times it was stated by visitors from foreign nations that we had or were going to have the most beautiful city in the world. But I do not know what is going to happen to Washington unless we stop the process that has been going on here and seems to be continuing at a rapid rate at the present time. If there was any way to stop it, to halt the vandalism, as I am inclined to call it, that is being perpetrated in this city, I should like to see it done; but perhaps it is too late to talk about it now.

Mr. PHELAN. Mr. President, may I ask the Senator if he believes there will be a permanent injury by the erection of these temporary buildings on the public lands and parks of Washington?

Mr. GALLINGER. There certainly is a temporary injury, if not a permanent injury, and I do not know why there will not be a permanent injury.

Mr. PHELAN. Of course, we all deplore it. I do not know what authority has been granted, but in conversation with some members of the Fine Arts Commission I learned that they had advised that the buildings be as ugly as possible in order to compel their demolition at the end of the war.

Mr. GALLINGER. That is about the best thing I have known the Fine Arts Commission to do for a good many years. If they have succeeded in doing that, they have succeeded in doing a good thing.

Mr. SMITH of Georgia. I want the RECORD to carry the statement of my thorough conviction that they have succeeded.

Mr. PHELAN. There is no intention—I wish to make the point—of maintaining those buildings as a permanent adornment to the city. I think we are all of one mind that they should be destroyed at the conclusion of the war.

Mr. MARTIN. Mr. President, the buildings that have been erected by authority of Congress are for the most part temporary buildings that may be used for two or three years. They to some extent impair the beauty of the city. They have been authorized by Congress, notwithstanding that fact and with full knowledge of that fact, because they were war-emergency buildings. I am sure Congress does not want even the beauty of Washington to stand in the way of the successful conduct of this war.

There has been no building erected by authority of the Congress that will be any permanent disfigurement to the city; but they were erected where they were urgently needed for emergency war purposes, and I am sure there is not a Member of the Senate who would not approve of every one of them if he was familiar with the facts. They have been authorized deliberately, advisedly, and solely for emergency buildings of a temporary character in most instances.

Mr. CALDER. Mr. President, will the Senator yield to me?

Mr. MARTIN. I will.

Mr. CALDER. If the Senator will permit me, I want heartily to indorse what he has said. I think that we could not have done better, and it is well that the buildings are of a character that makes it plain that they are to be only temporary.

I might say, if the Senator will permit me further, that I went through some of these buildings recently and urged that every precaution should be taken to avoid loss by fire.

Mr. PHELAN. Does the Senator mean loss of life?

Mr. CALDER. I refer especially to damage by fire to the buildings and to the property of the Government, and I am glad to say that some fire apparatus has been installed in those buildings. That was a very wise precaution, because the buildings in the main are constructed of inflammable material; but that could not have been otherwise, as they were designed to be temporary in character and the necessity for speed in their construction was great.

Mr. MARTIN. Mr. President, these buildings have usually been erected at places convenient to the work to be done. Of course, we could have gone outside the limits of the city or we could have gone to remote locations in the city, but those locations would not have answered the urgent necessities of the war conditions. I am sure every precaution, every care has been taken which could be taken consistently with the object in view. There have been, of course, some buildings erected here out of the emergency fund which was placed in the hands of the President, and otherwise, that the committees of Congress did not deal with; but, so far as the Committee on Appropriations has dealt with these matters—and they have dealt with most of them and there has been congressional action—the committee has used every precaution to prevent any injury to the beauty of the city, and in the long run no injury will be done. An urgent war necessity has been met with as little injury to the beauty of the city as was possible.

Mr. McCUMBER. Mr. President, the Senator says that no buildings of a permanent character have been authorized by Congress.

Mr. MARTIN. The Senator is mistaken. I said for the most part they were temporary. Some permanent buildings have been authorized.

Mr. McCUMBER. Has there been any authority from Congress to erect permanent buildings?

Mr. MARTIN. I do not know.

Mr. McCUMBER. And if not, where was the authority obtained?

Mr. MARTIN. I do not know to what extent the permanent buildings may have been put up. I do know that the building being erected on the old Arlington Hotel site, which is designed to be permanent and very handsome and commodious, has been authorized and paid for out of the emergency fund granted to the President. Four million two hundred thousand dollars have been dedicated to the purchase of that site and for the completion of the building out of the emergency fund granted to the President. Congress did not act in that matter at all. There were measures pending for that purpose, but pending action the President set aside $4,200,000.

Mr. McCUMBER. Has the Senator any information as to whether the price paid for that building was an exorbitant price?

Mr. MARTIN. My information is that the price is not an exorbitant one. It will be a very fine building, thoroughly fireproof, with a handsome exterior and an interior conveniently arranged for departmental purposes. I believe the Government will receive a dollar's worth for every dollar it pays out in that transaction. That is the information which I have; indeed, I think that the contractors put at the disposal of the Treasury Department every book and every paper they had showing what money had been expended. The amount may have been a little liberal. I, of course, do not pretend to speak with the utmost detail, but, generally speaking, I believe it was a very carefully made bargain and that the Government will get a dollar's worth for every dollar it pays out.

Mr. McCUMBER. Carefully made, of course, as compared with some of the other expenditures which have been made?

Mr. MARTIN. I think the matter was carefully investigated. I will say that the Supervising Architect of the Treasury and some other Government officials talked with me about it when action was contemplated by the Appropriations Committee, but the Appropriations Committee did not act on it, and the purchase price was paid out of the emergency fund voted to the President.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. MARTIN. I will.

Mr. NELSON. I should like to know why the Government does not utilize and put up buildings on the ground which was acquired several years ago. As the Senator knows, we acquired several squares east of the District Building and south of Pennsylvania Avenue. I think there are three or four blocks there altogether, but instead of using that property the Government buys other property and puts up buildings, leaving all that property dead and idle.

Mr. MARTIN. The Government has bought very little real estate, and the buildings which it has erected have been erected on its own property. On the property to which the Senator refers on the south side of Pennsylvania Avenue there are already valuable buildings, and to some extent those buildings are being used for Government purposes. On investigation it was thought inadvisable at this time to tear down those buildings for the purpose of erecting other buildings when the Government had land on which it could erect the buildings which it needs. I repeat, some of the buildings on the property referred to by the Senator from Minnesota are already being used.

Mr. NELSON. How many squares has the Government there?

Mr. MARTIN. I can not speak with entire accuracy as to the number of squares.

Mr. SMOOT. I think there is only one, extending from Fifteenth Street to Fourteenth Street on the south side of and facing the Avenue.

Mr. NELSON. My impression is that the Government owns four or five squares there.

Mr. MARTIN. The Senator from Utah probably knows as to that. The Government owns a good many buildings there, some of which are in use; and it was deemed, after investigation, unwise to tear those buildings down for the purpose of erecting new buildings when the Government had other land on which the buildings might be erected.

Mr. SMOOT. Mr. President, I wish to say to the Senator from Minnesota that I thought the Senator had reference to the lots that face Pennsylvania Avenue; and I said that there was one square facing Pennsylvania Avenue. It is true that the Government acquired the property to B Street, embracing three squares between Pennsylvania Avenue and B Street, but there is only one block facing Pennsylvania Avenue.

Mr. NELSON. That is all facing the Avenue; but the blocks back of Pennsylvania Avenue are covered with a lot of rookeries which might well be torn down.

Mr. SMOOT. And the city would be very much better off without a good many of them, I will say to the Senator.

Mr. NELSON. They might very well be torn down, and the land utilized for the Government, instead of buying at such an exorbitant figure the old Arlington property.

Mr. SMOOT. Mr. President, in relation to the Arlington property, I will say that I was convinced that the Senate should not without some investigation appropriate the amount asked for to purchase that property. After the Senate decided not to make the appropriation several people came to me and told me that the price agreed upon for the property was an outrageous one; that the Government was being held up; and that the price paid was entirely unreasonable. I told them that I did not propose to ask for any investigation unless they would place in my hands affidavits showing what the property cost and wherein the price was exorbitant and unreasonable; but that, if they would furnish me such affidavits, then, based upon those affidavits, I would introduce a resolution of inquiry providing for an investigation of the matter. I will say that up to this time I have not received those affidavits, and therefore I shall not say anything more about that property at this time, nor will I do anything about it unless I am furnished some affidavits upon which to base a resolution.

Mr. PHELAN. Let me ask the Senator if there was not some kind of a showing made before the House as to the price which should be paid for that property?

Mr. SMOOT. There was a statement made before the subcommittee of the Appropriations Committee of the Senate; but that was based upon the number of square feet that would be in the building, the amount of rental that the Government is compelled to pay to-day for each square foot of space, and the interest upon that charge for rent; which, altogether, would bring the amount for the building up to about $4,000,000; but that figure is based, as I have said, upon the rentals that are being paid to-day in that part of the city. I have not any doubt that $4,200,000 will more than cover the cost of the building and the ground, too.

Mr. PHELAN. We know the value of the land, as a matter of public information. Has there been any estimate made as to the cost of the building?

Mr. SMOOT. Oh, yes; there is an estimate as to the cost of the building.

Mr. PHELAN. Would that, plus the value of the land, aggregate $4,000,000?

Mr. SMOOT. That is not the way it was figured out, I will say to the Senator.

Mr. PHELAN. I am not referring to profits, but to actual cost.

Mr. SMOOT. It was figured upon the basis of rents to-day in that locality, and what the total of rent would be if the building were used five years only. On that basis it was shown by the Treasury Department—that is, by the architects of the Supervising Architect's Office of that department—that the expenditure of $4,000,000 for the purchase of that property would be justified.

Mr. PHELAN. I have no information whatever on the subject; I am seeking for information. If the price is exorbitant I should like to know it.

Mr. SMOOT. I have said all I can say about that.

Mr. MARTIN. Mr. President, answering one inquiry of the Senator from California [Mr. PHELAN], I think the value of the land with the excavation—and the excavation is for two stories below the surface—was placed at a million dollars. I think that was a very fair valuation, because that is one of the finest sites and largest lots in the city of Washington. The Government paid half a million dollars, if I am not mistaken, for the lot adjacent to the Riggs National Bank.

Mr. SMITH of Georgia. Was the price for the entire Arlington site $1,000,000?

Mr. MARTIN. One million dollars, including the excavation, a very expensive excavation, going two stories below the surface.

Mr. McCUMBER. Mr. President, is it not true that it was foreclosed for a mortgage of about $400,000 because they could not get a purchaser who would take the mortgage?

Mr. MARTIN. Oh, no. The question answers itself. Anybody who knows anything about Washington knows that there never would have been any trouble at any time in the last 20 years in getting more than $400,000 in five minutes for the Arlington Hotel site.

Mr. McCUMBER. Is it not true that that particular property was sold a few years ago under a mortgage and the title bought by foreclosure of a mortgage or trust deed?

Mr. MARTIN. I do not know about that; but I know there has not been a time since I have been in the city of Washington, some twenty-odd years, when it would not have commanded a great deal more than any $400,000.

Mr. McCUMBER. That does not answer my question. I think it was about $400,000. I remember reading it at the time.

Mr. MARTIN. There may have been a mortgage of $400,000, and it may have been sold under that mortgage; but it has never been valued at any such price as that—never.

Mr. McCUMBER. I knew that there had been several attempts to sell it, and all of them had fallen down, and then it was put in the hands of a receiver.

Mr. MARTIN. There never has been any attempt to sell it at $400,000.

Mr. McCUMBER. I think the Senator will find that my statements are substantially correct if he will look over the records of the last few years.

Mr. MARTIN. It does not need any statement from anybody. I know enough about Washington property to know of my own knowledge that it is worth a great deal more than any $400,000, and it has been readily salable at a great deal more than that at any time within 20 years. It is one of the most valuable and one of the largest building sites in the city of Washington. I have not undertaken to make any exhaustive inquiry into it, although I have had a good deal said to me about it, and I think the Treasury Department made a careful investigation of the subject. I am satisfied, so far as my own personal opinion is concerned, that the Government got full value when it paid $4,200,000 for the property—that is, for the lot and for the building that is to be put on it.

Mr. GALLINGER. Mr. President, I had no purpose, in what I said, of criticizing the Committee on Appropriations, of which I am a member.

Mr. MARTIN. If the Senator will excuse me, I understand that the Committee on Appropriations never acted upon it. I am not speaking for the committee. The Committee on Appropriations never took any action on the Arlington Hotel site.

Mr. GALLINGER. I understand so; but I meant in a general way in the observations I made about the city of Washington.

Mr. MARTIN. Oh, I was sure of that.

Mr. GALLINGER. I know that the Senator from Virginia is very careful in scanning the appropriations, and I know that the Senator from Virginia agrees with me that we ought to be as economical as possible in spending the people's money; but I will venture to say that I wish the Senator from Virginia had had the same power that he has over the appropriations to have determined how many clerks were needed in the city of Washington because of the war. I believe that more than twice the number that are necessary have been brought here. That is my individual belief; and yet they propose to bring thousands and thousands more here. They are tumbling over each other—clerks who, to a large extent, are incompetent, without any ability at all to do good work. I have knowledge of that myself in a great many instances, and I think we have been compelled to construct a great many more buildings than would have been necessary had there been some system in the hands of competent men under which we could have ascertained definitely how much clerical help and other help was needed in the work consequent upon the war. That, however, is a mere opinion of mine, and it goes for what it is worth.

I think the habit is that when the head of a department or the head of a bureau or the head of a division says: "I want 50 clerks" or "I want 100 clerks," they are forthcoming from some quarter or other. Why, I read a little while ago, and I think it was not a misrepresentation, that a gentleman in one of the departments said that he could use 1,200 stenographers if he could get them. He said it was impossible to get them, but he could make use of 1,200 stenographers if he could get them; and I presume they raked the country over and got all they could. I really feel, laying aside the question of appropriations for the construction of buildings, that there has been a wanton recklessness in the matter of adding to the force of clerks and other officials in the departments consequent upon the war.

Mr. THOMAS. Mr. President, may I ask the Senator if the 1,200 stenographers were needed by the Aviation Section?

Mr. GALLINGER. I do not know. I think perhaps they were as much needed there as they were in some other departments of the Government.

Mr. THOMAS. If so, that might account for some of the $640,000,000 that we have appropriated.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment of the committee.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the committee amendment as amended.

The amendment as amended was agreed to.

The SECRETARY. On page 4, line 9, after the word "*Provided*," it is proposed to strike out the word "*further*."

Mr. SMOOT. Mr. President, now that we have adopted the first proviso, the word "*further*" ought to remain in the bill.

The VICE PRESIDENT. In the absence of objection, the amendment will be rejected.

The SECRETARY. On lines 14 and 15, page 2, after the word "exercised," it is proposed to strike out the words "in the housing of Government employees," so as to read:

Provided further, That the powers herein authorized shall not be exercised in the District of Columbia except upon detailed estimates and appropriations for such purpose.

Mr. JONES of Washington. Mr. President, I want to ask the Senator in charge of the bill whether he thinks that is a wise proviso?

Mr. SWANSON. With regard to the District of Columbia?

Mr. JONES of Washington. Yes. I heartily indorse the sentiment expressed by the Senator from Colorado [Mr. THOMAS] a while ago with reference to the conditions here in the District of Columbia.

It seems to me that we have housing necessities here that are about as urgent as those anywhere in the country, if not more so, and that expeditious work should be done to secure housing facilities for the employees here. It seems to me that this proviso would result in very great delay. I want to ask the Senator in charge of the bill what he thinks about it.

Mr. SWANSON. Mr. President, this provision was not included in the bill as reported by the committee to the House. This provision, as I understand, was put in the bill on the floor of the House of Representatives on motion of the Representative from Kentucky who is the chairman of the Appropriations Committee. Under this provision the bill is not operative in the District of Columbia until estimates are made and until Congress authorizes specific appropriations. It will evidently result in a great deal of delay.

In discussing it with the committee and also with other Members of the Senate a great many Members of the Senate had an idea that they did not know what would occur in the District. People were apprehensive of their houses being seized, and it was feared that there might be a reckless expenditure of money. In order to get the bill reported and through, and to save a great deal of time, it was thought better not to interfere with that. I have an idea that this provision will result in great delay; but as Congress is in session here, and the people that are to administer the law are near Congress and can fix up these detailed statements quickly, and report to the Committee on Appropriations, and they can act hurriedly, we thought possibly it might be well to retain that provision for the District of Columbia. Of course, in the case of buildings outside of the District of Columbia, to come to Washington and lay detailed estimates for appropriations before Congress would be absolutely destructive of the purposes sought to be accomplished by the bill.

I think if Congress were willing to leave it to these people to contract, in view of the fact that the President is authorized to expend $10,000,000 in the District of Columbia, we would get the buildings a great deal quicker. It is for Congress to determine whether they want it operative here or whether they want to wait until Congress makes the appropriation before it becomes operative. Under the rules the Appropriations Committee can not report an appropriation for a building unless it is authorized by the Committee on Public Buildings and Grounds. We can not appropriate; we can only authorize; and this authorization was made in pursuance of the rules of the Senate and the House.

Mr. JONES of Washington. Yes; but the committee could have eliminated that proviso and allowed the work to go on here just the same as in other sections of the country.

Mr. SWANSON. I am willing to leave it to the President to spend this $10,000,000.

Mr. JONES of Washington. I am, too; but I think that proviso ought to be stricken out. I offer that amendment, Mr. President—to strike out that proviso.

Mr. THOMAS. Mr. President, I think the amendment offered by the Senator from Washington should be adopted, because the proviso as it now stands would make inoperative that part of section 8 which appropriates $10,000,000 for District of Columbia purposes, and, moreover, would, as the Senator having charge of the bill admits, very seriously retard the operation of the bill, which is supposed to be one of great emergency. Indeed, the Senator having charge of the bill has on several occasions insisted that we should enact this measure into legislation as soon as possible, because it is one of the most emergent bills before the Congress.

Now, let us look at the proviso for a moment:

Provided further, That the powers herein authorized shall not be exercised in the housing of Government employees in the District of Columbia except upon detailed estimates and appropriations for such purpose.

Let me say in passing that the House evidently sought to limit "the powers herein authorized" to the housing of Government employees, leaving the remainder of the bill as active in the District of Columbia as beyond its boundaries. But with the elimination of the words "in the housing of Government employees," none of the powers authorized by this bill can be exercised in the District of Columbia at all until detailed estimates and appropriations for such purpose both occur.

The bill makes an appropriation of $10,000,000 for District of Columbia purposes. This proviso renders that appropriation practically of no effect, because the powers are not to be exer-

cised except upon detailed estimates and appropriations upon those detailed estimates.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. THOMAS. Yes.

Mr. KING. Does not the Senator feel that that was deemed necessary because the committee, or those who were responsible for that particular feature of the bill, were not quite satisfied of the necessity of erecting buildings within the District of Columbia? I will say, speaking for myself, that I do not think there is any necessity, and I would very much prefer to leave the bill as it is rather than to strike out the provision, as suggested by the Senator from Washington.

Mr. THOMAS. Of course, Mr. President, if there is no necessity for the erection of houses here, I can very readily understand why the proviso was inserted; but if I am any judge of housing conditions, there is a greater need for the building of houses in the District of Columbia than anywhere else in the United States. This is the most congested community in the United States, as I had occasion to say in the discussion of a previous amendment.

Why, Mr. President, I do not know how others in this body are situated with regard to housing possibilities, but I am unable to lease anything myself at the present time for the ensuing winter. I can find nothing that is vacant, and my landlord has absolutely declined to extend my present lease under any conditions. I assume that he is going to cut up the house into rooms, furnish them, and then rent them for $100 a month apiece. I do not know, but I know that is being done very largely in this city. I know of two apartment houses the tenants now occupying which are expected to get out as soon as their leases expire, and then the houses are going to be practically reconstructed, the apartments are going to be thrown into rooms, and those rooms which are now used for culinary purposes in connection with the apartments are going to be turned into bedrooms, then they are going to be furnished, and the proposition, as I understand it, is to rent the rooms at a per diem rate, bringing in a revenue which in some instances will perhaps—I hope, at least—exhaust cupidity.

Mr. President, we have in the city of Washington an enormous congestion. It is here, and its limitations have not been reached. "They are coming, Father Abraham," several hundred thousand strong. They are coming from all the points of the compass. There is not a Member of Congress who is not besieged with applications for official positions in the city of Washington, and there is not a man or a woman writing for these positions who does not believe that his or her Senator or Member of Congress has the positions, and can dole them out at will, if application is made in due season. We have been advised that some twelve or fifteen hundred additional employees are coming. They must have them—I do not know why, but they must have them—and, of course, the floating population of the city, as far as I am able to judge, is also increasing.

A hotel was opened down here about two weeks ago. It is only partly completed internally, and yet every room that is available was instantly taken, and taken at the landlord's prices.

Mr. President, if our population is to increase very materially—as is doubtless the case—this is the place of all places where the power to take houses ought to be exercised, and where the building of houses should begin just as soon as possible. Hence to exempt the District of Columbia from the operation of this bill until estimates and appropriations for that purpose shall have been made is to defeat its operation in the very place where it is most needed.

I think, therefore, that this proviso should be eliminated, and I hope the Senate will adopt the amendment offered by the Senator from Washington.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The entire proviso is out, now, down to the word "purpose," in line 17, page 4. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 4, line 22, it is proposed to strike out the words "local transportation" and the comma after the word "transportation."

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. CALDER. Mr. President, I should like to inquire of the chairman of the committee what sort of buildings it is proposed to construct in the District of Columbia?

Mr. SWANSON. The details are not as accurate here as elsewhere, although they have made a survey; but the matter is under Capt. Potter, and they expect to put up, I think, some temporary buildings, possibly hotels and apartment houses, adapted as well as possible to the situation. I have not seen any detailed statement as to the kind or character of buildings that they propose to put up in Washington.

Mr. CALDER. I had hoped, Mr. President, that in utilizing this money we might construct here buildings something like the Young Women's Christian Association dormitories, where a number of rooms could be contained in one building, and where decent living conditions might exist.

Mr. SWANSON. I do not know, but I do not understand that they have gotten any detailed statement as to what they expect to construct in Washington.

Mr. CALDER. I should oppose very strongly the building of frame barracks, where there might be great risk of loss of life by fire. I would have buildings constructed that would comply with all the building regulations, and that would be attractive, and would be permanent, and where moderate rents could be had in the future.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. CALDER. Certainly.

Mr. SMOOT. If that policy were carried out, the Senator must know that $50,000,000 would be just a fleabite in comparison to what would be ultimately expended. In other words, if that policy is to be carried out, we had better make it $500,000,000.

Mr. CALDER. I would not dream of doing that, Mr. President, in the District of Columbia. We have a city here that undoubtedly will need permanent structures, and we ought to have something attractive about it, something worth while. I hope some such method will be pursued here, at any rate.

The SECRETARY. The next amendment of the committee is on page 5, line 11——

Mr. GALLINGER. Mr. President, in line 22, of page 4, the words "local transportation" were stricken out a moment ago. I wish to inquire of the Senator from Virginia whether it was not intended to strike out also the words "and other community facilities"?

Mr. SWANSON. Wherever the words "local transportation and other community facilities" appear in the bill they should be eliminated. I hope the Secretary will make those amendments.

Mr. GALLINGER. That was not done a moment ago.

The SECRETARY. On line 22, page 4, it is proposed to strike out the words "and other community facilities."

The amendment was agreed to.

The SECRETARY. On page 5, lines 11 and 12, it is proposed to strike out the words "local transportation, and other community facilities."

Mr. THOMAS. Mr. President, the bill as reported by the committee only strikes out the words "local transportation." Was the omission of the other words an oversight?

Mr. SWANSON. It was an oversight in the print.

Mr. FLETCHER. Mr. President, I am not going to object to that, but I want to say that my study of this question of the need of housing shows that it is largely a transportation question. It is more largely a transportation question than it is a housing question. The difficulty about taking care of workers in the various Government works of the country is that they are obliged to live so far away from the works. If the Government had the power to command control of the transportation facilities they would have to build far fewer houses. If you could control the transportation facilities, you would solve the housing proposition in nine cases out of ten; and I think myself it is a mistake to strike that out of the bill. You would save a great deal of money by retaining it. You would not have to buy the transportation lines, but you could regulate and control and perhaps increase the transportation facilities to some extent, and people could live some distance away, 2 or 3 miles away from where they had to work, if they could come in in 15 or 20 minutes by means of properly regulated transportation.

Mr. GALLINGER. Mr. President, that, I suppose, would mean that the Government could go into the building of electric car lines.

Mr. FLETCHER. No; I would not say they would have to build them. I will say to the Senator that I am quite sure that existing facilities would in a good many instances serve the purpose; but the trouble is that they do not cooperate. There is a disposition not to meet the needs by putting on proper schedules, and perhaps adding some cars.

Mr. GALLINGER. I think the Senator is wrong about that. The Public Utilities Commission and the expert who is now trying to handle the street-car facilities in the District of Columbia have exhausted all their skill and energy to better the present congestion. A man almost takes his life in his hands to go on these street cars now.

Mr. FLETCHER. I do not doubt that in the least. I think in the District of Columbia that is quite true; but there are places in the country, not here in the District, where there are transportation facilities now, but they are not properly utilized, and by improving them a little the housing question could be very largely settled.

Mr. GALLINGER. Perhaps, too, the Senator from Florida has overlooked the fact that the people who are coming here not only mildly but vehemently protest against going into rural communities. They propose to live in Washington, near the theaters and the "movies" and that sort of thing.

Mr. FLETCHER. Of course, I do not think the Government ought to accommodate those people. I do not believe we have any business to go to work building houses here in Washington to take care of people who want to frolic.

Mr. FALL. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. FLETCHER. Certainly.

Mr. FALL. The Senator is more familiar with conditions here than I am. Is it not a fact, in his judgment, that unless the local transportation facilities are improved it will be necessary, in order to house all these people, to dispossess the actual residents of Washington of the houses which they now own and occupy? If you are going to house 30,000 people here where they can be accessible to the places where they work, will it not, in the opinion of the Senator from his knowledge of the conditions here, be necessary to dispossess actual residents of the houses which they now have, unless you do improve the local transportation facilities so that they can be taken outside of the present congested centers?

Mr. FLETCHER. I think the tendency will be that way very largely.

Mr. FALL. That is the impression I have had on that line.

Mr. CALDER. Mr. President, the Senator will recall, perhaps, that we had some such bill reported from the Committee on Commerce, and that the Senator from Florida refrained from pressing the consideration of that bill because I wished to make some investigation of the subject; and finally, after a complete investigation, I was convinced that the Senator's bill was an emergency one, and it passed; and a bill accomplishing this very purpose for the Shipping Board, under such language as is contained in this bill, has passed both Houses of Congress, and is now on the statute books.

Mr. FLETCHER. The Senator is correct.

Mr. CALDER. The Senator from Florida and I agreed that it was a very important matter, to avoid a large expenditure of money in building, to be able to extend railway facilities so as to accommodate the people otherwise.

Mr. FLETCHER. The Senator is correct about that. That was our conclusion at the time.

The SECRETARY. On page 5, line 14, after the word "occupied," it is proposed to insert "occupant being given 10 days' notice in which to vacate," so as to read:

Immediate possession thereof may be taken to the extent of the interest to be acquired and the same may be occupied, occupant being given 10 days' notice in which to vacate.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Virginia that he put the words in italics in parentheses. I think he will see that it reads much more smoothly in that way.

Mr. SWANSON. I have no objection to that being done.

The SECRETARY. It is proposed to put parentheses around the words in italics.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On page 7——

Mr. SWANSON. Mr. President, on page 6 I should like to substitute the word "President" for the words "Secretary of Labor," and wherever else they occur in the bill.

The VICE PRESIDENT. The Chair is informed that that has been done.

Mr. FRELINGHUYSEN and Mr. FALL addressed the Chair.

The VICE PRESIDENT. The Senator from New Jersey.

Mr. FRELINGHUYSEN. Mr. President, before section 7 is reached I wish to offer an amendment to section 6, which I ask the Secretary to state.

Mr. FALL. Mr. President, section 5 has not been passed over as yet, and I have an amendment to that section which I wish to offer when the proper time comes.

The VICE PRESIDENT. We are on section 5 now.

Mr. FALL. I was not recognized, however.

The VICE PRESIDENT. The Senator is recognized now.

Mr. FALL. I have an amendment to section 5, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6, at the top of the page, it is proposed to amend section 5 by striking out all after the word "authority" in line 3 down to the word "to" in line 4—to strike out the following words: "To care for and rent such property as remains undisposed of and," so that, if amended, it will read:

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to conclude and execute contracts for the sale of property made during the war.

Mr. FALL. Mr. President, of course the amendment speaks for itself. I very seriously object at this time and through the provisions of a measure which does not provide specific purposes or special appropriations or estimates for the carrying out of its purposes to fastening upon this country as a permanent policy permanent national ownership, control, and renting of houses—in other words, the real estate business.

I realize the great necessity for providing houses now, and of course those houses becoming the property of the Government must be disposed of in some way; but the limitation upon this bill is provided in this section. That limitation itself is removed in so far as the care and the renting of the houses acquired under the provisions of the bill is concerned.

Mr. President, we have pending before Congress at this time a bill for the improvement of the rivers and harbors, a great national asset of the country, and the improvement of which, in my judgment, is, in proper hands, just as necessary for war purposes as any other we may be confronted with. The total appropriation carried in that bill is something like $19,000,000—less than $20,000,000—and every year when the great river and harbor bill comes before the Congress of the United States, in practically every newspaper in the country, weekly and daily, in the great cities from New York to New Mexico, the Congress of the United States is criticized for the pork-barrel appropriations involved in specific appropriations made upon estimates for the different purposes designated, beyond which no authority can go. The same thing is true of the public building bills generally, only one of which I think has been passed here in the last five or six years, so far as my memory serves me, carrying an appropriation of some $25,000,000 for public buildings all over the United States, each of those estimated for, each to be built under the restrictions provided by Congress itself; and yet, as I said, upon every occasion Congress, in dealing with matters of this kind, even when it may make the specific appropriation and throw around all the safeguards which it is possible to provide to insure the proper expenditure of the taxpayers' money, is invariably criticized and we are called logrollers and accused of dipping into the pork barrel.

We have recently passed a bill with no restrictions, the money to be expended upon no estimates, with no particular provision whatsoever contained in it, with no safeguards of any kind or character thrown around it, by which $50,000,000 of the people's money is to be expended for housing by the Shipping Board. It was said that it was a war necessity and we adopted it. This bill is claimed now to be a war necessity. It carries an appropriation of $60,000,000. It carries the authority which has never been vested in any man's hands before in the history of this country. It carries the right to expend the $60,000,000 without accounting to anyone whomsoever, except that a report shall be made from time to time to the Congress of the United States. It carries with it a provision that the $60,000,000 can be loaned without responsibility whatsoever, except as placed in this amendment, that it must be upon security of some kind.

Never in the history of the country, Mr. President, under the plea of war necessity or upon any other plea, has there been such legislation proposed and adopted as we have recently adopted in this body.

Mr. President, I am as firmly convinced of what I shall say now as I am that I am addressing the Senate of the United States. I believe, sir, in my heart that there is to-day an insidious, concerted effort being carried on under the plea of war necessity to socialize this Government of ours, to overturn the entire Government of the United States.

I believe that the provision to which I am now speaking and which I am proposing to strike out of this bill is an insidious effort, is a creature of very great intellect, I may say, intended to fasten as a permanent policy upon this Nation Government ownership, not of transportation lines or of public utilities, but that it is the determined effort of certain people in this country to bring about not only State socialism in those lines but actual State socialism to the very extremest degree; in other words, Government ownership of all the properties in

common, not only of the instrumentalities of production, but that the Government itself shall hold the lives and the happiness and the safety of the people at the mercy of a Government employee.

Mr. President, only once before in the history of this hemisphere has there ever been anything like the conditions which will exist, in my judgment, should we perpetuate the legislation which we are now called upon to adopt as a matter of war necessity. If we read back to the history of Peru as it was discovered by the Spaniards in 1500, you will there find that there was a governing class and a working class. They had Government ownership—socialism rampant and magnificently carried out—in Peru, under what is known as the Incas civilization. The Incas were nothing but the officeholders, and the other inhabitants of Peru worked for them and were allowed a portion of the product of their toil.

I say to you, Mr. President, that socialism in a democracy such as ours means the downfall of the democracy, because it means the tyranny of the mob. We have gone to Government ownership of the railroads to-day, and the best I hope to see as a result from the conditions we have created will be possibly a revolution among the people, bringing about private operation rather than Government operation of the railroads. If we continue to operate the railroads under the theory advanced by the Secretary of the Treasury, who is Director General of Railroads, in his speech at El Paso, Tex., a few days since, then we are confronted with this condition, that in every election hereafter, held every two years in the United States, the great issue will be whether a man shall receive 10 hours' pay for 7 hours' work, or a man's wages shall be increased, and the election of Representatives and Senators and of the President of the United States will turn upon those questions. When you involve Government ownership in a democracy, with frequent periods of election, when you involve it as you are now involving it in every piece of legislation which we are adopting, sooner or later this Government of ours and our forefathers is going to be overturned, just so surely as the sun rises in the east and sets in the west.

Now, sir, under the plea of necessity, under the plea that we must save this country in its great crisis, we are asked to adopt this measure providing exactly what I suggested to the Senator from Florida a few moments ago, that if the people who are claimed to be necessary on departmental work are to be housed in Washington it is going to be necessary to deprive an equal number of citizens of Washington of their homes, drive them away from the city, even as suggested by one of the Senators here that the people now in Washington who are not actually engaged in Government work should be invited to quit their homes and go somewhere else.

Mr. President, just look where we are going. I will go just as far as any of you in attempting to do what I can do consistently to win this war and to yield some measure of my convictions to those who are charged with the responsibility of carrying on the war and of conducting the administration at this time. I have voted for measures which I would never have believed I would have presented to me to vote for. I have gone further than many of my colleagues upon this side; I am going to the very utmost limit; but I can not refrain from uttering now my warning to the Senators here in the United States Senate that we are verging upon socialism, and we have gone to it under the plea of war necessity. How are we going to get away from it is another proposition. I believe that we will do it. It may be brought about by bloody revolution in this country of ours to-day such as is soaking the soil of Russia with blood. We all pray not, and I hope not. I never believed that this Government which our forefathers founded would be torn down as other governments have been torn down. I never believed it would meet the fate of all other democracies which traveling their cycles have disappeared from the face of the earth. One of the reasons why I never believed that was the reason assigned by every writer and commentator upon our Constitution, not only upon the theory of the three checks and balances, by a division of power in the Government, but that this Government could be perpetuated because as a supreme check upon the power of centralized government here was the sovereignty of 48 States as they exist now. This bill does away with your State sovereignty. One of the most insidious wounds which has ever been dealt to State sovereignty is being dealt now. Every day you are doing away with State's rights. Senators present here, those who have a few more years to serve than I have, may yet in their service represent simply an imaginary State line corresponding to the county lines in the States themselves.

Mr. President, let us pause for one moment. Let us check this mad rush in which we are engaged. Let us strike out this provision perpetuating forever Government ownership and control, and the right to rent and handle these houses which we are providing shall now become Government property because of a war necessity. But instead of providing that the effect of this bill shall cease with the expiration of the war it is specifically excepted by the provision in section 5. There is a specific exception continuing the care and rental of these houses for the purposes for which we are now acquiring them.

Mr. BRANDEGEE. I wish to ask the Senator if he will not read into the RECORD the provision to which he alludes?

Mr. FALL. I will:

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for and rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war—

In perpetuity, Mr. President, and I say to you now, sir, that I have knowledge of the fact that very recently in one or more great cities of this Union it has been openly proclaimed that the true purpose of this bill is simply to provide an opening for Government ownership of housing facilities throughout the United States, and that this request for an appropriation of $60,000,000 would be followed until the taxpayers provided at least $750,000,000 for the same purpose.

Mr. SMOOT. Mr. President——

Mr. FALL. I yield to the Senator from Utah.

Mr. SMOOT. I want simply to call the attention of the Senator to the fact that when the bill was before the Senate, I think, the last time the junior Senator from Massachusetts [Mr. WEEKS] offered an amendment to section 5, including the words "sell or," so that it would read "sell or rent."

Mr. FALL. I do not understand where that would come in in section 5.

Mr. SMOOT. Before the word "rent," in line 3, section 5, page 6, so that it would confer authority to sell or rent such property.

Mr. FALL. Then that would continue in perpetuity the power to sell or to rent. I can not think that the Senator from Massachusetts intended exactly that.

Mr. LODGE. The Senator is referring to my colleague, not to me.

Mr. SMOOT. I refer to the junior Senator from Massachusetts [Mr. WEEKS]. I do not call attention to it now to dispute any statement the Senator has made or even question it, but I simply call attention to the fact that that is the way the section as amended reads, so that the Senator in making his motion to strike out will take that into consideration.

Mr. FALL. I think any motion would include that, because it is to strike out all after the word "authority," in line 3, down to and including the word "and," in line 4.

Mr. SMOOT. Only the Senate having acted upon it, we would have to reconsider the vote.

Mr. FALL. I do not think it has been acted upon.

Mr. LODGE. We reconsidered every amendment and went over the bill again.

Mr. FALL. Mr. President, I do not want to be understood for one moment as insinuating by anything I have said that other Senators in this body are not just as alive to the great issues that confront us, not only the war issues but the domestic issues, as I am. However, we are counseling together. We are attempting to frame legislation for the interests of the entire country. We are all equally sincere, undoubtedly, in our efforts in arriving at that end, and if I have spoken warmly upon this subject it is because I feel very deeply upon the subject. I ask the chairman of the committee to join me in calling a halt, because Congress can afterwards deal with the question and provide some method of disposing of the houses, and if then, after proper consideration, it is to be the policy that the National Government should go into the States and acquire private residences in the States and control the labor of a State in perpetuity, as well as in the national city of Washington, for this purpose, let us discuss it frankly and at great length and counsel together and do what is best then, but not hurriedly in a measure of this kind fasten that theory of government upon the statutes.

Mr. THOMAS. I ask leave to submit an amendment, which I ask may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SWANSON obtained the floor.

Mr. JONES of Washington. I should like to ask the Senator from Virginia a question. How long does he think he will ask the Senate to continue in session to-night?

Mr. SWANSON. I should like to continue it for about 10 minutes longer and get through with this amendment.

Mr. JONES of Washington. I am willing to continue it for 10 minutes, but I do not know whether we will finish the amendment in that time.

Mr. SWANSON. In section 5 I should like to insert the words "care for," so that it would read "care for, sell, or rent such property." I should like to have that amendment made before the motion is made to strike out.

Mr. LODGE. If the Senator will allow me, the mischief is in the words "care for and rent." That is what creates uses of the Government in perpetuity.

Mr. SWANSON. I will answer that at the proper time. I should like to include the words "care for" before "sell."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Before the word "rent," on page 6, line 3, in the part proposed to be stricken out, insert the words "care for, sell, or," so as to read "and care for, sell, or rent such property."

Mr. SWANSON. I offer that amendment.

Mr. President, I think the amendment offered by the Senator from New Mexico should not prevail. What would be the effect if that amendment prevailed? You would be compelled to sell the property at any price.

Mr. BRANDEGEE. Will the Senator permit an inquiry at that point?

Mr. SWANSON. I will.

Mr. BRANDEGEE. Would the Senator object to inserting language which would provide that the Government should dispose of the property as soon as practicable and as soon as it could be advantageously disposed of after the war?

Mr. SWANSON. I have no objection to that.

Mr. BRANDEGEE. Later on, then, I shall propose it.

Mr. SWANSON. If the amendment of the Senator from New Mexico was adopted it would compel all this property to have contracts for sale at the conclusion of the war.

Mr. FALL. Will the Senator yield for a moment? That is not my purpose, and I think he is very much mistaken.

Mr. SWANSON. I say the effect of it is, if you could not rent it, you would be compelled to sell it.

Mr. FALL. Oh, no.

Mr. SWANSON. You could not do anything but execute the conditions made during the war, and that would compel, I understand, a contract sale. The amendment offered by the Senator from Connecticut is entirely satisfactory to me.

I am not in favor of continuing the rental of this property, except so far as it may be necessary for a reasonable length of time in order to get rid of the buildings after the conclusion of the war. I think the amendment offered by the Senator from Connecticut would obviate any difficulty that might exist in connection with the continuation of the rental of the property.

Mr. FALL. Mr. President, the Senator is very much mistaken in reference to my amendment requiring a sale of the property, for it would prevent it. The amendment would prevent anything being done with the property after the war until Congress itself, the representatives of the people of the United States, had spoken and said what should be done with it. That is all that I have asked.

Mr. SWANSON. I think the Senator is entirely mistaken. When you strike out the words "as remains undisposed of and to conclude and execute contracts for the sale of property made during the war," the Government could not do anything with this property; it could not rent it or lease it. All that could be done would be to make and execute such contracts as might be made to dispose of it during the war.

Mr. FALL. The proposition that is contained now in this section is simply that all of the power of the President shall cease with the termination of the present war, except the power and authority to rent such property as remains undisposed of, and so forth. If we strike out the words which I have asked to strike out—"and to conclude and execute contracts for the sale of property made during the war"—if a present contract exists at the termination of the war for the sale of the property, of course it should be executed, and a contract made during the war, a pending contract, for the sale of the property should be executed.

Mr. SWANSON. I have not yielded the floor.

Mr. FALL. I was explaining to the Senator.

Mr. SWANSON. Mr. President, if that amendment prevails, at the termination of the war the Government would have to cease renting this property immediately, and no rents could be collected. As I understand the amendment, all that could be done would be to execute contracts for sale. I cheerfully accept the amendment offered by the Senator from Connecticut; I am in thorough accord with him; I think that is the right thing to do, to protect the Government and to show that there is no disposition to continue this business indefinitely.

Mr. LODGE. Mr. President, if I may make a suggestion to the Senator, I am sure the Senator does not desire to establish Government ownership in perpetuity any more than the rest of us do, and we ought to have some provision drawn on the lines of the amendment of the Senator from New Mexico or the amendment of the Senator from Connecticut, which would cover that. I should like to suggest to the Senator that we have a reprint of the bill with the amendments already adopted, so that we may see to-morrow just what has been done, and then amendments can be prepared to section 5—the Senator from Connecticut can prepare one and the Senator from New Mexico can prepare one, and they can be printed and be before us for consideration.

Mr. SWANSON. I have no objection to that.

Mr. LODGE. I think a reprint of the bill would be very useful, because we have adopted a good many amendments, and there has been some confusion about them.

Mr. SWANSON. I have no objection to that; and I am about to move that the Senate take a recess.

Mr. GALLINGER. Mr. President, before the Senator does that I should like to suggest two or three verbal amendments, to which, I think, the Senator will agree, and I think it would be desirable to have them made before the bill is reprinted. On page 6, lines 8 and 9, I move to strike out the words "of his department," as we are not now dealing in the bill with the Secretary of Labor.

Mr. SWANSON. That change ought to be made.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, page 6, line 8, after the word "transactions," it is proposed to strike out the words "of his department."

The amendment was agreed to.

Mr. GALLINGER. In line 24 I move to strike out after the word "transaction" the words "of the department."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, page 6, line 24, after the word "transaction," it is proposed to strike out the words "of the department."

The amendment was agreed to.

Mr. GALLINGER. In line 3, on page 7, after the word "transactions," I move to strike out the words "of his department."

The amendment was agreed to.

Mr. GALLINGER. I will venture to suggest to the Senator that at the top of page 7 it would be well to strike out the words "in the existing war," after the words "declaration of peace." That is surplusage, and I move to strike out those words.

Mr. SWANSON. I have no objection to that being done.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, page 7, line 1, after the word "peace," it is proposed to strike out the words "in the existing war."

The amendment was agreed to.

Mr. GALLINGER. Now may I call the Senator's attention to the phraseology in line 8, on page 7, and the subsequent amendment reported by the committee. I refer to the words, in line 7, "or under a percentage or cost-plus basis, nor contract for more than," and so forth. There ought to be a period after the word "basis," and the word "nor" should be changed to "No," beginning with a capital "N."

Mr. SWANSON. I think there would be considerable discussion as to that.

Mr. GALLINGER. It is so palpable that it does not read right that it should be changed.

Mr. SWANSON. Very well; I will offer no objection.

Mr. GALLINGER. I move, therefore, to insert a period after the word "basis" instead of a comma, and then commence the proposed amendment recommended to be inserted by the committee with the word "No," with a capital "N," instead of the word "nor." That will make it right.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. LODGE. Mr. President, I ask if the order for which I asked has been granted?

The VICE PRESIDENT. Without objection, the bill will be reprinted as amended.

Mr. SWANSON. On page 6, in line 3, some words which were in the House bill have been left out, which I ask to have inserted.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6, line 3, before the word "rent," it is proposed to strike out the word "and" and to insert the words "sell or," so that it will read: "to care for, sell, or rent such property."

Mr. LODGE. That does not remove the difficulty at all.

Mr. FRELINGHUYSEN. Mr. President, I think I have an amendment pending. I offer it before I yield to the Senator from New Mexico.

Mr. SWANSON. The amendment of the Senator from New Mexico is still pending.

Mr. FRELINGHUYSEN. I offer as an amendment a proviso to come in at the end of section 6, page 7, a new amendment, which I ask may be stated.

The VICE PRESIDENT. The amendment of the Senator from New Mexico [Mr. FALL] has not been disposed of; that amendment is pending.

Mr. SWANSON. The Senator may offer his amendment, so that it may be printed.

Mr. FRELINGHUYSEN. My amendment is already printed. I understand I am not in order, then, Mr. President?

The VICE PRESIDENT. There is an amendment pending.

Mr. JONES of Washington. I wish to present an amendment for printing and to lie on the table, which I intend to propose to-morrow.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. SWANSON. If any other Senators have amendments to offer, I shall be glad to have them offer them now.

Mr. KIRBY. I should like to offer an amendment, to be printed and lie on the table.

The VICE PRESIDENT. In justice to the junior Senator from Indiana [Mr. NEW], the Chair will say that on the statement of the Senator from Virginia [Mr. SWANSON], that he would conclude in about 10 minutes, the Chair said to the Senator from Indiana, if he wanted to introduce an amendment, it might be introduced to-morrow.

Mr. SWANSON. There is no purpose to preclude the introduction of any amendment; that can be done at any time; but it is simply desired to have the amendments printed. My purpose is now to ask that when the Senate concludes its session to-day it take a recess until 12 o'clock to-morrow.

Mr. BRANDEGEE. Will the Senator allow me to offer an amendment?

Mr. SWANSON. Certainly.

Mr. BRANDEGEE. I have drawn the amendment very hastily, simply as a basis for an idea, and I may want to modify it somewhat to-morrow. I should like, however, to have it printed and stated by the Secretary as I have drawn it, so that it will be in the RECORD.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 5, page 6, it is proposed to add the following:

Such property shall be sold as soon after the conclusion of the war as it can be advantageously done.

Mr. SWANSON. I think there is a purpose to have an executive session for a few minutes. I ask unanimous consent that when the Senate concludes its session to-day it take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. The Chair understands that the Senator from Virginia asks that at not later than 6 o'clock the Senate take a recess until 12 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMITH of Georgia. I wish to bring to the attention of those Senators present that to-night at 8 o'clock, in the House Office Building, on the third floor, in the majority assembly room, there will be a lecture upon what has been done for wounded soldiers in the line of rehabilitation, and also pictures. All Senators and their friends are invited.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. MARTIN. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, May 1, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 30, 1918.

CONSUL.

CLASS 8.

Parker W. Buhrman to be a consul of class 8.

RECEIVER OF PUBLIC MONEYS.

William H. Edley to be receiver of public moneys at Lander, Wyo.

POSTMASTERS.

ARIZONA.

Orvil L. Larson, Thatcher.

CALIFORNIA.

Mary A. Dempsey, Colusa.

COLORADO.

Clinton E. Mason, La Salle.

CONNECTICUT.

Walfred C. Carlson, Washington Depot.

IDAHO.

Avery G. Constant, Buhl.
Paul Disney, Rupert.

MAINE.

Stanwood M. Rose, East Machias.

MISSISSIPPI.

Robert B. Cox, Batesville.
Rueben Lafayette Beal, Monticello.

MONTANA.

Charles H. Baker, Big Sandy.

NEW JERSEY.

Eva H. Ketcham, Belvidere.

OKLAHOMA.

William H. Bell, Pryor.

OREGON.

Charles M. Crittenden, Hubbard.

SOUTH CAROLINA.

Eva L. Fagan, Campobello.

TEXAS.

William C. Blake, Jasper.

VERMONT.

Herbert H. Beeman, Milton.

WEST VIRGINIA.

Mary W. Scott, Gary.
Lon E. Browning, Logan.
Edward E. Reyburn, Vivian.

WISCONSIN.

Mattie M. Wilson, Belleville.
Wayne W. Beggs, Cameron.
Ferdinand A. Nierode, Grafton.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 30, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, move Thou upon our hearts with all Thy quickening power, lest in the crucial test, through which the world is passing, we forget.

Increase and multiply our faith in Thee and the eternal truths Thou hast ordained, that we may be true to our convictions; that right, not might, will prevail; religion, not materialism; civilization, not barbarism; democracy, not autocracy; liberty, not oppression.

Uphold our allies in their brave struggle; increase our Army and Navy, that we may be a potent factor with them in establishing justice, peace, righteousness in all the world; that Thy kingdom may come and Thy will be done in earth as in heaven.

Hear us in the name of the world's great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JOHNSON of Washington, be excused for to-day on account of illness.

The SPEAKER. The gentleman from Washington asks that his colleague [Mr. JOHNSON of Washington] be excused to-day on account of illness. Is there objection?

There was no objection.

AMERICAN SEAMEN.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD on the subject of American seamen.

The SPEAKER. The gentleman from California asks leave to extend his remarks on the subject of American seamen. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE CAPSTICK.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent that the House set aside Sunday, May 19, for addresses on the life, character, and public services of my late colleague, JOHN H. CAPSTICK, late a Representative from New Jersey.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that Sunday, May 19, be set apart for memorial services to his late colleague, Mr. CAPSTICK. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

THE RECORD.

Mr. WALSH. Mr. Speaker, in the RECORD of April 26 appear remarks of the gentleman from Alabama [Mr. HEFLIN]. This speech appears in the RECORD of April 29, the same except with some minor corrections. I assume that the gentleman would not be averse to having the first print of the speech go out of the RECORD.

Mr. HEFLIN. The first print should go out. I do not know how it happened, but it has happened twice in succession in the Printing Office that my speeches have not been correctly printed, and the mistakes of the Printing Office have made me appear to say things that I did not say. In the second print of this speech the Government Printing Office inserted an entire page of manuscript which was left out in the first print.

Mr. GILLETT. How long after the speech was delivered was it printed the first time?

Mr. HEFLIN. It was made on April 5, and I left the city that night to make some speeches in favor of the liberty loan, and did not get back until about the 20th of the month. The speech was not printed until Friday morning.

Mr. GILLETT. The gentleman waited three weeks, and then had it printed wrong.

Mr. HEFLIN. I corrected the mistake here as soon as I discovered it.

Mr. GILLETT. Did not the gentleman correct it before it went to the Printing Office the first time?

Mr. HEFLIN. The Printing Office left out an entire page of typewritten manuscript, page 2 of the speech.

Mr. GILLETT. It is a little extraordinary that these things happen to the gentleman and to no one else.

Mr. HEFLIN. I think so, too. There must be a pro-German in the Government Printing Office. [Laughter.]

The SPEAKER. If there is no objection, the first print will go out.

There was no objection.

REHABILITATION OF DISABLED SOLDIERS.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to speak not exceeding two minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to speak not exceeding two minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, there is being held a joint hearing by the Senate Committee on Education and the House Committee on Education on the bill (H. R. 11367) for the rehabilitation of disabled soldiers. To-night at 8 o'clock in the majority room of the House Office Building there will be given a lecture with moving pictures illustrating what has been accomplished by Canada for the purpose of taking care of disabled soldiers. I sincerely trust the Members of the House will be present and that they will bring their wives with them. This is a very important bill, a war measure, and a hearty invitation is extended to each and every Member to be present.

LEAVE OF ABSENCE.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent for leave of absence for 30 days, not for the purpose of attending to any business, not on account of sickness, but I want to open my campaign in Georgia for the United States Senate [applause], and I hope that my friends on both sides will be liberal enough to grant this request.

The SPEAKER. The gentleman from Georgia asks unanimous consent for 30 days' leave of absence to run for Senator. Is there objection?

There was no objection.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, with Mr. SAUNDERS of Virginia in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

SEC. 17. That the sum of $500,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be available until June 30, 1919, for the payment of all expenses of carrying out the provisions of this act, including personal services, traveling, and subsistence expenses, the payment for rent, the purchase of equipment, supplies, postage, printing, publications, and such other articles, both in the District of Columbia and elsewhere, as the Secretary of the Interior may deem essential.

With the following committee amendment:

Page 18, line 4, after the word "hereby," insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Illinois a question. Does he not think it would be wise to insert in this section 17, in line 11, an amendment that would authorize the payment of the cost of explorations out of the $500,000 fund appropriated? It is intended to go into the public land of the United States, according to the amendment offered yesterday by the gentleman from Washington [Mr. JOHNSON], authorizing explorations into Government lands, and make examination for the existence of these precious minerals. There is no provision in this bill covering that special service which is now put in by the amendment which was inserted authorizing such examinations into the public domain and was not in the original bill. I ask the gentleman if he does not think that ought to be covered and allowed by an amendment now inserted?

Mr. FOSTER. No; and I will tell the gentleman why. There is a fund now appropriated by Congress in the last deficiency appropriation bill, I think, providing for the appropriation of $150,000 for doing that very work, and it would only add to that, and I do not believe that it is necessary to put it in here.

Mr. ROBBINS. I presume the gentleman refers to the testimony of Dr. Manning, found on page 68 of the hearings, in which he says that the Bureau of Mines has $150,000 recently given by Congress and an item of $100,000 more from July 1 last, which will enable that bureau to gather valuable information concerning mineral resources by the use of this $250,000.

Mr. FOSTER. That is what the gentleman had reference to.

Mr. ROBBINS. Is that the fund that the gentleman refers to?

Mr. FOSTER. Yes; that is to explore; to find out what we have.

Mr. ROBBINS. I raise the question now because of the amendment inserted by the gentleman from Washington [Mr. JOHNSON] permitting the exploration of Government lands, and I want to know whether this fund, to which Dr. Manning refers in his testimony, amounting now to $250,000, is intended to cover that? If it is, I shall not offer any amendment.

Mr. FOSTER. I thought under that allowance that they could do that work.

Mr. ROBBINS. If they can not do it, then this bill ought to be amended to permit them to do so; but if that covers this situation, I shall not offer the amendment.

Mr. FOSTER. I think there is no doubt that they can.

Mr. ROBBINS. With that information I shall not offer the amendment I otherwise would offer.

Mr. SCOTT of Michigan. Mr. Chairman, for the purpose of reaching some definite position I stated early in the consideration of this bill that at the proper time I would offer an amendment reducing the amount of the general appropriation from $50,000,000 to $10,000,000. I notice that the sum of $500,000 is carried here in excess of the $50,000,000. In other words, the entire appropriation for the consummation of this measure will be $50,500,000. On page 33 of the hearings Dr. Smith or Mr. Baruch comments on the fact that there is $150,000 carried in the deficiency appropriation bill, allowed for extra investigations, which have heretofore not been made by the Department of the Interior, and the prospective allowance of $100,000 for

the coming year, which in the aggregate would make $250,000. That supplemented by this allowance of $500,000, if this bill is passed in the terms which it now carries, would give the Department of the Interior $750,000 for the purpose of making the investigation and carrying out the administrative policy of this measure. I move to strike out the sum of "$500,000," in line 4, page 18, and to insert "$250,000." My purpose is quite apparent. With the $150,000 already carried in the deficiency appropriation bill, and the $100,000 to be carried next year, making $250,000, added to the $250,000 that I propose, will make the $500,000 proposed in the bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SCOTT of Michigan. I do not care to have any more time on this amendment, but I would like to have a little more time on the amendment reducing the amount in the next section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Page 18, line 4, strike out "$500,000" and insert "$250,000."

Mr. FOSTER. Mr. Chairman, this is only an authorization for an appropriation. When the bill was originally drafted it provided $1,000,000 for the administration of the law. After the committee had gone through the original bill and had changed the location from an indefinite one, in which the President would appoint some administrator of the bill, it was placed in the hands of the Department of the Interior; it was then thought that with the organization which they had there and which could be utilized, the appropriation could be reduced one-half. It was accordingly cut down from one million to five hundred thousand.

Of course, as the committee understands, this $500,000 is not an appropriation at this time, but the Appropriations Committee later would take up the matter and determine after hearings, I take it, as they have always done heretofore these propositions and give what is necessary.

I do not know, and of course I can not tell, what it will cost to administer the bill, but from talking with the men who were before us and who would probably have the administration of the bill if it goes into the Department of the Interior, up to July 1, 1919, they would probably require this much money to carry out the provisions of the bill and do the work efficiently. That is the reason we left it. It is only an authorization and does not make an appropriation. For that reason I would rather that it would not be cut down to $250,000.

Mr. SCOTT of Michigan. Mr. Chairman, I have read the hearings carefully. If this bill has a pressing need for adoption, I want to find it. I have not been yet able to find anywhere in the hearings any statement indicating that $500,000 is necessary or is an advisable amount to be devoted to the administration of the bill.

Mr. FOSTER. When the committee spent two or three days in considering the bill the men connected with the Geological Survey and the Bureau of Mines and the War Mineral Board were before us, and this matter was talked over. It does not appear in the hearings. The original amount that the bill proposed of $1,000,000, after discussing the matter fully and after the bill had been changed, placing it in the hands of the Interior Department, that amount was cut down to $500,000. It was their judgment that it would probably require that amount of money. Of course they will make their showing before the Committee on Appropriations as to what ought to be done.

Mr. McKENZIE. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. McKENZIE. It is not proposed under this bill to create another new bureau or a new head of a bureau?

Mr. FOSTER. Not at all.

Mr. McKENZIE. It simply extends the bureau in the Interior Department?

Mr. FOSTER. I have no doubt, if it becomes a law and goes into the Interior Department, that it will be administered by the Geological Survey or the Bureau of Mines by those men now in the department.

Mr. McKENZIE. It is not the purpose of the bill to create another new activity?

Mr. FOSTER. No. The men that are employed there now are employed under appropriations for doing other work. Of course, they can not do this work and that work, too, which they are now doing.

Mr. McKENZIE. So they must have additional help?

Mr. FOSTER. They are bound to, in order to administer the law.

Mr. GORDON. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GORDON. What is the character of this expense to be?

Mr. FOSTER. The employment of men in connection with the guarantee of price of material. They will have to have men to look after that and men, probably, to look after the different producers throughout the United States and to see that the law is not violated.

Mr. GORDON. Would it be part of the administration of the law to grubstake a man to go out and look for minerals?

Mr. FOSTER. Not one penny goes for that purpose.

Mr. GORDON. Five hundred thousand dollars would hire a good many experts.

Mr. FOSTER. The gentleman is right about that, but that is not the intention, and it will not be done. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SCOTT].

The question was taken, and the amendment was rejected.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 18, after line 13, insert the following:
"The maximum salary to be paid under the provisions of this act shall not exceed the rate of $4,500 per annum for any scientific, technological, or administrative service, and shall not exceed the rate of $1,800 per annum for any clerical or other subordinate service."

Mr. SISSON. Mr. Chairman, that amendment is in harmony with the present law in reference to the employment of scientific men in the Agricultural Department out of a lump sum and the other departments of the Government that have lump sums out of which they employ people of this character. I will state for the benefit of the committee that I understand those having charge of the bill have no objection to this amendment. Eighteen hundred dollars is also the highest price paid to class 4 employees under the civil service. So this gives the administration the leeway that they are entitled to, and the only limitation is on the top salaries paid to employees.

Mr. CANNON. Will the gentleman yield?

Mr. SISSON. I do.

Mr. CANNON. Is there any limitation now affecting the $4,500 men?

Mr. SISSON. None in the bill.

Mr. CANNON. If the scientific people who are interested and have been interested for years under similar appropriations begin to educate young men in colleges to make them competent and put college professors on the salary roll—oh, the gentleman will recollect the scandals there were about that a few years ago—is there any limitation now upon the expenditures of this fund along that line?

Mr. SISSON. Well, I will state there is no limitation in the bill now. That is my purpose in offering this amendment.

Mr. CANNON. But as to the number of people——

Mr. SISSON. As I understand, the practical operation of this bill will be that when the department shall organize it will be necessary then that they come to the Committee on Appropriations for the purpose of getting money to carry this law into operation. That being true, in the organization of its affairs I thought it well enough to let the gentlemen in charge of the operations of the bill under the Bureau of Mines know that the same limitations were upon them under this bill that are now on the Secretary of Agriculture in the employment of like services.

Mr. CANNON. The gentleman does not seek by his amendment the authorization to limit the number of experts to 20, 40, 100, or 200?

Mr. SISSON. No; I state frankly that I have no idea in the world as to the number it will take. If I knew the number that could reasonably perform the service, I should be very glad to put it in the amendment.

Mr. HAMLIN. When the Appropriations Committee comes to consider the appropriating the money, would that committee go into that phase of it?

Mr. SISSON. That is my judgment about it, and they then would have to demonstrate to the Committee on Appropriations the need for every man that they employ. The only limitation that they would be under here would be the employment of any of these men to get together their preliminary organization, and they could not employ for a year and put on the pay roll any man at more than $4,500.

Mr. CANNON. I understand.

Mr. SISSON. Of course, it does not mean every man would get $4,500; and after they present their pay roll to the Committee on Appropriations, their salary roll to that committee, the limitation here would prevent them from entering into any negotiations with anybody for more than $4,500.

Mr. CANNON. But I understand that the gentleman recollects, if the gentleman will yield further——

Mr. SISSON. Yes.

Mr. CANNON. That some years ago one of the fiercest contests I ever witnessed in this House under the leadership of the Committee on Appropriations—and I recollect at that time that Mr. Tawney, I believe, was the chairman—was to cut off an abuse that originated in the Department of Agriculture, I believe, in the Forestry Service, where they absolutely were paying the expenses of students in one or more State universities to be educated so that they might be capable in forestry.

Mr. SISSON. And the gentleman will recollect at that time some of the employees were getting enormous salaries.

Mr. CANNON. Yes.

Mr. SISSON. And that brought about a limitation on the Agricultural bill, limiting the employment of these technological and scientific men to $4,500 and the only purpose of this amendment, and the chairman of the committee and those in charge of the bill, as I understand, have no objection to it.

Mr. FOSTER. I have no objection in the world to the gentleman offering the amendment to the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. This makes an authorization of $500,000, and it is a very broad one, for the payment of all the expenses of carrying out the provisions of this act, including personal services, traveling and subsistence expenses, the payment of rent, printing publications and such other articles, and so forth. Why, under this it would be lawful to run an advertising campaign, have publications, and such things have been done. I do not want it done as a war measure. Now, again. It says here for rent. Why, the Interior Department has just moved into that magnificent building, the most roomy public building in the United States if not in the world. The Geological Survey and the Bureau of Mines are lodged there. Are they going to build some more public buildings? Is that contemplated?

Mr. FOSTER. May I say to my colleague, if he will yield——

Mr. CANNON. Yes.

Mr. FOSTER. I will say this, that the Department of the Interior has a new building, went into it the latter part of last year or the first of this. That building is now filled up, and I will say there is also a part of the War Department, as I understand, in that building now.

Mr. CANNON. Which is soon to go out.

Mr. FOSTER. If it does, it will make room, but we do not know whether they will have to have quarters outside or not. They may have to have them, probably will be compelled on account of being filled up.

Mr. CANNON. I trust not. This payment for rent would allow in San Francisco, in Chicago, New York, Philadelphia, or anywhere else the payment of rent, and it is simply wonderful, and I speak of them respectfully, of what the scientists and the alleged scientists—and there are some alleged scientists who are not scientists—how industrious they are to get upon the pay roll, and they want to have things, and many of them want to travel.

Mr. FOSTER. Of course, that may be so.

Mr. CANNON. Yes; that is so.

Mr. FOSTER. I do not know whether it is all so or not.

Mr. CANNON. I think I will just move, in order to test the sense of the House, to strike out "rent."

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] offers an amendment, which the Clerk will report. Does the gentleman withdraw his pro forma amendment?

Mr. CANNON. Yes. On page 18, line 9, after the word "expenses," strike out the words, in lines 9 and 10, "payment for rent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 18, line 9, after the word "expenses," strike out "the payment for rent."

Mr. FOSTER. Mr. Chairman, I want to say a word. I hope the committee will not strike this out. This same provision was in the explosive bill, but it was not used. I think we can wisely trust to the Secretary of the Interior in this matter, to the end that if he has not sufficient room down there in the department to place these people who will have to do this work, that he ought to have that right to place them somewhere else, and it will be passed on by the gentleman from Illinois [Mr. CANNON] on the Appropriations Committee. It might be necessary to rent a building some place, and I am sure we can trust the Secretary. We did it under the explosive bill, and he never paid a cent for rent. So I think the discretion will be wisely placed.

Mr. FESS. Will the gentleman permit?

Mr. FOSTER. Yes.

Mr. FESS. The Federal Vocational Board is operating under a law that carried an annual appropriation of $200,000, and they thought it included the privilege of rental; but it did not, and for a year nearly the Federal Vocational Board had been compelled to pay it out of their own pockets, because they could not find quarters, up until recently, when the deficiency bill allowed the amount to reimburse them for what they had paid out.

Mr. FOSTER. I remember that.

Mr. FESS. It caused considerable distress, not only individually, but inefficient effort on the part of the board.

Mr. CANNON. Well, if the gentleman will allow me—and I do not care about applying for recognition again—the gentleman knows and I know, and I think every other Member of this House knows, that no man ever lived that could go outside of everything that is being done and that the President is charged with being responsible for, being the Commander in Chief of the Army and Navy. He must pick out people to do the work. No man ever occupied the position of Secretary of the Interior, I do not care how able he was—and what I am going to say is more true now, two or three fold, than ever heretofore—that could get outside of all the details of these various industries. He must trust somebody. Well, whom does he trust? Why, he trusts the Bureau of Mines, he trusts the Geological Survey, and God knows how many more people he does trust. He has to trust somebody. Now, I think it proper to call the gentleman's attention to that fact, because I apprehend that there will be a great many thousands of dollars asked for the payment of rent.

Mr. FOSTER. I do not think that is correct. I do not think there is going to be any great force under this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 18. That for the purposes of this act the sum of $50,000,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to be available as a revolving fund during the time this act is in effect: *Provided*, That no part of this appropriation shall be expended for the purposes described in the preceding section: *Provided further*, That itemized statements covering all purchases and disbursements under this and the preceding section shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives on or before the 25th day of each month after the taking effect of this act, covering the business of the preceding month, and said statements shall be subject to public inspection.

Also the following committee amendment was read:

On page 18, line 15, after the word "hereby," insert the words "authorized to be."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer the following amendment: On line 15, page 18, strike out the figures "$50,000,000" and insert "$10,000,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 18, line 15, strike out "$50,000,000" and insert in lieu thereof "$10,000,000."

Mr. BLACK. Mr. Chairman, I have carefully studied this bill and the hearings on it and I do not think it has been shown that $50,000,000 is necessary to effectuate the purposes of it. During the discussion that we have had on the bill by members of the committee I believe that very good reasons have been advanced for the development in this country of an adequate supply of the ores and the metals enumerated in this bill, and that it is probably necessary to do so as a war measure in the manner provided for in this bill. But while I believe that a good case has been made out in that respect I do not believe that the members of the committee have anywhere demonstrated that $50,000,000 is necessary to effectuate that purpose, but that, on the contrary, much less than that sum will be sufficient to answer the purposes at this time.

If my memory serves me correctly, the expenses of carrying on the war have now reached the enormous total of more than $1,000,000,000 a month, and I submit that that is a very large amount of money, and is a scale of expenditures which is bound to eventually tax the sufficiency of the resources of a country even as rich as the United States. And while I am sure that Congress and the President and all of the executive departments of the Government will endeavor to keep these enormous expenses from further expanding in every proper way that they can, still I am sure that, in spite of all that can be done, these expenses will continue to grow. They will increase be-

cause our proper war activities will continue to expand as the war progresses. Therefore I think that the responsibility rests upon Congress in the exercise of its constitutional duties to keep down these appropriations wherever it can properly be done and without hindering and obstructing our war preparations in any way whatever. I think that the present measure is one of those cases where some scaling down of the appropriation can properly be done, and that is why I have offered my amendment.

Now, in reading the report of the committee, in reading the testimony of Secretary Lane, in reading the testimony of other gentlemen who have testified in the hearings, I do not see where it has anywhere been demonstrated that $50,000,000 is necessary to effectuate the purposes of this act. The fund is a revolving fund. And after the act goes into effect, if it is demonstrated that it is practical, if it is demonstrated that an adequate supply of these metals and ores can be obtained here in the United States, why Congress will still be in session, and if the Secretary of the Interior thinks that more money is necessary to carry on the work, I am sure that Congress will be ready and willing to authorize the appropriation. Congress has been very prompt and willing to vote all the needed appropriations, and I am sure that it will not manifest any contrary disposition in the future; therefore, I think that at this time we ought not to authorize a greater appropriation for this purpose than $10,000,000. That is why I have offered the amendment. I have no desire whatever to cripple the bill or impair the effectuating of its purpose. My only desire is to keep down appropriations to real necessities in order that the resources of the country may prove adequate to meet the great strain of the war.

Mr. HAMLIN. Mr. Chairman, I just want to say a word or two on my own responsibility in opposition to the amendment offered by the gentleman from Texas [Mr. BLACK]. I stated in general debate here in relation to this matter that I did not know whether they were going to need $10,000,000, $25,000,000, $50,000,000, or $100,000,000 to carry out the purposes of this law, if it becomes a law.

I can conceive that if the operation should remain normal in a way—that is, that the ore might be mined, these minerals secured, and flow directly to the places of consumption—the Government perhaps would not have to use any of this money. On the other hand I can conceive of a condition that might arise where it will be necessary for the Government to protect its guarantee by the purchase and the storage and the holding and afterwards selling of a large amount of this material; and in that event it would require undoubtedly $50,000,000 and maybe $100,000,000. So I say that it is utterly impossible for us to know accurately how much money is going to be needed.

Now, men who are familiar with these things, as much so as men can be—and I refer to the experts in the Bureau of Mines and in the Geological Survey, and geologists throughout the country, men who use and consume these minerals—they have told us that they thought it would be safe to say $50,000,000 would or might be needed, and I do not know of any better authority than those men upon that proposition.

Now, one thing I would say to my friend from Texas [Mr. BLACK], and I know he is perfectly sincere and would not withhold a penny that the Government would need in order to effectuate this law—that this is not an appropriation but is only an authorization. It may be that when the matter comes before the Committee on Appropriations progress will have been made to the extent that a better and more accurate conclusion as to the amount may be reached. I am not wedded to the amount.

This is the view I take of it: If there is any use for the passage of this bill at all, it is because it deals with war necessities, and I think it does, and very vitally so. Then if that be true we ought not to hamper or handicap or embarrass the administration in the execution of this law by withholding from them the necessary amount of money to carry on the operations.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. HAMLIN. So I say I believe we ought to trust, that we will make no mistake in trusting, the men who are just as patriotic as we are and very much better advised than we are in the question of the amount we ought to authorize. Yes; I yield to the gentleman.

Mr. TOWNER. I want to call the gentleman's attention to this fact, that there is no authorization for the use of this revolving fund except that contained in section 11. Section 11 provides for the purchase and the storing and the resale of these various mineral necessaries, so that it is not for the purpose of purchase, and the $50,000,000 revolving fund can not be used for the purpose of purchasing supplies for the Government. I noticed in reading the hearings that nearly all of these men, in referring to the amount necessary being $50,000,000, continually, as you will see by their testimony, have in mind the fact of the purchases on the part of the Government. Now, the Government is not going to purchase these things, except in this way: Appropriations will be made from the various departments for the purchase. This bill does not provide for the purchase of a dollar's worth of property by the Government. It only authorizes the purchase of these things, for the storing of them, and the reselling of them out of this revolving fund. Now, if that be true, it certainly seems to me that the amount is grossly excessive, and that certainly $10,000,000 would be ample for the purpose.

Mr. HAMLIN. Section 14, of course, does provide for the purchase of materials.

Mr. TOWNER. Yes; but not out of the revolving fund.

Mr. HAMLIN. The bill provides that the Government may guarantee a minimum price. Then, it provides that the Government purchase outright, and it provides for requisitioning and taking over these materials.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SCOTT of Michigan. Mr. Chairman, when this bill was up last week I stated to the committee that at the proper time I would present an amendment reducing the amount of the appropriation. I had no particular interest or pride in introducing such an amendment, and I am very glad it has been presented by the gentleman from Texas [Mr. BLACK]. The argument—that is, the one that seems to present the most force in the minds of the committee in opposition to reducing any appropriation in the bill—is that the Committee on Appropriations will ultimately pass upon such appropriation.

There may be some force in that position, and I was willing to yield to it in regard to the previous section; but I want to call the attention of the committee to the fact that the Committee on Appropriations is bound to be guided and governed by the action of the House in Committee of the Whole. If the Committee of the Whole places the appropriation in this bill at $50,000,000, the Committee on Appropriations is bound to recognize the action of this House.

Let me call the attention of the committee to another fact. A great many men in this House have at some previous time sat in other legislative bodies. I do not believe that any man who has had that experience has ever seen a bureau or department of government, whether it be State or Nation, which did not expend to the very limit of the appropriation. That is human. It is a fault, but it is a human fault, which seems not to be avoidable.

If this House appropriates $50,000,000 to carry out the purposes of this bill, you can be sure that every penny of the $50,000,000 will be expended. If it is necessary to have $50,000,000 after they get into the operation of this bill, as was very aptly stated by a gentleman on that side of the House, this Congress will be in session and the temper of this House has often been expressed; if it is necessary to make the appropriation, this House will get together, as it did on the naval appropriation bill, and spend $140,000,000 an hour without a dissenting vote and without an argument. Therefore the committee may have no fear if it can come before this House or the Committee of the Whole and show a case, that this House will not gladly respond; but I think it is folly to place in an appropriation bill an amount of money that, according to the undivided statements of the committee itself, is purely speculative and arbitrary.

Mr. COX. Mr. Chairman, I want to offer a substitute for the amendment offered by the gentleman from Texas [Mr. BLACK], striking out "$50,000,000" and inserting "$25,000,000."

The CHAIRMAN. The Clerk will report the substitute.

Mr. COX. I am offering it as an amendment, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. COX: Line 15, page 18, strike out "$50,000,000" and insert in lieu thereof "$25,000,000."

Mr. COX. Mr. Chairman and gentlemen of the committee, of course I do not know how much money will be needed to administer this bill. I do feel, however, that a $50,000,000 authorization is an exorbitant amount. I feel that it is far too much, and I indorse every statement made by the gentleman from Michigan [Mr. SCOTT], that while the Committee on Appropriations is not bound by an authorization, yet if this bill becomes a law, authorizing the expenditure of $50,000,000 to administer it, for some reason, by some excuse, in some way or some manner, somehow those charged with its responsibility will find a way to come before the Appropriations Committee and get the full amount authorized in the bill. I wonder if it is not time this Congress, to some extent at least, should begin to lay its hands upon the purse strings of the Treasury of the United States? This may be an important bill in some respects. In fact, it

may be to some extent a necessity; but I feel assured of this, and I think each one of you feel assured that as this war progresses from year to year, if it can be demonstrated to Congress that $25,000,000 is not enough to administer this bill, Congress will be willing and anxious to appropriate whatever may be necessary. But the point I desire to make is this, not to put in this bill an authorization of $50,000,000, because if you do it will be spent whether necessary or not, whether it will yield back to this Government 100 cents on the dollar or not, or whether it will yield back anything, and here is an opportunity to begin to teach somebody in the various bureaus down the Avenue that Congress to some extent is going to lay its hands upon the purse strings of the Treasury, and not yield to the insistent demands of the departments for not alone a million dollars, but millions on top of millions. I am very much afraid this war is going on for some time. We do not know yet how much we have got into it, but if this war goes on for three or four years more, where is the money coming from with which to finance it?

The time will come before long when the people will have invested all of their liquid capital in bonds and but one other source will be left, and that will be taxation. Now, I hope that my amendment will carry. I believe that an authorization of $25,000,000 is sufficient. I believe it will serve notice upon those charged with the responsibility of administering it that they must use it economically; that this money must not be spent in the building up here in the city of Washington of tremendous bureaus, with hundreds, yes, thousands, of employees here in the city of Washington and elsewhere, with exorbitant salaries, trooping over the country, drawing salaries with their transportation paid.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. The gentleman has offered a substitute at $25,000,000. Will the vote come upon that first?

The CHAIRMAN. Yes.

Mr. CANNON. If the gentleman will allow me, suppose the gentleman's substitute is defeated, what then? Under certain circumstances I would be for his amendment. I think $25,000,000 is better than $50,000,000.

Mr. COX. That is what I think.

Mr. CANNON. But why could we not vote on the $10,000,000 proposition first? I think $10,000,000 is enough.

Mr. COX. It may be.

Mr. CANNON. If that is voted down, then we could vote on the $25,000,000 proposition.

Mr. GORDON. Let us vote on the $10,000,000 proposition first.

Mr. COX. I was afraid the Committee of the Whole would not adopt the $10,000,000 amendment, feeling that perchance it might be too small a sum, and so out of an abundance of caution I have offered my amendment for $25,000,000. As the gentleman from Illinois [Mr. CANNON] says, $25,000,000 is better than $50,000,000.

Mr. TOWNER rose and was recognized for five minutes.

Mr. FOSTER. Before the gentleman from Iowa begins, I wonder if we could agree on time on this section and all amendments thereto? I ask unanimous consent that debate on this section and all amendments thereto close in 35 minutes.

Mr. STAFFORD. I hardly think that is enough for all gentlemen who wish to speak.

Mr. LONGWORTH. I think the gentleman will save time if he lets the debate proceed.

Mr. FOSTER. I withdraw the request for the present.

Mr. TOWNER. I should like to ask the chairman of the committee if he will consider a request for unanimous consent that the vote be taken first on the $10,000,000 proposition?

Mr. FOSTER. I would not like to do that. Frankly, I will say that $10,000,000 is entirely too small an amount to do anything with. Now, if it comes to $25,000,000, that is a different proposition.

Mr. CANNON. Mr. Chairman, who has the floor?

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER].

Mr. CANNON. If the $25,000,000 proposition is voted down, being a substitute, then we could vote on the $10,000,000 proposition.

Mr. FOSTER. I should fight the $10,000,000 proposition very hard.

Mr. CANNON. If that is voted down, I suppose we could vote on $12,000,000.

Mr. GILLETT. Mr. Chairman, it seems to me the proper way would be to vote on the smallest amount first, and then on the other.

Mr. TOWNER. Mr. Chairman, if this is to be taken out of my time, I decline to yield further.

Mr. CANNON. Not in the gentleman's time—a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. What was the motion of the gentleman from Indiana [Mr. Cox]?

The CHAIRMAN. He offered a substitute.

Mr. SISSON. He offered it as a substitute, and then withdrew that and said he offered it as an amendment.

Mr. KINCHELOE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. KINCHELOE. If the gentleman from Indiana were to withdraw his amendment or substitute, or whatever he cares to call it, and the vote was taken on the Black amendment and defeated, could he not offer it as an amendment to the $50,000,000 sum?

The CHAIRMAN. The Chair thinks so. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes from this time.

Mr. TOWNER. Mr. Chairman, I am quite sure there is no man on the floor who would not vote for $50,000,000, or any sum that might be necessary, for the successful prosecution of the war. The only question here is whether in forming this revolving fund, which is for the purpose of purchasing and storing commodities that are named in the bill, $50,000,000 is not an amount altogether too large. It occurs to me in reading the hearings before the committee that no such amount can possibly be used; that $50,000,000 is only an invitation to people to go out and use it, draw on it for the purpose of developing wildcat projects, projects not now in existence, and that it will be a temptation for squandering and losing the money. Ten million dollars, and certainly $25,000,000, will be an abundant fund for the purchase of anything that is necessary to be stored or accumulated for use in this war and then resold. The very idea of a revolving fund implies not only the purchase of commodities but the sale of them. This would mean the purchase of property and the resale of it. I think it is an unwise thing to put into the bill an amount for that purpose as great as $50,000,000.

I do not think there is any man here that would for a minute believe that it could be used unless it was used for speculative purposes. I have gone somewhat carefully through the various things enumerated in the bill and the testimony in regard to them. There are only two articles that you might say in this bill are imperatively necessary, which we could not produce. Take ferromanganese, the testimony is unequivocal that in a short time we can produce ferromanganese, because it is already in existence. We have an abundance of sulphur and pyrites for the manufacture of sulphuric acid. Not one single dollar is necessary, in my judgment, to secure an abundant supply of pyrites and sulphur for sulphuric acid. We have the most tremendous deposit of sulphur known in the world in Louisiana and Texas. The sulphur of Louisiana is 98 per cent pure, and there is no such deposit anywhere else in the known world. We do not need a single dollar to develop that. All that is necessary is that the price should be sufficient to make development attractive. The power is given so that the Government can do it if it is necessary. So these things do not require nearly that amount of money.

In reading the hearings it is taken into consideration that $50,000,000 shall be used for the purchase of articles the Government needs, but that is not contemplated by the bill. This is not an appropriation bill. The appropriation will have to be made by the Committee on Appropriations. I want to call the attention of gentlemen to the fact that they heard the statement made by the chairman of the Appropriation Committee, Mr. SHERLEY, on the floor regarding this very bill. He said that if this authorization were made the Appropriations Committee would feel under obligations to follow out the action of the House and make the appropriation.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RUCKER. Mr. Chairman, it is not my purpose to discuss whether this authorization ought to be $50,000,000, $25,000,000, or $10,000,000, but I want to discuss matters incidental to that question. The issue here is, as I understand it, what the authorization should be in dollars and cents. It does seem to me that gentlemen should be able to discuss that without making remarks that necessarily reflect upon high officials of our Government. I do not believe that the gentleman from Indiana [Mr. Cox] was accurate, or the gentleman from Iowa [Mr. TOWNER] was accurate, or the gentleman from Michigan [Mr. SCOTT] was accurate, when they said that inevitably whatever amount is authorized will be spent. I am sure they are right in making the statement that it is likely to be spent. Congress has this responsibility, but I doubt the propriety of gentlemen

who come in here and stand for the integrity of their bills, and vote to appropriate salaries for thousands and thousands and thousands of clerks not authorized by existing law but requested by bureaus, and then denounce the administration of the affairs of this Republic at this particular time for its prodigality, waste, and practical oppression of the people.

Mr. CANNON. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CANNON. I think the gentleman is mistaken in the statement he has just made. The statute fixes the clerks of class 1, class 2, class 3, and class 4, and other officials, so that any number of clerks can be appropriated for so far as a point of order is concerned.

Mr. RUCKER. I recognize the accuracy of the gentleman's remark, but it is left for the Appropriation Committee to determine the number of clerks required and needed in these classes.

Mr. CANNON. The House determines the class, and they can increase or decrease.

Mr. RUCKER. The House may vote down a bill entirely, but gentlemen come here with very large increases in number of clerks, and then in the cloakroom these same gentlemen have sometimes said—not in committee—that the departments are going wild in their demands for clerks and that it ought to be stopped, and I think they are right about that. Yet they bring in their bills and ask the House to vote for so many clerks, and then the same gentlemen complain they can not get through the corridors of these massive buildings in Washington on account of the horde of clerks. I have recently returned from my home State, and I was surprised to hear of the number of people who expected to come to Washington in the very near future in response to examinations held by the Civil Service Commission for places in the various departments. My notion about it is that sometimes unintentionally gentlemen are guilty of making extravagant statements on the floor of this House that are as unpatriotic as statements which have landed other men behind the bars, and I think in this hour of peril, in this abnormal time, when new conditions confront us, conditions never dreamed of by men before, that it is unbecoming—and I am not trying to lecture the House—for gentlemen to stand up here and publish to the world the recklessness with which the Government of the United States is extracting money from the people and expending it with a prodigal hand. If we are spending too much, we ought to stop it, but we ought not to make the appropriation and then denounce the men who expend it for doing the very thing we authorized and invited them to do. As to this matter I can not tell. My judgment is that $50,000,000 is too high, and I am inclined to think $10,000,000 is enough and probably as much as ought to be expended.

Mr. GREEN of Iowa. Mr. Chairman, I want to commend particularly the closing words of the gentleman from Missouri [Mr. RUCKER] when he said that we ought not to make these great big appropriations and afterwards complain because the money is expended. Yet that is what we have been doing right along. Then we complain because the money was paid out, when as a matter of fact we ought to censure ourselves for ever having made the appropriations to begin with, not knowing what the money was going to be expended for. That is the trouble now. We do not know what this money is going to be expended for. Gentlemen on the other side who have the bill in charge do not know what this money is to be expended for. In some respects that is not to be wondered at, because they are starting out a new bureau, and they can not be entirely certain about the methods which will have to be pursued in carrying out the purposes of the bill, but it is very clear to me that we ought not to go any farther in this way than can be avoided. The gentleman from Indiana [Mr. COX] was right when he said a moment ago that we would soon arrive at a time when we would wonder where all the money is going to come from. I want to tell the House as a member of the Committee on Ways and Means that we have reached that point now. We are wondering where the money is going to come from, and it ought to give us pause right here and on this bill. How is the liberty loan coming? It is not all subscribed yet. It is not strange that it is not all subscribed, considering the enormous amount that is required. Of course, it will be subscribed. I know that, but there will have to be another loan, and our financial difficulties will increase with each month of the war, and we can not be too careful about making appropriations not absolutely necessary.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RUCKER. In answer to the question as to the liberty loan, my opinion is that the farmers of this country are going to subscribe more than $3,000,000,000. All through the country, blooming as it is with the finest prospect of a crop that the world ever knew, the farmers are subscribing liberally.

Mr. GREEN of Iowa. Oh, yes; my own State went over the top first of all, and my district went over the top, far beyond it. Every county in my district subscribed from three to four times its allotment. That is very true, but we have got to have an immense amount of money more in another year. We have had an unfortunate experience, a very unfortunate experience, which ought to warn us as to how this matter will result. We appropriated altogether very nearly $1,000,000,000 for aircraft production? Where has that money gone? Is there any gentleman on this floor who can tell me where it has gone and what has been done with it? Can he explain in any reasonable way what we have to show for it? No one either on this floor or on the floor at the other end of the Capitol can answer that question. We have built only one or two battle planes, and we do not know where the money has gone.

I want it to be understood that I am not now criticizing so much those who expended the money as I am criticizing ourselves for appropriating the money, not knowing what was going to be done with it, and not directing how it should be spent. That is how the trouble came about. It comes right back here to us, and we have to think about it in these times. If we continue in this sort of way we will never be able to finance this war. We must get down to some reasonable basis. If the committee will tell us how much they must have for their immediate requirements we will vote it without a minute's hesitation. If they come in at some future day and say that they have spent so much and tell us how they spent it and that they want more money for another purpose, we will vote it, and it will not take us 10 minutes to do it.

Mr. FESS. Is it not true that coming in without specifying the needs is getting us into an attitude of mind where no matter what they bring in—and they might just as well brought in $150,000,000 as not—where we feel we must not inquire, because it is in the interest of war. I think that is a very serious situation.

Mr. GREEN of Iowa. The gentleman is quite correct. If they would ask $100,000,000 on this bill we would have been just as able to explain it as to explain why it was $50,000,000.

But, Mr. Chairman, some day we will have to explain why we voted away these great sums without knowing what was going to be done with the money. The excuse will not be accepted that we were told it was for war purposes. The people will say, and say rightly, that we ought to have known how the money was going to be spent or fixed the manner of the expenditure in the bill.

Mr. HELM. Mr. Chairman and gentlemen of the committee, I have been trying in the best way I could ever since this session of Congress to get the House to stop, look, and listen, and to utter a word of warning against the wanton and extravagant waste of the financial resources of this country, but as yet it does not seem as if anyone has been able to set a brake. We can not slow down or stop it at all. Now, this war has resolved itself into a question of exhaustion, an exhaustion of men and an exhaustion of money. The question on the western front to-day as it presents itself to the world is, Who has the most men and the greatest number of reserves? That is one side of the war; that is one of the important sides. The other question is, What country or what side involved has the greatest resources to finance this war? And there is where this proposition ought to come home to us. If the allies are going to win this war as the result of having funds with which to finance it, then that necessarily means we must slow down in our expenditures. There is an economical phase of this war situation that does not seem to grip the country at all, and it has not gripped the Congress in any sense whatever. All a man needs to do is to get up here and say we are the richest country in the world, and the appropriation asked for is voted. You can vote $100,000,000 or a billion dollars simply by some man getting up on the floor and saying, "Oh, we are the richest country in the world," and up goes a billion dollars.

Mr. GREEN of Iowa. A billion dollars?

Mr. HELM. A billion dollars. Just that kind of broad, naked, unsupported statement. Now, my good friend from Missouri is not altogether correct in the statement he made on this floor. The Congress is not altogether to blame for some of the abuses that he referred to. There are no more enterprising men in the United States Government than the heads of some of these bureaus, and I will extend it to some of the heads of the departments, and I will go this far, that if there is not an awakening soon in some of these departments these expenditures are going to go to such an extent that it will be something in the nature of a scandal. If you have ever had one of these bureau chiefs before your committee he wants the utmost dollar that can

possibly be put through the committee. He is not overburdened with modesty about his request and his demands. It seems to be a kind of a foot race; more particularly a horse race, and a "2-0" race at that, between them. They all want to have the biggest number of employees in their bureau, and they all want them to have the highest salary, and if they can hear of some other clerk in some other bureau that is getting a little bit more than some clerk in their bureau is getting, they want their clerk to get the highest dollar that any other clerk gets. Now, that is not an exaggerated statement, because I have had some experience in a bill which I have been trying as chairman of a committee to prepare. Instead of there being a feeling on the part of these bureau chiefs that they ought to save and spend this money economically the idea seems to be how much they can spend in the individual bureau. I am for this $10,000,000, and if that is voted down I am going to vote for the $25,000,000 proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I wonder if we could not fix a time to close debate. I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. MOORE of Pennsylvania. May I have two minutes of that?

Mr. FOSTER. Yes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, if the gentleman will limit his request to this amendment I will have no objection; but it may be that other amendments might be offered to the section.

Mr. FOSTER. Does the gentleman from Pennsylvania want any time on this amendment? That is the only thing—if men keep on offering amendment after amendment here, it might take us all day, and I am trying to close up this bill. If the gentleman wants five minutes, I will agree to that.

Mr. LONGWORTH. Well, depending upon the result of this vote is whether I shall offer an amendment or not.

Mr. FOSTER. Suppose I save the gentleman five minutes?

Mr. LONGWORTH. If the gentleman asks that debate on this amendment be limited, I have no objection.

Mr. FOSTER. I ask that debate close on this amendment. Does the gentleman from Pennsylvania want time on this particular amendment?

Mr. MOORE of Pennsylvania. Yes; on this particular proposition.

Mr. FOSTER. Mr. Chairman, I ask that debate on this amendment close in seven minutes, the gentleman from Pennsylvania to have two minutes and I would like to have five.

Mr. CANNON. On the amendment offered by the gentleman from Indiana?

Mr. FOSTER. And the gentleman from Texas—the ten million and twenty-five million.

Mr. CANNON. Both or one?

Mr. FOSTER. They are practically one.

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. If I should obtain unanimous consent to withdraw the amendment I offered to the amendment offered by the gentleman from Texas, would that preclude me from reoffering my amendment in the event the amendment of the gentleman from Texas should be voted down?

The CHAIRMAN. If the gentleman asks unanimous consent to withdraw his amendment and obtains that consent, it would be as if the amendment was never offered.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, that is the very question I wanted to speak upon.

Mr. CANNON. The gentleman has a right to withdraw it.

Mr. MOORE of Pennsylvania. I want to vote for the $10,000,000 amendment, but if the gentleman does not withdraw the $25,000,000 amendment there may be no opportunity to do it. Is the gentleman going to withdraw the $25,000,000 amendment?

Mr. COX. For the time being, so as to allow the committee to have a direct vote on the amendment offered by the gentleman from Texas.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAMLIN. My parliamentary inquiry is, Did I understand the Chair to hold that if the gentleman from Indiana withdraws his amendment, and the vote being had, and the proposition of the gentleman from Texas should be adopted, that the gentleman then would have the right to offer his amendment?

The CHAIRMAN. The gentleman did not propound that inquiry.

Mr. COX. I understood that to be that if the proposition of the gentleman from Texas should be voted down, I would have the right to reoffer my amendment. I withdraw my amendment.

Mr. HAMLIN. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Texas [Mr. BLACK] making the amount $25,000,000 instead of $10,000,000.

The CHAIRMAN. The gentleman from Missouri offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAMLIN to the amendment offered by Mr. BLACK: Strike out "$10,000,000" and insert in lieu thereof "$25,000,000."

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that at the termination of seven minutes debate on the pending amendment shall close. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to ask the gentleman from Illinois [Mr. FOSTER] one question. At whose suggestion was the amount fixed at $50,000,000?

Mr. FOSTER. It was fixed by the department, by the men who first drew the bill.

Mr. COOPER of Wisconsin. What department? The Treasury?

Mr. FOSTER. It was the war-minerals committee and the Bureau of Mines and men connected with the Geological Survey.

The CHAIRMAN. Is there objection to the request that debate close in seven minutes? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, the question of the amount was raised during the earlier discussion, and the gentleman from Illinois [Mr. FOSTER] said then substantially what he says now, except that it appeared then that this $50,000,000 was the suggestion of Mr. Baruch, Mr. Hoover, and of the Secretary of the department, Mr. Lane. But, as the gentleman from Kentucky [Mr. HELM] very well and very truthfully says, the tendency in all the departments to-day is to reach out for power and more power, money and more money. The question frequently arises here whether Congress ought not to put a stop to it, whether there should not be an exercise of power here indicating that we do not propose to permit bureau or department chiefs to run this race to mulct the Treasury of the United States.

I want to vote for the $10,000,000 proposition first, because I believe that is enough to experiment with. And that is all we are going to do in this instance. We are going to experiment in prospecting, in the matter of hunting mines and minerals, sending men into the forests and fields, and over arid territory, to find what has already been located by the Geological Survey.

Now, what are we going to do on this proposition? The gentleman from Indiana [Mr. Cox] offered a substitute for $25,000,000, which would have forced a vote on that first, and given us no opportunity to vote for $10,000,000, but he withdrew it, and instantly the gentleman from Missouri [Mr. HAMLIN] renewed it as an amendment to the $10,000,000 amendment, compelling us again to vote for $25,000,000 first. The way to treat this thing, if you want to trent it independently, is to vote down the $25,000,000 amendment of the gentleman from Missouri, and show that you are going to have something to say about this business yourselves as Members of Congress. If you vote it down you will then have an opportunity to vote for the $10,000,000. I believe the $10,000,000 is sufficient to start these prospecting experiments, and this sending of men here, there, and yonder to find something new for the department to do. There is no politics in this suggestion. It is a business proposition on which Congress should exercise its own judgment. [Applause.]

Mr. FOSTER. The gentleman from Pennsylvania evidently does not understand the bill or does not know what he is talking about. He says that this $10,000,000 is for an experimentation, for sending men out to explore the forests, and explore hither and thither, in order to locate these minerals. Now, that is not the fact at all. This $50,000,000 as provided in this bill is for the working capital of this organization. Now, I do not know—nobody else knows—just the amount that it will take. This goes before the Appropriations Committee, and they will look up the subject and determine what amount, as best they can, ought to be appropriated. When the affairs of this organization shall be wound up, when the war closes, every dollar, in all probability, of this money will be returned to the Treasury. There may be a little less or there may be a little more than the original amount. But it is not to be fooled away, as the gentleman from Pennsylvania says. It is simply the working capital of this organization.

Mr. MOORE of Pennsylvania. Does the gentleman refer to section 12, where you provide going out into territory——

Mr. FOSTER. The gentleman does not know the bill and does not know what is wanted.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to section 12.

Mr. FOSTER. The gentleman does not know just what is in the bill or he would not have made the statement on the floor of the House that this was for the purpose of going out and exploring mines, because the bill expressly provides that none of this money can be used except for the purpose I have mentioned. Now, that is a fact. My good friend friend from Pennsylvania is usually right, but in this case he is wrong.

Mr. MOORE of Pennsylvania. I recur to section 12.

Mr. FOSTER. The gentleman has not read it and does not know.

Now, Mr. Chairman, this appropriation provides storage facilities and purchase of necessaries, if it shall become necessary, and to sell them again, so as to make this revolving fund needed here. I do not know what amount will be necessary. Nobody on earth can tell the exact amount that will be necessary. These men placed it at $50,000,000 when they considered what might happen to be done under this bill. It may happen to be much more. They may come back to Congress and say that $50,000,000 is not sufficient to carry out the purposes of this act. I realize that Congress does not like to make these large appropriations. And I have done this: When the gentleman from Indiana [Mr. Cox] offered his amendment to cut this to $25,000,000 I had not any serious objection to it, and I do not have now. I think it is all right if we do that, because I believe if it is necessary to secure another appropriation, and they can show they have rightly expended this money, Congress will make the appropriation.

Now, I ask you in all fairness, gentlemen, not to vote for a $10,000,000 proposition. It is not sufficient money. It is not sufficient to go out and do this work, and I ask you not to do that. I am sincere about it, as sincere as I can be.

I want to impress upon you the importance of carrying out the purposes of this act and securing this material, if it shall be necessary; and if you make it $25,000,000 and it should be necessary to secure more money, I believe the Committee on Appropriations, with the approval of Congress, would make that appropriation. But I do most earnestly hope, gentlemen, that you will not vote for this amendment. It is not enough. Any man can go over this proposition and see that we could not secure enough of these things to get along with $10,000,000.

This money is not to be thrown away. It is simply the working capital of this organization, and it will go back to the Treasury again; but there may be times when it will require much more than $10,000,000, or much more than $25,000,000, to carry on this work. The money is not to be squandered. If it were, you should hesitate with reference to it. So I hope that this $10,000,000 will not be voted, but that the one making it $25,000,000 will prevail.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is called for.

Mr. CANNON. Is this the $25,000,000 proposition?

Mr. FOSTER. Yes; the $25,000,000 proposition.

The committee divided; and there were—ayes 33, noes 41.

Mr. HAMLIN. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Missouri asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. HAMLIN and Mr. MOORE of Pennsylvania to act as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 55.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now comes up on the $10,000,000 proposition.

Mr. COOPER of Wisconsin. Mr. Chairman, may I move to strike out the last word?

The CHAIRMAN. The time has been exhausted on this paragraph by agreement. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Illinois asks for a division.

The committee divided; and there were—ayes 54, noes 34.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 19. That employment under the provisions of this act shall not exempt any person from military service under the provisions of the selective-draft law approved May 18, 1917.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that I may speak on the subject of ferromanganese, a subject not mentioned in the pending paragraph. I desire to proceed for not more than five minutes out of order.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for five minutes on the subject of ferromanganese. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, as I have read this bill and looked over the report of the hearings and heard the arguments advanced in the debate, especially some of the statements concerning ferromanganese, I was reminded of the debate here in 1913 on the Underwood tariff bill, and of a dialogue I then had with a gentleman, a very distinguished Member of the House from Pennsylvania, now occupying a high position in the executive department of the Government, the Hon. A. Mitchell Palmer. Mr. Palmer was making a speech, he then being a member of the Committee on Ways and Means. This dialogue may perhaps reveal to gentlemen the importance of the bill now before us, and the good judgment of the gentleman from Illinois [Mr. FOSTER] when he declared a few minutes ago that $10,000,000 would not suffice to accomplish the bill's legitimate purposes. I agreed with the gentleman from Illinois and voted for the $25,000,000 amendment.

Here is the dialogue with Mr. Palmer:

Mr. COOPER. Will the gentleman permit one question?

Mr. PALMER. I yield.

Mr. COOPER. Does the Steel Trust make all the ferromanganese it uses? I understand it does.

Mr. PALMER. Yes.

They were proposing a tariff on ferromanganese.

Mr. COOPER. Then the trust would pay no tariff on ferromanganese, but the independent iron manufacturer would.

Mr. PALMER. I have said that.

Mr. COOPER. I did not hear the gentleman say it.

Mr. PALMER. I said exactly that, that there is no ferromanganese made in this country for sale. The steel and iron corporation makes ferromanganese for its own use, and all other producers of steel and iron buy ferromanganese from abroad.

That statement of the gentleman from Pennsylvania, the home of the Steel Trust, may enlighten gentlemen as to the wisdom of enacting the pending bill into law. For if we can not import from other countries because of lack of shipping, then, of course, it becomes of paramount importance that we shall make ferromanganese in this country in sufficient quantities to meet the needs of manufacturers and of the Government, for, as we are informed, the Steel Trust, the vast producer and user of steel and iron, makes its own ferromanganese, and does not sell any of it, and all other producers of steel and iron must import ferromanganese.

Then the dialogue with Mr. Palmer continued:

When the Payne law was written they had ferromanganese at even a higher rate than this.

Mr. COOPER. Then, if the gentleman will permit an interruption——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. PALMER. I yield.

Mr. COOPER. If the Steel Trust makes its own ferromanganese and does not import any, and all the other manufacturers, the little fellows, do import it, the Steel Trust will not pay this duty, but the small manufacturers will. Will not that be the situation?

Mr. PALMER. Well, we can not write a law that will make everybody pay a duty at the customhouse.

Mr. COOPER. But we are expected to write a law that will not discriminate in favor of the trust and against the independent producers.

I invite particular attention, Mr. Chairman, to that dialogue, and especially to the statement of Mr. Palmer, that the Steel Trust—by far the greatest in the world—makes its own ferromanganese and sells none, and that the small men have to import it.

Ferromanganese is absolutely necessary in the manufacture of steel. But if shipping is interfered with and imports prevented, it necessarily follows that we should at once do something to help supply ferromanganese, or the materials to make it, for the small man. This argument makes clear why I voted for $25,000,000 instead of $10,000,000, which, in my judgment, is an amount altogether insufficient.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent that the time of the gentleman from Wisconsin [Mr. COOPER] be extended two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Wisconsin [Mr. COOPER] be extended two minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I yield to the gentleman from Illinois.

Mr. CANNON. The United States Steel Corporation, I am informed, produces 60 per cent of the steel and iron in the United States. So, according to the gentleman's statement, it makes six-tenths of the ferromanganese. I do not believe it makes that much. That is all I want to say.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. If the gentleman from Pennsylvania will kindly permit me, I will say to the distinguished gentleman from Illinois [Mr. CANNON] that I quoted what Mr. Palmer, a recognized expert, and one of the country's leading Democrats, said in 1913 in open debate on this floor during the consideration of the Underwood tariff bill.

Here are his words:

There is no ferromanganese made in this country for sale. The steel and iron corporation makes ferromanganese for its own use, and all other producers of steel and iron buy ferromanganese from abroad.

By the words "steel and iron corporation" he means what we call the Steel Trust.

Mr. CANNON. If the gentleman from Wisconsin will allow me, I will say that, notwithstanding the high admiration I have for the beauty and the intellect of our former colleague, Mr. Palmer, I feel quite sure that he was not very reliably informed when he made that statement while the Underwood tariff bill was being framed here from a free-trade standpoint. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman from Wisconsin yield now?

Mr. COOPER of Wisconsin. Yes.

Mr. MOORE of Pennsylvania. Will not the gentleman refresh the recollection of Members as to who the Mr. Palmer is who made this interesting statement? Is that the same Mr. Palmer who was a Democratic member of the Ways and Means Committee?

Mr. COOPER of Wisconsin. It is.

Mr. MOORE of Pennsylvania. A leader of the Democracy of Pennsylvania?

Mr. COOPER of Wisconsin. Yes.

Mr. MOORE of Pennsylvania. And now the Alien Property Custodian of the United States by appointment of President Wilson?

Mr. COOPER of Wisconsin. I am glad that, at last, I have convinced the gentleman from Pennsylvania as to the identity of this Mr. Palmer. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That the President shall cause a detailed report to be made to the Congress on the 1st day of January each year of all proceedings had under this act during the year preceding. Such report shall, in addition to other matters, contain an account of all persons appointed or employed, the salary or compensation paid or allowed each, the aggregate amount of the different kinds of property purchased or requisitioned, the use and disposition made of such property, and a statement of all receipts, payments, and expenditures, together with a statement showing the general character and estimated value of all property then on hand and the aggregate amount and character of all claims against the United States growing out of this act.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SISSON: Amend, on page 19, line 8, by striking out, after the word "day," the words "of January each year" and inserting the words "of each regular session."

Mr. SISSON. Mr. Chairman, it is not necessary for me to make a detailed explanation of the reason for offering this amendment. Congress meets in December, and all reports of this character are always transmitted on or before the first day of the session.

Mr. FOSTER. The gentleman is right, and I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. SISSON].

The amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, if I may be granted just a word further on this manganese question, I think the gentleman from Wisconsin [Mr. COOPER], entirely unintentionally, gave the House a somewhat wrong impression as to the conditions that prevailed at the time of the passage of the Underwood bill. Under the Payne law there was a tariff of $2.50 a ton on ferromanganese, but manganese ore was free from duty. Ferromanganese ore came into this country in large quantities and was smelted by the United States Steel Corporation. Consequently it made, through its smelters, nearly all the ferromanganese in the country, and it would not have made any difference with that situation whether the tariff was on or off. The Steel Corporation would still have done the smelting, because it was the only concern having smelters to carry on that manufacture. Now, unless I misunderstand the purpose of the bill, vast and extensive as are its powers, it is not intended at this time that the United States Government will go into the business of smelting manganese ore, although in one section power is given to take over undeveloped smelters. So the Steel Corporation will still go on making nearly all the ferromanganese that is made in this country unless the Government not only takes the undeveloped smelters, but the developed smelters of the Steel Trust or builds smelters itself and operates them. I do not find any power to do either in the bill. Apparently, these powers were overlooked, or they would have been put in the bill by the bureau chiefs who framed it. In any event, there is nothing in the bill that will tend to relieve the bill from the exactions of the Steel Trust, and if there was it would require no great amount of money as long as the Government does not go into the business itself and only uses the funds for the purpose of stimulating the industry.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 22. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person" wherever used in this act shall include individuals, partnerships, associations, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure, of any official, agent, or other person acting for or employed by any partnership, association, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such partnership, association, or corporation as well as that of the person.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word

In reply to the suggestion of the gentleman from Iowa [Mr. GREEN], I have only this to say: Manufacturers of prominence in my section of the country—and there are some great manufacturers of agricultural implements—complain of the very high prices of steel. They consider some of these prices as extortionate. Of course, as an inevitable consequence of the high price of steel the farmers pay a correspondingly high price for the implements necessary to cultivate the farms and produce the food for the people and the soldiers. Remembering these facts, and looking through this bill, I have thought that back of it, possibly, was a purpose to devise a means by which certain things absolutely essential to the production of steel and other war necessaries should be made more plentiful and available than they are to-day, and thus perhaps help to protect manufacturers and the Government from being held up.

Mr. GREEN of Iowa. Mr. Chairman, will my friend from Wisconsin yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GREEN of Iowa. There is now imported annually only about $10,000,000 or $12,000,000 worth of manganese and manganese ore, the greater portion of which is taken by the Steel Trust, so that I do not see the necessity of a very great amount of money for that purpose.

Mr. COOPER of Wisconsin. Suppose that as a result of the enactment of this bill into law there should be developed in this country great quantities of manganese, and that out of that ore there should be manufactured great quantities of ferromanganese. Inevitably it would give the smaller men a better chance than they have to-day.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 23. That the provisions of this act shall cease to be in effect after the existing state of war between the United States and Germany shall have terminated, and the fact and date of such termination shall be ascertained and proclaimed by the President, as soon as in his judgment the agencies and activities herein provided for can be reasonably terminated; but the termination of this act shall not affect any act done, or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this act; but all rights and liabilities under this act arising before its termination shall continue and may be enforced in the same manner as if the act had not terminated. Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this act had not been terminated.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 20, line 14, after the number "22," strike out down to and including the word "act," in line 20, and in lieu thereof insert the following:

"That the provisions of this act shall cease to be in effect at the end of six months after the existing state of war between the United States and Germany and between the United States and Austria-Hungary, and the fact and date of such termination shall be ascertained and proclaimed by the President; but the termination of this act shall not affect the exercise of such authority and power herein granted as shall be necessary to speedily wind up the affairs of any enterprise already entered upon or to carry out any guaranty or contract pursuant to the terms thereof, and such termination."

Mr. FOSTER. Mr. Chairman, this amendment was agreed to as a part of the bill, and I have no objection to it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Indiana who introduced this amendment, which I understand is accepted by the gentleman from Illinois, whether there is any limitation whatever as to the acts done by the department or any agency thereof during the period of the war?

Mr. SANDERS of Indiana. A specific limitation upon any contract is contained in the provision that no contracts will be entered into after the termination of the war. There is also a specific provision that there shall be no guaranty for a greater period than two years.

Mr. MOORE of Pennsylvania. Will the gentleman allow me to state what is in my mind in regard to this amendment and this section? In the war-corporation bill it was provided that all business should terminate in a period of 10 years. That was the substance of the provision. There must be an end of the contract; there must be a limitation somewhere. You propose by your amendment now to have this mining business quit six months after the war rather than immediately after the war, as the section recites. During the pendency of the war, however, contracts may be made for a longer period, unless I am misinformed. I want to find out whether the committee has put a limitation upon the department for such business as originates during the pendency of the war.

Mr. COOPER of Wisconsin. If the gentleman will pardon me, section 11 provides that contracts shall not be for a longer term than two years.

Mr. SANDERS of Indiana. I think I have in mind the point of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. But the business thus created during the war may run on indefinitely unless some limitation is fixed.

Mr. LONGWORTH. Does not the provision mentioned by the gentleman from Wisconsin [Mr. COOPER] cover that, the provision in section 11?

Mr. SANDERS of Indiana. Here is the provision in section 11, page 10:

That the Secretary of the Interior, with the approval of the President, is authorized from time to time to use the funds provided under section 18 to enter into contracts for necessaries for periods of not exceeding two years, to purchase, to store, to provide storage facilities for, and to sell necessaries at reasonable prices to be fixed by the Secretary of the Interior, with the approval of the President.

There is a specific limitation on contracts for necessaries. I presume the gentleman from Pennsylvania has in mind the entering into some sort of agreement where, for instance, they take over an idle plant.

Mr. MOORE of Pennsylvania. Yes; for in section 2 the President is "authorized to enter into any voluntary arrangement or agreements." Under that he might do anything under the sun.

Mr. SANDERS of Indiana. There is no specific limitation on the exercise of any of these powers which might extend for a period of time, except the specific provision in section 11. However, I think the provision in the amendment I have offered——

Mr. MOORE of Pennsylvania. That is an after-the-war proposition. The damage may be done during the pendency of the war.

Mr. SANDERS of Indiana. In the event that the executive department should undertake to carry this on permanently—for instance, in the taking over of an idle mine—all of that could be reached, if there was an abuse of the spirit of the law, by a subsequent Congress which will have the power to repeal or amend.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

Mr. FOSTER. Mr. Chairman——

Mr. MOORE of Pennsylvania. If the gentleman will discuss this matter, I will be satisfied. I do not know whether we can correct it now, in view of the state of mind the House is in, but I want to call attention to it, because I hope that in another body there will be some limitation over and above what appears to be the limit in this bill, so that a department or a bureau can not make contracts during the pendency of the war that will run on forever.

Mr. FOSTER. We do not intend to do that.

Mr. ANDERSON. By the very terms of the bill those contracts could only be for the period of the war, because the bill applies only during the period of the war, and, under the amendment of the gentleman from Indiana [Mr. SANDERS], for six months thereafter, except for the purpose of closing up any enterprise which may have been entered on, and except for the purpose of suits arising out of rights acquired during the war.

Mr. MOORE of Pennsylvania. Of course you are providing now, and that is proper, that no contracts shall be entered into after the war. That stops business from that point of view; but in section 23, the last section of the bill, it is provided, from line 20, that while the business is to cease after the war "the termination of this act shall not affect any act done or any right or obligation accruing or accrued" during the pendency of the war. During the pendency of the war you have the right to do anything under the sun, and you may make an arrangement or obligation to run as long as you please. I say there ought to be some limitation as to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, the committee automatically rises under the rule.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11259 and had directed him to report the same back with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time.

Mr. GARLAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GARLAND. To make a motion to recommit.

The SPEAKER. The gentleman will send it up.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. Is the gentleman from Pennsylvania opposed to the bill?

Mr. GARLAND. I am for the bill.

The SPEAKER. Is there anybody here opposed to the bill who wants to offer a motion to recommit? If so, the Chair will recognize him; if not, he will recognize the gentleman from Pennsylvania. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GARLAND moves to recommit the bill to the Committee on Mines and Mining, with instructions to report the same back forthwith with the following instructions: Strike out, after the word "empowered," in line 18, page 16, the words "to fix the prices of necessaries wherever and whenever sold either by producer or dealer."

Mr. FOSTER. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. GARLAND. Mr. Speaker, I want to correct the motion. It should be "amendment" instead of "instructions."

Mr. CANNON. I hope it may be read again.

The SPEAKER. The Clerk will again report the motion to recommit.

The Clerk read as follows:

Mr. GARLAND moves to recommit the bill to the Committee on Mines and Mining, with instructions to report the same back forthwith with the following amendment: Strike out, after the word "empowered," in line 18, page 16, the words "to fix the prices of necessaries wherever and whenever sold either by producer or dealer."

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. GARLAND] to recommit.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. FOSTER. Division, Mr. Speaker.

The House divided; and there were—ayes 67, noes 57.

Mr. FOSTER. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes a point of order there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 156, nays 150, answered "present" 4, not voting 120, as follows:

YEAS—156.

Anderson	Browning	Clark, Fla.	Dominick
Anthony	Buchanan	Collier	Dowell
Bell	Burroughs	Connally, Tex.	Dunn
Black	Campbell, Kans.	Crisp	Dyer
Bland	Candler, Miss.	Currie, Mich.	Eagle
Bowers	Cannon	Dallinger	Elliott
Brand	Chandler, N. Y.	Darrow	Ellsworth
Britten	Chandler, Okla.	Dempsey	Emerson

Fairfield	Juul	Parker, N. J.	Sweet
Farr	Kearns	Parker, N. Y.	Swift
Fess	Kennedy, Iowa	Peters	Switzer
Focht	Kinkaid	Platt	Taylor, Ark.
Francis	Knutson	Purnell	Temple
Frear	Kraus	Quin	Thomas
Freeman	La Follette	Ramseyer	Tilson
Fuller, Ill.	Langley	Rayburn	Timberlake
Fuller, Mass.	Larsen	Reed	Towner
Garland	Lehlbach	Robbins	Treadway
Garner	Longworth	Rogers	Vare
Garrett, Tenn.	Lufkin	Rose	Venable
Gillett	McFadden	Rowe	Vestal
Glynn	McKenzie	Sanders, Ind.	Vinson
Good	McLaughlin, Mich.	Sanders, N. Y.	Walker
Gould	Magee	Sanford	Walsh
Graham, Ill.	Mansfield	Scott, Mich.	Wason
Gray, N. J.	Martin	Sears	Watson, Pa.
Green, Iowa	Mason	Sells	Wheeler
Greene, Mass.	Meeker	Sherley	White, Me.
Greene, Vt.	Merritt	Siegel	White, Ohio
Hadley	Miller, Minn.	Sinnott	Williams
Hamilton, Mich.	Miller, Wash.	Sisson	Wilson, Ill.
Hardy	Mondell	Slayden	Wilson, Tex.
Helm	Moore, Pa.	Sloan	Winslow
Hersey	Moores, Ind.	Snell	Wise
Hicks	Morgan	Snyder	Wood, Ind.
Hollingsworth	Mudd	Stephens, Miss.	Woods, Iowa
Hull, Iowa	Osborne	Sterling, Ill.	Woodyard
Hutchinson	Overstreet	Stiness	Young, Tex.
Ireland	Paige	Strong	Zihlman

NAYS—150

Alexander	Dillon	Keating	Robinson
Ashbrook	Dixon	Kelly, Pa.	Romjue
Aswell	Donovan	Kettner	Rubey
Ayres	Doolittle	Key, Ohio	Rucker
Bankhead	Drane	Kincheloe	Russell
Barkley	Elston	Kitchin	Sabath
Beakes	Esch	Lea, Cal.	Saunders, Va.
Beshlin	Evans	Lee, Ga.	Shackleford
Blackmon	Ferris	Lesher	Shallenberger
Blanton	Fisher	Lever	Sherwood
Booher	Flood	Linthicum	Sims
Borland	Foster	Little	Smith, Idaho
Brodbeck	French	Lobeck	Smith, C. B.
Browne	Gallivan	London	Stafford
Brumbaugh	Gandy	Lonergan	Steagall
Burnett	Gard	Lundeen	Stedman
Byrnes, S. C.	Garrett, Tex.	McAndrews	Steenerson
Byrns, Tenn.	Goodwin, Ark.	McClintic	Stephens, Nebr.
Cantrill	Gordon	McKeown	Stevenson
Caraway	Griest	Mapes	Tague
Carter, Okla.	Griffin	Mays	Talbott
Cary	Hamill	Moon	Taylor, Colo.
Church	Hamlin	Nelson	Tillman
Classon	Harrison, Miss.	Nolan	Van Dyke
Claypool	Harrison, Va.	Oldfield	Volstead
Cleary	Hastings	Oliver, Ala.	Walton
Coady	Hayden	Oliver, N. Y.	Watkins
Connelly, Kans.	Heflin	Overmyer	Watson, Va.
Cooper, Wis.	Helvering	Padgett	Weaver
Cox	Hensley	Park	Welling
Dale, N. Y.	Hilliard	Polk	Welty
Davidson	Holland	Pou	Whaley
Davis	Huddleston	Rainey, H. T.	Wilson, La.
Decker	Hull, Tenn.	Rainey, J. W.	Wingo
Delaney	Humphreys	Raker	Wright
Denton	Igoe	Randall	Young, N. Dak.
Dickinson	James	Rankin	
Dill	Johnson, Ky.	Roberts	

ANSWERED "PRESENT"—4.

Haugen	Nicholls, S. C.	Rodenberg	Rouse

NOT VOTING—120.

Almon	Eagan	Kahn	Powers
Austin	Edmonds	Kehoe	Pratt
Bacharach	Estopinal	Kelley, Mich.	Price
Baer	Fairchild, B. L.	Kennedy, R. I.	Ragsdale
Barnhart	Fairchild, G. W.	Kiess, Pa.	Ramsey
Butler	Fields	King	Reavis
Caldwell	Flynn	Kreider	Riordan
Campbell, Pa.	Fordney	LaGuardia	Rowland
Carew	Foss	Lazaro	Sanders, La.
Carlin	Gallagher	Littlepage	Schall
Carter, Mass.	Glass	Lunn	Scott, Iowa
Clark, Pa.	Godwin, N. C.	McArthur	Scott, Pa.
Cooper, Ohio	Goodall	McCormick	Scully
Cooper, W. Va.	Graham, Pa.	McCulloch	Shouse
Copley	Gray, Ala.	McKinley	Slemp
Costello	Gregg	McLaughlin, Pa.	Small
Crago	Hamilton, N. Y.	McLemore	Smith, Mich.
Cramton	Haskell	Madden	Smith, T. F.
Crosser	Hawley	Maher	Snook
Curry, Cal.	Hayes	Mann	Steele
Dale, Vt.	Heaton	Montague	Sterling, Pa.
Denison	Heintz	Morin	Sullivan
Dent	Hood	Mott	Sumners
Dewalt	Houston	Neely	Templeton
Dies	Howard	Nichols, Mich.	Thompson
Dooling	Husted	Norton	Tinkham
Doremus	Jacoway	Olney	Voigt
Doughton	Johnson, S. Dak.	O'Shaunessy	Waldow
Drukker	Joohnson, Wash.	Phelan	Ward
Dupré	Jones	Porter	Webb

So the motion to recommit the bill was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. ROUSE with Mr. MADDEN.

Mr. EAGAN with Mr. KENNEDY of Rhode Island.

Mr. SCULLY with Mr. DALE of Vermont.

Mr. NICHOLLS of South Carolina with Mr. REAVIS.

Mr. BARNHART with Mr. FORDNEY.

Mr. FIELDS with Mr. COOPER of West Virginia.

Mr. LITTLEPAGE with Mr. MCKINLEY.

Mr. MONTAGUE with Mr. FOSS.

Mr. HOWARD with Mr. HAUGEN.

Mr. CALDWELL with Mr. CLARK of Pennsylvania.

Mr. ALMON with Mr. COOPER of Ohio.

Mr. DENT with Mr. CRAGO.

Mr. DEWALT with Mr. AUSTIN.

Mr. CAMPBELL of Pennsylvania with Mr. COSTELLO.

Mr. CROSSER with Mr. CARTER of Massachusetts.

Mr. DIES with Mr. CURRY of California.

Mr. CAREW with Mr. BACHARACH.

Mr. DOOLING with Mr. COPLEY.

Mr. DOUGHTON with Mr. DENISON.

Mr. STEELE with Mr. BUTLER.

Mr. DOREMUS with Mr. CRAMTON.

Mr. CARLIN with Mr. DRUKKER.

Mr. DUPRÉ with Mr. EDMONDS.

Mr. ESTOPINAL with Mr. BENJAMIN L. FAIRCHILD.

Mr. FLYNN with Mr. GOODALL.

Mr. GALLAGHER with Mr. HAMILTON of New York.

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. HOOD with Mr. HASKELL.

Mr. GODWIN of North Carolina with Mr. HAYES.

Mr. HOUSTON with Mr. HEATON.

Mr. GRAY of Alabama with Mr. HAWLEY.

Mr. JACOWAY with Mr. HUSTED.

Mr. JONES with Mr. JOHNSON of South Dakota.

Mr. GREGG with Mr. KAHN.

Mr. KEHOE with Mr. KELLEY of Michigan.

Mr. LAZARO with Mr. KIESS of Pennsylvania.

Mr. LUNN with Mr. KING.

Mr. MCLEMORE with Mr. MCARTHUR.

Mr. MAHER with Mr. MCCULLOCH.

Mr. NEELY with Mr. MCLAUGHLIN of Pennsylvania.

Mr. OLNEY with Mr. MORIN.

Mr. PHELAN with Mr. WARD.

Mr. PRICE with Mr. NICHOLS of Michigan.

Mr. RAGSDALE with Mr. NORTON.

Mr. RIORDAN with Mr. PORTER.

Mr. SANDERS of Louisiana with Mr. PRATT.

Mr. SCHALL with Mr. RAMSEY.

Mr. SHOUSE with Mr. GEORGE W. FAIRCHILD.

Mr. SMALL with Mr. SLEMP.

Mr. THOMAS F. SMITH with Mr. SMITH of Michigan.

Mr. SNOOK with Mr. TINKHAM.

Mr. SULLIVAN with Mr. KREIDER.

Mr. SUMNERS with Mr. JOHNSON of Washington.

Mr. THOMPSON with Mr. VOIGT.

Mr. WEBB with Mr. WALDOW.

Mr. NICHOLLS of South Carolina. Mr. Speaker, I am paired with the gentleman from Nebraska, Mr. REAVIS. I voted "nay," but I wish to change my vote and answer "present."

Mr. ROUSE. Mr. Speaker, I voted "nay," but I am paired with the gentleman from Illinois, Mr. MADDEN, and I withdraw that vote and answer "present."

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. FOSTER. Mr. Speaker, I report the bill H. R. 11259 back to the House with instructions to strike out, in line 18, page 16, the words:

To fix the price of necessaries, wherever and whenever sold, either by producer or dealer.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reports back the amendment that was offered in the motion to recommit.

Mr. GARLAND. Mr. Speaker, I move the previous question.

Mr. FOSTER. Mr. Speaker, the previous question has been ordered under the rule.

The SPEAKER. The previous question is ordered.

Mr. FOSTER. I move the previous question.

Mr. CANNON. The previous question is operating.

Mr. FOSTER. Yes; I think it is operating.

The SPEAKER. The previous question is provided for in the rule. The question is on the passage of the bill.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The question is on the amendment contained in the instructions of the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GILLETT. Does not the Speaker wish to reconsider that?

The SPEAKER. The gentleman from Massachusetts is right. The question is on the bill as amended.

Mr. WINGO. Mr. Speaker, I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of passing the bill will, as their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 200, nays 7, answered "present" 4, not voting 129, as follows:

YEAS—200.

Alexander	Evans	Kinkaid	Russell
Anderson	Fairfield	Kitchin	Sabath
Anthony	Farr	Knutson	Sanders, Ind.
Ashbrook	Ferris	Kraus	Sanders, La.
Aswell	Fess	Langley	Saunders, Va.
Ayres	Fisher	Larsen	Scott, Mich.
Bankhead	Flood	Lea, Cal.	Sells
Barkley	Focht	Lee, Ga.	Shackleford
Beakes	Foster	Lehlbach	Shallenberger
Bell	Francis	Lesher	Sherley
Beshlin	Frear	Lever	Sherwood
Black	Freeman	Linthicum	Siegel
Blackmon	French	Little	Sinnott
Bland	Fuller, Ill.	Lobeck	Sisson
Blanton	Fuller, Mass.	London	Slayden
Booher	Gallivan	Lonergan	Sloan
Borland	Gandy	Longworth	Smith, Idaho
Bowers	Gard	Lufkin	Smith, C. B.
Brand	Garland	Lundeen	Snell
Britten	Garner	McAndrews	Snyder
Brodbeck	Garrett, Tex.	McClintic	Steagall
Browne	Gillett	McFadden	Stedman
Browning	Glynn	McKenzie	Steenerson
Brumbaugh	Good	McKeown	Stevenson
Buchanan	Goodwin, Ark.	McLaughlin, Mich.	Strong
Burnett	Gordon	Magee	Sweet
Burroughs	Gould	Mansfield	Swift
Byrnes, S. C.	Graham, Ill.	Mapes	Switzer
Byrns, Tenn.	Gray, N. J.	Martin	Tague
Campbell, Kans.	Green, Iowa	Mason	Talbott
Candler, Miss.	Greene, Mass.	Mays	Taylor, Ark.
Cantrill	Greene, Vt.	Meeker	Taylor, Colo.
Caraway	Griest	Merritt	Temple
Carter, Okla.	Griffin	Miller, Wash.	Tillman
Cary	Hadley	Moon	Tilson
Chandler, Okla.	Hamill	Moore, Pa.	Timberlake
Church	Hamilton, Mich.	Moores, Ind.	Towner
Classon	Hamlin	Morgan	Treadway
Claypool	Hardy	Mudd	Van Dyke
Cleary	Harrison, Miss.	Nelson	Venable
Coady	Harrison, Va.	Nolan	Vestal
Collier	Hastings	Oldfield	Vinson
Connally, Tex.	Haugen	Oliver, Ala.	Voigt
Connelly, Kans.	Hayden	Oliver, N. Y.	Volstead
Cooper, Wis.	Heflin	Osborne	Walker
Cox	Helm	Overmyer	Walsh
Crisp	Helvering	Overstreet	Walton
Currie, Mich.	Hensley	Padgett	Wason
Dale, N. Y.	Hersey	Paige	Watkins
Dallinger	Hicks	Park	Watson, Pa.
Darrow	Hilliard	Parker, N. J.	Watson, Va.
Davidson	Holland	Parker, N. Y.	Weaver
Davis	Hollingsworth	Peters	Webb
Decker	Huddleston	Platt	Welling
Delaney	Hull, Iowa	Polk	Welty
Dempsey	Hull, Tenn.	Pou	Whaley
Denton	Humphreys	Purnell	Wheeler
Dickinson	Hutchinson	Quin	White, Me.
Dill	Igoe	Rainey, J. W.	White, Ohio
Dillon	Ireland	Raker	Williams
Dixon	James	Ramseyer	Wilson, Ill.
Dominick	Johnson, Ky.	Randall	Wilson, La.
Donovan	Juul	Rankin	Wingo
Doolittle	Kearns	Reed	Winslow
Doremus	Keating	Robbins	Wise
Dowell	Kehoe	Roberts	Wood, Ind.
Drane	Kelley, Mich.	Robinson	Woodyard
Dunn	Kelly, Pa.	Rodenberg	Wright
Dyer	Kennedy, Iowa	Rogers	Young, N. Dak.
Eagle	Kettner	Romjue	Young, Tex.
Ellsworth	Key, Ohio	Rose	Zihlman
Elston	Kiess, Pa.	Rowe	
Emerson	Kincheloe	Rubey	

NAYS—7.

Cannon	Garrett, Tenn.	Stafford	Thomas
Elliott	La Follette	Sterling, Ill.	

ANSWERED "PRESENT"—4.

Clark, Fla.	Nicholls, S. C.	Rouse	Sears

NOT VOTING—129.

Almon	Crago	Fairchild, B. L.	Heaton
Austin	Cramton	Fairchild, G. W.	Heintz
Bacharach	Crosser	Fields	Hood
Baer	Curry, Cal.	Flynn	Houston
Barnhart	Dale, Vt.	Fordney	Howard
Butler	Denison	Foss	Husted
Caldwell	Dent	Gallagher	Jacoway
Campbell, Pa.	Dewalt	Glass	Johnson, S. Dak.
Carew	Dies	Godwin, N. C.	Johnson, Wash.
Carlin	Dooling	Goodall	Jones
Carter, Mass.	Doughton	Graham, Pa.	Kahn
Chandler, N. Y.	Drukker	Gray, Ala.	Kennedy, R. I.
Clark, Pa.	Dupré	Gregg	King
Cooper, Ohio	Eagan	Hamilton, N. Y.	Kreider
Cooper, W. Va.	Edmonds	Haskell	LaGuardia
Copley	Esch	Hawley	Lazaro
Costello	Estopinal	Hayes	Littlepage
Lunn	Nichols, Mich.	Rucker	Stephens, Nebr.
McArthur	Norton	Sanders, N. Y.	Sterling, Pa.
McCormick	Olney	Sanford	Stiness
McCulloch	O'Shaunessy	Schall	Sullivan
McKinley	Phelan	Scott, Iowa	Sumners
McLaughlin, Pa.	Porter	Scott, Pa.	Templeton
McLemore	Powers	Scully	Thompson
Madden	Pratt	Shouse	Tinkham
Maher	Price	Sims	Vare
Mann	Ragsdale	Slemp	Waldow
Miller, Minn.	Rainey, H. T.	Small	Ward
Mondell	Ramsey	Smith, Mich.	Wilson, Tex.
Montague	Rayburn	Smith, T. F.	Woods, Iowa
Morin	Reavis	Snook	
Mott	Riordan	Steele	
Neely	Rowland	Stephens, Miss.	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FIELDS with Mr. CRAMTON.

Mr. HOWARD with Mr. PRATT.

Mr. ALMON with Mr. HAYES.

Mr. LAZARO with Mr. WALDOW.

Mr. GODWIN of North Carolina with Mr. COOPER of Ohio.

Mr. THOMPSON with Mr. CHANDLER of New York.

Mr. CLARK of Florida with Mr. HAMILTON of New York.

Mr. GALLAGHER with Mr. DALE of Vermont.

Mr. SEARS with Mr. HEATON.

Mr. HOUSTON with Mr. MILLER of Minnesota.

Mr. SCULLY with Mr. MONDELL.

Mr. O'SHAUNESSY with Mr. SANDERS of New York.

Mr. HENRY T. RAINEY with Mr. SANFORD.

Mr. RAYBURN with Mr. SCOTT of Iowa.

Mr. RUCKER with Mr. STINESS.

Mr. SIMS with Mr. TEMPLETON.

Mr. ROUSE. Mr. Speaker, I voted "aye." I am paired with the gentleman from Illinois, Mr. MADDEN. I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ROUSE, and he answered "Present."

Mr. REED. Mr. Speaker, my colleague from West Virginia, Mr. COOPER, is absent. I believe if he were present, he would vote "aye."

The result of the vote was announced as above recorded.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that these sections may be renumbered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk may renumber the sections. Without objection, that will be done.

There was no objection.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDMENT OF THE NATURALIZATION LAWS.

Mr. BURNETT, by direction of the Committee on Immigration and Naturalization, presented for printing, under the rule, the conference report on the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I move to recommit the conference report on the bill H. R. 8696, the Indian appropriation bill.

The SPEAKER. The gentleman from Oklahoma moves to recommit to the conferees the conference report on the Indian appropriation bill.

Mr. STAFFORD. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If the Speaker has examined the precedents and made up his mind that the motion of the gentleman from Oklahoma [Mr. CARTER] is in order, I do not wish to discuss the question. Of course, the motion made by the gentleman from Oklahoma establishes, in a way, a precedent in this House. There are rulings by former Speakers that hold that under conditions similar to the situation presented in this case no motion to recommit is necessary; that the printing of the conference report by the gentleman from Oklahoma in the RECORD, when this House did not have possession of the papers, was without any authority whatsoever.

Mr. CARTER of Oklahoma. Was informal.

Mr. STAFFORD. Was irregular and should be disregarded completely. I realize that we are establishing a ruling here that will apply in the future many, many times, not only in this body but in the other body. For instance, a conference report is brought into this House; a point of order is made against it; we have the papers and it is considered. The Speaker sustains the point of order that the conferees exceeded their authority. In the other body no action has been taken on the conference report.

It has not even been presented, because, Mr. Speaker, while it is frequently the practice that conferees present for printing in the RECORD conference reports without the possession of the papers, the conference report has no right to be presented formally for consideration until the conferees are in possession of the papers.

In this case the Senate agreed to the conference and the papers were in the possession of the Senate conferees. When the report was presented to the Senate for action a point of order was made. It is immaterial what was the reason for the Senate recommitting the bill, whether it was in consonance with some rule which was adopted by that body, which provides that no legislation can be added to any amendment by the conferees, or whether it was recommitted on formal vote. If the gentleman from Oklahoma had not presented the conference report for printing in the RECORD, this House would not have been advised whatsoever of the action of the Senate, except informally. The conferees would still be in existence, because they had not presented their report, and they would naturally go back into conference without any action whatever on the part of the House.

Mr. CARTER of Oklahoma. The gentleman from Wisconsin [Mr. STAFFORD] is assuming, I think, that the Senate followed out the correct procedure, which it did not do. The situation, Mr. Speaker, is just about this: The Senate has a rule that provides that when a point of order is sustained against a conference report, such report is automatically recommitted to conference. That rule was invoked against this conference report, but when the Senate notified the House of that action, it messaged the papers in connection with the bill along over to the House, and the original papers in connection with the matter are now on the Speaker's desk. I have asked unanimous consent to take them down so that we might get back into conference, but that has been refused by the House, so I know of no way by which the papers can go off the Speaker's desk now except by some action of the House itself. Therefore I have made this motion to bring the matter to the issue of the necessary procedure.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. I yield.

Mr. WALSH. The gentleman's unanimous-consent request was to withdraw the conference report which he had previously presented.

Mr. CARTER of Oklahoma. The papers were with the conference report. Now, I know of no other way to get at this, Mr. Speaker, so far as the House is concerned. It might be that the Senate could pass a resolution requesting the return of the papers to the Senate, and in that way conform to the procedure as it has been in the past and as it was supposed to be by the gentleman from Wisconsin.

Mr. CAMPBELL of Kansas. What is the gentleman's request?

Mr. CARTER of Oklahoma. I made no request. I moved to recommit the bill to conference.

Mr. GARNER. Mr. Speaker, it occurs to me that one of two things ought to be done, in view of the rules of the Senate. When we remember the condition of affairs at the close of the session, when time is of the utmost importance, we realize what difficulty we would have if this procedure should have to be gone through with and a point of order should be sustained, as it was in this instance in the Senate. Either the rules of the House ought to be amended so that this bill could automatically go back to conference or else the Chair ought to make a ruling that would send the bill automatically back to conference without any motion.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. CARTER of Oklahoma. If the Senate had retained possession of the papers, as is the practice when sending a bill back to conference, then the bill would have gone back to conference automatically; but when they sent their message to the House, after the conference report had been recommitted, it seems they made the mistake of sending the papers along with the report, and the papers are now on the Speaker's table, unavailable to the conferees except by permission of the House. The House managers have not been discharged. All precedents hold the conference committee to be still in existence. The committee is not functus officio; it could function if it only had possession of the papers. Now, the only thing necessary to be done to unscramble the eggs and the only thing the conferees or the House should concern itself about is in transferring legal possession of the original papers in the case from the House to the House conferees. Since we have failed to get unanimous consent I know of no way that can be done if such a motion as this is ruled out of order.

Mr. GARNER. Mr. Speaker, in this connection let me direct the attention of the Chair to one other point. Is there a conference committee existing on the part of the House pertaining to this Indian bill? If the Chair holds that it is necessary for the House by a motion to send the bill back to conference, is it not further necessary for the Chair to appoint conferees again? And would not the House have the right under the rules to select the conferees if it desired to do so—to change the conferees? The Speaker or even the House would have the right to change the conferees, naming different conferees than those that formerly existed on this bill. So I suggest to the Chair that one of two things ought to be done. Either the rules ought to be amended so that this bill would go back to conference automatically with the same conferees, or else the Speaker ought to hold, in order to facilitate matters, that it does not go back automatically to those same conferees, because we would naturally have to select new conferees if the Chair held that it was necessary to send it back to conference. If there is no conference, there are no conferees, and therefore in sending it back to conference the Chair would have to reappoint the conferees.

Mr. WALSH. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Massachusetts.

Mr. WALSH. The gentleman does not contend that we ought to permit another body to make rules for us, does he?

Mr. GARNER. Oh, no; but I do contend, Mr. Speaker, that our rules ought to contain whatever is necessary to facilitate the action of this House in connection with the action of another body.

Mr. CARTER of Oklahoma. Mr. Speaker, so far as I have been able to determine from precedents, the Senate was clearly within its right when it recommitted this conference report. It has been ruled time and again that either House has a right to recommit a conference report, provided either House has not taken such action as would discharge its conferees. That was ruled once in a controversy over this very same bill.

In the second session of the Fifty-eighth Congress the Senate recommitted the conference report on the Indian appropriation bill, and the point of order made against that motion was overruled by the Vice President. The House procedure in that case, to a certain point, was somewhat similar to this. The House seemed to have filed its conference report informally before the Senate took the action of recommitting. After the Senate recommitted, the conferees went back into session, taking up the Senate amendments de novo. When the report had been completed, one of the House managers presented the report for printing under the rules. The point of order was made that a report had already been filed and not disposed of. The Chair overruled the point of order on the ground that the filing of the report by the House conferees did not contain the original papers and was therefore informal.

The difference between that case and this seems to be only this: When the Senate messaged their action to the House on the former case the papers did not accompany the message, and the Chair seems to have held on that occasion that the bill went back to conference automatically. Undoubtedly that would apply to this situation but for the fact that when the Senate messaged this action of recommittal over to the House this time it sent along with the message the original papers in the case, thereby placing them on the Speaker's desk.

What action has been taken in the House to discharge its conferees? No action whatever has been taken by the House except the mere informal filing of the report for printing. The filing of the report, even if formal and accompanied by the papers, is not a disposal of the report. It does not even constitute consideration of the report, so there can be no doubt about the present existence of the conference committee so far as the House conferees are concerned.

Mr. GARNER. If the conferees exist now, why is it necessary for the House to take any action at all?

Mr. CARTER of Oklahoma. On account of the mistake made by the Senate in messaging the original papers from the Senate to the House, the papers being on the Speaker's desk and the conferees being unable to get them without some action by the House.

Mr. GILLETT. Will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. GILLETT. But if the same point of order had been made in the House as was made in the Senate—and, of course, it might have been—that would have amounted here to a rejection of the conference report, would it not?

Mr. CARTER of Oklahoma. Yes; that would have been the effect.

Mr. GILLETT. Ought we to allow the conference report to be rejected here by a point of order, while in the Senate the conference report is sent back to the conferees by a point of order?

Mr. GARRETT of Tennessee. When there are none in existence?

Mr. CARTER of Oklahoma. But the conferees are in existence now.

Mr. GILLETT. But if anybody should make the point of order here against that conference report it would have to be sustained, and this conference report would be rejected, and therefore there would not be any conferees.

Mr. CARTER of Oklahoma. Yes; but the Senate rules differ from the rules of the House in that respect. The Senate rule provides that the sustaining of a point of order against a conference report automatically recommits the measure to conference.

Mr. GARRETT of Tennessee. But to whom?

Mr. CARTER of Oklahoma. You can move to recommit the conference report in the House.

Mr. GARRETT of Tennessee. To whom?

Mr. CARTER of Oklahoma. To the conference committee, provided the conferees have not been discharged.

Mr. GARRETT of Tennessee. Provided there is a conference committee in existence.

Mr. CARTER of Oklahoma. Yes; provided the conferees are in existence, it is competent to move to recommit the conference report in the House or in the Senate.

Mr. GILLETT. But we do not want this question to come up on every conference report.

Mr. CARTER of Oklahoma. The gentleman is correct.

Mr. GILLETT. It seems to me we had better settle it one way or the other.

Mr. CARTER of Oklahoma. I want to settle it now, and that is the purpose of my motion.

Mr. GILLETT. But it does not seem to me this is a good way to settle it.

Mr. SAUNDERS of Virginia. Mr. Speaker, of course the Senate rules can not operate further than upon the Members of its own body or upon its own agents, or functionaries. But the mere fact that the Senate has made a rule which operates of its own force to have the effect of a recommittal is no reason why the House should raise a controversy with that body over that particular rule, so long as it does not operate to our prejudice, or disadvantage. The fact that the rules of the Senate provide that a ruling sustaining a point of order to a conference report shall have the same effect as a motion recommitting the report is nothing that concerns us. Of course it would be competent under the rules of the Senate to make a formal motion to recommit a report to the conferees, so long as there was a joint conference committee to which that report could be recommitted. The sole question that interests us is, whether there is such a conference committee. That inquiry can be answered by an appeal to our own procedure, and our own records.

Has this House taken any action which has operated to discharge our members of the conference committee? If so, what is it? As I understand, from the facts stated by the gentleman from Oklahoma the action that has been taken is by no means sufficient to effect such a discharge. It seems that as a result of some informality, the papers are here, when as a matter of fact, they should be in the Senate. That being so the gentleman from Oklahoma asks that these papers be remitted to the conference committee which is still in existence, inasmuch as no action in either body has operated to discharge it. If it is contended that the conference committee of the House has been discharged by any action that we have taken, then I ask again what is that action? That is the one inquiry to which we should direct our attention. Of course I repudiate any suggestion that the Senate by the operation of its own rules can control our procedure, or the joint procedure, or in any way impinge on the rights of the House. I would resent any effort to that end by the Senate in the most emphatic manner. But it is certainly competent for the Senate to recommit a report to a conference committee still in being. No objection to that action on their part could be raised in this body. It seems to me the report heretofore made by the gentleman from Oklahoma is merely an informal report in the absence of the possession on his part of the papers. This report is insufficient to discharge our conferees, no action on the same having been taken. This informal action should not be treated as more than such, and if so regarded, then it is not that action which is considered necessary to discharge a committee of conference. But if our conference committee is still in existence, then the action of the Senate recommitting the report has not impinged in any wise upon our authority or dignity. It is a matter of no concern to us whether the recommittal in the Senate was effected by a point of order, or a formal motion.

It seems to me that the simplest way to deal with this situation would be for the gentleman from Oklahoma on behalf of his committee to ask unanimous consent to withdraw the papers now in our possession, for the purpose of further conference with the Senate committee.

Mr. CAMPBELL of Kansas. Mr. Chairman, for the reasons stated by the gentleman from Virginia [Mr. SAUNDERS], the conference report is still in existence. No action whatever has been taken by the House that would discharge the House conferees. No action has been taken by the Senate to discharge its conferees. Therefore the conferees on the Indian appropriation bill are still in existence. By an irregularity the House conferees submitted a conference report under the rule when they, as a matter of fact, did not have the papers.

Mr. CARTER of Oklahoma. If the gentleman will yield, the gentleman knows, of course, that that is the usual procedure.

Mr. CAMPBELL of Kansas. I know it is generally done; and no notice would have been taken of this, and no embarrassment would have occurred, if it had not been for the subsequent proceedings in the Senate; that report having been filed gave notice to the House, as far as the House was concerned, that the conferees had come to a decision upon a distinct agreement with the Senate. But subsequently the Senate disposed of the action of the conferees in a summary way, and instead of sending the papers back to conference, as they should have done, they messaged the papers over to the House, where they did not belong, and they are now on the Speaker's desk. It seems to me that the proper way to dispose of them is by unanimous consent or by a motion, made by the gentleman from Oklahoma, to refer the papers where they properly belong—to the committee of conference—just as an erroneous reference of a bill to a committee may on motion be properly referred to the committee to which it properly belongs.

Mr. SHERLEY. Mr. Speaker, it seems to me that the real point of controversy is whether there is in existence a conference committee on the part of the two Houses. If the Senate instead of rejecting the report of the conference committee, by virtue of a point of order made and sustained, had rejected the report by a direct vote, by which they simply turned down the conference, I assume it would not be contended that the conference committee was still in existence. Now, the same effect seems to follow when they reject a conference report on a point of order, and it seems to me that what the House ought to do is to agree that the papers shall be taken from the Speaker's table, disagree to the Senate amendments, agree to a conference, and appoint conferees, just as if the old conference committee were dead forever, and I think it is.

Mr. CARTER of Oklahoma. But the Senate has not requested a conference.

Mr. SHERLEY. Then we should request a conference.

Mr. CARTER of Oklahoma. What the gentleman from Kentucky says would be correct if the conference report had been rejected by the Senate on motion to that effect, but that is what the Senate did not do. A point of order was sustained against the report, and the new Senate rule provides that this specific action automatically recommits the matter under consideration to conference.

Mr. SHERLEY. That is the whole matter. The rule is what made the whole issue. It does not seem to me that a House has a right to reject a report——

Mr. CARTER of Oklahoma. We do the same thing here.

Mr. SHERLEY. What the House does is to reject the report and then it goes into a new conference.

Mr. CARTER of Oklahoma. The House often recommits a conference report to the conference committee. It took such action last summer on the conscription bill.

Mr. SHERLEY. It does not reject it and then recommit it.

The SPEAKER. The Chair is ready to rule. The difficulty we got into arose when the Senate recommitted the bill to the committee of conference, and they messaged the news over here by the usual resolution, which would have been all right if they had not also sent the papers. But, while we have the physical possession of the papers, the Chair doubts very much whether we have them in the right way. The gentleman from Wisconsin [Mr. STAFFORD] cites a decision. The Chair has examined all these decisions, but they are not like the present case, because we have the physical possession of these papers. The Chair does not think the conference committee is dead. The Senate specifically referred it to the conferees.

If the committee of conference is alive, the only question is how to get these papers out of this House back to that conference committee, and the Chair thinks that the request of the gentleman from Oklahoma [Mr. CARTER] is in order.

Mr. FESS. Mr. Speaker, I would like to prefer a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. When do the conferees cease—on the report of the committee here or upon the action of the House?

The SPEAKER. On the action of the House.

Mr. FESS. And if the action is negative, would it be the same as in an affirmative action?

The SPEAKER. If it is an affirmative action, they go out of existence automatically.

Mr. FESS. And a negative action?

The SPEAKER. If the House takes a negative action, they go out, too.

Mr. FESS. That is the question I had in mind.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the House was not in possession of these papers, then the Speaker would hold that the conferees continued their work as though no action had been had?

The SPEAKER. Of course. The gentleman from Oklahoma asks unanimous consent to take the bill H. R. 8696, the Indian appropriation bill, from the Speaker's table and rerefer it to the conferees. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WHITE of Maine for the balance of this week, on account of urgent personal business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SISSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11692, the District of Columbia appropriation bill, and pending that motion I would ask the gentleman from Minnesota [Mr. DAVIS] if we can not agree upon time for general debate. I would like to have that time just as short as we can have it.

Mr. DAVIS. Mr. Speaker, I have investigated upon this side of the Chamber, and, while I am as anxious, perhaps more so, as the gentleman from Mississippi to get this cut short so that we can get down to the merits of what I consider a very good bill, yet I do not see how we can get along on this side with less than three hours.

Mr. DYER. Mr. Speaker, will the gentleman from Minnesota yield to me?

Mr. DAVIS. Yes.

Mr. DYER. Will the gentleman state, if he has not done so, why three hours of general debate is requested on this bill, and further, whether it is to be debate confined to the bill itself or something that has no relation to it?

Mr. DAVIS. This is general debate, and the information that has come to me quite freely is that during the passage of the naval appropriation bill gentlemen did not have any opportunity for general debate at all, and they are trying, as it were, to unload the general debate upon that bill onto this bill.

Mr. SISSON. Mr. Speaker, I have this information, that some requests for time were made on the naval appropriation bill, and gentlemen who made those requests were asked to defer them and ask for time on this bill or some other bill, which was done under that sort of agreement with the leaders, because of the importance of getting the naval bill through.

Mr. DAVIS. I was stating the substance of the matter just as though the whole House had talked about it instead of the leaders.

Mr. SISSON. That information coming to me causes me to be a little more liberal in any agreement that I would make now. Would five hours in all be satisfactory to the gentleman? I do not think there would be more than two hours consumed on this side, and I will try to give the gentleman 30 minutes.

Mr. DAVIS. If the gentleman will do that, it will be perfectly satisfactory to me, and when I say that I mean the Members on this side of the House who desire to talk.

Mr. SISSON. Then, Mr. Speaker, pending the motion, I ask unanimous consent that general debate on the bill be limited to five hours, three hours to be controlled by the gentleman from Minnesota [Mr. DAVIS] and two hours by myself.

Mr. GARRETT of Tennessee. To be confined to the bill?

SEVERAL MEMBERS. Oh, no!

Mr. SISSON. I understand they do not want the debate confined to the bill. I would like to have it confined to the bill; but in doing that there will be nothing to talk about, because these gentlemen do not care to talk about the District appropriation bill.

Mr. GARRETT of Tennessee. Then I shall object.

The SPEAKER. The gentleman from Mississippi, pending the motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate upon the bill be limited to five hours, three hours of which are to be controlled by the gentleman from Minnesota [Mr. DAVIS] and two by himself. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I ask unanimous consent that the general debate be confined to the bill.

The SPEAKER. And to that the gentleman from Tennessee makes the addendum that the debate be confined to the bill. Is there objection?

Mr. DAVIS. Mr. Speaker, I object to that. I can not agree to that.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. GARRETT of Tennessee. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Mississippi that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill.

Mr. HASTINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. If this motion is agreed to and the House resolves itself into the Committee of the Whole House on the state of the Union to consider the District appropriation bill, then under the rules of the House will gentlemen be confined to a discussion of the bill?

The SPEAKER. The Chair has nothing to do with the Committee of the Whole, but gives it as his own opinion that they would not. The question is on going into Committee of the Whole.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the District appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 11692, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, in presenting this bill to the House for its consideration I deem it proper first that a short general statement be made outlining the general policy adopted by the subcommittee which made up this bill. The original estimates called for nearly $5,000,000 more than is carried in this bill.

Wherever the program of the District Commissioners called for an expenditure of large sums of money in an extensive building program your committee denied the appropriation. The building program called for a million and three-quarter dollars for additions to schools alone. We called upon the District Commissioners and the board of education to state to your committee whether or not they believed that the building program could be carried out under present war conditions.

After quite a good deal of discussion it was agreed that the wisest thing to do would be to take care of the increase of children in the schools of the various sections by building portable school buildings. Your committee felt that it would be unwise to try to enter upon an extensive building program at this time. I will give you just one illustration of what we were up against. Three years ago an eight-room addition was proposed to one of the school buildings in the city and they asked for $75,000. The committee gave the $75,000. In the meantime the European war had broken out. When the time arrived they advertised for bids. The advertisements were made in accordance with the law, and the smallest bid they got was $85,000. In last year's appropriation there was carried an appropriation of $87,500—a leeway of $2,500. They advertised for bids and the cheapest bid they got on the same building was $141,000. The District Commissioners, of course, could not accept the bid because it was far in excess of the appropriation. The engineer commissioner said that unless the contracts were let at these enormous and criminal figures it would be utterly impossible to get the building done. Even then it is very doubtful whether or not it could be built on time, for it is doubtful if the building material could be had for this purpose at all.

The greater reason we had in our minds for not entering upon the building program at this time was that it would be an increased demand upon this labor market. The demand now is

far beyond the supply. It is absolutely impossible for the activities of the Government to get the labor essential to carrying on the war activities except with great difficulty.

Another reason was that this building program would necessitate contractors bringing quite a number of laborers into the District of Columbia, where the housing facilities are taxed beyond the capacity of the District already. The committee was absolutely harmonious on this proposition.

Mr. Chairman, I will take this opportunity to say that the entire subcommittee that made up this bill were a unit on the proposition that everything should be done with an eye single to winning this war; that wherever the activities in civil life interfered with the proper prosecution of the war it was our duty to let the activities of civil life remain in abeyance until this war is won. At this time the efforts of all the American people should be turned to the one great object of our lives, and that is the proper prosecution of the war, because the very life of the Nation and the very liberties we have always held dearer than life are involved in this great struggle.

Mr. Chairman, it is also my privilege to state that during our deliberations it would have been impossible to have told who was a Democrat or who was a Republican because we were dealing with nonpartisan questions entirely in this bill. Each member of the committee was willing that where a civil activity interfered with a military necessity, we, without a dissenting vote, made the civil activity wait.

This is a momentous day in the history of the world. In making up this bill your committee never for one moment forgot the all-important question, "America must win the war." Since war was declared, as a member of this great committee, I have never permitted anything to prevent my making this the paramount question. Some have said that America should not have entered this war. While I differ with them, I will not now quarrel with them if they will now say that since we are in I am now with my country and we must win. If he will say my all is now upon the altar of my country and we must all pay, fight, and die, if need be, as one man for America and American ideals and to save our own liberty and the liberty of the world, I will forget his former position.

Mr. Chairman, with the permission of the Members I may state here my position in reference to our duty as Members of Congress toward the war. I think it proper at this time to state my position, so that if you should see something needed to be done here in the District that is not done in this bill, your committee I think to a man will be in accord with me when I say that we left it undone because we would not do anything that would impede or interfere with our war program.

These are times that try men's souls and offer opportunities for service and heroism never before offered to a people in any age of the world's history. Opportunity for the greatest sacrifice is offered to us all in this favored land. No American can excuse himself from some kind of service. If he can not fight, he can pay; if he can not pay, he can labor; if he can neither labor or pay, he can pray. He can use his influence. He can help unify American sentiment. He can help arouse America to the proper sense of our danger, and this is a great service.

So I say every one in America can do something now for his country. Let us stop criticizing and confer with each other. Let us be tolerant with the opinion of others and be not too quick to question the other man's motive. He may be right. Let us all in the proper spirit, from the President down, try to prevent mistakes. Do not hesitate to call attention to dangers which we see, but do so in a true American spirit. If mistakes have been made, do not condemn, if the mistake was an honest one and there was no perfidy in it. Whatever a man's past opinion has been before the declaration of war, let us forget that, provided he is right now. I am not interested in an American's former attitude. What I am interested in is where do you stand now. Are you 100 per cent American now? Will you fight now? Will you pay now? Will you help now?

Every man in the South loves Robert E. Lee. But when the Civil War broke out Lee was not in accord with secession. What if he had been condemned on that ground? The South would have lost its greatest commander. No man will now say that Lee did not do his duty. So I say to all Americans who thought we should not have gone into this war I will not condemn you. I forget his former position if he is right now and stays right to the end. Those of us who are denied the high privilege of going to the front can show that we are right now, not by words but by acts and deeds. At the present moment every man can do the task we now have on hand. The most important present task is to raise the money for the third liberty loan. Do it now. I will never question the young boy's patriotism who goes to France and gives his young life fighting bravely the battles of liberty for America solely because before we got into the struggle this boy thought we should not go into the fight. Nor will I question the patriotism of the man who now gives his money and his boy and is willing to give his life for the cause solely because he differed with me about going into this war. Look over America to-day. How many, many men were opposed to our going into the war but are now doing their full duty by their country and are now in the forefront of the battle, even though denied the honor of going into the fighting line.

The Capital City can not afford to be a slacker city in any line. Every officer and employee of the Government has an opportunity to show the Nation and the world by their example what the real spirit of the Nation is. Buy bonds to the limit of your ability. More than that, become more efficient in your work than ever before. Do not complain if the task assigned is hard. Perform it and do it well. If it takes overtime, do it and be thankful for the opportunity to serve your Government in this hour of peril. Think of the service the noble boys in the ranks are compelled to perform in sunshine, in cold, and in rain. Keep that picture in your mind and the task at your desk will seem light.

Let the American spirit of 1775 be the spirit of 1918. Let the battle cry of Patrick Henry, uttered in old St. John's Episcopal Church, at Richmond, Va., where the Virginia convention was held, be America's cry to-day. When men were doubtful and wavering this patriot's words, "I know not what course others may take, but as for me, give me liberty or give me death," went quivering and shivering along the veins and arteries of all patriots from Maine to Georgia. Young America buckled on the sword and shouldered the musket for human liberty.

It was 143 years ago this month, on that beautiful spring morning of April, 1775, when the Minute Men at Lexington were fired upon. That was the shot which "was heard round the world." The same sacred cause is calling us. The same cause for which Patrick Henry spoke the inspired words in old St. John's Church is the same cause for which I speak now. Little did Maj. Pitcairn dream when he ordered his soldiers to fire that shot at Lexington that he had released an irresistible and unconquerable force which started a chain of events which is now culminating in the world strife of to-day. Its echoes aroused the Green Mountain boys—caused Putnam to leave the plow in the furrow. Patrick Henry gave voice to the true American sentiment in every liberty-loving heart, and called the patriots of Virginia and the Carolinas, yea, the patriots of all the South, and with the patriots of all the North as brethren in the great struggle for liberty, which continued until the Declaration of Independence became an established fact and America became a land of free men.

Again, in 1812, the same sentiment aroused our people to a new and broader defense of our liberties and freedom, and the victory of American patriots under Andrew Jackson at New Orleans gave America and all nations the right to sail the seas.

The same spirit caused the promulgation of the Monroe doctrine, which was a declaration of independence for all the Western Hemisphere. It was this same spirit which found its way along the Sierras of Mexico and gave her the power to end the long-continued misrule of Spain. It was this same spirit that caused the same battle cry to reverberate up and down the length of the Andes and over the llanos and pampas of South America, and called our brethren of South America to struggle for freedom, until under the leadership of Simon Bolivar the last shackles of slavery were stricken off and the colonies of the Spanish grandees became free nations. Oceans were no barriers to this sentiment of freedom, for it leaped the turbulent waters of the Atlantic, and the people of Europe admit the benefits of the American Revolution. In England, France, Italy, Holland, Denmark, Norway, and Sweden they revere the name of Washington, and the Fourth of July is with them a sacred day. Yea, France filled with this sentiment found in America her example, and in her struggle for freedom found the new inspiration in this example and has become one of the freest people on earth. Yea, the downtrodden and oppressed people of all nations are longing for the same freedom for themselves.

But to-day the issue is not that of one nation struggling to be free. This is a world struggle for freedom. The forces of darkness and hate have ranged themselves under the banner of autocracy and for the subjugation of the world. They are being met by the hosts of free nations who will never, in my judgment, cease the conflict until the American idea of liberty is crowned with victory and men everywhere have the right to be at peace with the rest of mankind and among themselves.

This great American idea of liberty and freedom is not confined to martial affairs and the roar of cannon and machine

guns. Every struggle for the betterment of humanity is but a continuation of the battle for the rights of man. The right to be free; the right of every man to feel that he is a sovereign and to obey only the dictates of his own conscience and laws that define the civic rights of all with no special discrimination or favors to the strong; the right to free and popular education; the right of complete and absolute separation of the Church and State with absolute toleration for all religions and favors for none; the right of trial by jury sacredly secured; the right of open legislative assemblies; the right of writ of habeus corpus except when suspended by proper authority in time of war; the right to be confronted with witnesses in open court; the right of absolute and untrammeled freedom of speech and press; the right of the people to peaceably assemble to discuss for themselves matters of public and private interest; the right of petition by the people for any grievance they may have; the right of equal and uniform taxation and an economical government honestly administered so that labor may be lightly burdened and equal right to all under the law, no titles of royalty by birth or by law, and no life tenures of office are some of the touchstones of Democracy announced by America for the guidance of the world. For these we are battling to-day. For the preservation of these rights and principles let us pledge our property, our lives, and our sacred honor.

Mr. Chairman, every Member of Congress, I am sure, shares with me these sentiments and convictions. The American people as a whole also have the same sublime sense of duty. I am willing to lay aside everything to win the war. We must suffer some inconveniences—so must the people of the District of Columbia. I am sure that they are willing to suffer some inconvenience.

But we do not propose to neglect the children. We do not believe it wise that the children be denied at any costs proper educational opportunities. We should be willing to sacrifice all luxury and comfort for them. Therefore the District Commissioners and the Board of Education prepared a statement of the portable buildings that would be needed to take care of the overcrowded schools. Your committee gave them that amount of money and that item is made immediately available in this bill, so that accounts for the large item you will find in the bill in reference to public schools. We left out, however, the expensive building program.

Another item to which I would call your attention, which is not usually in a District bill, is an item of $25,000 for the Council of National Defense. The activities under this head are similar to those performed in the States by the State government in reference to the selective draft. For instance, in the various counties throughout the States the governor selects those members in the various counties who become the draft board of the county, and the States have been bearing a certain proportion of that expense. In other words, certain of those State officials do not get any money for their services; a few of them do—those who devote all of their time and attention. Now, the performance of that duty was devolved upon the District Commissioners. It became necessary for them to have a great deal of stationery, to employ some extra services; and the District officials who gave their time to it get nothing and will get nothing, except one clerk, who gets an increase of $300 a year, which is carried in another item. With that exception, this $25,000 is intended for the District's share in taking care of the selective draft.

Mr. HASTINGS. Will the gentleman yield?

Mr. SISSON. I will.

Mr. HASTINGS. Is it intended out of this $25,000 to pay the salaries of members of the exemption boards here in the District?

Mr. SISSON. No; they, as a rule, get no salary.

Mr. HASTINGS. So far as I am advised, if the gentleman will permit me, in my State of Oklahoma no member of any exemption board was paid anything.

Mr. SISSON. That is true in my State, also.

Mr. HASTINGS. And the clerical force volunteered their services throughout the State of Oklahoma. Now, I do think perhaps some of their expenses were paid, and it is my information——

Mr. SISSON. The expenses are paid in the gentleman's State as well as the others.

Mr. HASTINGS. My information is that nothing was paid in salaries, but they all volunteered their services; and I was just wondering what salaries were to be paid out of this appropriation of $25,000. I was in hopes the people here in the District of Columbia were as patriotic and could be depended upon to volunteer their services the same as in the States throughout the Union.

Mr. SISSON. I will say to the gentleman no salary has been paid to these various boards throughout the States. It is only to certain of the clerical force; and then they have had to rent some property. But this board here is also endeavoring to assist in taking care of the housing proposition for the people who are brought here by the War Department and Navy Department.

Mr. MAPES. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MAPES. Is it not true that each member of these exemption boards is entitled to draw $3 a day if he desires to do so, but that in many cases the members have waived that and volunteered their services?

Mr. HASTINGS. If the gentleman will yield just a moment further, let me say that that was true out in Oklahoma, but the governor of the State of Oklahoma notified the members that if they wanted to draw any salary he would accept their resignation, and but very few of them resigned under those circumstances. And as the result of it, as I understand, none of them were paid any salary at all, although perhaps a few were paid expenses.

Mr. MAPES. I think that in the country over very many have volunteered their services.

Mr. SISSON. That is true.

In addition to the activity that I have just mentioned they have down on New York Avenue an office, and they also maintain a booth in the Union tSation, so that in the event that employees, especially young ladies, come to the city of Washington, the Civil Service Commission notifies them that there is a booth at the Union Station and an office down on New York Avenue, to which they can apply for assistance in getting rooms, because that has been an extremely difficult problem, not only to get a room in which they may physically stop, but to endeavor to get a room at a reasonable price. And if Congress does not in some way protect us against the exorbitant prices that are charged Government clerks and other officers and employees we will be compelled to radically increase their salary. So your committee thought, after investigation, that this was money wisely spent. You may ask how it has been taken care of in the past. It was taken care of by the President out of the $100,000,000 contingent fund. So your committee thought that that was a proper expenditure and allowed the sum.

Mr. FESS. Will the gentleman yield?

Mr. SISSON. I will.

Mr. FESS. None of this $25,000 is taken out of the District treasury? It is all taken out of the Federal Treasury, is it not?

Mr. SISSON. No; half of it.

Mr. FESS. Why should half of it be taken out of the District treasury?

Mr. SISSON. Because the District of Columbia and the Commissioners of the District of Columbia feel that, just as the States of the Union pay, some of them, large sums of money——

Mr. FESS. I was not aware of that. I did not suppose the States paid.

Mr. SISSON. Some of them raised as much as a million dollars, and some of them much more than that, for national defense.

Mr. FESS. Is that voluntary on the part of the State or statutory?

Mr. SISSON. It is statutory. The legislatures, you know, make the appropriations.

Mr. FESS. To take care of the draft?

Mr. SISSON. No; not to take care of the draft, but to take care of what they call the national defense or State defense. They have a State defense organization in every State of the Union, so far as I know, where the State is endeavoring to take care of——

Mr. FESS. I understand that, but what I was confused over was the statement that the $25,000 was applied to take care of the draft here in the District.

Mr. SISSON. No; take care of certain stationery accounts. All the States had that to pay, except the blanks. For instance, the correspondence between the local boards and the drafted men sometimes gets to be quite expensive. There is a certain character of that work that ought to have been made, in my judgment, subject to frank, but certain letters have not been frankable, and they have had to pay quite a good deal of money out of the State treasury in connection with the draft. Now, there are certain services that are paid for, specifically enumerated in the military bill, and those employees are paid directly out of the Federal Treasury. But this is an entirely separate and distinct character of activity from that.

Now, I want to call your attention to the street improvements. The streets of the city of Washington are not in good condition. Your subcommittee visited the streets. You can find a great

deal more by a personal visit to a street than you can by testimony. Your subcommittee went over the streets out in the outskirts of the city, the real estate activities. A remarkable thing happened with your subcommittee. We each had a sheet of paper with the proposed streets to be improved written on it. Neither of us knew what the other's idea was, and agreed not to discuss it until we got back into the committee. Each member of the subcommittee had his streets marked for himself indicating his opinion at the time as to the necessity of improving it. Neither of us knew what the other's opinion was until we got back into the committee and began marking up the bill, and my recollection is we differed only as to one street.

Now, to be frank about the street proposition. There are many of the streets in the outskirts where there were only a few houses, maybe only one or two on the street, where it was a purely real estate proposition, as it struck us. Now, to put all that building program in would be a great burden upon the railroads to bring material, and a further demand upon the labor of the District. The enormous prices to be paid now for materials and labor caused your subcommittee to give money for streets that they thought were imperatively necessary to be laid. But when we came to consider the condition of the important streets in the old portion of the city, as well as what is called the "suburban roads"—I do not know why they make that distinction, because you go out of one portion of that imaginary division now into the other without knowing it—wherever the money was to be expended in repair, your subcommittee gave them every dollar they asked.

We thought it wise to keep the streets already laid in repair. The very severe winter, the enormous amount of heavy hauling, that has not heretofore been so general for so long a time, has put the streets in bad condition and broken them up into holes. So your subcommittee gave every dollar asked for on the street repair. The repair fund is an entirely different fund from the fund for laying new pavement and new sidewalks. Now, if we had laid the original pavement on these new streets, of course the property owners would have paid their pro rata share of the amount under the law.

But your subcommittee were not deterred on that account. The two propositions were, first, the enormous price to be paid, and, second, the absolute and imperative necessity of not making greater the demand for labor and the fact that we wanted to conserve every dollar that we could in the prosecution of the war. So the same reasoning that prompted your subcommittee not to enter into a building program as to the schools, but to adopt some portable buildings, was the impelling motive that caused your subcommittee not to enter into a system of general street improvements throughout the city. Those are the two items—street improvements and schools—where the subcommittee was able to save the greatest amount of money.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. JUUL. If the gentleman will permit, I want to know why should the United States pay for the paving of Washington streets, except in front of public buildings?

Mr. SISSON. I will say to my good friend that he has asked a question that I myself have asked many times, but your subcommittee is not dealing with that proposition, because we are an appropriating committee and not a legislative committee. If the gentleman had been here during one of the very severe fights we had on this bill in past years, when my friend from Minnesota [Mr. DAVIS] and the gentleman from North Carolina [Mr. PAGE] and I labored together on this subcommittee, he would have seen the terrific fight that we made to get the property owners to pay anything on the streets or sidewalks, and he would then understand some of the reasons why that is now the law. But that, of course, would be aside from this discussion.

Mr. JUUL. Under what method are you proceeding? What percentage is the property holder paying for the local improvements on his property?

Mr. SISSON. Twenty-five per cent of the original payment is made by the property owner on each side, and 25 per cent from the National Treasury and 25 per cent from the District treasury. That, however, has not long been the law; but that is the law now, which we can not change in an appropriation bill because it would be subject to a point of order. With the gentleman's indulgence I would like to avoid getting into a discussion of that.

Mr. JUUL. With the flood of gold that is poured from all the States of the Union into this city, why should the Federal Government be required to pay half of the running expenses of this city?

Mr. SISSON. If the gentleman will permit me, I think every Member will understand that I do not agree to the half-and-half proposition.

Mr. JUUL. Why should the Federal Government pay any of it?

Mr. SISSON. I do not think it should, except for the Federal Government's activities here. The gentleman and I agree on that proposition absolutely. Congress passed a law some years ago, and it is incumbent upon us either to repeal the law or to carry it out.

Mr. JUUL. I do not want to take up the gentleman's time; but even if it is the law, it is not necessarily like the laws of the Medes and Persians, is it?

Mr. SISSON. It seems that it is. We have tried two or three times to pass a bill to annul that half-and-half arrangement, and we have passed it through this body, but when it went to another body it was hung up there and finally disagreed to. Once the House voted 2 to 1 in favor of abolishing the half-and-half proposition, and we got the bill into the other body, and there it was held up for quite a while, until we finally ceased to have conferences, and then the gentleman from Alabama [Mr. UNDERWOOD] made a motion to refer the whole proposition to a joint commission of the two Houses. That joint commission was appointed, and those of us who wanted to abolish the half-and-half plan knew then that that was the burial ground of our attempts to abolish the half-and-half proposition, and our project was decently buried.

Mr. JUUL. I would like to get this straight. Suppose a side street here in Washington, with no Government property facing it, is to be paved. Does the gentleman mean to tell me that they put their hands into the Federal Treasury and pave that side street with Government money?

Mr. SISSON. They do.

Mr. JUUL. And you gentlemen have stood for it?

Mr. SISSON. I have not, so that the gentleman's comments do not in any way affect me. I am a member of the Committee on Appropriations, and a member of the subcommittee having charge of this bill, and as such member I endeavor to assist in making appropriations in accordance with the law. Wherever it is proposed to change the existing law I have always made it a rule to refer the matter to the proper committee or to call the attention of that committee to it. Under the rules of the House this committee can not legislate.

Mr. MEEKER. Of course the gentleman understands that the Federal Government does not even go half-and-half on the franchise. The people here do not vote.

Mr. SISSON. I must decline to yield for the purpose of going into that.

Now, there is one other matter that I want to call to your attention. Heretofore and at the present time the District of Columbia has its garbage cared for by contract. They let out a contract to the lowest bidder. The contract now for taking care of the garbage is $69,000, and that bid expires on the 1st of July. They advertised for bids for the next year, as the law directs, and they first got a bid for $133,000, which they rejected because it was too high. They then advertised again for bids to take care of the garbage, and the lowest bid they could get on the second advertisement, according to the testimony, was $143,000. The man making the bid for $143,000 accompanied his bid with a certified check for $3,000. When the time came to enter into the contract, he declined to enter into the contract and forfeited the $3,000.

The District Commissioners then made an effort to get bidders. They failed. The 1st of July is rapidly approaching. The garbage of the District would not be cared for unless we could get some legislation. This matter was called to the attention of the District legislative committee, and they reported a bill which was passed through the House recently.

Now, in accordance with the provisions of that bill—I do not know, but I presume that the bill will pass the Senate today or to-morrow; my information is that the bill was reported without amendment from the legislative committee of the Senate—in accordance with the provisions of that bill we have put in an item in this bill prepared by the Engineer Commissioner of the District of Columbia, and that is made immediately available for the purpose of taking care of the garbage.

It is not necessary for me to explain to you the alternative propositions in that bill, because all the Members of the House were here and heard that discussion at some length. But that item is also in the bill, and will be on its face a considerable increase; it does not matter whether we adopt one or the other of the three propositions. When we reach that item, if there is any controversy about it, I will take time to explain it.

Your committee gave to the school board 146 new teachers. While this seems to be, and is, a very great increase in the number of teachers, the population of the District of Columbia has increased remarkably since the outbreak of the war. The majority of the schools are very much overcrowded, as shown

by the testimony before your committee. We went as carefully as we could over the matter, taking the number of children that a teacher ought to have, and, as nearly as we could, estimated the number of additional teachers; and we gave the 146 additional teachers with the understanding with the Board of Education and the superintendent of schools that no additional teachers should be employed who were not actually needed. It was very difficult for your subcommittee to determine with absolute exactitude just how many additional teachers would be needed.

We made some investigation of the salaries of the teachers and some little examination into the amount paid to teachers in other cities of about the size of Washington. In the higher-grade places we found that the teachers here are paid more than they are paid in the majority of cities, but in the lower grades, while the salaries are as much as they are in some cities, they are less than in some places. For example, a teacher getting $50 a month, or $600 a year, would be getting just about what she would get in the majority of cities like Louisville, St. Louis, and cities of that character; but in those cities we found that the kindergarten teachers and some of the teachers of the lower grades were paid higher salaries than were paid to teachers in higher grades. Speaking for myself, I think this is wise, and I think I also speak the sentiment to a large extent of the subcommittee that investigated this matter. We felt that the teachers of the lower grades, selected for their knowledge of child life, teachers capacitated to take care of little children and to start them in the lower grades, should be paid higher salaries than those in the higher grades, where the children are old enough to be able to help themselves to some extent.

We thought if there should be a difference, and if we were making the school laws and had to do with the rearrangement of the law, we would make the salaries in those lower grades higher. But we could not go fairly into this matter, because if you will examine the longevity law of the District of Columbia my friends on the committee will bear me out in the statement that it is one of those mysteries which even the experts themselves can not tell you about, as to the exact amount that will be needed to pay the expenses of the public schools, because you can not tell the number of resignations, you can not tell the number of deaths, and so on, so that if you can come within $25,000 or $30,000 of estimating what will be necessary under that longevity arrangement you will do pretty well. So in increasing the salaries your subcommittee took the lower-grade teachers, and if you will look at the report you will find the exact number of teachers whose salaries we increased. The amount necessary to pay for the increased number of teachers is $127,250 and the amount necessary to pay the increase of salaries is $124,100. Now, you can not grant a small increase in the lower grades without running up into figures pretty rapidly, because in the lower grades we increase the salaries of 936 teachers; in class 3, 498; in class 2, 352; and in class 1, 86.

Mr. JUUL. Will the gentleman yield for another question?

Mr. SISSON. Yes.

Mr. JUUL. A great deal of this is a revelation to me.

Mr. SISSON It is to a great many Members.

Mr. JUUL. While the Government performs a great many functions, yet the United States Government as a Government has no children. Now, can the gentleman see any reason why the people in this city, having $100,000,000 or $125,000,000 poured in here by the National Government from all the States of the Union—can the gentleman give me any reason why the National Government should assist in paying the cost of educating the children in the city of Washington?

Mr. SISSON. I will say to the gentleman that personally—I do not want to embarrass any member of the committee—but expressing my own view, personally I see no reason why they should do it. In order that I may get that matter behind me, let me state my position in relation to taxation in the District of Columbia, then the gentleman will understand my position and will see that he and I do not disagree as to the principle.

Mr. JUUL. The position the gentleman occupies is as an appropriator of public money; and is the law such that it is compulsory——

Mr. SISSON. Absolutely.

Mr. JUUL (continuing). To appropriate money in the bill so as to assess the citizens of the United States in a matter which in decency the residents of the District ought to pay themselves?

Mr. SISSON. We are complying with the law.

Mr. JUUL. I do not want to get into an argument with the gentleman——

Mr. SISSON. Mr. Chairman, I decline to yield further. I have stated my position, and I hope it will satisfy the gentleman. I can not go into the reasons of bad laws that we have in the District of Columbia. If I could write the law, I would provide a reasonable rate of taxation on a reasonable assessment of property of all the people of the District of Columbia. Then I would collect those taxes and put them into the Treasury, and when we appropriated money out of the Federal Treasury we would appropriate the balance needed. There is going to be a surplus of about $2,000,000 if we get the bill through as it is written—$1,900,000 left over in the District treasury. If I could have my way about it, I would use that million and odd thousand dollars in paying the expenses of this bill and then let the balance of the money necessary to pay the expenses of the bill be paid out of the Federal Treasury, because manifestly under the Government supervision there are many things that this District ought not to pay and nobody wants them to pay. They are governmental activities. Nobody wants the District of Columbia, for example, to pave the streets and sidewalks around Government property. The Government ought to pay something. Another thing: In laying out the city of Washington, it was laid out on a more magnificent scale than are commercial cities in other States. It is true the people bought property after the streets were laid out. I have stated to my friend what could be done and what in the nature of things is a feasible thing to do.

Now, coming back to the teachers. We give the teachers receiving $500 an increase of salary to $750; class 2, receiving $600, to $750; and those receiving $650 were given $750. Now, in addition to that, they will get the $120 increase, making a total of $870 as the lowest-paid teacher in the District of Columbia. Your subcommittee thought that was a fair increase in salary, and it is very much higher than the average of that paid by any city I know of in the United States.

There is another matter to which I wish to call your attention in reference to school activities. While we did not give all the amount of money the District Commissioners asked for, we gave $12,900 for dental clinics, which was perhaps less than half of what they asked for.

Another new departure to which I call the attention of the committee is the creation of the two-platoon system in the fire companies.

Mr. MAPES. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MAPES. My information is that the average school building is very much congested now with children. How generally are the portable houses going to be used?

Mr. SISSON. We gave them all that they asked for. It is quite a long story, but I will say that we had the board of education submit to us a statement as to the number of children in each school and the number that could not be accommodated, and we took the number to be accommodated in each portable school building and gave them enough money to build portable buildings to take care of the surplus children.

Mr. MAPES. So next year you estimate that all the children in the District will be taken care of?

Mr. SISSON. Absolutely, if the figures and estimates are correct. We make the fund immediately available, so that the portable buildings can be provided. Of course, that cuts out $2,000,000 for school buildings that we had in the bill.

Mr. MAPES. How many school children can be accommodated in the portable buildings?

Mr. SISSON. From recollection, I think something like 200 portable buildings, and you can estimate 40 children to a school building, so that gives about 8,000.

Mr. JOHNSON of Kentucky. Does the gentleman mean to say that this bill adds 200 schools to the number already existing?

Mr. SISSON. Oh, no; not 200 schools; nothing like that.

Mr. JOHNSON of Kentucky. Already there are 300 schoolhouses in the District of Columbia

Mr. SISSON. If the gentleman will understand, what they call a portable building is a little room. For example, at one of these schools where they need an eight-room addition, they will have three or four of these little portable buidings. They have that all outlined here in the testimony. If the gentleman will turn to page 589 of the hearings he will find that the John Eaton School, the Tennallytown School, the Petworth School, and so on, are all taken up, and a number of pages of testimony are devoted to the number of children at each of these buildings, and the number of rooms they would need. When you say you want an eight-room addition to a school building, that means that you practically have eight portable school buildings there, because each portable building is a unit. Therefore you would

have eight portable buildings. We were confronted with this proposition: Either the children must go without education for the next year, because there is no place to house them, or we had to provide these temporary buildings. I will say that it did not satisfy the board of education nor the commissioners, and not a single member of your subcommittee was at all satisfied, but if we had appropriated over $2,000,000, which would have been necessary, there would have been no certainty that we would have gotten one-half or even one-third of the space that the $2,000,000 ought to buy. In addition to that, there is no certainty that any one of these buildings would have been put up, so it was either a portable building or let the children go without school facilities, and we adopted that alternative, although it is not a thing that we like to do.

Mr. MAPES. Does the bill provide for the increased number of teachers that it will be necessary to have?

Mr. SISSON. Yes.

Mr. MAPES. Perhaps the gentleman made this clear; but in regard to the increase of salaries to the teachers, what would be the lowest salary paid to any teacher in the District?

Mr. SISSON. $870.

Mr. MAPES. That is the basic salary of $750 plus the $120 increase?

Mr. SISSON. Yes. The lowest salary would be $870. Calculate the longevity pay, and the gentleman will have to get that table to figure that out, and after a teacher has been here one year the lowest salary then paid to the second-year teacher would amount to about $900.

Mr. MAPES. They get their longevity pay in addition to the $870?

Mr. SISSON. That is the law; we could not change that. The next year they would get $925, then $950, $975, and so on up to $1,000. If we had increased arbitrarily a teacher's salary who had been in her fourth year to the $1,000, that would give something like $1,200 and odd, so your subcommittee endeavored to make the salary of the lower-grade teachers the same, and made it $750 plus the $120 and plus whatever longevity pay they may get.

I had just started to talk about the two-platoon system. The two-platoon system was gone into with a good deal of care by your subcommittee. It seems in most of the cities they are beginning to adopt the two-platoon system. When you consider the matter first, you would imagine it would take twice as many men to run a two-platoon system as a one-platoon system. That is not true. It takes about 30 per cent more men, and that is done by catching up the slack. For instance, for five days the firemen are on duty for 23 hours, and then they are off one whole day and then off a half. Therefore by catching up that slack and leaving one less man on duty at each fire house, by increasing the force in the District 144 men we are able to let every man spend every other night at home. He may not take his time in that way. He might take a week and spend that week at home at night, and the next week at the fire engine house at night. The testimony showed to your committee that many of these firemen would go home and see their children but once a week, and as one of them expressed it, some of their children hardly knew them. These men render splendid service and they did not ask for any additional salary at all. What they asked for was an opportunity to spend some time at home, and I do not believe that I am betraying anyone's confidence when I say that your subcommittee was unanimous in its report upon this proposition.

Now, by taking 144 men, officers and men, which is about 30 per cent increase over the present force, we are enabled to let the firemen stay at home one day 14 hours and on duty 10 hours. The next day it would be just the reverse, he would stay 14 hours at home and on duty 10 hours and the next day 10 hours at home and 14 on duty. Or you could adopt another plan, 8 hours, 12 hours, and 16 hours. That is, you have three shifts but by arranging the shifts so that they lap into each other you can arrange that a man shall be on duty 8 hours and off duty 12 hours, and the next week be off duty 16 and then go on duty 16 and off 8 and in that way you enable the force at all times to be full and yet enable the firemen to spend practically half their nights at home. So we gave them 144 additional firemen for that reason.

Now, I do not know that there is any other item in the bill to which I wish to call especial attention. We granted increases in some clerical services. For instance, the stenographers were getting, some of them, $800 or $900. Now, the Federal Government was paying very much more than this, $1,500 some of them, and the District government was unable to keep any stenographers. Our own clerks get $2,000, so your subcommittee recommended to the full committee and to the Congress that the stenographers get a salary of about $100 a month, about $1,200. Now, that has been running through the bill generally——

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SISSON. I do.

Mr. COOPER of Wisconsin. Does the gentleman think that a stenographer should get more than a school-teacher who helps to educate and train the children? I do not. There is not an occupation in the United States that is so important to the welfare of the United States as that of the teachers who instruct the children, and they are, as a class, among the poorest paid. They take the child at the formative age, when habits are in the formation——

Mr. SISSON. I will say to the gentleman I used to teach school myself, and my sympathies are with the school-teachers; but in my judgment when school-teaching gets to be a profession——

Mr. COOPER of Wisconsin. Now, will the gentleman permit an interruption——

Mr. SISSON. One moment; let me make this statement—where the individual engaged in the school work is making that a life work and not a stepping stone to something else, then the services rendered in every community in the United States would be such that in 30 years they would impress their value upon every community to that extent that the whole sentiment of the country would be for paying them wages that are comparable with the duties which they perform. What I mean is this: The teachers of the country could in one generation so impress themselves upon the country that their value would be apparent.

But it is utterly impossible for the District of Columbia to be put in the attitude of paying vastly more for school-teachers than is paid in any other portion of the country. Now, with this increase that this bill provides, the pay that the school-teachers will get is considerably greater than that paid in other communities and in other cities the size of Washington. Now, if there is an injustice done here, the injustice is done in the gentleman's State and in my State; it is done in every State in the Union; it is done by people who pay their own taxes; it is done by people who do their own voting in their own cities, towns, and villages. We are most liberal here, and, taking into consideration the fact that at this particular time it becomes our duty to try to conserve every possible dollar we can, in order that we may put every dollar we can in this war, your subcommittee did not grant increases in salary except where we felt an injustice would be done to an employee of the District of Columbia by virtue of the physical cost of food and the physical cost of living.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I am going to ask the indulgence of the Chair just a moment——

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for——

Mr. SISSON. For five minutes. I really do not want any more time.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Mississippi may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. Mr. Chairman, I had not intended to talk for so long a time, and if the gentleman from Minnesota desires to use——

Mr. DAVIS. Mr. Chairman, I have been looking around for some of the gentlemen to whom I promised time, but I do not see them, and I have telephoned half a dozen——

Mr. SISSON. I have no objection to yielding if some gentleman desires to speak.

Mr. COOPER of Wisconsin. Will the gentleman yield for one more question?

Mr. SISSON. I will.

Mr. COOPER of Wisconsin. What is the salary that a teacher receives in the District of Columbia the first year?

Mr. SISSON. Well, the teacher who is regularly employed the first year gets $600.

Mr. COOPER of Wisconsin. That is $50 a month?

Mr. SISSON. Well, $60 a month, because they work only 10 school months. They get $60 a month, but it is practically like getting $50 a month if the gentleman wants to put it that way.

Mr. COOPER of Wisconsin. Now, then, if he or she is very faithful and diligent the first year, how much do they get the second year?

Mr. SISSON. Now, you will have to get that table. I think the increase is $25, maybe $30.

Mr. COOPER of Wisconsin. A year?

Mr. SISSON. Yes.

Mr. COOPER of Wisconsin. What do they get the third year?

Mr. SISSON. Six hundred and fifty dollars, if I am correct about the longevity increase.

Mr. COOPER of Wisconsin. And what do they get the fourth year?

Mr. SISSON. Six hundred and seventy-five dollars and——

Mr. COOPER of Wisconsin. When does it end?

Mr. SISSON. At the end of 10 years.

Mr. COOPER of Wisconsin. How much do they get then?

Mr. SISSON. You can make the calculation yourself. Some of them get $1,000——

Mr. COOPER of Wisconsin. If the teacher begins at $600 a year, and is faithful, and lives in the city of Washington, and pays the prices for edibles and other things that she has to pay here, at the end of 10 years she gets $1,000. You are not expecting——

Mr. SISSON. I do not expect them to do anything. I do not want the gentleman to imagine that I am myself——

Mr. COOPER of Wisconsin. I am taking the facts as the gentleman gives them.

Mr. SISSON. I have simply stated to the gentleman, and I state now, that this is what we have done and just what we believe is right, and no amount of cross-examination could in any way change my attitude toward the matter at all.

Mr. COOPER of Wisconsin. I do not expect to change the gentleman's views, but I am trying to get at the facts.

Mr. SISSON. Those are the facts. I have stated them to you.

Mr. COOPER of Wisconsin. The gentleman stated, as I understood him, that when the teachers indicated that they proposed to make teaching their profession——

Mr. SISSON. Not only here. I took the whole country.

Mr. COOPER of Wisconsin. I am applying it to Washington. He said that then they would increase the wages. If they start in a profession that occupies 10 years before they get $900, then at the end of 30 years the whole country would rise up and give them compensation that they can live on?

Mr. SISSON. Let me say this to the gentleman, that in my judgment the whole trouble about the school system in the District of Columbia is that it is too much inbred now. Under the longevity system it does not make any difference whether the teachers are efficient or inefficient. You keep them on, and the longer you keep them the more money they get. That ought not to be. There ought to be some elasticity, so that when a teacher shows fitness the teacher may be promoted in accordance with the service rendered, and not in accordance with the number of years of teaching.

Mr. WOOD of Indiana. For fear that the gentleman from Wisconsin may have a misapprehension in reference to the minimum basic pay, they received, to start with, $600, and we raised it to $750, and the general increase would be $870.

Mr. SISSON. If you add the general increase, it would be $870.

Mr. LAZARO. I would like to ask the gentleman from Mississippi this question. Is it not a fact that in a country like ours, where the people rule, a school-teacher should be one of the best-posted and one of the best-paid men in the land?

Mr. SISSON. Yes.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISSON. Unless the gentleman from Minnesota will indicate some——

Mr. DAVIS. Do you not think that we had better rise now?

Mr. SISSON. Mr. Chairman, I make the motion that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11692, making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

Mr. SISSON. Mr. Speaker, I feel that perhaps I myself have occupied too much time in my remarks, but I ask unanimous consent that the general debate upon this bill be limited to——

Mr. DAVIS. I would suggest to the chairman of the committee that his statement was so beneficial that we will not consider that he took too long. I suggest that he retain two hours.

Mr. SISSON. I ask unanimous consent that the general debate on this bill be limited to five hours additional, three hours to be controlled by the gentleman from Minnesota [Mr. DAVIS] and two hours by myself.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the general debate on this bill be limited to five hours additional to what has already been had, three hours to be controlled by the gentleman from Minnesota [Mr. DAVIS] and two by the gentleman from Mississippi.

Mr. GARNER. Not to exceed five hours.

The SPEAKER. Yes; not to exceed five hours. Is there objection?

There was no objection.

MIE URATAKE (H. DOC. NO. 107).

The SPEAKER. The Chair lays before the House a letter from the Acting Secretary of War, which the Clerk will report.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, April 27, 1918.

To the SPEAKER HOUSE OF REPRESENTATIVES.

SIR: I have the honor to invite attention to the communication from this department, dated February 19, 1916, transmitting a petition of Mie Uratake, widow of Torahachi Uratake, for indemnity on account of the killing of her husband, a Japanese subject, by Private India Adams, Company K, Twenty-fifth Infantry, at Schofield Barracks, Hawaii, November 25, 1915. There was also transmitted, in addition to other papers, a copy of the court-martial record of the trial and conviction of Private Adams upon a charge of manslaughter in that he "did, through negligence and carelessness in the handling of his rifle, shoot and kill T. Uratake, a Japanese." The record shows that petition and other papers were referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. No. 785, 64th Cong., 1st sess.), and that subsequently a bill was introduced (H. R. 19899) for the relief of Mrs. Uratake; but apparently no further action has been taken. This office has been informed by the Secretary of State that that department has written a letter, dated March 26, 1918, to the chairman of the Committee on Foreign Affairs, House of Representatives, urging the enactment of the desired legislation in this case and inviting attention to the fact that that department is informed that Mrs. Uratake is in straitened circumstances, and also to the fact that the Japanese ambassador at this Capital has again made inquiry concerning the status of the matter.

It is the view of this department that this is a case in which it would be proper for Congress to grant the relief requested, and it is therefore recommended that the necessary legislation to this end be enacted. In this connection reference is made to a similar recommendation made in the case of Tatsuji Saito, a Japanese subject, who was killed, presumably by American soldiers, at Camp San Geronimo, Mex., May 23, 1916 (H. Doc. No. 194, 65th Cong., 1st sess.).

Respectfully,

BENEDICT CROWELL,
Acting Secretary of War.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. May I ask what is the date of the letter referred to the Committee on Military Affairs?

The SPEAKER. March 26. This was referred to the Committee on Foreign Affairs and ordered to be printed.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday be dispensed with to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business of Calendar Wednesday for to-morrow be dispensed with. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 1, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War transmitting Twelfth Annual Report of the American Red Cross (H. Doc. No. 2131, 64th Cong., 2d sess.), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from Committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 4283) authorizing the donation of the land and building at Kennebunkport, Me., known as the old customhouse, to the town of Kennebunkport, Me., reported the same without amendment, accompanied by a report (No. 528), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 7225) providing for the transfer to the custody

and control of the War Department property in San Francisco, Cal., known as the old Subtreasury property, reported the same without amendment, accompanied by a report (No. 529), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 10663) to convey a strip of land on the site of the Federal building at Princeton, Ind., reported the same with amendment, accompanied by a report (No. 530), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 3134) to regulate the interstate transportation of immature calves, reported the same without amendment, accompanied by a report (No. 531), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9544) granting an increase of pension to Nancy Ollis, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HADLEY: A bill (H. R. 11824) providing for an examination and preliminary survey of the watershed of the Skagit River, in the State of Washington, with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 11825) providing for an examination and preliminary survey of the watershed of the Nooksack River and the North Fork, South Fork, and Middle Fork thereof, in the State of Washington, with a view to the control of the floods of said river and forks; to the Committee on Flood Control.

By Mr. LEA of California: A bill (H. R. 11826) granting the consent of Congress to the Sonoma Land Co., a corporation, to construct a bridge across Second Napa Slough; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE: Resolution (H. Res. 331) directing the Clerk of the House to post conspicuously in the House wing of the Capitol and in the House Office Building notices of committee hearings in advance thereof; to the Committee on Accounts.

By Mr. MOORE of Pennsylvania: Resolution (H. Res. 332) relating to the smoke nuisance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SWIFT: Resolution (H. Res. 333) authorizing the Committee on Expenditures in the War Department to audit certain accounts and expenditures of the War Department; to the Committee on Expenditures in the War Department.

By Mr. SNYDER: Resolution (H. Res. 334) transferring jurisdiction of Indian reservations in the State of New York, not now specifically assumed by the Government, to the State of New York; to the Committee on Indian Affairs.

By Mr. POU: Resolution (H. Res. 335) providing for the consideration of House bill 8938; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11827) granting an increase of pension to Levi Ritter; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11828) granting an increase of pension to William Schooley; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 11829) granting a pension to Charles Peterson; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 11830) granting an increase of pension to George W. Vawn; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 11831) granting a pension to John N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 11832) granting a pension to Charles D. Nichols; to the Committee on Pensions.

By Mr. LEE of Georgia: A bill (H. R. 11833) for the relief of Seth J. Harris; to the Committee on Claims.

Also, a bill (H. R. 11834) for the relief of William Henry Coleman; to the Committee on Claims.

Also, a bill (H. R. 11835) for the relief of Jimmie Lou Martin; to the Committee on Claims.

Also, a bill (H. R. 11836) for the relief of Mary Holloman; to the Committee on Claims.

By Mr. LUNN: A bill (H. R. 11837) granting a pension to Mary H. McCahan; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 11838) granting a pension to Victor A. Benson; to the Committee on Pensions.

Also, a bill (H. R. 11839) granting a pension to George W. Weeks; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 11840) granting a pension to Eugenie Schottmueller; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 11841) granting a pension to Hugh Mackay; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 11842) granting a pension to Ella Davis; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 11843) granting an increase of pension to John Hull; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11844) granting an increase of pension to Daniel Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11845) granting an increase of pension to William Burch, alias A. M. Vaughn; to the Committee on Invalid Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 11846) granting an increase of pension to William Kildow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the Phenix Farm Club, Walnut Grove, Mo., asking that farmers be assured a reasonable profit above cost of production; also, petition of lay inspectors, grades 1 and 2, station at St. Joseph, Mo., asking increase in salary; also, a resolution of the Southwestern Millers' League, indorsing House bill 10957, establishing standards of weights and measures for flour, meal, and commercial feeding stuff; to the Committee on Agriculture.

Also (by request), resolution of the Independent Order of Foresters, Highlandtown, Md., pledging loyalty to the President in the prosecution of the war; also, a resolution of the Board of Directors of the School District of St. Joseph, Mo., favoring universal military training; to the Committee on Military Affairs.

Also (by request), resolution of the First Baptist Church, Enterprise, Oreg., urging war-time prohibition; to the Committee on the Judiciary.

Also (by request), resolution of the National Dairy Conference, demanding the repeal of the second-class postal zone law; to the Committee on Ways and Means.

Also (by request), memorial of Local No. 1, Amalgamated Lithographers of America, favoring repeal of second-class postage provisions of war-revenue bill; to the Committee on Ways and Means.

Also (by request), memorial of Washington (D. C.) Central Labor Union, against profiteering in rents in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), memorial of Roger Casement Branch, Friends of Irish Freedom, Boston, Mass., against conscription in Ireland; to the Committee on Foreign Affairs.

By Mr. CURRY of California: Resolution of the Grand Commandery of the Knights Templar of California, unanimously opposing peace without victory and pledging support to the Government, the cause, and the flag until the war is won; to the Committee on Rules.

Also, resolutions of Elk Grove (Cal.) American League, pledging fealty to the Government and favoring priority to war legislation; to the Committee on Rules.

By Mr. DALE of New York: Petition of Central Federated Union of Greater New York and Vicinity and of the Board of Directors of the Society of American Dramatists and Composers, urging the repeal of the zone system as applied to second-class mail matter; to the Committee on Ways and Means.

By Mr. ELSTON: Patriotic resolutions adopted by the Grand Commandery of the Knights Templar of California; to the Committee on Military Affairs.

By Mr. FOCHT: Evidence in support of House bill 7448, granting pension to Riley R. Zerbe; to the Committee on Invalid Pensions.

Also, evidence in support of the bill for the relief of Luther Detwiler; to the Committee on Pensions.

Also, evidence in support of House bill 8044, granting pension to Mrs. Mary E. Roland; to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of citizens of Lawrenceville, Ill., urging repeal of increased rate of postage on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. FREAR: Petition of sundry citizens of the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Northwestern Wisconsin Buttermakers' Association, protesting against the zone system; to the Committee on Ways and Means.

Also, memorial of Northwest Wisconsin Buttermakers' Association, protesting against lowering tax on oleomargarine; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petitions of Trenton Chamber of Commerce, of Trenton, N. J.; the Mansfield Tire & Rubber Co., of Mansfield, Ohio; National Implement & Vehicle Association, of Chicago, Ill.; the Lombard Woman's Club, of Lombard, Ill.; L. M. Mason, of Streator, Ill.; Channing Pollock, of New York City; the faculty of Iowa Wesleyan College, of Mount Pleasant, Iowa; the faculty of Lake Erie College, of Painesville, Ohio; the Wednesday Morning Club, of Cranford, N. J.; the Illinois State Court of the Guardians of Liberty, and Miss Lydia Strawn, of Ottawa, Ill., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of the Illinois Conference of the Evangelical Lutheran Augustana Synod, representing a membership of about 65,000 members, for the prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

Also, petition of Local Union No. 211, Moline, Ill., United Association of Plumbers and Steam Fitters of the United States, that Thomas Mooney and his associates be set free by May 1, 1918; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of the Minch & Eisenberry Co., Baltimore, Md., opposing the passage of Senate bill 3076 and House bill 9863, relating to use of prison labor; to the Committee on Labor.

Also, petition of the Smith, Dixon Co., urging the repeal of that part of the war-revenue act dealing with second-class postage rates; also petitions of J. F. Durbin & Co. and the Kennedy Foundry Co., favoring partial payment of income and excess-profits taxes; to the Committee on Ways and Means.

Also, petition of Baltimore Typographical Union, No. 12, favoring passage of House bill 8702, for increase in pay of certain employees in Government Printing Office; to the Committee on Appropriations.

Also, petition of the Baltimore Belting Co., opposing an amendment to the food-control act to include hides and leather; to the Committee on Agriculture.

Also, petition of J. L. Perkins, Baltimore, Md., protesting against the passage of House bill 5712, pertaining to the circulation of certain fraternal matter in the mails; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Memorial of the board of directors of the Women's City Club, of New York, and a telegram from Annie G. Lyle, M. D., San Francisco, Cal., urging legislation to secure military rank for American Army nurses; to the Committee on Military Affairs.

Also, letter from the students and faculty of the Siskiyou Union High School, protesting against the zone system; to the Committee on Ways and Means.

By Mr. STRONG: Petition of citizens of Corsica and vicinity, and of Joseph Somerville and other citizens of East Brady and vicinity, State of Pennsylvania, protesting against zone rate of postage on second-class mail matter; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the Society of Illustrators of America, asking repeal of zone postage rates for second-class matter; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 1, 1918.*

(Legislative day of Tuesday, April 30, 1918.)

The Senate met at 12 o'clock noon.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Dillingham	Gronna	Jones, Wash.
Beckham	Fall	Guion	Kellogg
Brandegee	Fernald	Hale	Kirby
Calder	Fletcher	Harding	Knox
Culberson	France	Hardwick	Lenroot
Cummins	Frelinghuysen	Henderson	Lodge
Curtis	Gallinger	Johnson, Cal.	McCumber
McKellar	Pittman	Smith, Md.	Townsend
McLean	Poindexter	Smoot	Trammell
McNary	Pomerene	Sterling	Underwood
Martin	Ransdell	Sutherland	Vardaman
Myers	Saulsbury	Swanson	Wadsworth
Nelson	Shafroth	Thomas	Walsh
New	Sheppard	Thompson	Williams
Nugent	Sherman	Tillman	

Mr. BECKHAM. I wish to state that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness.

Mr. KIRBY. I announce the unavoidable absence of my colleague [Mr. ROBINSON], who is engaged in the liberty-loan campaign.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is detained from the Senate by illness.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

WATER-POWER DEVELOPMENT.

The VICE PRESIDENT laid before the Senate a communication from the Chamber of Commerce of the United States of America, transmitting a resolution favoring legislation to make available at the earliest possible date the water powers of the country, together with a tabulation of votes cast by commercial and trade organizations regarding the principles of water-power legislation, which, with the accompanying papers, was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with or incidental to the prosecution of the war.

The message also announced that the House insists upon its amendments to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

The message further transmitted to the Senate resolutions on the life, character, and public services of Hon. CYRUS A. SULLOWAY, late a Representative from the State of New Hampshire.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented a petition of the Publishers' Association of New York City, N. Y., praying for the postponement of the operation of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the American Defense Society of the State of New York, praying for legislation to punish persons or organizations responsible for pro-German activities, or who interfere with the prosecution of the war, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Progressive Women's League of Hartford, Conn., and of the Equal Franchise League of New Milford, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the Trades Council of New Haven, Conn., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry rural mail carriers of Bridgeport, Stamford, New Britain, Watertown, Norwich, Windsor, and Somers, all in the State of Connecticut, praying for an increase in the salaries of rural mail carriers, which were ordered to lie on the table.

Mr. NELSON presented petitions of the National Rural Letter Carriers' Association, in the State of Minnesota, praying for an increase in the salaries of rural mail carriers, which were ordered to lie on the table.

He also presented a memorial of the Engineering Council of Minnesota, remonstrating against the enactment of legislation penalizing the granting of bonuses or premiums to employees, which was referred to the Committee on Naval Affairs.

Mr. HALE presented a petition of York Pomona Grange, Patrons of Husbandry, of Bar Mills, Me., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 4466) granting a pension to Victoria A. Amberg (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4467) to validate the homestead entry of the heirs of Victoria A. Thomson; to the Committee on Public Lands.

By Mr. HALE:

A bill (S. 4468) granting an increase of pension to John Larner (with accompanying papers); and

A bill (S. 4469) granting an increase of pension to George W. French (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4470) to provide further for the national security and defense by controlling and regulating rents of real estate in the District of Columbia; to the Committee on the District of Columbia.

HOUSING OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The VICE PRESIDENT The pending amendment is the amendment of the Senator from New Mexico [Mr. FALL].

Mr. SWANSON. The Senator from Connecticut [Mr. BRANDEGEE] has an amendment which, I think, is agreeable both to the Senator from New Mexico and the chairman of the committee. I ask the Senator from New Mexico if he will not withdraw his amendment.

Mr. FALL. With the understanding that the amendment offered by the Senator from Connecticut is acceptable to the chairman of the committee, I will withdraw my amendment.

Mr. SWANSON. I ask the Secretary to read the amendment of the Senator from Connecticut.

The VICE PRESIDENT. It will be read.

Mr. THOMAS. Mr. President——

The SECRETARY. The Senator from Connecticut [Mr. BRANDEGEE] had printed the following amendment:

At the end of line 5, on page 6, add the following: "Such property shall be sold as soon after the conclusion of the war as it can be advantageously done."

Mr. SWANSON. I accept that amendment. I think it ought to be adopted.

The VICE PRESIDENT. Does the Senator from Colorado desire to discuss the amendment?

Mr. THOMAS. No, sir; I shall take the floor later.

The VICE PRESIDENT. Is there any discussion on the amendment?

Mr. SMOOT. I ask the Secretary to read this section as it would read with the amendment offered by the Senator from Connecticut.

The Secretary read as follows:

SEC. 5. That the power and authority granted herein shall cease with the termination of the present war, except the power and authority to care for, sell, or rent such property as remains undisposed of and to conclude and execute contracts for the sale of property made during the war. Such property shall be sold as soon after the conclusion of the war as it can be advantageously done.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. BRANDEGEE].

The amendment was agreed to.

Mr. THOMAS. Mr. President, the Washington Post of this morning in publishing an account of the proceedings of the Senate upon this bill yesterday announced among other things in its headlines the following:

THOMAS wants President to confiscate houses of rich for workers.

In the body of the article it is stated:

Senator THOMAS thinks there are too many wealthy persons living in Washington at this time merely because they like the glamour and excitement of the country's war preparations. He wants to have the President confiscate their houses and turn them over to employees of the Government who have to be here.

I call attention to it merely for the purpose of stating that I said no such thing. I am not and never have been in favor of confiscation, either direct or indirect. What I did say, and what I wish to repeat, is that there are transients in this city who have no business here beyond the gratification of their own pleasure and curiosity. They do not live here, not being permanent residents, and just at present their room is certainly preferable to their company. My statement was and is that it would be a good thing if the President could by proclamation request that class of people to go elsewhere during the war and thus relieve this community of the burden of their support and also of the houses which they occupy.

I also said, and I repeat, that as to such persons the Government should under the provisions of this bill be authorized to take possession of their dwellings—not by way of confiscation, but after making compensation—so that those who must be here will have a greater opportunity of securing shelter during their enforced residence in the city of Washington.

Mr. SWANSON. If there are no more amendments as in Committee of the Whole——

The VICE PRESIDENT. There is a committee amendment that has not been acted upon.

Mr. SWANSON. Very well; let it be stated.

The SECRETARY. On page 7, section 7, the committee proposes, beginning with line 8, with the word "nor," to strike out the following words: "nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contracts," and to insert "No contract for more than $50,000 shall be let except to the lowest responsible bidder after due notice is given, the bids to be opened in the presence of such bidders, the Government reserving the right to reject any and all bids."

Mr. GALLINGER. Mr. President——

Mr. NEW. I offer a substitute for the amendment.

Mr. GALLINGER. Addressing myself to the Senator from Virginia, I will ask the Senator if he does not think that $25,000 would be a sufficiently large sum to let without competition instead of $50,000?

Mr. SWANSON. I doubt the wisdom of requiring all these contracts to be let to the highest bidder. This amendment was put in by the committee, and I reserved the right to state my reasons against it. I thought it would delay this work a great deal. Instead of making the sum less I thought possibly it ought to be made larger.

Mr. GALLINGER. A great many of the buildings that are being provided for will be of very cheap construction and rather small, I think, in size, scattered over the country; and it seems to me that in the case of a $50,000 structure there would be very little competition, if any.

Mr. SWANSON. If the Senator will permit me, in order to get bids for every little building costing only $2,000 specifications with the utmost detail would have to be made and submitted and these people would have to make estimates in order to arrange their bids. I have an idea that the House provision is really better than this provision, and I reserved the right to state my reasons to the Senate, though as chairman of the committee I did not feel like I ought to offer an amendment. I have an idea that we could get a percentage contract which would be limited by which people would construct these buildings. Speed is the essence of this entire matter, and if you make it less than $50,000 I am afraid the bill will be very much hampered.

Mr. GALLINGER. Can it be possible that they are going to squander any considerable part of this money in getting plans from architects and specifications of various kinds for constructing these temporary buildings?

Mr. SWANSON. But the Senator must remember if they get bids in order to accept the contract specifications must be made.

Mr. GALLINGER. Oh, yes; of course, to some extent.

Mr. SWANSON. If you have a building worth $10,000 to construct, before you can get at the highest bidder you have to put in specifications for material and plumbing, and the entire detail must be fixed. I have an idea that that would occasion a great deal of delay. I think $50,000, instead of being too high, is really too low.

Mr. GALLINGER. As this matter, if amended, will go to conference, I am going to venture an amendment to strike out "$50,000" and insert "$25,000," and test the sense of the Senate on the question.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 7, line 11, strike out "$50,000" and insert "$25,000," so as to read:

No contract for more than $25,000 shall be let except to the lowest responsible bidder after due notice is given, the bids to be opened in the presence of such bidders, the Government reserving the right to reject any and all bids.

Mr. SMOOT. Mr. President, I want to call the attention of the Senate to the House provision, which I think is much safer and will work better than the amendment reported by the committee. The House had this provision, which was stricken out, and the Senate amendment inserted in its place:

Nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contract.

The provision as passed by the House provides that there shall be no buildings erected unless there are three responsible bidders. The Senate committee amendment provides that if there should be 20 buildings at $2,000 apiece, or $40,000, such a contract can be let without a bidder, and to anybody to whom the board sees fit to let the contract, whereas if the House provision prevails—and it ought to prevail—and the Senate committee amendment disagreed to, if the contract is for a million dollars, three responsible bidders must be secured; if it is for $50,000, three responsible bidders must be secured; if for $25,000, three responsible bidders must be secured. It seems to me that we ought to defeat the amendment offered by the committee and let the House provision stand with an amendment. It is the safest thing for the Government, and I hope the Senate amendment will be disagreed to.

Mr. KIRBY. I should like to ask the Senator a question.

Mr. SMOOT. Certainly.

Mr. SWANSON. Will the Senator yield to me for a moment?

The VICE PRESIDENT. The Senator from Utah has yielded to the Senator from Arkansas.

Mr. KIRBY. Why not insert the word "and" before the word "not" in the Senate committee amendment and let both these propositions stand in the bill?

Mr. SMOOT. If we did that, there would be a conflict between the two provisions.

Mr. KIRBY. No; the bids are not to be let until they are first considered by three responsible contractors, but it does not say they shall let the contracts to the lowest bidder. Then, why not say that no amount of work for less than $50,000 shall be let except to the lowest bidder? Both provisions might well stand in the bill.

Mr. NEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield to the Senator.

Mr. NEW. I have an amendment which I am offering as a substitute to section 7 which, if adopted, would clear up this whole situation.

Mr. SMOOT. May I ask if it is in the way of a substitute for section 7?

Mr. NEW. It is a substitute for section 7.

Mr. SMOOT. May I ask that the Senator's substitute be read at this time so that we may see just what it provides.

The VICE PRESIDENT. It will be read.

The SECRETARY. The Senator from Indiana [Mr. NEW] will propose the following substitute for section 7:

SEC. 7. That no work to be done or contract to be made under or by authority of any provision of this act shall be done or made on or under a cost-plus percentage basis, unless the same be made to include an upset fee, nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contracts.

Mr. NEW. Mr. President, if it is in order for me to do so, I should like to address myself for a few moments to that amendment.

Mr. SMOOT. I will yield the floor at this time in order that the Senator may now make his statement.

Mr. NEW. Mr. President, I am moved to offer this amendment in the interest of economy—economy financially and economy of time—which, I understand, is, after all, the chief element to be considered in the passage of this bill. What I have to say on this amendment will be based principally on my own experience as a building contractor. Until about a year ago I was engaged in that business, and I think I know something of the difficulties that will arise if this committee amendment is adopted.

I understand full well, Mr. President, that the motive of the committee in drawing this amendment, the motive of the Senator from New Hampshire [Mr. GALLINGER] in what he has just had to say, and that of the Senator from Utah [Mr. SMOOT] in what he has had to say, are of the most commendable character, and I very cordially share those motives; but I think that what they have said is based upon a misapprehension of the conditions under which this new work must go forward. I know that in the earlier contracts which were let here by the Quartermaster Department of the Army for the original training-camp structures there was a great deal of scandal, and I am sure that a great deal of money was wasted. I think I know of instances myself where money was thrown away in the most reckless fashion; but the very fact that that was done resulted in the assembling here in Washington of a committee to consider the question of future contracts, and to devise a form of contract that would protect the interests of the Government and meet the demands of the emergency.

Mr. SMOOT. Mr. President, will the Senator yield to me for just a moment?

Mr. NEW. Certainly.

Mr. SMOOT. Let me suggest to the Senator that he add to his amendment the words which I shall propose. Then I will ask the Senator if he will not request the Senator from Virginia [Mr. SWANSON] having the bill in charge to accept the amendment as amended? I suggest that the Senator add these words to his amendment: "and all contracts to be awarded to the lowest responsible bidder."

Mr. GALLINGER. Mr. President, if the Senator from Indiana will permit me, I will call attention to the fact that my amendment proposes to amend the original text of the bill, which will have priority over the amendment of the Senator from Indiana to substitute his amendment. I presume that I should be in favor of the substitute, but still I want a vote first on the amendment which I have offered.

Mr. NEW. Mr. President, I can not at this time accept the suggestion of the Senator from Utah [Mr. SMOOT], for reasons that will appear as I proceed with this argument.

As I have said, a committee was assembled here in Washington for the purpose of devising a form of contract which would meet the emergency and protect the interests of the Government. Let us see who comprise that committee. The first name is that of Mr. John R. Alpine, who is the general president of the United Association of Plumbers and Steamfitters, who represented the American Federation of Labor; Mr. Frederick L. Cranford, president of the General Contractors' Association of New York; Mr. Charles T. Main, president of the American Society of Mechanical Engineers, of Boston; Mr. John Lawrence Mauran, president of the American Institute of Architects, of St. Louis; Mr. Oscar A. Reum, representative of the president of the Building Construction Employers' Association, of Chicago; Mr. R. G. Rhett, president of the American Chamber of Commerce; Mr. E. W. Rice, president of the American Institute of Electrical Engineers, of Schenectady; and Mr. A. N. Talbot, president of the American Society of Civil Engineers.

Mr. President, a more representative or a more competent committee than that could not possibly have been assembled. They met, they considered this whole question and the abuses of all the systems which might be employed. They made their findings, they discussed in a report all the different forms of contract, and I shall read very briefly from their report. Referring to the lump-sum contract, which is the one contemplated in the amendment which has been offered by the Senator from Utah, and also that offered by the Senator from New Hampshire, they say:

A few years ago the lump-sum contract was the one most commonly employed, and for it were claimed many advantages for both parties thereto which are to-day found to exist in all the contractual instruments which are equitably drawn. There could be no possible objections to the lump-sum contract were the Government dealing with clearly delineated problems to be executed under stable peace conditions, always provided that the bidders be selected for their fitness and capability to properly perform the work, but the committee finds the following vital defects, which it begs to call to your attention:

No steps may be taken until drawings and specifications are complete, the bids taken, and the contract awarded, and thus would be lost those precious months which may be measured not in dollars but in lives.

The history of war-emergency construction shows the development of many projects, originally small by comparison, into works of great magnitude and importance, and for such development the "lump-sum" plan is too inflexible to operate satisfactorily; administration costs must be increased in adjusting important changes, while inequities and dissatisfaction are bound to arise.

At the conclusion of their consideration of this question they say:

Your committee advises, therefore, that the "lump-sum" method be not used.

After considering all other forms of contract, the committee makes this recommendation:

Having advised, therefore, that these various forms be not used, and for the reasons stated, the committee unanimously concurs in advocating what may be termed the cost plus, a sliding-scale fee scheme of contract for both general contracts and subcontracts. In its general application it enjoys the same confidence in the building world as to the equities as does the lump-sum contract, as is evidenced by its very extensive use. Its essential features are its applicability to projects great and small—its extreme flexibility with automatic adjustment of all variations in plan and scope.

Then further:

The general form of contract now in use by the cantonment division in which the percentage decreases as the cost increases, and is broken by fixed fees at intervals, seems calculated to effectually check, if not

prevent this tendency. Moreover, under the contract proposed the Government retains the right to control the prices of most materials and of labor. Under these circumstances it does not seem to the committee that such an objection would have any force in relation to this form of contract.

The objection referred to being that the contractors might increase the cost in order to increase their fees.

Mr. President, that is the recommendation, as I say, made by the most representative committee that could have been assembled in this country to consider that question.

Mr. McCUMBER. Mr. President, the Senator says that that was one of the most representative committees. They represented the building contractors and they represented the laboring element, whose work should be supplied——

Mr. NEW. Not at all, sir.

Mr. McCUMBER. Who represented the interest of the taxpayer in this wonderful commission?

Mr. NEW. Mr. President, I think that question is fairly well answered in the character of these men. Who were they? Here is Mr. A N. Talbot, president of the American Society of Civil Engineers. He does not represent any labor organization; he does not represent any interest. He is a disinterested commissioner.

Mr. R. G. Rhett, president of the Chamber of Commerce of the United States, certainly represents the taxpayers' interest. Mr. Mauran, president of the American Institute of Architects, is another. Those are men who are interested in the building business and who understand it.

Mr. McCUMBER. Yes; I must admit that; but the Senator has not given the name of anyone who represented the interest of the Government, which is supposed to represent the interest of the people that there should be some degree of economy in this work.

Mr. NEW. Well, Mr. President, I certainly think that these men—the president of the United States Chamber of Commerce, the president of the American Institute of Architects, the president of the American Society of Civil Engineers, and the president of the American Society of Electrical Engineers, and others named—while, of course, they are not employees of the Government of the United States and are not the employees of anyone else, are the heads of some of the most representative business institutions there are in this country, and they are directly interested in and familiar with building work.

Mr. President, a few words on this matter, because I think it is worthy of very serious consideration. Under the lump-sum contract no contractor can possibly make a bid until he is supplied with plans and specifications for the job, which must be furnished by the architect. The contractor must know the topography of the ground on which the building is to be located; he must know something of the soil conditions; he must have the plans in order that he may then figure out how much steel, how much cement, how much lumber, and how much of every other kind of material is to go into the construction; and he can not possibly figure those things unless he has the plans. How long will it take to furnish those plans? I say to the Senate that for a project involving the expenditure of a million dollars it will take not less than three months, and more likely nine months, to prepare plans for that kind of a building project.

After that, the contractor is required to take time to figure those things in his own office; he must go all over the plans and make his own estimate. That will require more time; and unless, Mr. President, this bill is to be merely a sociological fantasy we should adopt some system that will permit the completion of this work during the present war. That is the only object I have in presenting this amendment. I know that it is totally impracticable—and I will go further and say absolutely impossible—to get this big work done under the system that is proposed in the committee amendment with anything like reasonable expedition. There will be a delay of months.

Mr. President, the form of contract that was recommended by the committee, to which I have referred, provides for the cost-plus plan, limited, however, by an upset fee in every case. For a job that costs $100,000 or less a fee of 7 per cent is allowed the contractor, and the fees run from that up to $250,000 if the work costs $10,000,000 or more, or 2½ per cent of the total if the cost is over $9,000,000 and under $10,000,000. The fees allowed the contractor, in other words, run from 7 per cent on the smaller jobs to 2½ per cent on the larger jobs.

Mr. President, the contractor who would make a bid on a job of that kind, allowing himself a margin of 2½ per cent, would be a crazy contractor; and, if not crazy before he made that sort of a bid, he would become so very shortly afterwards.

Furthermore, Mr. President, I do not believe that any contracting firm, I do not care how responsible they are, could get banking facilities or be financed on a bid they would show to the bank allowing them a profit of only 2½ per cent. If they have a guarantee that is another proposition; but no bank would finance a building contractor who could show to the bank that he had only figured on a profit of 2½ per cent or less to himself or to his firm.

Mr. CALDER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. NEW. Certainly.

Mr. CALDER. The Senator from Indiana suggests that 2½ per cent profit on a contract is not sufficient. I quite agree with him that ordinarily it would hardly cover even a small portion of the overhead charges; but if the Government contracts to pay the entire cost of the operation and the contractor takes no risk whatever and then receives 2½ per cent profit, that is a different thing.

Mr. NEW. The Senator and I are in complete accord. I say that if the Government says to the contractor, "We will pay you a fee of 2½ per cent," that is all right; the Government gives a guaranty; and he is certainly entitled to it. It is, as the Senator from Pennsylvania [Mr. KNOX] suggests, sotto voce, a mere commission; but the point I make is that where the contractor has to take the plans and sit down and figure the cost of the work, he would be worse than crazy to figure only 2½ per cent profit to himself and take all the risk. It is utterly and absolutely impossible, as I think the Senator from New York will readily admit.

Mr. CALDER. I quite agree that no man could afford to take a risk of that character; and no reputable man would do so.

Mr. NEW. Of course not. The result would be just as the Senator from New York says, that no reputable man would take the contract. Now, what is going to be the result? Every little twopenny contractor who is willing to take a gamble would bid on these jobs, and, if the law provides that the contract has to be let to the lowest bidder, the work is going to be placed in the hands of people who are utterly incompetent to carry on the construction either in a short period of time or in a long period of time. That is the fact of the matter.

The truth is, Mr. President—and we might as well all realize it—that all this Government building must be done under the most unusual conditions. Time is the chief element here. The financial interest of the Government is amply protected in this form of contract which has been suggested by the entirely disinterested and certainly most competent members of this committee.

Mr. McCUMBER. Mr. President, will the Senator read the portion of the contract which protects the Government in the respect he has suggested?

Mr. NEW. I will say to the Senator that it is quite a long contract. May I summarize it? I will put it in the RECORD if the Senator wishes; but it provides that the Government, of course, pays the cost, and it allows the contractor, under $100,000, 7 per cent for doing his work, and the fees vary, then, until they run up to the larger jobs, where the fee is narrowed down to a limit of 2½ per cent. That is a matter of contract. The contractor, it should be understood, is allowed nothing for his overhead expense, nothing for his interest, nothing of that sort. All of those things must be paid by him; but what he gets is an upset fee of a very limited percentage.

I will put this contract in the RECORD, if I may be permitted to do so, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered.

The contract referred to is as follows:

CONTRACT FOR EMERGENCY WORK.

Construction of ———.

Contract made and concluded this —— day of ———, 191—, by and between ——— ———, a corporation organized under the laws of the State of ———, represented by ——— ———, its president, party of the first part (hereinafter called contractor), and the United States of America, by ——— ——— (hereinafter called contracting officer), acting by authority of the Secretary of War, party of the second part.

Whereas the Congress having declared by joint resolution approved April 6, 1917, that war exists between the United States of America and Germany, a national emergency exists and the United States urgently requires the immediate performance of the work hereinafter described, and it is necessary that said work shall be completed within the shortest possible time; and

Whereas it is advisable, under the disturbed conditions which exist in the contracting industry throughout the country, for the United States to depart from the usual procedure in the matter of letting contracts and adopt means that will insure the most expeditious results; and

Whereas the contractor has had experience in the execution of similar work, has an organization suitable for the performance of such work, and is ready to undertake the same upon the terms and conditions herein provided:

Now, therefore, this contract witnesseth, That in consideration of the premises and of the payments to be made as hereinafter provided, the contractor hereby covenants and agrees to and with the contracting officer as follows:

ARTICLE I.

Extent of the work: The contractor shall, in the shortest possible time, furnish the labor, material, tools, machinery, equipment, facilities, and supplies, and do all things necessary for the construction and completion of the following work: ——— ——— in accordance with the drawings and specifications to be furnished by the contracting officer, and subject in every detail to his supervision, direction, and instruction.

The contracting officer may, from time to time, by written instructions or drawings issued to the contractor, make changes in said drawings and specifications, issue additional instructions, require additional work, or direct the omission of work previously ordered, and the provisions of this contract shall apply to all such changes, modifications, and additions with the same effect as if they were embodied in the original drawings and specifications. The contractor shall comply with all such written instructions or drawings.

The title to all work completed or in course of construction shall be in the United States; and upon delivery at the site of the work, and upon inspection and acceptance in writing by the contracting officer, all machinery, equipment, hand tools, supplies, and materials, for which the contractor shall be entitled to be reimbursed under paragraph (a) of Article II hereof, shall become the property of the United States. These provisions as to title shall not operate to relieve the contractor from any duties imposed hereby or by the contracting officer.

ARTICLE II.

Cost of the work: The contractor shall be reimbursed in the manner hereinafter described for such of its actual net expenditures in the performance of said work as may be approved or ratified by the contracting officer and as are included in the following items:

(a) All labor, material, machinery, hand tools not owned by the workmen, supplies and equipment, necessary for either temporary or permanent use for the benefit of said work; but this shall not be construed to cover machinery or equipment mentioned in section (c) of this article. The contractor shall make no departure from the standard rate of wages being paid in the locality where said work is being done, without the prior consent and approval of the contracting officer.

(b) All subcontracts made in accordance with the provisions of this agreement.

(c) Rental actually paid by the contractor, at rates not to exceed those mentioned in the schedule of rental rates hereto attached, for construction plant in sound and workable condition, such as pumps, derricks, concrete mixers, boilers, clam-shell or other buckets, electric motors, electric drills, electric hammers, electric hoists, steam shovels, locomotive cranes, power saws, engineers' levels and transits, and such other equipment as may be necessary for the proper and economical prosecution of the work.

Rental to the contractor for such construction plant or parts thereof as it may own and furnish, at the rates mentioned in the schedule of rental rates hereto attached, except as hereinafter set forth. When such construction plant or any part thereof shall arrive at the site of the work, the contractor shall file with the contracting officer a schedule setting forth the fair valuation at that time of each part of such construction plant. Such valuation shall be deemed final, unless the contracting officer shall, within five days after the machinery has been set up and is working, modify or change such valuation, in which event the valuation so made by the contracting officer shall be deemed final. When and if the total rental paid to the contractor for any such part shall equal the valuation thereof, no further rental therefor shall be paid to the contractor, and title thereto shall vest in the United States. At the completion of the work the constructing officer may at his option purchase for the United States any part of such construction plant then owned by the contractor by paying to the contractor the difference between the valuation of such part or parts and the total rentals theretofore paid therefor.

Rates of rental as substitutes for such scheduled rental rates may be agreed upon in writing between the contractor and the contracting officer, such rates to be in conformity with rates of rental charged in the particular territory in which the work covered by this contract is to be performed. If the contracting officer shall furnish or supply any such equipment the contractor shall not be allowed any rental therefor and shall receive no fee for the use of such equipment.

(d) Loading and unloading such construction plant, the transportation thereof to and from the place or places where it is to be used in connection with said work, subject to the provisions hereinafter set forth, the installation and dismantling thereof, and ordinary repairs and replacements during its use in the said work.

(e) Transportation and expenses to and from the work of the necessary field forces for the economical and successful prosecution of the work, procuring labor and expediting the production and transportation of material and equipment.

(f) Salaries of resident engineers, superintendents, timekeepers, foremen, and other employees at the field offices of the contractor in connection with said work. In case the full time of any field employee of the contractor is not applied to said work but is divided between said work and other work, his salary shall be included in this item only in proportion to the actual time applied to this work.

(g) Buildings and equipment required for necessary field offices, commissary, and hospital and the cost of maintaining and operating said offices, commissary, and hospital, including such minor expenses as telegrams, telephone service, expressage, postage, etc.

(h) Such bonds, fire, public liability, employers' liability, workmen's compensation, and other insurance as the contracting officer may approve or require and such losses and expenses, not compensated by insurance or otherwise, as are found and certified by the contracting officer to have been actually sustained (including settlements made with the written consent and approval of the contracting officer) by the contractor in connection with said work, and to have clearly resulted from causes other than the fault or neglect of the contractor. Such losses and expenses shall not be included in the cost of the work for the purpose of determining the contractor's fee. The cost of reconstruction and replacing any of the work destroyed or damaged shall be included in the cost of the work for the purpose of reimbursement to the contractor, but not for the purpose of determining the contractor's fee, except as hereinafter provided.

(i) Permit fees, deposits, royalties, and other similar items of expense incidental to the execution of this contract, and necessarily incurred. Expenditures under this item must be approved in advance by the contracting officer.

(j) Such proportion of the transportation, traveling, and hotel expenses of officers, engineers, and other employees of the contractor as is actually incurred in connection with this work.

(k) Such other items as should in the opinion of the contracting officer be included in the cost of the work. When such an item is allowed by the contracting officer it shall be specifically certified as being allowed under this paragraph.

The United States reserves the right to pay directly to common carriers any or all freight charges on material of all kinds, and machinery, furnished under this contract, and certified by the contracting officer as being for installation or for consumption in the course of the work hereunder; the contractor shall be reimbursed for such freight charges of this character as it shall pay and as shall be specifically certified by the contracting officer; but the contractor shall have no fee based on such expenditures. Freight charges paid by the contractor for transportation of construction equipment, construction plant, tools, and supplies of every character shall be treated as part of the cost of the work upon which the contractor's fee shall be based, provided that charges for transportation of such construction equipment, construction plant, and tools over distances in excess of 500 miles shall require the special approval of the contracting officer.

No salaries of the contractor's executive officers, no part of the expense incurred in conducting the contractor's main office or regularly established branch office, and no overhead expenses of any kind, except as specifically listed above, shall be included in the cost of the work, nor shall any interest on capital employed or on borrowed money be included in the cost of the work.

The contractor shall take advantage to the extent of its ability of all discounts available, and when unable to take such advantage shall promptly notify the contracting officer of its inability and its reasons therefor.

All revenue from the operations of the commissary, hospital, or other facilities, or from rebates, refunds, etc., shall be accounted for by the contractor and applied in reduction of the cost of the work.

ARTICLE III.

Determination of fee: As full compensation for the services of the contractor, including profit and all general overhead expense, except as herein specifically provided, the contracting officer shall pay to the contractor in the manner hereinafter prescribed a fee to be determined at the time of completion of the work from the following schedule, except as hereinafter otherwise provided:

If the cost of the work is $100,000 or under, a fee of 7 per cent of such cost.

If the cost of the work is over $100,000 and under $125,000, a fee of $7,000.

If the cost of the work is over $125,000 and under $450,000, a fee of 6½ per cent.

If the cost of the work is over $450,000 and under $500,000, a fee of $29,250.

If the cost of the work is over $500,000 and under $1,000,000, a fee of 6 per cent.

If the cost of the work is over $1,000,000 and under $1,100,000, a fee of $60,000.

If the cost of the work is over $1,100,000 and under $1,500,000, a fee of 5½ per cent.

If the cost of the work is over $1,500,000 and under $1,650,000, a fee of $82,500.

If the cost of the work is over $1,650,000 and under $2,200,000, a fee of 5 per cent.

If the cost of the work is over $2,200,000 and under $2,450,000, a fee of $110,000.

If the cost of the work is over $2,450,000 and under $2,850,000, a fee of 4½ per cent.

If the cost of the work is over $2,850,000 and under $3,250,000, a fee of $128,250.

If the cost of the work is over $3,250,000 and under $4,000,000, a fee of 4 per cent.

If the cost of the work is over $4,000,000 and under $4,250,000, a fee of $160,000.

If the cost of the work is over $4,250,000 and under $4,775,000, a fee of 3¾ per cent.

If the cost of the work is over $4,775,000 and under $5,175,000, a fee of $179,062.50.

If the cost of the work is over $5,175,000 and under $5,725,000, a fee of 3½ per cent.

If the cost of the work is over $5,725,000 and under $6,225,000, a fee of $200,375.

If the cost of the work is over $6,225,000 and under $6,825,000, a fee of 3¼ per cent.

If the cost of the work is over $6,825,000 and under $7,400,000, a fee of $221,812.50.

If the cost of the work is over $7,400,000 and under $7,750,000, a fee of 3 per cent.

If the cost of the work is over $7,750,000 and under $8,350,000, a fee of $235,500.

If the cost of the work is over $8,350,000 and under $8,800,000, a fee of 2¾ per cent.

If the cost of the work is over $8,800,000 and under $9,650,000, a fee of $242,000.

If the cost of the work is over $9,650,000 and under $10,000,000, a fee of 2½ per cent.

If the cost of the work is over $10,000,000, a fee of $250,000.

Provided, however, that the fee upon such part of the cost of the work as is represented by payments to subcontractors, under subdivision (b) of Article II hereof, shall in each of the above contingencies be 2½ per cent and no more of the amount of such part of the cost.

The cost of materials purchased or furnished by the contracting officer for said work, exclusive of all freight charges thereon, shall be included in the cost of the work for the purpose of reckoning such fee to the contractor, but for no other purpose.

The fee for reconstructing and replacing any of the work destroyed or damaged shall be such percentage of the cost thereof—not exceeding 7 per cent—as the contracting officer may determine.

The total fee to the contractor hereunder shall in no event exceed the sum of ———, anything in this agreement to the contrary notwithstanding.

ARTICLE IV.

Payments: On or about the 7th day of each month the contracting officer and the contractor shall prepare a statement showing as completely as possible: (1) The cost of the work up to and including the last day of the previous month; (2) the cost of the materials furnished by the contracting officer up to and including such last day; and (3) an amount equal to 2½ per cent, except as herein otherwise provided, of the sum of (1) and (2) on account of the contractor's fee; and the

contractor at such time shall deliver to the contracting officer original signed pay rolls for labor, original invoices for materials purchased, and all other original papers not theretofore delivered supporting expenditures claimed by the contractor to be included in the cost of the work. If there be any item or items entering into such statement upon which the contractor and the contracting officer can not agree, the decision of the contracting officer as to such disputed item or items shall govern. The contracting officer shall then pay to the contractor on or about the 9th day of each month the cost of the work mentioned in (1) and the fee mentioned in (3) of such statement, less all previous payments. When the statement above mentioned includes any work of reconstructing and replacing work destroyed or damaged, the payment on account of the fee in (3) for such reconstruction and replacement work shall be computed at such rate, not exceeding 2½ per cent, as the contracting officer may determine. The statement so made and all payments made thereon shall be final and binding upon both parties hereto, except as provided in Article XIV hereof. The contracting officer may also make payments at more frequent intervals for the purpose of enabling the contractor to take advantage of discounts at intervals between the dates above mentioned or for other lawful purposes. Upon final completion of said work the contracting officer shall pay to the contractor the unpaid balance of the cost of the work and of the fee as determined under Articles II and III hereof.

ARTICLE V.

Inspection and audit: The contracting officer shall at all times be afforded proper facilities for inspection of the work and shall at all times have access to the premises, to the work and material, and to all books, records, correspondence, instructions, plans, drawings, receipts, vouchers, and memoranda of every description of the contractor pertaining to said work; and the contractor shall preserve for a period of two years after its completion or cessation of work under this contract all the books, records, and other papers just mentioned. Any duly authorized representative of the contractor shall be accorded the privilege of examining the books, records, and papers of the contracting officer relating to said work for the purpose of checking up and verifying the cost of said work. The system of accounting to be employed by the contractor shall be such as is satisfactory to the contracting officer.

If at any time the contracting officer shall find that bills for labor, material, or other bills legitimately incurred by the contractor hereunder are not promptly paid by the contractor, the contracting officer may, in his discretion, refuse to make further payments to the contractor until all such obligations past due shall have been paid. Should the contractor neglect or refuse to pay such bills within five days after notice from the contracting officer so to do, then the contracting officer shall have the right to pay such bills directly, in which event such direct payments shall not be included in the cost of the work.

ARTICLE VI.

Special requirements: The contractor hereby agrees that it will:

(a) Begin the work herein specified at the earliest time practicable, and diligently proceed so that such work may be completed at the earliest possible date.

(b) Promptly pay for all labor, material, or other service rendered.

(c) Procure and thereafter maintain such insurance in such forms and in such amounts and for such periods of time as the contracting officer may approve or require.

(d) Procure all necessary permits and licenses, and obey and abide by all laws, regulations, ordinances, and other rules applying to such work, of the United States of America, of the State or Territory wherein such work is done, of any subdivision thereof, or of any duly constituted public authority.

(e) Unless this provision is waived by the contracting officer, insert in every contract made by it for the furnishing to it of services, materials, supplies, machinery, and equipment, or the use thereof, for the purposes of the work hereunder, a provision that such contract is assignable to the United States; will make all such contracts in its own name, and will not bind or purport to bind the United States or the contracting officer thereunder.

(f) In every subcontract made in accordance with the provisions hereof, require the subcontractor to agree to comply fully with all the undertakings and obligations of the contractor herein, excepting such as do not apply to such subcontractor's work.

(g) At all times keep at the site of the work a duly appointed representative who shall receive and execute on the part of the contractor such notices, directions, and instructions as the contracting officer may desire to give.

(h) At all times use its best efforts in all its acts hereunder to protect and subserve the interest of the contracting officer and the United States.

ARTICLE VII.

Right to terminate contract: Should the contractor at any time refuse, neglect, or fail in any respect to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, the contracting officer may, at his option, after five days' written notice to the contractor, terminate this contract, and may enter upon the premises and take possession, for the purpose of completing said work, of all materials, tools, equipment, and appliances, and all options, privileges, and rights, and may complete, or employ any other person or persons to complete said work. In case of such termination of the contract, the contracting officer shall pay to the contractor for such amounts of money on account of the unpaid balance of the cost of the work and of the fee as will result in fully reimbursing the contractor for the cost of the work up to the time of such termination, plus a fee computed thereon at the rate or rates for monthly payments set forth in Article IV hereof; and the contracting officer shall also pay to the contractor compensation, either by purchase or rental, at the election of the contracting officer, for any equipment retained; such compensation, in the event of rental, to be in accordance with paragraph (c) of Article II, and in the event of purchase to be based upon the valuation, determined by the contracting officer as of the time of his taking such possession. The contractor hereby agrees that such payments when made shall constitute full settlement of all claims of the contractor against the contracting officer and the United States or either of them for money claimed to be due to the contractor for any reason whatsoever. In case of such termination of the contract the contracting officer shall further assume and become liable for all such obligations, commitments, and unliquidated claims as the contractor may have theretofore in good faith undertaken or incurred in connection with said work, and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers, and take all such steps as the contracting officer may require for the purpose of fully vesting in him the rights and benefits of the contractor under such obligations or commitments. When the contracting officer shall have performed the duties incumbent upon him under the provisions of this article, the contracting officer shall thereafter be entirely released and discharged of and from any and all demands, actions, or claims of any kind on the part of the contractor hereunder or on account hereof.

ARTICLE VIII.

Abandonment of work by contracting officer: If conditions should arise which, in the opinion of the contracting officer, make it advisable or necessary to cease work under this contract, the contracting officer may abandon the work and terminate this contract. In such case the contracting officer shall assume and become liable for all such obligations, commitments, and unliquidated claims as the contractor may have theretofore, in good faith, undertaken or incurred in connection with said work; and the contractor shall, as a condition of receiving the payments mentioned in this article, execute and deliver all such papers, and take all such steps as the contracting officer may require for the purpose of fully vesting in him the rights and benefits of the contractor under such obligations or commitments. The contracting officer shall pay to the contractor such an amount of money on account of the unpaid balance of the cost of the work and of the fee as will result in the contractor receiving full reimbursement for the cost of the work up to the time of such abandonment, plus a fee to be computed in the following manner: To the cost of the work up to the time of such abandonment shall be added the amount of the contractual obligations or commitments assumed by the contracting officer, and such total shall be treated as the cost of the work, upon which the fee shall be computed in accordance with the provisions of Article III hereof. When the contracting officer shall have performed the duties incumbent upon him under the provisions of this article, the contracting officer and the United States shall thereafter be entirely released and discharged of and from any and all demands, actions, or claims of any kind on the part of the contractor hereunder or on account hereof.

ARTICLE IX.

Bond: The contractor shall, prior to commencing the said work, furnish a bond, with sureties satisfactory to the contracting officer, in the sum of $———, conditioned upon its full and faithful performance of all the terms, conditions, and provisions of this contract, and upon its prompt payment of all bills for labor, material, or other service furnished to the contractor.

ARTICLE X.

Convict labor: No person or persons shall be employed in the performance of this contract who are undergoing sentence of imprisonment at hard labor imposed by the courts of any of the several States, Territories, or municipalities having criminal jurisdiction.

ARTICLE XI.

Hours and conditions of labor: No laborer or mechanic doing any part of the work contemplated by this contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, such prohibition being in accordance with the act approved June 19, 1912, limiting the hours of daily service of mechanics and laborers on work under contracts to which the United States is a party. For each violation of the requirements of this article a penalty of $5 shall be imposed upon the contractor for each laborer or mechanic for every calendar day in which said employee is required or permitted to labor more than eight hours upon said work, and all penalties thus imposed shall be withheld for the use and benefit of the United States: *Provided*, That this paragraph shall not be enforced nor shall any penalty be exacted in case such violation shall occur while there is in effect any valid Executive order suspending the provisions of said act approved June 19, 1912, or waiving the provisions and stipulations thereof with respect to either this contract or any class of contracts in which this contract shall be included, or when the violation shall be due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or property, or by other extraordinary events or conditions on account of which, by subsequent Executive order, such past violation shall have been excused.

In the event of any dispute with reference to wages, hours, or other conditions appertaining to said work, between the Contractor or any subcontractor and labor employed by him on said work, the contractor or subcontractor shall immediately notify the contracting officer of the existence of such dispute and the reasons therefor. The contracting officer may, at his option, instruct the contractor or subcontractor involved in such dispute as to the method or steps which the contractor or subcontractor should follow with reference thereto, and the contractor or subcontractor shall thereupon comply with such instructions.

ARTICLE XII.

Right to transfer or sublet: Neither this contract, nor any interest therein, shall be assigned or transferred. The contractor shall not enter into any subcontract for any part of the work herein specified without the consent and approval in writing of the contracting officer. In case of such assignment, transfer, or subletting without the consent and approval, in writing, of the contracting officer, the contracting officer may refuse to carry out this contract either with the transferrer or transferee, but all rights of action for any breach of this contract by the contractor are reserved to the United States.

ARTICLE XIII.

No participation in profits by Government officials: No Member of or Delegate to Congress, or Resident Commissioner, nor any other person belonging to or employed in the military service of the United States, is or shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, but this article shall not apply to this contract so far as it may be within the operation or exception of section 116 of the act of Congress approved March 4, 1909. (35 Stats., 1109.)

ARTICLE XIV.

Settlement of disputes: This contract shall be interpreted as a whole and the intent of the whole instrument, rather than the interpretation of any special clause, shall govern. If any doubts or disputes shall arise as to the meaning or interpretation of anything in this contract, or if the contractor shall consider itself prejudiced by any decision of the contracting officer made under the provisions of Article IV hereof, the matter shall be referred to the officer in charge of cantonment construction for determination. If, however, the contractor shall feel aggrieved by the decision of the officer in charge of cantonment construction, it shall have the right to submit the same to the Secretary of War, whose decision shall be final and binding upon both parties hereto.

ARTICLE XV.

This contract shall bind and inure to the contractor and its successors.

It is understood and agreed that wherever the words "contracting officer" are used herein, the same shall be construed to include his successor in office, any other person to whom the duties of the contracting officer may be assigned by the Secretary of War, and any duly appointed representative of the contracting officer.

Witness the hands of the parties hereto the day and year first above written, all in triplicate.

By ——— ———,
President.

Witnesses:
(1) ——— ———.
(2) ——— ———.

UNITED STATES OF AMERICA,
By ——— ———,
Contracting Officer.

Witnesses:
(1) ——— ———.
(2) ——— ———.

SCHEDULE OF RENTAL RATES.

[The rates mentioned are per day.]

The following ranges of rental rates are shown only as an indication of what may be allowed. Rentals will be fixed by contracting officer who will take into consideration sizes, capacities, conditions, and fair market valuations of equipment. Rentals for equipment not shown on list following will be fixed as provided in last paragraph of section (c) of Article II hereof:

Automobiles	$2.00 to	$8.00
Adding and listing machines and typewriters	.25	.50
Buckets, tipple, bottom dump, orange-peel, clam-shell, etc.	.50	2.00
Boring machines, power driven	.20	.75
Back fillers, power driven	2.50	10.00
Block machines, concrete		
Boilers, upright and horizontal	1.50	6.00
Cars, steel or wooden, contractors'	.40	2.00
Crushers, stone		
Compressors	1.50	8.00
Derricks, with or without power	.50	20.00
Dirt spreaders	2.00	15.00
Diving outfits complete		
Engines, skeleton, with or without slewing gears	2.00	5.00
Engines, traction	2.00	15.00
Hammers, riveting		
Instruments, engineering	.25	1.00
Locomotives, narrow or standard gauge	5.00	25.00
Mixers, with or without power, equipped with loaders or not	1.00	8.00
Motorcycles	.25	1.00
Motors, electric	.25	8.00
Pumps, with or without power	.50	6.00
Pipe machines, with or without power	.50	6.00
Pile drivers, drop, steam-hammer or jet, with or without power	.50	25.00
Plows, not car unloaders	.25	1.00
Rail, per ton		
Rollers, horse or power	.50	15.00
Scrapers, slip or wheel	.25	1.00
Saws, power	.25	5.00
Steam shovels	10.00	30.00
Skips, steel or wooden	.10	1.00
Trench diggers	10.00	30.00
Trucks, motor	1.00	25.00
Wagons	.25	1.00

Fuel, lubricants, and labor not included in the above.

Mr. TOWNSEND. Mr. President, before the Senator gets through with his remarks, will he explain what inducement there is for the contractor to limit the cost? The Senator has used the words "upset fee." I am not a contractor or builder and I do not understand that term. I did not know but that the upset fee might be related in some way to the limit of cost.

Mr. NEW. Yes, Mr. President; there is an incentive for the contractor to keep down the cost, because the higher the cost the less his fee. Under this contract he gets a bigger pay if the cost is small than he does if the cost is large.

Mr. GALLINGER. Apparently, it is just the opposite of the system that was adopted a little while ago in giving contracts for shipbuilding, and so forth.

Mr. NEW. It is. In answer to what the Senator from New Hampshire says, I will say that is absolutely correct.

Mr. McCUMBER. Mr. President, if I may ask the Senator a question right here, suppose there is a piece of work that ought to cost $100,000 and with the right degree of economy it could be completed for $100,000, but the contractor allows slacking, pays big prices for material, and it costs, say, $200,000; would his fee be less than it would if it had cost $100,000, according to the table and according to that form of contract?

Mr. NEW. Well, Mr. President, the Government, of course, reserves the right to withdraw or cancel any contract at any time when anything of that sort is attempted. Let me read to the Senator what the contract provides:

If the cost of the work is $100,000 or under, a fee of 7 per cent of such cost.

If the cost of the work is $100,000 and under $125,000, a fee of $7,000.

If the cost of the work is over $125,000 and under $450,000, a fee of 6½ per cent.

If the cost of the work is over $450,000 and under $500,000, a fee of $29,250.

If the cost of the work is over $500,000 and under $1,000,000, a fee of 6 per cent.

If the cost of the work is over $1,000,000 and under $1,100,000, a fee of $60,000.

If the cost of the work is over $1,100,000 and under $1,500,000, a fee of 5½ per cent.

If the cost of the work is over $1,500,000 and under $1,650,000, a fee of $82,500.

If the cost of the work is over $1,650,000 and under $2,200,000, a fee of 5 per cent.

If the cost of the work is over $2,200,000 and under $2,450,000 a fee of $110,000.

If the cost of the work is over $2,450,000 and under $2,850,000, a fee of 4½ per cent.

Those fees, Mr. President, are certainly reasonable fees and less than are figured by any business man in any manufacturing business of which I have knowledge.

Mr. McCUMBER. Mr. President, if the Senator will allow me——

Mr. NEW. Certainly.

Mr. McCUMBER. I could not, of course, make the computation as rapidly as the Senator was reading those figures, and could not make it at all without the use of pencil and paper; but my conviction was, from the figures he read, that there will always be some encouragement for making the work cost a little more, because the fee will be larger; and the Senator knows the worse than scandal that has occurred in the building of all of our cantonments up to the present time, where the costs have been from one and a half to four times what they should have been.

Mr. NEW. Mr. President, as to the earlier contracts, I am in complete accord with the Senator from North Dakota. As to the later ones, I can not agree with him. I think it was just what happened in the building of the earlier cantonments that resulted in bringing this committee together and the proposing of this contract, which I really think, both from my experience in the business and after a very careful consideration of it, is the best form of contract that could possibly be devised for the character of work that is to be done under this bill.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. NEW. Certainly.

Mr. CALDER. Has the Senator explained what method is pursued in arriving at the cost of the different projects? Who fixes the cost on which the profit is based?

Mr. NEW. Mr. President, that is all very carefully supervised, and somewhere here there is a provision——

Mr. CALDER. If the Senator will permit me, as I understand the Government and the contractor to whom they contemplate awarding a piece of work agree upon the probable cost. The contractor makes the bid formally, and the Government goes over his figures and agrees that the operation should cost a certain sum, and upon that they base the upset profit allowance. If the work, when completed, costs more than he estimated, his profit is a little bit less; and if the cost is less than the agreed price, then the contractor and the Government in some manner divide the saving.

Mr. NEW. That is about correct; yes.

Mr. CALDER. Mr. President, that is all very well if the greatest possible care is taken in making the estimates. There is great danger, sometimes, that the costs fixed by the Government experts and the contractor might be higher than they ought to be, and in that way the contractor might profit unduly.

Mr. NEW. Of course, Mr. President, any business relation that may be entered into finally gets back to the point that you have got to trust somebody's honesty. It is just as possible, I suppose, for two men to get together and set up a job in the building business, and no more so, as it is for them to get together and set up one in any other line of business. But I do not believe, Mr. President, that under this contract there is any prospect of anything of that kind.

I am simply presenting this matter for the attention of the Senate, believing, as I do, that the recommendations of such a committee as has given its time and its thought to devising this contract should receive the favorable consideration to which it is entitled; and I warn the Senate now in conclusion that if the department is forced to let these contracts for housing under the lump-sum plan, simply to the lowest bidder, you will have entered upon a project that will delay the completion of these jobs by months. There will be nothing substantial done on them during the year 1918. Now, take my word for that.

Mr. KING. Mr. President, will the Senator yield?

Mr. NEW. Certainly.

Mr. KING. Why does the Senator think that the only method by which we can get the Government buildings erected or work done for or in behalf of the Government is by means of the cost-plus contract? Does not the Senator know that

the cost-plus contract has done a great deal to demoralize the various lines of business activity and industry; that it has caused many of the strikes; that it has greatly enhanced the cost of the buildings that have been erected for the Government and the cost of the articles and products which the Government has been compelled to employ? And, if I may be permitted to ask another question in connection with the first two, does not the Senator think that this is a very excellent time to give the small contractors a chance to get into the game, into the field of activity again and to rescue the business of the country from a few enormous corporations and trusts?

Mr. NEW. Mr. President, in answer to those questions, taking them categorically, I would say that I think the cost-plus contract has been greatly abused in times past, both with reference to Government contracts and in reference to private contracts, too; but I have just sought here, with some pains and I fear ineffectually, to show how the cost-plus contract has been revised and limited by this committee so that there can not be an abuse of it. As to the small contractors getting into it, Mr. President, we all understand that a number of these projects involve the expenditure of several million dollars, absolutely beyond the power of the small contractor to handle.

Mr. McCUMBER. Why so, Mr. President, if the Government pays it all?

Mr. NEW. Well, all right; then the Government can let this work to any contractor it chooses. There is no limit. In answer to the question of the Senator from North Dakota I was assuming that he directed it toward the smaller contractor under the lump-sum plan.

Mr. McCUMBER. I understand that the Government pays for the labor and the Government pays for the material as you go along.

Mr. NEW. Why, certainly.

Mr. McCUMBER. Therefore the Government has the responsibility; and what difference does it make whether the work is done by a great company or by a small one?

Mr. NEW. The Government can let it to anybody it chooses. I have here a complete report of every contract that has been let by the cantonment division from the start down to a very recent date, and it includes a large number of small contractors who have been given this work; but, of course, Mr. President, it must be manifest to anybody that for the bigger jobs a big organization is required. You can not just go out and get somebody off the street corner to put up a big building. He must have engineers; he must have a great lot of apparatus, all kinds of derricks and hoisting engines and concrete mixers and a thousand and one things that go to make up the outfit of a contractor, and it is only the larger ones who have the organization or the outfit to put up these bigger jobs.

Mr. President, I think I have said all I care to say on the subject. I think the Senator from Virginia [Mr. SWANSON] understands this question. I think he agrees with me in it. I have not the authority to say that he is willing to accept this amendment, but I think he fully understands the importance of it, and it is simply in the interest of the economy of time and of money as well that I urge the adoption of this amendment.

Mr. SAULSBURY. Mr. President, I think the Senator from Indiana [Mr. NEW] has made a very valuable contribution to this discussion in the amendment he has offered.

I am a member of the committee from which this bill was reported. I was opposed to the amendment the committee has presented for the very reason that the Senator from Indiana has described—that is, the impossibility of doing this work within a reasonable time if the amendment proposed by the committee is adopted, or the various amendments which have been proposed to the amendment, or as substitutes, for that amendment, with the exception of the one offered by the Senator from Indiana, for the reason that they would produce such a tremendous delay that it would be practically impossible to get any work done.

We all know that the difficulty in obtaining building material and in getting a sufficient amount of skilled labor to do the building in this country has practically demoralized the building industry, as it has very many other things. I feel satisfied that the adoption of the amendment offered by the Senator from Indiana will be a very great improvement to this bill. The chairman spoke of some amendment to that amendment. I do not know what he proposes about it, but I shall certainly vote for the amendment of the Senator from Indiana in preference to any other amendment that has been offered up to this time.

Mr. SMOOT. As I understand it, the Senator from New Hampshire has offered an amendment striking out "$50,000" and inserting "$25,000." I shall vote for the amendment of the Senator from New Hampshire, but I wish to say that the amendment of the Senator from Indiana would only be the means of jumping from the frying pan into the fire. Whenever you take the upset fee, then the power is in the board to throw a contract to almost any contractor it may desire. The board can make the contract so large in amount that it would limit the number of the contractors to very few. It cuts out the great bulk of the contractors in the United States; that is, it could cut them out. I do not say that it will, but it could cut them out; and we all know the evils that have come from the cost plus percentage system. Nobody can defend it, but——

Mr. NEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield.

Mr. NEW. Does not the Senator from Utah think that the cantonment division, or whoever is going to do this work, ought to be permitted to make choice of the contractors who are to do the work? Does he think they ought to be compelled under the lump-sum system to let it to somebody who is not going to be able to carry the contract through?

Mr. SMOOT. The Senator from Utah does not want to put it in the power of the board to say who shall be the contractor and who shall not, but the Senator believes that the House provision ought to prevail with an amendment.

Mr. McCUMBER. It is the Senator's contention that the bill itself provides for a responsible bidder?

Mr. SMOOT. The contract should be awarded to the lowest responsible bidder. I understand the Senator from Indiana does not accept that amendment, and therefore I think that I shall offer an amendment to the House provision if the Senate committee amendment is defeated. Then, if it is adopted, it will read as follows:

Nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contract, and all contracts to be awarded to the lowest responsible bidder.

Mr. President, I hardly think it is worth while for me to discuss the question any further. I think we all understand it, and I hope the Senate committee amendment will be disagreed to, and then I shall offer the amendment I have suggested to the House provision.

Mr. SWANSON. Mr. President, when this bill was pending in the committee I favored the House provision. I thought it was the best solution of this question. The House provision ought to be amended, first as suggested by the Senator from Arkansas [Mr. KIRBY] and as offered by the Senator from Utah [Mr. SMOOT]. The House provision proposes to prohibit contracts on a cost plus percentage basis. The amendment of the Senate committee does not allow anything to be done except upon notice and specifications. With a contract to be let to the lowest bidder for an amount over $50,000, it would retard this work a great deal and would prevent the speedy consummation of the work intended.

I talked to the gentlemen who have been getting up these plans. They told me they would be able under the House provision to do this work. Under the Senate committee amendment they thought the work would be greatly delayed, and if it was insisted upon too much it would very seriously impair the expected work.

Under the House provision no work is to be done or contract to be let under or by authority of any percentage or cost plus percentage. It prohibits paying anybody 5 per cent, 6 per cent, or 10 per cent, a matter concerning which there has been a great deal of complaint in this country.

Nor shall any contract be let until at least three responsible competing contractors shall have been notified and considered in connection with such contract.

That requires three people to be notified positively. It eliminates advertisements and it eliminates the delay that otherwise would be occasioned. The only defect is that after you notify these men it does not require you to give the contract to the lowest responsible bidder whom you have notified out of the three. It ought to be amended to that extent, and after three responsible bidders have been notified to submit propositions in connection with the contract it ought to require that the lowest of the three should be awarded the contract.

Mr. GALLINGER. Do I understand the Senator now to say that he thinks the amendment of the committee ought to be rejected?

Mr. SWANSON. I reserved the right to antagonize that amendment when it was passed by only one majority in the committee. I stated at the time that I did not favor it; that as an individual member I would not support it; and other members of the committee also reserved the right to present the question to the Senate.

Mr. GALLINGER. I feel, if the Senator takes that attitude, it probably will be rejected, and that would remove the necessity of my moving an amendment to it.

Mr. SWANSON. I think the amendment offered by the Senator from Utah would not permit contracts to be awarded if the Government does its own construction, and it does not prohibit it from doing its own construction and hiring its own people; but if it desires to go into the contract business the House provision requires three contractors who are responsible to be notified. The House provision does not go far enough and require the contract to be given to the lowest of the three thus notified, and with that amendment I believe it is the best solution of this question. The men who are to administer this law tell me that this will not interfere with the speedy consummation of the work.

Mr. GALLINGER. Then let us test the sense of the Senate on rejecting the amendment reported by the committee. Let that question be put.

The VICE PRESIDENT. Does the Senator from New Hampshire withdraw his amendment to the amendment?

Mr. GALLINGER. I withdraw the amendment to the amendment.

The VICE PRESIDENT. The question is on the amendment of the committee.

Mr. KING. Mr. President, I do not know that I understand the attitude of the Senator from Virginia, but speaking for myself, I would very much prefer the bill as it was reported by the Senate committee. I have made some little investigation as to the course which has been employed by the Government in the cost-plus contracts. I think the result of this course has been very disadvantageous to the Government, very demoralizing to business, and has enhanced the cost far beyond what was reasonably fair or just.

Mr. GALLINGER and Mr. SWANSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I yield first to the Senator from New Hampshire.

Mr. GALLINGER. I simply desire to ask the Senator if he has not discovered that the House provision absolutely gets rid of the cost-plus contract?

Mr. KING. Yes; I think that is true; but as I understood the amendment that was submitted by the Senate committee it provided that the work should be advertised and let to bidders after due notice had been given of the work which was to be performed. I yield to the Senator from Virginia.

Mr. SWANSON. The Senator from New Hampshire made the suggestion that it provides there shall not be any plus percentage contract. If the Government desires to let this work by contract instead of doing its own construction, the House provision requires it to notify three responsible bidders, and it will be let to contract. They can not give the contract unless there are three responsible bidders who are thus notified, and with the amendment offered by the Senator from Utah [Mr. SMOOT], when the contract is awarded it is required to be given to the lowest responsible bidder. To require all these contracts, however small, to have specifications and advertisement in the papers and notice, I am told, will entail a great deal of delay, and by the other method they think it could be worked more quickly.

Mr. NEW. If the Senator will permit me a moment, I should like to repeat what I said in speaking to my amendment, that in a job requiring the expenditure of a million dollars it will require not less than three months and more likely six months to prepare plans alone for it, and after that they must be considered by the contractors. If what is desired here is to have the work done within this year, I do not want to adhere to the Senate committee amendment.

Mr. SWANSON. If the Senator from Utah will permit me, under the House provision, when there are 3 contractors or 5 or 10, they can say, "We will give you $25,000 or $10,000, not on a percentage basis, because there is no percentage basis." That would be contrary to the interests of the Government. This would not prohibit him from specifying a fee to do the work requiring the construction. It seems to me the House provision is one that would protect the interests of the Government and contractors and give the contract to a responsible person who will do it quicker for the lowest amount of money.

Mr. McCUMBER. May I ask the Senator a question?

Mr. SWANSON. Yes.

Mr. McCUMBER. The general purpose of the bill is for housing employees. I can not understand any great necessity for letting contracts that will run up into the millions and tens of millions and hundreds of millions. If here is a little house that can be built under specifications for $3,000, it is not going to take six months to get out the specifications, and you can let it to a contractor to make 5 of them or to make 500 of them without any delay whatever.

Mr. CALDER. Will the Senator yield?

Mr. KING. I have the floor, but I yield to the Senator from New York.

Mr. CALDER. If the Senator will permit me, the Shipping Board has already taken up the building of this sort of houses, and I am informed that the commission in the Department of Labor has perfected plans to build the houses provided for under the bill being considered. It is not the purpose of the Government to give a contract to build two or three houses to a contractor. Wherever it can be arranged, it is the intention to loan money to a subsidiary corporation of some sort in the different localities, which usually will be controlled by the particular industry to be helped. At Newport News $3,000,000 has been advanced. At Camden, N. J., $3,000,000 will be loaned to a building corporation, and I am quite sure this will be the usual practice.

In the main, these houses are a fixed type. There will be some $1,000, $2,000, and $3,000 houses, and the contract will be let to one builder to take over the entire operation.

I think we could go as far as to provide that in every single case these building operations should be let by competitive bidding.

Mr. KING. Will the Senator let me propound a question to him? The Senator is perhaps more familiar than any other Senator here in regard to building operations. Does not the Senator believe, from his large experience, that the Government would have these houses built as quickly and far more economically by advertising and taking contracts from builders in the various parts of the country where the buildings are to be erected?

Mr. CALDER. I do, Mr. President, and I am under the impression that while the department charged with carrying out this law could award the building on a lump-sum-profit basis, nevertheless the terms of the House bill would permit them also to do as the Senator suggests. I know that there are tens of thousands of workingmen trained to employment in building operations who are available to-day all over the country. I pointed out yesterday that the building operations in the United States this year for private purposes would amount to about $300,000,000 as compared to $1,500,000,000 in 1916.

Mr. KING. Is there any reason, permit me to ask the Senator, why the bill should not contain a provision that all these houses shall be erected by persons who have full opportunity to bid and that the contract shall be awarded to the lowest bidder?

Mr. CALDER. If the Senator will offer an amendment of that character, I shall be very glad to vote for it; and I think it can be done without serious delay.

Mr. KING. For my own information, if the Senator will pardon me, has not the effect of this cost-plus contract business established by the Government been to drive into inactivity many of these small contractors throughout the country; men who had the proper machinery and the proper organization and could have performed large contracts, but because of the policy of the Government to allow a few individuals to control the construction of the cantonments and other buildings these smaller organizations have been deprived of opportunities and many of them have practically ceased to do business?

Mr. CALDER. The Senator is correct. I know in the city of New York, where I live, three-fourths of the building contractors are doing nothing at all at this time, and they would be glad to take some of this Government work if given an opportunity.

Mr. KNOX. I send to the desk an amendment to the pending bill.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 3, after the word "structure," in line 12, insert the following:

Provided further, That no existing limitation upon the right of any person to make a contract with the United States shall apply to owners whose property the President determines is necessary for Government purposes and desires to either lease or purchase by contract under this or any other act authorizing the President to acquire property by lease or purchase.

Mr. KNOX. I call the attention of the chairman of the committee to this amendment, removing the limitation from the right to contract where the President is given the authority to acquire by contract or purchase or lease.

Mr. SWANSON. I will ask the Secretary to read the amendment again.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair desires to inform the Senator that there is already an amendment pending, and it can only be offered at this time by unanimous consent, without the withdrawal of the other amendment.

Mr. GALLINGER. The question is on agreeing to the committee amendment, and I hope it will be voted down.

Mr. FRELINGHUYSEN. Mr. President, in a measure I am responsible for the committee amendment. As the section read when it came from the House, there was no limitation placed on the contractors. While it prohibited the cost plus percentage contract, nevertheless it opened a loophole for the head of this building bureau to make any contract he saw fit, because the section provided that any contract could be let to three responsible competing contractors only upon notification and after they had been considered. There was no limitation in regard to an advertisement for bids, no limitation in regard to the opening of those bids. While I may be a little old-fashioned, yet I believe the only fair way to let these contracts is to give every contractor an opportunity to bid after due advertisement and have the bids opened in the presence of the bidders.

Recently I have had some experience with the Navy Department, and that is the system they adopt. They advertise for bids, giving the opportunity to every contractor in the country, provided he observes the requirements of the specifications and advertisement and deposits his check and shows that he has sufficient credit to carry on the contract, and then the contract is awarded fairly under that system.

There is no reason why that system should not be adopted in this building department. Therefore I have introduced the amendment that the bids, after advertisement, should be open to every contractor, so that all would be treated fairly and alike, and that those bids should be opened in the presence of the bidders and awarded to the lowest responsible bidder, the Government, of course, reserving the right to reject any and all bids.

The PRESIDING OFFICER. The question is on the amendment reported by the committee. [A pause.] The noes seem to prevail.

Mr. NEW. Mr. President, before the final announcement is made, I should like to know just what that amendment was?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The amendment is that reported by the committee on page 7, section 7.

Mr. LODGE. The amendment was defeated.

The amendment was rejected.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMOOT. I desire to know if the rejection of the committee amendment leaves the House provision in the bill?

Mr. GALLINGER. Certainly.

The PRESIDING OFFICER. It does.

Mr. SMOOT. Then, I offer an amendment after the word "contract," in line 10, page 7, to insert:

And all contracts to be awarded to the lowest responsible bidder, the Government reserving the right to reject any and all bids.

Mr. SWANSON. I accept that amendment. That is right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. TOWNSEND. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. On page 7, at the end of the bill, after the words "District of Columbia," it is proposed to insert:

To establish a home or homes for aged and infirm colored people and working girls and to establish an industrial farm and to aid the people who must move from the alleys July 1 and to provide work for the colored youth during the summer vacation, the sum of $300,000, due the estates of deceased colored soldiers, sailors, and marines of the Civil War, and which was in the hands of the Commissioner of the Freedmen's Bureau and has been repaid into the Treasury of the United States, be, and is hereby, appropriated out of any money in the Treasury of the United States not otherwise appropriated, to build a home or homes for aged and infirm colored people and for working girls and to establish an industrial farm to aid the people who must move out of the alleys July 1 and to provide work for the colored youth during the summer vacation; the building or buildings to be erected in the District of Columbia on land owned or to be owned by an association known as the Home for Aged and Infirm Colored People duly incorporated under the laws of the District of Columbia for the purpose specified in this act; the said industrial farm to be established in the State of Virginia or Maryland on land owned or to be owned by the above-named association: *Provided*, That no money shall be be paid to the association until the Attorney General of the United States has investigated and reported to the Secretary of War that such an association is legally incorporated for the relief of colored people, and that the plans, specifications, and contracts be submitted to and approved of by the Secretary of War, and the money taken from the Treasury only on such vouchers as may be drawn by the association and approved of by the Secretary of War as the work progresses, and that the Secretary of the Treasury be, and he is hereby, authorized to pay the money herein appropriated to the association upon the fulfillment of the terms herein specified, and that the association must give good and sufficient bonds to the Secretary of War for the faithful expenditure of the money herein appropriated: *Provided further*, That all persons receiving any portion of this fund be encouraged to produce all foodstuffs possible to aid the Government in winning the war.

Mr. TOWNSEND. Mr. President, I do not care to debate this amendment. It is a measure which has passed the Senate twice, and I understand that the House of Representatives has recently acted upon it in committee. I ask that the amendment may be agreed to, and go to conference.

Mr. SWANSON. I would state to the Senator from Michigan that I have not examined the amendment. If it is right, possibly it ought to be in this bill; but if the Senator wants it to go to conference for consideration I shall accept it. I have no objection to it having the consideration of the committee of conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

The amendment was agreed to.

Mr. KNOX. Mr. President, I call up the amendment which I sent to the desk a few moments ago.

The PRESIDING OFFICER. The amendment proposed by the Senator from Pennsylvania will be stated by the Secretary.

The SECRETARY. Mr. KNOX proposes the following amendment, to come in at the end of subsection (b), after the amendment which has already been agreed to at that point, which was offered by Mr. THOMAS:

Provided further, That no existing limitation upon the right of any person to make a contract with the United States shall apply to owners whose property the President determines is necessary for Government purposes and desires to either lease or purchase by contract under this or any other act authorizing the President to acquire property by lease or purchase.

Mr. KNOX. Mr. President, the purpose of this amendment is this: Both in this proposed act and in prior acts which have been passed the President is specifically authorized to acquire by lease or purchase, or in preference by contract, certain properties for governmental purposes. Now, we know that there are certain limitations imposed upon people in respect to contracting with the Government. All I desire to do is that, in the event the President desires to lease or purchase property, the owner may have the right to make the contract.

Mr. SWANSON. Mr. President, I see no objection to that amendment going to conference, and I accept it for consideration by the conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I offer the amendment which I send to the desk, which I ask may be read.

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment, which the Secretary will state.

The SECRETARY. On page 7 of the original bill, line 4, after the word "act," it is proposed to insert the following proviso:

Provided, however, That when available for occupancy, all and singular, the buildings acquired under the provisions of this act shall be placed, in connection with their use and management, solely under the direction of the department having the control of the plant or industry for the use and aid of which such buildings have been acquired by the President: *And provided further*, That in event of the construction of any building in accordance with the provisions of this act when such building shall have been completed and ready for occupancy the use and management of the same shall in each instance be regulated in accordance with the provisions of this section: *And provided further*, That all property of whatsoever nature and kind acquired for the purpose of this act shall, when available for use in connection with the occupancy of the buildings herein, be used and managed in accordance with the provisions herein set forth in this section.

Mr. FRELINGHUYSEN. Mr. President, the purpose of that amendment is to provide that when these houses shall have been constructed at any industrial plant or at any arsenal or navy yard they shall come under the management of the department or bureau having control of that arsenal, navy yard, or industrial plant. I think the chairman of the committee will undoubtedly accept the amendment.

Mr. SWANSON. Mr. President, the objection to the amendment, if the Senator will permit me, is this: Houses may be built under this bill at a munitions plant where contracts are being filled both for the Army and for the Navy, and consequently the question would arise as to whether the War Department or the Navy Department should have control of the management of the houses. The plant is not a Government industry primarily. At some of the shipyards of the country vessels are being constructed both for the Shipping Board and for the Navy. Again, in that instance the question would arise as to whether the control of the houses to be erected should be placed in the Shipping Board or in the Navy Department. I am willing, however, to accept the amendment for consideration in conference, to see whether something can be worked out to carry out the purpose; but I would not like to say for cer-

tain that it can be worked out as the Senator seems to think it can be.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. SWANSON. I do.

Mr. FRELINGHUYSEN. I prefer to have the Senate vote upon the question. I think the amendment is perfectly proper. When these houses are constructed at various plants, I think they should come under the control and direction of the department having charge of the respective plants.

In regard to the objection of the Senator from Virginia, the President can easily determine who shall have authority over the houses when constructed. There are very few plants which are operated in a dual capacity both for the Army and for the Navy.

Mr. SWANSON. Mr. President, if the Senator will permit me, under the bill the President is given entire control of this matter, and consequently he can place the buildings to be constructed in the jurisdiction of whomsoever he pleases. If he is deprived of that authority by the adoption of this amendment, some one will have to determine who is to be placed in charge of the housing facilities at a given plant.

Mr. FRELINGHUYSEN. Mr. President, then we simply might have passed a law saying that the President should proceed to do this work without any restrictions or limitations whatsoever. The Senator's argument does not stand. If we are going to pass a measure here, we at least want to restrict its provisions.

Mr. SWANSON. We have left it to the President to determine the agency he shall employ in connection with the construction and rental of the property. Now, the Senator proposes to limit the President's discretion and frame the provisions of the bill in a way that might be very embarrassing. I know that at some plants contracts both for the Army and the Navy are being filled, just as at certain shipyards vessels are being constructed, as I have already said, both for the Navy and for the Shipping Board. In such cases I do not know who would have control.

Mr. FRELINGHUYSEN. Mr. President, the Senator's argument, then, is against the Department of Labor having control, because the Department of Labor would be controlling both the activities of the Shipping Board and the activities of the Navy Department.

Mr. SWANSON. There ought to be one person in control of all these building operations, and we have given the President the power of control. Now, to turn around and segregate it and put the control in three or four different hands is not advantageous in the conduct of the war.

Mr. FRELINGHUYSEN. Mr. President, I am not providing in the amendment for several different controls; I am providing that these houses shall come under the control of the department having control of the plants where the houses are erected. The President can easily determine some one in whom the authority should be reposed in the respective departments. If a plant is manufacturing munitions or equipment for both the Army and the Navy, the President can determine who shall have jurisdiction over the houses erected at such a plant. It is a practical, common-sense amendment.

Mr. SWANSON. If the Senator will permit me, this amendment was drawn when the authority under the bill was placed in the hands of the Secretary of Labor; but the Secretary of Labor has been eliminated from the bill and the President has been given authority to act under it. Therefore it seems to me the occasion for the amendment has passed because of the amendment which the Senate has already adopted.

Mr. KING. Mr. President, it seems to me that the Senator having this bill in charge ought to accept and that the Senate ought to agree to the amendment offered by the Senator from New Jersey. It occurs to me that it would be very unwise and would lead to contention if when buildings are erected for those employed in a navy yard some person here in Washington under a different department or a different bureau should control those buildings.

Mr. SWANSON. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. KING. I yield.

Mr. SWANSON. I should like to ask the Senator when a shipyard is engaged in construction to the extent of 50 per cent for the Navy and 50 per cent for the Shipping Board, in whose hands would the Senator place the control of the houses erected there?

Mr. KING. It is true that if there is a dual control of the buildings, then there would be a dual management of the buildings.

Mr. SWANSON. A dual management! It would be impossible to control them in that way. The President has been given complete authority by an amendment adopted yesterday, and the amendment now offered by the Senator from New Jersey was drawn when the authority was reposed in the Secretary of Labor.

Mr. KING. I understand that.

Mr. SWANSON. If we are going to leave to the President the authority to construct the buildings, to control them, and to provide for their renting and disposition, I see no reason to adopt such an amendment as this, which might be very embarrassing. If, however, the Senate wishes to put it in the bill, it has the privilege of doing so, but it would embarrass a unified administration of this measure. I repeat that some of the plants have contracts to the extent of 40 per cent with the Navy and 60 per cent, perhaps, with the Army, or vice versa; and where it is designed to erect houses at such a plant who would have control of them? If it is left to the President, he will determine who shall control under the amendment offered by the Senator from New Mexico [Mr. FALL] yesterday and adopted by the Senate. I do not think it is advisable now to turn around and leave control to a person who can not be determined.

Mr. KING. Mr. President, notwithstanding the very able presentation of the other side of this case by the Senator from Virginia, I still think that the amendment offered by the Senator from New Jersey ought to be accepted and ought to be adopted. I apprehend that lurking in the mind of the Senator who proposed the amendment is the thought that there is a plan—and I think he is correct—to develop a large housing scheme by a number of incompetents and idealists, who are going to try some experiment here with the Government and to attempt to embark the Government upon some wild, socialistic, Utopian scheme. It seems to me when buildings are needed for navy-yard employees, and the Government erects them, that the proper and prudent thing to do is to turn the control of the buildings over to the Navy Department. If buildings are to be erected for those who are building ships, then turn the control of such buildings over to the men who are controlling the shipping business; and if buildings are to be erected for employees who are engaged in the manufacture of munitions, turn the management of those buildings over to those who have charge of the munitions. It seems to me obvious that the amendment ought to be accepted.

Mr. KIRBY. Mr. President, I do not think that the amendment ought to be accepted. I think everything that has been suggested by the Senator from Utah [Mr. KING] can be properly done without the amendment being accepted. The principal contention about the adoption of this bill was whether we should turn the power over to the President and let him carry forward this whole scheme under such regulations as he thought would be most conducive to the success of the end desired. If we leave the matter there, since the Government is paying for the buildings and since the President has the right to do what ought to be done with the buildings when they are completed and since we have had all this fight and row about the Overman bill in order that we should put power where it can be best exercised, it seems to me that we ought not to put in a limitation now such as is proposed by the Senator from New Jersey. Certainly the power which is trusted to complete and carry out this project will have sufficient discretion to know where the management of the improvement ought to be lodged after it is completed. The amendment proposes a restriction and a limitation which ought not to be adopted under the circumstances.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

Mr. GRONNA. May I ask if the amendment proposed by the Senator from New Jersey may be again stated?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 7 of the original print, at the end of line 4, it is proposed to insert the following proviso:

Provided, however, That when available for occupancy, all and singular, the buildings acquired under the provisions of this act shall be placed, in connection with their use and management, solely under the direction of the department having the control of the plant or industry for the use and aid of which such buildings have been acquired by the President: *And provided further,* That in event of the construction of any building in accordance with the provisions of this act when such building shall have been completed and ready for occupancy the use and management of the same shall in each instance be regulated in accordance with the provisions of this section: *And provided further,* That all property of whatsoever nature and kind acquired for the purpose of

this act shall, when available for use in connection with the occupancy of the buildings herein, be used and managed in accordance with the provisions herein set forth in this section.

Mr. GRONNA. Mr. President, the Senator from New Mexico [Mr. FALL] I think very wisely proposed the amendment providing that this authority should be vested in the President. I believe that when we all take a sober second thought we will realize that that is where the authority ought to be. I can not agree with the Senator from New Jersey [Mr. FRELINGHUYSEN] that we should divide this responsibility; that we now should say that the heads of certain departments shall be responsible for certain buildings, and heads of other departments should be responsible for certain other buildings. I think it is in the interest of economy to coordinate this work. I think the President of the United States can better regulate this matter if he has the full control, and if he establishes, if necessary, a department to deal with it.

Mr. President, I fully appreciate what the Senator from Utah has said, that some one might perhaps seize upon the opportunity of arriving at some Utopian idea in the administration of this bill; but that would be more apt to happen if it were left to the departments than if it were left to the President of the United States. The Department of Labor must necessarily have something to do with all these departments. The Department of Labor is better equipped and has more information than any other department with regard to labor, and labor is a large element in the construction of these buildings and taking care of them, so why have this duplication? I believe it ought to be left in one place, and I was very glad to see the amendment offered by the Senator from New Mexico adopted. It ought to be left to the President of the United States; and, for one, I shall vote against the amendment proposed by the Senator from New Jersey.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey [Mr. FRELINGHUYSEN].

The amendment was rejected.

Mr. KIRBY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas proposes an amendment, which will be stated by the Secretary.

The SECRETARY. In line 20, page 7, after the word "used," it is proposed to insert the word "only," and at the end of line 21, after the words "District of Columbia," it is proposed to insert "for such Government employees as can not be used as advantageously in other cities in the service of the Government," so that, if amended, it will read:

Provided, That $10,000,000, or so much thereof as may be necessary, of the amount hereby authorized shall be used only to build or acquire, as herein provided, housing accommodations within the District of Columbia for such Government employees as can not be used as advantageously in other cities in the service of the Government.

Mr. SWANSON. Mr. President, I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, after the amendment just adopted, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Washington offers an amendment, which will be stated by the Secretary.

The SECRETARY. At the end of the bill, and after the amendment just adopted at that place, it is proposed to insert the following proviso:

Provided further, That the expenditure in the District of Columbia shall be made with a view to caring for the alley population of the District when the war is over, so far as it can be done without interfering with war-housing purposes.

Mr. SWANSON. Mr. President, I have no objection to that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I want to say just a word about the amendment, now that it has been agreed to, and I will take but a moment. I want the Senator in charge of the bill to understand that this amendment is offered in perfect good faith and with the hope that some provision of this kind will be retained in the bill, if at all possible, in conference, because I can see how we can use this money in the District of Columbia to take care of two very necessary and very important things.

Mr. SWANSON. Mr. President, I will say to the Senator that, as far as it does not interfere with taking care of the employees needed for war purposes, I think this will be a very wise provision, because you will have property that you can dispose of at the conclusion of the war, anyway, to take care of these people that are moved from the alleys. I think it will be very wise for that to be done. I will state to the Senator that I think it is a good amendment.

Mr. JONES of Washington. I am glad to hear the Senator say that, because I think probably the Senator knows the situation in these alleys as well as I do. I have gone through them, and they are simply a disgrace to the Capital of the country. The bill that we passed yesterday, suspending the operation of the law that we passed three or four years ago, will cease in its effect a year after the war ends, and then provision will have to be made for housing the people who will have to go out of these alleys. If we can do it with this expenditure, without interfering with the housing necessities, I think it will be a very wise thing to do; and I hope the conferees will give it very careful thought.

Mr. KING. Mr. President, I should like to ask the Senator having this bill in charge whether there is any provision in the bill, or whether he will consent to placing a provision in the bill, limiting the compensation to be paid to employees who may serve under this bill to the amount paid by the Government to other employees who are engaged in similar work?

The point I have in mind is this: There are a great many complaints that some of these new bureaus, agencies, and instrumentalities created by the Government are taking away from other departments—for instance, the Department of the Treasury and the Department of the Interior—employees who have been there for years, by offering them much larger salaries or compensation than that which they have been receiving. They are not taking them from the civil-service lists. There is no limitation upon the compensation paid, and in some instances they are taking competent employees by increasing their salaries very much.

Mr. SWANSON. Mr. President, I think a provision like that would be entirely a mistake. A great deal of this is emergency work, short-term work. Some of the people will only be needed for three months, two months, four months, or six months. We hope in a year to have the whole business completed. It is very hard to get an expert or a temporary clerk to come and work six months at the same salary that he would expect for a permanent job. Consequently as this is not intended to be a permanent department of the Government, and as a great many of the clerks will be used just temporarily, I think a provision like that would interfere with the quick and efficient administration of the law.

Mr. KING. It is obvious, Mr. President, that this bill will result in the creation of a bureau.

Mr. THOMAS. It has already created it.

Mr. KING. The Senator from Colorado states that there is a bureau already created; and when a bureau is created we will never have it uncreated. It will be fastened upon the Government, like the old man of the sea, forever. It seems to me that we ought to have a provision here that the compensation of the employees in this bureau shall not be in excess of that which is paid to employees rendering similar service in other departments. I shall prepare an amendment to that effect, if the Senator will not accept it, and tender it to the Senate.

Mr. THOMAS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment, which will be stated by the Secretary.

The SECRETARY. After the word "Columbia," in line 21, page 7, it is proposed to add the following:

Of which the sum of $75,000, or so much thereof as shall be necessary therefor, shall be used by the Superintendent of the United States Capitol Buildings and Grounds to convert the building known as the Maltby House into an apartment house for occupancy by Members of the Congress.

Mr. SWANSON. Mr. President, I hope that amendment will not be adopted.

Mr. THOMAS. Mr. President, if the chairman will not accept the amendment, I suppose it will not be adopted. I am offering it seriously. It may be a joke—it may be pronounced to be that when the vote is finally taken—but I wish to state briefly my reasons for offering it.

I need not refer to the unusual and increasing congestion of population in the city of Washington. We have already discussed that in connection with the bill, and I hope it is unnecessary to emphasize the importance of using every structure in the District that can be made habitable.

Mr. President, the Maltby Building has been vacant for a number of years. I think it has been vacant since the completion of the fourth floor of the House Office Building. It was previously occupied by Members of the House who could not find office accommodations in the House Office Building. It stands

in close proximity to the Capitol, and, although the activities of the Government have expanded perhaps a hundredfold since 1913, it seems to have been carefully avoided, and buildings not a whit more serviceable than the Maltby Building have been leased by the Government at high rates of rent.

Mr. President, that building should either be torn down and its material carted away, if it is not fit for occupancy, or else the Government should utilize it in some way. This bill as it came over from the House expressly provided that the authorities under the bill should take possession of, alter, repair, improve, and so forth, what is commonly known as the Maltby Building; so that the amendment which I offer is not materially different from the bill as this body first received it.

I know it is said that the Maltby Building is not habitable. I know it is contended that it is not safe; but these assertions have been too often reiterated, perhaps, since whenever the subject has been brought up and has been met with that statement, it seems to me, to be at least not well founded. We have had a good many severe storms in this city since that building was abandoned. They have not affected it. I recall one of the severest storms I ever experienced, in the summer of 1913, when the proceedings of the Senate were suspended because of its character, in which it appeared for a short time as though the foundations of Washington would be disturbed and the structures upon its site annihilated. A number of buildings were destroyed, but this old, despised structure stood the effects of the storm, and of other storms, quite as well as the Capitol itself and the office buildings.

I do not know, and I would not be justified in even intimating, that this building has been abandoned because of the pressure upon the departments by the owners of real estate here for tenancies; but when I consider that this building has been passed over so frequently, so much, and so long, I am convinced that there is some basis behind the nonuse of it other than its alleged unsound condition.

In my city some years ago a theater was destroyed by fire. The walls stood, as I now remember, two or three years, the owner making no effort to repair the structure. These walls were very unsightly, and finally they were condemned as unsafe, and the fire department was ordered to tear them down. An attempt was made to tear down the end of the building with the facilities at the disposal of the fire department, but in vain. Consequently it was necessary to dynamite it, and one-half of the rear wall was thus destroyed, whereupon the owner applied to the courts for, and obtained, an injunction to restrain the further demolition of his walls, and at the same time brought suit against the city for damages. The result was that a year after that the walls were removed by the slow process of taking down one stone after another and in that manner getting rid of the nuisance.

I think the Maltby Building is largely in that condition. It has been condemned, because otherwise it might be occupied by some agency of the Government and to that extent the rent roll of the Government would be decreased.

Mr. President, the House of Representatives thought this matter of sufficient importance to specifically include it in the provisions of this bill, and in so doing I think the House acted wisely and properly. It has been stricken from the bill on the ground that the cost of its reconstruction is something like $125,000. Well, Mr. President, $10,000,000, one-sixth of this entire appropriation, is to be devoted to the District in the construction of houses, in the acquirement of houses, and in securing ground, and so forth. When we consider that structures of similar dimensions under this bill are likely, from what has been said, to cost a great deal more than $125,000 plus the original cost of the structure, the argument does not appeal to me.

We should, therefore, either improve this building and make it habitable or we should tear it down, and I do not think any structure should be demolished at this time that can be made serviceable for habitation within the near future.

Practically the difference between the amendment which I offer and the House provision is that the former designs the improvement of this structure for occupancy by Members of Congress. It is a building which virtually belongs to Congress, by which I mean that it has been used for congressional purposes from a time whence the mind of man, I think, runneth not to the contrary, taken over by Congress for these purposes. I recall many times before I became a Member of the Senate, when visiting Washington and desiring to pay my respects to some of the Democratic Senators, particularly those from my own State, I would go over to the Maltby Building, where I would find them very comfortably housed. I recall, too, that during the first session after I became a Member of this body a great many Members of the House of Representatives were comfortably housed within the walls of this building.

Therefore, Mr. President, in view of the pressure for housing, for shelter, in this city, which bears alike upon Members of Congress who are not blessed with a great quantity of this world's goods, who are required to pay excess-profit taxes out of their salaries, and also required to meet the constantly advancing rates on living in the city of Washington, it is perfectly proper that a small portion of this money should be realized for the improvement of this building.

If Members of the Senate feel any delicacy in providing for apartments for that purpose, then let them reject that part of my amendment and let us see to it that this building is improved for the uses of the Government. To my mind, it is absurd—certainly from the business experience of any man who has any business experience it is more than absurd—that large sums of money should be expended for new structures when there are available structures needing a comparatively small amount of money to be put in a habitable condition.

Therefore, Mr. President, I have offered this amendment, and I hope that in the judgment of the Senate it will be considered appropriate, and that it will be adopted.

Mr. WARREN. Mr. President, I find myself in entire agreement with the Senator from Colorado [Mr. THOMAS] in his expression. The Maltby Building either ought to be modified or torn down. I was a Member of the Senate and I think of the Committee on Appropriations when that building was purchased. There was no thought then of unsafety. It was occupied by various committees of the Senate. I know I spent some years there with my committee very comfortably. The one fault was that those who might be engaged in their committee rooms during a session of the Senate were unable to reach here on a roll call; it is a little too far away.

About that time the House found itself without sufficient committee rooms and provided for building the House Office Building. The Senate, noticing the elegant structure that was going up for the House, concluded they would also have a new office building, and, of course, there was room enough in that new one for all the committees and for Senators who did not have committees to have rooms. They were taken from the Maltby Building.

Some time after that the idea of clearing the blocks between the railroad station and the Capitol Building became very popular. The matter was brought by the proper committee, I think the Committee on the Library, before the Senate to put a new avenue starting on a line from the center of the Peace Monument and going directly on a straight line toward the central entrance of the Union Railroad Station. A law was passed and a commission appointed and an appropriation was made and the property was taken over. The Maltby Building, however, belonged to the United States and with the other property along the line was all taken over.

We seemed to be proceeding all right. Then certain changes in the House and Senate took place. Some of the people who owned the property where it had been condemned and not settled for were feeling uneasy, because if a house was condemned they could not sell it and could not well rent it.

The question arose as to the compensation to be paid to the railroad company for the old Baltimore & Ohio depot. The President of the United States probably, in the pressing time following the outbreak of the war, forgot the small matter of adjusting those claims, and I understand there is still a lot of that property that has not been paid for and a great deal of other property that has been paid for that has not yet been taken down—is standing unoccupied and going to wreck. Other pieces are occupied and bringing little or no return. The Maltby Building waited, of course, until the occupants were provided for otherwise.

The colleague of the Senator from Colorado put an amendment into an agricultural appropriation bill which arrested the taking down of the Maltby Building and ordered it, as far as it could be ordered, to be used by the Agricultural Department or some other department. There was no talk about unsafety while we were using that building as a committee building, but when it was vacated and we wanted to use it for the storage of many tons of documents and papers we were reminded by the Superintendent of the Capitol that we would have to spend a few thousand dollars on the foundation and in the superstructure in the way of strengthening floor joists, and so forth, before it could be used for that purpose.

When they were talking about tearing it down for the avenue I have mentioned, among the arguments that were used was, first, that it was not an expensive property. In fact, it was bought cheaply by the United States. Second, that it might not

be safe for the uses we wanted. So they played upon the tune of unsafety, in my judgment, altogether too harshly and to too great an extent.

My own judgment is that, made, as it was, for an apartment house and divided into apartments for family use, it was entirely sufficient, and is now, with the ordinary repairs that would have to be made to any building 30, 40, or 50 years old, for any ordinary family or office use. The condition it is in now is one that we can not be very proud of. When the United States expends thousands and thousands and thousands of dollars to start some worthy, desired project and then, after proceeding to nearly a finish, to be hauled up by a turn of affairs and the project entirely abandoned, and property that has been obtained is neglected and can not be used, or is not used, it looks very much as if the Government was playing dog in the manger, neither using the property itself for any purpose nor allowing other people to use it. We seem to be like Jack and Jill—going up the hill and coming down again.

This not only refers to the Maltby House itself, but to that line of residences beyond it, some of the old wrecks that are out here disgracing the fields and the sky line and almost, I might say, the atmosphere. I refer to the property between the Capitol and Senate Office Building and the station.

It is time something was done about it, and I hope the able chairman of the Committee on Public Buildings and Grounds, who is a skillful manager, will take the matter up and bring it before the Senate in a manner that may address itself to the attention, and the immediate attention, of this body. I do not think the United States can afford to allow that kind of an example of its business methods to be held up before the public all the time. Here we are with one plan to take buildings down and put in the proposed new avenue. That might well be halted in war time, but even before war times we have loped along, going up the hill and down again, seemingly without aim or compass, neither occupying ourselves nor allowing others to occupy.

It makes me think of the time when my old friend, Senator Berry, of Arkansas, was opposed to the building of the Senate Office Building. He figured it out and demonstrated, and it is on record, he showed to the Senate that the United States could build a residence for every Senator costing but a trifle less than $40,000 each for what it could furnish him rooms in the Senate Office Building. That was not so bad. We built a great building, a useful building, and we are all proud of it, but I would clean up the wreck and ruin behind us. Here is the Maltby Building. It stands there as a monument of folly to-day, a monument of our folly in trying to do three or four things and never concluding upon any one.

Mr. SWANSON. Mr. President, in regard to this amendment, I hope it will not be adopted. I shall not discuss the general phase, but I wish to discuss it especially with reference to the Maltby Building. The bill provides for the occupation and use of all the building not occupied on these squares, except the Maltby Building. That was eliminated for this reason: It was contemplated that it should be used for the homes of employees of the Government. It was found that it would take $120,000 to make it habitable in a modern way and that it would house 137 people. Then there are a great many apartments that have been seized for the Army and the Navy for office purposes in Washington. The committee reached the conclusion that the Maltby Building, with a very little expenditure of money could be made available for office purposes. It was constructed for that purpose, and some of the numerous departments now in Washington could occupy the building with a very small expenditure of money, and to that extent could vacate apartments and other places that have been seized, and consequently that would be a wise thing to do. The Bureau of Education was anxious to get it, as were other departments. We have no authority to fix habitations for the various departments. So we left it open, not giving the authority to the board to make residences out of it for the purposes of the departments we have created, and the board can assign this building to one of the departments.

I am satisfied that to make residences out of it would be an unwise and useless expenditure of money. What Congress ought to do is to take some of the apartments now occupied by the Government which were used for residence purposes and put them in that building and occupy it during the war as offices. For that reason that was eliminated. Any other buildings in Washington that are not occupied under the provisions of the bill become available for the purposes of the bill.

Mr. THOMAS. Mr. President, I am not familiar with the testimony or statement made before the committee regarding this building, but I do know that every time the question of utilizing the Maltby Building has become the subject of discussion it has been met by arguments similar to those just advanced by the Senator having charge of the bill, with the result that the building stands unoccupied, and it will continue unoccupied until Congress takes the bit in its teeth and provides for its improvement so that it can be utilized either for dwelling purposes or for office purposes or for its demolition.

I am not an expert, I do not pretend to be, upon housing; but I am unable to understand why a building of the dimensions of the Maltby House will accommodate only 137 people. I know of apartment houses in this city smaller than the Maltby Building which now accommodate many more than 137 people. If the Senator meant that it will only make provision for 137 apartments, that I could understand, but to say that the building would only accommodate for residence purposes 137 individuals is to make a statement that I do not believe is warranted by the common experience of anyone of us.

Mr. President, the Senator from Wyoming [Mr. WARREN], far more familiar with the history of affairs in Washington than myself, one of the oldest Members of this body, has very graphically recited the incidents connected with that building from the time of its acquisition by the Government up to the present time. I understand the purposes of this bill to be what its recitals imply. I understand that when the bill was prepared and introduced in the House and passed by the House, among other things, it contemplated the improvement of this identical building in terms. To say, therefore, that the improvement of the Maltby Building for residence purposes is beyond the scope of the bill is to occupy a position which the recitals of the bill do not even remotely support. It would be a strange thing, indeed, if a bill passed at the other end of the Capitol making specific provisions for this identical thing should not have contemplated that among its other purposes. The committee of the House and the House itself understood that housing, the securing as expeditiously as possible of structures already constructed, of structures partly completed, and of structures to be erected were all embraced in the purview of the bill.

We are told that Government employees are increasing in number with every day and with every hour. The city is swarming with them now. In many of the departments and bureaus they are too numerous to permit the transaction of business; they get into each other's way. But still they are coming.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. THOMAS. I yield.

Mr. JONES of Washington. I saw a statement, apparently authoritative, to the effect that there are going to be 25,000 to 30,000 more Government employees brought into this city before the summer is over; that they expect them at the rate of 5,000 or 6,000 a month. With the condition the Senator describes, what they are going to do with them I do not know.

Mr. THOMAS. God knows what they are going to do with them, so far as utilizing them for the Government service is concerned.

Mr. SWANSON. Maj. Potter, who has been investigating the housing conditions in Washington, stated in response to a question by the Senator from Kansas [Mr. CURTIS]:

> We went over the Maltby Building, and we have had estimates that it would cost to put it in safe condition for housing about $120,000.
> The CHAIRMAN. How many people would the Maltby Building house?
> Maj. POTTER. About 120 people.

Mr. THOMAS. I am not questioning the testimony, Mr. President. With all due respect to Maj. Potter, I assume the responsibility of saying that that building can be made habitable for three times that number, and I do not think there can be any question about it. It is a 6-story building, as I remember. It must be 150 feet by 150 feet in dimensions. If we are going to convert it into apartments for a class of people who can pay a thousand dollars a month for an apartment probably that is true, but if we are going to make it livable for the purpose of meeting the present and the coming congestion, it could be made habitable for a great many more than that number.

Mr. SWANSON. If the Senator will permit me, that was the estimate made for Government employees, there being so much space required. By others the number was placed at 137, I think. It was figured on the amount of space needed to house 137 people, and Maj. Potter made the number 120.

Mr. THOMAS. It is a remarkable fact, Mr. President, that every time an attempt is made to improve or utilize this building some objections are made, either that it is not large enough for the purpose, that the structure is unsafe, or something of that

kind, which leads to the accomplishment of nothing. I am afraid that is going to be the situation here unless the House insists upon its provision.

The Senator from Washington has called the attention of the Senate to the fact that before the summer ends the civil service of the Government will be increased by some 25,000 additional people. A great many of these employees will have families to support, and the actual increase therefore, it is safe to say, will be three times that number, or 75,000. Yet, under the bill, notwithstanding this immediate and appalling pressure upon habitations a structure that can be put in order for $125,000 is going to be neglected.

Mr. President, if this building would accommodate 137 people as inhabitants, it will accommodate 137 offices. If it can be improved for offices, the Government may well yield its possession of one of the big apartment houses that it is now in possession of on Fifteenth Street and enable some of those people to secure shelter there. Why should not that be done? One hundred and twenty thousand dollars, generally speaking, is not of much consequence in this body; it is a bagatelle. I have tried once or twice to save that amount of money in vain, the reasons being that it is such a little, insignificant sum that it will cost more in the waste of time to attempt to save it than to let it go in. Now, in a $60,000,000 bill the appalling sum of $120,000 for the improvement of a large and important structure is so great as to make it impossible to give it favorable consideration.

I predict, Mr. President, that many buildings to be erected under this appropriation very much smaller than the Maltby Building and accommodating many people below the number to be assigned to it will cost a good deal more than $120,000, a good deal more than $150,000, nay, $200,000, because I can see opportunities in this bill for a riot of expenditures approaching in some degree those with which we have already been confronted from the appropriations made for other purposes. I want to get action upon this bill, Mr. President, to complete unfinished structures, to repair old structures as well as to build new ones, and nothing addresses itself to my sense of the proprieties at this time so strongly as the immediate and necessary improvement of this building. I therefore insist upon my amendment.

Mr. SHAFROTH. Mr. President, I thoroughly concur with my colleague [Mr. THOMAS] in the fact that the Maltby Building ought to be improved, ought to be repaired, and ought to be utilized by the Government. It is a structure that has not a crack in its walls. It is absurd, it seems to me, for any contention to be made that it is unsafe. By reason of that condition I do not see why a structure that costs perhaps $150,000 or $200,000 should not be utilized by the Government.

The idea of tearing down the Maltby Building arose, as the Senator from Wyoming [Mr. WARREN] said, from the desire to construct a straight road from the Columbus Monument, in front of the depot, to the Peace Monument, in front of the Capitol, and inasmuch as it ran through a part of the building it was thought to be necessary that the entire building should be obliterated and removed.

Mr. President, some of the architects believe that the only way to lay out a city or to lay out a street is in straight lines, and others believe that the only way is by winding roads. It does seem to me that when we have a fine structure that has been occupied by Senators as an office building, in order simply to cater to the artistic taste of a straight road that we should destroy that building strikes me as somewhat monstrous.

Mr. President, those houses that are below the Maltby Building on New Jersey Avenue are infinitely better looking than those that would face upon that beautiful park with those buildings removed. If any person will go down there and look at the alley or small streets that would face upon the park when the Maltby Building and the other buildings below the Maltby Building are removed, he would find that it would be almost a disgrace to the park to have such buildings face upon it. It was for that reason, to a large extent, that I objected to tearing down the Maltby Building.

Mr. President, the only other solution of this question, if you tear down these buildings, will be that you must, in order to have a respectable appearance, buy clear to First Street, and that means, of course, that some more people in the District of Columbia will get more money for the houses which they already have, and they must be torn down. The grounds of the Capitol are amply large, and it seems to me that it would not be wise to do it.

I do not know what amount of money may be required, but there are some parts of that building that are in most excellent shape. The walls are good; the floors are fair. It perhaps needs a new elevator; but outside of that and perhaps shoring up the interior, not the outside of the building, it could be made to accommodate either occupants or a heavier weight for which it is thought it might be used in storing documents.

At any rate, Mr. President, as my colleague has said, every time this subject is approached nothing is done. The building remains vacant. Nobody wants to take any steps toward improving it, although it is quite likely that if it is removed another structure will taken its place in order to have the buildings facing upon this beautiful park conform somewhat with the grandeur of the entire enterprise.

Mr. President, I am in favor of the amendment. I feel that something ought to be done. That it ought to be confined to Members of Congress I doubt very much. I doubt very much whether it would be well to provide it for Members of Congress; but it does seem to me that we ought to provide for the improvement necessary for equipping this building for the purposes indicated in the bill.

Mr. SWANSON. Mr. President, it is an absolute mistake to convert that building into a housing proposition. It will cost $120,000 to house 120 people. That building could be taken and one of the departments might be placed in it. It was constructed for an office building. It would cost very little money to put it in proper condition for that purpose. If Senators want to do something with that building, some of the departments that are paying rent might be provided for there instead of driving people out of their homes for the purpose.

The House committee does not want that building for housing purposes. Everybody who has investigated it says that the expenditures for necessary alterations would exceed its value. We have apartments here which have been seized by the Army and the Navy Departments to be used as offices. Let the committee which has charge of this business take charge of the building for office purposes. Buildings for the execution of the alien-enemy act and other acts are being erected here. Everybody who has examined that building for housing purposes with a view of making a hotel or a home out of it has reached the conclusion that the expenditure would be too great for the number of people who could be taken care of and that it ought to be used for office purposes. This committee did not have charge of assigning offices to people.

Mr. SHAFROTH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. SWANSON. I yield to the Senator.

Mr. SHAFROTH. I will state to the Senator from Virginia that this building was originally a hotel, and that the rooms there are rooms which are really fitted for living purposes in the way of bedrooms. It seems to me it would cost more to convert that building into a public building for offices than to keep it in its present condition.

Mr. SWANSON. It was changed into an office building and used for office purposes by Senators in its present condition. It was changed from a hotel to an office building, and with a small expenditure of money we could get one of the departments in need of outside offices to go there and thus dispose of it.

Mr. SHAFROTH. But the difficulty is that they will not go there.

Mr. SWANSON. Well, put them there, and do not give them money to pay rent elsewhere.

Mr. SHAFROTH. We have never been able to get them there. The officials all want tile flooring and nickel-plated plumbing; they want all of the modern improvements; and they say, "We prefer to stay where we are, or we would rather get into a new building than to go down there."

Mr. SWANSON. I do not know whether the Senator is aware of the fact that all the other buildings on that street which could be used during this war for housing purposes, and other buildings in Washington that are not occupied can be used for that purpose. The Bureau of Education, which employs about 100 people, is anxious to get that building. I did not feel that my committee had jurisdiction to assign that building, which belongs to the Senate, for office purposes. We never have had jurisdiction to assign office buildings to anybody. That is a province which does not belong to us. Consequently, instead of having a fight between the Bureau of Education and some other bureau as to where they shall be located, we thought it was proper, as we did not have jurisdiction of the matter, to have it eliminated.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. SWANSON. I do.

Mr. THOMAS. How can the Senator from Virginia say that his committee has not jurisdiction of that subject, when the bill which came from the other House expressly includes it?

Mr. SWANSON. It has jurisdiction for housing purposes.

Mr. THOMAS. My amendment is in order, then.

Mr. SWANSON. When it came to a conclusion the committee thought that this building ought to be used for office purposes and not for housing purposes; that it was much better and cheaper to use it for office purposes. The Bureau of Education wanted to have a hearing before my committee and have the committee assign it to them as their habitation. Other departments might want it, but as my committee did not have jurisdiction of the question of the assignment of buildings to bureaus for their habitation, and as others wanted it, we thought the best thing to do was to eliminate this matter and to leave it open, so that the Appropriations Committee or the committees having jurisdiction of the subject might look into it.

I think the Senator from Georgia [Mr. SMITH] was anxious to be heard if it was proposed to appropriate it for any other purpose except office purposes, so that the Bureau of Education might get it. That is the reason for the elimination.

Mr. JONES of Washington. Mr. President, I think there is considerable force in what the chairman of the committee has said, but I am going to vote for this amendment to emphasize my idea that something ought to be done with the Maltby Building. While the Senator from Virginia suggests that his committee might not exactly have jurisdiction to dispose of that building for housing purposes, Congress certainly has jurisdiction. If the Senate sees fit to adopt this amendment, it will relieve the committee, of course, from any responsibility with reference to the matter. But that building ought to be used for some purpose. I think it could very well be used for offices and for office purposes. It is not unsuitable for rooming purposes. The rooms are really small, and I understand, as the Senator from Colorado has stated, it was originally a hotel. The rooms have not been changed very much from that time, and it could be made suitable for housing purposes without very great expense.

Mr. President, I am going to take this opportunity to say just a word or two with reference to a condition that seems to me to be getting really worse; and in a way to issue a warning to the profiteers of the District of Columbia, and possibly say a word in the hope that the spirit of profiteering, which seems to be growing up and developing here, may halt.

The Senator from Colorado [Mr. THOMAS] has referred to this matter several times heretofore; I remember he referred to it a short time ago, and I thought that his statements probably were a little too sweeping with reference to the District of Columbia. My experience had been and the information that I had received was that many of the apartment houses and many of the hotels were not increasing their prices, and I thought that the spirit of profiteering to which the Senator referred probably existed more in connection with houses that heretofore possibly had not been used for rooming purposes, but the owners of which were now taking advantage of the situation and were placing high prices upon rooms they might rent, or that persons who had rented apartments took the opportunity to sublet them at a very high rate, and were taking advantage of that opportunity.

I know as to some of the hotels in this city, where I have engaged rooms for people from my State upon telegraphic requests from them, I found that they were not making any higher charges for rooms than they made before the war began. I know of some apartment houses where the prices have continued the same as they were heretofore—at least, no substantial increase has been made. So I thought the spirit of profiteering had not taken possession of many of the hotels and of many of the regular apartment houses of the city, but it looks as if this spirit is, at any rate, getting into these places now. I understood the other day that in some of the larger apartment houses or in some of the hotels in this city that apartments which had rented for $50 a month some time ago were increased to $75, and notice has been given that in a certain time the rates will be $100 a month. I have received a petition to-day, sent to me by a very prominent Government official, that I am going to read to the Senate, and read the letter that accompanies it, without giving the name of the apartment house at this time. The letter states:

With this I am sending you a petition signed by a majority of the tenants of the ——— Apartment.

This petition calls attention to the very serious condition which confronts the people who have occupied this apartment house for a number of years. While I do not reside in this apartment, my secretary and a number of other Government employees personally known to me occupy apartments in the ——— and are gravely concerned in the outlook.

The tenants have ascertained from the owner that he is contemplating the transfer of the building to a private concern for the purposes other than that of an apartment house. The only satisfaction he gives the tenants is that he will notify them two months in advance of the proposed change.

This refers to one of the largest apartment houses in the city, which has been used as an apartment house for many years. The letter continues:

Now, Senator, it is well known that there are no vacant desirable apartments in Washington. The ——— contains 49 families, practically every one of which has one or more Government workers, and nearly every flat has rented one or more rooms to new Government workers who have recently come to the city. In a number of instances the heads of families are now in the Army, and the dependent relatives are in no position to move even if desirable rooms could be found elsewhere. Inasmuch as the majority of the tenants of the ——— are in Government employ, it would seem to me that the matter justly comes under the jurisdiction of the Committee on the District of Columbia, which is at this time considering the problem of housing the thousands of new employees of the Government. It strikes me that it is just as important that the committee should look after the welfare of those who have worked faithfully for the Government for many years as for the newcomers.

There can be no question that the transfer of the apartment house is a case of profiteering, and personally I think steps should be taken by your committee to prevent moves of this kind anywhere in the city.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES of Washington. I yield to the Senator.

Mr. THOMAS. Mr. President, the letter which the Senator from Washington has just read is a most interesting one, and is in harmony with information of a similar character which I have received with reference to some of the apartment houses. My information is that the charge of profiteering is to be evaded by placing the increase upon the furniture in the apartment rather than upon the apartment itself; and in some instances I am told that apartment houses—and I will name the Brighton as one of them—are to be converted into rooming houses, the tenants having been notified that their leases will not be renewed. The house is to be furnished by the present owner and rooms, instead of apartments, are to be let, the increase being placed upon the furniture; so that, instead of charging an increase of rent for the apartment itself, the added profit is figured as rent upon the furniture, but the absolute increase to the tenant who must pay the rent is very large indeed.

I do not know—and I have made some efforts to inquire, and so have members of my family—of a single apartment in Washington that can be secured unfurnished, the idea being that by the furnishing of the apartment by the owner and the placing of a housekeeper or some similar person in charge, an enormous increase in return can be obtained by renting rooms and sometimes apartments furnished—a method of evading the general proposition that will hardly be acceptable to the poor devils who have to pay the rent.

Mr. JONES of Washington. I have an idea that that is the plan that is proposed in connection with the apartment referred to in the letter and petition I am bringing to the attention of the Senate.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES of Washington. I yield to the Senator.

Mr. NELSON. I wish to say that I have received a great many letters complaining of profiteering here. One scheme seems to be to go to the tenants and tell them, "You must vacate in two months; I am going to sell the building," thus creating a scare among the tenants in order to induce them to offer larger rents. In that way it is sought to make enormous profits out of them. I had a letter some days ago from a man in Michigan, whose son-in-law and daughter, who are employed in Washington, have been living in an apartment for a long time. They received notice the other day that the owner intended to sell the building, and that they must vacate within two months, with an intimation that possibly he might not sell if he was paid more rent.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES of Washington. I yield.

Mr. FLETCHER. If I may interrupt the Senator for a brief statement, we hear of instances of excessive charges and of people taking advantage of prevailing conditions. It seems to me we are likely to attribute that to a general situation and be unjust, perhaps, to a great many owners of apartment houses as well as other property in the city of Washington. I believe the Senator will admit that this criticism does not apply to all the owners of apartment houses and all those who have residence property to rent.

Mr. JONES of Washington. I take it the Senator was not present when I began.

Mr. FLETCHER. I was not in the Chamber at that time, but I heard the Senator's subsequent remarks. Mr. President, I desire to say this——

Mr. THOMAS. May I interrupt the Senator for a moment?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES of Washington. I yield.

Mr. THOMAS. I merely wish to say to the Senator from Florida that the statement I made is by no means general; it only applies to some of the District landlords.

Mr. FLETCHER. I am a little apprehensive that we are likely to do an injustice to a large number of public-spirited and good people in Washington, because I know personally of a number of instances where rents have not been increased to tenants of apartment houses. I know personally of some cases where they have been increased something like 10 per cent, or perhaps a little more than that, but such increases grew out of the fact that coal was, as we know, not only difficult to obtain but very high in price, and the cost of delivering and handling it, as well as the cost of elevator service, and that sort of thing, which some of the apartments furnish, more than exceeded the additional rent charge that they were making. So I think that we ought to remember that these instances of profiteering being published and discussed give the impression that that is a sort of general situation, whereas I do not believe it obtains throughout the city, although it does in exceptional cases.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES of Washington. I yield to the Senator.

Mr. McCUMBER. Will the Senator allow me to suggest to the Senator from Florida that he ought to give the names of those constituting the exceptions? I for one, if they have not attempted to hold up the American people, would be willing to grant them a gold medal from Congress.

Mr. FLETCHER. I can say positively that I know of such instances. I know of at least three apartment houses where there has been no increase in rent at all.

Mr. McCUMBER. I have known, if the Senator will allow me, of people who have spent weeks going around and trying to find some place where they could live without giving up all of their salary for rent, without being able to find the exceptional places.

Mr. FLETCHER. That may be; of course, those who have not increased the rent for their properties have their apartments all rented and occupied.

Mr. McCUMBER. There are mighty few of them.

Mr. JONES of Washington. Mr. President, I want to say to the Senator from Florida that I made substantially the statement he has made when I began my remarks. I said that I had heard of the charge with reference to profiteering in the District of Columbia, and I had thought that the charge was not properly applicable to the regular apartment houses throughout the District and to many of the hotels; but from matters that have come to my knowledge in the last two weeks I am becoming afraid that the spirit of profiteering is beginning to creep into these places. I know that the place where I live, Mr. President, has made no increase in rent to amount to anything; and that property has been filled all the time. The people to whom the Senator from North Dakota referred could not have gotten in there, because there were no vacant rooms. The owners have not taken advantage of their tenants at all; they have treated them with perfect fairness.

Mr. McCUMBER. If the Senator will allow me, I wish to say——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES of Washington. I yield.

Mr. McCUMBER. I wish to say that the people to whom I refer are people who could find rooms, but they could not find any that they could afford to take, because the prices charged were so exorbitant. It was not because the rooms were filled, but because the prices were outrageous.

Mr. JONES of Washington. I do not dispute that there are cases of that kind; but, like the Senator from Florida, I think there are a great many where advantage has not been taken of the situation, and I think the time is soon coming when those who have not taken advantage of the situation should be known and those who are taking advantage of it should also be known. I would give the name of the apartment house referred to in the letter I have read were it not for the fact that the petition is signed by tenants of the apartment, and I do not care to give the name at this time simply because of that fact. The petition states:

We, the undersigned tenants of the ——— Apartment House, having been informed that the owner is negotiating a transfer of the building to private parties, who will utilize it for purposes other than a dwelling, and that we are likely in the near future to be notified we must find quarters elsewhere in the city, would call your attention to the fact that—

The majority of the tenants in the ——— are Government employees; a number of the heads of families are now in the Army, and a large number of rooms have been rented to new Government workers who have recently come to the city. The proposed change will be a real calamity to most of these people. There are 49 apartments in this building and there are probably 250 or more people residing there at the present time.

It is well known to your committee that there are no desirable vacant apartments to be obtained anywhere in Washington, and the same thing is true in regard to houses at reasonable rentals. The problem of housing the large number of new employees now in the city and expected in the near future is acute. If the owner of the ——— is permitted to carry out his plan this problem becomes more serious.

The tenants of the ——— look to your committee to provide some relief in their present difficulties. There can be no question that the owner of the ——— in making this change is actuated by purely selfish desire for profit.

Mr. President, what I really want to say is this: In my judgment Congress has reached a frame of mind where it proposes to take care of situations like that, and I believe that legislation will be passed before this session of Congress adjourns that will meet such situations just as fully as it is possible to meet them. The man who tries to take advantage of the situation before legislation is passed will find that that legislation is framed in such a way that it will catch him. The subcommittee of the Committee on the District of Columbia is working on this matter, and I feel sure that that subcommittee, headed by the senior Senator from Ohio [Mr. POMERENE], who takes a very great interest in matters of this kind and whose ability and industry are a fair warrant that a just and equitable bill will be prepared and submitted to the full committee, will frame a bill to take care of the situation, so that the people who own apartment houses now will not be able to take advantage of the spirit of gain and the present opportunity to make large rates just because the legislation has not heretofore passed, but that whatever legislation is passed will relate back to a certain definite period that will catch most of the people who are trying to take advantage of those who are compelled to come here and are compelled to have quarters.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES of Washington. I yield to the Senator.

Mr. NELSON. I desire to say that there is not the least excuse for raising rents in the District of Columbia. Taxes on real estate in the District are lower than in almost any other city in the country, and they have not been changed for years. I know from my own experience—and I have been paying taxes on the house in which I live for almost 20 years—that they are the same to-day as they were 20 years ago. The only excuse for an increase in rentals in apartment houses or on the part of people who have dwellings to rent is simply the increased price of the coal which was used last winter.

I hope the Senator from Washington, and I hope the other members of the committee to which he refers, will find some way to check these practices. I am getting tired, if the Senator will allow me——

Mr. JONES of Washington. I yield to the Senator.

Mr. NELSON. I am getting tired of the way we are worked here in this city. If there are a lot of old worthless buildings, which the owners do not consider good property, they are loaded on to the Government. I expect now they will want to unload on the Government the buildings back of the Maltby House, in order that a better view of the Peace Monument may be obtained when one stands at the portals of the Union Station. I suppose they will want us to demolish some more buildings down the street, so that they may sell them to the Government and thus have them taken off their hands.

It is inscrutable to me that the Treasury Department had the hardihood to buy the Arlington property—that hole in the ground—when the Government owns three blocks of good land nearer the Treasury Department than is the Arlington hole. Yet the Government paid a million dollars for that site. They go among the people here and canvass them for liberty bonds. Mr. President, there ought to be a canvass started for greater economy in the public service.

This city is swarming with people. Go through some of the departments, and you can hardly make your way because of the number of young men and young women who are congested in the various buildings. Some of them are apparently busy, but a large percentage of them seem to spend their time gossiping, while others read newspapers. The Lord only knows what all this force that has been brought here to work for the Government is doing. I suggest, as was proposed in a newspaper the

other day, that some of the Government bureaus ought to be removed to other cities. One could be taken to Chicago, another to Baltimore, another to the fair city of Alexandria, which is located in the State where my good friend the chairman of the committee lives, a number of them could be taken to adjoining towns, where the employees could get rents at living rates and where they would not be bled, as they are constantly being bled, by real-estate men and profiteers in this city.

Mr. JONES of Washington. Mr. President, I think I can assure the Senator from Minnesota that the Committee on the District of Columbia will take care of the situation; that we will try to meet it and try to prevent the outrages of which he complains; and I think in doing so I can assure the owners of the property who have been acting justly and properly, and who have not been taking advantage of the situation, that they will be treated fairly, and I can also assure the people who have been taking advantage of the situation that they will be treated fairly and justly, too.

Mr. THOMAS. Mr. President, before the Senator takes his seat——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES of Washington. I yield to the Senator.

Mr. THOMAS. I am very much interested in the assurance just given by the Senator from Washington, and I know he means what he says. I should like to ask in that connection when we may expect a report from that committee to the Senate?

Mr. JONES of Washington. I will say to the Senator that the Senator from Ohio [Mr. POMERENE] told me to-day that the subcommittee hoped to be able to report by the close of the day to the full committee, and I am ready to meet to-morrow morning or at any other time in order to get early action upon that bill. Of course, I can not assure the Senator just when it will be done; but I think he can be assured that the committee is going to act just as promptly as the importance of the legislation warrants.

Mr. THOMAS. The Senator will not take offense, then, I am sure, if I remind him of the dying words of Mr. Choate, "For God's sake hurry up."

Mr. JONES of Washington. I am in hearty sympathy with that suggestion, and that is one reason why I spoke to the Senator from Ohio to-day. I was glad to have his assurance that he thought the subcommittee would be able to report to-day. Then I am hoping that the chairman of the Committee on the District of Columbia will call us together——

Mr. KING rose.

Mr. JONES of Washington. And that the Senator from Utah [Mr. KING] will cooperate with me and the other members of the committee in getting early action.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES of Washington. Yes; I am through.

Mr. KING. I merely wish to call the Senator's attention to the fact that a great many of the employees of the Government are addressing themselves to Members of the Senate. I know a number of them have waited upon me, calling attention to the exorbitant demands that have been made upon them for rentals within the District. A number have come to see me who state that they will be compelled to leave their employment and return home because of the extortionate rates they are charged for housing by landlords in the city. A number of persons have also been to see me who have had contracts for apartments, the contracts terminating in July, August, September, and October of this year, but in not a single instance have they been able to get any assurance from the landlords of a renewal of the lease upon any terms whatever; indeed, the indication is that the landlords will wait until the last moment and then charge, as those who have come to me state, prices that would be prohibitive. I think unless legislation is speedily enacted that when autumn comes we will find the situation here intolerable.

Mr. JONES of Washington. That reminds me of one incident to which I wished to call attention, but which I overlooked. It was called to my attention a short time ago that some 10 or 15 young ladies who had come here to accept Government employment had rented a house, taken it collectively, at a certain rate. They had every reason to think that the amount agreed upon would be the permanent rent; they paid no yearly rental or anything of that kind, but they paid monthly rentals. A short time ago the landlord or the landlady came to them and stated that after 30 days or such a matter they would have to pay a certain amount, naming a very large sum, which these ladies did not see how they would be able to meet. Situations like that are coming up nearly every day.

Mr. McCUMBER. Mr. President, I wish to ask the Senator a question before he takes his seat, and that is whether this bill is intended to cover only rooming houses, apartment houses, or whether he will make it broad enough to cover even the hotels?

Let me say that there are a great many transients who have to come to the city of Washington, and it is rather a shame that they should have to pay 80 cents for a lemon if they go to one of these hotels. What I say is that absolute robbery has been practiced by our hotels, even worse than has been practiced by the rooming houses, and it does seem to me that we ought to protect the public.

Mr. JONES of Washington. Mr. President, I will say to the Senator that I am not a member of the subcommittee that are framing this bill, so I do not know exactly the scope of the measure that they contemplate reporting to the full committee. I feel sure that they are going to try to cover the situation broadly.

Mr. McCUMBER. I sincerely hope they will.

Mr. JONES of Washington. I do not know anything about these hotels that are charging 80 cents for a lemon, but I do know that there are good hotels in the city that have not raised their rates since the war began. They are good, nice hotels, too. As I said a while ago, I have engaged accommodations there for citizens of my State upon telegraphic request, and I find that they get rooms, and rooms and bath, at the same rate that they did before the war began. I have no hesitation in stating what those places are.

Mr. OWEN and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator yield?

Mr. McCUMBER. I took the floor, and I simply asked the Senator from Washington a question, and I desire to hold the floor for just a minute longer.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Virginia?

Mr. McCUMBER. I will yield first to the Senator from Oklahoma, who, I think, was on his feet first.

Mr. OWEN. I did not intend to interrupt the Senator.

Mr. McCUMBER. I simply want to say one thing. We had before us yesterday the discussion of the Arlington Hotel site, and I made the suggestion that, as I understood, this property had been sold a short time ago for about $400,000. The senior Senator from Virginia [Mr. MARTIN] was very earnest in his denunciation of a statement of that kind, stating that the question refuted itself, because within his own knowledge this property, this hole in the ground, was worth somewhere about a million dollars, and that it could not have been offered for even $400,000 within the last twenty-odd years.

I took occasion this morning to call up by telephone a gentleman who has been more or less connected with the transactions concerning the changes in the ownership of this hotel property, and who is now bringing an action against the company which purposed to construct a hotel there some time ago; and he informs me that, as he understands the situation, it was sold to the Arlington Hotel Co. for about $350,000, and that was but a few years ago. This was for the land, before the hole was made in it.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. McCUMBER. I yield to the Senator.

Mr. BRANDEGEE. I can not speak by the card; but I have a strong impression, knowing some of the gentlemen who were connected with the enterprise originally, that they paid a million and a quarter dollars for the old Arlington Hotel and the site; that within a year, or about that time, it was foreclosed and taken at $800,000; but that it stood the original syndicate a million and a quarter dollars.

Mr. McCUMBER. Let me correct the Senator as to the proceeding. It was first purchased by this company that was organized to build a new hotel. They tore down the old hotel building upon that site, as I am informed, and then proceeded to dig this hole in the lot. They squandered money in a way that would have made them the envy of the ordinary administrative board during this war period. In a short time the money that had been raised by the stockholders was squandered, and they had mortgaged the premises, or given a trust deed on the premises, for $800,000. That had nothing to do with the original purchase price. They put this trust deed on it for $800,000. Then a number of gentlemen from Richmond, Va., bought it in under foreclosure and accrued interest for $847,000. That included the lot and the hole. Then they proceeded to construct

a hotel, or something of that character, and then turned it off onto the Government.

I do not know what the building is going to be worth, and therefore I have no information as to whether the Government has made a good bargain or a bad bargain. I simply wanted to state the information I had as to the original selling price to this company.

Mr. BRANDEGEE. Mr. President, I do not follow the Senator in this respect: He says that, as he understands it, the property has recently been sold for $400,000. Now, somebody loaned $800,000 on it and took a trust deed, and it was foreclosed. That shows that those people thought it was worth $800,000.

Mr. McCUMBER. Not at all, Mr. President.

Mr. BRANDEGEE. Why not?

Mr. McCUMBER. If I happened to own a lot that was worth $100,000, and I got in debt for $200,000, and I had no other security to give for the $200,000 than the lot which was worth $100,000, that would be no evidence whatever that the lot was worth $200,000; and that seems to have been the case here.

Mr. BRANDEGEE. I assume that the $800,000 was loaned on the property. If it was not, if they simply took the $800,000 mortgage on something that was not worth more than $400,000, I can follow the Senator on that; but where are his figures to show that the place was only worth $400,000 as a piece of property, irrespective of what the different syndicates have lost in trying to put up a new building there?

Mr. McCUMBER. Nothing more than the information which I received this morning that it was originally sold for about $350,000 to those who intended to construct a hotel.

Mr. BRANDEGEE. What does the Senator mean by "originally"—the old Arlington Hotel property that was owned by Mr. Eustis?

Mr. McCUMBER. After the building was taken off of it, and so on.

Mr. BRANDEGEE. But Mr. Eustis got a million and a quarter dollars for that property with the hotel on it. Whether the purchasers paid too much for it or not I do not know.

Mr. McCUMBER. I am simply giving the information that I had in relation to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Colorado. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. SWANSON. I ask for the yeas and nays on this amendment.

Mr. GALLINGER. Mr. President, may the amendment be stated once more?

The PRESIDING OFFICER. The Secretary will please state the amendment.

The SECRETARY. After the word "Columbia," on line 21, page 7, it is proposed to add:

> Of which the sum of $75,000, or so much thereof as shall be necessary therefor, shall be used by the Superintendent of the United States Capitol Building and Grounds to convert the building known as the Maltby House into an apartment house for occupancy by Members of the Congress.

Mr. GALLINGER obtained the floor.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I do.

Mr. THOMAS. I ask unanimous consent to strike out the last words, "for occupancy by Members of the Congress."

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. THOMAS. Then I will eliminate that clause.

Mr. SWANSON. I have no objection to the amendment if that clause is eliminated.

Mr. GALLINGER. Mr. President, I simply want to say about this particular building that I had committee rooms in that building at one time and enjoyed them very much, indeed, before I had an opportunity to get into the Capitol; but, to my surprise, afterwards the very official named in this amendment condemned the building. He made a report that it was not suitable for occupancy, that it was in a very dangerous condition, and the result was that everybody got out of it who could get out of it.

Mr. THOMAS. And the building still stands.

Mr. GALLINGER. Now, I did not quite agree that it was unsafe; and I recall another illustration where a building was sacrificed in the same way. The Government is now constructing a building on the lot south of the Belasco Theater. A substantial brick building, used for office purposes, stood there, which I think, if it had been allowed to remain, might have remained there for a million years, unless it had been destroyed by fire or earthquake or something of that kind; but a Senator visiting that building at one time discovered a crack in the wall. He reported it to some official of the Government and that building was declared to be unsafe and pulled down, and that property has remained idle now, I guess, for fifteen or more years. In my judgment that building ought never to have been removed; but it was removed, and we lost the occupancy of it, and now the Government is going to spend a large amount of money in putting a new building on that site, which I think the Government ought to do.

So, in reference to the Maltby Building, I think that before $75,000 is spent on that building for any purpose the Superintendent of the Capitol Building and Grounds, who made the report declaring it unsafe, ought either to verify his findings or else to admit that he was mistaken; one or the other.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield to the Senator.

Mr. THOMAS. The Senator from Utah [Mr. SMOOT] has just informed me that he occupied that building for office purposes for six years after it was condemned.

Mr. GALLINGER. After it was condemned? Very well.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Yes.

Mr. SHAFROTH. I will state to the Senator that the Superintendent of the Capitol Building and Grounds has made an estimate two or three times as to how the building could be made absolutely safe and at what cost, and it depends very largely upon the use to which the building is to be put. If it is improved for one purpose, the cost was estimated at, I think, only $32,000, and if for another purpose a larger amount was named. As I understand, the condemnation was not made by any official of the United States Government. It was made by somebody connected with the fire department of the District of Columbia. About that time there was an agitation going on for the construction of a new Senate Office Building, and it was thought by some that perhaps there was some influence exerted to have an additional reason to get a new building, and it was then thought to be doubtful whether the Maltby Building was a safe building.

Mr. GALLINGER. Mr. President, having had something to do with the construction of the new Senate Office Building, I will say that it is news to me that anybody interested in the construction of the new Office Building had anything to do with getting the Maltby Building condemned. The fact is that it was condemned, and my recollection is that the Superintendent of the Capitol Building and Grounds was the official who made a report saying that it was unsafe. Now, I suppose, if it was unsafe, that that meant that the foundations were insecure or that there was some very substantial change necessary to be made in it to make it safe, but on that point I have no definite information. My only thought was that if we are to spend $75,000 on that building—and I think we ought to spend enough money on it to make it tenantable—we ought at least to know before the money is expended that everything is safe or will be safe after the money has been expended. I apprehend that this appropriation is not intended to strengthen the building—it is not intended to make it more secure so far as its structure is concerned—and we ought not to throw away any money on it unless it will be entirely secure and safe after the appropriation has been expended.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Yes; I yield.

Mr. SHAFROTH. If the Senator will yield to me, I will state that my attention was called to this building first when I saw some effort to take out the windows, and I wondered whether or not the building was safe, and so I walked around the building. On the side of the building where there are no windows the walls were perfectly intact; there was no evidence at all that I could discover of any cracks in the walls, and it struck me as a very substantial building, because the weakness of a building is made very manifest on a back wall without windows, and when there were no cracks therein I came to the conclusion that it was a very substantial and safe building.

Mr. GALLINGER. What I wanted to emphasize was that I think we are getting into a bad habit in the District of Columbia, and perhaps that extends to other municipalities—I do not know how that may be—in feeling that we have got to pull down old buildings and construct new buildings; and I gave as an illustration the fact that that substantial brick building on the lot south of the Belasco Theater was torn down at a time

when, according to my unintelligent judgment on matters of building, it was absolutely safe, and was answering a useful purpose, because, as I remember, the Attorney General's office was in it at that time.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Certainly.

Mr. NELSON. The Senator is correct. The Department of Justice was in that building, and I was there repeatedly, and it was a good, substantial building.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Certainly.

Mr. SHAFROTH. I will state to the Senator that I was a Member of the House of Representatives at the time that building was authorized to be torn down. I had been in the building a number of times, but there was agitation at that time of the construction of a new building for the Department of Justice on that very site, and the question was mooted, and it was rumored that this report condemning the building had something to do with influencing the attempted construction of a new building, and after it was torn down, then they failed to appropriate the money for that purpose for many years.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. I yield to the Senator from Minnesota.

Mr. NELSON. I want to call the Senator's attention to the fact that over a year ago we appropriated money to allow the Treasury Department to build an annex on this very property right across from the Treasury Department, north of the Treasury Department, and provided for a tunnel under the street; and instead of going to work and building on that property, they are building over this hole in the ground on the Arlington property. If the Senator will allow me further, it is not so much the price that I complain of in respect to the Arlington property; it is the fact that we have other property, three squares of property, right below the Avenue, across from the Willard Hotel, and we have this property right near the Belasco Theater, where this building was torn down that was formerly occupied by the Department of Justice. This property remains vacant, unutilized, and they go on and take this hole in the ground, for God knows what reason.

Mr. GALLINGER. Mr. President, my concluding observation is that if it is a fact, as the Senator from Colorado suggests, that those who wanted a new building were instrumental in some way in getting the old building destroyed, it is a reflection upon Congress itself that Congress does not exercise sufficient care and supervision over these matters to determine whether or not a building ought to be pulled down for the purpose of constructing a new building on that site.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield; certainly.

Mr. SHAFROTH. I will state that I know nothing of the fact, except that there was a rumor current to that effect.

Mr. GALLINGER. Yes; and the only point I wanted to make—I was absent when this matter was discussed until I came in a moment ago—was that if we are to make this appropriation for reconstructing in any way the so-called Maltby Building, we ought to satisfy ourselves to start with that the money will not be thrown away provided some official or other declares, after a little while, as some official did a few years ago, that that building is unsafe.

That is the only point I want to make about the matter. I think that building ought to be utilized. I have always agreed with the Senator from Colorado [Mr. SHAFROTH], who has been insistent in that regard, that that building ought not to stand idle. It is a substantial building, constructed for a hotel, occupied as a hotel for some time, and afterwards taken over by the Government. Some of us had committee rooms there, and were satisfied with them; but all at once, like a flash out of a clear sky, the announcement was made that it was unsafe for human life to remain in that building, and the occupants got out of it as fast as they could.

Mr. THOMAS. And the building is still there.

PUTTING THE AMERICAN DOLLAR AT PAR ABROAD.

Mr. OWEN. Mr. President, on Monday, April 22, 1918, appeared an ostentatious article with big headlines explaining "why the Federal Reserve Board *allows United States currency to remain at a discount abroad*, as explained by F. I. Kent." Mr. Kent delivered this speech before the National Foreign Trade Council at Cincinnati. Mr. Kent is in charge of the Foreign Exchange Division under the Federal Reserve Board. He is said to pass on all foreign exchange transactions. In this article Mr. Kent argues against putting the dollar at par. The article, in my opinion, in its argument that the dollar should remain at a discount abroad, is adapted to serve the German interests, because the effect of it is to prevent the American dollar buying its full value in neutral countries, and just to the extent that the American dollar is deprived of its purchasing power to that extent the taxes of the American people and their sacrifices in this war will be rendered abortive, unproductive, and useless.

If it is a good thing, as Mr. Kent thinks, that the dollar should be at 30 per cent discount, as it is at present in Spain, then it would be a better thing, according to Mr. Kent, to have it at 50 per cent discount, or at 60 per cent discount, and the bigger the discount the better for the American people. It is a "reductio ad absurdum." The argument is false and serves Germany's interest.

Mr. Kent is posed in the press as a scientific expositor on foreign exchange and as a man "in high authority." I have carefully examined his article, which opens with the following paragraph:

> The *cry* of the *orator for a dollar at par* throughout the world may be valuable in time of peace as commercial propaganda, but *it has no place* in time of war, particularly with a world's war, such as exists to-day.

Among others I have been crying "for a dollar at par," as the chairman of the Banking and Currency Committee of the United States Senate. A dollar at par abroad is just as important as a dollar at par at home, precisely in degree to the American business involved.

Mr. Kent's advice is injuring America, and thereby serving Germany, and on behalf of the American people—whatever the good purposes of the adviser—I denounce the advice as hostile to the interests of America.

Keeping the pound sterling at par "has a place" in Great Britain's policy.

Keeping the India rupee at par "has a place" in East India policy, and the United States Senate and House of Representatives passed a bill, at the request of the Treasury Department, to melt 350,000,000 of silver dollars, among other things, to preserve the parity of British currency in India, which German propaganda was deliberately trying to break down.

The advice of foreign exchange expert, Mr. Kent, that the cry of a dollar at par has *no place* in time of war I shall answer, and will show the utter fallacy of his arguments, which are so misleading and so certain to injure America.

Any man who argues against doing what reasonably lies within our power to put the American dollar at par is giving advice injurious to the United States, even if he be in charge of the Foreign Exchange Division under the Federal Reserve Board. The National Foreign Trade Council needs better advice than it got at Cincinnati from Mr. Kent. The United States Treasury needs a new set of advisers, because their advisers are advising against the interests of the people of the United States, and I am not willing to be silent when this injury to America is being perpetrated.

The President of the United States is in favor of keeping the dollar at par, notwithstanding Mr. Kent.

The Secretary of the Treasury is in favor of keeping the dollar at par, notwithstanding Mr. Kent.

The Assistant Secretary of the Treasury, Mr. Leffingwell, is in favor of keeping the dollar at par, notwithstanding Mr. Kent, and the chairman of the Committee on Banking and Currency of the Senate and the chairman of the Banking and Currency Committee of the House of Representatives are both in favor of keeping the dollar at par.

The obvious reason why the dollar should be kept at par is that we *are compelled* to buy many necessities for ourselves, as well as for our allies, of neutrals, and to that extent we must, in making war purchases, have our dollar buy as much as possible, and not as little as possible. Any person of good sense might understand this unless his brain had become hopelessly confused in the tangle of his excessive knowledge as an expert.

Let us examine this expert's advice. The first argument made by Mr. Kent is as follows:

> The United States, in order to carry out her part in the war, is going to be obliged to supply from her own resources and from those of many other countries of the world commodities to the value of many billions of dollars. Regardless of her great wealth, there is a positive limit to her ability to furnish such supplies. In order to win the war she must be in a position to do so for a longer period than the enemy. The length of time that she can continue to furnish needed supplies will depend upon her ability to conserve her resources.

And Mr. Kent thinks we can conserve our resources by selling gold dollars in Spain for 60 cents, instead of selling them for a dollar.

The simple truth is that to the extent we are required to buy from neutral countries we should control the shipments from them to our actual necessities, and this we can do under the existing law. We can and do control our exports in like manner under existing law. Great Britain and France do the same. And France, who has borrowed funds from Spain at 7 per cent to meet her balances there, sets a suitable example to Great Britain to do the same thing.

It is better for Great Britain and France, and for the United States, for that matter, to pay 3 or 4 per cent interest above the normal rate than it is to pay a 40 per cent discount, and anybody should be able to see this, especially a person engaged in conserving the resources of the United States, which Mr. Kent so anxiously desires to do. It is better to pay 6 per cent or 7 per cent or 8 per cent in Spain for money or on Spanish balances here rather than to compel our importers to pay 30 and 40 per cent for money in Spain. It comes back immediately upon our own consumers. It comes back upon them with the merchant's profit added. Great Britain understands this perfectly well, and so does France, and both of them are making strenuous efforts to place credits in Spain for the purpose of putting their own currency more nearly at par; and an attempt is being made now by the Treasury Department, on our behalf, to do the same thing. In other words, the Treasury Department is trying to do now what Mr. Kent, the Treasury expert, argues it is against our interest to do. They are trying to put the dollar at par, and Mr. Kent is arguing before the country that its dollar ought to be at a discount.

Mr. Kent argues that our interest and that of our allies demands that we maintain such commercial relations as will enable us to continue the purchase of neutral commodities constantly for a long period. And he argues in consequence that by this system—

> We will also be helping to keep the countries with which we trade in a *healthier* financial condition, which should be of great benefit in *helping us* to find a market for our goods when the war is over. * * *.

Selling Spain American dollars at 60 cents on the dollar would certainly serve to keep Spain in a *healthier financial condition*, but at *our* expense, and at our serious expense. It is unpardonable to permit our gold dollar to be at 40 per cent discount. It is shameful to the United States, and I shall not submit to it if I can help it.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield.

Mr. SHAFROTH. The proposition which is made is, it seems to me, so absolutely void of any reason, that I should like to know whether Mr. Kent gives any other reason.

Mr. OWEN. I shall put the article in full in the CONGRESSIONAL RECORD, and I invite Senators to read it. It is absolutely shameful and disgusting. It has no argument in it worthy of the name.

Yet this man as an expert of the United States Treasury goes out and addresses a great convention of business men in the United States to persuade them that the dollar should be kept at a discount. The President wants our dollar at par; the Secretary of the Treasury wants it at par, and this alleged expert argues against having it at par. As the Senator from Colorado said, there can be no reason why the dollar of the United States, a dollar worth par in gold, should be selling at 60 cents on the dollar in Spain. There is no just reason for it. It is because the dollars we have loaned to our allies have been used in large part to meet the trade balances due to Spain for the Spanish commodity shipments to Great Britain and France, and because our own purchases here by our own importers compel our people, our importers, to have a certain limited number of pesetas, and the banks control the supply of commercial bills in pesetas and are speculating upon them and compel our importers to pay any price that they please. That is the reason of it. It is all right from the bankers' standpoint, but it is highly offensive to a good American.

It is argued that the United States will find it advisable to curtail its exports to neutral countries and to hold our imports within reasonable limits, and says:

> An *adverse exchange rate* is the *key* to such force, and is a great regulator of trade. It puts such difficulties in the way of our imports that without other pressure we endeavor to do without them in so far as possible.

Certainly if our gold dollar buys 60 cents' worth in Spain, our merchants do regard it as a serious difficulty, because they must impose this excess charge on Spanish commodities on their own consumers, with the merchants' profit in addition. It is a very serious difficulty, obstructing trade, interfering with legitimate commerce. It is precisely for this reason that such a difficulty should be removed, and imports and exports controlled by our other mechanism provided by law by means of a license system. We provided for that by a license system.

To argue that *this obvious evil* is *a benefit* because it is a means of preventing Americans from buying their necessities is illogical and senseless. The things they are obliged to have they will buy at the market cost. The purchase and sale of things nonessential to war can be and has been stopped by the license mechanism otherwise provided by law.

The discredited American gold dollar puts the United States in the attitude of having its currency dishonored and its financial credit abroad impaired. It gives psychological encouragement to the German and psychological discouragement to the allies. It has no commercial sense in it for the reason that just as France borrowed money from Spain at 7 per cent—3 per cent above the normal—and to that extent avoided the tax, we could borrow and avoid the tax we pay of 40 per cent on imports. It is better to pay 3 per cent per annum than 40 per cent with each turnover. The merchant keenly feels this. A bank expert does not. His class profits on fluctuating high exchange rates.

Mr. Kent's article emphasizes the fact that the Federal Reserve Board, through its Division of Foreign Exchange, knows the exact cash balances each Wednesday night which every country in the world has in the United States, and he states that the neutral countries are putting heavy balances into the United States. If this is true, then these balances have been transferred to the United States by bankers by the sale of credits acquired in neutral countries—by the sale of their commodities, payable in terms of their own money—and the New York bankers may sell such pesetas at a high rate to merchants compelled to compete injuriously for such pesetas or kroner or guilders. I would discourage this profiteering. Mr. Kent's advice would encourage it. I look at the problem from the viewpoint of the importer, exporter, consumer, and producer. The banking expert looks at the problem from the opposite side. His class profits on fluctuating exchange.

Moreover, the neutral countries are voluntarily sending their balances to America, which is the only thing required to bring the dollar immediately to par if sufficiently encouraged, but Mr. Kent is opposed to encouraging the putting of the dollar at par, if his general thesis be correct. While it is to our obvious advantage, as Mr Kent says, to encourage these countries to put their balances in the United States, what becomes of Mr. Kent's argument that it is to our advantage to keep the dollar below par when he would encourage these balances which would bring the dollar to par. The one argument contradicts the other.

We can put the dollar to par in several different ways.

First, by forbidding the sale of pound sterling for dollars and compelling the Spanish merchants to buy dollars with pesetas. And this only means limiting arbitrage until the dollar reaches par.

Second. We may accomplish it by placing United States bonds payable in pesetas in Spain, and thus buy pesetas necessary to meet the urgent, though limited, demand of our importers.

Third. We can accomplish it by encouraging what Mr. Kent says is taking place without encouragement. That is, encouraging foreign banks to keep balances in the United States at interest, and we can afford to pay them 6 per cent or 7 per cent for such balances, rather than compel our merchants to pay 40 per cent for exchange and the customer in the United States 40 to 50 per cent for commodities.

Moreover, if the dollar was at par; if the policy of the United States was to keep the dollar at par, these balances of neutral countries would greatly expand, because then foreign bankers would know that they would not suffer any loss in the future by the depreciation of the American dollar by this adverse exchange. When they know that they will get their principal back with interest in terms of their own currency at par they will deposit their balances here more readily.

Fourth. We can bring the American dollar to par by imposing an extra tax on goods required by Spain, putting the export tax at the currency rate of the exchange, whatever it is. It would not take Spain long to discover the wisdom of exchanging pesetas for dollars at par, but I do not believe in such a friction-arousing policy.

Fifth. Another way to put the dollar at approximate par is by negotiating with the Government of Spain, with the cooperation of France and Great Britain, and seeking their just treatment as a matter of amity and commercial decency. This, however, would require a constant series of negotiations, and while of

value, is not of as much value as using the absolute power which we have to require commercial justice through the regulation of individual transactions.

It will be remembered we put upon the finance-corporation bill a provision that those bonds might be issued in terms of foreign money, and we put in the third liberty-loan bill that the bonds of the United States might be issued in terms of foreign money, so that a person acquiring those bonds in foreign countries would know he would get his principal and interest back without the discount of an adverse exchange rate. Congress did that very thing for the purpose of bringing the dollar to par, showing that the Senate of the United States desires to put the dollar at par, that both Houses desire to put it at par, and yet this expert of the Treasury is advising the bankers of the United States and argues in favor of keeping the dollar at a discount.

The Congress of the United States expressly authorized the President of the United States not only to embargo gold and silver, if desirable, but also to embargo credits; and when we put an embargo on the sale of dollars for pound sterling and compel Spain to buy the dollars she requires of us with pesetas, thus giving us pesetas in exchange for these dollars, we have an immediate remedy without dealing unjustly in the slightest degree with Great Britain.

Because Spain imported from us last year $92,000,000 of goods and we imported from her only $36,000,000, she owed us on a net balance $55,000,000. Yet the American dollar has come to so low a level that it only brings 60 cents in Spain, when, in point of fact, if we compelled Spain to buy her dollars from us exclusively we could make a dollar worth 60 per cent above par, because she is obliged to have our dollars.

Our loans to our allies have been injuriously, if not wrongfully, used against us. On May 21, 1917, in Des Moines, Iowa, Hon. W. G. McAdoo delivered at a meeting of business men and bankers of Iowa an address, in which he explained that the loans already authorized to be made our allies of $3,000,000,000—and that was enough to consume our credit trade balance for that year—would go to "five billions or six billions," and said in relation to the bond issue: "*This money is not going to be taken out of the country.* All of this financing is largely a matter of shifting credits; it is not going to involve any loss of gold; it is not going to involve any loss of values," and so forth.

The money was taken out by hundreds of millions. We shipped, I understand, 80,000,000 gold dollars to Spain last year, through London. Spain owed us $55,000,000. We let Great Britain have that $55,000,000 to pay Spain, and we furnished $88,000,000 more of our gold to pay British balances due Spain; and on top of that our dollar has been permitted to go to a tremendous discount, and every dollar we buy now is costing our consumers 50 per cent more than it ought. In our normal purchases in Spain it would cost us one-half of $36,000,000, or $18,000,000, per annum. In that one country there is a great net loss to America. Is that to the advantage of the United States in a great war? It is against the interests of the United States, it is in the interest of Germany, and I object to it most seriously. I filed my objection in the Treasury Department. I argued this matter before the Federal Reserve Board, with Mr. Kent present, and Mr. Kent told me to my face it is better for the dollar to be at a discount. That argument was made in the Federal Reserve Board room; afterwards I presented the answer fully on the floor of the Senate. To have this expert go out in the United States carrying on a false propaganda is unendurable and ought not to be permitted by the Government of the United States.

The money was taken out by hundreds of millions, involving loss of gold and of values, and then Congress passed an act authorizing the President to control the sale of dollars or transfer of credits. The President put the power in the hands of the Secretary of the Treasury by his proclamation of October 12, 1917, and Mr. McAdoo trusts it, apparently, to Mr. Kent, who now seriously argues against keeping the dollar at par, as the President and the Secretary of the Treasury desire, and as the Congress desires it shall be done.

We must stand by our allies, and we can do so and still protect the dignity of our own currency. We ought to protect the American dollar, and as economically as possible. We can be as generous as we please with our allies and still preserve the honor and dignity of the American dollar.

What was the anxiety shown by the British Government a few days ago when an appeal was made to us for $350,000,000 of silver? It was to keep the rupee at par. Did Great Britain think it important? She thought it vital. The rupee was being put below par by a well-organized German propaganda in India. I will not stand for any propaganda to put the American dollar below par for this country; I do not care what the motive of the man is, and I assume, indeed, I am glad to believe, that his motives are not bad. I do not think his motives are necessarily bad. I merely think that he lacks common sense.

If necessary for us to borrow from these neutral countries, who are without effort placing their balances here and paying them a high rate, 6 per cent, 7 per cent, it would only be 2 or 3 per cent margin per annum on enough money from the Spanish banks to pay for our imports from Spain at par, whereas Mr. Kent would advise us to pay 40 per cent discount on our goods shipped from Spain as a means of winning the war. It is bad advice, and if Mr. Kent does not know better he ought to be retired. If he does really know better—and I do not think he does—he ought to be indicted for aiding the enemy.

It is a serious thing, putting the dollar at a discount. It is a very serious thing. Suppose the American dollar were to fall to a discount to-day in the United States, what would it mean? It would mean that every gold dollar would go in hiding. That is what it would mean. It would mean that every contract in the United States would be suddenly thrown upon a fictitious basis and dislocated. It would mean the most complete upset of all our business life. Every man knows that, and we have taken infinite pains to store up gigantic quantities of gold for the purpose of keeping the American dollar at par in the United States, so that everyone who deposits in our 25,000 banks should know that he can get his deposit in gold on demand. To say that the dollar should be at a discount abroad while it is at par at home has no logic, has no justification, and is mischievous in the highest degree.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. I am in full accord with the argument the Senator is making that our dollar ought to be kept at par. I am going to ask the Senator a question that is not directly related to the subject he is discussing, and that is why it is that the bonds the Government is issuing to the people of the country at the present time are not at par in the market?

Mr. OWEN. I think it is easily answered.

Mr. GALLINGER. I should like to have the reason given.

Mr. OWEN. I think it is easily answered. There are a great many people here really hard up themselves who borrowed money to buy bonds with, and after finding that there is a market demand by those who have currency available, those persons who are in difficulty offer their bonds for sale. That is all there is in it. They are willing to make the sacrifice and they do not carry them because they are hard up. That is all there is about it.

Mr. GALLINGER. Does the Senator think the bonds that are being traded on in the New York market, as an illustration, come from that class of people?

Mr. OWEN. Yes; I do.

Mr. GALLINGER. I am glad to have the explanation, because it has been a rather troublesome question to me.

Mr. OWEN. There is, I think, no doubt about that. Of course, the Government has been urged to adopt the policy of undertaking to hold the market up by buying the bonds at par, but that is regarded by many prudent financiers as containing some very serious objections.

Mr. SMOOT. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. SMOOT. I simply want to add another reason, and that is that the money is worth more than the rate of interest that is being paid on the bonds. That has a tendency also to throw the bonds on the market, and when there is a greater amount of bonds offered than there are people to buy them it naturally depresses the bond value.

I will say also to the Senator that English bonds to-day at the rate they are selling to investors bring a better rate of interest than our bonds now that are selling at 97.80, I believe, to-day and drawing 4 per cent.

Mr. GALLINGER. I hark back to the bonds that were issued during the Civil War. They were issued at 3.65, I think, in a very large amount. They never were below par in the market, as I remember. On the contrary, they were always above par.

Mr. SMOOT. The Senator will remember in this connection that our greenbacks were below par.

Mr. GALLINGER. Oh, yes.

Mr. SMOOT. And therefore the people preferred to have bonds rather than depreciated currency. With currency below par, gold is withdrawn from circulation, and that is what the Senator from Oklahoma referred to in his remarks a moment ago; and it will always happen that the dearer money will seek a hiding place.

Mr. OWEN. Yes; that is true.

Mr. SMOOT. And the cheap money is always the money that enters into circulation.

Mr. OWEN. That is true.

Mr. SMOOT. For that reason the man who held the bonds during the Civil War period that ultimately had to be paid by the Government of the United States in gold was not willing to dispose of them for currency at a depreciation of 40 and 50 per cent.

Mr. OWEN. Mr. Kent emphasizes the fact of the bank balances of neutral countries piling up in the United States; also that the neutral countries have stripped themselves of commodities to sell them at a high price to Germany, and they must after the war look to us for commodities. This is true; and it means that the normal demand for commodities from America after the war would give us the equivalent of probably in excess of an annual commodity trade balance of a thousand million dollars. In addition to this will come interest charges from Europe amounting to a half billion more, and in addition to this will come the mercantile marine freight credits of American ships, so that America may be expected to have a flow of balances due her amounting to two or three billion dollars per annum after the war is over.

All of these neutrals will need their trade balances then in the United States, and they need, and they know they need, them now to begin the arranging of credits in America to supply them with needed commodities after the war, for America will be in a position to control commodities all over the world because of the balances which will be due her.

Mr. Kent does not see that these facts comprise an overwhelming argument why the dollar should go to par and stay at par, because the necessity of the world for the American dollar will be gigantic. We have the right to anticipate their needs for this dollar and place our own bonds abroad and invite neutral balances here. Indeed, our trade balance last year was $3,000,000,000. That must be paid with dollars, or commodities, or gold, or securities. Indeed, it forms the basis upon which the American dollar would go to a premium if it were permitted to do so, which we ought not to allow, however, as the dollar should be used as a standard measure of value, never varying, utterly dependable, the standard of value throughout the world, if we want our country to be the financial center of the world.

The bankers should not be permitted to tamper with our financial yardstick, even if they do profit by it or profiteer by it, as I verily believe some of them are doing now; I hope not with Mr. Kent's knowledge.

Mr. SMOOT. Will the Senator yield?

Mr. OWEN. Certainly.

Mr. SMOOT. I am very much interested in what the Senator is saying, and I think it would be good if the American people generally understood the situation. I wish the Senator would also add to his remarks that it is not only the banks in Spain that are profiting by a depreciated United States currency, but speculators, and the speculator to-day is making all the way from 20 to 25 and 30 per cent on every dollar of foreign-currency bills that he can secure.

Mr. OWEN. I have no doubt that is the case, but we ought not to allow a condition to remain where this kind of thing can be done at the expense of the American people. That is the point I am making.

Mr. Kent justifies our gold embargo and enlarges upon our exact knowledge of balances held by neutral countries in America. This is the end of the argument of Mr. Kent in telling why the Reserve Board allows United States currency to remain at a discount. His alleged explanation of three columns is no explanation whatever. It explains nothing. And the laudatory headlines of the article, with its boast that it is a scientific exposition is utterly inaccurate but very serviceable as a piece of propaganda. He makes no adequate or convincing explanations whatever to justify keeping the dollar at a discount.

The utterly fallacious argument has been made that while importers lost heavily exporters gained.

That argument appears on page 158 of the Federal Reserve Bulletin of March 1, 1918. As a matter of fact, an exporter neither gains nor loses. A man who takes a thousand dollars' worth of goods from New York to Barcelona gets his $1,000, and if he pays the freight and commission he gets his freight and commission back and $1,000. If he gets 3 pesetas for a dollar he immediately sells his pesetas for dollars and gets the dollars back, and it comes out the same $1,000; and that is all there is of that.

As a matter of fact, in a country where the currency is depreciated workmen are temporarily paid less and goods are made for less and exports are stimulated by this fact of the goods being made cheaper at the expense of labor.

That is an old truism in the doctrine of international exchanges, explained by various writers, and a school boy who has studied international exchange knows about it. But this is a transitory matter and has no relation to the United States because the dollar in the United States has not depreciated. Labor is not underpaid in the United States; goods are not selling below a normal profit in the United States. The contrary is true of Germany. German labor is underpaid, her currency at home has depreciated, and she is making goods cheaper than they can be made in Sweden, but at the expense of her own German workmen, and Germany is thus underselling the manufacturers in Sweden. Sweden is on the point of passing a tariff act to exclude that advantage over Swedish manufacturers gained by Germany at the expense of the poor, underpaid German workmen. While that appears in the Federal Reserve Bulletin, it affords no justification in keeping the American dollar at a discount because we gain no advantage in exports.

Mr. Kent is advertised as having complete control of all foreign-exchange transactions. If he had exercised the powers given to the President and restricted the transfer of United States credits abroad, the American dollar would have been at par now. It can be brought to par within a very short time in most of the neutral countries.

It is perfectly plain to any man who will follow this with the least attention. If we forbid the sale of dollars for pounds sterling, then the only way Spain can get dollars from us to pay her $92,000,000 of bills to us is to buy dollars from our market by the sale of her commercial bills in payment for shipment from the United States to Spain. Spain would have, then, to buy $92,000,000 worth of dollars from us, less our purchases of $36,000,000 of commodities from Spain.

Mr. SMOOT. Or send gold for it.

Mr. OWEN. Or send gold for it, and therefore our dollars would immediately go to par. They would go to par inside of a week. Congress gave that power to the President, and he gave it to the Secretary of the Treasury, and the Secretary of the Treasury gave it to Mr. Kent, and Mr. Kent advises us now not to do it, notwithstanding the President wants it done and Congress wants it done.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. If the Senator will pardon me, I ought to have understood his statement concerning Mr. Kent, but I was engaged otherwise. Will he state who Mr. Kent is?

Mr. OWEN. Mr. Kent has charge of the foreign-exchange business of the Federal Reserve Board, and he visés the transfers of credits from the United States. Congress authorized the President to control the transfer of credits from the United States. The President authorized the Secretary of the Treasury to discharge this function. The Secretary put Mr. Kent in charge, and Mr. Kent tells us it is better not to do it.

Mr. GALLINGER. So Mr. Kent in a sense speaks officially; that is, he is an official of the Government?

Mr. OWEN. Yes; he is supposed to speak officially; but I insist that he is misrepresenting the officers who are in control of that department. I am satisfied from what he has said to me that the Secretary of the Treasury wants to put the dollar at par.

The Spanish Government in 1916, finding that there was danger of Spanish credits and Spanish commodities migrating from Spain to furnish the sinews of war to the belligerents, passed an act prohibiting the placing in Spain foreign or Spanish securities except with the approval of the council of ministers. I wish, without reading, to put the Spanish royal decree and act of the Cortez in the RECORD for the information of Senators. I will not take the time to read it.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

[Translation.]

ROYAL DECREE.

In accordance with the council of ministers, I hereby authorize the minister of finance to present in the Cortes a project of law prohibiting the introduction into Spain of foreign securities without the authorization of the Government.

Given in the royal palace this 14th day of June, 1916.

ALFONSO.

—

The Minister of Finance, Santiago Alba, to the Cortes:

The abnormal conditions controlling the economic life of all countries in consequence of the present European war demand in our own country, as in others, the adoption of measures of an exceptional character to *prevent*, as far as feasible, *the emigration of Spanish funds* to the detriment of the development of national wealth, and *the withdrawal from the State* of the *means for carrying out*, at the proper moment, *such credit operations* as may be demanded by public interests.

Bearing these considerations in mind, and without forgetting that measures of this nature must always have such elasticity as may permit the Government to alter them as the case and circumstances may demand, the undersigned minister, in accord with the council of ministers and with His Majesty's authorization, has the honor to submit to the deliberation of the Cortes the following

PROJECT OF LAW.

Article 1. After the promulgation of the present law, and until a date which shall be fixed by decree agreed upon at a council of ministers, there shall be prohibited: Announcing, issuing, putting in circulation or for sale, pawning or introducing *in the Spanish market* securities of the debt and other legal tenders of foreign governments, as well as stocks, obligations, or titles of any kind of companies or corporations not Spanish.

Nevertheless, on the proposal of the minister of finance, *the council of ministers* shall be able to grant, in respect to provisions in the preceding paragraph, the exemptions he may judge proper.

Article 2. The Government likewise, on the proposal of the minister of finance, may prohibit the introduction into Spain of Spanish securities, of corporations or societies, also Spanish, whenever these stocks are domiciled abroad. Those who desire to introduce them are hereby obliged to report to the Government as to such introduction and destination.

Article 3. The violation of the present law shall be punished with a fine of 1,000 to 10,000 pesetas, and in case of repetition, with a fine of from 10,000 to 25,000 pesetas.

Article 4. The minister of finance will dictate the proper orders for the execution of this law.

Madrid, June 14, 1916.

SANTIAGO ALBA,
The Minister of Finance.

Mr. OWEN. It was precisely the same principle which caused Congress, as a war measure, to pass the trading with the enemy act, approved October 6, 1917; among other things the act providing—

That the President may investigate, regulate, or prohibit under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States), and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, whether enemy, ally of enemy, or otherwise, or between resident of one or more foreign countries, by any person within the United States; and he may require any such person engaged in any such transaction to furnish, under oath, complete information relative thereto, including the production of any books of account, contracts, letters, or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed.

Why? For the very reason that I have mentioned, so as to prevent credits migrating from the United States, unjustly and unfairly to us, and putting our dollar below par abroad.

It was the same principle that caused Congress to pass the espionage act, approved June 15, 1917, which among other things provides—

SECTION 1. Whenever during the present war the President shall find that the public safety so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

On October 12, 1917, the President vested in the Secretary of the Treasury the control of foreign exchange, exporting, gold transfer, credits, etc., in the following terms:

I hereby vest in the Secretary of the Treasury the executive administration of any investigation, regulation, or prohibition of any transaction in foreign exchange, export, or earmarking of gold or silver coin, or bullion or currency, transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States, and transfers of evidences of indebtedness or of the ownership of property between the United States and any foreign country, or between residents of one or more foreign countries, by any person within the United States; and I hereby vest in the Secretary of the Treasury the authority and power to require any person engaged in any such transaction to furnish under oath complete information relative thereto, including the production of any books of account, contracts, letters, or other papers in connection therewith in the custody or control of such person, either before or after such transaction is completed.

At the same time the President vested in the War Trade Board the authority to issue licenses for exports or imports in paragraphs 2 and 3 of his Executive order of October 12, 1917, in the following language:

I hereby vest in said board the power and authority to issue licenses under such terms and conditions as are not inconsistent with law, or to withhold or refuse licenses, for the exportation of all articles, except coin, bullion, or currency, the exportation or taking of which out of the United States may be restricted by proclamations heretofore or hereafter issued by me under said Title VII of the espionage act.

I further hereby vest in said War Trade Board the power and authority to issue, upon such terms and conditions as are not inconsistent with law, or to withhold or refuse, licenses for importation of all articles the importation of which may be restricted by any proclamation hereafter issued by me under section 2 of the trading-with-the-enemy act.

The President of the United States, the Secretary of the Treasury, and the best bankers, and various international experts with whom I have discussed this matter are convinced of the wisdom of maintaining the dollar at par. The only difficulty having been the means by which to accomplish it. I regard it as grossly unbecoming in Mr. Kent to attempt to create public opinion in favor of keeping the dollar below par. Such conduct I regard as disloyal and insubordinate to the President's wishes and deserving a stern rebuke. Mr. Kent should devote his knowledge in suggesting and perfecting plans by which the dollar could be put at par and the Reserve Board and the Treasury Department officials should find a means of thus protecting American interests, and Mr. Kent's conduct in going before the National Foreign Trade Council and attempting to mislead public opinion I regard as very reprehensible.

In my judgment the Secretary of the Treasury should dismiss Mr. Kent from office as unfit to advise the Treasury Department of the United States. It is this kind of advice, the advice of the banker who thinks in terms of interest, or profit and of commissions, that is calculated to mislead the Government officers.

Some banks profit by fluctuating exchange rates, and some banks profit by speculating in exchange rates, by acquiring foreign credits at a low rate and selling them to our merchants who are compelled to have foreign credits in foreign currency at a high rate. The bankers, however, should not prevail over our importers and consumers.

Mr. GALLINGER. Mr. President, alluding to Mr. Kent, I will ask the Senator from Oklahoma if he has knowledge as to whether or not any member of the Federal Reserve Board indorses Mr. Kent's views? It has been suggested, or at least I have heard it suggested, that at least one member of the Federal Reserve Board was in harmony with Mr. Kent.

Mr. OWEN. I think that the influences surrounding Mr. Kent have been persuasive with some members of the board. I should not like to quote their names, unless they wish to put themselves on record with regard to it; but I think one or two members of the board have been led to that belief; and it is perfectly obvious that they have been grossly misled.

Mr. GALLINGER. I do not wish to mention any name myself, but it has been suggested to me that such is the fact.

Mr. OWEN. I think it is the fact. That is the reason why I regard this advice as particularly mischievous, because the members of the Federal Reserve Board who have lived only within our domestic lines, who have not been engaged in international banking, and who have had no particular reason to have studied this matter, necessarily would rely upon such alleged expert advice; I should not be inclined to blame them for accepting the opinion of a man whom they regard as very high authority; but when I see the advice is wrong I feel it my duty to the country to speak out and show why it is wrong, because it is injuring American interests in this war, and I do not think we ought to permit it.

I submit a statement of the exports and imports from the neutral countries of Europe with the United States, showing a net balance due us of about $200,000,000 last year. These balances must increase because those countries have denuded themselves in large measure in supplying the belligerents around them, and they have to call on us more and more for supplies.

Balance of trade in the commerce of the United States with the neutral countries of Europe during the calendar year 1917.

Countries.	Imports.	Exports.	Excess of—	
			Imports	Exports.
Denmark	$977,453	$32,388,864		$31,411,411
Netherlands	22,744,504	90,520,301		67,775,797
Norway	6,280,233	62,863,850		56,583,617
Spain	36,881,630	92,469,320		55,587,690
Sweden	18,039,487	20,900,854		2,831,367
Switzerland	19,834,068	19,502,045	$332,023	

The international credit trade balances to the neutral countries of Europe were large, and they received in lieu thereof gold and credit and securities, the securities being merely a form of credit. The Government of the United States can control both imports and exports under the law. It can, as far as the neutral countries are concerned, immediately bring the dollar to par, because they owe us more than we owe them, and we only need to require them to buy the dollars they owe us in terms of their own currency to give the American consumers the benefit through their merchants of foreign currency at par.

Inducing the foreign banks to place their balapces in the United States directly is another way to do it to accomplish the same end.

Selling United States bonds in these neutral countries is another way to accomplish it.

All of these factors should be employed and through every available agency the dollar should be brought to par and kept at par as a means of helping us win this war.

I ask permission to put the article of Mr. Kent into the RECORD, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[From the New York American, Apr. 22, 1918.]

WHY RESERVE BOARD ALLOWS UNITED STATES CURRENCY TO REMAIN AT DISCOUNT ABROAD EXPLAINED BY F. I. KENT—TELLS CINCINNATI CONVENTION THAT BENEFITS BOTH NOW AND AFTER THE WAR WILL RESULT FROM POLICY—HINT TO CHILE FOR CREDITS.

Attention has been so intensely centered on the increasing discount to which the dollar has been falling abroad that an explanation of the international financial position of the United States at this moment is of wide interest. More so, if this explanation comes from one in high authority. The following simple and yet almost scientific exposition of the foreign exchange relations of this country was given in a speech by Fred I. Kent before the National Foreign Trade Council at its convention just closed at Cincinnati. Mr. Kent is in charge of the Foreign Exchange Division under the Federal Reserve Board. He passes on all foreign exchange transactions, and in his hands is concentrated the stupendous task of seeing that no funds pass out of the country into enemy hands. This requires examination of an immense number of drafts and papers. But it also places in his hands information invaluable to the country while at war. Why certain of our exchanges have been allowed to depreciate is fully explained by Mr. Kent. He also outlines the general policy with regard to our giving aid to strengthen allied exchange rates in other countries.

[By Fred I. Kent in his speech before the National Foreign Trade Council.]

The cry of the orator for a dollar at par throughout the world may be valuable in time of peace as commercial propaganda, but it has no place in time of war, particularly with a world's war, such as exists to-day.

The United States in order to carry out her part in the war, is going to be obliged to supply from her own resources and from those of many other countries of the world commodities to the value of many billions of dollars. Regardless of her great wealth, there is a positive limit to her ability to furnish such supplies. In order to win the war she must be in a position to do so for a longer period than the enemy. The length of time that she can continue to furnish needed supplies will depend upon her ability to conserve her resources. There are many products which she can obtain from within her own territory that will outlast the war needs. There are many others, however, which need supplementing from other countries of the world if we would maintain the highest efficiency of the war engines which we produce and of the men who operate them.

OUR BEST COURSE.

Our greatest interest, therefore, and that of our allies, demands that we maintain such commercial relations with the neutral countries which have commodities that will be needed by us as will enable the United States to continue the purchase of such commodities constantly for a long period. While there are probably none of these commodities which we can not (if need be) develop substitutes for, yet if we can continue their purchase from other countries, partly in exchange for things which we can better spare than the articles received for them, we will have accomplished two most important results—we will have maintained our foreign trade with other nations and so have held their interest in this country, and we will have saved the time of that portion of our population which might otherwise have had to be engaged in creating and manufacturing substitutes, in work that will result to our greater advantage. We will also be helping to keep the countries with which we trade in a healthier financial condition, which should be of great benefit in helping us to find a market for our goods when the war is over and our manufacturing interests turn from war industries.

MUST CURTAIL EXPORTS.

As the war goes on, the United States will find that it will have to curtail its exports to neutral countries, as Great Britain, France, and Italy have been obliged to do, so that it is reasonable to suppose that the balance of trade with many neutral countries will be constantly against us throughout the war. This being true, and it being greatly to the advantage of neutral countries to have our market for their goods continue in as large a way as possible, we must have some strong force to hold our imports within reasonable limits. *An adverse exchange rate is the key to such force and is a great regulator of trade. It puts such difficulties in the way of our imports that without other pressure we endeavor to do without them in so far as possible.*

The countries of export, in order to keep a market for their goods, will strive to find ways to allow continuation of such exports as we must have, even to the point of allowing funds to pile up in this country or through the extension of credits.

FUNDS ACCUMULATE.

As funds accumulate here which can not be exported *there will be an increasing tendency on their part to purchase commodities* from this country with them, which will offer a great inducement to the people of the United States to strive along with their war work to pay a part of their accumulating indebtedness through current exports.

In Argentina, for instance, we find that for the protection of its people *the Argentine Government considered it to its very great interest to make* an arrangement with the United States under which Argentine funds would be left on deposit in this country until after the war, *provided the disbursement of the equivalent in Argentina was made for exports from Argentina to the United States.* It is also true that the exports from the United States to Argentina increased from $76,874,258 in 1916 to $107,641,905 in 1917, even though we were not at war in the first year and were at war in the second. *As long as exchange continues against us with Argentina the same tendencies will continue active,* and when the war is over we will be as much less in debt to Argentina as the amount of exports which we have been able to furnish her year by year, that have been withdrawn from this country by her in order to get her funds home and make it possible, together with the extension of such credits as she can afford, to keep our market for her goods open.

AS TO ARGENTINE WOOL.

On our part we have, for instance, been induced to conserve and increase our supply of wool, so as to be able to import less from Argentina. As a result as the war goes on, we can hope to keep our relations with Argentina in such position that she will look upon us as being a country of great value to her, and, further, that she will accept us as her banker, so to speak, in that her surplus funds made through her war profits will have been accumulated in this country only to a natural extent, and not to such tremendous sums that she will become concerned for their safety or in actual need of them. *The exchange rate being against us and acting as a deterrent to our imports and a stimulant to our exports will have helped to preserve a natural and proper relationship of benefit to both countries, in so far as is possible while the requirements of war exist.* There is also excellent reason to believe that *after* the war is over, *Argentina may prefer* in large part our *commodities to our gold,* and that she will desire to continue the banking relationship which she has established.

In Chile a similar condition exists, with one or two minor differences. Our present demand for nitrate, which Chile alone is able to supply in large quantities, has seemingly made us more or less dependent upon her; and the exchange rate, being against us, might appear to be entirely in her favor. Actually this has not proved to be true and will clearly be less so as time goes on. If Chile is to hold our market for her nitrate, it is to her interest that we be deterred from establishing plants to manufacture nitrate from the air to the same extent that has been done in Germany. If she would do this, she must make some arrangement that will enable us to continue to import her nitrate without prohibitive expense or overextension. That this situation is becoming more clear to her people is shown in the fact that the price of nitrate has fallen off in recent months. Again we find that our exports to Chile increased in 1917, when we were at war, over 1916, when we were not at war, the figures, respectively, being $57,483,996 and $33,392,887.

In Spain the exchange is also against us, even though in this case the balance of trade has been in our favor. In 1907 we imported from Spain $36,881,630, whereas we exported to Spain goods to the value of $92,469,329. This difference was offset through two principal operations—first by the sale of sterling exchange in this country by Spain; and, second, by the sale by this country to South American countries of Spanish pesetas.

HELPING GREAT BRITAIN.

As Great Britain was not in position to furnish Spain with such commodities as she required, *Spain transferred her sterling balances* to the United States. The transfers were sufficiently large, together with other items, *to force the exchange against us, which has resulted* in greatly increasing the desire of Spain to import from the United States, and we find that such imports increased from $45,697,462 in 1915 to $64,316,888 in 1916, and to $92,469,320 in 1917. At the same time the operation was of great value to the allies, as it enabled Great Britain to obtain from Spain commodities required by her in France, which could be delivered without submarine loss. When selling pesetas to South America for the high prices obtained, we were helping pay for much-needed goods from those countries, and as they could be delivered to us without danger from submarines, *it was to our greater interest, while such sales were being made, to import from South America and pay in pesetas than to import from Spain and pay in pesetas.*

DOLLARS PILE UP.

The Spanish exchange having been against us *has resulted in the piling up of dollars in this country to the credit of Spanish bankers, which has again,* as has already been shown, *produced a great demand for our exports.* When the war is over, as the Spanish currency is nearly 100 per cent metal cover, there is good reason to believe that she will prefer to use such funds as may have accumulated by that time in this country for the purchase of our goods as she requires them, and that she will largely continue such of her balances here as may not be needed for this purchase.

We now come to a group of countries—the neutral countries adjacent to Germany—in all of which exchange rules against this country, and where in every case it is undoubtedly of great value to us. These countries are Denmark, Netherlands, Norway, Sweden, and Switzerland. Taken as a whole, our exports to those countries have been over three times as great as our imports from them, and yet the exchange has ruled constantly against us for a long period. Exchange has been turned against us through the sale in the United States of sterling exchange and through the remittance to the neutral countries concerned of German money. The transfer of funds to these countries by Germany has been most detrimental to the allies, as it has enabled that country to pay for much-needed imports that she might otherwise have been unable to obtain in the desired quantities.

NEUTRAL MONEY HERE.

The purchase by this country of sterling exchange from all of the countries in this group has resulted in the accumulation in the United States of huge balances belonging to the banks of the neutral countries mentioned. As in the case of the other countries which we have considered, this caused a strong tendency to import from the United States, but after we entered the war and placed an embargo upon exports to such countries, except where we could feel reasonably certain that they would not prove of value to the enemy, such exports have been reduced. To Denmark, from $56,329,490 in 1916 to $32,388,864 in 1917; to Netherlands, from $113,730,162 in 1916 to $90,520,301 in 1917, to Norway, from $66,209,717 to $62,866,850; and to Sweden, from $47,967,590 to $20,900,854. To Switzerland there has been an increase, as shipments have been made to help obtain imports from that country to France. The figures were $13,654,256 in 1916 and $19,502,045 in 1917. As we were not at war the first three months of the year, these figures do not tell the whole story. As a result the balances maintained in the United States by these countries are very large.

In connection with transfers for German account, the accumulation of such balances and the difficulty involved in withdrawing them at the moment is of great value to the allies. The exchanges being high, it means that every successful transfer made for German account results in that country receiving a much smaller sum to be used in payment for imports in the country of destination. It also has greatly increased the difficulty of making such transfers at any rate, for, as balances continue to grow here, even loaning against them in the neutral countries concerned becomes more difficult. Even so, the need of Germany for funds in these countries is so great that we can not exercise too much vigilance in preventing their transfer.

Practically all of these countries are understood to have so stripped themselves of much-needed commodities in order to obtain the high prices being paid by Germany that after the war they will be obliged to replace them through import.

Their situation as to gold is also an easy one, so that we should be able to pay back these balances after the war without friction if we are prepared to supply the goods that these countries will require.

MAINTAIN STERLING.

All of these countries have increased the balance of exchange against us by selling drafts on London in the New York market. If it had not been for such sales the United States might have been justified in continuing the shipment of gold, because of the tremendous supply held by us.

When, however, we were taking over sterling credits which these nations sold to us, *because we were helping maintain the sterling exchange rate*, the accommodation was on our side and we were warranted in holding our gold until after the war, unless we should find it to our advantage to release it sooner. This is particularly true in the case of the neutral countries adjacent to Germany, where we have furnished them millions of dollars more in goods than they have given to us, and where we have taken sterling off their hands whenever they considered it to their interest to sell it in our market. Our gold embargo, therefore, is not in the nature of a refusal to pay. It is merely a statement to the world to this effect: That we do not at the moment propose to waste our gold by exchanging it for imports which we can get along without, and that neither do we propose to pay gold for sterling exchange which we are purchasing with dollar exchange at a higher rate than its normal value based on the present cash position of the British Government with the rest of the world, but in thus conserving our gold until after the war we are holding it as a reserve against the deposits which are accumulating in the United States to the credit of the other countries of the world.

EXACT BALANCES KNOWN.

In the meantime we will allow such balances to be used as freely as may be desired for the purchase of such goods in this country as the exigencies of the war justify us in allowing to be exported, or through investment in securities or property of any other kind in this country.

In this connection it will interest you to know that the Federal Reserve Board, through its Division of Foreign Exchange, is in possession of the exact cash balance as it exists at the close of business each Wednesday night between the United States and every country of the world. It is also in possession of exact knowledge as to what causes the changes in such balances from week to week. As these figures develop, the position of our country to the world will be as clearly before the Federal Reserve Board as is that of a banker to his depositors. This will make it possible for us to apply a banker's knowledge to the question of the probable demands that will be made upon us from time to time and so enable us to determine how they may best be met. There will be no need for leaping in the dark, but every problem as arises can be considered from the scientific basis of complete understanding of the situation as a whole as it develops, and if we prove ourselves wise custodians of the world's money we can hope to remain as the world's bankers for many a year to come.

HOUSING OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. THOMAS. Mr. President, I ask the Secretary to read the amendment now pending, as I have changed it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. The bill reads, in section 8, page 7, line 18, as follows:

Provided, That $10,000,000, or so much thereof as may be necessary, of the amount hereby authorized shall be used to build or acquire, as herein provided, housing accommodations within the District of Columbia.

Mr. THOMAS proposes to add, after the words "District of Columbia," the following:

, of which the sum of $75,000, or so much thereof as shall be necessary therefore, shall be used by the Superintendent of the United States Capitol Buildings and Grounds to convert the building known as the Maltby Building into an apartment house or for office purposes.

Mr. SWANSON. Mr. President, I think that amendment is right, and I shall be glad to accept it. The Maltby Building has been a bone of contention here for the last 8 or 10 years. A great deal of time has been consumed in discussion relative to it. The effect of this amendment will be to put that building in a condition for use either for housing purposes or for office purposes. I think that will to some extent dispose of the matter, and I accept the amendment. I wish to say in this connection——

Mr. OVERMAN. If the Senator will permit me, before he proceeds, I should like to ask him a question. He has stated that he will accept the amendment. There has been an extensive plan adopted by the architects of the Government for a great park. We have bought land around the Capitol to the extent of three or four squares for that purpose. Included in that great plan for beautifying the city is the tearing down of the Maltby Building, adjoining which is the Bliss Building. I understand those two buildings are to be included in that great park. Congress has adopted that scheme for a park for the beautification of the Capitol and the Capitol Grounds, and it would be unfortunate to spend this money, unless the Government abandons this project which it has on hand to make extensive Capitol grounds here. The tearing down of those buildings, I understand, was included in the scheme, and we ought to look into this proposition before we adopt the amendment which has been proposed by the Senator from Colorado.

Mr. THOMAS. We have done nothing for years.

Mr. OVERMAN. I know that nothing has been done on account of the trouble we have had with the Baltimore & Ohio Railroad. We have bought some land surrounding the Capitol for several squares, and as soon as the war is over, I suppose, and the question of the Baltimore & Ohio Railroad is settled, this great scheme will be carried out.

Mr. THOMAS. Does the Senator think we ought to do it in war times?

Mr. OVERMAN. I do not, but I was thinking, if the Senator will permit me, that it is proposed that we shall spend $75,000 on some property which is bound to be torn down under the action of Congress heretofore taken.

Mr. GALLINGER. Mr. President——

Mr. SWANSON. If the Senator will permit me, I think I have the floor.

Mr. GALLINGER. I was going to make an observation.

Mr. SWANSON. We shall simply spend $75,000 to put this building into a condition for housing purposes or for office purposes during the war. Other buildings are adjacent to the Maltby Building and under this bill they are directed to be used for housing purposes and to be put in a suitable condition.

This bill also provides that all other unoccupied buildings which are owned by the Government shall be utilized during the war. I think the Government would save money if it spent $75,000 during the continuance of the war to put this building in condition either for an office building, which I think it ought to be, or for housing purposes. It is a large building; it is not occupied. The House of Representatives wanted it to be used for housing purposes; but our committee investigated that, and we found that it would cost $120,000 to put it in condition for housing purposes, and that then it would accommodate not over 137 people. Investigation, however, showed that it could, with a very small expenditure of money, be fitted so as to be used for offices for some of the departments that are now occupying apartments.

Mr. NELSON. Mr. President, will the Senator from Virginia yield to me for a moment?

Mr. SWANSON. I will.

Mr. NELSON. I call his attention to line 17, on page 4, of the bill, which limits the use of this building to living purposes. I think the language should be "office or living purposes," and that the bill should be amended in that way.

Mr. SWANSON. That is included in the amendment which has been offered by the Senator from Colorado [Mr. THOMAS], which I have expressed a willingness to accept.

Mr. OVERMAN. Mr. President, I understand—and I want to get it into the RECORD—that this is to continue only during the war.

Mr. SWANSON. It is done for war purposes; the bill ceases to be operative at the conclusion of peace.

Mr. OVERMAN. If I understand, then, this will not interfere with the great park scheme?

Mr. SWANSON. It would not in view of the previous action of Congress.

Mr. OVERMAN. I merely wanted to have that in the RECORD.

Mr. GALLINGER. Will the Senator from Virginia yield to me?

Mr. SWANSON. I yield to the Senator.

Mr. GALLINGER. This $75,000 expenditure will be on all fours with the $10,000,000 which are to be expended for temporary purposes largely in the District of Columbia, so that it will not be any more thrown away than the rest of the money which we are proposing to appropriate.

Mr. SWANSON. I believe that if $75,000 is spent on the Maltby Building—and I do not think it will take that much to arrange it for office purposes—many of the apartment buildings which have been taken by the Army and the Navy and other branches of the service for office purposes can be turned back to their owners and occupied for residences, and the Maltby Building can be used for office purposes. I think that is a wise thing to do. My objection to the original provision in the bill was that it compelled the use of the Maltby Building for housing purposes alone. The amendment offered by the Senator from Colorado leaves it to the Superintendent of the Capitol Building and Grounds to determine whether it shall be used for office purposes or for housing purposes.

Before I take my seat I wish to say a few words in reference to the erection of the building opposite the Treasury and adjacent to the Belasco Theater. Work on that building has commenced. There has been a delay on account of the inability to get steel and other material.

Mr. GALLINGER. I stated that a little while ago.

Mr. SWANSON. Now, as to the Arlington property, a bill was introduced in the other House for the purchase of that property. The bill went to the Public Buildings and Grounds Committee of the House, and I think was reported favorably by that committee. If I am not mistaken, a rule was also reported by the Committee on Rules of the other House providing for the consideration of the bill authorizing the purchase of the property. That bill, however, was not acted upon. The building is in process of construction, and if the building was to be taken

by the Government it was necessary to take it at once in order that changes might be made to adapt it to offices and so that it should not be completed as a hotel. That was the only building of a permanent character available in the entire city of Washington that could be used by the Treasury Department. The Treasury Department, on account of the great enlargement of the Internal Revenue Bureau and the addition of other bureaus, is very much in need of additional space. If Senators will go to the Treasury Department they will see that all over the building clerks are out in the corridors. The Bureau of War-Risk Insurance of the Treasury Department is crowded into buildings scattered all over Washington; in fact, the Treasury Department, as I understand, occupies 18 different buildings in Washington for different branches of its work. Two or three billion dollars will be collected by the Internal Revenue Bureau, and that bureau has had to hire buildings all over Washington.

There was no other building that was available except the Arlington Hotel property, and the purchase had to be made quickly. As I understand, the money had been arranged for to complete it as a hotel. The question came up for the Treasury Department to determine whether they would spend half as much money and erect a temporary building, like the buildings being erected in the neighborhood of the State, War, and Navy Building, or to spend about twice as much for a permanent building that would afford accommodations for all time.

Mr. WILLIAMS. Mr. President——

Mr. SWANSON. I will yield directly. I believe it wise, even if it costs twice as much, if there is use for it in the future, to acquire a permanent building rather than to spend 50 per cent and merely get a temporary building that can not be used for permanent purposes.

I have not looked at the details, but I am satisfied that the Secretary of the Treasury and the President, in both of whom I have great confidence, obtained a reasonably fair bargain. The House is very exacting in its investigations of these matters, and the fact that the House committee reported the bill providing for the purchase of this property, and that the Committee on Rules reported a special rule for the consideration of the measure—and that procedure was followed because action had to be quickly obtained or not at all, as otherwise it would have been constructed as a hotel—I think demonstrates that the investment was a wise one, if the property could be acquired for a reasonable price.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. SWANSON. I yield.

Mr. WILLIAMS. I wish to ask the Senator from Virginia a question, because I have been considerably bothered about this matter. He knows that I am not a stickler, nor an unfair critic, but I can not understand why the Government of the United States, as the sole sovereign in the District of Columbia, did not exercise its right of eminent domain and condemn this property and have a proper condemnation jury decide what its value was.

Mr. SWANSON. That might have been done, perhaps; I do not know whether the law provides for that or not; I think the law authorizes condemnation for Army and Navy purposes.

Mr. WILLIAMS. Then, they could have gotten it for about a little less than half what was actually paid.

Mr. SWANSON. I do not know what its value is; I have never looked into that matter; I do not know what the facts are; I do not know what was paid; the bill was not introduced in the Senate; but was introduced in the House and was reported by the committee of the House, as I understand, and a special rule reported for its consideration; but I am satisfied that if any Senator desires to know the facts in connection with the matter he can readily obtain them. I understand that the parties got about what it cost them, with interest. As to whether or not too much was paid, I do not know; but I think it was a wise thing to obtain that property either by condemnation or purchase, if it could be obtained for a reasonable price. It is the only available building that could be obtained in Washington.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me——

Mr. NELSON. There was not any building on the Arlington Hotel site; there was only a hole in the ground.

Mr. WILLIAMS. Mr. President, the last statement made by the Senator from Virginia is true, that what the Government is paying is about what it has cost the present owners plus a certain percentage; but that rule of measurement of value in this particular case will not do. The old Arlington Hotel was torn down, and the owners got ready to build a new and greater hotel there. They went down in the ground about two stories, and found a lot of water and wells, and had to sink a lot of piles, and heaven knows what. I do not now think it is right for the Government of the United States to be charged with the misfortunes of the purchasers of the property or the extra cost which has accrued from having bought land subject to inundation.

Mr. SWANSON. I agree with the Senator.

Mr. WILLIAMS. The original price of the Arlington property with the old Arlington Hotel upon it—which by the way ought never to have been torn down; it was a good old hostelry, thoroughly all right in every respect—was not half what the Government is paying for the land, together with the building and the preparation thus far that has been given it.

Mr. SWANSON. Mr. President, I do not know as to the terms nor as to their reasonableness; but I wish to take the position that if there could have been obtained a building of a permanent character which would be needed and useful afterwards, it was a better proposition for the Government than to construct a building of temporary character, such as many of the buildings which have been constructed and which can not be used after the war is over. I repeat that I have not looked into the matter carefully, but I am satisfied, from my knowledge of the Secretary of the Treasury and the President, that if any Senator desires to investigate the matter, information will be furnished that will be satisfactory. I think, however, with the War-Risk Insurance Bureau and the Internal Revenue Bureau urgently needing additional space, and with the Treasury Department itself occupying 18 buildings, scattered all over Washington, that it was wise to get a permanent building, if it could be obtained at a reasonable price; and I am satisfied that the President and the Secretary of the Treasury got a very reasonable bargain. As I understand, contracts have been made for the steel, a part of which has been put in place, and that the building can be completed in about six months. I am satisfied that if any Senator will go down and see the Supervising Architect having charge of the matter he will be able to ascertain the cost, what is included in the purchase, and all the facts relating to it.

Mr. BRANDEGEE. Mr. President, will the Senator permit an inquiry at that point?

Mr. SWANSON. Yes; I will be very glad to yield.

Mr. BRANDEGEE. I do not know whether or not any other Senator has asked the question, but does the Senator know of this total of $4,200,000, if that be the sum the Government has paid, how much is for the land and how much is allowed for the building?

Mr. SWANSON. I do not.

Mr. BRANDEGEE. I should think that would be a very pertinent inquiry.

Mr. SWANSON. I think the item for this property would have possibly been included in one of the appropriation bills, but a point of order was made in the House—it was on a deficiency bill, I believe—and if I mistake not, I can not be accurate about that, it was insisted that the Committee on Public Buildings and Grounds in the House should have jurisdiction of the matter. So a bill was introduced in the other House and referred to the Committee on Public Buildings and Grounds of that body, authorizing this building to be acquired. It was reported, as I understand, unanimously, although I can not say with absolute certainty as to that; I am speaking merely from rumor and from information. The bill was pending in the other body for some time; and I understand the Committee on Rules brought in a rule for its consideration on the ground that it was an urgent matter. However, the building was being constructed; it had reached the second story, and it had to be determined whether it could be adapted for an office building or for hotel purposes. In view of that situation, there being no other building available, as I understand, upon representations made to the President, he thought it was a wise business proposition for the Government to make that purchase.

As to the price paid, I have never looked into that, and I do not know what it was. The matter never came before my committee. My committee was waiting to act after the House committee acted, but I am frank to say that if the price were a reasonable one and not extortionate, as chairman of the committee, I would have favored the purchase.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

Mr. SWANSON. I will be very glad to yield.

Mr. NELSON. Had the company which sold this property to the Government begun the construction of this building before they sold it?

Mr. SWANSON. They had begun the construction; and the iron frame work, if I can recall, had reached the second story.

Mr. NELSON. They had put up a steel frame.

Mr. SWANSON. The steel frame had been put up to the second story, and I understand that the steel, the cement, and everything else necessary for the completion of the building had been contracted for.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think the Senator is in error in saying that they had in contemplation to erect a hotel. I think it was intended to be an office building.

Mr. SWANSON. My impression was otherwise.

Mr. GALLINGER. I think I am right about that.

Mr. SWANSON. I can not say with absolute certainty whether it was designed for an office building or not; but the time had arrived when, if the Government was going to acquire it and could acquire it at a reasonable price, it ought to be acquired so that it might be constructed to suit the needs and purposes of the Government. It was a question of whether the Government should erect temporary buildings for the War-Risk Insurance and other bureaus or spend money to acquire a permanent building; and, if the Government got a bargain and did not pay an extortionate price for the property, I will say I think the purchase was wise. I repeat, that I have never investigated this matter; I do not know what the property cost, and I do not know whether it is a reasonable price; I can not speak as to that, because no information has been brought to me concerning it, and I was waiting until the bill should pass the House and come to the Senate before going into the matter.

Mr. SMOOT. Mr. President, in answer to what the Senator has just said, I desire to say that the company which owned the Arlington Hotel had begun the construction of this building; and I wish to say that any Senator who will go down there and look at the building will see that it is not the class of building that the Government of the United States would erect. It is a very cheaply constructed affair, so cheap that the Government architect has in a number of cases substituted stronger and larger steel construction than the original plans called for; in fact, it seems to me, unless that had been done, the building would have been absolutely dangerous. Changes have been made in just as few instances as possible in order to insure safety in the construction of the building.

Mr. President, I think that the building was started as a cheap office building, with the idea of renting it at $2 a square foot during the war; and it was thought by the owners that by a rental of $2 a square foot they would be able to pay at least half of the cost of the building if the war only continued a year and a half longer.

Mr. SWANSON. I should like to say, in this connection, that the Secretary of the Treasury—and I have a great deal of confidence in his business capacity and his ability to look out for the interests of the Government—recommended the purchase of this property. I think the best building that has been constructed in Washington, considering cost, floor space, and appearance, is the new Interior Department building. It is a building that looks well, considering the amount of money spent upon it, and in the essentials of floor space and light, I think it is one of the best buildings in Washington.

Mr. SMOOT. Nobody denies that.

Mr. THOMAS. Does not the Senator think it would look still better if it were on Government ground nearer to headquarters?

Mr. SWANSON. Congress located it there. It was located before I was chairman of the Committee on Public Buildings and Grounds, but it was located on that site and there was no discretion given as to its location. Congress located it on ground, as I understand, that had been acquired for the purpose of erecting an archives building.

Mr. GALLINGER. That is correct.

Mr. SWANSON. The ground ought to have been utilized for that purpose, but there was no discretion in the Secretary of the Treasury, as I understand, to locate it anywhere else. I repeat that I am satisfied, considering light, floor space, and cost of construction, that it is the best office building we have in Washington.

Mr. GALLINGER. I will say to the Senator that when Congress purchased that property for an archives building, so called, it was a very wise purchase and the location was a very proper one; but it is a very improper one for a department of the Government.

Mr. SWANSON. I remember that I looked into that matter and I thought the building ought to be located somewhere else, in view of its fine character; but Congress located it there and no discretion was left in anyone else. Congress, as we all know, is loath to lodge discretion in others; but if discretion had been lodged in some officer of the Government, the building would have been located somewhere else, where it could have been seen to better advantage and would have been handsomer.

The Senator from Minnesota [Mr. NELSON] has referred to the land adjacent to the Treasury owned by the Government on which no buildings have been erected, although the land was acquired some years ago. Ever since I have been chairman of the Committee on Public Buildings and Grounds I have spent a great deal of time and gone to a good deal of trouble and worry to get estimates in detail of the space occupied by every one of the departments of the Government. I arranged for such reports to be made, and I tried to secure the passage of a bill providing for the erection of a building on the very ground referred to by the Senator from Minnesota on the corner opposite the Willard Hotel. My committee reported the bill unanimously to erect on that property a building for the Department of State and the Department of Justice, which are to-day renting buildings. More than half a dozen times I brought that bill up and tried to secure its passage in the Senate, but it was never passed, the rules of the Senate permitting Senators to talk measures to death and there being no previous question to enable the Senate to come to a vote. I persisted in that matter until the war came on, when I knew it would be impossible to secure authorization for the construction of a building on that property. But for the Senate long before the war that land would have been occupied by a building for the State Department and a building for the Department of Justice. The land was bought and paid for, and the Government paid $40,000 for plans for the building, which were approved by the Supervising Architect of the Treasury. The Committee on Public Buildings and Grounds, as I have said, reported the bill unanimously, but every time it came up it was either defeated or talked to death; it was not allowed to pass the Senate.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I think we ought to refresh our memories about that. I do not remember that that bill ever was antagonized in any such way as that. I was very warmly in favor of it, and I think I would remember if any such opposition as the Senator indicates were shown toward that bill.

Mr. SWANSON. When I sought to bring the bill up Senator Root, of New York, or Senator Burton, of Ohio, repeatedly objected to its consideration, or would talk on it, and consequently it was never passed. I have asked repeatedly for its consideration, but other measures have been taken up. I want to say now that the time is coming when an effort is going to be made to put up public buildings here in Washington to house all the activities of the Government, so that the Government will not longer be a renter of property. The Senator will have an opportunity to vote on propositions of that kind and character as soon as the opportunity affords.

The senior Senator from Virginia [Mr. MARTIN], the chairman of the Committee on Appropriations, and myself asked for a joint committee, consisting of representatives of the Appropriations Committee and the Committee on Public Buildings and Grounds, to make a report showing the land owned by the Government and indicating the buildings needed for the various departments and their cost. Reports have been made and we have the figures, but on account of the war it was not thought wise to engage in the work at this time; and I hope the Senator, when bills are introduced to take care of the situation in Washington in the future, will aid me in getting them through.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I wanted to add, in reference to utilizing the property that we purchased for the very buildings that the Senator suggests his committee reported in favor of, I fear the Senator was not as insistent and vigorous then as he is now, because the Senator of late, when he has a bill to be considered, is certainly as determined and as earnest in its advocacy as any Senator in this body. I do not recall, however, that there was any great contest over that matter. I was so warmly in favor of it myself that I think I would remember if we had been thwarted in our purpose of getting that ground occupied.

Mr. SWANSON. The RECORD will show that repeatedly I brought it up for consideration.

Mr. GALLINGER. That may be so.

Mr. SWANSON. It died, of course, with the end of the session. I fully agree with the Senator from Minnesota [Mr. NELSON] that the time has come when we ought to have our own buildings in Washington. We ought not to be renters. I favor that. I have had commissions and my committee investigate it; but when the time comes, as a separate proposition, unless it is united with a general bill applying all over the country, putting up buildings at every little post office and crossroads in the country, it is nearly impossible to get it through.

Mr. GALLINGER. That day has passed, we all hope.

Mr. SWANSON. I hope so, Mr. President.

I ask for a vote on the amendment.

Mr. GALLINGER. Just one word, Mr. President.

An hour or so ago there was a debate in reference to the so-called Maltby Building. I made a statement then from recollection, not being absolutely sure that my recollection was ac-

curate, that the Superintendent of the Capitol Building and Grounds, to whom the repairs of the Maltby Building are now to be turned over, had made a report some years ago that that building was insecure and that it was not fit for tenancy. I felt sure that I was not mistaken, but the Senator from Colorado [Mr. SHAFROTH] said that I was mistaken about that; that it was the fire department that made the adverse report.

I have taken occasion to look up the matter, and I find that on March 9, 1904, 14 years ago, the Superintendent of the Capitol Building and Grounds made a report to Congress in which he came to the conclusion that the building was unsafe for occupancy at that time and that it would take approximately $75,000 to put it in safe condition. In his report he calls attention to the fact that it is not adequately protected against fire, and he calls upon the chief of the fire department for his view about that, and the chief of the fire department supplements the report of the Superintendent of the Capitol Building and Grounds to the effect that it is absolutely unsafe because of its not being a fireproof building, and a statement is made showing the amount of money that it will take to make the building safe for occupancy, and it amounts to $74,810. So that if the building is to be made safe, according to the views of the Superintendent of the Capitol Building and Grounds and the chief of the fire department, Mr. Belt, since deceased, it would take the amount of money that the Senator from Colorado proposes to appropriate in this bill, and, of course, it would take a much larger amount to put it in shape for office purposes.

I want that building utilized, however. I want it occupied by the Government, and I certainly shall vote with pleasure for the amendment submitted by the Senator from Colorado, but I shall do so fully satisfied that after that appropriation is exhausted, provided the condition is as it was found to be 14 years ago—and I imagine it has not improved with age—we will have to make another appropriation to put it in shape for office occupancy.

Mr. President, as I am anxious to have this bill disposed of, I shall not take the time of the Senate to read the report either of Elliott Woods, Superintendent of the United States Capitol Building and Grounds, or of Mr. Belt, who was then at the head of the fire department of the District, but I will ask unanimous consent to insert this report in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[Senate Document No. 201, 58th Cong., 2d sess.]

SAFETY OF THE MALTBY BUILDING.

Letter from the Superintendent of the United States Capitol Building and Grounds, transmitting, in response to Senate resolution of March 2, 1904, a report on the condition, as to its safety for occupancy, of the Maltby Building. March 12, 1904, laid on the table and ordered to be printed, with accompanying illustrations.

OFFICE OF SUPERINTENDENT
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C., March 9, 1904.

SIR: In accordance with Senate resolution passed March 2, 1904, directing the Superintendent of the Capitol to make a thorough examination of the Maltby Building (Senate annex), with the view of determining whether or not the structure is entirely safe for occupancy, etc., I have the honor to make the following report:

The Maltby House stands on what is commonly called made ground. From best information it was years back a dumping ground for all kinds of refuse. The site was formerly occupied by the car stables of the old Washington and Georgetown Railway Co., and the level at that time was many feet below the present level of New Jersey Avenue.

The exterior walls of the building appear to be in first-rate condition, and so far as I have observed have not settled to any great extent.

The original construction contained a brick elevator shaft, which, in the course of time and for the want of a good foundation, settled about 7 inches, carrying with it adjacent walls and floors.

Three years ago this elevator shaft became so insecure that in compliance with a request of the Sergeant at Arms of the Senate and in conformity with the law approved March 3, 1901, this office shored up the floors and adjacent partition walls and reconstructed the elevator shaft and foundations, substituting a shaft of steel, on account of its lighter weight, for the one formerly built of brick.

The tearing out of this elevator shaft required exceeding care, and when its foundations were exposed they were found to rest on what was practically an old bed of manure, over two cartloads of which were taken out, a new foundation substituted, and walls adjacent thereto underpinned and strengthened. Since this reconstruction I find that there has been little or no settlement at this point.

At the time of the reconstruction of the elevator shaft the floor of the vestibule was forced upward some 7½ inches to bring it approximately to a level.

Throughout the building are stacks of brick running from the ground up to and through the roof, containing fireplace flues. In nearly every case these have settled since the time of the construction of the building. Floors, partitions, and doorways, which by the nature of the construction are in a measure tied to the stacks, have correspondingly settled and are now very much out of level.

Pretty thorough examination into these conditions was made at the time of the reconstruction of the elevator shaft, and one point, the interior wall of the north side, where crossed by the main corridor, has been watched. It appears from comparison made with former observations that a little settlement of this wall and the chimney piers continues, but not to any great extent; at least not sufficiently to create immediate alarm.

The evident danger on account of fire led me to request the Commissioners of the District of Columbia for a special report to be made by the chief of the fire department and fire marshal, a copy of which is hereto appended. Their conclusions are no stronger than the facts warrant.

Wherever settlement of foundation walls has occurred the effects can be seen in the condition of every floor from the cellar to the roof.

To obviate this condition requires the removal of cellar floors to get at and strengthen the interior foundations; the tearing out and leveling up of practically all the floors of stories above the cellar, necessitating new plastering and repairs where the walls, ceilings, and doorways would be disturbed; the resetting of door jambs in nearly all cases. In many instances complete new doors and trimmings would have to be supplied.

The cutting out of interior walls to enable the leveling up of the floor joists would tend to weaken the present structure during repairs.

My final observations are that special precautions should be taken to prevent the overloading of floors throughout the building, especially with books in bags. If such overloading is prevented, there does not appear to be immediate danger.

If the Government desires to continue the use of the building, as they probably will for three or four years at least, I recommend that the entire cellar floor, which is of wood, be taken out and when out that the foundations of the inner walls be carefully examined and, where necessary, reenforced or underpinned, to prevent, if possible, farther settlement. The floors should then be replaced with concrete to keep out the dampness.

If the Senate desires to make the Maltby House a permanent annex, the building should be entirely reconstructed within the outer walls, and that construction should be of the fireproof type, both as to floors and partitions.

If, for temporary occupancy, a new floor in the basement and strengthening of the foundations of interior walls is desired, the expenditure would amount to $8,860.

If it is desired to enter into thorough reconstruction of the interior from cellar to roof, it would require approximately $75,000.

I beg to transmit herewith plans—one of the basement story and one of the first story, which is typical of the floors above it, showing the brick walls and wooden partitions. On these plans will be found arrows pointing the direction of the general settlements which have occurred.

In making the inspection no floors were cut into to determine the condition of the wooden floor joists. Such as were exposed during the late reconstruction were found to be in good condition. To make such an inspection at this time would be an annoyance to those occupying the building.

In making my inspection I was assisted by Mr. S. S. Hunt, a builder of many years' experience, and by the engineer in charge of the building, Mr. Mankin. The latter was in charge of the building at the time the elevator shaft was reconstructed. Since that time he has kept faithful watch for further settlements, and pointed out to me in detail every observation he has made.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.

Hon. WILLIAM P. FRYE,
President pro tempore United States Senate.

OFFICE OF SUPERINTENDENT
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C., March 4, 1904.

The honorable the Commissioners of the District of Columbia.

GENTLEMEN: I am directed by the Senate of the United States to make a report on the structural and other conditions existing at the Maltby House, now used as a Senate Annex.

I think it is highly important that an examination and report be made by the fire department on the question of the liability to and danger of destruction by fire of this building.

I therefore have the honor to request that the chief of the fire department and the fire marshal be detailed as a board to make an inspection of the Maltby Building and report on this subject.

As my report is desired at the earliest possible moment, I will thank the commissioners if this matter will be given their immediate attention.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

HEADQUARTERS OF THE FIRE DEPARTMENT
DISTRICT OF COLUMBIA,
Washington, March 7, 1904.

GENTLEMEN: Pursuant to your direction, and at the request of Mr. Elliott Woods, Superintendent of United States Capitol Building and Grounds, to make an inspection of and report on the Maltby House, located at the northwest corner of New Jersey Avenue and B Streets NW., in accordance with a resolution of the United States Senate, I have the honor to report that Fire Marshal Sidney Bieber and I this day visited and inspected the said building and beg to submit herewith the following facts in connection thereto:

The building is of brick construction, five stories in height, with a basement and attic, the attic being formed by a mansard roof. There is a vast amount of wooden material to be found throughout the building; in fact, the roof, that is entirely of frame, is of open construction and would prove very hazardous should a fire occur in this building. The majority of the partitions dividing the rooms from one another are lathed and plastered, and the floors, as well as the stairway adjoining the elevator shaft, are of wooden construction.

There are no modern improvements against fire in this building; that is, no material was found that is termed "fire resisting."

Should a fire occur in the basement of this building the probability is that, unless the department was notified very soon thereafter, it would gain such headway as to do considerable damage before it could be extinguished, if extinguished at all until the entire building was consumed. Even after the department arrived on the scene the greatest precaution would have to be observed by it, for it would be very dangerous for firemen to enter, it being noticed during the inspection this day that the interior walls have settled to such an extent as to render them dangerous in case of fire.

We consider this building extremely hazardous in regard to the liability of fire therein, and we are of the opinion that, on account of the conditions mentioned, it is dangerous for the purpose for which it is used.

Very respectfully,

WM. T. BELT,
Chief Engineer.
SIDNEY BIEBER,
Fire Marshal.

The honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

AREA OF FLOORS OF MALTBY HOUSE, 5,000 FEET EACH.

Removing present basement and débris	$650
Concrete addition to present footings, 300 yards, at $8	2,400
555 yards of concrete paving	1,110
Furnishing and placing beams to support foundations	3,500
Excavation	1,200
Cost of work in basement	8,860
FLOORS ABOVE BASEMENT.	
128 tons 12-inch I beams, at $50	6,400
100 tons columns and girders, at $50	5,000
2,500 feet of floor arches and floors, cement or tile	12,500
Plumbing	4,500
Painting	2,500
10,000 yards plastering, at 40 cents	4,000
Millwork	5,500
Hardware	1,250
5 flights of stairs	4,500
Steam heat, using old plant	3,500
Fireproof partition, terra cotta or expanded metal	4,300
Removing and shoring up old work	5,500
Electric wiring and fixtures, approximate	6,500
Total	74,810

Cubic contents of building, 70 by 5,000, equal to 350,000 feet.
350,000 cubic feet, at 21 cents, $73,500.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. THOMAS] as modified.

The amendment as modified was agreed to.

SOLDIERS' VOTE.

Mr. VARDAMAN. Mr. President, out of order I ask unanimous consent to insert in the RECORD a letter received by me from The Adjutant General of the Army concerning an order which has been issued by the War Department with reference to the soldiers' vote in primary elections and at the regular November elections. The order issued by the department is so widely at variance and in conflict with the laws of some of the States that it amounts to a prohibition of soldiers from voting or participating in those elections. Of course, I understand that the Army has a right to prohibit the soldier from exercising the rights of freemen if it interferes with discipline or with the regulations; but as to how the soldier shall cast his vote is a matter which is determined by the laws of the respective States, and if the War Department insists upon this order it means a nullification of the laws of some States.

I ask that this letter be read, or, in order not to take the time of the Senate, I ask that it be printed in the RECORD.

Mr. SMOOT. I should like to have it read.

Mr. VARDAMAN. Let it be read, Mr. President. I think Senators would like to hear it, and the country would like to be informed of the order that has been issued, to the end that matters may be put in shape in the different States so as to conform to the regulations of the War Department.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, April 22, 1918.

Hon. JAMES K. VARDAMAN,
United States Senate.

DEAR SIR: In response to your request for information relative to the arrangements which have been made for taking the votes of soldiers at the various State elections I have the honor to inform you as follows:

It has been decided by the department that, so far as the soldiers stationed within the borders of the United States are concerned, their votes at either a primary or a general election may be taken by the several State governments without serious interference with military operations or with the training and discipline of the men. Pursuant to this decision the following order was issued to all commanding officers in the United States:

"Upon application by the secretary of state or other proper officer of a State government to the commanding officer of a department or division for permission to take and secure the vote of the officers and soldiers of said State serving in said command and within the borders of the United States for either a primary or general election of said State such commanding officer shall specify a place or places where all such officers and soldiers in such command may exercise their State franchise and shall allow the properly qualified election officers of such State the opportunity to secure the votes of its citizens in such command at the place or places so designated and at or during such specified period or periods of time, and conforming as near as may be to the request of said State officer in this respect as shall not interfere with military efficiency. The place or places so designated shall be in such proximity to each and all sections of the troops as will permit them, under the regulations prescribed, to make deposit of their several ballots. Such election officers shall be permitted, if they desire, to erect at said place or places such inclosure or inclosures as may be necessary for the conduct of such election, and at said place or places, but not elsewhere, to disseminate information and literature for the instruction of the voter as to the method to be pursued by him in the marking and casting of his ballot; but this latter privilege shall not be construed to permit the dissemination of information or literature calculated to influence the voter in the exercise of his franchise."

As to the soldiers in France or on other foreign soil in the theater of war, the department has reached the decision that their vote can not be taken without serious interference with military efficiency.

Very respectfully,

H. P. MCCAIN.
The Adjutant General.

Mr. GALLINGER. Mr. President, that is an important matter. Already inquiries are coming to me concerning it, and I will ask the Senator from Mississippi if it might not be well to have that letter printed as a public document?

Mr. VARDAMAN. I shall be glad, if the Senator desires to distribute copies of it, to have that done.

Mr. GALLINGER. Then, Mr. President, I am going to move that it be printed as a public document.

Mr. VARDAMAN. I have requested the press to copy it and send it broadcast throughout the country, and I dare say that will be done.

Mr. GALLINGER. Mr. President, the Senator from Utah [Mr. SMOOT] sotto voce, suggests that he thinks the letter is in conflict with the laws of many of the States, and that we ought not to send it out. If that is so, I think probably I will not make the motion that I thought of making. If it is to stand, however, we ought to have the privilege of sending it to our constituents without writing long letters on the subject.

Mr. VARDAMAN. What is the objection of the Senator from Utah?

Mr. SMOOT. Mr. President, I think it is in direct conflict with the laws of a great many of the States; and if we make it a public document and send it out, then those who are interested in the subject, even though it be in conflict with the laws of the States, will feel that the Government has adopted it, and that that would be the practice of our Government.

Mr. VARDAMAN. But the advantage would be that the representatives of the different States will communicate with the Secretary of War, and the order will possibly be modified. Down in Mississippi, for instance, the manner of taking the vote is by a written ballot. The ballot is sent to the soldier, and the soldier votes and signs his name to it. I do not think there is any purpose on the part of the War Department to prevent the orderly execution of the laws of the States; and if that letter were distributed over the country, the probabilities are that the matter would be taken up by the people of the different States.

Mr. SMOOT. Mr. President, I hope the Senator will not think that I have reference to any ulterior motive on the part of the Government in having this order issued.

Mr. VARDAMAN. Oh, I understand.

Mr. SMOOT. But I do know that it conflicts with the laws of many of the States. I think if it were made a public document and sent broadcast all over the United States perhaps many of the people of the States would take it for granted that that was going to be the law and that every soldier from those States would only have to comply with the order of the War Department.

Mr. VARDAMAN. The Senator understands that if the vote is not taken in accordance with the State law the vote will not be counted.

Mr. SMOOT. That is exactly what I know.

Mr. VARDAMAN. The purpose of disseminating that information is for the purpose of seeing that the soldier shall be given an opportunity to vote.

Mr. SMOOT. Yes. The Senator from Mississippi has exactly the same idea that I have. I do not want the voters of the States to get the idea that this order supersedes the law of the States, and that they may rely upon it, for if that were done when the time came for counting the votes of the soldiers from those States they would fail, and I do not want that to happen.

Mr. VARDAMAN. Would the Senator object to having the letter printed as a public document?

Mr. SMOOT. No; if the Senator, after that explanation, feels that it ought to be printed as a public document, well and good; but I do believe it ought to be called to the attention of the governor of every State by the War Department issuing this order, and then let the governor of each State call the attention of the War Department to the fact that it conflicts with the laws of those States.

Mr. SWANSON. Mr. President, if this matter is going to precipitate any further debate, as I am anxious to finish this bill to-night, I shall have to object to its consideration.

Mr. GALLINGER. I will not make the motion, Mr. President.

Mr. VARDAMAN. All right; let it go.

Mr. GALLINGER. Later on, perhaps, we will take it up and discuss it.

HOUSING OF GOVERNMENT EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the President to provide housing for war needs."

Mr. SWANSON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SWANSON, Mr. REED, and Mr. CURTIS conferees on the part of the Senate.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

Mr. OVERMAN. I ask unanimous consent that the Senate proceed to the consideration of the conference report on what is known as the espionage bill.

Mr. SMOOT. Mr. President, do I understand that the Senator simply wants to take up the report in order to make it the unfinished business?

Mr. OVERMAN. Yes. It is the conference report on the bill known as the espionage bill, House bill 8753.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the conference report indicated by him.

There being no objection, the Senate proceeded to consider the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. OVERMAN. Mr. President, I understand that the Senator from Georgia [Mr. HARDWICK] desires to speak on this bill.

Mr. SMOOT. Not to-night, I hope.

BUSINESS OF THE SESSION.

Mr. GALLINGER. Mr. President, somewhat representing the minority of the Senate, I am going to indulge in an observation, and, of course, it will be treated for what it is worth.

We have passed a great number of bills at this session of the Congress. We have been diligent in our work. We have laid aside all our prejudices of a political nature, and have cooperated, the minority with the majority, to facilitate the work of the session. Of course, we can not tell what may be presented to us for consideration in the future, but it seems to me that we are entitled now to hasten the work of the session to the utmost extent of our power. I think we ought to stay here a reasonable number of hours each day, and, if need be, we ought to have some night sessions a little later on, with a view of getting through the work of this session not later than the 10th day of July, so that we may have an opportunity to refresh ourselves at our homes and attend to our affairs in addition to our duties here.

I presume the Senator from North Carolina [Mr. OVERMAN], who has had charge of these great war measures, can not definitely state what we may expect to have presented to us in the matter of additional legislation along that line, and yet, as I understand, there is at the present time no great measure pending.

Mr. OVERMAN. Mr. President, not before the Judiciary Committee, which has had these bills, such as the espionage bill, the sabotage bill, and what is known as the Overman bill. They are all out of the way except the espionage bill, and I hope we will get it through to-morrow. I want to say to the Senator from New Hampshire that I agree with him that we ought to hasten this legislation, in order that we may get away possibly by the 1st of July, and I do not see any reason why we should not.

Mr. GALLINGER. Of course, I am quite aware of the fact—in fact, it goes without saying—that no Member of this body can speak for the other House; but we know the facility with which the other House can dispose of legislation when they choose to do so. Most of the great appropriation bills, or a portion of them, are yet to come to the Senate. The naval appropriation bill is here, and I apprehend it will be taken up by the committee promptly, and the other appropriation bills will be coming along. We know with what facility our friend, the distinguished senior Senator from Virginia [Mr. MARTIN], disposes of these matters. For that reason, and other reasons that I will not stop to state, I simply want to say that I know the minority of the Senate will be glad to cooperate in any reasonable effort to bring this session to a close at a reasonable date.

I trust that it will not be considered intrusive on my part to make the suggestion I have made, because I feel that we are capable of wasting a great deal of time unless we have some purpose in view that perhaps appeals to us as individuals and appeals to the body collectively.

Mr. OVERMAN. Mr. President, I am glad the Senator has made the remarks that he has. I know myself of no great measures that are to come before Congress other than the appropriation bills, so far as I am informed. The Post Office appropriation bill is here now, and probably will be taken up as soon as this bill is disposed of.

Mr. GALLINGER. Yes; I omitted to mention that.

Mr. OVERMAN. And the legislative bill is in conference. The Navy bill and the Army bill, I suppose, will be over here shortly, and why we can not get away in July I do not know. I should like to go on with this bill and consider it for an hour or so this afternoon. If there is any objection, however, of course I want to accommodate myself to the convenience of the Senate. We have been here for a long time.

Mr. GALLINGER. Then I will suggest that I think it would be better if the Senator would put the Senate on notice that the conference report will be pressed to-morrow morning.

Mr. OVERMAN. With that understanding, that it will be pressed to-morrow morning as the unfinished business, I move that the Senate proceed to the consideration of executive business.

Mr. VARDAMAN. Mr. President, I want to ask the Senator from New Hampshire if he will not amend his program by making it July 1?

Mr. GALLINGER. That would suit me better. I added the 10 days simply as a matter of safety.

Mr. SMOOT. Mr. President, unless there is some legislation that will be reported to the Congress that is not now thought of, I can not see but that Congress can easily get through its work by July 1.

I have been looking over the appropriation bills, and I find that the only appropriation bills yet to be passed by the House are the fortifications bill, the pensions bill, the Army bill, and the public-buildings bill, if there is to be one this year. I do not believe it will take the Senate a day to pass the naval appropriation bill. It will take about 15 minutes to pass the pension appropriation bill. I do not think it will take two hours to pass the fortifications bill. Unquestionably there will be no trouble in passing the appropriation bills between now and July 1; and unless there is really some more legislation that is going to be demanded of Congress that we know nothing of, I can not see why we should not get away from here before the 1st of July.

Another thing in that connection, Mr. President. I think that five hours is plenty for the Members of the Senate to be in this Chamber during any day. That applies particularly, Mr. President, to those Senators who spend their time in the Senate from the time the session begins until the Senate recesses or adjourns; and I think that just as much work can be accomplished, if we will attend to the work, within five hours as if we try to hold long sessions one day and then have nothing particularly to do the next day.

Mr. OVERMAN. I move that the Senate take a recess until 12 o'clock to-morrow.

Mr. GALLINGER. Mr. President, I hope the Senator will move to take an adjournment instead of a recess.

Mr. OVERMAN. Mr. President, I always like to oblige my dear, good friend the Senator from New Hampshire; but during the pendency of what is known as the Overman bill I had three or four adjournments, and the morning hour was taken up by speeches. I am going to move to take an adjournment to-day, but I give notice that after the morning hour to-morrow I shall move to take up this conference report.

I now move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m., Wednesday, May 1, 1918) the Senate adjourned until to-morrow, Thursday, May 2, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 1, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in Heaven, whose blessings are new every morning and fresh every evening, canst Thou look down from Thy throne of grace upon this sin-stricken world and be still? Judge Thou, we pray Thee, between the enemies of free men who have precipitated a world-wide war on the lovers of peace and compel them to fight for peace. Encourage us by the words of Holy Writ: The race is not to the swift nor the battle to the strong. "A thousand times the vanquished, right, hath risen glorified" because of Thy strong right arm, because of Thy love of right. Be with us, we beseech Thee, with the power of Thy might and make us valiant in this hour of peril and give to us the victory for an everlasting peace, and psalms of praise we will ever give to Thee, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, in eliminating a section of the bill H. R. 11259, it throws out of joint the reference to sections, and I ask unanimous consent that the enrolling clerk be empowered to change the numbers to conform with the facts.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the enrolling clerk be empowered to arrange the reference to sections in the bill H. R. 11259 to conform to the facts. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4410. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

The message also announced that the Senate had passed without amendment the bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

APPROPRIATION FOR EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution which I send to the desk, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of a House joint resolution, which the Clerk will report, and he asks unanimous consent to consider it in the House as in Committee of the Whole.

The Clerk read as follows:

House joint resolution (H. J. Res. 284) making an appropriation for contingent expenses of the House of Representatives.

Resolved, etc., That the following sum is appropriated out of any money in the Treasury not otherwise appropriated:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, fiscal year 1918, $40,000.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I call up Senate joint resolution 124 and move that the House further insist on its amendments and agree to the conference asked for by the Senate. That is the 21-year-old bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The SPEAKER. The gentleman from Alabama asks unanimous consent to take the Senate joint resolution 124 from the Speaker's table, insist on the House amendments, and agree to the conference asked for by the Senate.

Mr. CANNON. Mr. Speaker, I would like to ask the gentleman from Alabama if the gentleman does not want any further consideration of the bill.

Mr. DENT. That is all—that the House insists on its amendment.

Mr. CANNON. In the opinion of the gentleman no other motion is desirable at this time to be considered by the House.

Mr. DENT. I do not think so.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. DENT, Mr. FIELDS, and Mr. KAHN.

AUTHORITY TO PRESIDENT TO SELL WAR SUPPLIES—CONFERENCE REPORT.

Mr. DENT. Mr. Speaker, I ask to call up the bill S. 3803, authorizing the President to sell war supplies, and move the adoption of the conference report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

An act (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

S. H. DENT, JR.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 3803, authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war, submit the following written statement explaining the effect of the action agreed on:

The difference between the two Houses consists in the fact that the Senate bill provided that the proceeds of the sale authorized in the bill should be used by each department or bureau whose products were sold, whereas the House insisted that the proceeds should be covered into the Treasury. The Senate accepted the House amendment.

S. H. DENT, Jr.,
W. F. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The conference report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SISSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11692, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. SISSON. Mr. Chairman, I will ask the gentleman from Minnesota to use some of his time now.

Mr. DAVIS. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, the beginning of my controversy with the gentleman from Alabama [Mr. HEFLIN] was occasioned by his speech in my absence in Chicago, while I was addressing patriotic meetings, supporting the administration, and the enforcement of the laws of this country, in which he charged me with making pro-German statements and disloyal conduct. Returning, through a mutual friend, I asked him in a letter to correct his statements, as I believed that he had been misinformed, and also to correct the statement he made in regard to the legislation which I had tendered. You will remember that that letter was read in my first reply. You will remember that he declined to make a correction of the RECORD, but insisted on leaving the statements as they were. I do not apologize to the House for taking this time in replying to his last speech, for, as I stated yesterday, if he would correct the RECORD in places where he had misquoted my last speech on Alsace-Lorraine, I would gladly accept any terms whereby this controversy might end. I gave notice that I would continue to resent any insulting insinuations reflecting upon my Americanism, from whatever source it might come, and I propose to keep my promise. Now, that same man on April the 23d has again assumed the position of censor, and insinuates that I am not as good an American as he is, and as he assumes in his speeches to tell the Republicans of Illinois what to do in my case, and has notified me that he will come to Chicago to take care of my case, I claim the privilege not only of replying to his insinuating remarks but to place before the people of my State something of the record of this self-appointed censor in order that my people may know just who he is and what he is. He complains that I made my speech of April the 7th in his absence. I did that, and will do it again under the same circumstances, for with that bravery that is characteristic of cowardice he made his insulting speech in regard to me late in the afternoon of the 6th, when, as shown by the statement of the gentleman who spoke for him, he knew he was going away that night and that it was impossible for me to get the floor until the next day. If he had the least conception of legislative courtesy, this would not have happened. He had a month to reply to my speech. I was ready to reply to him the minute he closed, and as soon as I found I could get the floor the next morning, from the Republican cloakroom I notified his office that I would reply to him, and I did not know that he had left the city until after I had taken the floor. I wish my people to know another evidence of his bravery and honesty.

The speech he made, which was sent broadcast over the United States, insulting me in reflecting on my Americanism, was made three weeks ago, and he waited 21 days before printing it in the RECORD. When he comes to Illinois to tell our people what to do—and I hope it is a promise and not a threat—he will be most heartily welcomed; but as I know something of the wisdom of the Democratic committee in Illinois, he will have to hire a hall on his own account if he comes. [Laughter.]

I wish the people to know also, when he comes to our State to run the politics of Illinois, that this is the same gentleman who in the last Congress was forced by a committee to print what did happen in place of what he said happened. I was not then a Member, but in his colloquy with our colleague, Mr. RAGSDALE, he deliberately shifted the word "applause" so as to help him and to injure Mr. RAGSDALE. He corrected this only when confronted by the statement of the Official Reporter, and was compelled by the committee appointed by this House to let the RECORD be printed showing the alterations he had made overnight. He did this to help himself politically. If there had been money or other things of value involved, it would have been a crime. When he comes to Illinois to bellow about his patriotism and my lack of it, I want the people to know that he is the man who assisted the Kaiser by intimating that his colleagues in that Congress had been influenced by the Bernstorff fund, which was not only false and slanderous to his colleagues and not only encouraged the Kaiser but discouraged the American people, who did not believe that that Congress was for sale. When before the committee for these charges he crawfished, denied the statement as to the gambling house, although two or more reputable reporters testified that he did make the statement.

Mr. HEFLIN rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Alabama?

Mr. MASON. I shall not yield for a question.

Mr. HEFLIN. I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. I merely want to state, Mr. Chairman, that I am not going to interrupt——

The CHAIRMAN. What is the point of order that the gentleman desires to make?

Mr. HEFLIN. The point of order is that the gentleman said——

The CHAIRMAN. If the gentleman desires to make a point of order, he should state it. The gentleman from Illinois has declined to yield.

Mr. HEFLIN. I am doing my best to tell the Chair what I am going to make the point of order about.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. The gentleman was making a statement that I had slandered Members of the House, and my point of order is that under the rules you can not charge those things, but I shall not interrupt——

The CHAIRMAN. Does the gentleman desire these words taken down?

Mr. HEFLIN. I just want to ask the Republican side not to bother me when I come to reply.

The CHAIRMAN. The gentleman does not state a point of order.

Mr. MASON. Driven into a corner, he finally said he "suspected"—he, the magnificent, self-appointed Pecksniff—suspected 12 or 14 of his colleagues in that Congress. He admitted that he had no evidence against them, and declining to give any evidence except his own foul suspicion he appeared before the investigating committee, within two days of the close of the session, and when threatened with expulsion he said before the committee: "Do you think the Commander in Chief of the Army and Navy would permit you to humiliate me?" [Laughter.] Brave boy, who soaks you with a snowball and then runs into the schoolhouse. Brave boy, who challenges you for a scrap, and the first time he gets a punch in the face halloos for the teacher. It was near the close of the session; the committee reported unanimously that his conduct deserved censure. He expected a vote on expulsion, and long after Congress had adjourned, and the Members gone home, he exercised his privilege by printing in the RECORD pages of newspaper articles which he adopted as a part of his remarks, one of which referred to the remarkable scandal which he had theretofore stated he knew nothing about. But seeking to gather a little cheap politics for himself and to scandalize his colleagues, he rehashed the whole thing, as if his charges against his colleagues were true and that he had reasons for suspicions, and that he would name the 14 suspects, which up to this time he has never had the clear grit to do.

As to the Age-Herald and his suggestion that I was in some sort of conspiracy with that paper and with the Senator who is running to succeed himself from Alabama, in answer to that I will simply say that the editorial was handed to me by my Republican colleague. I did not know of the second editorial. He says he wrote, "HEFLIN holds House rapt," but paid for sending it. "O Modesty, thy first name is Thomas." My charge that he is playing cheap politics is supported by the fact that he does not deny that he wrote the startling headline of his speech, "HEFLIN holds the House rapt." When you stop to consider that "rapt" means "transport, ecstacy" it will hardly be necessary to raise the veracity of that report, nor is it really necessary to discuss the question of whether he was moved to write these glaring headlines of his own eloquence by patriotism or paresis. [Laughter.]

I did not know at the time I made that speech that he was possessed of enough gall to announce himself for United States Senator for the State of Alabama. So I could not have been in any conspiracy to injure him in his politics, while he stated that he had never had any opposition, and the statement that he is playing cheap politics is borne out by the fact that his speech assailing me, a Republican, in order to build himself up among the Democrats, was so that he could say to his constituents, "I have not only done my best to kill a negro in Washington, but, like the knights of old, I have walked down the Halls of Congress and flung my shining lance full and free at an old fellow, who is a Yankee Republican." He will say to them that he has got all his colleagues scared, and even has defied the Democratic leader, and given notice that the Speaker was not fair. He will say, "I have got everybody locoed and scared to death in Congress, except one Illinois Republican, and I am going after him." When he is abusing me to make votes for himself, will not some one of your fair men down in Alabama tell him that when I was a boy, standing guard at night and nursing the wounded in the daytime, I had all the prejudices of our side that you had on your side, but after I had lived in the big, broad city of Chicago

and traveled in politics a few years and came to this House 32 years ago and served with great Democrats like Sam Randall, Carlisle, Crisp of Georgia, and of scores of others that I can not name, I had a broader vision of what my country meant.

Once in Paris, in a theater, I was lonesome, could not understand the language; but when the band struck up the tune of "Dixie" my hands burned in starting the applause.

I knew that I had gotten over my sectionalism and that "Dixie" was as much my land as yours. [Applause.] And I want to say to you that when he seeks to prejudice you against me on account of that you may remember that when an effort was made to erect a monument to the Confederate dead in Chicago, the first northern city that ever did that, I defended it here and received the abuse of small men, as I am receiving it to-day, because I thought that was a patriotic thing to do. I contributed in my small way, and Chicago unveiled the first monument, and the Grand Army of the Republic stood back of me and with me—the men who fought the men in gray. I just simply want you to know that while I am a Republican, and I have defended the economic principles of that party all of my life and expect to do it until I die, yet I never have appealed for the past 25 years at least to sectionalism to support either myself or the principles of my party. [Applause.] I did say that he was doing cheap politics, but at that time I did not realize how cheap it was—I did not realize how cheap it was until from his district and from his State they sent me his announcement as a candidate for the Senatorship, and the cheapness consists in the fact that it is an unfrankable communication, in my opinion, and he is sending it out at Government expense! That is what I call real cheap politics. [Laughter.] I am not going to read it all, and I shall not put it into the RECORD, for then he would be justified in mailing it by the tons. On March 9 he says:

DEAR SIR: I am being urged by my people in every section of the State to become a candidate for the Senate.

[Laughter.]

I hope gentlemen will not laugh. It is one of those serious things—to Alabama. [Laughter.]

And all I wish to say about that is, Mr. Chairman, that I did not know that when I charged him with cheap politics. I say now that there is not a thing in that letter that makes it frankable, and there is no other gentleman upon the floor of this House who sends out political announcements, and sends them out at the expense of his Government, by simply inserting at the bottom an extract from the CONGRESSIONAL RECORD from Senator SIMMONS, who comments, not unfairly, but who comments upon the amendment known as the Bankhead amendment. Now, I suggest to you gentlemen, any of you who want to avoid payment of your just taxes to the Government we love, and we all love our Government, if you want to avoid paying your political postage, I suggest a letter like this:

DEAR BOB: I am going to run for reelection, and I want you to see Dick and tell him to look after the fourth ward, and tell Harry to look after the floating vote, and get Bill to keep after the lawsuit and get it settled. Mary and the children are all well. Love to all the boys.

Yours,

JIM.

P. S. The following is from the CONGRESSIONAL RECORD of April 16, 1918: "HEFLIN holds House rapt."

[Applause.]

He said here the other day, and I have no doubt it is true, that he is willing to die for his country; but, brother, do not die, but live long enough to fix up this little postage account with your Uncle Sam. One of my colleagues suggested that for his campaign he have some pictures painted of himself, holding in his right hand the American flag and his left hand in Uncle Sam's pocket looking for postage stamps. [Laughter and applause on the Republican side.] I remember the day, on the 5th of April, 1917, when the Democratic leader of the House, Mr. KITCHIN, had been pointed out to me, and when this great censor said that he "regretted" to say some things, and then, after lecturing the leader, said that he ought to resign as a Member of the House, and he looked so pretty, and sounded so patriotic, and spoke with such authority I inquired of one of my colleagues who he was, and whether he was the leader over there; and he smiled and said, "That is HEFLIN; he thinks he is the Government." But he says he is only dealing with me on account of my speeches here, and yet he closes his dodging and insulting arguments "that I am a walking advertisement for nuxated iron." He puts it in the RECORD, thereby making it a free advertisement hereafter. [Laughter.] His was a high and lofty purpose. I want to state to you that I wrote the letter that was used as an advertisement. I am not apologizing or explaining or justifying the question of taste, but I wrote it; but to use the language of Sir Walter Raleigh, "I did not dream that so frail a note would attract attention of the 'gun toter' from Alabama."

I quit lying a good many years ago, not only on account of its immorality but it is such a strain on the memory. [Laughter and applause.] I heard Willie Collier a few nights ago in "Tell the Truth." I am determined to stick to it. I wrote the letter, I told the truth about that particular remedy. I wish I could find words in parliamentary language to tell the truth about one particular Member of this body—I mention no names.

But our brave and distinguished friend says in a trembling voice that he tendered his services to the President the day after war was declared. I can see him walking up Pennsylvania Avenue, walking in the center of the street to maintain the equilibrium of the street and in the interest of the passers-by on the sidewalk, and knocking at the White House door, and the conversation was probably something like this:

"The PRESIDENT. What can I do for you?"

This is an imaginary conversation, and see if it is borne out by the record—

"I want to be a soldier and with the soldiers stand,
A safety pin upon my shoulder and a six-gun in my hand"—

For you know he is given to poetry at times, at least he thinks it is poetry. And the President says:

"Why, how did you dodge the recruiting officers down here? There are three or four between here and your place. I suppose you come of fighting stock?" "Yes, sir." "Your forefathers were in the Confederate Army?" "No, sir; they were not." "I understand you made a fine record in the Spanish War?" "Oh, no, Mr. President; there was no draft in that war." [Laughter on the Republican side.] "If I had volunteered there would have been nobody here to protect you against this wicked Congress." "Well, brother, they tell me there are three or four Republicans who are going to enlist in Congress and I suppose they can tell you how to get in. Were you down on the Mexican border in that scrap?" "Oh, no; I was busy." "You were busy?" "Yes." "You were for it?" "Yes; I am for every scrap I can keep out of." Now, I want you gentlemen to know I did not bring this into the RECORD, I did not bring into the RECORD the question of his fortune or misfortune in having shot somebody in Washington. I did not bring it in here. He brought it in; but I say the President might have said to him very naturally, "Are you the man who shot at a black man and hit a white man?" And he would say, "Yes." That is what he told us here the other day, and the President would naturally say, "I do not think you will do, brother. If I sent you out with a long-range gun and directed you to blow up Berlin you would hit Tokyo." [Laughter and applause on the Republican side.] The gentleman says, striking an attitude here, "I have no newspaper in Alabama, but I have the ear of the people of Alabama." If Alabama has a friend here, please telegraph that grand old Commonwealth—that has given us men like Morgan, Pettis, Fighting Joe Wheeler—please telegraph Alabama that HEFLIN has their ear, and they had better get it back or it may go where Uncle Sam's postage has gone.

Mr. Chairman, when I mention cheap politics I consider that rather cheap. Mr. Chairman, I called his attention to the fact that I had not mentioned that shooting scrape down on Pennsylvania Avenue. I did not mention it, although I knew about it. I have examined the court record, and I find that he was indicted or arrested way back in 1908, held to await the action of the grand jury, and the indictments were carried along some eight years—August, 1916—up to and after the last Democratic national convention those cases were nol-prossed—at least one was. I do not know the facts about this matter, and I am not competent to pass on it, but when he stands here and brings it in for the purpose of making political capital in Alabama, and says that he did it in defense of a white woman who was being insulted by a negro, I have only, Mr. Chairman, to say this: If that is a fact, a jury in the District of Columbia would have acquitted him in 24 hours. It was not necessary to continue the cases for eight years before they were nol-prossed. [Applause on the Republican side.]

Now, I want to say this: I did not intend to mention it. He brought it in. I am accommodating him by giving him the benefit of that in his State for politics. I consider it rather small politics. But when he comes to Chicago to tell the people of my State what to do with me, as he threatens to do, the law-abiding citizens there may inquire why he had to "tote" a gun in the dangerous days of 1908, and I will explain to them, so that he will not be embarrassed. Washington in those days was in a dangerous state, as school children were likely to snowball you at any moment. Twice I have been snowballed by the children of the people of Washington. [Laughter.] And you go into many houses and you will pass a great big globe of goldfish, and they are liable to snap your arm off at any

time. [Laughter.] And over here in our great office building, when we open our desks, we are liable to meet at any moment the flashing eye and open mouth of a bull cockroach. [Laughter.]

He suggested he was willing to meet me. I do not know in what sort of an encounter, but if it is a matter of physical encounter I will have to decline. I am not a fighting man. When it comes to either pugilism or beauty, I am not in his class. I learned some years after I was 60 years of age my physical limitations, and if the gentleman had some honest friend to inform him as to his intellectual limitations he might be persuaded to let up on his perpetual lecture tour. He speaks truly of his own beauty; that is, he thinks he is a beauty. Some day he may be disillusionized. In the beauty market I could not hope to compete with him. I realize that it is the peacock that is the beautiful bird, but it takes a stork to deliver the goods. [Applause and laughter.]

In regard to the speech I made on Alsace-Lorraine, he has deliberately garbled it and misconstrued it. The President of the United States, within a few days after that speech, delivered his last great message to Congress and abandoned by "omission" the idea that the return of Alsace-Lorraine was an American demand as terms of peace. And when Mr. HEFLIN assails me on that question he assails the President of the United States. More than that, it is an assault upon the intelligence of all who sit in this Chamber. I said repeatedly in that speech that we would not stop a moment in our preparations for war; that we would not abandon our league of honor. I defended the administration against the assault of persons in his own party. I submitted my suggestions "not in criticism, but in a friendly spirit of humility." It was so received by every Member of the House except Mr. HEFLIN, and his speech showed clearly that he has not the brains to comprehend the question discussed, or he has deliberately and willfully misstated my position as a part of his cheap political game.

I quote to you now exactly what I said, to show you how in his speech, that has been sent all over my State in the newspapers, he makes me say exactly what I did not say, as if he had struck out the word "not" and made an affirmative instead of a negative statement. You know the delicacy of the situation. Why discuss it? This is what I said:

> We must not stop or hold up one bit in our preparations in the prosecution of this war and it would be barbarism to refuse to discuss peace. We will not abandon one moment the league of honor in which we, with our coworkers, fight the Imperial Government of Germany.

Now, this is what Mr. HEFLIN says I said, and to make it worse he puts it in quotations as coming from me:

> "The gentleman from Illinois," quoting from his speech, "endeavors to halt your forces. It is barbarous not to stop and discuss peace terms. Let us stop and parley with him."

That is exactly what I did not say. How long am I to be silent? And how long will you stand conduct of this kind from gentlemen who will deliberately change the substance of what you have said and put it in the RECORD, and then, by reason of the fact that some unfriendly newspaper in a State is willing to print it, convey a wrong impression? I will be glad to discuss that question with him at any time, but the hour for discussion of that is past. The President in his statement omitted any such demand as a part of the American policy.

The gentleman from Alabama boasted that by reason of nagging he has compelled me to change the tone of my speech. He thinks I wish to submit to his canary-bird intelligence my thoughts before telling them to my colleagues. I voted against the declaration of war in obedience to my sense of duty, and I am surprised that any man can get into Congress who can not appreciate the point of view and vision of a man who willingly surrenders his judgment in the cause of his country. We go into political conventions, and when defeated we surrender and follow out the wishes of the party. We ought to be big enough when we are in this Congress to express our honest convictions, as I try to do, and when the Congress voted me down and voted in favor, I have stood for the enforcement of the laws, and I have surrendered my private opinion under the dictates of my conscience and in the performance of my duty. [Applause.] And why should I not? My forefathers have fought in every war for this country, and no man of my blood has ever fired on this flag.

And you will pardon me if, before I sit down——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS. I yield to the gentleman five minutes more.

Mr. MASON. I say that I dislike to put these things again in the RECORD, and I do it not wholly as a matter of self-defense, but in justice to the people of my State who sent me here. I have voted my conscience. I was against conscription, but when the conscription law was passed, at every place, public or private, I have stood for the enforcement of the law, because it was a law of my country, and yet this gentleman tries to make it appear in his speech that I was trying to hinder the early sending of troops over there, when there is not any justification for any such charge. In every place where I have been called upon—and, I say, I hope you will forgive me for again putting it in the RECORD, but I am doing it for my own people, who do not know the man who made this assault upon me—I gave willingly and I sent the only son left at home. He did not go to the White House; he did not telegraph me to get him a commission. He enlisted as a private soldier, within 10 blocks of where he was born, and with my consent and his family's consent. He is not afraid of bullets. [Applause.] I do not know why his dad should be afraid of bullies. [Applause.] I am not. I would be an unworthy sire of an American soldier if I were. I have my views about the American flag. It should be worn in the heart and not in the mouth, and this great flag of ours, that has made the world anew and will continue to keep it so, should be to all Americans a heart stimulant and not a mouth wash. [Laughter.] It should be my flag as much as his. I am willing to make any sacrifice, and I shall resent, as I have here, in public or private, at a funeral or a feast, the charges of anyone who reflects upon my Americanism or charges me with disloyalty to the country that my fathers fought for and that my son is now fighting for. [Loud applause.]

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama is recognized for 30 minutes.

Mr. HEFLIN. Mr. Chairman and gentlemen of the House, I do not intend that this case shall be switched off onto vermifuge and nuxated iron or made into a nuxated-iron cross which has been conferred, according to Collier's Weekly, upon the gentleman from Illinois [Mr. MASON]. I have nothing personal in this matter at all, Mr. Chairman.

The gentleman refers here to my statement last fall that there were 13 or 14 men in Congress whose conduct had been suspicious. That was true. I asked permission upon this floor three times to name them. There were some Democrats among them as well as Republicans. I want to say, though, that there are more than 400 men in this body who have never said or done one thing since war was declared that was not in keeping with the highest and best interests of the country; and when I am taken to task by the gentleman from Illinois for criticizing a speech that he made here February 7, I am representing you, patriotic Republicans, and you, patriotic Democrats. Should I permit that speech to go unchallenged when I heard part of it—he extended his remarks in the RECORD as to the other part, and I read it afterwards. I submitted it to others to see if they got the same impression that I did, and they all said it was wrong and ought to be answered. Mr. Chairman, I made up my mind when I came back here, when Congress reconvened in December, to let that old matter drop; to say nothing about the letters that I had received from the districts of these gentlemen; nothing about the comment of papers published in their own States. I decided to close it up, and I told my friends I had, and they said I was right. But I said, "If any one of them starts a new attack, I am going to answer him."

The gentleman from Illinois, in a speech here in February, was the first one to make such an attack. In his speech here to-day he complains among other things that I misquoted him. The quotations that he mentions here purporting to have come from me, with quotation marks around them, were not placed there by me. I was speaking in the usual way of debate, and said the gentleman said, "Hold your forces; let us discuss peace." I did not say that he said that literally, although that was the meaning of his suggestion.

Now, the gentleman speaks of writing me a letter on a former occasion, that if I did not correct certain things he was going to take me to task, and that he had done so. That was before Congress had adjourned, and I decided to let all of those things go. He says now that I have assumed the position of censor. No more than any other patriotic Member of this House. I think it is my duty to criticize the conduct that I believe does not represent my country correctly now and before the bar of posterity, and when I single out a speech that I am going to bring to your attention later that the gentleman makes upon this floor which I believe is extremely detrimental, injurious, and one which misrepresents my country's position in this war I am entitled to have the support of every patriotic Republican on that side. I regretted the other day that the gentleman from Pennsylvania [Mr. MOORE] heckled me and did all in his power to keep me from discussing that speech and telling just what it was that the gentleman from Illinois had said. I re-

gretted also that the gentleman from New York [Mr. SNYDER] objected to giving me time to discuss that speech which had attacked my country and misrepresented its position in the war with Germany. I regretted to find that there was anyone on that side that would do that. I know that there are a few of them. Gentlemen, I say again in your presence that the great body of you are as loyal and as patriotic as I am or as anybody on this side. [Applause.] And I will say more than that, the Republican Illinois delegation in this House will not indorse that speech. Foss, of Illinois, will not indorse it. MCKINLEY and MCKENZIE and CANNON will not indorse it. I challenge him to write and present to them a statement saying, "We, the undersigned Members of the delegation from Illinois, indorse these sentiments and statements contained in that speech." I challenge him to do that. I challenge him to get the Republican side, as many as one-fifth of your number, to indorse it, and then talk to me about undertaking to play politics!

The gentleman suggests that a portion of my speech was sent to Illinois. I never sent it, although he sent his gas attack upon me in this House during my absence—a product or result of nuxated iron. [Applause.] That was sent, the entire speech, down to Alabama to the Age-Herald; a little Alabama politics, by way of Illinois. [Laughter.] God of our fathers, what are we coming to in Alabama? [Laughter.] The paper said that the Republican membership, supplemented by a few Democrats, instructed the Clerk of the House to send it down and have it printed, prepaid. I find upon investigation that no Democrat had anything to do with it, but if anyone did he belongs to that list of 13 or 14 that I had in mind last fall. [Laughter.] No loyal Democrat had anything to do with it, and no loyal Republican had anything to do with it. I can name them by the score that never had a thing to do with it. Why did they want to put that on the Republican Party? Then, I asked the Clerk of the House, "Did the Republican membership and a few Democrats ask you to send it?" He said, "No; I never heard of such a thing."

So you see none of this thing ever happened. The gentleman from Illinois [Mr. MASON] said in his speech that cruel Democrats bought that speech that I am criticizing by the thousands. I find upon investigation that no Democrat had a single copy of it printed, and no Republican—no Member but himself—had copies printed, so the RECORD clerk informs me. Now, then, somebody has been careless with the facts of this situation or is just straying off after a little dose of nuxated iron. [Laughter.]

Now, I am not going to take up my time in going into the immaterial things. I must mention one thing here. The gentleman talks about me having a difficulty with a negro man in Washington a few years ago. The gentleman from Wisconsin [Mr. COOPER] is the first man, as I recall, who ever made reference to that occurrence on this floor. I replied to that showing how some people were trying to nag, worry, and annoy me because I am trying to perform my patriotic duty in this body.

Now, Mr. Chairman, I am going to tell gentlemen here briefly what happened in regard to that matter. I introduced a jim-crow car bill in the House. We discussed it one afternoon. Next morning I received 30 or 40 anonymous letters from negroes, I suppose, threatening my life. I talked with several friends about it and they said, "If you have a pistol, you carry it, for they will assault you; they cut a white boy from Maryland down at the Peace Monument the other night, and you had better be on the lookout." When this negro, drunk and cursing, insulted a white woman on a street car in my presence, a working girl in the Post Office Department, I resented it, and in the difficulty had to shoot him finally, and one shot struck a white man in the leg.

I cared for the white man. I had two trained nurses with him for weeks and, in all, five physicians and surgeons; and they saved his life. It cost me $2,000 to defend that white girl from the insults and insolence of the drunken negro, but I do not regret my act on that occasion or a dollar of the money that it cost me. [Applause.]

That is not all. The gentleman says that a Republican handed him the Age-Herald editorial read by him here before. Doubtless, I will tell you about this woman defended by me on the street car. A Republican told her that if she testified for me she would lose her job in the Post Office Department. When the case was about ready to be tried they speeded her off to the Philippine Islands without consulting me. I did not know that she had gone. She wrote me a letter from a foreign port and said that she had been sent over there to work in the Post Office Department in the Philippine Islands and would not be here to testify. She wrote me a very touching letter and said, if I wanted her to, that she would have her deposition taken and sent over here, and she said, "I will never forget your kindness and protection of me." These are the efforts of some Republicans of the gentleman's type to keep justice from being done me in the case I have mentioned. The grand jury by which I was indicted had more than a half dozen negroes upon it. The case was pushed by certain Republican politicians in Washington at that time, who tried to make me suffer. But I knew I was right in protecting the woman as I did. Does the gentleman indorse that?

Now, Mr. Speaker, I am coming to the issue. Cicero, I believe it was, told his friend, "When you find yourself under a serious charge and the facts are all against you, make them forget the charge and the facts if you can." That is what the gentleman from Illinois is undertaking to do here to-day.

I honor his boy who fights for my country. God bless him as he goes to the firing line. But I will say this for the benefit of the gentleman, that after his boy had enlisted the gentleman introduced a bill here to keep the boy from reaching the firing line.

Mr. MASON. That is not true.

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. HEFLIN. Yes. Did not the gentleman introduce a bill to keep the President from taking the Army out of the country?

Mr. MASON. No.

Mr. HEFLIN. What was your bill?

Mr. MASON. It provided for volunteers to be sent there, and my son was a volunteer. [Applause.]

Mr. HEFLIN. Only a volunteer. Then the gentleman is not at all responsible for the boy being in the Army; his boy went in in spite of him if a volunteer. He did not have anything to do with it. But his bill was to tie the hands of the Army and keep the President from taking it out of the country unless each soldier said, "I am willing to go."

I was not going to refer to that. That is a thing of the past. But I will tell you what happened concerning the bill. The pro-German Vierick, notoriously against this Government and for Germany, indorsed this Mason bill and somebody sent petitions all over the country saying, "Vote for the Mason bill to repeal the selective draft." That is what the petition said, whether you call it that or not. "Vote for the Mason bill, which repeals the selective draft." But I was willing to let that go by and bring him down to this speech that he made here in February. Let me get to that. Now, gentlemen, give me your attention.

This is what he said:

Those who are willing and anxious to continue to give the lives of every American and every dollar of American money to transfer the territory of one nation to another will not be here to vote—

And so forth.

Is this country in the attitude of doing that—sending boys over there to transfer the territory of one nation to another?

I denounce that statement as one that does not represent my country's position in this war.

Another one:

The people of the United States are patient. There will be no riots that will shake our Government, for they know that in the cool, quiet days of next November they will be permitted to speak upon questions of life and death about which heretofore they have been silent.

Gentlemen of the House, what did he mean by that statement? What did he mean by insinuating that the people of the United States would not riot? Was there any occasion to make that speech here in February of this year, when our boys were fighting over yonder? Is there any other honest interpretation that you can put upon it except that they do not indorse their country's program and that they will repudiate it? What other meaning can be attributed to it? Gentlemen, is that the right kind of a note to be sounding at a time like this?

What is the next statement in that speech? I will read:

The people in the last analysis govern Congress, and if the people do not govern this one they will the next one.

Now, what did he mean by that? This is the Congress that declared war. This is the Congress that passed the selective-draft bill. This is the Congress that refused to pass his bill, and keeps it lying in the pigeonhole where it belongs. And yet he says that if the people do not control this one they will the next one. Now, listen to this next statement from that speech:

For God's sake let us quit conserving the truth and give out a little of that old-fashioned commodity. The truth is that the thing that stands in the way of peace to-day, that peace that would solve all of these questions that confront us, and which have put us in trouble, is what disposition shall be made of Alsace-Lorraine.

Gentlemen, does that statement represent the facts of your position and mine? Does that represent the truth of the American Government's position in this war? Is that what is behind the boys gone out of my district and yours to fight and die on the battle front in France? No; it misrepresents my country's

position. It is inexcusable and indefensible and deserves to be repudiated by this House. Does it speak your views? Do you indorse that? I am not talking about whether the gentleman wants to run for election in Illinois, or whether I should run for the Senate. I have never said I would run for the Senate, but if I do run I will expect and desire to receive only the loyal American vote. I do not want any other kind of vote. No Potsdamer has got any comfort out of any position that I have taken here, any vote that I have cast, or any speech that I have made. I am for my country against Germany in this war. [Applause.]

Let me read again from that speech:

But, Mr. Chairman, I did not intend to discuss, and shall not discuss further, the solution of the greatest stumbling block in our way to an honorable peace.

Gentleman, he is still speaking of Alsace-Lorraine. Do you regard this as a matter to be lightly cast aside? Should a speech like that turn up in the RECORD in the years to come and some man read it and say, "Did you ever read that speech made by MASON, of Illinois? Why, he says that our position is that we were over there fighting to transfer territory from one nation to another, and that we fought on when the only question at issue was the disposition of Alsace-Lorraine. Gentlemen, do you want to stand for that in the RECORD? Gentlemen, listen. I read another statement from the speech that I have criticized:

Since the publication of the secret treaties between our allies we have discovered that when we went to war for democracy our good friends, the English, the Russians, and the French, had agreed just how our English cousins and our French brothers were to slice up Germany, and that noble democrat, the Czar of Russia, was to have a slice of Turkey. We have also learned by the publication of the secret treaties that if we were successful in our fight for democracy that the King of Italy, that great commoner, could turn down the Pope and become sovereign over the farmers of a part of Austria.

Gentlemen, what is the tendency or leaning of the thought in that statement? Which side does it lean to? Does it pull and draw us closer and closer to our allies and them to us; does it contribute to unity of purpose and concerted action between us? No; it assails and attacks the position of our allies who are fighting with us for existence and for liberty. That is what it does. The gentleman says that they had such an agreement when we went into fight for democracy, and that we are fighting with men who want to slice up Germany, and the inference is that that is what we are over there fighting for now. Is there any other meaning to it but that? Gentlemen, is there anything personal in this? There is nothing personal about it with me. If I know my own heart, I am fighting for my country and for a correct statement of her position before the world. [Applause.] This does not correctly state it. Now, did he say in that speech what the President had said, that this war was begun by the military masters of Germany? Did he say what the President said, that Germany dragged us into this war, and that we could not remain out without being dishonored and disgraced? [Applause.] No; he does not say that. He nags at the allies. He talks about the only thing that stands between us and peace, when our very existence is at stake. And yet some gentlemen on that side sit and cheer the gentleman, which shows, I presume, that they indorse the stand that he takes in this speech. That will be a question for them to settle before their constituents this fall.

Now, I read further from that speech:

And some of you maybe were surprised when you discovered that our good friend, the Mikado, who does not want to own land in this country or send his children to the schools of California and does not want the Sandwich Islands or the Philippine Islands, and who while in our fight for democracy has not found it convenient to send a man or a ship to help us while we are helping him. I say some of you may have been surprised that our Japanese friends, while expecting our assistance in this fight for democracy, had a secret treaty with the great democrat, the Czar, whereby they were to fight your Uncle Sam in the Far East in case action should arise and we need the whipping.

Why that suggestion at a time like this? Japan is an ally of England, one of our great allies. Why should anything be said to reflect upon Japan?

Is there anything in this about Germany, about the murder of the Archduke and Duchess of Austria as a pretense and excuse to begin the war? Is there anything about the Kaiser saying "On to Paris and world dominion"? No. Anything about the Crown Prince telling Gerard they had 500,000 reservists that could strike this country down before it could raise an Army? No. Anything about the spies right here in Washington and over the country blowing up munition plants, destroying our property, and inciting sedition and treason amongst the people? No. Nagging at the allies, nagging at Japan, England, France, Russia, Italy? My God! What greater contribution could be made to the enemies of the Government than such suggestions as those. Do gentlemen here stand for that? Do you indorse that? Here is another statement from that speech, speaking of the mothers of America:

They know, if they have been through high school that never before in the history of the United States have Americans been conscripted to settle ancient questions pending between other nations.

My God; such a statement! I was in my district week before last and a mother who works in the cotton factory at Lanett came up after my speech in the interest of the liberty loan, shook my hand, and said, "Mr. HEFLIN, I want to thank you for your speech and for what you are doing for our boys. I have got one in France already and I have another who will go if necessary as soon as he is old enough"; and the tears were in her eyes as she spoke, and I thought as I came away, My God; was there ever a more full and complete heart offering than that of a mother presenting her boy at the altar of her country—and then sit silent when a speech is made here saying that American mothers who have been through high school know that never before were boys conscripted to go and fight to settle ancient questions pending between other nations! Is that what we are fighting for? The President of the United States said, "We are fighting for the rights and the liberty of the American people." "American sovereignty is at stake," and that "to withhold our hand was to dishonor the flag." But here is an insinuation that our boys are being conscripted to fight to settle disputes between other nations. My God, gentlemen, were you willing for that speech to go down to posterity unchallenged, unanswered? I am not; and that is the sole purpose of my attacking it before and again here to-day.

The gentleman has read what the papers said about me. I gave him notice the other day that I hated to refer to newspaper comments upon him, but the Chicago Herald, in his own State, says of him that his attitude has affronted the patriotism of the Nation. I am not saying it. The Chicago Post, another Republican paper, says of him that he is a German-helping Congressman. I did not say that, and I asked him before not to make me say these things upon the floor, but I am now like he said of himself—I dare to do my duty here if it cost me my life.

The gentleman says that I do not know a recruiting station when I see it. I may not be able to recognize a recruiting station, but I can not be deceived about a Potsdamer. [Laughter.] The gentleman says that I would not be able to hit a German on the firing line. I may not be able to hit a German on the firing line in France, but I shoot with unerring precision at the bull's-eye of slackerism and sedition in Washington. [Applause.] I can not be deceived by the waving of hands that resemble those of the American Esau, for I recognize the voice of the German Jacob. [Laughter.]

So much for that. Another paper say that Gov. Lowden was called over there to take charge of a meeting where the gentleman was to speak for pacifists. Does that look like he was contributing to our cause? I have got the newspaper article right here. Gov. Lowden came himself to take charge of the situation, the paper says—the governor of Illinois. No governor of my State has ever been called to a meeting where I went to make a speech, except to applaud the patriotism of my speech. No paper in my State or out of it has ever challenged my loyalty or questioned my patriotism. Here is what the Omaha Nebraskan said about the situation here last fall:

Every Kaiser booster in the House took occasion to join in the abuse of HEFLIN, the 100 per cent American from Alabama.

That is what the papers say about me, and I have read what the gentleman's own papers say about him. Here is another one. The Gazette, of York, Pa., says:

Congressman HEFLIN has consistently been a loyal American.

Here is what the Birmingham News says:

All through those months antedating the war, and even after the declaration, there were congressional speeches attacking methods of the administration, speeches with double meanings, delicate turning and twisting of sentences that might easily have been attributed to Germanic influences. Through all that mêlée of strange tongues TOM HEFLIN, of Alabama, was at the forefront of the fighting in defense of clean, outspoken, thoroughgoing Americanism.

[Applause.]

That is what the papers of my State say about me, and I have given you what the Chicago Post and the Chicago Herald, Republican papers, said about the gentleman from Illinois. I have some letters here about the gentleman, but I will not take the time to read them now. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has just about one-half minute.

Mr. HEFLIN. I will ask the gentleman to yield me a little more time.

Mr. SISSON. I yield the gentleman five minutes more.

Mr. HEFLIN. Wisconsin has had a house cleaning. The legislature of that State by resolution has repudiated one who has not measured up to the standard of American loyalty in that State. The people at the polls have repudiated Berger and

elected a loyal man, LENROOT, to the Senate from Wisconsin. [Applause.] I hope this fall to see every disloyal Republican on that side beaten and every disloyal Democrat on this side beaten.

I would not go into the district of a Republican who has been loyal here, if that is the issue, and help somebody to beat him, and I will not go into the district of a Democrat who has got a yellow streak in him and ask them to return him at the next election. I will say to the House that if I had my way about it there are two or three or four on either side here that I would not vote for for reelection. I will say that to you frankly. I am not playing any favorites in this matter. There are a few in here on both sides that if I had my way about I would not return them to the House.

But, gentlemen, let me say this in conclusion: I know that the heart of this House is loyal to that flag; I know that the newspaper boys who sit in that gallery, nearly all of them, with the possible exception of a very few, are just as loyal as I am and as you are. I am fighting for the boys at the front; I am fighting for my country if I know my own heart. Let gentlemen criticize me personally—I am ready to take it—but I want to stand squarely by my people and by my country and be able to say that I did what I could to close up the ranks in this House. I want to make my contribution in this time of war to the complete solidarity of the American people. [Applause.] That is my position, and the gentleman's speech that I have here criticized is not in keeping with that position. It misrepresents my country's position; it is inexcusable and indefensible and ought never to have been made in this House. Now, if the gentleman wants to go along hereafter standing by us and with us all down the line, I welcome him to the ranks. I do not want him to assail my country and its position, or anybody on that side, or anybody on this side. If he rises on this side I will criticize him; if he comes up on that side again, so help me God, I will criticize him.

Gentlemen, let us stand together, all together, behind the President of the United States. America no longer held together by outward force and barriers, but bound together by the ties of love and loyalty, and the cling of section to section—one heart, one country, one flag, America—incarnated spirit of liberty and power in the hands of God to prevent democracy and liberty from perishing from the earth. [Loud applause.]

Mr. DAVIS. Mr. Chairman, I yield to the gentleman from Illinois [Mr. GRAHAM] 35 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Illinois. Can I yield a portion of my time and reserve the balance and then use it?

The CHAIRMAN. The gentleman can.

Mr. GRAHAM of Illinois. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I am very much obliged to my colleague; but in view of the circumstances I do not think it is necessary, and I will yield back the time to the gentleman.

Mr. GRAHAM of Illinois. Mr. Chairman, ever since the outbreak of the European war, as a part of her system of frightfulness, Germany has sent her agents through the civilized world to spread vicious propaganda, to burn and poison, to destroy and to kill, wherever she could in any way impair either the morale or resources or strength of her adversaries. It is a new method of warfare and worthy of its Prussian inventors. It harmonizes with broken treaties and scraps of paper and poisoned gases, defiled women, ravished and desolated countries, submarines and sinkings without trace. For 40 years, while Germany was perfecting her military machine for "the day," she was sending her spies and secret agents into every country and sequestering them there until she should need them. Before we entered the war Bernstorff and his associates sat in pretended amity with us and secretly sent out their agents and spies, paid with German gold, to burn our factories and destroy our industries and take the lives of our people. It was a comparatively easy process. We were not at war with Germany, and, of course, the secret agents of Germany could and did carry on their work of destruction with impunity.

After our entrance into the war the system of sabotage that had been carried on during our neutrality continued, but to a greater degree. In the hope that I may, perhaps, direct some degree of public attention to the extent of these outrages, and with the hope that further and more drastic action may be taken to curb these secret crimes of sabotage, I desire, in the time allotted to me, to make some general observations on this subject.

At the expenditure of some considerable time and effort I have attempted to estimate the vast extent of sabotage in this country since the declaration of war. Such a task in itself is a difficult one. There is no department of government that has attempted to list or classify these crimes so that we can form an intelligent idea of their extent. I have applied to the chief of the Bureau of Investigations at the Department of Justice and am told that, owing to the many problems connected with the war which that bureau has had to deal with, the bureau has not kept up the ordinary classification of crimes prosecuted by it, to say nothing of a classification of these crimes of enemy aliens and sympathizers.

Therefore, to get an intelligent idea of the magnitude of the work of the spies and disloyal criminals in the country, we are forced to rely largely on the reports as gathered by the Associated Press and other news bureaus and published in the daily press of the country. These reports, of course, are not entirely accurate. In the general excitement throughout the country, caused by the war, people are apt to see in every burning and every calamity the nefarious hand of the enemy. There are doubtless fires and explosions reported as caused by the enemy that arise from natural causes. But it is equally true that there are many cases unreported by the press bureaus that are caused by incendiaries and enemy sympathizers. For instance, during last fall I had occasion to be at Lewes, Del., during one of the short intermissions of Congress, for some days. This is the heart of the tomato-canning district, and at that particular time, in September, the crop was coming in and was being canned at the many canneries through the country. In one week's time three factories in that locality were burned, with hundreds of thousands of cans of this valuable vegetable product, and in some cases many loaded cars were also consumed. These fires were known to be incendiary. In all of them the fires originated in many places at once, and those first on the scene found evident traces of the use of kerosene. So far as I could observe, there were no reports of these outrages in the metropolitan press; only local mention in local papers was made of them. As will be indicated in my statement of crimes hereinafter, it is very evident that very large numbers of injuries to life and property directly traceable to the activities of enemies or enemy sympathizers are unreported by the press, probably sufficient to more than balance those reported as the work of the enemy that are, in fact, from natural causes.

In the examination of the crimes of sabotage I have only taken such as are reported to be supposed to be of an incendiary or intentionally destructive character. I have also confined myself to reports of fires and explosions in plants engaged in war industries or having to do with war contracts of some kind.

Do not understand me as stating that all these crimes which are committed are the work of enemy aliens. Some of them result from the activities of disloyal citizens of our own country. As to all such, I may remark, our statute on treason applies, and I am convinced that a liberal use of its drastic provisions in such cases would be highly efficacious. I am informed by the Department of Justce that almost all of the pro-German propaganda in the country, while it is doubtless inspired from German sources, is in fact spread and circulated by pacifists and agitators and American pro-German sympathizers; such men as the one who recently stood before the people of one of our States as a candidate for the high office of United States Senator on the shameful platform of an abandonment of the war and peace on any terms dictated by the common enemy of mankind.

In the month of April there were reported five great incendiary fires and four explosions in industrial plants making war munitions. One of these, at least, was known to be the explosion of a bomb. One of them was the terrific catastrophe of April 1 at Chester, Pa., of the Eddystone Ammunition Corporation plant. On the 19th, at Trenton, N. J., some prowler about to be foiled at his work, shot at and attempted to kill, from ambush, a soldier sentry. But fragmentary estimates of losses are given, but the losses reported by the press for the month of April in five of these cases were $1,500,000 in money, and in all 124 people were killed and 54 wounded. The money loss does not include the loss at the Eddystone plant.

It will be remembered that the press reports of these crimes do not often give an estimate of the money losses; therefore, the estimates I give here are probably not 50 per cent of the actual losses in money, to say nothing of consequential losses.

In May, 6 incendiary fires were reported and 4 explosions in war plants. But four estimates of financial loss out of the 10 were obtainable, and these aggregated $1,715,000. In this month there were 9 people killed and 25 wounded in these disasters. Two steamships were set on fire at their docks, one the German steamship *Princess Irene* at New York, and the other the British steamer *Matoppo* at Boston. Another steam-

ship pier was blown up at Sault Ste. Marie. This month, also, began a series of poisoning outrages, which has continued ever since; a large number of soldiers were poisoned at Pittsburgh, Pa.

In June three incendiary fires were reported, one of these a steamship that burned at its pier. Six plants were wrecked or injured by explosions. Of three reports of losses, the estimated loss was $1,450,000; 19 people were killed and 36 wounded in these occurrences. Among them the water system of a city was destroyed by dynamite. The poisoning continued; anthrax germs were used to inoculate cattle, and large numbers died by reason of it. In addition many attempts were made to inflict injuries that failed. An attempt was made to wreck the train in which Gen. Wood was traveling near Birmingham, Ala. A bomb was found in an aeroplane factory, and other similar outrages were prevented.

In July incendiary fires almost without number were reported. Aside from fires in great industrial plants making war munitions, in the early part of the month, from all over the Northwest, many elevator fires were reported. There are no available estimates of the number of these elevator fires. How many bushels of sorely needed grain were then destroyed it would be hard to say, but it is doubtless a large amount. In one elevator fire at Rochester, N. Y., $1,000,000 worth of grain and property were destroyed. At Klamath Falls, Oreg., 225 horses and cattle were reported poisoned; at Sacramento, Cal., hogs and cattle were poisoned in large numbers; at Mobile, Ala., cattle were poisoned with anthrax germs; at Kansas City, Mo., tetanus germs were used in court-plaster. Two fire losses reported aggregated $1,350,000; 11 were killed and 62 wounded during the month.

In August these crimes fell off noticeably. In that month there were but few losses from sabotage reported. In two of them reported, however, there were financial losses of $1,500,000, and four people lost their lives.

During the month of September the ordinary amount of crime of this nature continued. At Fort Sheridan, Ill., many horses were reported killed by the use of arsenic on the hay. The cargo of the Swedish steamer *Magdo* was set on fire at her dock in New York, with a loss of $1,000,000. Three fire losses reported were $1,100,000 and four people were injured.

Now, I desire you to observe that these crimes, this violence I am speaking of, is not decreasing but is rapidly increasing. As I have observed, in August but six such occurrences were reported. Observe, now, how they increased in October. Early in the month a series of incendiary fires broke out in the fruit-packing plants and warehouses near San Francisco, Modesto, and San Diego, Cal. How many there were or how much fruit was destroyed it would be hard to say. Elevators were burned with millions of bushels of grain. Still the devilish poisoner plied his trade, and attempts were made at Princeton, N. J., to poison aviation students with cyanide of patassium, and at St. Paul tetanus germs were found in large quantities in vaccine. Eight fire losses estimated a loss of $9,260,000. Piers and docks were burned and ships were fired at their docks. One grain elevator at New York was lost, with 700,000 bushels of grain and a money loss of $1,200,000. So frequent were the fires along the water front in New York that Police Chief Kenlon reported during the month that there had been 56 water-front fires "lately."

I have not time to recount all these matters. I wish I could, that I might impress more vividly the necessity of doing something to fight the enemy in our own country. I have tabulated these outrages as I have gathered them from the press, but unless it is desired I shall not burden the House with reading them at large.

In November alone 10 people at widely separated points were poisoned and killed by tetanus germs in vaccine. Many explosions and fires occurred, and many incendiary and explosive bombs and infernal machines were discovered before they had done their work. To illustrate the lack of care we use as a Nation in this war, on November 11 the plant of the Washburn Wire Co. at New York, N. Y., burned, thought to be incendiary, with a loss of $2,000,000, and with much material needed at once by our military forces. At the time there were working in the plant 25 enemy Germans and 200 enemy Austrians. I say enemies, for it is true, is it not, that a citizen and subject of a nation with whom we are at war owes allegiance and service to his mother country? If he did not, he would be a poor citizen indeed. Only six estimates of losses were given, and these aggregate $2,902,000; 21 people lost their lives, and 85 were wounded and injured. A steamship at its pier in New York was thought to be set on fire. Thousands of cattle were poisoned during the month, and many elevators burned. It was reported that at many widely scattered points in Minnesota and the Dakotas elevator fires occurred.

In December the losses continued undiminished. Ten reported losses were $3,172,500, while 15 people were killed and 50 were wounded. Powdered glass was used in many places. Thousands of surgical dressings were found poisoned and destroyed by medical inspectors. Torpedoes were found ready for use with defective gyroscopes, doubtless so made by intent.

In January and February the losses mounted. There were more fires, more explosions, ships, wharves, steamboats, transfer plants, supplies were burned or destroyed by bombs or explosives. In January, of 14 losses reported, the aggregate was $7,210,000. One man lost his life and 58 or more were injured. In February, in 9 losses reported, $1,910,000 was given as the aggregate, and 3 were killed and 26 injured.

During March three losses reported were $1,910,000, and five were killed and scores injured.

An inspection of these losses demonstrates the general character of them and the objects that were evidently sought to be obtained. They invariably affected some necessary war activity or industry. In the list you will find the objectives usually attacked were ships and shipyards, chemical plants, munition factories, and foodstuffs of all kinds. They were not confined to any particular locality, although most of them were along the Atlantic coast; they occurred in almost every State of the Union, and wherever food or munition supplies could be most easily and vitally affected.

This concludes a year of war. No one knows how much the aggregate financial loss is. As has been stated, estimates are not made in half of the cases. Hence we can not estimate the loss, but the ones I have mentioned aggregate the astonishing total of $32,078,000, while 212 people were killed and 490 maimed and injured. I believe I am exact in saying that more people have been killed during the first year of war by acts of sabotage than there were by the land operations of the enemy.

Now, making allowance for the cases I have enumerated, which are accidental, it is evident that the ones which were the work of enemy spies and sympathizers were detestable crimes of the utmost violence. Can anyone imagine a more heinous crime than the act of the miscreant who places explosives where they may, hours or days afterwards, wreck and ruin everything near them and destroy innocent human life? If this is not murder, what is murder? "Thou shalt not kill" has been the injunction laid upon mankind from its infancy. It is the one crime that all the races have agreed merits the extreme penalty of death. For the soldier who meets his foeman in the strife and kills there is excuse and even commendation, but for the sneaking, cowardly hound who slinks through the dark to his ghoulish mission of destruction and death there is but one fitting end—the rope or a firing squad before a blank wall.

Has anyone heard of the infliction of any severe punishment on anyone who has been guilty of any of these crimes since the war began? As a matter of fact, it is probably true that but few have been arrested for such crimes. Many arrests have been made and many convictions had throughout the country for alleged disloyal statements, but I dare say but few for positive acts of sabotage. The principal reason for this was the lack of a Federal law on the subject; there were ample State laws, but little enforcement of them. Therefore the criminal does not fear the law and the acts continue in full measure. We ought to stop it for two reasons: To retain our self-respect as a nation, surely we ought to be able to suppress the enemy in our own land; and, second, that our resources may not be destroyed and dissipated, while we are straining every energy to do the mighty task allotted to us. These crimes will not end until we instill the fear of God into hearts of all who would commit such outrages. They will not end until we lead some of the criminals out before the people and before the guns of a firing squad make them expiate their crimes.

A failure to punish these criminals will lead to disorders among our people just as sure as the morrow is coming. There have already been outbreaks reported which are typical of what may occur at any time. When the minds of the people are overexcited because of war activities, when they are giving their boys to the battle, when they are giving up their property to pay taxes and their earnings as loans to the Government they will not patiently submit to the work of traitors and spies at home. The people of this country are fast coming to the time when they will begin to hate and they will take a hand in this matter if Congress and the officers of justice of the Government do not do what they can.

If it is true, as we fear it is, that the American people are just at the beginning of years of war; if it is true, as we are coming reluctantly to believe, that many a long and bloody day

shall pass before the Hun shall be willing to keep within his own domain and keep the peace with the world; if our best and noblest and bravest sons must die before this bloody business is over, we at least ought not to permit the enemy to attack us from behind while our soldiers are facing his guns at the front. Not all of us can carry the guns and do the fighting; some of us must cross the seas and some must stay; but we who stay can keep our country loyal and true and crush out sedition and treason and the machinations of our enemies at home.

And when one thinks of it seriously there is no particular reason why crimes of sabotage should not occur at frequent intervals and extensively throughout the entire country. The Chief of the Division of Investigations of the Department of Justice informs me that there are approximately 415,000 enemy Germans in the United States and 1,500,000 enemy Austrians. How many Turks and Bulgars there are nobody knows. The Department of Justice does not know; the Bureau of the Census does not know. Where they are no one knows. It may be said that as to these Turks and Bulgars, their number is inconsequential, and we are not at war with them, anyhow. Be that as it may, their people are fighting our friends, and if they win, we lose; if they are victorious, we suffer the fate of the vanquished, do we not? Whatever the facts may be about a declaration of war, these people owe allegiance to their mother countries and will help them if they can. It has been said a great number of Austrians in this country, of Slavic descent, are hostile to the central powers; this is true. I know of Austrian citizens in my district who are giving their boys to the military service and in their hearts despise the government of their mother country.

It has been said that without the labor of the Austro-Hungarian citizens many of our mines and industrial plants would have to close. It is not desirable to take these workers from their places unless it is necessary, but a system of careful registration of and reports by such enemy aliens is highly desirable; the enemy alien who is a friend of this country will be glad to report when required to and thus help the country. If he is not willing to do so, he is not a friend of our cause and ought to be interned or deported.

A careful registration of all alien enemies should be made, including Turks and Bulgars. Whenever an alien enemy goes from one place of residence to another or from one occupation to another, the Government should know where he goes; and he should go only on permission of the proper officers connected with the Department of Justice or some other proper department of the Government. In other words, the Government should know all the time just exactly what every enemy alien is doing and where he is. This is the method pursued in other countries, as I understand it. Imagine, if you please, an alien enemy to Germany roaming around Berlin without surveillance by the authorities. Imagine a German citizen in London doing as he pleases. In Germany in peace time there is absolute knowledge by the authorities of the comings and goings of every stranger. The same is true in other European countries. I would not favor this system in times of peace. I do say, however, the exigencies of the war require a careful surveillance of enemy aliens in a time such as this.

War was declared April 6, 1917, against Germany. The same day the President issued a proclamation enjoining upon male German aliens above the age of 14 years certain obligations. They must not bear arms, nor operate aircraft or wireless apparatus; they should not approach a fort or Government post nearer than one-half mile, nor print attacks against the Government, nor commit hostile acts, nor live in areas prohibited by the proclamation of the President, nor land in or depart from the United States without permission. There was no provision for registration, and there was none for six months following the declaration of war.

However, there was a statute that authorized the President to intern or deport or register these alien enemies at any time after the declaration of war. This act has been the law for 120 years, and was enacted July 6, 1798, being section 4067 of the Revised Statutes.

On the 16th day of November, 1917, the President issued a second proclamation. This proclamation required all alien enemies—German—to register at times and places to be fixed by the Attorney General by regulations to be issued by him. The President directed this registration should be "as speedily as may be practicable," and that registration cards should be issued to all alien enemies, and that the Attorney General might make such rules and regulations as he thought fit. It also provided that no alien enemy could change his place of abode without permission.

I also direct special attention to the fact that the President, by this proclamation, authorized the Attorney General to make such regulations for "monthly, weekly, or other periodical reports" by the aliens as he might think necessary.

That proclamation was issued, as I have said, on November 16, 1917. The Attorney General issued his regulations about six weeks later, on December 31, 1917. The registration began on February 4, 1918, and has just been concluded and the blanks are just now being returned to the Attorney General's office. There are approximately four or five hundred thousand of them. When I last inquired about this matter they had not been filed nor classified nor indexed, but were simply a conglomerate mass of information, tons of it, but with no immediate value, because it was not in shape to be available. In response to my inquiries at the office at that time I was told that it was not known how soon this work could be done.

The President recommended that the alien enemies should be required to report. The Attorney General has not required it. His published regulations required no reports at all, and in that respect he has disregarded a safety provision of the President. Of what value, pray, is the registration of a man if from the day he registers the Government has no method of ascertaining his whereabouts. If an alien enemy living in Baltimore goes to New York and remains there for a year, how is the Government to know of it under the present regulations? But if this alien enemy, once a week, or periodically, must call on the proper authorities and identify himself and report, when he fails to report the Government at once is advised and will attempt to locate him and ascertain his business.

The Department of Justice informs me that they are now considering the advisability of inaugurating a system of reports by enemy aliens of German descent. However, the point is, that after a year of war no such reports are required, and it is uncertain when they shall be.

On December 7, 1917, we declared war on the Austro-Hungarian Government. On December 11, 1917, the President issued his proclamation enjoining upon Austro-Hungarian citizens, resident here, three duties—not to depart from or enter the United States without permission, and making any such alien enemy liable to summary arrest and confinement who violates any laws, rules, or regulations, or who seems to be dangerous. There was no registration of Austro-Hungarians at all provided for.

Therefore, we find after a year of war, in which we have spent many billions, in which our sons have died on the sea and on the land, in which we have lost millions in money and stores of food and munitions, whose value to us now is almost incalculable, by torch and bomb, we have no knowledge, as a people, of whom the enemies are that are among us. We do not know their numbers or where they are. We do not know their comings or their goings. There may be a million of them, or there may be 3,000,000. They may be employed, and doubtless are, in every munition plant and mine and arsenal in the land. And, what is more essential, we do not seem to have any plans for bettering these conditions in the immediate future We seem to propose to muddle along somehow and do things only when we are obliged to by impending disaster. The policy seems to be to disturb no alien enemy until he burns a factory or a ship, and then to intern him in comfortable quarters, with good, wholesome food, instead of shooting him dead at sunrise, as he deserves.

I said in the House on February 12 last that I did not believe criticism in times of war was defensible unless it was constructive. What remarks I have made have not been intended to be in criticism of the administration at all, but are simply made with the hope that they may attract attention to a condition that we all want to see bettered. I have stood by the country in every measure that has been proposed to this Congress. I have supported the President in everything he has asked for. I propose to continue supporting the Government and the President in every measure that may be suggested for the good of the country and which will help us whip the accursed Hun and secure the blessings of peace and honor to us and our posterity.

I believe that every German and Austro-Hungarian alien enemy ought to be at once registered and required to report at frequent intervals at certain designated and convenient registration points. The Department of Justice should be directed, by proper legislation, to maintain surveillance over these alien enemies, and proper appropriations should be made for this purpose by this Congress. It is absolutely futile to expect the Department of Justice to do this work without ample financial provision for so doing. There should, above all things, be a most stringent law as to sabotage, imposing a maximum penalty of death for such offenses. The law just passed, with a maximum penalty of 30 years' imprisonment, in my judgment, is insufficient. Why should we be so tender with those alien enemies who imperil and take the lives of our people by their

crimes? Why leave them to be prosecuted in the courts of the States, whose proceedings are notoriously slow and full of delays? There should be ample Federal laws, and the remedies should be certain and the machinery summary.

One other suggestion I have in mind. We have many agencies in our Government for the detection of crime, but no central authority. The Army has its Army Intelligence; the Navy its Naval Intelligence; the Department of Justice has its Division of Investigations; the Post Office Department has its system of inspection and investigation; the Treasury Department has its Secret Service engaged in investigations of revenue and other crimes. The work of these various branches of the Government is secret and extends over the whole country. In many instances the work is liable to be duplicated, while the work of all these various agencies can not be centralized upon any particular object with ease and celerity under the present system. It would seem that it would be better that the secret service of the Government be consolidated under one supreme head and the activities of all be directed by one central authority. It seems to me that more efficiency would result, less expense would be entailed, and more crime would be punished. In this particular instance that I have been discussing—the control of alien enemies—great advantage would doubtless result. I am told that frequent and regular conferences are held between the heads of the various secret-service departments of our Government, and in this way the various branches work harmoniously. We shall find, sooner or later, that these agencies can not function separately if they are to be of the highest efficiency. The allies have found that to be at all successful there must be one supreme command. The Germans always knew it. It is equally as true in our Government and it is true in the secret service. There ought to be one chief directing mind.

Let it be understood that I am not criticizing others and losing sight of the derelictions of Congress. On April 4, 1917, there was introduced in the Senate a bill to punish acts of sabotage. It was not at all a drastic bill. It did not provide the death penalty, as it should have done. That bill, I am told, was prepared by the Department of Justice, and was sorely needed. However, it did not finally pass both Houses of Congress until a few days ago. The slight amendments sought for the espionage law have just finally been agreed to in conference. There have been no attempts at all on the part of Congress, as I am advised, to give such additional powers to the Postmaster General's office as will enable the Government to curb and stop the flow of seditious and anti-American propaganda that every day pours through the mails; most of it at second-class postal rates. More harm is done to the morale of the country by this insidious publication and distribution of such matter than by the torch and bomb of the plotters and spies. It may be said it would curb the freedom of written and printed speech. If one can not, in these crucial days, when the Huns are battering at the gates of civilization, speak well of his country, he ought to close his mouth, and if he will not do so, then the arm of the Government, the sovereign right of the people, should compel him to do so. We have no rights in time of war except such rights as are subject to the higher rights of the Nation. "The safety of the people is the supreme law." [Applause.]

Mr. GALLIVAN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. DAVIS. Mr. Chairman, can the Chair inform me how much time the gentleman from Illinois just used?

The CHAIRMAN. The gentleman yielded back two minutes.

Mr. DAVIS. Does the Chair know how many minutes he used?

The CHAIRMAN. He used 33 minutes.

Mr. HARRISON of Mississippi. Mr. Chairman, on yesterday I introduced in the House a bill that ought to appeal to its entire membership. It provides for the employment by the Government of disabled soldiers and sailors and gives them a preferential status under present civil-service laws.

The bill does not seek to load the public service of the United States with incompetents. None of the established safeguards of the civil service are in the least weakened and none abrogated. It simply proposes that the Government shall show its gratitude to the men who have offered their bodies as a living rampart against the overrunning of this world by the German barbarians, and have suffered wounds and injuries thereby which place these men at a disadvantage in the keen competition of ordinary life.

The Government has work to be done. It needs thousands of workers in clerical positions. This bill undertakes to substantially recognize the debt we are under to these men, and requires that, all other things being equal, and there being no doubt of the competency and ability of the wounded man to discharge the duties of the position, he shall be given the preference in the selection.

Other countries in this war are utilizing their wounded and disabled men—England, France, Germany, Austria-Hungary, Belgium, Canada, New Zealand—according to their capabilities. It appears to be an act of justice very generally recognized.

Mr. FESS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. FESS. The gentleman is discussing one of the most important items of legislation that will be offered in this Congress. There is a joint committee now carrying on hearings, and here are only a few Members in the House, and I am going to make the point of no quorum.

Mr. HARRISON of Mississippi. I hope the gentleman will not make it, because I am about through.

Mr. FESS. It is the only time I have ever done so since I have been here, but there are so few Members here now——

Mr. HARRISON of Mississippi. I sincerely hope the gentleman will not do so.

Mr. FESS. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently a quorum is not present, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alexander	Eagle	Kelley, Mich.	Roberts
Anthony	Edmonds	Kennedy, Iowa	Rodenberg
Austin	Estopinal	Kennedy, R. I.	Rose
Baer	Fairchild, B. L.	Kettner	Rouse
Barnhart	Fairchild, G. W.	Key, Ohio	Rowland
Blackmon	Farr	King	Sanders, La.
Booher	Ferris	Kreider	Sanford
Britten	Fields	LaGuardia	Saunders, Va.
Brodbeck	Fisher	Lee, Ga.	Scott, Pa.
Browning	Flynn	Lehlbach	Scully
Butler	Focht	Lever	Shouse
Campbell, Pa.	Fordney	Littlepage	Slayden
Cannon	Foss	McAndrews	Slemp
Caraway	Frear	McArthur	Sloan
Carew	Freeman	McCulloch	Small
Carter, Mass	Fuller, Mass.	McLemore	Smith, Mich.
Clark, Fla.	Gallagher	Madden	Smith, T. F.
Clark, Pa.	Garland	Maher	Stafford
Coady	Glass	Mann	Steele
Connelly, Kans.	Godwin, N. C.	Mondell	Sterling, Pa.
Cooper, Ohio	Gordon	Montague	Sullivan
Cooper, W. Va.	Graham, Pa.	Morin	Sumners
Copley	Gray, Ala.	Mott	Swift
Costello	Gregg	Mudd	Templeton
Crago	Griest	Nichols, Mich.	Thompson
Cramton	Hamilton, N. Y.	Norton	Tinkham
Crosser	Haskell	Oldfield	Vare
Curry, Cal.	Hawley	Olney	Venable
Dale, Vt.	Hayes	O'Shaunessy	Vestal
Davidson	Heintz	Padgett	Vinson
Denison	Helm	Peters	Voigt
Dent	Hensley	Phelan	Waldow
Dewalt	Hicks	Porter	Walker
Dies	Hood	Powers	Ward
Dill	Howard	Pratt	Webb
Dooling	Hull, Iowa	Rainey, J. W.	White, Me.
Doughton	Humphreys	Ramsey	Wilson, Tex.
Drukker	Hutchinson	Randall	Woodyard
Dunn	Jacoway	Reavis	
Dupré	Johnson, S. Dak.	Riordan	
Eagan	Jones	Robbins	

Thereupon the committee rose; and the Speaker having resumed the Chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 11692, the District of Columbia appropriation bill, finding itself without a quorum, he had caused the roll to be called, whereupon 269 Members answered to their names, and that he presented therewith the names of the absentees for printing in the RECORD.

The SPEAKER. A quorum is present. The committee will resume its sitting.

The committee resumed its session.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] has six minutes remaining.

Mr. SEARS. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. HARRISON of Mississippi. I yield.

Mr. SEARS. I notice with a great deal of pleasure the interest which the able Representative from Mississippi is taking in this matter, and I would like to ask him if he has considered the feasibility or the advisability of incorporating his suggestion in the bill introduced by Senator HOKE SMITH and myself for the rehabilitation of soldiers?

Mr. HARRISON of Mississippi. I will say to the gentleman that I would be very glad if the idea embodied in my bill could be embodied in the bill known as the Smith-Sears bill. I can not see why it could not all be put together.

Mr. SEARS. I would like the gentleman to better those, as he has been attending some of these hearings and I know is interested in the matter.

Mr. HARRISON of Mississippi. This Congress will shortly be called upon to consider and enact a comprehensive system of vocational reeducation and rehabilitation of men who have been injured in the armed forces of the United States. Those men, however maimed their poor bodies may be, are among our most precious assets, for, enshrined in their hearts, the sacred flame of liberty illuminates the shrine of justice, democracy, and love of country. They have suffered and bled for these things. In the long years of slothful peace to come, the example and the spirit of these men will go far toward keeping us in the straight road leading to our ideals. So, where a man returns broken in body, we are going to salvage him; give him the very best care that medical science and experience can give; repair him as far as is possible, and educate him to do something for a living—something he can do well, despite his handicap.

Necessarily clerical work will occupy a large place in a system designed for men physically unfitted for work requiring considerable strength or activity or endurance. It is more than likely there will be special courses of training designed to fit those capable of taking civil-service examinations and able to perform the various sorts of clerical work this Government is constantly in the market for.

Is it too much to ask the healthy, husky, able person who has never passed into the valley of the shadow of death, and through the veritable inferno of the battle front, to stand aside and give precedence to the maimed remnant of manhood who has endured those things, who has fought the good fight, and now drags his broken body back to the shores of the country he has helped save?

The chief trouble of these disabled men is the fear that they have become useless—that they are mere wrecks cast by the red tide of war on the shores of time, there to slowly disintegrate. The knowledge that they can do useful work despite their handicaps, the conviction that they are yet of use in the world, heartens them and gives them a new lease on life.

It is proper, therefore, that the Government which is reeducating them and fitting them to take their places again as useful members of society should set the example in giving them employment.

Our Labor Department and the placement division of the reeducation work will soon be issuing patriotic appeals for opportunities for employment for the returned men who have been wounded and refitted for usefulness in this and that line of endeavor.

We had better set the example ourselves to the private employers of labor, and we can with clean hands and clear conscience then make our appeal for justice for the wounded men; not charity but justice, in affording them an opportunity to make a living once more. [Applause.]

I yield back any time I have remaining.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. DAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, it pains me to do what I am about to do now, but those of us who are afflicted with the divine afflatus and who burn the midnight oil, must find an outlet even if we impose on our colleagues in this House. The lines which I am now about to recite, written in the vernacular of the street, have no personal application. If they have any title at all, they might be called "Doggerel on a Dog Fight." [Laughter.]

With this brief prefatory statement, I will proceed. [Applause.]

I.

If you was a slacker of high degree,
And welched on a liberty bond, tax free,
An' ye couldn't get over to "Gay Paree"
For a sweil old time like ye used to, see!
What'd ye do, bo,
What'd ye do?
Would ye sit in yer corner and write a note
A-beggin' the words of the late Rufus Choate,
And tell yer "damned" Congressman how he should vote?
You betcha!

II.

If you was a worker that wouldn't work
And ye hated the feller that didn't shirk,
And ye heard a lip-patriot talk like a Turk,
What'd ye do, bo,
What'd ye do?
Would ye call in yer reekin' calamity crew
And give 'em a rope and a drink'er two,
And say, "Uncle Sammy, I done it fer you"?
You betcha!

III.

If you was chased by a million spies
That danced in yer ears and bulged yer eyes,
And made ye see glass in yer cranberry pies,
What'd ye do, bo,
What'd ye do?
Would ye even it up with the folks next door,
And tell the fly cops to go in an' explore
An honest man's home, for munitions of war?
You betcha!

IV.

If you was in wrong with all of the boys,
And they didn't fall fer yer kind a' noise,
And ye just sort'a lost yer equipoise,
What'd ye do, bo,
What'd ye do?
Would ye call 'em traitors and take yer stand
At the White House gate with yer flag in hand,
And pose as a patriot noble and grand?
You betcha!

V.

Or if they needed ye in the ranks
And ye sent yer relations, all, with thanks,
And the juice ran down in yer hot-air tanks,
What'd ye do, bo,
What'd ye do?

[Laughter.]

Would ye shout yer buncombe over the sea,
And grabbing the Starry Banner, free,
Still pull down yer pay from the Treasuree?
You betcha!

[Laughter.]

VI.

Maybe ye would, but disposed to do right
And help, with the rest of us, win this great fight,
Forgettin' the lure of the calcium light,
Here's what ye'd do, bo,
Here's what ye'd do:
Y' would stand by the job 'til the big work was done,
Giving cheer and support to the man with the gun,
Keepin' all the ranks closed 'til the triumph was won,
That's what ye'd do, bo,
That's what ye'd do.

[Applause.]

MORAL.

Here's the moral, good friends, this recital would teach:
Let us rather make good than rely upon speech,
Instead of self-praise and the splitting of hair
Keep busy and back up the boys "over there."

The cheapest of patriots under the sun
Is the fakir who brags about what he has done;
But meaner than he is the sanctified sort,
Who plays up suspicion to stand well at court.

True patriots, then, will first yield to the Nation,
No matter how high or how low is their station;
And standing together, grown stronger and wiser,
Make victory sure o'er His Menace the Kaiser.

[Loud applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back six minutes.

Mr. MEEKER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MEEKER. Is this field day in the District?

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry, he will state to the gentleman.

Mr. DAVIS. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Chairman, I do not think I will use the five minutes, but I would like to have this letter read for the benefit of the House.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

826 SOUTH DAKOTA STREET,
Butte, Mont., April 26, 1918.

Hon. WILLIAM J. CARY, M. C.,
Washington, D. C.

DEAR SIR: We, the members of the Good Government Club of Silver Bow County and the Boosters' Clubs of the city of Butte, State of Montana, respectfully call your attention, and through you the attention of the entire delegation of your State in the United States Congress, to the resolution unanimously adopted by the above-mentioned bodies relative to the treatment accorded our first Congresswoman from the State of Montana by the self-appointed and self-constituted committee of superpatriots, who in defiance of the provisions of various war measures duly passed by our Sixty-fifth Congress and approved by the President of the United States, assumed the power to interfere with the Government in its prosecution of the war through their attempted prevention of the presentation of the cause of our Government in this the third liberty loan by the aforementioned Congresswoman, Miss JEANETTE RANKIN.

In spite of the treatment accorded Miss RANKIN, she earnestly urged that the petty tyranny of local autocrats might not interfere with the enthusiasm for this war for world democracy. She pleaded against any feelings of bitterness toward the Government because the taxpayers of Silver Bow County had been denied the right to use their own school building for a patriotic meeting. Her eloquent appeal for the third liberty loan was enthusiastically cheered and liberally responded to by the purchase of liberty bonds by the shivering crowd.

The resolutions as unanimously adopted read as follows:

"We citizens, residents, and voters of the county of Silver Bow, State of Montana, through the Good Government Club and the Boosters' Clubs, hereby adopt the following resolutions:

"We most heartily condemn and disapprove of the action of the committee having in charge the meeting held in the Broadway Theater on Wednesday evening, April 17, 1918. Despite the fact that Miss JEANETTE RANKIN, who is the duly elected Representative of the State of Montana to the National Congress, was here on the said night speaking in behalf of the third liberty loan, the committee in charge, and particularly the chairman, refused to allow Miss RANKIN to address the meeting. Not only that, but the committee, through its chairman, absolutely prevented Miss RANKIN from making a speech on the third liberty loan in the auditorium of the Butte High School after arrangements had been made for same.

"We wish to call the attention of all citizens to the fact that the Butte High School was built and is being maintained by the citizens and taxpayers of Silver Bow County, Mont., and that the auditorium of the high school is used and should be used on all occasions as a public forum. The committee, through its chairman, compelled Miss RANKIN to speak on a 1-inch rail of the high school fence in the slush and cold of a raw April night.

"We believe that while we are fighting the autocracy of Europe we should not be ground under the heel of the local autocracy of Silver Bow County, Mont. As we are dedicating our lives and property to the cause of democracy in Europe, we should dedicate a little of our efforts to see that democracy is kept alive at home.

"The noble work which the women of America are doing in this war in the selling of liberty bonds, thrift stamps, in Young Men's Christian Association work, Red Cross work, and the giving of their sons to fight the battles of democracy is enough to guarantee the women of this country the right of franchise and of free speech, without the prevention by alleged patriots who are attempting to regulate the business of the war to their selfish purpose.

"The boasted chivalry of American manhood, which we have been taught from our mothers' lips, was sadly lacking at Wednesday evening's action of the local committee in charge of the third liberty loan, and we feel that Butte has suffered a disgrace thereby unparalleled in all her history."

BOOSTER CLUBS OF BUTTE, MONT.
GOOD GOVERNMENT CLUB OF SILVER BOW COUNTY,
By Mrs. H. N. KENNEDY, *President*.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CARY. Yes, sir.

Mr. WALSH. What does the gentleman, who has had the communication read to the House, propose to do about it?

Mr. CARY. I asked that it be read for the information of the Members of the House. As a Member of the House I thought the lady was entitled to that.

Mr. WALSH. Does the gentleman propose any action on the part of the House?

Mr. CARY. Not at all. It was just for the information of the House.

Mr. SISSON. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, events have shown that in August, 1914, the only great nation in the world prepared for war was the Empire of Germany. Universal military service, extending through more than two full generations, had made its man power immediately available. It was the greatest manufacturer of munitions and scientific weapons that the world has ever seen, and the Krupp cannon and the Mauser rifle had made it the profit taker of every war. It lived in an atmosphere of militarism. Its roads, its bridges, its canals, its railway lines, its rivers and harbors, its laboratories, its manufactories, its industrial system, its natural resources, even its foreign-trade relations, were all constructed, adjusted, and developed in anticipation of "the day" when it should feel strong enough to make war upon civilization.

No nation was threatening the safety or integrity of the German Empire. No nation was in a position to threaten it. Thus the page of history is clearly written.

By the same logic of events we now know that of all the great nations in the world the least prepared for war on that day was the United States of America. We had no adequate Army. Our Army numbered barely 85,000 men for a Nation of a hundred million people—too small to police our shortest international border on the Rio Grande. And yet that Army had grown in expense as it had decreased in relative value until it was costing this country every year 50 per cent as much as the 5,000,000 armed defenders of Germany.

We had no adequate Navy. We had endowed our Navy with appropriations more liberally than any nation except England, the mistress of the seas, and yet we were told that we were in fourth or fifth place and that we could not successfully defend either the Atlantic or Pacific coast.

We had no merchant marine. The American flag had all but disappeared from the trade routes of the world. All of the surplus products of our country, all of the output of the energy and enterprise of our people must find its way abroad to market in foreign ships. We were excluded from the neutral markets of the world except as we could serve as hewers of wood and drawers of water for our commercial masters in Europe.

We were a debtor Nation. Millions of our securities were held abroad. Every year it was necessary for us to send tribute across the water to redeem the interest on our debt, and if we could not pay in cash, as ordinarily we could not, we had to pay in raw materials—wheat, cotton, lumber, oil—draining our natural resources to feed the capital and labor of Europe. We were not adjusted to the full poise and power of an independent nation.

It is useless to inquire at this time who, if anyone, was to blame for this condition of national flabbiness. To my way of thinking, not the wildest flight of the imagination could charge it to the fault of the present administration. We may as well assume that the whole American people were to blame. The truth is that we had not been thinking along those lines. We had been engaged in developing a vast, undeveloped continent, and had not given our attention to the subject of national defense.

Germany is a nation of 65,000,000 people, inhabiting a restricted territory of somewhat limited natural resources. The United States is a Nation of 100,000,000 people, inhabiting a boundless empire of almost untouched natural resources. Our people are just as intelligent, just as resolute, and just as skillful as the inhabitants of Germany, and it is manifest that with an equal degree of thought and preparation this country, single handed, is more than a match for the German Empire in any national contest. [Applause.]

So the fact was that on that day we were less able to defend ourselves against an unprovoked attack than any nation that has ever claimed an independent national existence. When I say an "independent national existence" I mean one not guaranteed by treaties of neutrality, for we all know now what such treaties are worth.

When the blow fell, in the providence of God it did not fall first upon us. If it had, untold suffering and disaster would have resulted before we could have restored the balance. We would have restored the balance. We would have driven every invader from American soil and preserved inviolate every American right, but it would have been at fearful cost of blood and treasure.

It is true we had begun to realize somewhat our need for national unity and strength. We had created the Shipping Board for the purpose of attempting to restore in an experimental way the merchant marine. We had created the Federal Reserve System to abolish panics and to place 12 great reservoirs of credit at the service of American commerce. And we had created the Tariff Commission, designed to take the tariff out of politics and to study in a scientific way the great interchange of commodities between nations and its effect upon industrial progress.

But no steps had been taken toward adequate national defense, except the passage of the national-defense act in June, 1916, which had not had time to go into effective operation prior to our entrance into the war.

When on the 6th day of April, 1917, we entered this war against the most scientific enemy the world has ever seen we were armed only with that magnificent and irrepressible optimism or egotism, whichever we may choose to call it, which is such a distinguishing trait of the American character. It is the feeling that Uncle Sam "can lick the hull of creation," with one hand tied behind his back. It is a valuable trait; we would not be without it for the world. It is responsible for much of our enterprise and our success; but it is not the only weapon that soldiers need in such a war as we had challenged.

We had to create an army after war was declared. Nay, we had to create a military system adapted to the needs of a free people, for we could not even build upon the foundation stone of the Army that we had. It was not a question of increasing the size of the standing Army, for no standing Army would have been adequate to the emergency.

I remember nearly a year before war was declared we had a spirited debate in the House of Representatives, which grew quite bitter at times, over the question whether the standing Army of the United States, a Nation of a hundred million people, should consist of 175,000 or 225,000 men. It hardly seems possible that men could get excited over so small a difference of opinion, yet those of us who voted for the higher number were denounced as "dangerous militarists." Now, we know that neither 175,000 nor 225,000 men are sufficient to storm the enemy's trenches before breakfast in the morning in such a war as we are now waging.

Finally, the solution of the problem came to us and came to the thought of the Nation, and that was that every qualified man of military age was part of the fighting force of his country. If a country is worth having, it is worth defending, and if it is worth defending it is as much one man's duty to defend it as it is another man's duty.

We must have a military system based upon the whole man asset of the Nation, as our banking system is based upon the

whole commercial asset of the Nation, and capable of contracting and expanding as the demand upon it diminishes or increases. This is the only military system worthy of a free and intelligent people. They told us that we could not raise an army by selective conscription in the United States; that the people would not submit to such a system; that it would take an army to raise an army, and therefore Uncle Sam could never have an army; that if we attempted to enforce conscription there would not be jails enough in the country to hold the draft resisters, and we would have to build stockades and bull pens to keep the prisoners in.

Ah, the men who so argued and who so thought had failed utterly to sound the profound depth of patriotism of the American heart! We did try conscription; the 5th day of June, 1917, is a red-letter day in the annals of the American Republic—a day that will be taught to school children from now on to the end of time. On that day, on a single day, between the rising of the sun and the going down of the same, in a Nation of a hundred million people scattered over 3,000 miles of territory, in 48 sovereign States, nearly 10,000,000 red-blooded young Americans stepped forward from the ranks of the people and enrolled themselves to defend the same flag! Where were those draft resisters? Why, there were not enough of them among a hundred million people to get up a real good, first-class street-corner brawl. The great mass of the American people was loyal to the core.

Where is the country, large or small, that ever put the patriotism of its people to such a test? All the annals of history reveal no parallel. On that day the life of the Republic was thrown into the hands of its citizens. The right of democracy to survive among men was put to its supreme test. We said to the Nation: "This day, from the time the sun rises in the east until it sets in the west, there is no sovereign over the heads of the American people. You are in the presence of our armed foe. Your flag has gone into battle. Come forward and defend it. If you do not defend it, it will go down. If any considerable number of you resist, your Government has not the bayonets to force you into subjection. The fate of free government is in your hands."

Thank God for the spontaneous and loyal response of the American people. It was worth being alive to see. Every nation, the oldest, the richest, the proudest, has its dark corners, its disaffected sections, where the mandate of the law must sometimes stay its hand—every nation but our own. The even hand of equal democratic justice can reach into every nook and corner of Uncle Sam's vast domain under the light of a single sun. [Applause.]

On this principle of democratic equality our army was formed. And such an army! Drawn from every home and every fireside in this land; from every trade and occupation; from every race, from every kindred, and from every tribe that make up our people. I have seen that army in a score of camps throughout the United States; and I say to you that for courage, for discipline, for intelligence, for moral character, no finer body of men was ever gathered under any flag in the history of the world than will fight the battles of democracy under Old Glory for Uncle Sam. [Applause.] I place that army on your hearts and commend it to your prayers. [Applause.]

We were fortunate in this crisis in our Nation's history in having in the White House as the executive head of our Government a man big enough to grasp big problems in a big way, and who has shown himself in every emergency a big leader of a big people—Woodrow Wilson, President of the United States. [Applause.]

That army needed arms and equipment. All the resources of the Nation are pledged to its support. Our boys can not fight barehanded. Without ample weapons the most reckless courage that ever fired the heart of man would never reach the front line of the enemy's trenches in such a war as this. It needed rifles and ammunition, artillery and shells, blankets and tentage, hospital supplies and medicine, food and uniforms, motor trucks and transportation and aeroplanes and submarines, and ships, and transports, and convoys, and submarine chasers.

During the summer of 1917 the problems of preparation rolled in upon Congress like a veritable tidal wave. We had not only to create an Army, we had to officer it, and train it, and house it, and feed it, and clothe it, and arm it, and equip it, and transport it. And coincident therewith we had to find the money for financing these unprecedented expenses.

All this takes money. I would not vote, I repeat, I would not vote to conscript American boys and send them to the firing line in France to risk their lives and limbs in defense of their flag—perhaps to pay the last supreme sacrifice that a man can pay—and then refuse to send after them every dollar of American money necessary to make them victorious and successful in the struggle in which they are engaged.

In the last few months full many a noble-hearted American mother, with a brave smile on her lips, has stood at the door of her little home and waved a smiling "good-by" to her boy until he disappeared in the turn of the road, and then she has gone back into his silent bedchamber and buried her face in his empty pillow and sobbed out the anguish of her soul before the throne of Almighty God. Thousands of us have seen the smiling good-by from the doorway, but perhaps only the Great Father of us all has viewed the scene in the little bedchamber. I feel and believe that there was no bitterness in that mother's tears. There was even a high pride and joy that her boy could go and did go and wanted to go to do a man's part when his country called him. She would not have called him back if she could, nor would she have had him falter and turn back for anything on earth. There was just one thought, one wish in that mother's heart—that the arms of a mother's love might be around him as he went into camp; that he might be cared for and protected to the limit of human fidelity.

She can not provide for her boy in camp, but you and I can do it, and we must do it. It would be a crime upon our souls if that Army of ours met disaster by the negligence, the selfishness, or the cowardice of those in power. All the sacrifice of this war must not fall on the boys who go to the trenches. There is a large measure of sacrifice for those of us who remain at home. They are fighting our battles. They are defending our flag. They are saving our institutions, and no sacrifice on our part is too great to measure theirs.

We are going to conscript not only your boys, we are going to conscript your money; we are going to conscript your love and your sympathy and your prayers.

I should like to enter in detail into the problems of preparedness. We hear so much of the few things that have not been done that we lose sight of the mighty miracles that have been wrought. Suffice it to say that every American soldier that lands on the soil of France and goes to the front under the command of that gallant Missourian, Gen. John J. Pershing, will be better armed and equipped from top to toe than any soldier that ever set foot in tented field since the dawn of history. We had no illusions on the subject of the magnitude of the task when we entered this war. We knew that three years was the minimum in which to bring the contest to a successful conclusion. We knew it would take one full year to create and place an Army in the field, and we knew it would take at least that long to arouse public spirit and provide what may be called the mental equipment of the Nation. We knew it would take a full year to turn Uncle Sam—good-natured, easy-going, indulgent old Uncle Sam—into a first-class fighting man; and it has taken a year. We knew it would take the full season of 1918 to fight, if possible, a few successful battles, and we knew it would take the full year of 1919 to bring about a satisfactory peace. At that time the collapse of Russia had not taken place. In that regard the situation is less favorable, and Germany may be stronger to-day than when we declared war. We do not count upon the backdown of Germany, and we may as well let her know that we listen to no such insidious whisperings.

We count upon the righteous wrath of an aroused and powerful people to meet her and match her and overmatch her in the field. It will be time enough to talk peace when the armies of the Hun are sent hurling back through France and through Belgium to within the confines of Germany.

Thousands of our boys are to-day on the firing line in France. Thousands are on the gray Atlantic. Thousands more are in the training camps ready to go. For many of them the time has already arrived when we may not draw aside the veil of silence and tell the people even where those boys are or how they fare. With that time at hand, with those boys facing the bullets of the foe in front, they have a right to feel that you and I will see to it that they are in no danger of an attack from the rear; that you and I will not permit any set of people back here to pour the poison of sedition into the veins of good old Uncle Sam.

During all of this time when the life of the Nation was in peril, when the storm of war was gathering over the head of our devoted country, when our safety was menaced by foes within and without, when true patriots were drawing closer together that we might know who stood for "America first," there were not lacking those who sought to confuse public opinion, to tear down American ideals, to becloud the luster of American honor, to destroy the unity and strength of the American Nation, and to spread doubt, discord, and class hatred among our people. They sought to array the farmer against the city man, the laborer against his employer, and the foreign born against the native born—anything to foster discontent and to weaken the arm of Uncle Sam.

A widespread, insistent, and insidious propaganda was carried on to this end. We may know by evidence in the possession of our Government where this propaganda originated and how it was carried on. Some of the propositions were very plausible and deceived many good men. While the danger was at its height I got hundreds of letters and telegrams from my own district on these various propositions. Some of them were from people in whom I had the utmost confidence. I did not assume that my sense of patriotism was a bit higher than theirs, but I did know that I stood a little higher up the mountain side and had a little wider sweep of the horizon, and could see a little clearer where these propositions came from. They all came from the same sinister source and all tended to the same disgraceful end.

The first proposal was that Congress should declare an embargo. They wanted us to close American ports, to destroy our commerce, to let our goods rot upon the wharves, to sit down in bankruptcy and despair, and for what purpose? In order that the nation that had deliberately prepared for this war should have an insuperable advantage over the nations that had to buy their supplies!

Then it was urged that we refuse to permit merchant vessels to arm against the pirate submarine—for the submarine is a pirate. It is not a vessel of war. It is not a part of a fleet. It does not go out seeking an armed enemy. It never attacks an armed ship if it knows it. It attacks unarmed ships, ships of commerce, loaded with merchandise, with passengers, with women and children.

Then we were asked to forbid American citizens from traveling on armed vessels of commerce, and this meant that we should become a hermit Nation, that our people could not travel abroad at all, for we had no merchant marine, and our sole reliance in most cases for foreign travel was upon the ships of the English and the French.

In a similar way, it was urged that we should in no event send troops abroad to fight the enemy, that we should wait until murder and rapine were brought to our very dooryard. I can not believe that any right-thinking man really wants to see that. For my own part, as long as I have any official responsibility in the destiny of this Nation, we shall be prepared to meet and defeat every foe beyond the bounds of our own country.

Congress has indignantly repelled all of these suggestions and has kept its eye fixed upon the bright guidon of national unity and national honor.

To me the parting of the ways came more than a year before the declaration of war. On the 24th of February, 1916, a former chairman of the Committee on Foreign Relations of the Senate of the United States wrote to President Wilson demanding that American citizens be forbidden to travel on armed ships of commerce. President Wilson refused, and in that refusal he struck what is to me the high note of American statesmanship and American honor. The President pointed out that he had thus far succeeded in keeping the country out of war, and that the people well understood his purpose in that regard, but that the undersea campaign of the Germanic allies was making it increasingly difficult to maintain peace with honor under the rules of international law; that the acts of the rulers of Germany were so widely different from their promises that it was difficult to reconcile the one with the other, but that he still hoped that some explanation might be found for their conduct.

He then continues:

> But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war, and if the clear rights of American citizens should ever unhappily be abridged or denied by any such action we should, it seems to me, have in honor no choice as to what our own course should be. For my own part I can not consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the Nation are involved. We covet peace and shall preserve it at any cost but the loss of honor. To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation, indeed.

Aye, it would. To say to an American citizen that he may not exercise the rights of a citizen of a sovereign State; that he may not travel beyond the bounds of his own country upon errands of commerce, upon errands of science, upon errands of mercy, or even as the diplomatic or consular representative of his own Government except at the peril of his life, for fear, forsooth, that his Government might be called upon to vindicate his rights as a citizen, would be an indelible stain upon American honor.

Why, a year before that, on May 13, 1915, after the sinking of the *Lusitania*, when we warned Germany that she must not attack noncombatants on the high seas, our Secretary of State presented the same principle. He said:

> American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

Why, when the blow fell, it became apparent that the path of dishonor would not have been the path of safety. On February 1, 1917, the Imperial German Government issued its mandate that it purposed to sink all ships, armed and unarmed, friendly and belligerent, without regard to their character, their contents, or their destination, if it found them upon the high seas. When that occurred, when the black flag had been hoisted against civilization, the President of the United States came before Congress and he gave it one clear message. The men of Congress, without regard to political affiliations, responded with one vote and the American people have ratified it with one voice, and that is that the sovereign rights of American citizens shall be protected anywhere against any nation on earth! [Applause.]

When we entered this war, therefore, we entered for the defense of the undoubted rights of the American people under every principle of international law; rights we were able to defend when we were a weak and struggling Nation, and are we less able to defend them now that we have grown strong and great? We are for peace; but as President Wilson has said, the right is more precious than peace. If it were not so, we would not to-day be the independent Nation that we are.

We fought England, our motherland, a second time in 1812 for less outrages upon our citizens at sea than we have suffered at the hands of the German Empire. England never claimed the right to sink our ships, to destroy our property, to murder our citizens. All she ever claimed was the right to search our ships for deserters from her own navy, and we would not even permit her to do that, although she was the nearest blood relative we had on the globe.

There were high-minded men in this country that thought we should have gone to war when Belgium was invaded. There were dauntless spirits who thought we should have intervened when the *Lusitania* was sunk; but the great majority of the American people preferred to tread the path of peace and neutrality as long as it could be trod with honor. But when we entered this war on the 6th day of April, 1917, we entered clothed not only with the white garment of humanity but with the invincible armor of a strict legal right under every acknowledged principle of international law. This is America's war whether it is anybody else's war or not. Let there be no confusion of thought in any man's mind on that subject.

Our Army goes abroad primarily in vindication of American rights, rights as old as the history of our Republic. But it so chances in the mighty movements of the world's history that our boys go with another and a higher mission. They are the foremost champions and natural defenders of the cause of democracy, the rights of humanity, and the safety of free institutions. We find ourselves allied with all the free governing nations of the world, opposed to the last remnant of autocracy and the miserable sacrilege of the divine right of kings to rule their fellow men.

Democracy must demonstrate its right to live, and to do this it must demonstrate its power to live. It is manifest that if a military autocracy is the only strong and efficient form of government, if it is able to impose its will upon other nations, then it is the only safe form of government, and all men must come under a military autocracy. Democracy can only survive by proving that it is stronger than any other form of government, that it has a stronger hold upon the hearts and minds and purses of its citizens than feudalism.

I am enough of an American to believe that free government can not perish from the earth; that Americans to-day are imbued with the spirit of '76 and are ready to devote "their lives, their fortunes, and their sacred honor" upon the altar of their country's cause. One hundred and forty years ago, when our fathers founded this little Nation upon the fundamental principle of the equal opportunity of all men before the law, some of the boldest of them may have dreamed that it would one day grow into an independent Nation.

But I take it that not even the wildest dreamer among them would have imagined that it would grow into the great, powerful, rich Nation into which it has grown. Equity and opportunity have drawn to these shores millions of liberty-loving men from every land and clime. Loyalty is not a matter of race or creed or lineage or birth; it is a matter of the heart. The true American is loyal to American ideals. The immigrant's son when he puts on the khaki uniform and shoulders his rifle and marches away under the Old Flag of the Union is just as good an American as the man who counts six generations to the Pilgrim Fathers of New England.

I affirm that if there is any man in America who really believes in the divine right of kings to rule their fellow men, he

does not belong under the Stars and Stripes. He ought to get under some other flag. [Applause.]

When our fathers founded this Republic upon the principle of the equal right of all men to govern themselves and to choose the form of government under which they should live not a nation on earth was willing to admit that we could make a success of it. To-day four-fifths of the civilized nations are glad to join hands with us upon the American platform of the rights of man. The American principle has become the dominant political thought of the age.

Our boys will not fight alone. They will fight for the first time in our history with our motherland of England and with our Canadian cousins, from whom we have been too long estranged. They will fight with France—gallant old France! That came so promptly to our aid in the days of our Revolutionary struggle; that sent us Lafayette and Rochambeau; that lent to our starving and destitute Nation millions of money and waited our good time to pay it back, and then remitted all the interest. They will fight with Italy, the home of art and song; with Belgium, bleeding Belgium, ravished to-day by the Huns; with Poland, dreary, desolate Poland, where, under the benign influence of Prussian kultur, all the little children under 10 years of age are dead and rotting by the roadside; with Christian Armenia, ground beneath the bloody heel of the unspeakable Turk; and with Russia, that great Empire just emerging from the darkness of ignorance and misrule into the sunlight of self-government. But if this great Republic with 140 years of freedom can not defend its principles and its people, why should Russia care to be a republic after all?

Our boys will fight under no feudal banner, under no royal ensign, under no flag typifying the divine right of kings to rule. They will fight under Old Glory, the flag of the free. Those boys are imbued with the spirit of 1776. If we support them, they will defend that Old Flag and carry it to victory. They will restore it to us with added luster and added glory. They will not stain it with inhumanity or dishonor, and they will not bring it back until they have made the Kaiser see the Stars and feel the Stripes of a free people.

What that Old Flag means to us we want it to mean to all the world. We have seen that flag through all the dark days of our infant struggle, through starvation and suffering, through privation and peril, through disaster and defeat, until the black midnight of Valley Forge burst into the cloudless dawn at Yorktown. We have seen it wave in victory over Perry at Lake Erie and above the dauntless achievements of Andrew Jackson at New Orleans. We have seen it triumph at Monterey, at Buena Vista, at Cerro Gordo, and at Chapultepec. We have seen it sway to and fro in the mighty storm of the Civil War. We have seen it at the high-water mark of that great struggle upon the field of Gettysburg, where for three long days under the burning sun of July the brothers who wore the blue and the brothers who wore the gray hurled themselves against each other in fratricidal strife until they had proven to themselves and to all the world that they were one in courage, one in race, and one, thank God, in destiny.

We have seen it with Dewey at Manila Bay and with Sampson and Schley at Santiago. And we shall soon see that same Old Flag ,a star of hope to the suffering world, carried in triumph across the bleeding fields of France and Belgium, until it is planted in victory and in permanent peace above the last stronghold of feudal power in this world.

Will peace come? Aye; peace will come, but it will be no premature peace; it will be no patched-up peace; it will be no armed truce leading to another awful struggle. It will be no peace with a despot who claims a partnership with Almighty God.

It will be no peace with a monarch who regards the most solemn international obligations as mere scraps of paper.

It will be a peace founded upon the deep faith of nations; a peace between average men; a peace sealed by the voice of the people, above and beyond which we Americans acknowledge no power beneath the throne of God.

Will peace come? When? Peace will come, as President Wilson told the Pope, when the flag of feudalism goes down forever in this world. [Applause.]

Mr. SISSON. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, before beginning I ask unanimous consent to extend, revise, and correct my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend, revise, and correct his remarks. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, many of us here in the House have at one time and another been deeply interested in the question of our soldiers' mails. We have seen one department, in the parlance of the day, pass the buck to another department in an effort to evade the responsibility for an unaccountable delay in the transmission of mail to our boys who are now over there. To my utter surprise and consternation I read in the newspaper a few days ago that an American general, who had been interviewed on this question of soldiers' mail, said that the disturbance which was being raised here in the Congress of the United States was all uncalled for, was a waste of time, and that so far as his men were concerned they were there to fight and not to read letters from home.

Now, I rise at this moment particularly to bring to the attention of the House by contrast the statement of a Massachusetts colonel, now in France, who headed the first State unit of militiamen that ever left this country for service in the present European struggle.

On the 7th day of last September a Massachusetts regiment sailed from an American port. I had the proud distinction and the great privilege of witnessing the departure of that fine regiment of boys from the old Bay State; its colonel has been my lifelong friend; its present membership is composed of what was originally two Massachusetts State militia organizations. As I said before, it was the first State organization to leave America for this war. It is known now as the One hundred and first Infantry. It was formerly the Fighting Ninth and the Dandy Fifth of Massachusetts. Its colonel, Edward L. Logan, a brave, self-sacrificing, devoted young Bostonian, who had graduated from Harvard College, who had acquired a splendid law practice, left here at the head of that regiment, and his regiment was selected because at that time it was the only State regiment in this country which was ready for foreign service. I do not say this in disparagement of the other splendid State troops which have since embarked from these shores, but it even preceded the Rainbow Division about which we have heard so much and from which we have heard so much since the Rainbow Division was sent to France.

For almost eight months these boys from my State have been under the colors in war-torn France. After months of daily instruction in the very latest tactics of modern warfare they were sent to the firing line some eight weeks past. Day and night their gallant colonel has lived with his men and has worked for his men. He ought to know, and he does know, how his men feel on this question of letters from home. His men, their comfort, their well-being, their happiness, under prevailing conditions, are his first concern. He stands by his men all the time and they loyally and devotedly stand by him.

What does Col. Edward L. Logan say in contrast to the Regular Army general, who says that his men are in France to fight and not to read letters from home? I have the message from him, and he lays particular emphasis on this question of the soldiers' mail. Yesterday word came from Col. Logan, and speaking of his boys, most of whom live in my congressional district, I am proud to say, he says:

> Tell the mothers that I am doing my best to keep the boys in fine condition, and that the One hundred and first is grateful for all the things done for us by the folks back home. Say that the boys are in excellent health and spirits, but, above all, tell them over there to write and then write some more. Tell them not to wait for the boys to answer; we may be in the trenches all the time. Please tell them to keep in mind that there is nothing in the world so consoling to our boys as to hear from home.

[Applause.]

There is the story of a Massachusetts volunteer colonel now and for many months past right in the midst of things. His regiment has been in action now for over six weeks, and there has not been a single company in the regiment that has not lost some of its men. Already many of the boys have made the supreme sacrifice. Many others have been listed among the wounded. Their colonel has said the most consoling influence of all is found in the letters from those who are keeping the home fires burning. And when any colonel or any general in the American Army over there—I do not care how high or how low his station—says that his men are there to fight and not to read letters from home, I believe that some notice ought to be taken of that statement here in the Congress of the United States, even if it is but that of quoting what he has said. He ought to be jacked up and at once.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. With pleasure.

Mr. SHALLENBERGER. I would call the attention of the gentleman to the fact that not only is Massachusetts entitled to the honor which he has mentioned, but, according to the reports in the public press, the first body of American troops to be complimented for bravery in battle by a foreign commander was a Massachusetts body of soldiers. [Applause.]

Mr. GALLIVAN. I thank the distinguished gentleman from Nebraska. He has but anticipated what I am going to read about another Massachusetts regiment, most of whose boys come from the district of the distinguished acting leader of the minority party, my colleague, Mr. GILLETT. "One hundred and twenty-two Massachusetts boys win crosses" read the headlines in all the press of the country yesterday. "Bravery of One hundred and fourth Regiment recognized by France."

In recognition of the bravery of Massachusetts troops in the recent battle of Apremont, the French Government has decorated 122 men, mostly of the One hundred and fourth Regiment, with the cross of war, according to dispatches from army headquarters in the field received in Boston yesterday.

Two chaplains—

One a Catholic priest and one a Protestant minister—

are among the leaders in the honor list and receive high praise in the French citation. Every rank, from captain to private, is included in the roll. The French general making the presentations, according to the dispatches, said, in speaking of the One hundred and fourth Regiment, "It showed the greatest audacity and a fine spirit of sacrifice. Subjected to very violent bombardments and attacked by large German forces, it succeeded in checking the dangerous advance, and took, at the point of the bayonet, in a most vigorous way, prisoners and some demolished trenches from which it had fallen back at the first assault."

I want to read to you what these two chaplains were especially cited for. Chaplain John B. Des Valles, of New Bedford, had this said of him by the French general:

With extraordinary heroism and exceptional devotedness to duty, under uninterrupted fire and at the constant risk of his life, he did not cease to tender aid to the wounded, and he encouraged to renewed efforts the men who were weakened in hard fighting.

He was the Catholic priest. Here is what is said of the Protestant chaplain, Walton S. Danker, of Worcester:

At the time of the attack particularly noteworthy was the devotedness and spirit of sacrifice with which he attended the sick and wounded and bestowed the last rite to the dead. Facing the enemy from April 2 to April 14, particularly on April 10, 12, and 13, he remained in the front-line trenches, encouraging the men during the clash.

Those are two Massachusetts clergymen. God bless them and keep them! I said that practically the entire One hundred and fourth came from the district of the distinguished minority leader [Mr. GILLETT], yet I ought not to forget that perhaps every district in Massachusetts can claim some of these boys, and I am glad to be able in this hour to bring to the attention of Congress—and I am thankful to the gentleman from Nebraska [Mr. SHALLENBERGER] for suggesting it to me—that this great honor has been conferred on a body of Massachusetts brave boys, and I do not believe that in the history of any war any such distinction ever came at such an early time in the conflict to any regiment.

Col. Logan's regiment has also had honors bestowed on many officers and privates. The war crosses appear on the uniforms of many of his brave boys, and, oh! how proud my people are of that regiment, first State unit to go overseas and first to reach the firing line.

Mr. Chairman, as I said I rose to refer to the question of soldiers' mail, and to quote what Col. Logan, of the One hundred and first Regiment, had sent home here, and I sincerely hope that the efforts of all those Members of Congress who have taken this matter up will not fail.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. ROGERS. I notice in yesterday's Boston Post a report of the return of the Massachusetts mission sent over there in connection with establishing a registration point for Massachusetts soldiers, and that former Lieut. Gov. Frothingham, a member of that commission, states that he found among all the Massachusetts troops and among the troops generally of the American Expeditionary Forces that the mail service was the one thing that gave them more grief and more anxiety and more trouble than any other single thing.

Mr. GALLIVAN. I want to say to my colleague that I have the same information, and in his absence I read a letter from Col. Logan, of the One hundred and first Regiment, in which he pleads that the folks at home write and keep writing and that the mail service be, if possible, improved. We all want action now.

I want to say something while I am on my feet, Mr. Chairman, about the entire Postal Service to-day.

The past three or four years have seen a steady decline of service efficiency in the post office. So bad have conditions grown that complaint has come from all parts of the country and from all classes of people. Everybody knows it; everybody has felt its disturbing effects. Editorial and news columns of the public press teem with the subject; few Members of this House but what have received many letters of complaint and instance after instance has been related on this floor all tending to show the growing demoralization of the service. Something is radically wrong and it is a condition which can not be permitted to long continue unchecked.

Eventually the department, admitting that something was sadly the matter, tried to explain by laying the blame on the railroads. Of course, time schedules are out of joint, but this does not explain the wretched local delivery, nor does it explain the discouraging mail service given the soldiers abroad or in the cantonments at home. In fact, instead of the railroads being solely to blame, it can be stated with good show of reason that the excessive time consumed in discharging and loading mail at way stations, due to an inadequate working force, is largely responsible for delayed passenger-train service. We will have to look beyond the railroads to locate the trouble.

THE PROFIT IDEA.

An unbiased and impartial inquiry will lead any investigator to but one conclusion, and that is the present administrative policy of the Post Office Department is responsible for existing evil conditions. In a mad effort to force a postal surplus, and in so doing to play upon a mistaken impression held in some quarters that a profitable service means an efficient one, the Post Office Department, under the guise of economy, has instituted cheeseparing practices and penny-wise and pound-foolish methods until a heretofore excellent service has been disorganized beyond recognition.

In attempting to run the post office on a profit basis when neither the people nor Congress indorses such a policy is a grievous mistake, and to this fundamental error can be traced the multiplied shortcomings of the existing system. This fallacy has impregnated the whole structure with the idea that cost is everything, and this philosophy ramifies through and hangs like a pall over its diversified workings, affecting alike the administrative and operating ends of the business.

Instance after instance could be cited to show how fully these statements square with the facts and how, as a result, the entire service breaks down in an emergency. Instead of making a general survey of the entire service, however, I will content myself by confining these remarks to an analysis of the way the postal profit system works in practice and its ultimate effect upon the city delivery division, a part of the service with which I am most familiar. Similar conditions to those described here exist in all other branches proceeding from the same primary cause.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Certainly.

Mr. MOON. In his criticism of the Post Office Department, does the gentleman not think it would be fair and proper for him to state that in the interest of the prosecution of this war, in order that the freights might have the right of way for the transmission of munitions of war and of soldiers, it has become necessary to take off about one-half of all of the mail trains heretofore used in the United States in the transmission of mail?

Mr. GALLIVAN. The gentleman has stated a fact. I am glad to get that information. I do not know what percentage of the mail trains have been taken off. I am always glad to be informed, and there is nobody in this House who can give us more information upon the subject than the distinguished chairman of the Committee on the Post Office and Post Roads; but my criticism still holds, despite that fact. Before the war our postal system was starting on its backward course. Let us examine into some of the causes.

THE EFFICIENCY SYSTEM.

Post-office clerks and city letter carriers distribute and deliver the mails arriving at free-delivery offices, and they are employed on an eight-hour day basis. This is highly important work, and service efficiency demands that the operating plan of organization be so framed as to facilitate distribution and to insure an unfailing observance by the carrier of regular delivery schedules. Owing to the fact that the daily volume of mail varies to a certain extent, which in post-office terms are known as light and heavy days, instances occur wherein the carrier completes his regular tour of duty in time somewhat less than the full eight hours. Of course, the carrier on such days performs all the work assigned him, but some one in the department at Washington, noting these instances of "undertime"—a technical term since invented by the department to define such cases—conceived the idea that some one was loafing or shirking and at once, for obvious reasons, set about to devise a system that would eliminate "undertime."

It must be apparent to the least familiar that this would be no easy matter. Mail varies in volume, and if the carrier was allotted all he could deliver on light days, when the heavier days come, as they do three or four times a week, and especially in certain seasons on the first few days of each month, naturally he would be overwhelmed by the increased burden. The serv-

ice would suffer, patrons would become discontented, and the carrier, worked to the limit on each and every day, would be lacking in energy and without reserve vitality to successfully handle the peak loads.

Prior to the system being changed the regulations governing carriers' tours of duty provided, in substance, that "all routes should be arranged so that they may be covered within eight hours." This plan worked to the satisfaction of all concerned; efficient service was given; patrons received their mail at regular intervals; and the health and vitality of the employees was kept at a high standard. Despite this gratifying showing, the efficiency experts at Washington demanded a change and change it must be.

THE STANDARD DAY.

Before the new system was placed in operation, however, the department mailed an order which, through the local postmasters, instructed the carriers to furnish certain data, which they were themselves to compile. This data consisted of the number of first, second, third, and fourth class pieces of mail handled on certain days, as well as the number of pieces of postage-due mail and registered matter. Once secured, such data became the basis of calculation on which the efficiency system was later founded.

Here is the way it was done: Adding the several items of mail handled and then dividing the total by the number of carriers and you have the average amount of mail, cased and delivered, per carrier per day.

So far so good. Then add up the time consumed by all the carriers on this day and divide the total by the number of carriers and you have the average time consumed per carrier per day.

Then multiply the number of carriers by eight hours and from this figure subtract the actual number of hours worked as totaled from the records and you have as a result an imposing figure of "undertime," which, if taken among 35,000 carriers, resolves itself into a most convincing argument, favoring the inauguration of an efficiency system to conserve this time.

But this does not complete the system by any means. It is now necessary to compute the time of the carrier by offices. A force of inspectors visit a post office and, on the basis of the above calculation, compute the "undertime" that has occurred in this office during some recent period. Armed with this figure obtained, they then call upon the postmaster, have the supervisory officers brought in, and confront these officials with the damning evidence of their own infamy.

Accordingly the amount of "undertime" having been totaled, routes are ordered rearranged so as to provide for a full eight hours' work on each day. If, for instance, in an office of, say, 9 or 10 carriers, it is found that there has been a weekly average of 48 hours "undertime," it must be plainly evident in the light of this efficiency system that one of these carriers can be dispensed with. It is up to the postmasters to see that routes are rearranged so that this can be done, leaving the remaining carriers to handle the additional work after the order has been rendered effective.

Then to give the system general application and the post-office inspectors a bill of good health an order issues from the department, advising the postmaster that hereafter "carriers' routes should be so arranged as to provide a full eight hours' work at all times." Thus by a system of adding pieces of mail and men and dividing the total by minutes, the department has evolved the wonderful theory of the standard day. After all, could anything be more simple?

Why is it not a great idea? Why will it not work? It is done in the factory by increasing the size of the pulley; it is done in the machine shop by speeding up the lathe and introducing soft steel; it is done on the railroad by building larger locomotives; why can it not be done in the post office? Set a standard; that is the idea. Never mind about local conditions, train schedules, the human element, or what not. Set the standard. If conditions do not exactly fit the standard, bend and hammer and squeeze them in until they do fit. It is up to the postmaster to see that this is done.

THE STANDARD MINUTE.

Here we have the standard day as a scientific formula designating what a day's work should be. To make it further effective, it is but a natural and logical step for the local post-office authorities to subsequently divide the hour into minutes and set a standard minute's work. So they do a little computing on their own account. The stop watch is brought out; the carrier is started with a gong, and an accurate time record is taken in minutes by the watch holder of the pieces of mail he throws, the amount of time he consumes in doing this or that with one or the other class of mail, and then out of this table of experience thus compiled is evolved another theory—the standard minute.

This is not a satire, gentlemen, framed for passing amusement or a facetiously contrived plot for a literary extravaganza. Rather is it a true-to-life portrayal of a system now operating in the City Delivery Division of the Postal Service, where hard and fast regulations define an acceptable amount of work to be performed in 60 seconds. Not only is there a minute standard, but employees are reduced in grade, transferred, humiliatingly disciplined, or removed from the service, as a case may be, because they can not maintain the pace the minute standard arbitrarily sets.

THE SYSTEM AT WORK.

The Post Office Department having sponsored and sanctioned this system, it is but natural that the inspector force would shortly become saturated with the same idea. Realizing that their tenure of place depended almost entirely on the favor of the Postmaster General has caused many postmasters to catch the craze, and to such an extent that new-fangled speed-up devices, efficiency charts, rules, and regulations have followed one another with painful regularity, until it is impossible to catalogue the variety of methods thus invoked. Everything must be done by rule. Tasks are measured by minutes, minutes by seconds, and seconds by physical movements.

The robust and active carrier is singled out as the basis for computation. His capacity is utilized as a measuring device to frame the tasks set for other carriers, who with unsparing exactness must be standardized accordingly. Somehow, some way, the standard must be maintained, no matter how much speeding up is required, because he who can not stand the pace can fall by the wayside. Even instances have occurred where carriers were ordered to count the number of their steps taken during the day.

Such is the efficiency system, its origin, its history, its application. The corner stone of the system is the standard day. Its purpose is to wring from the toiler the last ounce of possible effort. Its ultimate object throughout its varied ramifications is to force a postal surplus and to prove how the present administration of the Post Office transcends in capacity all those that have gone before.

REORGANIZATION.

Such is the efficiency system. How does it work out in practice? What are the results of its operation, general and specific, immediate and remote? Answering my own question, I charge this so-called efficiency system with being an utter failure, and that, too, after judging it fairly and from every point of view. It has well-nigh destroyed the efficiency of a heretofore satisfying service; it has shaken the confidence of the people and awakened protest without end; it has goaded the employees into almost open rebellion, driven competent men from the service in despair, depressed the morale and health of the workers, and inspired a discontent that now runs rife throughout the entire structure. Even more. From a standpoint of social economy the system has been a hopeless and a disastrous financial experiment. It has ignominiously failed, first of all, because it is founded on a fallacy and because it left out of reckoning the one most important item—the human element.

Examining in detail, this is how the plan works in practice: The efficiency system has been launched; it is on its way and a reorganization of certain post offices begun—reorganization being a polite departmental term meaning reduction in the force. In due time a number of post-office inspectors show up in a particular post office where are employed, we may say, some 60 letter carriers. At once begins the scheme of scientific computation, and it is discovered that these 60 carriers have averaged 7 hours and 35 minutes per carrier per day in casing and distributing mail.

Not much "undertime" for one man, to be sure; but lo and behold, when you multiply it by 60 you have the amazing total of 1,500 minutes per day "undertime"; 1,500 minutes means 25 hours, which in turn means 3 workdays of 8 hours each, and, what is more to the point, means that three carriers, according to this system, can be dispensed with. Reorganization begins, and nothing is easier. The postmaster is simply ordered to reduce his carrier force by three men, and arrange the remaining routes accordingly. Protest unavailing, the orders are obeyed. The inspectors leave town, bent on more reorganization. The postmaster is left behind to toy with his new-found system, and then trouble, dire trouble, begins.

The first division of districts will not work at all. Many carriers have plainly too much mail to handle, so that in rectifying this inequality chunks of territory are switched back and forth from this route to that like diplomats at a peace conference,

seeking vainly for some equitable plan of settlement. Meanwhile, the patron daily sees a new face at his door, and a strange voice inquires his name. Substitutes are drafted in number to care for the accumulated mail as the adjustment goes on. Still it fails, so speed-up methods are invoked. The official whip is cracked; men are nagged, hounded, and hurried; complaints pile into the office, and everything is in an uproar.

Still the system does not work, but admission of this fact can not be officially made by the postmaster who knows how the information would be received at Washington. Schedules are thrown out of joint, regularity of delivery vanishes, and mail accumulates in the office. This carrier has too much; he is hours late on his trip, so he must curtail service to one delivery a day. Another carrier is covered up, so he takes out first-class mail only, leaving an accumulation of newspapers, periodicals, and other mail matter. Later, a substitute is drafted to clear up this wreckage, and patrons are surprised to get three or four missing issues of their daily paper on one delivery. Still another carrier, nervously anxious to escape official reprimand, resorts to all sorts of questionable expedients to dispose of his mail, to later answer more serious complaint.

Meanwhile a heavy day comes along and a large volume of mail arrives at the office. The working force is swamped; mail piles up, and for the purpose of getting out the most important, first-class mail is given the preference, while other classes being switched from pillar to post, instead of being handled once, are pawed over five or six times. More substitutes are requisitioned and assigned to strange territory, adding to the confusion. One delivery in residence sections becomes the regular order, and outbound mail lies over in street letter boxes for 24 hours before being collected.

That this picture is not overdrawn can be readily confirmed by a talk with postal employees or by a careful analysis of the figures furnished by the department itself. Take the case of the substitute, for instance: This year an appropriation to cover this item calls for $4,100,000, a jump of more than $2,000,000 within the past few years. Deduct from this estimate $1,352,864 for pay of substitutes working in place of 34,592 carriers off on vacation and there is left $2,747,136 to be expended for auxiliary and temporary hire of substitute carriers. Why this immense sum? It means that aside from vacation periods the average carrier must be helped out by a substitute to the extent of 27 days during the year, and this makes no allowance for an ever-increasing item of overtime the regular carrier is compelled to work.

From 1909 to 1915 there were 59 carriers reduced to the substitute list, while in 1915, 1916, 1917, at a time when postal revenues were increasing by leaps and bounds, 729 carriers were thus reduced. Why is it that the carrier force was only increased 1.4 per cent last year, while postal revenues increased 5.66 per cent? The postal receipts of 1917 amounted to $42,477,951 more in 1917 than in 1915, yet the cost of City Delivery Service was exactly $4,773.96 more in 1917 than in 1915. Imagine a concern doing an increased business of $42,000,000 on an increased overhead of $4,000.

NO WONDER THE SERVICE IS DEMORALIZED.

Unsatisfactory as has been the handling of first-class mail it has been infinitely better than the service given other classes, which has been miserable beyond reckoning, and which mail has been allowed to accumulate in terminals and in post offices to an amazing degree. A million dollars' worth of registered matter, a short time ago, was lost for 14 days in such an accumulation in New York City before being discovered. The postmaster in Washington, during the month of January this year, while denying the charge that mail was being held up for a period of three weeks, admitted to a congestion 24 hours behind schedule. Conditions pictured as existed in the Chelsea Terminal of the New York office have been little less than frightful. Here is an extract from the Manufacturers' Record, which I will insert, showing where daily papers regularly arrived three and four issues at one delivery:

WOULD BE WELCOMED—THE COUNTRY HAS NO OBJECTION TO SECRETARY BURLESON RESIGNING.

A dispatch from Washington says that Postmaster General Burleson is seriously considering retirement from the Cabinet in order to enter the race in Texas for the United States Senate, and it adds, "Burleson is known to be thoroughly tired of department service."

It is to be hoped that these statements are correct, for Mr. Burleson is certainly no more "tired of departmental service" than the country is tired of the kind of departmental service which it has been receiving from the post office since long before our entrance into the war.

Typical of these conditions are the receipt by the writer in Daytona, Fla., on Saturday, of the Baltimore papers issued in Baltimore on the preceding Monday, and sometimes the delay is even greater. Boston papers have been exactly one week in coming from the Hub of New England. As there is no such delay in the trains coming South it is very evident that the difficulty is in the post office. Take, for instance, the Baltimore morning papers, sent out of that city somewhere between midnight and 3 o'clock Monday morning, and remember that they reach Daytona late Saturday afternoon. Some days three or four issues of the same paper, but of different dates, are received by the writer in the same mail. This condition, which goes on from day to day, is typical of post-office service. There is often a difference of as much as 24 hours in the receipt of two copies of the Manufacturers' Record, for instance, mailed in Baltimore at exactly the same time.

We sincerely trust that the rumor sent out from Washington, that Postmaster Burleson is considering retirement, is correct, and that he will not only consider it, but will act favorably upon the matter.

Here is an unintended, and for that reason more severe, indictment of the present Postal Service contained in a letter from Theodore Hewes, of Indianapolis, Ind., addressed to dog fanciers, which begins as follows:

For once in the history of our country we find it next to impossible to get second or third class mail delivered with any degree of accuracy.

This writer evidently has so lost confidence in the Postal Service that, although having a month to spare, will not trust his communications to second or third class mail, but sends them first class instead.

DOG FANCIERS, THIS IS A PERSONAL LETTER TO YOU.

INDIANAPOLIS, IND., *February 2, 1918.*

For once in the history of our country we find it next to impossible to get second or third class mail delivered with any degree of accuracy. Many of the dog shows have been seriously crippled this year for lack of entries, due, in the majority of cases, to the delay in receiving premium lists. For that reason the premium lists and entry blanks of the Indianapolis Kennel Club are mailed to you under first-class postage.

The dog shows of this country never were up against such trying conditions as they are to-day, and show managers that have the courage to go ahead in the face of present conditions are certainly entitled to your most liberal patronage. The snow blockade, we can reasonably figure, will be out of the way by March 1, so that need not delay your entries. But there are other matters that only the experienced show managers take into account, i. e., the question of expressing shipments. You have been having trouble in getting your shipments accepted, and are likely to have trouble unless you take the matter up with your local agent in advance, and it is this matter that has called forth this letter. I have arranged with the express companies in Indianapolis to furnish sufficient room for all dogs shipped, even though they may arrive two days in advance of the show. And owners or handlers may have the privilege of going to the storehouse and taking their dogs out for exercise. I have also arranged with the Denison Hotel (the headquarters of the dog exhibitors in this city) to allow toy dogs to be brought to the hotel in advance of the show, provided the owners are with them.

FANCIERS, IT IS UP TO YOU.

We have done our bit. Will you do yours? You owe it to yourself, you owe it to the fancy, and, above all else, you owe it to your country to see to it that the Indianapolis show, March 1, 2, and 3, is up to standard. And let us show to the world that, regardless of war, we are doing our bit to keep the industry up to the highest standard.

Now, then, do this much for me: Make the largest entry you have ever made at any show. Come with your exhibit if possible. Talk dogs, preach dogs, and in the right way get others interested in the breeding and exhibiting of dogs.

If your local express agent has any hesitancy in accepting your dogs for shipment, make it a point to leave one or two days ahead of time and show him this letter as proof that we will take care of them on arrival.

Yours, for the best dog show ever caged in the Middle West,

THEO. HEWES.

Similar cases could be submitted in convincing number and these would not represent the smallest fraction of the inefficiency that permeates the service, because the delays, omissions, and mishandling of mails are a sort of an intangible thing. Everybody feels it; everybody experiences it, yet to secure specific and definite evidence of the excessive time consumed in the interval between depositing a letter in a street letter box and the hour of its delivery at its destination involves so much trouble that few people are willing to assume the rather thankless task. This is what the Broadway Association of New York did last year, and their findings confirmed not only the prevailing opinion of poor service and unexplainable irregularity of delivery but they also showed that in some instances from 24 to 36 hours was used in local deliveries just a few blocks from the point of mailing.

It was possible a few years ago to examine the two postmarks on a letter and ascertain the time a letter was received in the office of mailing and the time it reached the office of its destination, and thus estimate the intervening time consumed in transit. This is no longer possible, because on the plea of economy the practice of postmarking a letter at the office of its destination has been discontinued, and consequently the letter may be held up indefinitely en route and the patron has no check to indicate the point of delay. It is even stated with good authority that the postmark hour at the office of mailing now means little or nothing, because a speeded-up office force have no time to change the postmark at hourly intervals and one impress sometimes serves for 12 hours.

THE SYSTEM AND THE PATRON.

The most grevious sufferer under this efficiency system is the post-office patron. With rearrangement of routes followed by belated or discontinued deliveries, he finds that where formerly his mail reached him about 8 o'clock in the morning he now receives it at 10. Redistricting often puts his place of business at the end of the carrier's newly enlarged route, and then it becomes a matter of grave uncertainty when his mail will arrive. Regularity of schedule has vanished, his day's work has been upset, and his time has been lost along with his

temper. Due to this delay, consignments of merchandise may await dispatch for an additional day; financial deals are held up; appointments are ofttimes broken; and a variety of business activities must mark time, waiting on the mail. Under the fair name of efficiency and for the purpose of saving the salary paid a $3-a-day employee, this mischievous and perverted administrative method stumbles on its broken way, leaving a trail of dislocated business connections and discontented people to mark its progress.

THE STANDARD GAIT.

But there is still another angle to this efficiency system. Formerly the carrier was assigned a route, which was by and large considered a fair day's work, taking one day with another. If he moved briskly and energetically, it often happened that he could complete his tour of duty within the full eight-hour day. This fact largely explains why the average time recorded among a group of carriers would be 7 hours and 35 minutes—a condition which so notably attracted the attention of the efficiency experts. Working under the new efficiency system, the carrier discovered that no matter how he might hurry there was always more work piled up before him, and if he was not called on to work overtime he at least must stay the full eight hours. Naturally, in view of the excellent examples offered by those in authority, it would be surprising, indeed, if he did not do a little standardizing on his own account and adopt a standard gait.

Men thus situated, given least to worry, go about their work in a machine-like methodical fashion, deaf to complaint or criticism, losing the pride of performance and trudging along in sullen resentment against a system that stifles initiative and sentences the intelligent toiler to be a numbered cog in a scientifically adjusted machine. Carriers of more nervous temperament worry under the strain, the constant nagging and driving, resulting finally in illness or disability. Statistics of letter carriers' sick-benefit associations show by the physician's statement that 60 per cent of illness in the ranks is due to "overwork and worry."

THE SYSTEM AND EMPLOYEES' HEALTH.

Such statements find confirmation in a table taken from the Bulletin of August, 1917, issued by the Department of Labor, and which I will insert, showing that in a compilation of sick-benefit statistics, taken from benefits paid to 16 large craft organizations, the letter carrier stands at the very head in the enumeration of hazardous occupations. This, too, despite the prevailing belief that the letter carrier has a healthy job.

Statistics compiled by the National Sick Benefit Association, with a membership numbering some 15,000 letter carriers, shows that one letter carrier in less than every seven is disabled, through illness or accident, in excess of five weeks during the year. The following table, which I will insert, compiled by the same association, shows that disability through illness or accident has increased 38 per cent since this speed-up efficiency system has been installed:

Nature and extent of disability benefits paid, average membership, frequency and duration of disabilities, and per capita cost of cash benefits, 16 national or international trade-unions.

[From Bulletin, Department of Labor, August, 1917.]

Fund number.	Waiting period (days).	Maximum benefit period. (days).	Period covered.	Average annual membership.	Average annual number of cases (all disabilities).	Average annual number of cases per member.	Average annual days of disability per member (all disabilities).	Rate of benefits per week.	Annual cost of cash benefits per member.
1	7	78	1912-1916	238	43	0.18	4.5	$12.00	$8.94
2	[1]7	182	1912-1916	10,017	1,359	.14	4.5	10.00	5.00
3	7	112	1912-1916	13,584	1,551	.11	3.3	7.00	3.27
4	7	91	1915	[2]50,000	5,246	.11	4.2	5.40	2.67
5	7	[3]700	1912-1916	895	114	.13	(4)	5.00	4.20
6	7	91	1914-1916	37,503	3,296	.09	3.7	5.00	2.23
7	7	91	1911-1915	47,272	(4)	.....	(4)	5.00	4.32
8	7	91	1912-1916	6,431	596	.09	3.5	5.00	2.03
9	7	42	1913-1916	4,438	287	.07	1.1	[5]5.00	.79
10	7	70	1912-1916	12,535	751	.06	(4)	5.00	1.61
11	14	91	1912-1916	37,894	3,197	.08	3.1	5.00	1.82
12	14	70	1912-1916	1,788	95	.05	2.0	5.00	1.16
13	14	112	1911-1915	28,851	1,830	.06	2.8	5.00	1.68
14	14	84	1912-1915	15,538	624	.04	1.7	5.00	1.03
15	14	91	1912-1916	6,675	335	.05	2.0	4.00	1.14
16	14	91	1915	3,890	371	.10	(4)	3.00	1.56

[1] Benefits for accidents begin at once.
[2] Estimate.
[3] 50 weeks in each two years.
[4] Not reported.
[5] Females are paid $3 per week.

Data relative to benefits paid to members of the United States Letter Carriers National Sick Benefit Association, 1913-1917.

Year ending June 30—	Average membership.	Benefits paid.	Average benefit per member.
1913	8,230	$36,230 30	$4.28
1914	10,826	47,381 71	4.40
1915	11,480	56,575.13	4.93
1916	13,740	82,385 78	5.99
1917	14,831	97,812 28	6.59

NOTE.—During the years 1916 and 1917 the benefits paid were $10 per week, as against $5 per week in the previous years. This was an increase of 11 per cent in benefits. Benefits paid 1917, $6.59; in 1913, $4.28, an increase of $2.31 or 0.539 per cent. Allow for natural increase of 0.11 per cent due to increase in benefits, and we have a real increase of 0.429 per cent.

Average annual number of cases of disability (all causes) per member.

Year.	Average membership	Number cases disability	Average.
1913	8,230	986	0.116
1914	10,826	1,356	.125
1915	11,480	1,588	.138
1916	13,740	2,101	.153
1917	14,831	2,287	.154

Total increase of 0.038, or an increase of 0.32 per cent.

THE SYSTEM AND ITS ACTUAL COST.

Not alone, however, has this system of scientific efficiency demoralized the Postal Service, disrupted an efficient organization, shaken the people's confidence in one of their own institutions, and lowered the health and morale of postal employees, but it has also proved itself to be one of the most wastefully extravagant experiments ever conducted by a considerable business enterprise in the country.

Of course, a financial exhibit of postal expenditures may show that a million or two dollars have been apparently saved through its application in the City Delivery Division alone, but this exhibit by no means tells the whole story.

Is it worth anything to have a contented and responsive working force?

Is it worth anything to maintain in high vigor the health and vitality of an army of postal employees?

Is it worth anything to hold the confidence of the people in one of their own institutions?

Is it worth anything to surround men with an environment that stimulates individual initiative and promotes intellectual development? Such things can not be measured by dollars nor can they be translated into mere bookkeeping entries. This recapitulation is enough to everlastingly condemn the system, but let us judge it from a purely material standpoint and we will find that, financially speaking, it has failed hopelessly.

THE PROFIT TEST.

For every dollar the system claims to have saved in reducing postal expenses—business owned by the people, let us not forget—it has cost the people a hundred dollars in some other way. Let us center our gaze on the system in operation. The working force is reduced one carrier and eight hours' work, meaning $3 is thus presumably saved. In consequence the service is thrown out of gear, deliveries fail, and the thousand and one things flowing from a dislocated service happen.

Hundreds of people consume accumulated minutes waiting for their mail; business deals are held up; appointments are interrupted; shipments are delayed, and one loss after another falls upon the patron and those awaiting his orders, which, if it were possible to total in dollars, would make comparison with the amount alleged to be saved that would be unspeakably absurd. As an example of how the system works, I ask you to look in some day at the stamp window of any of the post-office stations in this city, where the same post-office clerk weighs and names the rate on parcel-post packages and has charge of stamp sales. Instead of employing an additional clerk, one man looks after all this work, with the result that the finances of the Post Office Department show $3 saved and fully 500 people lose each from 5 to 15 minutes waiting on service. Were the people familiar with the multitude of injuries they have suffered through having the commendable purpose of efficiency twisted and perverted out of all shape or meaning by a squad of egotistical, tinkering experimenters, inspired by an utterly selfish motive, they would make short shrift of them and in less time than it takes me to explain the workings of their so-called efficiency system.

The system is a hopeless financial failure, just as it is in every other way. Nothing good can be said in its defense. It

is philosophically unsound and it is based on an utter misconception of the proper relations of the Post Office to the people and the worker to his work. It must go. May an aroused public indignation force a little common sense and sanity into the understanding of the Postmaster General and his staff and cause them to abandon a policy founded on fallacy and altogether costly and dangerous in its execution. In its stead give the people a sound business administration of the Postal Service, based upon a wise policy sensibly followed.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Chairman, I have claimed the indulgence of the House for the purpose of making a correction of the RECORD, which does an injustice to a very capable and a very faithful employee of the Senate and House and also to members of the Capitol police force. During the consideration of the legislative, executive, and judicial appropriation bill a colloquy occurred between the gentleman from New York [Mr. SANFORD] and myself in regard to the Capitol police, and I shall read a portion of that colloquy:

Mr. SANFORD. Will the gentleman tell the House on whose recommendation the 100 policemen are appointed?

Mr. BYRNS of Tennessee. I do not know.

Mr. SANFORD. If the gentleman will look into it, he will find we have got about 30 policemen out of the 100.

Mr. BYRNS of Tennessee. I will say to the gentleman that none of them were appointed on my recommendation.

Mr. SANFORD. The chief tells us that he can use about 30 out of the hundred.

Now, of course, we all know that the gentleman from New York [Mr. SANFORD], whom we all esteem and respect as one of the most capable, the most earnest, and most faithful Representatives upon the floor of this Chamber, would not intentionally do anyone an injustice, and I may say personally I have a very warm regard for him. But the statement as made does an unintentional injustice to the captain of the Capitol police, Mr. M. B. Louthan, and I wish to read to the committee a statement which has been furnished me, showing the facts in reference to the employment and assignment of the Capitol police. He says:

In reply to statement made on floor of the House by Representative SANFORD March 14 wherein he claims there are 100 policemen on roll and that the chief had told him there were only 30 working at one time, and wanted to know where the other 70 were.

The facts are there are 97 policemen; 16 of these are in House Office Building and not under the supervision of the police captain. In the department under Capt. Louthan there are 81 men. This includes the Capitol and grounds and Senate Office Building. They are divided into three shifts, working as follows: Shift No. 1 from 8 a. m. to 4 p. m., shift No. 2 from 4 p. m. to 12 midnight, shift No. 3 from 12 midnight to 8 a. m., as per report attached, showing the distribution of men on February 13, showing where every man of the entire 81 is located and the hours he works.

There could be no grounds for the statement made by Representative SANFORD, and the chief claims he never told him he was only using 30 men, but did tell him he was using every one of the 81 men every day, as the reports of the three lieutenants attached will show.

By observing the attached sheets you will see that many posts where policemen are needed are vacant on account of having no men to place there.

These men work every day in the year, Sunday included, and are given 50 days leave every year, this because they work Sundays. The three sheets show 77 men at work, and the 4 officers make 81 total men in the department.

Now, I hold in my hand the sheets or lists referred to showing just where the various 77 policemen are stationed, and this statement also shows a number of places where it is considered essential that policemen should be assigned, but can not be assigned because they have not a sufficient number. These lists are entirely too lengthy, and I consider it unnecessary to insert them in the RECORD.

Now, Mr. Chairman, before I yield the floor I wish to take advantage of this opportunity to refer in a very brief manner to the splendid record which has been made by every county of the sixth congressional district of Tennessee which I have the honor to represent in its subscriptions to the third liberty loan and also in subscriptions made to previous liberty loans and other war activities. It is a record which is characteristic of those liberty loving and patriotic people, for they have never failed to respond to an appeal of their Government.

The afternoon paper tells us that up to the present time, with nearly a week to go so far as the campaign is concerned, there have been 12,000,000 subscribers, which are already 3,000,000 more than subscribed to the second liberty loan. This indicates that the subscriptions to this loan are being taken largely by people of moderate means rather than by the wealthier classes and that is a very gratifying fact to all of us, for it shows that the people of this country, with practical unanimity, are responding to their duty and to their obligations to make necessary sacrifices and do their bit here in order to sustain our soldiers who are being sent over to fight our battles for us. I have only general information as to what has been subscribed and contributed by all the counties in my district save one, but I know that there has been no lack of patriotism in any of them. Recently the Rotary Club of the city of Nashville, which like the rotary clubs of all other cities is composed of some of the most patriotic, prominent, and most enterprising and forward-looking young business men of the city, collected information as to some of the things the citizenship of Nashville has done to aid the Government since the beginning of the war, and this club has sent this information out to all other cities of similar size in the United States and in Canada with a challenge to those cities to show whether or not they hold a record equal to that made by Nashville. This record shows:

In the first liberty loan Nashville was allotted $3,120,429.58, and Nashville subscribed $4,381,650.

In the second liberty loan Nashville was allotted $4,511,420.96, and Nashville subscribed $6,642,600.

In the third liberty loan Nashville was allotted $4,800,000, and although this liberty-loan campaign does not close until May 4, Nashville has already subscribed over $5,000,000.

In the Red Cross drive Nashville was allotted $150,000, and subscribed $185,000, of which over 97 per cent has been paid.

In the Army Y. M. C. A. campaign Nashville was asked for $40,000, and agreed at the beginning of the campaign to raise $75,000, and actually subscribed $94,000.

In the campaign for "Eyes for the Navy," Nashville furnished more than 500 pairs of glasses.

In the campaign for books for our soldiers Nashville furnished 47,518 volumes.

In the campaign for clothes for the relief of Belgium, Nashville was asked for a carload, and furnished one and a half carloads, estimated second-hand value over $50,000.

Nashville was asked for $8,000 for Y. W. C. A. rest-room buildings at different cantonments. Nashville gave $13,500.

More than 50 representative business men of Nashville are now in the religious and army work of the Y. M. C. A.

Nashville furnished one complete medical unit, composed of 12 leading physicians, 21 nurses, and 45 enlisted men, who are now in France.

Nashville is one of only nine cities in the United States showing improvement in condition of their boys since the war began, as reported by executive secretary of Boys' Club Federation of America.

Permit me to say, Mr. Chairman, that the outstanding feature of the splendid record which has been made by the citizenship of Nashville is contained in the fact that there is an improved showing, physical, mental, and moral, among its boys. From some of the belligerent countries there comes a saddening story of the devastating effect war conditions have had on the rising generations of these countries, as shown in increased delinquency and tendency to mental and moral deterioration. Happily the communities of our own beloved land have so far counteracted any such blighting influence, and not only have maintained the high record which had been reached in times of peace, but have actually improved conditions in this respect. I am proud to say that Nashville stands among the five foremost cities who have shown the greatest improvement in this regard. Mr. Chairman, I am deeply thankful and justly proud that Nashville gives a shining example in this galaxy of communities who have preserved the most precious possession of a Christian State, the budding promise of an upright, intelligent, patriotic, and God-serving citizenship. It appears to be, unhappily, an impression with some that the price of this stupendous struggle for the maintenance of the integrity of democratic States includes a certain deterioration of the moral standard of a portion of the rising generation. I am thankful, Mr. Chairman, that this theory is in error, and can not too strongly emphasize this fact, and take particular pleasure in placing the example of the citizens of Nashville and that of other cities in America before this honorable body. It is written in the fates that we will win, for right must triumph over might, as light dispels darkness; but the price will be too heavy if it carries with it the penalty of blighting the coming generation with the loss of ideal and the solid characteristics of honest worth and moral uprightness. It is not true, Mr. Chairman, that we can not win and at the same time raise even higher the standard of our rising citizenship, and I am gratified to be able to submit the proof that this result can be attained as a matter of permanent record. [Applause.]

Mr. MAPES. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield.

Mr. MAPES. In regard to the colloquy which the gentleman had with Representative SANFORD, of New York, about the number of police that the chief said he could make use of, did the statement which the gentleman read here come from the chief or some other officer?

Mr. BYRNS of Tennessee. It came from Capt. Louthan, at the head of the Capitol police here, I will say to the gentleman.

Mr. MAPES. Did the gentleman consult the chief to ascertain just what the chief did say?

Mr. BYRNS of Tennessee. Well, my information is that the chief states that he did have a conversation with our friend, the gentleman from New York [Mr. SANFORD], but there has evidently been a misunderstanding on the part of the gentleman from New York. The chief was evidently speaking to the gentleman with refcrence to the number of men on each of the shifts, whereas the gentleman from New York evidently assumed he was referring——

Mr. MAPES. But did the gentleman from Tennessee consult with the chief?

Mr. BYRNS of Tennessee. I did not personally see the chief.

Mr. MAPES. So that the gentleman can not give the chief's own interpretation of the conversation to which the gentleman from New York referred?

Mr. BYRNS of Tennessee. No; but I feel sure from what has been told me that the chief was referring to men on each of the three shifts, whereas the gentleman from New York evidently had in mind the entire force.

Mr. SISSON. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, the cables bring the news that the Socialists of Austria-Hungary have been organizing for to-day, the 1st of May, nation-wide demonstrations in favor of universal peace, of a peace without conquest and without annexations.

That the Austrian people are weary of this war is apparent to the most superficial observer. It is only the physical coercion, exercised by the overweening German junkerism, that keeps Austria in the fight. While the so-called peace with Russia, and particularly with Ukraine, is defended as a "bread peace," a sort of a truce to obtain the much-needed bread, the Austrian people realize that further subjection to Prussian domination involves a renewal of the struggle with Russia, and that only by universal peace, based upon the right of each nation to live an unmolested life, could a genuine peace be secured. From her internal experience Austria knows well that there is nothing more unstable than a peace based upon the oppression of one people by another.

The Socialists of Austro-Hungary are organizing peace demonstrations. We shall later know to what extent such demonstrations are taking place in Germany where international socialism has been steadily gaining ground at the expense of the so-called social patriots or Government Socialists.

You will recall that the 1st of May has in recent times, even before the war, been awaited in all countries and particularly in monarchical countries as the culminating day for manifestations of unrest. It carried an ominous threat to monarchical institutions on the Continent of Europe.

The 1st of May has special significance for the socialists. Some 25 years before the declaration of war, at an international Socialist congress, where representatives of the socialists of the world were assembled, the resolution was reached that the 1st of May should be celebrated as an international holiday by the Socialists and by labor throughout all countries. It was the first time in the history of the world that such a holiday was established. Men of all religions, of all nations, of all races were to unite on that day in demonstrations of the growing sentiment of international solidarity. They were everywhere to emphasize the ideals of universal peace and to seek everywhere better conditions and a larger measure of political and industrial liberty for the masses. They were everywhere to attempt to reduce to practice that noble ethical conception, recognized by all religious systems, that mankind is one family, and that all men are brothers. The day was to be consecrated to the religion of humanity.

It was not by any means an easy thing to carry out the resolution. The Governments of Germany, Austria, and Russia particularly looked upon these demonstrations as a foreboding of their downfall. Many a 1st of May demonstration ended in bloodshed. It met with as little favor with the Governments as with employers. When the 1st of May fell on a week day the Socialists were compelled in most places to organize their demonstrations in the evening. In one of the prisons of Siberia where a number of revolutionists were confined, they found no other way of celebrating the 1st of May than by burning their shirts. The Socialists adopted the French Marseillaise as their international hymn.

It is this emphasis of international solidarity by the socialists of the world that has given rise to the accusation made usually by the uninformed, or by those who know better but who are interested in suppressing the truth, that socialism is antinational. Nothing is further from the truth. Internationalism necessarily means cooperation among nations. It presupposes the existence of nations. It presupposes the right of a group of mankind, with a distinct language or a distinct culture, to exist alongside with similar groups. All that internationalism means is that a code of international right shall prevail in the relations of nations. The socialist code repudiates the rule of physical supremacy among nations. The socialists would have every nation constitute a member of a well-ordered international family, and would repudiate the rule of physical force in the relations among nations as civilized societies have learned to repudiate it in the relations among individual members of a community.

I have on numerous previous occasions called your attention to the magnificent efforts made by the socialists of the world to oppose militarism, to combat imperialism, and to contend against colonial acquisitions. In a pamphlet called The Policy of the International—it can be obtained in the Congressional Library—you will find a detailed recital of the efforts made by the socialists of Europe to prevent the Balkan wars from extending to the rest of Europe, as well as of the steps taken by the International Socialist Bureau and by the European socialists to prevent the present war.

Up to the very last minute there were mass demonstrations against war in Germany. The pamphlet contains a speech of and an interview with Camille Huysmans, the secretary of the International Socialist Bureau and a member of the Belgian Parliament and of the Brussel's City Council.

In speaking of a meeting held by the executive committee of the International Socialist Bureau on July 29, five days before the outbreak of the war, Huysmans said:

> At that meeting it was agreed to strengthen again the action against war and to support the proposition that the Austro-Serbian dispute should be submitted to arbitration. The German and French members went home with the mission, on the one hand, to insist at Berlin that the Austrian Government should be reasonable in its demands, and, on the other hand, to insist at Paris that Russia should not take part in the conflict. The English and Italian sections had authority to do all that they could at London and Rome to support this pacific action.

When the war broke out the socialists were staggered. They were nowhere numerically strong enough to prevent it. The duty of the French and Belgian socialists was clear. Their countries had been invaded; the existence of their peoples was jeopardized, and they rushed to the defense of their countries as brave men were expected to do. In defending France the French socialist defended not only his own country but the cradle of civilization for Europe. There was no dissension among the French socialists, no difference of opinion. By all the precepts of the highest patriotism and of international socialism they were bound to give unstinted aid to protect France.

In Germany, in which the Government had been preparing for years for the contingency of a European war and where the ruling class, guided solely by strategic military considerations selected the most favorable moment for the conflict, the socialists found themselves in an impossible position. In 24 hours the Government could have crushed every socialist organization in the country. But that was not all. While republican France and innocent little Belgium were to the west of them, what was then considered a powerful military force—Russia—threatened Germany from the east. The war was on. The question that presented itself to the socialists was whether they should vote for the military budget. The individual socialist was already in the ranks, a part of a military machine. The parliamentary group, consisting of 110 members out of 397, were divided on the question of voting military credits. By a caucus rule they decided to vote for the war budget. The chairman of the Socialist Executive Committee of Germany, Haase, was in the minority in the caucus. Since then the best intellectual forces of the German social democracy have refused to vote military credits and have fearlessly denounced the imperialistic policies of the Government. What was in the beginning of the war a minority seems to represent now a formidable power in the socialist movement of Germany.

It was Haase who mercilously flayed the Government for the so-called Russian peace and who exposed the annexationist designs of the German Government.

The Socialists of the world, who for more than 50 years advocated international cooperation, were compelled by the very force of events to defend their respective countries.

They have not, however, abandoned the desire to tie together the severed bonds of internationalism.

The average conception of patriotism is that a man must always insist that his country is right, and as the Austrian Socialist Adler recently said on the floor of the Reichsrath it seems to be "considered a patriotic duty to lie for the Fatherland."

It was a difficult task that devolved upon the Socialists. No one can afford to weaken his country when its very existence may depend upon the success or defeat of its arms. To oppose the country entering a war is one thing; to oppose the country after it has been put in danger by entering a war is a responsibility that no one can honestly assume. The German Government has been contending that Germany is in danger of being dismembered, that it is threatened with annihilation, that it is fighting a war of defense.

The test of its sincerity came with the Russian revolution. An incompetent, inefficient, dishonest, antinational and antisocial autocratic Government was overthrown by the Russian people. The Revolutionary Government renounced all claims upon the territory of other nations. Although access to Constantinople was a vital need for Russia, and the dream of her statesmen for centuries, the new democracy did not hesitate to bring conclusive evidence of its good faith by repudiating all designs upon Constantinople. An internal revolution in war time does not add to the strength of a belligerent. Even the allies of Russia failed to understand the import of the revolution. The Socialists saw the full significance of it, and a movement for an international Socialist congress, which would have enabled the Socialists of the allied countries to put to the test the internationalism of the German social democracy, gained momentum.

Unfortunately the allied Governments prevented the assembling of such a congress. As I said on a previous occasion, "It was a blunder for which the full price has not yet been paid."

But while the allies blundered and the Socialists were prevented from coming together, the Imperial German Government took full advantage of the confusion and helplessness of the Russian people who were in the throes of war and revolution.

The German Government has now assumed the part heretofore played by czarism. Theretofore Russia was the gendarme of Europe; now the German imperialistic Government has become the executioner of Europe.

It has forced a so-called peace upon Russia. It has deprived her of her best Provinces. It has torn away from her Ukraine, the granary of Russia and Europe. It is to the credit of the German Socialists that they did not vote for the ratification of that infamous treaty.

The German Government is defying the world. Its only hope of survival is the old-fashioned kind of patriotism which sanctions every crime against every other nation, so long as one's own nation is aggrandized. The German Imperial Government hopes to continue to live, if it can bring as a compensation for all the sacrifices and as a result of all its crimes new territory, new frontiers, additional industrial opportunities, new domains.

Like the Government of the Czar, it is antisocial, antinational, and against the world.

Will the socialists of Germany be able to gather enough strength to overcome that kind of loyalty and that kind of patriotism? Are they prepared to uphold their Government in a career which will make the division of the world into Germans and anti-Germans permanent?

The Interallied Socialist Conference, held in London, England, in February of this year, has renewed the request for an international socialist congress. The allied Socialists are determined, however, that a conference of all the socialists, including those of the central powers, would be of value only then, when all the organizations which are to be represented should pledge themselves in advance of the conference to the principle "no annexations, no punitive indemnities, and the right of all peoples to self-determination," and further, to quote the inter-allied conference report, "that they are working with all their power to obtain from their Governments the necessary guaranties to apply these principles honestly and unreservedly to all questions to be dealt with at any official peace conference."

It is to be hoped that the Governments responsible for the conduct of the war will see the wisdom of permitting such an international conference.

On a previous occasion I obtained leave to incorporate in the RECORD the memorandum on war aims agreed upon at the Interallied Socialist Congress. There were present at the conference representatives from England, Belgium, Roumania, France, Italy, Serbia, and Greece. Messages were received from the socialists of South Africa, Portugal, the socialist revolutionists of Russia, and the Menshevic section of the Russian Social Democratic Party indorsing the war aims of the conference, the substance of which had been made public two months before.

I consider this document one of the most valuable documents in the history of the war. The worker, the man at the lowest rung of the social ladder, he upon whom press all the burdens of society, has asserted himself and has voiced his wishes and his claims as an international force, speaking in terms of the universal, representative of a true international faith, defending his country against aggression but presenting to the world a basis of an understanding and cooperation among nations.

I am particularly interested in giving this document the greatest publicity, as it is my hope that the socialist movement in the United States will unanimously indorse and stand by the decision of the Inter-Allied Socialist Congress. As socialists, whatever our opinions might have been about the entry of the United States into the war, we certainly can not afford to see the United States worsted in the contest. The socialist is not called upon to betray his faith in international socialism nor in the necessity of substituting the now prevailing rule of physical force by an international code of right.

It is not that the allied countries are without their dark forces. There are imperialists everywhere. There are everywhere men who would wrap up their sinister designs in the folds of a national flag and would have whole peoples sacrificed in pursuance of schemes of economic aggrandizement.

These facts, however, are clear: An arrogant and willful military force threatens to crush the world. Had we not been participants in the war both our sympathies and interests as liberty-loving men would have been with France and Belgium and England and unfortunate Russia, as against German imperialism. But the United States is in the war. Whatever the designs or the dreams of capitalistic imperialists may be, the President of the United States has left no doubt that the American people, and he as their spokesman, have no selfish designs. The President has not only adopted the substance of the international Socialist program, but even the very formula of the international Socialist movement for his expression of the aims and objects of the United States in this war.

The Socialists in the United States can not be indifferent or neutral. There is surely no Socialist here who would like to see the United States defeated. In the absence of selfish national designs by the United States against any of the peoples of Europe American participation of the United States in the world contest will insure the presence of an element of moderation at the international peace conference.

The declaration of the Inter-Allied Socialist conference rises to the noblest heights of Socialist ethics. It is free from malice and hatred. There is no jingoism about it. The philosophy of the international Socialist movement which has been striving for more than half a century to curb imperialism, to eliminate national antipathies, to do away with clandestine diplomacy, with secret treaties, to remove force as a means of settling national differences, and to bring order into the relations of peoples, finds there its noblest expression.

The work of the conference is inspired, not by a desire to restore the old, which carried within it the germs of the present conflict, but to build anew.

The war aims of interallied labor lay special stress on the need of establishing a league of nations for the defense of international right. They would do away with professional armies. They emphatically oppose all projects for an economic war after peace has been secured.

They propose a comprehensive, constructive program for the solution of the problems which will arise with peace. They would provide for the restoration of the devastated areas and for the reparation of the wrongdoing not only by restoring "material property proved to be destroyed or damaged but by setting up the wage earners and peasants themselves in homes and employments."

While proposing solutions for the particular problems of (a) Belgium, (b) Alsace-Lorraine, (c) the Balkans, (d) Italy, (e) Poland and the Baltic Provinces, (f) the Jews and Palestine, (g) the Turkish Empire, (h) Austria-Hungary, (i) the colonies and dependencies, the main concern of the conference is that a supernational authority, guided by international principles of right, shall be the determining factor in solving each individual problem as it presents itself.

Under leave heretofore granted to me I incorporate the full text of the "Memorandum on War Aims."

INTER-ALLIED LABOR WAR AIMS.

The following is the full text of the Memorandum on War Aims adopted by the Inter-Allied Labor and Socialist Conference in London:

THE WAR.

I. The Inter-Allied Conference declares that whatever may have been the causes of the outbreak of war, it is clear that the peoples of Europe, who are necessarily the chief sufferers from its horrors, had themselves no hand in it. Their common interest is now so to conduct the terrible struggle in which they find themselves engaged as to bring it, as soon as may be possible, to an issue in a secure and lasting peace for the world.

The conference sees no reason to depart from the following declaration unanimously agreed to at the Conference of the Socialist and Labor Parties of the Allied Nations on February 14, 1915:

"This conference can not ignore the profound general causes of the European conflict, itself a monstrous product of the antagonisms which tear asunder capitalist society and of the policy of colonial dependencies and aggressive imperialism, against which international socialism has never ceased to fight, and in which every government has its share of responsibility.

"The invasion of Belgium and France by the German armies threatens the very existence of independent nationalities and strikes a blow at all faith in treaties. In these circumstances a victory for German imperialism would be the defeat and the destruction of democracy and liberty in Europe. The Socialists of Great Britain, Belgium, France, and Russia do not pursue the political and economic crushing of Germany; they are not at war with the peoples of Germany and Austria, but only with the Governments of those countries, by which they are oppressed. They demand that Belgium shall be liberated and compensated. They desire that the question of Poland shall be settled in accordance with the wishes of the Polish people, either in the sense of autonomy in the midst of another State, or in that of complete independence. They wish that throughout all Europe, from Alsace-Lorraine to the Balkans, those populations that have been annexed by force shall receive the right freely to dispose of themselves.

"While inflexibly resolved to fight until victory is achieved to accomplish this task of liberation, the socialists are none the less resolved to resist any attempt to transform this defensive war into a war of conquest, which would only prepare fresh conflicts, create new grievances, and subject various peoples more than ever to the double plague of armaments and war.

"Satisfied that they are remaining true to the principles of the international, the members of the conference express the hope that the working classes of all the different countries will before long find themselves united again in their struggle against militarism and capitalist imperialism. The victory of the allied powers must be a victory for popular liberty, for unity, independence, and autonomy of the nations in the peaceful federation of the united States of Europe and the world."

MAKING THE WORLD SAFE FOR DEMOCRACY.

II. Whatever may have been the objects for which the war was begun, the fundamental purpose of the interallied conference in supporting the continuance of the struggle is that the world may henceforth be made safe for democracy.

Of all the conditions of peace none is so important to the peoples of the world as that there should be henceforth on earth no more war.

Whoever triumphs, the peoples will have lost unless an international system is established which will prevent war. What would it mean to declare the right of peoples to self-determination if this right were left at the mercy of new violations and was not protected by a supernational authority? That authority can be no other than the league of nations, in which not only all the present belligerents but every other independent State should be pressed to join.

The constitution of such a league of nations implies the immediate establishment of an international high court, not only for the settlement of all disputes between States that are of justiciable nature but also for prompt and effective mediation between States in other issues that vitally interest the power or honor of such States. It is also under the control of the league of nations that the consultation of peoples for purposes of self-determination must be organized. This popular right can be vindicated only by popular vote. The league of nations shall establish the procedure of international jurisdiction, fix the methods which will maintain the freedom and security of the election, restore the political rights of individuals which violence and conquest may have injured, repress any attempt to use pressure or corruption, and prevent any subsequent reprisals. It will be also necessary to form an international legislature, in which the representatives of every civilized State would have their allotted share and energetically to push forward, step by step, the development of international legislation agreed to by, and definitely binding upon, the several States.

By a solemn agreement all the States and peoples consulted shall pledge themselves to submit every issue between two or more of them for settlement as aforesaid. Refusal to accept arbitration or to submit to the settlement will imply deliberate aggression, and all the nations will necessarily have to make common cause, by using any and every means at their disposal, either economical or military, against any State or States refusing to submit to the arbitration award, or attempting to break the world's covenant of peace.

But the sincere acceptance of the rules and decisions of the supernational authority implies complete democratization in all countries: the removal of all the arbitrary powers who, until now, have assumed the right of choosing between peace and war; the maintenance or creation of legislatures elected by and on behalf of the sovereign right of the people; the suppression of secret diplomacy, to be replaced by the conduct of foreign policy under the control of popular legislatures, and the publication of all treaties, which must never be in contravention of the stipulation of the league of nations, with the absolute responsibility of the Government, and more particularly of the foreign minister, of each country to its legislature.

Only such a policy will enforce the frank abandonment of every form of imperialism. When based on universal democracy, in a world in which effective international guaranties against aggression have been secured, the league of nations will achieve the complete suppression of force as the means of settling international differences.

The league of nations, in order to prepare for the concerted abolition of compulsory military service in all countries, must first take steps for the prohibition of fresh armaments on land and sea and for the common limitation of the existing armaments by which all the peoples are burdened, as well as the control of war manufactures and the enforcement of such agreements as may be agreed to thereupon. The States must undertake such manufactures themselves, so as entirely to abolish profit-making armament firms, whose pecuniary interest lies always in the war scares and progressive competition in the preparation for war.

The nations, being armed solely for self-defense and for such action as the league of nations may ask them to take in defense of international right, will be left free, under international control either to create a voluntarily recruited force or to organize the nation for defense without professional armies for long terms of military service.

To give effect to the above principles, the Inter-Allied Conference declares that the rules upon which the league of nations will be founded must be included in the treaty of peace, and will henceforth become the basis of the settlement of differences. In that spirit the conference expresses its agreement with the propositions put forward by President Wilson in his last message:

(1) That each part of the final settlement must be based upon the essential justice of that particular case, and upon such adjustments as are most likely to bring a peace that will be permanent.

(2) That peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game now forever discredited of the balance of power; but that

(3) Every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustments of compromise of claims amongst rival States.

(4) That all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe, and, consequently, of the world.

TERRITORIAL QUESTIONS.

III. The Inter-Allied Conference considers that the proclamation of principles of international law accepted by all nations, and the substitution of a regular procedure for the forceful acts by which States calling themselves sovereign have hitherto adjusted their differences—in short, the establishment of a league of nations—gives an entirely new aspect to territorial problems.

The old diplomacy and the yearnings after domination by States, or even by peoples, which during the whole of the nineteenth century have taken advantage of and corrupted the aspirations of nationalities, have brought Europe to a condition of anarchy and disorder which have led inevitably to the present catastrophe.

The conference declares it to be the duty of the labor and socialist movement to suppress without hesitation the imperialist designs in the various States which have led one government after another to seek, by the triumph of military force, to acquire either new territories or economic advantage.

The establishment of a system of international law and the guaranties afforded by a league of nations ought to remove the last excuse for those strategic protections which nations have hitherto felt bound to require.

It is the supreme principle of the right of each people to determine its own destiny that must now decide what steps should be taken by way of restitution or reparation, and whatever territorial readjustments may be found to be necessary at the close of the present war.

The conference accordingly emphasizes the importance to the labor and Socialist movement of a clear and exact definition of what is meant by the right of each people to determine its own destiny. Neither destiny of race nor identity of language can be regarded as affording more than a presumption in favor of federation or unification. During the nineteenth century the theories of this kind have so often served as a cloak for aggression that the international can not but seek to prevent any recurrence of such an evil. Any adjustments of boundaries that become necessary must be based exclusively upon the desire of the people concerned.

It is true that it is impossible for the necessary consultation of the desires of the people concerned to be made in any fixed and invariable way for all the cases in which it is required, and that the problems of nationality and territory are not the same for the inhabitants of all countries. Nevertheless, what is necessary in all cases is that the procedure to be adopted should be decided, not by one of the parties to the dispute, but by the supernational authority.

Upon the basis of the general principles herein formulated the conference proposes the following solutions of particular problems:

(A) BELGIUM.

The conference emphatically insists that a foremost condition of peace must be the reparation by the German Government, under the direction of an international commission, of the wrong admittedly done to Belgium; payment by that Government for all the damage that has resulted from this wrong; and the restoration of Belgium as an independent sovereign State, leaving to the decision of the Belgian people the determination of their own future policy in all respects.

(B) ALSACE AND LORRAINE.

The conference declares that the problem of Alsace and Lorraine is not one of territorial adjustment, but one of right, and thus an international problem, the solution of which is indispensable if peace is to be either just or lasting.

The treaty of Frankfort at one and the same time mutilated France and violated the right of the inhabitants of Alsace and Lorraine to dispose of their own destinies, a right which they have repeatedly claimed.

The new treaty of peace, in recognizing that Germany, by her declaration of war of 1914, has herself broken the treaty of Frankfort, will make null and void the gains of a brutal conquest and of the violence committed against the people.

France, having secured this recognition, can properly agree to a fresh consultation of the population of Alsace and Lorraine as to its own desires.

The treaty of peace will bear the signatures of every nation in the world. It will be guaranteed by the league of nations. To this league of nations France is prepared to remit, with the freedom and sincerity of a popular vote, of which the details can be subsequently settled, the organization of such a consultation as shall settle forever, as a matter of right, the future destiny of Alsace and Lorraine, and as shall finally remove from the common life of all Europe a quarrel which has imposed so heavy a burden upon it.

(C) THE BALKANS.

The conference lays down the principle that all the violations and perversions of the rights of the people which have taken place, or are still taking place, in the Balkans must be made the subject of redress or reparation.

Serbia, Montenegro, Roumania, Albania, and all the territories occupied by military forces should be evacuated by the hostile forces. Wherever any population of the same race and tongue demands to be united this must be done. Each such people must be accorded full liberty to settle its own destiny, without regard to the imperialistic pretensions of Austria, Hungary, Turkey, or other State.

Accepting this principle, the conference proposes that the whole problem of the administrative reorganization of the Balkan peoples should be dealt with by a special conference of their representatives, or in case of disagreement by an authoritative international commission on the basis of (a) the concession within each independent sovereignty of local autonomy and security for the development of its particular civilization of every racial minority; (b) the universal guarantee of freedom or religion and political equality for all races; (c) a customs and postal union embracing the whole of the Balkan States, with free access for each to its natural seaport; (d) the entry of all the Balkan States into a federation for the concerted arrangement by mutual agreement among themselves of all matters of common interest.

(D) ITALY.

The conference declares its warmest sympathy with the people of Italian blood and speech who have been left outside the boundaries that have, as a result of the diplomatic agreements of the past, and for strategic reasons, been assigned to the Kingdom of Italy, and supports their claim to be united with those of their own race and tongue. It realizes that arrangements may be necessary for securing the legitimate interests of the people of Italy in the adjacent seas, but it condemns the aims of conquest of Italian imperialism and believes that all legitimate needs can be safeguarded without precluding a like recognition of the deeds of others or annexation of other people's territories.

Regarding the Italian population dispersed on the eastern shores of the Adriatic, the relations between Italy and the Yugo-Slav populations must be based on principles of equity and conciliation, so as to prevent any cause of future quarrel.

If there are found to be groups of Slavonian race within the newly defined Kingdom of Italy, or groups of Italian race in Slavonian territory, mutual guarantees must be given for the assurance of all of them, on one side or the other, full liberty of local self-government and of the natural development of their several activities.

(E) POLAND AND THE BALTIC PROVINCES.

In accordance with the right of every people to determine its own destinies, Poland must be reconstituted in unity and independence with free access to the sea.

The conference declares further, that any annexation by Germany, whether open or disguised, of Livonia, Courland, or Lithuania would be a flagrant and wholly inadmissible violation of international law.

(F) THE JEWS AND PALESTINE.

The conference demands for the Jews in all countries the same elementary rights of freedom of religion, education, residence, and trade, and equal citizenship that ought to be extended to all the inhabitants of every nation. It further expresses the opinion that Palestine should be set free from the hard and oppressive Government of the Turk, in order that this country may form a free State under international guaranty, to which such of the Jewish people as desire to do so may return and may work out their own salvation free from interference by those of alien race or religion.

(G) THE PROBLEM OF THE TURKISH EMPIRE.

The conference condemns the handing back to the systematically cruel domination of the Turkish Government any subject people. Thus, whatever may be proposed with regard to Armenia, Mesopotamia, and Arabia they can not be restored to the tyranny of the Sultan and his Pashas. The conference condemns the imperialist aims of governments and capitalists who would make of these and other territories now dominated by the Turkish hordes merely instruments either of exploitation or militarism. If the peoples of these territories do not feel themselves able to settle their own destinies, the conference insists that, conformably with policy of "no annexations," they should be placed for administration in the hands of a commission acting under the supernational authority or league of nations. It is further suggested that the peace of the world requires that the Dardanelles should be permanently and effectively neutralized and opened like all the main lines of marine communication, under the control of the league of nations, freely to all nations, without hindrance or customs duties.

(H) AUSTRIA-HUNGARY.

The conference does not propose, as a war aim, dismemberment of Austria-Hungary or its deprivation of economic access to the sea. On the other hand, the conference can not admit that the claims to independence made by the Czecho-Slovaks and the Yugo-Slavs must be regarded merely as questions for internal decision. National independence ought to be accorded, according to rules to be laid down by the league of nations, to such peoples as demand it, and these communities ought to have the opportunity of determining their own groupings and federations according to their affinities and interests. If they think fit they are free to substitute a free federation of Danubian States for the Austro-Hungarian Empire.

(I) THE COLONIES AND DEPENDENCIES.

The international has always condemned the colonial policy of capitalist governments. Without ceasing to condemn it, the interallied conference nevertheless recognizes the existence of a state of things which it is obliged to take into account.

The conference considers that the treaty of peace ought to secure to the natives in all colonies and dependencies effective protection against the excesses of capitalist colonialism. The conference demands the concession of administrative autonomy for all groups of people that attain a certain degree of civilization, and for all the others a progressive participation in local government.

The conference is of opinion that the return of the colonies to those who possessed them before the war, or the exchange or compensations which might be effected, ought not to be an obstacle to the making of peace.

Those colonies that have been taken by conquest from any belligerent must be made the subject of special consideration at the peace conference, as to which the communities in their neighborhood will be entitled to take part. But the clause in the treaty of peace on this point must secure economic equality in such territories for the peoples of all nations, and thereby guarantee that none are shut out from legitimate access to raw materials; prevented from disposing of their own products, or deprived of their proper share of economic development.

As regards more especially the colonies of all the belligerents in tropical Africa, from sea to sea, including the whole of the region north of the Zambesi and south of the Sahara, the conference condemns any imperialist idea which would make these countries the booty of one or several nations, exploit them for the profit of the capitalist, or use them for the promotion of the militarist aims of the Governments.

With respect to these colonies the conference declares in favor of a system of control, established by international agreement, under the League of Nations and maintained by its guarantee, which, whilst respecting national sovereignty, would be alike inspired by broad conceptions of economic freedom and concerned to safeguard the rights of the natives under the best conditions possible for them, and in particular:

(1) It would take account in each locality of the wishes of the people, expressed in the form which is possible for them.

(2) The interests of the native tribes as regards the ownership of the soil would be maintained.

(3) The whole of the revenues would be devoted to the well-being and development of the colonies themselves.

ECONOMIC RELATIONS.

IV. The interallied conference declares against all the projects now being prepared by imperialists and capitalists, not in any one country only but in most countries, for an economic war, after peace has been secured, either against one or other foreign nation or against all foreign nations, as such an economic war, if begun by any country, would inevitably lead to reprisals, to which each nation in turn might in self-defense be driven. The main lines of marine communication should be open without hindrance to vessels of all nations under the protection of the League of Nations. The conference realizes that all attempts at economic aggression, whether by protective tariffs or capitalist trusts or monopolies, inevitably result in the spoliation of the working classes of the several countries for the profit of the capitalists; and the working class see in the alliance between the military imperialists and the fiscal protectionists in any country whatsoever not only a serious danger to the prosperity of the masses of the people but also a grave menace to peace.

On the other hand, the right of each nation to the defense of its own economic interests, and in face of the world shortage hereinafter mentioned, to the conservation for its own people of a sufficiency of its own supplies of foodstuffs and raw materials, can not be denied. The conference accordingly urges upon the labor and socialist parties of all countries the importance of insisting, in the attitude of the Government toward commercial enterprise, along with the necessary control of supplies for its own people, on the principle of the open door, and without hostile discrimination against foreign countries. But it urges equally the importance not merely of conservation, but also of the utmost possible development, by appropriate Government action, of the resources of every country for the benefit not only of its own people, but also of the world, and the need for an international agreement for the enforcement in all countries of the legislation on factory conditions, a maximum eight-hour day, the prevention of "sweating" and unhealthy trades necessary to protect the workers against exploitation and oppression, and the prohibition of night work by women and children.

THE PROBLEMS OF PEACE.

V. To make the world safe for democracy involves much more than the prevention of war, either military or economic. It will be a device of the capitalist interests to pretend that the treaty of peace need concern itself only with the cessation of the struggles of the armed forces and with any necessary territorial readjustments. The Interallied Conference insists that in view of the probable world-wide shortage after the war of exportable foodstuffs and raw materials, and of merchant shipping, it is imperative, in order to prevent the most serious hardships, and even possible famine, in one country or another, that systematic arrangements should be made on an international basis for the allocation and conveyance of the available exportable surpluses of these commodities to the different countries, in proportion, not to their purphasing powers, but to their several pressing needs; and that, within each country, the Government must for some time maintain its control of the most indispensable commodities in order to secure their appropriation, not in a competitive market mainly to the richer classes in proportion to their means, but, systematically, to meet the most urgent needs of the whole community on the principle of "no cake for anyone until all have bread."

Moreover, it can not but be anticipated that in all countries the dislocation of industry attendant on peace, the instant discharge of millions of munition makers and workers in war trades, and the demobilization of millions of soldiers—in face of the scarcity of industrial capital, the shortage of raw materials, and the insecurity of commercial enterprise—will, unless prompt and energetic action be taken by the several Governments, plunge a large part of the wage-earning population into all the miseries of unemployment more or less prolonged.

In view of the fact that widespread unemployment in any country, like a famine, is an injury not to that country alone but impoverishes also the rest of the world, the conference holds that it is the duty of every government to take immediate action, not merely to relieve the unemployed, when unemployment has set in, but actually, so far as may be practicable, to prevent the occurrence of unemployment. It therefore urges upon the labor parties of every country the necessity of their pressing upon their governments the preparation of plans for the execution of all the innumerable public works (such as the making and repairing of roads, railways and waterways, the erection of schools and public buildings, the provision of working-class dwellings and the reclamation and afforestation of land) that will be required in the near future, not for the sake of finding measures of relief for the unemployed but with a view to these works being undertaken at such a rate in each locality as will suffice, together with the various capitalist enterprises that may be in progress, to maintain at a fairly uniform level year by year, and throughout each year, the aggregate demand for labor, and thus prevent there being any unemployed. It is now known that in this way it is quite possible for any government to prevent, if it chooses, the occurrence of any widespread or prolonged involuntary unemployment, which if it is now in any country allowed to occur is as much the result of government neglect as is any epidemic disease.

RESTORATION OF THE DEVASTATED AREAS AND REPARATION OF WRONGDOING.

VI. The Interallied Conference holds that one of the most imperative duties of all countries immediately peace is declared will be the restoration, so far as may be possible, of the homes, farms, factories, public buildings, and means of communication whatever destroyed by war operations; that the restoration should not be limited to compensation for public buildings, capitalist undertakings, and material property proved to be destroyed or damaged, but should be extended to setting up the wage earners and peasants themselves in homes and employment; and that to insure the full and impartial application of these principles the assessment and distribution of the compensation, so far as the cost is contributed by any international fund, should be made under the direction of an international commission.

The conference will not be satisfied unless there is a full and free judicial investigation into the accusations made on all sides that particular governments have ordered and particular officers have exercised acts of cruelty, oppression, violence, and theft against individual victims, for which no justification can be found in the ordinary usages of war. It draws attention in particular to the loss of life and property of merchant seamen and other noncombatants (including women and children) resulting from this inhuman and ruthless conduct. It should be part of the conditions of peace that there should be forthwith set up a court of claims and accusations, which should investigate all such allegations as may be brought before it, summon the accused person or government to answer the complaint, to pronounce

judgment, and award compensation or damages, payable by the individual or government condemned to the persons who had suffered wrong or to their dependents. The several governments must be responsible, financially and otherwise, for the presentation of the cases of their respective nationals to such a court of claims and accusations and for the payment of the compensation awarded.

INTERNATIONAL CONFERENCE.

VII. The Interallied Conferene is of opinion that an international conference of labor and socialist organizations, held under proper conditions, would at this stage render useful service to world democracy by assisting to remove misunderstandings, as well as the obstacles which stand in the way of world peace.

Awaiting the resumption of the normal activities of the International Socialist Bureau, we consider that an international conference held during the period of hostilities should be organized by a committee whose impartiality can not be questioned. It should be held in a neutral country, under such conditions as would inspire confidence, and the conference should be fully representative of all the labor and socialist movements in all the belligerent countries accepting the conditions under which the conference is convoked.

As an essential condition to an international conference the commission is of opinion that the organizers of the conference should satisfy themselves that all the organizations to be represented put in precise form, by a public declaration, their peace terms in conformity with the principles, "no annexations or punitive indemnities, and the right of all peoples to self-determination," and that they are working with all their power to obtain from their governments the necessary guaranties to apply those principles honestly and unreservedly to all questions to be dealt with at any official peace conference.

In view of the vital differences between the allied countries and the central powers, the commission is of opinion that it is highly advisable that the conference should be used to provide an opportunity for the delegates from the respective countries now in a state of war to make a full and frank statement of their present position and future intentions, and to endeavor by mutual agreement to arrange a program of action for a speedy and democratic peace.

The conference is of opinion that the working classes, having made such sacrifices during the war, are entitled to take part in securing a democratic world peace, and that M. Albert Thomas (France), M. Emile Vanderveide (Belgium), and Mr. Arthur Henderson (Great Britain) be appointed as a commission to secure from all the Governments a promise that at least one representative of labor and socialism will be included in the official representation at any Government conference, and to organize a labor and socialist representation to sit concurrently with the official conference; further, that no country be entitled to more than four representatives at such conference.

The conference regrets the absence of representatives of American labor and socialism from the Interallied Conference, and urges the importance of securing their approval of the decisions reached. With this object in view, the conference agrees that a deputation, consisting of one representative from France, Belgium, Italy, and Great Britain, together with Camille Huysmans (secretary of the International Socialist Bureau), proceed to the United States at once, in order to confer with representatives of the American democracy on the whole situation of the war.

The conference resolves to transmit to the socialists of the central empires and of the nations allied with them the memorandum in which the conference has defined the conditions of peace, conformably with the principles of socialist and international justice. The conference is convinced that these conditions will commend themselves on reflection to the mind of every socialist, and the conference asks for the answer of the socialists of the central Empires, in the hope that these will join without delay in a joint effort of the international, which has now become more than ever the best and the most certain instrument of democracy and peace.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DAVIS. Mr. Chairman, there are several gentlemen from our larger States who have requested time to-day—four of them, I believe—and I have been looking for them for the last half hour, and I can not find any of them. Hence, so far as I am concerned, if the chairman so desires, the Clerk can begin the reading of the bill.

Mr. GILLETT. I think it fair to suggest that it was not expected to-day that the bill would be taken up. It was supposed that it would be taken up to-morrow, to-day being Calendar Wednesday.

Mr. DAVIS. I indorse what the gentleman has stated.

Mr. WALSH. I assume, if the debate is to proceed under the five-minute rule, that the gentleman should have a quorum here.

Mr. SISSON. We would like to read only a few sections in the fore part of the bill.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That one half of the following sums, respectively, is appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, namely:

Mr. GARD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, strike out all the words in line 3, beginning with the word "that," and all the words in line 4, and all the words in line 5, and the words "District of Columbia" in line 6, and insert in lieu thereof the following:

"The following sums are appropriated out of the revenues of the District of Columbia to the extent that they are sufficient therefor, and the remainder out of any money in the Treasury not otherwise appropriated; but the amount to be paid from the Treasury of the United States shall in no event be as much as one-half of said expenses, in full for the following expenses for the government of the District of Columbia for the fiscal year ending June 30, 1919, except amounts to pay the interest and sinking fund on the funded debt of said district, of which amounts one half is appropriated out of the money in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia."

Mr. SISSON. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. What is the point of order?

Mr. SISSON. That it changes existing law. The present law regulating the District of Columbia provides that half the expenses of the District of Columbia shall be paid out of the District treasury and the other half out of the Federal Treasury. This amendment changes existing law.

The CHAIRMAN. Does the gentleman from Ohio [Mr. GARD] desire to be heard on the amendment?

Mr. GARD. The amendment is one which comes within the purview of the so-called Holman rule, as evidenced by a ruling of the same Chairman who occupied the chair when a similar amendment was presented in 1915, the exception being as to that part of the amendment which makes it germane where the appropriation to be made by the amendment is less than that carried in the original bill. This amendment so provides, and is practically the same amendment which this Chairman, sitting as the Chairman of the Committee of the Whole in 1915, determined to be a proper amendment, and is, I now submit, in every way a proper amendment to the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. SISSON. Mr. Chairman, I looked at the amendment for the purpose of ascertaining whether or not it was the identical amendment presented to the Chair two years ago. I think it was.

Mr. GARD. Yes.

Mr. SISSON. I do not have the other amendment before me. I believe the first portion of the amendment to be identical with the amendment which was ruled upon by the Chair once before. I am not sure whether or not the latter clause in that amendment was passed upon by the Chair at that time, unless the gentleman from Ohio can state that it is the identical amendment.

Mr. GARD. It is the identical amendment, I will say to the Chair.

The CHAIRMAN. The Chair has a recollection about that amendment, and if his memory serves him correctly it was very elaborately argued at that time, and the precedents were looked up, after which the point of order was overruled. Following that precedent, the Chair overrules the point of order. The question is on the amendment offered by the gentleman from Ohio.

Mr. GARD. Upon that point, Mr. Chairman, I would suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Ohio makes the point of order that there is no quorum present. Evidently there is not. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anderson	Dominick	Heintz	Morin
Anthony	Donovan	Hensley	Mott
Austin	Dooling	Hicks	Mudd
Barnhart	Doremus	Hood	Neely
Blackmon	Doughton	Houston	Nichols, Mich.
Borland	Drukker	Howard	Norton
Britten	Dunn	Hull, Iowa	Oldfield
Brodbeck	Dupré	Humphreys	Olney
Browning	Eagan	Hutchinson	O'Shaunessy
Butler	Edmonds	Jacoway	Overstreet
Cannon	Elliott	Johnson, S. Dak.	Padgett
Cantrill	Elston	Johnson, Wash.	Peters
Caraway	Estopinal	Jones	Phelan
Carew	Fairchild, B. L.	Kahn	Polk
Carlin	Fairfield	Kelley, Mich.	Porter
Carter, Mass.	Farr	Kennedy, R. I.	Powers
Clark, Fla.	Fess	Kettner	Pratt
Clark, Pa.	Fields	Key, Ohio	Price
Coady	Fisher	King	Purnell
Connelly, Kans.	Flynn	Kreider	Ragsdale
Cooper, Ohio	Fordney	LaGuardia	Rainey, H. T.
Cooper, W. Va.	Foss	Lee, Ga.	Ramsey
Copley	Gallagher	Lehlbach	Randall
Costello	Garland	Lever	Reavis
Cox	Garrett, Tex.	Littlepage	Robbins
Crago	Glass	McArthur	Roberts
Cramton	Godwin, N. C.	McCormick	Rodenberg
Crosser	Gordon	McCulloch	Rose
Curry, Cal.	Gray, Ala.	McFadden	Rouse
Dale, Vt.	Gray, N. J.	McLemore	Rowland
Davidson	Gregg	Madden	Sanders, La.
Denison	Griest	Maher	Saunders, Va.
Dent	Griffin	Mann	Schall
Denton	Hamill	Meeker	Scott, Pa.
Dewalt	Hamilton, N. Y.	Miller, Minn.	Scully
Dickinson	Haskell	Mondell	Sears
Dies	Hawley	Montague	Sherley
Dill	Heaton	Moores, Ind.	Shouse

Slemp	Steele	Templeton	Waldow
Sloan	Stephens, Nebr.	Thompson	Walker
Small	Sterling, Pa.	Tinkham	Ward
Smith, Idaho	Sullivan	Towner	Weaver
Smith, Mich.	Sumners	Vare	White, Me.
Smith, C. B.	Swift	Venable	Wilson, Tex.
Smith, T. F.	Talbott	Vestal	Winslow
Stafford	Taylor, Colo.	Vinson	

The committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the District of Columbia appropriation bill, finding itself without a quorum, had caused the roll to be called and 247 Members had answered to their names, and he reported a list of the absentees.

The committee resumed its session.

Mr. GARD. Mr. Chairman, the purpose of the amendment offered by me is to carry into effect not alone two previous actions of this House, but also the unanimous action of a special commission, consisting of three United States Senators and three Members of the House of Representatives, who have made a finding, which finding is the same as that embodied in the amendment I have offered. Its purpose is to stand by the authorization of the issue of the funded debt of the District of Columbia, and when it comes to the payment of municipal expenses, it takes away the fiction of the half and half.

The so-called half-and-half matter has been discussed in the House many times, and the House has twice voted to strike it out because it served no useful purpose. It is purely and entirely a fiction. It can not accomplish any good for the District of Columbia, and it can only work harm to the general taxpayers of the United States, who are called upon to contribute money entirely unnecessary. It had its origin at a time when the assistance of the Federal Government was necessary to take care of certain extraordinary expenditures of the District. But now the District of Columbia, of which the city of Washington is the greater part, has a very small indebtedness; in fact, the indebtedness is being paid for in yearly proportions of appropriation, and in 1924 there will be absolutely no indebtedness. The tax receipts of the District of Columbia have grown largely, and are now far in excess of the tax revenues of 1878.

The plan proposed in this amendment is the sensible plan, the only plan which the cities, towns, and counties in which we live adhere to. The plan is that the District of Columbia shall pay a fair tax; that the rate shall be assessed on an equitable valuation of the real and personal property, and that that sum of money should be applied to the payment of the expenses of the District; that the necessary balance shall be contributed by the Federal Government; no matter what it may be, it shall be contributed so that the District of Columbia will have a proper and substantial government, because this is the national city of the country and should be a model for the capital cities of the world.

To show the limits to which we have gone, Mr. Chairman, I call the attention of the committee to the financial statement of the auditor of the District of Columbia for the year 1918, in which he showed that there is at this time a cash balance to the credit of the District of Columbia in the Treasury of the United States of $2,664,717.17, with another cash balance on account of the general fund, so that the Federal cash balances amount to $2,693,509.89 less certain District obligations on account of its share of unadvanced appropriations amounting to $1,313,290.99, leaving a resulting surplus of revenue from all appropriations and charges to and including June 30, 1916, as above stated, of $1,380,218.90.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. GARD. Yes.

Mr. JOHNSON of Kentucky. The clerk of the Appropriations Committee informs me that at the end of the fiscal year the District of Columbia will have on hand a balance of approximately $5,000,000 for which it will have no use. In the meantime the United States Treasury is asked to contribute money to the municipal corporation, which has $5,000,000 to its credit.

Mr. GARD. In the report which was made accompanying this bill it is stated that the estimated surplus of the District revenues will amount to $1,482,301.67. These two amounts show, as the gentleman from Kentucky has well said, that in June, 1919, there will be approximately $5,000,000 in the revenues of the District of Columbia unappropriated and for which there is absolutely no use. The report of the committee discloses a number of most unusual expenses—I mean expenses unusual to the ordinary government of a city—and yet after these usual and unusual expenses at the end of the fiscal year 1919 nearly $5,000,000 will be in the treasury of the District of Columbia unappropriated, serving no useful purpose, and during all of that time the people of the United States are being continually asked to raise money for governmental purposes.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARD. There is no sound sense in any municipal taxation which piles up a great amount of money in a municipal treasury, unexpended, unused, unasked for, and unnecessary, and that is the situation which to-day confronts the people of the United States and the District of Columbia.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GARD. Certainly.

Mr. WALSH. Can the gentleman state whether any committee of Congress or otherwise has ever investigated this matter particularly and how recently?

Mr. GARD. I do not know whether the gentleman heard me or not, but I stated that in 1915 a special commission, consisting of three United States Senators and three Representatives in Congress, the gentleman from Illinois [Mr. RAINEY], the gentleman from Wisconsin [Mr. COOPER], and myself, was appointed to consider this matter, and that commission rendered a unanimous report, after practically a month's hearing, that there was no longer any necessity and no reason for adherence to that which is carried in this bill as the half-and-half principle. As I say, there is no reason for it, because it does not operate for any useful purpose. If it did, I would be the last to suggest its abolition.

It has simply resulted in the accumulation of unnecessary amounts of money, gathered from our people all throughout the States of the United States. It will have resulted in the accumulation of nearly $5,000,000 at the end of the next fiscal year. It can have no other effect, if it be continued for a year or two, than in resulting that the residents of the District of Columbia will have absolutely no taxes to pay. The situation is this, that the United States provides and provides abundantly for the District of Columbia. It holds this to be the national city, and it wants it to be a beautiful and well-kept and orderly city, the seat of this great Government. The Government takes great pride in the city of Washington and in the District of Columbia, and rightfully so, but I maintain there is no reason why the people of the United States should continue to put money into the treasury of the District of Columbia which is unnecessary and unused. Therefore I have offered this amendment, so that the system of taxation may be the same as the system of taxation in every other part of the United States, and that is a fair responsibility upon the part of the residents of the District in the payment of taxes and the recognition on the part of the United States that it is to pay the balance in affording the best facilities of government for this District.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GARD. Certainly.

Mr. CANNON. I recollect very well when the half-and-half principle was adopted. It was then stated after something of an investigation that the Government of the United States owned one-half of the property in the District, and certainly if it owned one-half then it owns one-half now, and this law was made, as I understand it, in order that the Government should contribute one-half. I was not in the Chamber when the gentleman's amendment was offered, but if it be in order, and is to be voted upon, will it not result in taxing the property of the citizens of the District not only to support the District government, according to the amount of property, but in putting the whole burden upon the property owners of the District?

Mr. GARD. No.

Mr. CANNON. And as a part of my question I desire to say that I do not now own and never did own and never expect to own one foot of property in the District.

Mr. GARD. I will say for the information of the gentleman—and I think I state it advisedly—that the United States does not now own one-half of the property in the District of Columbia, or anything like it, nor did it ever own half the property in the District of Columbia, and that there is no question of increasing the taxation against any resident in the District. The only purpose of this amendment is to see to it that the estimated revenues, which from the District of Columbia are now $9,204,372, shall be applied toward the government of the District of Columbia, and that all of the other expenses, no matter what they may be—the balance—shall be contributed by the Federal Government; so that there is no increase against the individual taxpayer, and there should be no increase. He should be liable only for a just and fair assessment upon his

property and for taxes to be paid as the result of a fair tax rate made upon that assessment.

Mr. CANNON. But if the policy is adopted that the gentleman suggests, as Congress is supreme touching taxation in the District, is it not likely that, without consultation with the inhabitants of the District, the taxes will be increased from time to time to raise the whole revenue from the private property in the District, notwithstanding the large amount of property owned by the Government, constantly increasing, and the policing and care of that property?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CANNON. Mr. Chairman, I ask that the gentleman's time may be extended.

Mr. GARD. I do not desire any further time unless the gentleman desires to ask a question.

Mr. CANNON. That is all.

Mr. GARD. I merely desire to say in answer that there is no possibility of an increase in taxation. There is no possibility of anything being done against the individual taxpayer which is not being done now. It is simply that the owner of property, either real estate or personal, shall contribute as do the people of every other city in the United States, a fair proportion of his property as a tax assessment for benefits received, and there his obligation as a resident ceases.

Mr. CANNON. How is that fair amount to be determined?

Mr. JOHNSON of Kentucky. It is already fixed by law.

Mr. GARD. To be determined as now. A man's property is assessed and the tax rate is applied and he pays taxes like the gentleman does in Danville.

Mr. CANNON. Does the gentleman have any doubt if the policy he refers to shall be adopted as to whether the vast amount of property that the United States owns in the District will go without any contribution?

Mr. GARD. Oh, no; not the slightest doubt, because the United States is contributing continually and fully for the ordinary and usual running expenses of the District of Columbia, and pays entirely from the general funds in the Treasury the expenses incident to and necessary for special improvements, such as the erection of new Government buildings and necessary municipal utilities.

Mr. SISSON. Mr. Chairman, of course Members of the House who have been here for several terms without doubt know that this House has repeatedly passed that amendment by an overwhelming majority. The last vote taken on this matter passed this House by more than 2 to 1.

Mr. JOHNSON of Kentucky. More than 100 majority.

Mr. SISSON. And as a last resort a gentleman at that time a Member of the House—Mr. UNDERWOOD, of Alabama—amended the conference report by inserting in that report the appointment of this commission, three members from the House and three members from the Senate. The joint committee met and went carefully into this matter and made their report to Congress. This is a result of the report of that committee and is exactly what was done by the Committee on Appropriations when Mr. Page, of North Carolina, was then chairman of the subcommittee and Mr. DAVIS and I were the two conferees, and the bill passed the House and went to the Senate; and, as I said a moment ago, there the matter was hung up in conference, until we finally just quit and declined to have any further conferences. It was thought at that juncture that the House having instructed us by two overwhelming votes to insist upon that amendment we felt that we were not bound to continue the conference further. Then the gentleman from Alabama, as I stated, offered that compromise. That report has been filed. The expenses of that joint committee were paid out of the funds of the two Houses. So it seems to me that nothing could be fairer than to say that the people of the District of Columbia shall pay only a fair rate of taxation on a fair assessment of property and that that is all they should pay, and if Congress then desires to expend more money than that out of the Federal Treasury it is up to the Congress to do that, and we assume that responsibility. One moment more. If we as Congressmen feel that we do the people of the District of Columbia an injustice, and I am sure we would not, then we ought not to pass this legislation; but there are many things that are being done in the District of Columbia by Congress which would surprise Members of Congress unless they should investigate the matter. There are many Members of Congress who perhaps do not know that the water system in the District of Columbia is owned by the United States Government.

Mr. JOHNSON of Kentucky. And built at the Government's expense.

Mr. SISSON. The aqueduct that brings the water from Great Falls here was built by the Federal Government; every penny of it was paid out of the Federal Treasury. The water mains were all laid out of the United States Treasury, and the District of Columbia contributed nothing. Now, a great many large pieces of property here in the District of Columbia belong to the Government, and yet the Government pays the expense of keeping up the property in respect to sidewalks and streets——

Mr. CANNON. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. CANNON. The income from the water exceeds the outgo, does it not?

Mr. SISSON. Well, it is behind now; considerably behind. I will state to the gentleman there has been a change in the last appropriation bill in reference to the water rents. Formerly it all went into the Treasury, and the United States Government then paid all the expenses of the water system. Now the money, of course, still goes into the Treasury, but the expenses of the water system are paid out of the revenues of the water company itself.

Mr. CANNON. One hand washes the other, and then leaves something to the credit of the United States.

Mr. SISSON. The difference is it keeps the books entirely separate, and the water system is self-sustaining.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. As a member of this committee I have investigated this matter with a great deal of care. This amendment will not change the rate of taxation, will not change the assessment, will not change the machinary of assessment, will not change the machinery of collection in the least, and the District citizens will pay not a single penny more than they now pay. The only thing that this amendment does is to provide that before any money shall come out of the Federal Treasury you must first use the money collected on the property in the District of Columbia. Then the balance of this appropriation would be paid out of the Federal Treasury. Now, that is all there is to the amendment.

Mr. JUUL and Mr. CRISP rose.

The CHAIRMAN. The gentleman from Illinois [Mr. JUUL] is recognized.

Mr. JUUL. Mr. Chairman and gentlemen, I understand that the fiscal year ends June 30, 1919, and that it is proposed in this bill, H. R. 11692, to appropriate for the expenses of the District of Columbia the sum of $13,426,393.66. I understand further that the General Government and the District of Columbia each are required to pay $6,713,196.83. In the first place, I want it distinctly understood that I am friendly to the District, and if this was a bill to give every man and woman of legal age in the District a vote I would favor it.

We are fighting a great war for democracy, and one of the measures we should hurry along here is to do everything to establish democracy at home, and granting the franchise to Washingtonians would be right in line. But I am unable to understand by what manner of reasoning a wealthy city like Washington, which probably in normal times is having from seventy-five to one hundred millions disbursed among its citizens by the National Government annually, should draw on the States in the Union for any aid toward defraying expenses of its local government.

For the fiscal year ending June 30, 1912, the sum contributed by the States toward running the local expenses of the District of Columbia was $515,793.83 less than the sum to be contributed this year.

The contribution of my State, based upon its population, was as follows:

Toward the District schools	$98,028
For street sewers and water mains	37,676
For police	31,277
For local improvements and repairs	70,775
For salaries and help	25,470
For interest—sinking fund	29,887
For lighting	14,254
For fire department	20,455
For charities and corrections	42,807
Miscellaneous	9,916

Or a total for Illinois of $379,945; that is, provided that Illinois contributed only according to population. But everybody knows that the larger States in the Union contributed sums far in excess of the figures here mentioned. And not one dollar of these sums could by any stretch of the imagination be said to be expended for national purposes.

On the above basis New York contributed $614,103 and the State of Georgia $175,810 toward paying the local expense of the city of Washington.

Now, I can understand that the United States Government ought to pay its share for street improvements outside of public buildings, and I can further understand that if there is a public building on one side of the street and no private one on the opposite side of the street that probably the Nation should be generous and pay the total cost of such local improvements as might become necessary from time to time. But I absolutely fail to understand why a community like Washington, with a flood of gold being poured daily into its lap, should pass the hat around to the 48 States in the Union and ask them to contribute toward its local expenses.

Mr. WALSH. Will the gentleman yield?

Mr. JUUL. Yes, sir.

Mr. WALSH. The gentleman is making a very interesting statement of this question, but I would like to ask him how he computes the different amounts.

Mr. JUUL. I will give it to the gentleman in a couple of minutes. I would not like to give it in my own time, as I have only five minutes.

To illustrate the situation fully by comparing the District of Columbia, or, rather, the city of Washington, with another great city, I want to repeat here that the tax rate in Washington is $1.50 per $100 assessed valuation, and that customarily only 66⅔ per cent of the fair cash value of the property here is assessed. The city of Chicago contains about seven townships, and in these townships the tax rate varies slightly on account of the park taxes, which are not uniform.

The property there is assessed on the basis of one-third of the fair cash value, but instead of having one tax to pay, as in Washington, the following taxes were levied and collected for the year 1916:

State tax	$0.80
County tax	.66
City tax	1.97
School tax	1.87
Sanitary district	.38
Park tax	.70
Total	6.38

So it will be readily realized that if Congress should decide that Washington should pay its own bills, apparently no hardships would be imposed upon the city.

The answer to all this, of course, might be that the taxes in Washington are not too low, but that the taxes of Chicago are too high, and to the latter part of such proposition I would cheerfully agree, only stating that as a State official in Illinois I and many friends labored hard, as everyone knows in that State, to keep the taxes down, but that the ever-increasing demands of the taxing bodies and the ever-increasing accommodations given to the public in the form of great hospitals, bathing beaches, public baths, playgrounds, libraries, and so forth, brought the taxes up to what they now are in spite of us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUUL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Will the gentleman yield?

Mr. JUUL. Yes.

Mr. CANNON. I believe, in theory, at least, in the State of Illinois, but not in practice, much less property is assessed according to its value and then divided by three, and then that one-third, the gentleman says, is paid, which would make 2 per cent on its value; and yet it is an open secret that the property in the State of Illinois is not assessed, in the first place, at three-fourths of its value.

Mr. JUUL. The gentleman from Illinois states exactly what was correct, but I also want to say for the benefit of the gentleman and the other gentlemen upon this floor that in the State of Illinois, in addition to the approximate 6 per cent on one-third of the fair cash value, there is a special assessment for every local improvement.

In order to be perfectly sure that the property in the District is being assessed on approximately 66⅔ of its present value and that the percentage assessment in Washington as quoted by me here is correct, I called up the tax department in the assessor's office and had the figures verified over the telephone.

It would seem to me that this city ought to be in a position where it could take care of its local expenses and let the Government of the United States devote its $6,713,196.83 that it is proposed to take out of the National Treasury for national purposes.

I repeat, that it ought to be possible to take this vast sum, which certainly represents the liberty-loan purchases of several thousand people, and use the money to buy wheat, bacon, clothing, and supplies for our soldiers who are now fighting the battles of our country.

Here is $6,713,196.83 as a gift or a grant to one of the wealthiest cities in this Union. The only excuse I have heard since I came to Washington as to why the citizens of this city should not pay the expenses of running the city is, "Why should we pay at all? We have no vote." I maintain the bill now pending here does not remedy that evil, but I want to tell you, gentlemen, the day ought to come sooner or later when every citizen of this community should wish to look the citizens from the other parts of the country in the face and wish to pay their own expenses here and not look to the rest of the country for charity.

The gentleman from Massachusetts [Mr. WALSH] asked me what I based my figures on. I want to say to the gentleman the tabulation I have here is for the year 1912-13, and the amount——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAMILTON of Michigan. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may proceed for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. The gentleman from Massachusetts asked me on what these figures were based. I want to say they are based on the amount levied against the United States Government for District purposes for the fiscal year of 1911-12. And these figures are, as I stated a minute ago, within $515,793.83 identically the figures of the present year. Now, in that year the gentleman's State of Massachusetts contributed a total of $226,849 toward running local expenses of the city of Washington. And I maintain that the city of Washington does not need it, ought not to have it, and should not ask for it.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JUUL. Yes.

Mr. WALSH. How did the States contribute that money—by a levy of the Government upon each State?

Mr. JUUL. No. Each State pays whatever it has to pay in the form of a tax, internal revenue or otherwise. For instance, the city of Peoria, in my State, has been in the habit of tossing from $65,000,000 to $70,000,000 into the National Treasury. The supposition is that that amount of money was tossed into the National Treasury for national purposes.

Mr. WALSH. In other words, it is based on population?

Mr. JUUL. Yes. Instead of utilizing it for national purposes, a part of it at least is being used for local purposes. That is what I object to.

Mr. WALSH. But it is taken out of the returns for internal revenue and income taxes?

Mr. JUUL. Yes, sir. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Indiana [Mr. WOOD] is recognized.

Mr. WOOD of Indiana. Mr. Chairman, this is a very important question. It means the changing of the system of raising revenue and spending it in the city of Washington and the District of Columbia. It may be an old proposition to the older Members here. It is entirely new to the newer Members.

This question was not raised in any manner before the committee having this investigation in charge. It is of sufficient importance, it occurs to me, to warrant its being made an independent measure, where all those interested might have a chance to be heard. I do not think that it is quite fair to the committee itself; I do not believe that it is fair to the people who are vitally affected by it. It is of no concern to me as an individual, except as one of the one hundred million people in the United States. It may be of very great concern to those whose interests are all in the city of Washington.

Above all other times, it occurs to me that this is the most inappropriate time for this radical change. We are living under abnormal conditions throughout this country; in the city of Washington they are more abnormal than in any other place in the United States. By reason of these great war activities here a great amount of wear and tear is going on constantly that would not be reckoned under ordinary circumstances. You take the streets of the city of Washington. They are in bad condition and growing worse constantly by reason of the Government's large trucks and the immense amount of hauling over them, which would not be permitted under any ordinary circumstances.

We saw here the other day that great, immense tank which was brought over here by reason of the war and for the purpose of encouraging and developing enthusiasm for the sale of the Government's bonds. We saw that immense tank going over

the streets of the city and tearing up the paving, much of it, all to pieces. Therefore, it seems to me this is not the time for this change to be made.

I realize that much may be said in favor of this proposition, and I dare say that if it were taken up for investigation much might be said against it. But it occurs to me that now, while this city is torn up from one end to the other by building activities, different from the ordinary conditions in the city of Washington, this radical change should not be had, and this radical change should not be had at any time without the people vitally affected having their day in court.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. SWITZER. Is the report of the commission referred to by the gentleman from Ohio [Mr. GARD] in the hands of the Appropriations Committee or of the District Committee?

Mr. WOOD of Indiana. It is not. I never heard of it before. This question was not even mooted during the weeks of hearings that we had on the bill in the committee. Therefore I say that to the Members of this body who are new here, this is entirely a new and novel question; and it occurs to me that it is of such vital importance that the fullest development of facts and the fullest hearings should be had before any steps are taken toward making this change. If it is a good thing, it will last. They have been under this system for many years, and the results have not been disastrous. They might be disastrous now if the proposed changes were made, and we might bring injustice to those upon whom we would not care to have it brought. If the change is to be had, it should be had in normal times. It should not be had in times so abnormal as we now have in the city of Washington. Therefore I think this amendment should not be carried. It should be at least deferred until the next session of this Congress, when hearings might be had and when those of us who are not acquainted with these investigations might have the opportunity at least of being permitted to read them before we are required to vote upon the question.

The assertion is made by the gentleman from Ohio [Mr. GARD] who is the proponent of this amendment, that it will make no change whatever in the taxation, that it will make no change as far as the assessment of values is concerned. Then what is the real purpose? The real purpose must be that the money now in the Treasury may be expended for governmental purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOOD of Indiana. I ask for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. WOOD of Indiana. That money may be needed to make the repairs I have spoken about and to replace the wear and tear that is now going on by reason of these extraordinary activities. In any event this radical change should not be made at this time, and until there has been a full and fair investigation.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Indiana [Mr. WOOD] has just urged that this is not the appropriate time for this change to take place. That argument has been used for many years, until it has become an established fact that an appropriate time will never come for those who favor the continuance of the half-and-half. When a similar amendment was last before the House that same argument was used. Finally, as the gentleman from Mississippi [Mr. SISSON] has just stated, the matter got into conference and was there being thrashed out. When the conferees were deadlocked on the subject Mr. UNDERWOOD, of Alabama, who was then in the House, offered an amendment providing for a commission to investigate this matter and report to Congress, and that was adopted. Three Members of the Senate were appointed and three Members of the House were appointed. If I remember correctly—and I am quite sure I do—all six of those Members voted against doing away with the half-and-half plan; but when they had investigated the subject they brought in a report saying that the half-and-half plan was no longer necessary or advisable. Their report is accessible to every Member who wishes to see it.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. GREEN of Iowa. When was that report filed? I have forgotten.

Mr. JOHNSON of Kentucky. In the first session of the Sixty-fourth Congress.

Mr. GARD. It was filed early in January, 1916.

Mr. JOHNSON of Kentucky. The question arises, what is the use of continuing the half-and-half proposition? Why should the United States Government continue to match dollar for dollar that is raised here in the way of taxation? As a result of the United States going into her Treasury to pay half, at the end of the next fiscal year there will have accumulated in the treasury of the District of Columbia a surplus of approximately $5,000,000. Now, with approximately $5,000,000 in the treasury of the District of Columbia, why should the United States go into her own Treasury to pay any part of the expenses? If there was a deficit in the District treasury, or if the entire amount of money raised by the District of Columbia was being used, then it might be argued that it was worth while to go into the Treasury of the United States to aid the District of Columbia; but with a surplus accumulating all the while, I can not see the necessity for continuing the half-and-half.

Mr. CANNON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. CANNON. I believe this $5,000,000 to the credit of the District of Columbia is deposited in the United States Treasury?

Mr. JOHNSON of Kentucky. It is there as a trust fund.

Mr. CANNON. As a trust fund, and can not get out except by legislation of Congress?

Mr. JOHNSON of Kentucky. It can not.

Mr. CANNON. So the United States has the use of it?

Mr. JOHNSON of Kentucky. But why compel the United States to contribute to a municipal corporation that is so prosperous that it has to its credit $5,000,000 more than it needs?

Mr. CANNON. And the United States contributes its half, and that remains in the Treasury, does it not, until it is paid out?

Mr. JOHNSON of Kentucky. It remains there until the Commissioners of the District of Columbia draw their warrant against it and take it out and spend it.

Mr. CANNON. If they do, it has got to be done under law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CARY. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. I will.

Mr. CARY. Is it not a fact that the Government also builds the streets and sewers in the city of Washington?

Mr. JOHNSON of Kentucky. The streets are built on the half-and-half plan. It has been said by the gentleman from Illinois [Mr. CANNON] that somebody has said that the Government owns half the property here.

The Government never has owned that much. Way back yonder in Boss Shepherd's time he got up a table in which he charged all the streets to the United States, all the public space to the United States, all that is in the rivers to the United States, and all the parks to the United States. He charged all these up to the ownership of the United States, and then could not make it appear that the United States owned half of the area of the District of Columbia; but, driven to a final statement, he said the Government then owned approximately half of the values in the District of Columbia. But even that was not true. Now, the claim is made, particularly by the editor of the Star, who seems to be the spokesman for the District of Columbia, not that the District of Columbia pays a greater rate of tax than any other city of comparable size but that the people here pay a greater per capita tax than is paid in other cities. There are a number of rich men here and there are a number of poor people as well. The poor people own nothing or but little and the rich own a great deal, and, in that way, the per capita tax is great. When it comes down to the property tax, I maintain that it is less in this city than in any other city of a comparable size in the world.

Three years ago I made a speech on the subject, and at that time I had before me 40 cities, 20 a little larger in population than the District of Columbia and 20 just a little smaller than the population of the District of Columbia. The property tax in the District of Columbia was less than in any of them. Now, bear in mind one thing, you gentlemen who have not heard the matter discussed before, in the District of Columbia there is but one tax, and that is a municipal tax. The real estate is taxed at a rate of $1.50 a hundred on a two-thirds valuation, which makes it only $1 a hundred. That is the only tax it pays, while in every other city of the United States there is a municipal tax, a county tax, and also a State tax. Then it pays school and other special taxes. Here they pay one tax, which makes it a very much less tax than in any other city in the world.

Mr. JUUL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. JUUL. I want to state for the benefit of the gentleman that in my city we pay a local park tax of $1 on the valuation, also a municipal, county, and State tax, besides a sanitary tax.

Mr. JOHNSON of Kentucky. Before concluding my remarks I wish again to call attention to the fact that during the entire controversy in years gone by the editor of the Washington Star, speaking for the District, has insisted that the half-and-half plan should not be abolished until a fair commission had been appointed to determine whether or not it ought to be done. When this commission was appointed, consisting of six men, every one of whom voted against the abolition of the half-and-half plan, the Star said it was a fair commission, made up of men who were absolutely impartial. Now, when they have reported, the advocates of the half-and-half plan wish to repudiate that report made by the commission selected in the way I have named, and which everyone has said was fair and impartial.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRISP. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes. I have taken but very little time of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. CRISP. Mr. Chairman and gentlemen of the House of Representatives, to those who have been here some time I can add nothing to what I have already said on the floor of the House in advocacy of the repeal of what is known as the half-and-half act. In the Sixty-third Congress I introduced a bill to repeal it and made a lengthy speech in favor of the abolition of this law. To the new Members let me say in that Congress the House overwhelmingly passed a bill to repeal the act of June 11, 1878, known as the half-and-half act, and it went to the Senate and there died. In the succeeding Congress similar action was taken in this House, and the Senate again defeated the bill.

Now, there is a great misconception or ignorance among the membership of the House generally as to the municipal laws and affairs in the District of Columbia. It may astonish some of you to learn that when the Government took charge of this territory in 1800, two years thereafter, on May 2, 1802, Congress chartered the city of Washington, so that the city of Washington is a municipal corporation. From that time to 1871 the city of Washington had a mayor and council, managed its own affairs, levied its own taxes, and conducted its business the same as Chicago, Milwaukee, Cleveland, or any other city in the United States. The Government had nothing whatever to do with the municipality save that the Government in a spirit of fairness and equity yearly made such contributions to the municipal government of the city of Washington as Congress thought just, in view of the amount of property the Government owned in the District of Columbia.

This condition continued until 1874, when a commission form of government was created for the District. Why was a commission form of government established? Because in 1867 a law was passed conferring the right of franchise upon the negroes in the District, and they became such an active, discordant element in municipal politics that this commission form of government was adopted. In 1878 the act known as the half-and-half act was passed. Under that act the people here voluntarily gave up their right to vote, and the act provided that the General Treasury should pay half the expenses of the municipal government. My very distinguished and much admired friend, the gentleman from Illinois [Mr. CANNON], in this discussion asked as to the amount of property the Government owned at that time. I have in my hands a copy of a speech which I made upon the floor of the House several years ago relative to this question, and in it I have some figures as to the amount of land owned by the Government. At the time the act known as the half-and-half act was passed there were 6,110 acres of land in the city of Washington covered by that act and the Government owned only 1,523 acres, and nearly all of the land that the Government owned consisted of parks, and the citizens of Washington, of course, got the greatest benefit from those parks. At the present time there are 38,000 acres of land, including the streets and sidewalks, in the District. The Government owns 5,000 acres, and I venture to say there are not 400 acres owned by the Government used exclusively by the Government for its governmental activities. The rest of it is to be found in parks.

Mr. JOHNSON of Kentucky. The gentleman means that not 400 acres are used exclusively by the Government?

Mr. CRISP. That is what I tried to make plain.

Mr. JOHNSON of Kentucky. I went into that subject thoroughly, and I found there are less than 50 acres in the District of Columbia used exclusively for Government purposes.

Mr. CRISP. I wanted to be absolutely fair to the District.

Mr. JOHNSON of Kentucky. And there are 45,000 acres in the District of Columbia.

Mr. CRISP. That effectually disposes of the question of my distinguished friend from Illinois [Mr. CANNON].

What does the proposed amendment do? The proposed amendment simply provides that the citizens of Washington shall be required to pay a reasonable tax, Congress to determine what amount that tax shall be, and when the taxes are paid all the money thus raised shall first be expended in paying the municipal expenses of the District of Columbia, and then whatever other money is necessary, which Congress in its judgment deems should be expended, is to be appropriated out of the General Treasury. What will be the practical effect of this law if it is carried on for a year or two longer? I assert that the citizens of the city of Washington pay a lower rate of property tax than the people of any other city near its size anywhere in the world. Up to the time of the agitation for the repeal of the half-and-half act, there was no tax whatever here on intangible personal property such as money, notes, mortgages, and so forth. Now there is a small tax of three-tenths of 1 per cent upon intangible personal property. The tax upon tangible personal property is $1.50 a hundred, but there is a tax exemption, I think, of about $1,000 worth of household furniture, and so forth. The tax upon real estate is $1.50 a hundred, assessed upon a two-thirds valuation, which makes $1 a hundred upon the value of the property.

Bear in mind that in your State, gentlemen, you have a city tax, you have a county tax, you have a State tax. There is only one tax here. There is no State tax, there is no county tax. It is simply this city tax, and the tax on real estate is $1 a hundred. I challenge any one of you to get up and say that in your State, if you live in a city, that your people do not pay a higher tax on real estate than $1 on the hundred, if such is the case. That is the low rate of taxation here. Carry this act to its logical conclusion and a year or two from now it may not be necessary to levy any taxes here for a year or more. Why? As has been stated in this debate, there is now in the Treasury to the credit of the District of Columbia over $2,000,000. At the end of June 30, 1918, it is estimated there will be over $4,000,000 to the credit of the District in the Treasury. In the next year or two, if this surplus continues to be added to, you will have six or seven million dollars in the Treasury to the credit of the District, and then you will not have to levy any tax rate here upon private property, because if you have half enough in the Treasury to the credit of the District to meet one-half of the annual appropriation budget, the United States must pay the other half; thus you have ample funds according to the half-and-half law to pay the entire expenses of the municipality, without levying one cent of tax on private property owners in the District. The people of the several States would be made to bear the tax burdens of the District, in addition to paying their own taxes.

Now, that is why we who believe this law is unjust to the people of the United States are asking that this half-and-half act be repealed. I would not do the citizens of Washington an injustice. I know the Federal Government owns large amounts of property here, and I do not want the Federal activities to be a burden upon the citizens of Washington. I want the Federal Government to pay whatever is equitable, right, and just on account of the property it owns here, but I do not want the people here to be immune from taxation and your constituents and my constituents be made to pay their tax burden. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Does the gentleman from Michigan desire to take any time now; if so, how much does he want?

Mr. McLAUGHLIN of Michigan. Five minutes at least.

Mr. GREEN of Iowa. I would like to have five minutes.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that at the end of 10 minutes all debate on this amendment close, and I will state that as soon as the vote is taken on this amendment I expect to move that the committee rise.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this amendment close at the end of 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I have given some thought to this matter as it has been before the House from time to time, but I think I have never before taken part in the discussion. I recognize what has been said, as I think others should, that perhaps the half-and-half system is not exactly right or just to the Federal Government, but because of that I am not prepared to accept as correct the plan suggested by the gentleman from Ohio [Mr. GARD] in the amend-

ment he has offered. I do not believe, Mr. Chairman, that this Government ought to escape taxes upon its vast property in the city of Washington or that it ought to pay taxes only in case the people of the city fail to contribute enough money to meet all expenses. I think the Government, owning property of immense value here, ought to pay some taxes; that the Congress ought to be able to determine how much money is necessary to meet expenses of running the city and to make all necessary and proper improvements; that it ought in some way to determine the proportion that the Government should pay and the remaining portion that the people of the District should pay on their property. Now, it is urged by the gentlemen supporting the amendment of the gentleman from Ohio [Mr. GARD] that as the Government contributes in lieu of taxes one-half of the expenses of this city, and the taxable property of the city pays the other half, that because the people and the property of Washington pay a small amount of money, smaller in proportion to the value of the property than is paid in any other city in the country, that therefore it is wrong and that the city is imposing upon the Government. I do not believe that. The people of this city may be so fortunately situated that they can escape a large burden of taxation. If they can properly do so it is their right and privilege. Gentlemen who have spoken lay it as a charge against the people of Washington that their tax rate is low and that taxes are less in proportion to value of property and advantages enjoyed than in other cities of the country; that property owners of Washington have to pay only one tax, a city tax, instead of a number of taxes, such as city, county, and State taxes, as the people of almost every other city in the country have to pay. Washington and its people are not to be blamed for that condition; it is a privilege they enjoy or a burden they escape. It is pointed out that the valuation of taxable property is only two-thirds of the full value and that the rate is only 1½, making a rate of taxation of 1 per cent on the full value, as in some States. That is certainly a very low rate, but the people of this city may be entitled to it. If the Government contributes what it ought to contribute in proportion to the value of its property, if the burden placed upon the people of the District is so reduced that it is only 1 per cent—to an insignificantly small sum—the people of the city are entitled to the benefit of it.

Mr. FESS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I am afraid I have not the time, but I will yield to the gentleman.

Mr. FESS. If there is a surplus in the Treasury, is it not true that probably that could be very well expended for improvements that are very much needed?

Mr. McLAUGHLIN of Michigan. The fact that there is money in the Treasury indicates that too much has been levied, that is all.

Mr. FESS. Has not been expended.

Mr. McLAUGHLIN of Michigan. Perhaps so, but it is true also that too much has been levied. The answer is that the people of the city have paid such a small amount. No people are ever asked or ought to be asked to pay more than enough to run their Government, and the fact that money is left in the Treasury is an indication that the people of the District have paid more than they ought to have been asked to pay under the plan in vogue; that is, the half-and-half plan.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I am afraid I can not. If the half-and-half plan is not right, let it be two-thirds on the city and one-third on the Government, or let it be four-fifths on the city and one-fifth on the Government, but I insist the Federal Government ought not, in justice and right, to escape taxation on all its immense property in this city.

There is a Government building in the city in which I live. The Government pays nothing on it; no taxes. I have heard gentlemen say here that by analogy the Government of the United States ought not to be required to pay taxes on any of its property here. I do not believe that. I do not think the cases are parallel. I think the Government of the United States ought not to pay on its post-office building in my city, but I think it ought to pay, and pay properly, on its immense holdings in the city of Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, this city has benefited immensely by the location of the National Capital here. There are half a dozen cities—I do not know but there are a dozen—that would gladly pay the cost of every public improvement we have in this city and guarantee to never ask a cent from the Public Treasury if only the Capital could be moved there. Every day thousands of dollars are brought in here by reason of the Capital being located at this point. The city benefits every year hundreds of thousands of dollars by reason of the Capital being here. And if, in my judgment, there was a proper civic spirit on the part of the citizens of this city they would never be asking in time of war that they should not pay the same rate of taxation that is paid in other towns.

Now, what is the situation? A vast fund of millions of dollars has been accumulated in the Treasury. For what purpose? In order that they may be able to reach the time when it will equal the one-half they ought to pay, and then they will not have to pay a cent. It is said that public improvements are needed here. If so, why do not they take this fund and apply it in that way? Why do not they use this money for that purpose instead of endeavoring to create a fund so that they will pay no taxes whatever? Why, at this time, Mr. Chairman, when we are struggling in every way possible to raise the money that is necessary to carry on this great war, do these people come in here and say that they do not even want to pay ordinary taxes the same as are paid in other towns, instead of paying less to-day than is paid in any other city in the country?

Now, what is asked by this amendment of the gentleman from Ohio [Mr. GARD]? What can be fairer than to ask that this fund, which has come out of the low rate of taxes, should be applied to the necessary expenses of this city? If the streets need improving, let them improve them; but, from what I have seen around here, I think somebody has been sitting up of nights trying to find some way of putting more money and more expense on the streets and improvements in this town. A gentleman said that tanks go over the streets and are hard on the paving, but this is not the only town in which tanks have been exhibited. Trucks go over the streets; so they do in other cities. Are the other cities complaining and asking that the Government should contribute more money in order that they may escape their share of just taxation? What reason is there why this amendment should not prevail? There is none, in fairness and justice.

Every citizen of this country at this time should come forward and say, "I want to pay my fair share of taxes. I do not want to be deprived of the privilege of paying my fair share of taxes in this crisis of my country's affairs and when so much money is needed in the country's Treasury." But Washington, I believe, is the only city that can be found where such circumstances could exist. They are unwilling to pay even this lower rate of taxation, which has produced this great fund. They say that the Government owns a large amount of property here. So it has in value. Who takes care of it? The Government. Does it cost the city of Washington anything to police the Capitol or the other Government buildings? No; there would be the same expense for police if these buildings were not here. Do they pay for the walks around them or paving the roads on Government grounds? No. Do they pay for the water supply here or any expenses connected with Government property? No; not a cent. If all this Government property was removed, what would be the difference to the city so far as expenses are concerned? Its officers do not care for it. They pay no attention to it. They have no relation to it.

By the lavish expenditure of public money we have created here the most beautiful city in all this broad land. We have adorned it with magnificent buildings, upon some of which the treasures of art and architecture have been lavished without regard to expense. Hundreds of millions of dollars of public money have been spent upon its broad avenues, its shaded streets, its parks and grounds in making it the cleanest and handsomest city in all America. To this the whole population of the country have contributed, although an insignificant portion only will ever so much as see the objects upon which their money has been spent. Far from objecting to this, the people generally wish to make Washington a show city and the pride of the Nation. They only ask that its citizens shall pay the same taxes as they themselves do. In order that this may be done I favor the amendment of the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GENERAL EXPENSES.

Executive office: Two commissioners, at $5,000 each; engineer commissioner, so much as may be necessary (to make salary $5,000); secretary, $2,700; three assistant secretaries to commissioners at $1,600 each; clerks—one $1,500, three at $1,400 each, one $1,200, one (who shall be a stenographer and typewriter) $1,200, one $840, two at $720 each; two messengers, at $600 each; stenographer and typewriter, $1,200.

Mr. SISSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11692, the District of Columbia appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following telegram:

BOSTON, MASS., *April 30, 1918.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.:

Request leave of absence for balance of week on account of important business. Since Government has commandeered wool supply of United States, I, as wool merchant, am compelled to shut up shop and go out of business, practically, and this is just why I am here.

RICHARD OLNEY, M. C.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. JUUL. Mr. Speaker, I want to ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 10613. An act to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3771. An act authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government; to the Committee on the Judiciary.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Thursday, May 2, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Los Angeles Harbor, Cal., with a view to dredging a channel of adequate width and depth in the West Basin (H. Doc. No. 1072); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Alien Property Custodian submitting an estimate of appropriation required by the Alien Property Custodian for salaries and expenses of his office for the fiscal year 1919 (H. Doc. No. 1073); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Interior, of the 25th instant, submitting a deficiency estimate of appropriation for stationery, Department of the Interior, for the fiscal year 1918 (H. Doc. 1074); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of the Missouri River between Yankton and Vermilion, S. Dak. (H. Doc. No. 1075); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10297) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, reported the same with amendment, accompanied by a report (No. 533), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILLON: A bill (H. R. 11847) to confer further jurisdiction and powers upon the Court of Claims to determine and report the interest, title, ownership, and right of possession of the Yankton Tribe of Sioux Indians in and to the land known as the Red Pipestone Quarries; to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 11848) to amend section 336 of the Revised Statutes of the United States, relating to the annual report on the statistics of commerce and navigation of the United States with foreign countries; to the Committee on Interstate and Foreign Commerce.

By Mr. DENT: A bill (H. R. 11849) to authorize the President to further increase temporarily the Military Establishment of the United States; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 11850) in relation to the chief clerk and others in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. VARE: Joint resolution (H. J. Res. 285) providing for the designation of an official insignia for the relatives of members of the Army, Navy, or Marine Corps who lose their lives in active service in the war with Germany and Austria; to the Committee on Military Affairs.

By Mr CAREW: Memorial of the Legislature of the State of New York, pledging its resources to the vigorous prosecution of the war, and favoring the entrance of the United States into a league of nations to safeguard peace; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of the State of Rhode Island, indorsing the proposed council of States on the establishment of a definite relationship between sources of Federal and State revenues; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 11851) granting a pension to Mary L. Colwell; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11852) granting an increase of pension to John H. Beatty; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 11853) granting a pension to Willets Haas; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 11854) granting an increase of pension to Richard G. Myrick; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11855) granting a pension to Eliza McDaneld; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 11856) granting an increase of pension to William H. Black; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 11857) granting a pension to Hattie Geske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11858) granting a pension to Lillie Geske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11859) granting a pension to Bertha Hansmann; to the Committee on Invalid Pensions.

By Mr. JUUL: A bill (H. R. 11860) granting a pension to Margaret Holly; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 11861) granting a pension to Lewis H. Abbott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11862) granting a pension to Marie W. Rockey; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 11863) granting a pension to Edward S. Coffin; to the Committee on Pensions.

By Miss RANKIN: A bill (H. R. 11864) granting an increase of pension to Alfred Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11865) for the relief of A. F. Meldrum; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 11866) granting an increase of pension to Christian Miller; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 11867) granting an increase of pension to Franklin Forgey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11868) granting an increase of pension to Thomas P. Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11869) granting a pension to William A. Fox; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Archbishop Messmer, urging the exemption of divinity students in the new draft law; to the Committee on Military Affairs.

By Mr. DARROW: Resolutions adopted by the Philadelphia Bourse, advocating free zones in the ports of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania State Executive Committee, Patriotic Order Sons of America, in behalf of House bill 9786, allowing reduced rates of transportation for men in the military and naval service of the United States; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petitions of the Jacksonville (Ill.) Creamery Co. and J. R. Middendorf, opposing enactment of House bill 3777; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Memorial of the mayor and councilmen of the city of Tacoma, Wash., favoring regulation of prices of wheat substitutes; to the Committee on Agriculture.

By Mr. MEEKER: Petition of 20 citizens of St. Louis, in favor of prohibiting the sale of all intoxicating beverages during the period of the war; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolutions passed by a mass meeting in Philadelphia Sunday, April 21, protesting against the conscription of the manhood of Ireland by England; to the Committee on Foreign Affairs.

By Mr. NOLAN: Memorial of Associated Chambers of Commerce of the Pacific Coast (C. W. Burks, secretary), San Francisco, Cal., favoring permanent merchant marine and foreign trade policy for the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. WELTY: Resolution of the Lima (Ohio) Trades and Labor Council, in the matter of Thomas J. Mooney et al.; to the Committee on the Judiciary.

SENATE.

THURSDAY, *May 2, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, our Father in heaven, we thank Thee for Thy great love and for the multitude of Thy tender mercies. We thank Thee for all the provisions of Thy grace and for our marvelous opportunities amid the dangers of to-day. We thank Thee for all the supplies Thou hast through Thy kind providence placed in our hands. Help us to lay hold upon these forces for meeting all the demands that are upon us and for meeting the demands of this critical time.

O Thou God of battles, help us at this time. Strengthen our armies that are battling for the right across the seas to-day. Uphold Thou the laws of justice and righteousness for which they contend and which are the habitations of Thy throne. As Thy right hand and Thy holy arm brought victory to Israel in the long ago, so may we trust in Thy almighty power to-day, and may the time speedily arrive when wars shall cease to the ends of the earth and when permanent peace shall be established among all nations. We ask it in the name of Christ the Lord. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, April 30, 1918, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

AIRCRAFT PRODUCTION.

Mr. BRANDEGEE. Mr. President, the other day I presented to the Senate a communication written by Mr. Gutzon Borglum to the New York Times relating to our aeroplane service. It was stated on the floor by certain of my friends on the other side of the Chamber at that time that there were intimations that Mr. Borglum had some financial interest connected in some way with aeroplanes or aeronautics. I did not know about that matter and could not say anything about it at all, and so I was unprepared to enter upon that phase of it. Of course, if he had, naturally any criticism that he made upon the service or the production of aircraft would be to a certain extent discounted.

I have received from Mr. Borglum a telegram which, I think, in justice to him ought to be read by the Secretary, giving his statement about whether he is interested or not financially. I should like to have the Secretary read it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

STAMFORD, CONN., *April 30, 1918.*

Senator BRANDEGEE,
Capitol Building, Washington, D. C.:

Please deny absolutely that I had or have interest in any aeroplane company or monetary benefits by result of inquiry. That lie and others invented by interests who most dread investigation, and since middle of January have used every means to invalidate and interfere even with Senate inquiry. I also deny that I have discussed other than general evidence with anybody, nor will I, except before a judicial nonpartisan body. My letter to Times, written solely to protest against aeromobile interests blaming Squier for everything. Aeronautic production is still in the clutches of the ring and no headway will be made by Mr. Ryan or anyone else until that is broken up. Tell Senator THOMAS that the only reason my inquiry hurts anybody is that it is expert. My inquiry was finished February 12.

GUTZON BORGLUM.

Mr. BRANDEGEE. The New York Times on yesterday published a review of the report, with the full text of the findings of the Aeronautical Society of America, in relation to this same subject, and I ask that that be read by the Secretary.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary proceeded to read and was interrupted by

Mr. THOMAS. Mr. President, may I ask what the Secretary is reading? I have just come into the Chamber.

Mr. BRANDEGEE. He is reading an account in the New York Times of the report of the investigations of the Aeronautical Society of America.

Mr. THOMAS. In yesterday's issue?

Mr. BRANDEGEE. Yes, sir; in yesterday's issue.

The Secretary resumed and concluded the reading of the matter.

Mr. WADSWORTH subsequently said: Mr. President, in view of the statement made a few moments ago by the Senator from Arkansas [Mr. KIRBY] with respect to the report of the Aeronautical Society of America, out of order I ask unanimous consent that the full report be included in the remarks of the Senator from Connecticut [Mr. BRANDEGEE], who is just now absent from the Chamber and who made the original request. Objection was made by the Senator from Arkansas, which was later withdrawn.

The PRESIDENT pro tempore. Does the Senator desire it printed in the RECORD in lieu of the partial report?

Mr. WADSWORTH. In lieu of the partial report, as read from a copy of a newspaper.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The report referred to is as follows:

THE AERONAUTICAL SOCIETY OF AMERICA (INC.),
New York, April 2, 1918.

FREDERICK W. BARKER, Esq.,
President of the Aeronautical Society of America,
New York City.

SIR: I beg to transmit herewith the first report of the investigating committee of the Aeronautical Society of America.

Respectfully,

LEON CAMMEN, *Chairman.*

REPORT.

The investigating committee of the Aeronautical Society of America was appointed in August, 1917, with instructions to follow the developments in the execution of the aeronautical program and to advise the society of any opportunities which might offer themselves for it to be of service to our Government.

It has, however, become apparent at an early date that the execution of the aeronautical program was being diverted into paths where the possibility of success was distinctly imperiled. As time went on the committee saw with dismay the issuance of statements by the Government which it was compelled to regard as untrue. For a while it was under the impression that such statements were issued for the deliberate purpose of misleading the enemy. It regrets to have to say, however, that it has become apparent since that it was to mislead the American people that these statements were issued.

A still more threatening feature of the situation appeared to be the growing lack of coordination between the engineering and the production departments, clearly indicating that neither realized the nature of the work which they had to do and the means by which success in such an undertaking could be accomplished.

The committee found that the organization of production was such that delays would be inevitable. Not only that, but the production was so organized that no effective plans were made to keep the American aviation engineering at least on the same level of excellence as that of the enemy.

As men familiar with the art and having information concerning the military use of aircraft, the committee was frankly horrified to find that American aviators, the flower of the youth of this country, might be sent up ultimately in inferior planes—sent practically to certain death.

The situation was far too serious for either the committee or the society to keep silent, as silence in such a case would be treasonable.

Hence the committee has made several efforts to bring the results of this investigation to the attention of the proper officers of the Government, but has not been successful in accomplishing this end. On all occasions it has been told that the situation is either well in hand or will be so in the briefest time. In fact, when Mr. Howard E. Coffin, director of this society and chairman of the Aircraft Board, appeared before the board of directors of the society in February, 1918, to explain the present aeronautical situation, he claimed that while certain delays have occurred in the past, the entire production schedule has been on the whole maintained in a satisfactory manner. Questions by some of the directors have, however, elicited information which indicated that the situation was by no means as rosy as represented.

Briefly, the committee came to the conclusion that—

(1) Practically all statements issued by the officers of the Government with respect to the execution of the aircraft program must be absolutely neglected as being untrustworthy, as representing the situation in a misleading and overoptimistic manner, and as sometimes containing matter indicating the technical ignorance of those who compose such statements.

(2) That the very vigorous censorship over all matters connected with the execution of the aircraft program has been of no military value whatsoever, as it failed to conceal from the enemy that which ought to have been concealed, and at the same time precluded effective cooperation with the Government on behalf of the American engineering profession. In fact, the committee ventures to express its conviction that the only purpose of the rigor of the censorship was to preclude the country from finding out the character of the official statements.

(3) That accidents in training, while not perhaps excessively numerous, have been of such a nature as to indicate that in part they were preventable, and again in part were due to improper organization of flying and improper handling of machines.

(4) The recruiting of men for the flying and nonflying services has been such as to create a vast amount of uncertainty in the minds of our young people, and has been lately entirely discontinued, with the grave possibility that men who would make first-class flyers are being deflected into other classes of service, where they may not be as useful and are lost to the aircraft service.

(5) The state of research in the country is such that at the time when the enemy is bending every effort toward producing better, faster, and bigger machines the American inventive genius is left unutilized, with the result that delays occur through ignorance of conditions and no improvements are made, either in the planes now being produced or in those which may be expected to be produced, for the program of 1919. In other words, even the program of the next year is imperiled unless steps are radically taken to combat this evil.

(6) The production of the fighting planes for the front is lagging through lack of cooperation between the engineering, procurement, and production departments, which is due to their failure to understand how a vast production of aeroplanes should be organized.

(7) The entire system of production is such that delays will grow with the rate of production, and the program lacks flexibility to such an extent that no really large production from this country can be expected unless the entire system is basically changed.

(8) The Liberty motor is doubtless a good design basically, but has been largely discredited by exaggerated claims and untrue reports about its performance made by high officials of the Government. The production of the motor has been delayed in a useless and unnecessary manner and the details of its design can not be considered to be definitely established even now.

From all information available, it appears further that while the low-compression, low-altitude type may be considered as being developed to such an extent that with proper effort it could be turned over to standardized production in a few weeks, the development of the more important high-altitude type is still in its infancy. It is progressing at a discouragingly slow rate, mainly because, to conceal the exaggerations made in the early reports, the officials concerned therein do not dare to stage the present true situation and thereby to secure the cooperation of men who could be of service.

(9) On the whole, it appears that less than 5 per cent of the production facilities of the country are utilized, and those facilities which are utilized have been in many cases neither properly selected nor handled in a manner conducive to the highest efficiency of production.

In submitting this report the committee desires to present the following additional information:

It has started the work with the desire to be of service to the Government and believes that in submitting what is mainly a critical document it still continues in its original line of work.

In its investigation the committee did not try to determine or fix any personal responsibilities. Neither has it concerned itself with questions of cost or profits, and when it ran across any evidence bearing on these matters it deliberately and consistently rejected it in the conviction that the Aeronautical Society of America is mainly an engineering body and should limit itself to the consideration of engineering and production features.

OFFICIAL PUBLICITY.

The committee at an early stage of its investigations became convinced, as has been since proven to a certain extent officially, that the majority of the statements issued by the Government in connection with the execution of the aeronautical program are untrustworthy.

The following statements appear to offend worst in the matter of truth speaking:

In the Official Bulletin of September 13, 1917, appeared the famous statement of Secretary Baker, giving the history of the Liberty motor.

This statement begins: "The United States aviation engine has passed its final test." This statement is unqualifiedly untrue. According to the statement of Maj. J. G. Vincent at the annual meeting of the Society of Locomotive Engineers, in December, 1917, the only test that was apparently given to the engine at that time was a 50-hour test not at maximum horsepower. It is ridiculous to call such a test final. In fact, it is doubtful if a final test has been given to the engine even now, in April, 1918.

In the same statement it is said that "tools for building the first engine were made even before the drawings were finished, on the assumption that they would be correct." It is absolutely impossible that this should be true, as before the tools can be made the dimensions of the parts have to be known.

The statement proceeds: "Thirty days after the assembling of the first engine preliminary test justified the Government in formally accepting the engine as the best aircraft engine produced in any country. The final test confirmed our faith in the new motor in every degree." Here again Secretary Baker speaks about the final test. Here is, however, chronology. The engine was set up for the first time on July 3. The preliminary tests were made 30 days thereafter, or about August 2, at which time only one unit was built. It would appear, therefore, that the engine was developed to the final stage in about 40 days more and given the final test. We know, however, that this is untrue, because the engine is barely in the final stage even now.

The next statement which contains inaccuracies of a still graver character has been issued by the Secretary of War in October, 1917. At that time it was stated that "work is in progress on practically the entire number of aeroplanes and motors for which provision was made in the aviation bill passed by Congress in July." As a matter of fact, at that time practically no work was in progress on the manufacture of machines. In many cases the buildings in which the machines were to be manufactured were not yet built.

"The types of aeroplanes now in process of manufacture cover the entire range of training planes, light high-speed fighting machines, and powerful battle and bombing planes of the heaviest design"—again untrue, because at that time neither the light high-speed fighting machines nor the battle and bombing planes were in the process of manufacture. In fact, according to a statement made to the directors of this society by Mr. Coffin, no light high-speed fighting machines have been or are to be manufactured in this country at any time.

On January 29 and 30 Col. Deeds, in testifying before the Senate Military Affairs Committee on the aeronautical situation, stated, according to the nearest report of the hearing as published in the New York Tribune, that "the machines now being manufactured and sent to France not only would meet present requirements but would excel anything the enemy may produce in some time to come." At that time no fighting machines were sent to France.

It was also stated that "80,000 aviators, trained or nearly trained, were available for the American aircraft fleet"—Motor Age, January, 1917. This statement is untrue and ridiculous on its face, as actually less than one-tenth of this number is available.

On February 20, 1918, an Associated Press dispatch stated that "control of the air in the American sector belongs to the enemy." On the same date, obviously to counteract the impression produced by the press dispatch, was published a statement authorized by the Secretary of War "in order to give as complete a picture as is permissible under military requirements of the problem and the progress in equipping the air service with fighting planes."

The picture is so complete that one can not help seeing in it things that are not in the original landscape. "The first American-built battle planes are to-day en route to the front in France. This first shipment, though in itself not large, marks the final overcoming of many difficulties met in building up this new and intricate industry." This statement would be plainer to the ordinary man if it were frankly stated that only two machines were en route.

"These planes are equipped with the first Liberty motor from machine production. One of them in a recent test surpassed all records for speed and climbing for planes of that type." The committee hesitates to state what it thinks about this statement, because it does not know whether it was simply invented in the office of the Secretary of War or elsewhere, or whether it was based on an actual engineering report. In view of the fact that several weeks after the shipment of these planes such a vital feature of construction as the lubrication system of the Liberty motor has been found to be unsatisfactory, the talk about breaking a record sounds discouraging. If it was invented by the writer of the statement, it is only one of the many misstatements clogging the aeronautical program. If it is based on a report of the engineers, an investigation is most respectfully suggested, and the committee ventures to add that drastic action would be taken against any engineers submitting as misleading a report in private business.

"The great problem now remaining is to secure the thousands of skilled mechanics, enginemen, motor repair men, wood and metal workers, etc., needed to keep the planes always in perfect condition." The War Department has apparently found a way of securing these men by machine production. It does not appear how they can be secured otherwise, because the committee understands that the various recruiting aeronautical officers have been instructed to discontinue the acceptance of men for the nonflying services.

"Now that American battle planes are going overseas a great increase in the volunteering of skilled mechanics is both essential and expected." The country never failed to give the men, the need for which is essential. The War Department fails to make them welcome.

Just to indicate what a misleading impression is being created not only in the general public but even in technical circles most closely allied with the execution of the aeronautical program, the committee begs to quote two statements from editorials in the Automotive Industries, a leading automobile trade paper.

On March 14, 1918, page 559, the editorial states: "The aeroplane schedule is up to date." On March 21, 1918, on page 607, the editorial states, "That the production program is behind schedule is a matter of regret." If a person as closely allied with the industry and as skilled in the art as the editor of the Automotive Industries was deceived to such an extent as to make one week a statement which he had to acknowledge as being untrue the next week, it shows the grave results of the policy of untruth and misstatement of the various officers connected with the execution of our aeronautical program.

The committee has never known an engineering undertaking to succeed by means of untruthful advertising, and it does not believe that in this instance misstatements have been or will be of any service in arousing the patriotic spirit of the country. In fact it grieves to think that there were high officials in the Government who thought that the American people need to be fooled into fighting for their country. The spirit of the people in the draft, in the loans, and in the volunteering has shown that this is entirely unnecessary. The Government's publicity campaign had one result which was neither desired nor desirable.

According to Reuter's Agency the French general staff has in its possession proofs that the Germans, spurred to greater effort by the fear of American achievement, have vastly increased their aerial forces. Some 400 furniture, woodworking, and piano factories have been converted to the new uses; the Fokker Co. has taken over the great Berzina piano factory, near Schwerin, and large orders for parts were placed in Switzerland. The production in Germany has reached 700 to 1,000 planes a week and is growing. The "American danger" has been also referred to on several occasions in German general staff orders.

This would have been bad enough if the American planes were there, but they are not.

CENSORSHIP.

An extremely rigorous censorship over all matters connected with the execution of the aircraft problem has been maintained from the beginning, to such an extent that, for example, for several weeks after the issue of the Secretary of War's statement about the Liberty motor the papers were not allowed to mention the names of the designers of the motor, Messrs. Vincent and Hall.

In the majority of cases this censorship had no military value whatsoever, but materially interfered with production.

To cite an example, the Liberty motor. The original statement about the motor was issued in September, but nobody was allowed to know any details of construction. About six weeks later a brief notice in the engineering periodical Power gave a few details about the construction, enough to recognize the type but not enough to be of any other use. Then, in the early part of December, Maj. J. G. Vincent presented a paper before the Society of Automotive Engineers, which gave sufficient data for the enemy to recognize the vital features of the design of the engine, but not enough for American engineers to be of service to the Government. Since then little items of information filtered through here and there, mainly indicating various teething troubles in the growth of the motor.

This brief sequence leads to the following conclusion:

In the first place, if the information contained in Maj. Vincent's paper was permissible for publication in December, there was no reason—except political overadvertising—why it should not have been published in the early part of September, when the benefits of two months of criticism would have been secured by the designers.

In the second place, there is no reason whatsoever why the Liberty motor, as a whole, should be considered secret and confidential even now. So many units have been built in factories where there are supposed to be about 1 spy to every 15 or 20 workers—according to Senator OVERMAN—that there is no doubt that the enemy knows, or can know, every one of the details of construction. If, however, an American engineer went to the Signal Corps and asked to see the motor, so as to offer his suggestions, he would be probably thrown out of the room.

The result of this has been quite disastrous. The tooling up of the motor has been delayed partly because the designers of the motor were not machine-shop men. There have been several troubles, such as ignition in the high-altitude type, cooling, lubrication, which could have been avoided if advice were early sought or welcomed.

There is no reason whatsoever why, in the case of a national production like the Liberty motor, a few units, in which the really secret parts had been substituted, could not have been set up in Washington, Detroit, New York, and Chicago in such a manner as to be accessible for inspection by properly accredited engineers whose loyalty is beyond suspicion. In this way the cooperation of the country would have been secured and delays in production avoided.

There are even now in the Liberty motor features which would not stand the open criticism of American engineers, but this criticism is stifled—to whose benefit?—by the fact that nobody but those who can be "politically trusted" are permitted to see the motor.

At the annual meeting of the Society of Automotive Engineers Maj. J. G. Vincent stated that "we have something up our sleeves." If anything but cuffs was up their sleeves, the best thing was to keep silent about it. The Aeronautical Society of America is vigorously in favor of maintaining the strictest secrecy about any real engineering progress or useful inventions made in this country, and unqualifiedly indorses all legislation proposed for the suppression of spies. It believes that such legislation is most urgently needed, provided, however, antispy and censorship measures are not used to cover the incompetence of officials.

ACCIDENTS IN TRAINING.

If the number of accidents in training has been published completely and correctly, it can not be considered as being excessive. Unfortunately, however, there is a growing conviction that at least some of the accidents could have been prevented.

In the published reports of accidents the causes are stated only very briefly and sometimes quite unintelligibly. Nevertheless two classes of accidents appear to have been of the type which should form a subject of the most rigorous investigation.

There were several collisions in the air. Now, there is far less reason and justification for a collision in the air on the training field than for a train collision on a railroad. With the whole State of Texas to fly in, a territory about the size of France and Belgium together, and only a few hundred men to take the air, there is absolutely no justification for the failure to prepare such a schedule that the men who are up in the air at the same time should be at least 20 miles away from each other. Apparently no such schedule has been prepared, and men were allowed to fly at their sweet will. Considering the fact that men in the early stages of training are not properly equipped for gauging distances or the speed of their flight, the absence of a flying schedule practically invited accidents. If such accidents happened in a flying school in civil life the men in charge would have been indicted for homicide.

The second group of accidents is very deplorable from another point of view. This refers to accidents due to the ignition of the tanks. There is no reason whatsoever why a tank in a training machine should get on fire. In a fighting machine which may be up in the air for very long periods under all sorts of conditions, with an engine sometimes running above critical speed, the vibrations and strains on the structure may be such as to cause leaks. A training machine goes up in the air for limited periods of time, with the engine running considerably below full output, and flies at fairly low speed. Besides, the training machine practically never goes up when the weather is very rough. Hence, the training machine is never subjected to such legitimate strains as would cause leaks of tanks with consequent ignition of the gasoline. The only reason why such things can occur is either defective construction of the machine or defective system of inspection and maintenance of machines between flights. Every case of ignition of a tank on a training machine in the present state of engineering, shows a crime on somebody's part, and every young man who loses his life from this cause has been murdered. It is an unpleasant thing to say, but that is what it amounts to.

That the acceptance and inspection of the apparatus on the flying fields is not up to a high mark of efficiency is shown, for example, by the significant case of the goggles for fliers. It is a fact that defective goggles have been accepted and extensively used, the goggles being equipped with such glasses that when an aviator at landing thought that he was at the height of about 50 feet above the ground, he was actually up not more than 10 feet, this resulting in several accidents and in a good many cases excessively heavy bumping of machines at landing. Unless the goggles were accepted without any testing whatsoever, which would be a very startling case, the committee fails to see how the inspectors in charge of acceptance failed to notice such an obvious defect, and if such a defect has remained unnoticed, who knows how many more are there lurking unknown and threatening the lives of our young men.

These accidents indicate that the training system requires tightening up and more systematic organization.

RECRUITING.

The recruiting of men both for the flying and nonflying services has been started with the big brass band, only to be practically entirely discontinued in the last few weeks. The actual recruiting for the flying sections has been entirely discontinued, even examinations being suspended; for the nonflying sections, the recruiting has been discontinued in the East, but a limited number of men are still being taken in in the Middle West.

When asked about it, officials of the Signal Corps stated that "there is no lack of human aviation material, no matter if fit boys do go to other arms of war service." This is a plain case of careless ignorance of the problem before us, which shows that the men in charge of American aviation have failed to learn from European experience.

The best flying material is furnished by young men between 21 and 25. The June, 1917, registration showed approximately ten and a half million men in the ages between 21 and 31. Hence, roughly four and a half million men would fall within the limits 21 to 25. Of these four and a half million, roughly 25 per cent have to be eliminated as covering aliens and colored men, who could not be considered for the service. This leaves 3,375,000 men. As about one man in a hundred makes really good material for the Aircraft Service flying branch, this would indicate that we have roughly about 40,000 men available. Perhaps 10,000 more could be secured by lowering the age limit to 19 years, which would be advisable anyhow. Still, going by averages, we have only 50,000 men. Of course, this is more than sufficient for the number of planes which the present aircraft administration can produce, but it is entirely insufficient for the number which this country may need if the war is carried into 1919.

It is by no means exaggerated to expect that between 75,000 and 80,000 machines with the American star may have to be delivered to the European front by the middle of 1919, if we want to smash the Hun. (The aircraft authorities may say that this can not be done. It is, however, an old story that the men who can not do a thing say that it can not be done. Why not let somebody try who thinks that it can be done?) If 75,000 or 80,000 machines have to be delivered, that will mean 150,000 men, which again will mean that even a country with the best human resources in the world practically untouched, may have to strain its resources to the utmost and perhaps use the second best material to meet the most urgent situation that human history has seen.

Under these conditions, to lose deliberately excellent material through the failure of simply going through the process of induction into service is a shortsightedness which borders on plain madness on one side and treasonable cleverness on the other side. Every man fit for the Aviation Service who is driven into any other service is an ineradicable blot on the record of the present aircraft administration.

It may be reasonably asked what can be done if there are not sufficient facilities for training all the men available. Such a question would simply indicate lack of understanding of what the modern aviator's training consists. A good aviator to-day must be not only a good flier but also a good signaler and a good wireless man. He must know the rudiments of artillery firing. He must have experience in observation. If he is a map sketcher, he is all the more valuable. A good knowledge of photography is of great value. All these branches are usually somewhat slighted because of the necessity of rushing the man through the schools as fast as possible. This haste in training was justified in England and France, where the need for aviators was tremendous and the number of men not large enough to pass the school facilities.

We in America have more men than training-camp facilities. We have therefore no need to rush through the training in the auxiliary branches. We can train our men so as to produce at least 300 per cent better men than either England or France have ever been able to produce, and we are not doing it, exclusively because everybody seems to think that we must copy every mistake and every defect of the foreign systems. Americans have never been so slavishly subservient to foreign examples, and they are not in other branches of military training. There seems to be some kind of a fog around the whole aviation program which precludes the men in charge from seeing either the great resources, human and material, of our country, or the ultimate aim of our program, and our boys will pay for this by their lives.

RESEARCH AND INVENTION.

The art of aviation is tremendously new, and the efficiency of the engine, plane, and accesories is comparatively low. In fact, it would not be an exaggeration to say that the over-all efficiency of the aeroplane as a whole is hardly more than 3 per cent.

It is because of these facts that research and invention play an unusually important part in the development of aeronautics. The enemy is hard at it and is doing his best all the time to produce bigger, better, and faster planes. It is very fortunate for the cause of the allies that the fine work of British and French designers has been able to keep up with that of the enemy, so that on the whole the air supremacy has been either undecided or, except for brief periods, with the allies.

When America entered into the struggle the world had a right to expect that a new era has begun for aeronautical developments. The aeroplane is an American invention. So is the flying boat and the hydroneroplane.

In numberless other lines American engineers have led the world by their ingenuity and boldness of engineering achievements. The best machine-shop men, the best makers of automatic machinery, the biggest makers of automobile engines are in America. Further, for three years, while the world was on fire, America at peace had time to prepare itself.

This matter of invention and research is of far greater importance than mere sentiment or advertising. One thousand bigger and better machines than any now available at the front would be more valuable than 5,000 machines of the usual size

and capacity and than 10,000 machines of inferior speed or carrying ability. The inventor's work is therefore at least as important, if not more so, than that of the production engineer.

It is perhaps more than anything unfortunate that apparently the leaders in the execution of our aeronautical program failed to realize this basic condition, which has been probably due to the fact that they are not aeronautical engineers and have no first-hand knowledge of the development of the art, and the present situation at the front. For men who are entirely unfamiliar with the art, it seemed to be the safest course to pursue, to move along the ruts broken by those who went ahead. In fact, the Secretary of War, in his statement giving the history of the Liberty motor, announced with apparent pride that the designing engineers were instructed not to use any but fully tried-out constructions. If a man started to design a racing car under such orders it would be a safe bet that his car would not be in the first three at the finish.

The actual situation in connection with research and invention is as follows:

The entire matter is in the hands partly of the Signal Corps and partly of the national advisory committee for aeronautics. The Signal Corps has somewhat over $2,000,000 available for this purpose, and is doing some useful work at the McCook field at Dayton, Ohio, where this work is in charge of Maj. J. G. Vincent. The work done is of a very high grade, indeed, but the facilities available and the number of men employed are entirely inadequate for the tremendous program of this country, and the multiplication of the work done there by 20 would be barely sufficient.

Likewise a good deal of work is being done at the Bureau of Standards, chiefly in connection with the development of the Liberty motor. Here, again, the work done is of the highest grade. It is under the direction of Dr. S. W. Stratton and in personal charge of Dr. C. H. Dickinson. The staff is small; the facilities limited to such an extent that only work of the most vital importance in connection with the current program can be carried out, and even this restricted program is put through only at the cost of working the men and apparatus to their utmost capacity; there are no union hours at the Bureau of Standards.

The national advisory committee is supposed to take charge of new inventions in aeronautics, and in fact has several times issued appeals to have such inventions submitted to it. It was organized long before the United States entered into the war, and consists of a few men who have many other and onerous duties to perform. Practically all the members of the committee are men only indirectly familiar with aeronautics. The committee has no laboratory facilities at its command for testing out inventions; no shops, no organized technical staff for their consideration, so that, to all practical purposes, the submission of a serious invention to the committee results simply in loss of time, both to the inventor and the members of the committee. To all practical purposes the committee is nothing but an office for the filing away of descriptions of inventions, and one can not help thinking that the most honest thing that the committee could do would be to tell the truth and thus forestall the loss of time and money by inventors who communicate with it. The appropriation asked by the committee for the next year is only $260,000, an amount ridiculously small for an organization taking charge of inventions for a program which may easily run into several billions of dollars. Private concerns, like the General Electric Co., have been known to spend several times this amount on a single research.

The only proper thing to do would be to reorganize the committee into a modern, adequate body, with ample laboratory facilities and a staff of men who would devote their entire time to the consideration of new inventions. An adequate appropriation, something like $25,000,000, should be granted to the committee, and the work placed in charge of a man of the type of Dr. Whitney, of the General Electric Co., not necessarily an aeronautical man, as such may not be available, but a man accustomed to research in its broad aspects on a large scale.

STANDARDIZATION AND PRODUCTION.

The execution of the aeronautical program was from the beginning largely in charge of automobile engineers, and to a certain extent under the influence of the Society of Automotive Engineers. One of the tenets of the automobile engineer's gospel is standardization, which means adoption of such a type of construction that, as far as possible, only elements of certain accepted shapes, types, and dimensions should be used.

In view of American methods of production, which are based on the maximum use of automatic machinery and minimum use of skilled labor, a certain amount of standardization was inevitable if results were to be achieved. A reasonably large degree of standardization was advisable, and even a slight excess of standardization might have been condoned, provided it would lead to quick results.

There are certain dangers in overstandardization of such rapidly changing structures as aeroplanes, because standardization may easily stand in the way of progress. In fact, the committee understands that in the latter part of 1917 the British Air Board called the attention of the American authorities to these dangers.

The investigating committee does not deem it advisable to enter here into a discussion of whether standardization in the exercise of the American aeronautical program has been carried beyond reasonable limits, as this is largely a matter of opinion. What the committee desires to emphasize, however, is that the benefits of standardization have been lost through lack of coordination between the engineering, procurement, and production departments.

The main reason for standardization is that standardized parts can be manufactured by concerns best equipped to do it. Therefore parts of planes and engines can be manufactured all over the country and then easily assembled, and in this way the total production capacity of the country can be easily utilized.

We see, however, that actually the Signal Corps in the manufacture of aeroplanes and parts has 65 contractors and 400 subcontractors. Now, the use of subcontractors is radically opposed to the very spirit of standardized production. If the subcontractor makes a bolt, a nut, or a turnbuckle of standardized design for the Curtiss Co., there is no reason why it should not make the same piece of apparatus for any other company in the field; and if so, there is no reason why the concern should act as a subcontractor and not as a direct contractor.

Subcontractors are used either when the original employer, in this case the Government, does not know where to find them and is willing to pay a brokerage fee to the contractor for the information. It would be a shame if this were the case here.

Another reason for using subcontractors is when the product is such that only one particular contractor uses it, but this is opposed to the principle of standardization.

The third reason for using subcontractors is to increase the profits of the contractor at the cost of the subcontractor. The committee can not believe that this has been the reason in the present instance, but failing all these three causes it does not see why any subcontractors should have been used.

The concentration of the entire production in the hands of such a limited number of concerns as the original fortunate 65 contractors could have been easily carried out even without resorting to the principle of standardization. It led, however, to a tremendous delay in production, because of the limited productive facilities of these 65 concerns, some of which at the time when they received the contracts had no facilities except financial and political connections.

The small plants have not been utilized. In fact, the Council of National Defense in its report for the first year explained that this was its fixed policy, due to the fact that accountants had to be put into plants where the work was done on a cost-plus basis, and that the limited number of accountants made it impossible to use the smaller plants. The investigating committee wonders if Pershing's men will be satisfied, when the planes fail to materialize, to be told that the planes did not come because there were not enough accountants to make reports to the Council of National Defense.

As a matter of fact, with standardized production and a reasonable desire to get results, there was nothing simpler than to permit the smaller plants to produce parts at a fixed price, with bonuses for early deliveries and penalties for delays. To take the wooden parts as an example, struts for aeroplanes could be produced in about 5,000 plants of cabinetmakers, furniture makers, piano factories, toy makers, and so forth, at the rate of about 2,000,000 a day, which would be many times more than is necessary for the needs of the American aviation. At the present time they are producing at the rate many times less than is necessary. These contractors can work under a standard contract at so much per piece, with standard bonuses and penalties. There would be no hundred million dollar contracts, no pomp and glory in Washington, but achieved results.

The same applies to everything from beginning to end. The productive capacity of the country is utilized to probably not more than 5 per cent, because apparently the ability to produce goods urgently needed is by no means a sufficient consideration for securing a contract.

The investigating committee has found that in some cases a brokerage commission—to give it the real name—is to be paid to a favored company by those who desire to get work.

Thus there have been before the United States entered into the war several small aeroplane companies who have been doing

very fine work on a small scale. When the United States entered the war these companies offered their facilities to the Government. The investigating committee knows of cases where such companies were told that they could work only as subcontractors to the Curtiss Aeroplane & Motor Corporation, and when they went to the Curtiss Co. they were told that they could secure such contracts only by paying the Curtiss Co. a commission somewhat in excess of 1 per cent, and further by recognizing the validity of the Curtiss patents, some of which are now under litigation and some others not considered as valid by American builders. Mr. Howard E. Coffin was asked by the directors of the society to explain why a company could make planes as subcontractors to the Curtiss Co. but not as a direct contractor to the United States Government. Mr. Coffin startled the directors of the society by declaring that he was entirely ignorant of the existence of such a situation, and that in fact the Aircraft Board did not even possess a list of such companies. The investigating committee believes that this indicates utter ignorance of the manufacturing resources of the country on the part of an institution of which the only excuse for existence is its ability to advise the Government about such resources.

PRODUCTION.

That there have been great delays in production has been vigorously denied only about three weeks ago. In fact, there was a tendency to brand as pro-German propaganda all assertions that there have been delays. Of late, however, the pitiless logic of facts forced the War Department to concede a delay at the rate of about 60 to 90 days, resulting in the fact that instead of thousands of planes being delivered to France by July 1, only the pitifully ridiculous number of 37 planes might be so delivered—sufficient for about six hours of fighting at the present rate. Some of the causes of these delays are of a justifiable nature.

There have been changes in the program during the year, due, however, very largely to the fact that the original program was drawn up by men who knew next to nothing about either the art of flying or the production of flying machines.

There have been delays due to enemy interference in the plants, which latter were also hampered by lack of laws to combat such interference. This should be corrected at the earliest opportunity, but the results of spy activities in the past should not be exaggerated. In fact, such a statement as that of Senator OVERMAN to the effect that substitution of lead in a piece of tubing on a Bristol machine delayed production for two months, shows rather a lack of understanding of engineering production on a large scale. It certainly did not need two months in a decently organized, big plant to change a piece of piping or a bracket on a machine.

Finally, labor troubles were several times mentioned as having delayed the delivery of essential materials, such as spruce. This, again, should not be exaggerated, as a Senator stated from the floor of the Senate that he offered to the Government on behalf of some of his constituents to deliver all the spruce necessary, and that this offer has been neglected.

There have been other causes of delay, however, for which the investigating committee can find no justification whatsoever.

The diplomatic relations with Germany were broken on February 4, 1917. War was declared on April 6, but the first meeting of the engineers to discuss the Liberty motor did not take place until June 3, or nearly two months after war was declared. What justification was there for delaying so much this most vital feature of the work? Funds were available, as at that time more than half of the hundred million dollar emergency fund at the disposition of the President could be used for this purpose.

Other delays were due to the very inadequate system of contracting for the production of planes and engines. Practically all the contracts are made on a cost-plus basis, without any bonus for early production or any penalty for late production. The whole matter is therefore left to the discretion or patriotism of the producing companies, a pitifully inadequate system in a matter of such vital importance. Certainly none of the engineers of the Aircraft Board or Signal Corps has, or ever would, stake the welfare of his private business on such a contract, but evidently what was not good in "real business" was good enough where only the lives of the men in our armies depended on the timely production of aircraft.

A still worse feature was that even after the contracts were signed, apparently little effort was made to help the contractors to get along with their work.

Thus, the first five-day suspension of fuel utilization—Garfield order—did not exclude aeroplane factories.

In other cases production was retarded by inconsequential changes of design. Cases have become public where blue prints were recalled and work delayed in order to make changes of a most puerile nature.

There were still worse cases where blue prints sent from the Signal Corps failed to reach manufacturers because proper precautions were not taken for their delivery, and because there was no proper system of checking the movement of documents of such importance. A rather startling fact has been disclosed by a director of the Curtiss Co., which, if true, would indicate an absolute absence of any kind of organization in the Signal Corps. This gentleman has stated in the public press that the Curtiss Co. has delayed the delivery of bombing planes because until the end of March, 1918, the Signal Corps failed to adopt a type of bombing attachment. If true, this would be equivalent to saying that the Army can not be sent to Europe because the Government has not yet decided on the rifles it is going to use. The investigating committee leaves the responsibility for this fact on the source from which it was taken, as the fact is too startlingly horrible to be accepted as true without further proof; but, if true, it is certainly time that something should be done about it.

LIBERTY MOTOR.

The investigating committee has found a very surprising situation with respect to the Liberty motor. The true story of the Liberty motor is one of which the country may well be proud. Instead of this a fairy tale, untrue, boastful, full of flamboyant statements, sometimes written with ridiculous ignorance of elementary engineering, has been told. The effect of this was that a considerable uneasiness and suspicion has been created about this motor in the minds of the people, the fault for which rests entirely and exclusively with the publicity campaign of the aircraft officialdom.

In fact, it would be no exaggeration to say that if a private company advertised a motor for the purpose of selling stock by statements similar to those used with respect to the Liberty motor it would have been long ago criminally indicted.

The committee desires to state the true facts, in the belief that the actual story of the Liberty motor is one that the country is entitled to know and of which it has a right to be proud.

Long before the war started, when only the most far-sighted and patriotic men in the country saw that the United States should get ready for emergencies, the leaders of the Packard Co., President C. B. Joy and Vice President Jesse G. Vincent, had decided to do by their individual efforts what the United States failed to do officially.

The Packard Co., while highly successful as a business enterprise, is really neither very large nor very wealthy, and an expenditure of several hundred thousand dollars, which work of this nature required, practically without any hope of financial returns, was a sacrifice of no mean magnitude. Nevertheless, the company patriotically decided to do it, with the result that when this country entered the war and the Government was looking for an aeroplane engine there were two years of high-grade experimental work available for the country to make use of.

For patriotic reasons the Packard Co. went even so far as to merge its name in the general name, Liberty motor, thus sacrificing all possible advertising value for its achievement. The company did not ask or ever receive a single cent in royalties or as compensation for the work done, and has given up one of its most valuable men, now Maj. J. G. Vincent, to the Government for the time of the war.

The Liberty motor represents in the first place the result of these two years of experimentation, and further the additional work put into it by a number of engineers who, while not specialists in aeronautical motors—this applies at least to the majority—have done in the past splendid work in the development and production of the high-speed gasoline engine generally. The motor is, therefore, basically without doubt an excellent motor, but it is not the best motor that the country could have produced, and is not yet really the motor which it is safe to use on the front.

The curse on the production of the motor has been the excessive secrecy needed to make possible its overadvertising. At the early stage of the production of the motor machine-shop men were not allowed to see it or to help on it. The result of this was that certain constructions were adopted which had to be changed when the question of tooling came up.

Only a few favored engineers were allowed to take part in the development of the motor, and the development itself went in ways quite unusual for an undertaking of this importance. To cite but an instance: It was only in February, 1918, or eight months after the beginning of the work, that an advisory committee consisting of two specialists, Messrs. H. M. Crane and D. McCall White, has been formed. There was no reason why such an advisory committee, consisting of perhaps 15 or 20

men, should not have been formed from the beginning, as it certainly would have been able to help in production.

In other instances where there was a divergence of opinion as to certain principles of design a course was followed unjustifiable in an undertaking so vitally important to the defense of the country as the Liberty motor. To cite an instance: It was somewhere about September, 1917, that a divergence of opinion arose as to lubrication of the motor. If a commercial company had staked a year's production and several hundred million dollars on a design of a motor, it would have gone ahead and built all types until destructive tests have shown which is the right one. Messrs. Coffin, Vincent, Deeds, and the rest of them can easily find instances in the records of the companies with which they were connected before entering into the service of the country where just such a course has been followed. But in the case of the Liberty motor it has not been found until comparatively recently that changes in the lubrication system have to be made.

According to a statement by Judson C. Welliver, Washington staff correspondent of the New York Globe (Globe, Mar. 29, 1918), "The Senate committee has elicited from notes to willing witnesses the admission that so recently as two weeks ago the whole oiling system of the motor has been changed." From this newspaper report it appears that a motor expert explained to the committee that there was nothing wrong with the oiling system of the Liberty motor. The difficulty was that the crank shaft was proper for a 4-cylinder engine, but used on a 12-cylinder one.

If this is true, we find here an instance where a mistake was made of so glaring a character as would have been absolutely impossible in the face of open criticism.

"Pitiless publicity" has been found an excellent remedy for rotten politics. It is as good a remedy for poor engineering, perhaps even a better one.

There is one feature about the Liberty motor which the committee desires to bring out most clearly. There has been a statement recently made, on authority not known to the committee, in the Philadelphia Public Ledger to the effect that the Liberty motor, speaking colloquially, is a hog on gasoline. In fact, the Public Ledger goes so far as to say that it consumes more than 100 per cent gasoline as compared with the British Sunbeam motor.

The committee has no data which would either confirm or disprove this very startling and vitally important revelation. It regrets to say, however, that it is inclined to believe that there is an element of truth in this assertion. In the first place, all official statements mention the great speed with which the motor was designed and the records which planes equipped with the motor have made in the air, but it nowhere says a single word as to the gasoline and oil consumption.

It is also very significant that in the paper of Maj. J. G. Vincent, as published in the Journal of the Society of Automotive Engineers for January, 1918, a lot of details are given about the motor and not a word is said about fuel and oil consumption.

The Packard Twin Six, which is undoubtedly a very fine engine in many respects, is not known as being economical on gasoline consumption, and is not claimed to be so. It is hardly necessary to say that if the Liberty motor has an excessive fuel consumption (let us hope that this is not true), the utmost efforts ought to be immediately applied to see that something should be done about it. It is particularly important to determine what this excessive consumption is due to and whether it is any leak of gasoline into the crank case, as this would eliminate the motor for purposes of long-distance flying, the only purpose for which it is good.

Another point which has to be considered in connection with the Liberty motor is the state of development of the high-altitude type, which apparently has not progressed as far as it ought to. This, however, is a matter which can not be discussed in detail in a report of a nonconfidential character.

Before the investigating committee leaves the subject of the Liberty motor it desires to emphasize most strongly the fact that, to the best of its knowledge, all persons concerned in its design, and in particular the Packard Co. before the war, the Bureau of Standards, and Maj. Vincent's organization since the beginning of the war, have done work of which both they and the country may be justly proud, work which represents the highest class of effort, worthy of the patriotism and genius of America. If the results are not what they might have been it was practically exclusively due to the fact that the organization which handled this matter was small, inadequate, bound by red tape, hampered by improper publicity, and fettered by secrecy, which was probably more unwelcome to the engineers directly in charge of the work than to anybody else.

As everywhere in the execution of the aeronautical program, here also the committee found the best of spirit, tireless effort, absolute lack of selfishness, and the highest devotion on the lower rungs of the service, and it was only when the investigation touched the tops of the service that lack of system, lack of knowledge of the subject, and absolute absence of all coordination of effort and worse became apparent.

CONCLUSION.

In conclusion, the investigating committee desires to report most respectfully that it has found a situation fraught with the gravest danger.

It has found throughout the planning of the aeronautical program an entirely un-American spirit of boastfulness, willingness to tell things as they are not, lack of system, fear of tackling a big subject in a really big way.

In a country which built the Panama Canal, the tremendous transcontinental system, the greatest subway systems in the world, which found new ways for the transmission of electrical energy, where a fifty or hundred million dollar undertaking in private life finds barely a mention on the inside pages of a newspaper, the execution of the aeronautical program was handled in the way of a wildcat stock-selling campaign.

It is useless to say that this kind of overadvertising (to use the mild official name for it) had nothing to do with the actual exercise of the program. It is a human experience that the man who is willing to tell an untruth about his work only very seldom is capable of doing the highest grade of work. The men by whose work the world moves ahead only in the rarest instances are willing to tell fully what they are doing, and never demean themselves to claim what they have not done.

Real achievement does not need fake advertising, and where there is fake advertising it is usually idle to look for great achievement.

The aeronautical program and its execution must be reorganized from top to bottom, especially at the top.

The tendency of war is to require equipment on an unprecedented scale. It is the belief of your committee that the development of aeronautical affairs is only at the beginning, and that this country may be called upon to contribute by this time, 1919, something like 75,000, perhaps 100,000, aeroplanes.

It would be idle to say that this can not be done. With full utilization of American resources five times this number can be produced without materially interfering with the other military activities of the country.

It would be likewise idle to say that this number of machines can not be transported because of lack of shipping. If it is found that its transportation is necessary to win the war it will be done, as the utilization of shipping for war purposes has by no means reached yet its climax. It would be correct to say that it would not be done with the present system, and that is why a change of system is most insistently urged.

L. CAMMEN, *Chairman.*
THOMAS A. HILL.
CHARLES W. HOWELL.

Mr. BRANDEGEE. That, Mr. President, I think is an expert report from a highly technical and skilled association of this country, composed of scientific men who know something about this business.

I should now like the Secretary to read the editorial contained in the same issue of the New York Times—that of yesterday—upon that report.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the New York Times, May 1, 1918.]

WHO IS GUILTY?

"In the Senate debate upon Mr. Gutzon Borglum's serious charges of waste, mismanagement, and inefficiency in aircraft production, published in the Times of Sunday, Senator HITCHCOCK, of Nebraska, who is a member of the Military Affairs Committee, was asked if the letter written by the President authorizing Mr. Borglum to make his investigation had been recalled. He made this reply:

"'Not that I know of. I assume that Mr. Borglum has been unable to lay before the President any more definite information than that he was able to give me; and from my knowledge of the information the committee had already, I knew the material Mr. Borglum had would not be of any great value.'

"Will the matter end there? Congress has appropriated something like $1,000,000,000 of the people's money for the execution of the aircraft-production program. Senator HITCHCOCK himself declared during the debate 'that the aircraft program had failed and that only one American machine had been trans-

ported to the American Army in France.' We may assume that in this statement he meant that only one machine equipped with the Liberty motor had been shipped to France, for later he specifically made the statement in that form. One billion of dollars appropriated, a year of time lost, and the aircraft-production program has 'failed.'

"Will the Senate dismiss the matter on the strength of Mr. HITCHCOCK's opinion that the material supplied by Mr. Borglum 'would not be of any great value'? In the view of the Senate is it a matter of no consequence, quite immaterial, that Mr. Borglum has shown that the aircraft production has failed? What does Mr. HITCHCOCK, what does his committee, what does the Senate, expect of Mr. Borglum? That he should discover not only that the aircraft-production program has failed but that he should hunt down the causes of failure, disclose the delays, errors, blunders, or worse that have caused the failure, identify the guilty persons who are responsible for the squandering of $1,000,000,000 without results and bring them to the Senate committee room for examination?

"Those are not Mr. Borglum's functions as an investigator. He has brought to light the astonishing conditions that exist in the field of aircraft production, he has exposed the failure of the Aircraft Board and of the Signal Corps to construct airplanes. Is that 'material' of no value to the Senate? It is the Senate's business, the business of the Military Affairs Committee, to take up the investigation where Mr. Borglum necessarily laid it down and pursue the inquiry until responsibility for failure is fixed, until guilt is exposed, for unquestionably there is guilt here, and it must be personal. Why does the Senate hesitate? Why does it not at once order the Military Affairs Committee to begin an investigation?"

Mr. BRANDEGEE. Mr. President, I have talked with Mr. Borglum this morning. I think he is perfectly reasonable in his view about this matter. I know there are certain gentlemen who have heard tales that he is engaged in some improper financial operation, and some people say he is crazy. I will take my chances on that. His sanity could be readily established, if it is questioned. Such charges as those ought not to go drifting about this country in responsible newspapers day after day. Now, I ask the Secretary to read what the New York Times says about the matter to-day.

The PRESIDENT pro tempore. Is there objection?

Mr. PHELAN. What is the regular order, Mr. President?

The PRESIDENT pro tempore. The Senate is in the morning hour. The Chair is about to lay before the Senate certain messages, and then will come the order of petitions and memorials.

Mr. PHELAN. The Senator from Connecticut [Mr. BRANDEGEE] is a parliamentarian, and I will ask——

Mr. BRANDEGEE. I will say to the Senator from California that if he objects to this matter being now read, I will put it in later, when the conference report comes up, and will read it myself. It will, however, be better to have it in the RECORD connectedly. It will only take a few minutes, and I hope the Senator will not object. It is an important matter.

Mr. PHELAN. Since the Senator from Connecticut asks me not to do so, I will not object. I merely wish to recall the fact that I submitted an important official document a few days ago, and the Senator from Connecticut objected. I do not wish, however, to show the same spirit.

Mr. BRANDEGEE. If the Senator had requested me not to object, perhaps I should not have done so. I was then, however, very anxious to get at another matter.

Mr. PHELAN. I shall remember that.

The VICE PRESIDENT. Is there objection to the reading of the editorial which is asked for by the Senator from Connecticut? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the New York Times, May 2, 1918.]

A FEDERAL GRAND JURY FOR THE AIRPLANE INQUIRY.

"Secretary Baker did not willfully and intentionally deceive the public in the statements he made showing good progress in the execution of the airplane-production program. He was himself deceived, misled by persons who knew the facts, who knew that they were misleading the Secretary, who must have had a motive for deceiving him and the public. As the work of airplane production was carried on under the authority of the War Department, as these persons were under the direction and authority of the Secretary of War, it will be said that he should have acquainted himself with the facts at first hand, to tell the public only what he knew to be the truth. Whatever may be said or felt about that, no one will for a moment believe that the Secretary knowingly misrepresented the facts and attempted to make the public believe that airplane production was going on swimmingly when, in truth, it was not going on at all.

"The report of the investigating committee of the Aeronautical Society contrasts Mr. Baker's statements with actual conditions, which are very different from what he believed and represented them to be. In giving the history of the Liberty motor on September 13, 1917, Mr. Baker said that 'the United States aviation engine has passed its final test.' The committee declares that this was impossible; that, 'in fact, it is doubtful if a final test has been given to the engine even now, in April, 1918.' In a statement issued by Mr. Baker in October, 1917, it was declared 'that work is in progress on practically the entire number of airplanes and motors for which provision was made in the aviation bill passed by Congress in July.' The committee says that at that time 'practically no work was in progress in the manufacture of machines. In many cases the buildings in which the machines were to be manufactured were not yet built.' The Secretary further informed the public that 'the types of airplanes now in process of manufacture cover the entire range of training planes, light, high-speed fighting machines, and powerful battle and bombing planes of the heaviest design.' Yet Mr. Howard Coffin, of the Aircraft Board, informed the directors of the Aeronautical Society that 'no light, high-speed fighting machines have been or are to be manufactured in this country at any time,' nor were battle or bombing planes in process of manufacture at the date of the Secretary's statement. Again, on February 20, 1918, the Secretary authorized the statement that 'the first American-built airplanes are to-day en route to the battle fields in France. This first shipment, although itself not large, marks the final overcoming of the many difficulties in building up this new and intricate industry.' The committee says that at this time 'only two machines were en route.'

"The condition of affairs in the field of airplane production, then, is this: Congress appropriated $640,000,000 by the act of July last for the building of airplanes, including the necessary provision of material, tools, and machinery and for the establishment of training camps and the training of aviators. Subsequently other large sums were made available for these purposes. In April, 1918, it is disclosed by Mr. Borglum's investigation that the airplane-production program has 'failed,' that practically no airplanes have been produced. He tells of contracts awarded to persons who had no facilities for producing airplanes; of a vast plan, scheme, or conspiracy of profiteering; of prolonged, practically fruitless, and enormously expensive experimenting with the Liberty motor. At an earlier date than that of Mr. Borglum's statement, we had been told of unconscionable delays through endless changes in design and drawings furnished to the builders, many of them petty, unnecessary, productive only of delay. In an earlier report the Aeronautical Society had in part made disclosure of the conditions of delay, inefficiency, nonproduction, and failure now more fully brought to view by Mr. Borglum's statement and by its own more recent report. During all this time when airplanes were not being built, when the Liberty motor was not being brought to perfection and tested, when airplanes were not being sent to France in any numbers worthy of attention, when manufacturers held airplane contracts which they were without facilities to fulfill, yet when the money for airplane production was in the Treasury, appropriated by Congress, and was being spent upon this program of practically complete failure, the Secretary of War was induced or persuaded by certain persons as yet unknown to the public, although necessarily known to him, to put forth statements intended to make the people of the United States believe that their money was being spent to good purpose, that airplanes were being produced in quantity, that our soldiers at the front would soon be provided with this essential arm of the service.

"These conditions plainly point to an organized conspiracy, bold, powerful, numerous, made up of men able to formulate a great and definite plan and embracing within their number men sufficiently high placed and influential to have the ear and the confidence of the Secretary of War."

Mr. THOMAS. Mr. President, I think that I ought to interrupt at this point to say that the recitals in Secretary Baker's announcement of February 20 or 21 were largely in accordance with the statements which had been made to the Committee on Military Affairs up to that time. The discoveries of that committee as to the actual conditions occurred subsequently to the date of that letter, and, presumably, the sources of the Secretary's information were from the same gentlemen connected with the aviation production who appeared and testified before our committee.

The Secretary resumed and concluded the reading of the editorial, as follows:

"It must have been these high-placed men who put before Mr. Baker the false picture of the work and achievements of the

Aircraft Board and of the Signal Corps upon which he based his public statements. Necessarily the conspirators had a purpose, they had a motive, in deceiving the Secretary. Putting aside for a moment the question of their chief aim and purpose, what was their motive in deceiving the Secretary? Did they hope thus to cover up their record of failure? That would have been a mere postponement and a short one, for detection could not long be deferred. Was it their expectation that by misleading the Secretary and the people they could conceal their failure to produce airplanes for a time until they had pocketed the gains of their profiteering contracts? If this was their motive, it is necessary to assume that they expected the Government to pay them before the Government had received any airplanes from them.

"The motive is hard to discover until we get at the real purpose of the conspiracy. Was it, after all, nothing but a sordid venture in profiteering? If so, these airplane contractors stand practically alone among the great industrial producers of the country, who, as we know from innumerable examples, have been actuated first of all by a loyal desire to serve the Government, to help the Government in the prosecution of the war, putting their own profits in the second place. It is equally difficult to believe that a "ring" of inventors and patentees of airplanes and airplane devices, actuated by desire to confine the Government orders to their own types, and to exclude all outsiders, has been willing or able to cheat the public of its just expectations and to deprive our soldiers at the front of weapons of war essential to their safety and success. If, however, it was the chief and the actual purpose of these conspirators to delay production, to prevent the construction of airplanes, to deprive the Government and the Army of those eyes of the fighting force upon the possession of which so much depends, then all is explained. That is a theory under which all the facts arrange themselves in orderly and harmonious relation. If all the persons in charge of airplane production, with $1,000,000,000 at their command and nearly a year's time to work in, had actually desired to produce airplanes, would they not have produced them? We need not inquire why anybody should wish to obstruct the execution of the airplane production program. That question answers itself. It is answered by a thousand strange happenings in American industrial establishments during the last three years.

"It is a theory, only a theory, which, however, has the merit of leaving less to be explained than any other, for it would explain completely the whole astounding situation in respect to the building of airplanes. It is now obvious that the investigation of the failure in aircraft production is not a work for any committee of Congress. It involves consequences that lie outside the domain of the legislative department. It is work to be undertaken by a Federal grand jury, and in view of the deceptions practiced upon him, a high officer of the Government, it should be undertaken at the instance of Newton D. Baker, Secretary of War."

Mr. BRANDEGEE. Mr. President, it will not be undertaken at the instance of the Secretary of War, of course. I think it is a matter to be undertaken by the Committee on Military Affairs of the United States Senate. Mr. Borglum is perfectly willing to give all his information to the committee, and so stated this morning. He has not declined to furnish the names of witnesses to the committee, except he does not want to furnish them in advance, so that the evidence that these gentlemen would be compelled to bring with them would be destroyed before it could be of use to the committee. A good deal of evidence has already been destroyed, he says; and I am sure he has information of which the committee ought to avail itself. I think when the committee has unearthed whatever the trouble is, whether it is inefficiency or incompetency or criminality, or whether it was unavoidable, then, if anything of a criminal nature is divulged, the Federal district attorneys, of course, can proceed and inflict the penalty.

I want to ask the committee also to do this: There is repeatedly referred to in these articles and correspondence the Marshall report. That report has not been made public. I hope the Committee on Military Affairs will send for that report and get it. I do not ask the passage of a Senate resolution to send it to the Senate, because there may be some things in the report that ought not to be made public. The committee will know when they get it. I hope the committee will give this matter some consideration in executive session, and that this matter will not be allowed to be suspended in nubibus, with these suspicions and charges floating around involving everybody. If there are rascals in the aviation service, the honest men who are in it are entitled to be separated from them in public opinion. If anybody has squandered money or stolen it, the other men ought to be exonerated. The facts ought to be known, and the truth ought to be shown.

I ask, Mr. President, if it meets with the approval of the Senate, that the complete report of the American Aeronautical Society be substituted in the RECORD for the partial one that was read. The Senator from New York [Mr. WADSWORTH] has the complete report here, all in typewriting.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut to substitute the complete report for the one read?

Mr. KIRBY. What is the request, Mr. President?

The PRESIDENT pro tempore. The Senator from Connecticut desires to substitute in the RECORD, for the partial report read from the newspaper clipping, the complete report of the American Aeronautical Society.

Mr. KIRBY. The Senator is not going to put both in the RECORD, is he?

Mr. BRANDEGEE. Well, Mr. President, I withdraw the request, and will let the other stand.

Mr. HITCHCOCK. Mr. President, I supposed that this matter was disposed of a day or two ago, when I attempted to set forth the attitude of the committee. In the absence of the chairman, I want to review the facts again for a few moments.

The Military Affairs Committee was charged with an investigation for the purpose of ascertaining whether the program of Congress regarding the production of aircraft was being satisfactorily carried out. I am frank to say that for weeks that committee was misinformed and misled by the members of the Aircraft Board and of the Signal Corps who appeared before the committee. Finally, however, the committee ascertained the truth, and told that truth to the Senate in a report which was disagreed to by six members of the committee, but which is vouched for by nine members of the committee.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. HITCHCOCK. Yes.

Mr. WADSWORTH. I think the Senator will remember that there was no question as to the accuracy of the statements in the majority report.

Mr. HITCHCOCK. None whatever; but there were six members of the committee who objected to having the report made public at that time. Nevertheless, the nine members of the committee took the responsibility of telling the country the truth, which, in the gist, is as follows:

That the manufacture of combat planes during the first year of the war was practically a failure; that at the time that report was made, with the enormous expenditure of money, we had only made and sent to Europe one combat plane. Since then I am told in the public press that some 19 others have been sent. We also told the Senate that the Liberty motor, so called, was just emerging from its stage of development or experimentation. We believed it would become, in a short period, a good motor.

Mr. FLETCHER. Mr. President——

Mr. HITCHCOCK. We told the Senate that the assurance we had received from the Aircraft Board last June that the Liberty motor could be developed in six months had turned out to be utterly misleading, and its development had taken a year.

Mr. FLETCHER and Mr. KIRBY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Florida.

Mr. FLETCHER. With reference to the report, the Senator will agree that there were six members of the committee who felt that the report should be made to the President first. That was the position which the six members took in regard to the report.

Mr. HITCHCOCK. Yes, Mr. President.

Mr. KIRBY. Mr. President——

Mr. HITCHCOCK. Let me answer first the Senator from Florida, if the Senator will permit me. I did not intend to reveal to the Senate the attitude taken by the six members of the committee. It was that a committee of the Senate, charged with an investigation and ready to report to the Senate, should not report until it had first submitted its report to the President of the United States. The majority of the committee felt that beneath the dignity of a legislative body and made its report to the Senate; and it was for that reason that the six members of the committee declined to sign the report which they had had some hand in preparing, the facts of which were not questioned by any of them.

Mr. KIRBY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I do.

Mr. KIRBY. I do not think the Senator states that exactly as it ought to be stated. Some of these six members insisted that a conference probably should be had with the head of the Government before the report was made; but the most of us who declined to sign this report did so not because the state-

ments contained in it were not reasonably and substantially correct, but because it was incomplete and did not give a correct view of what had been done. That was my reason for signing the minority report—not that the majority report was substantially inaccurate or incorrect, but that it did not give the people any fair view of the actual conditions throughout.

Mr. HITCHCOCK. I am perfectly willing to have the Senator's explanation go into the RECORD.

Mr. FLETCHER. Mr. President, will the Senator allow me to suggest that the position of the six members was not that they should make a report to the President, but that the facts stated in the document, which was submitted as a report to the Senate, should be first laid before the President, and then that a full report of the whole situation should be made subsequently.

Mr. HITCHCOCK. Mr. President, I do not think we should bring into the Senate unnecessarily these matters which belong in the committee, and I have only done so because the question has been raised by the Senator from Florida. What I am getting at is this:

The Senate committee at that time—on the 10th day of April—made that report of facts to the Senate. The committee is perfectly willing to go into a criminal investigation if the Senate desires it. The committee, however, has no power to punish anyone found guilty in such a criminal investigation. If there is to be any criminal investigation, it is the opinion of the committee that it should be made by the Department of Justice, because the Department of Justice has the power to prosecute.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. KING. Does not the Senator from Nebraska think that the Military Affairs Committee, with which he is connected, is charged with the duty, which it can not evade, of investigating this failure in aircraft production, and that it ought to fasten responsibility where responsibility belongs? An officer of the Government has told me that somebody "ought to be shot" for the failure to supply flying machines. I believe there has been not only incompetence in the department charged with supplying aircraft but also criminal neglect, if not affirmative criminality. I think it is the duty of this committee to make a thorough and exhaustive investigation and to brand and pillory those who have betrayed and deceived the President.

Mr. HITCHCOCK. Mr. President, that is a question too large for the committee to pass upon. There may be ground for criminal charges. If so, in my opinion, the President is the one who should decide that question. The Department of Justice is at his disposal. He not only has the committee evidence and the committee reports, but he has the report made by Mr. Borglum and the report made by his own special committee, chosen by him to investigate the matter. In another case, to which the Senator from Colorado [Mr. THOMAS] calls my attention, where an investigation was carried on by the Senate Committee on Commerce, of which the Senator from Florida [Mr. FLETCHER] is the chairman, the Department of Justice took up the matter where the committee left off and undertook an investigation for the purpose of a criminal prosecution, which is now being conducted.

The committee has stated the facts to the country, and the committee has had a share in bringing about the necessary reform. It is important, as the Senator from Utah says, to expose and to prosecute men who may be responsible and guilty for the substantial failure to produce aircraft; but, after all, the greatest matter at this time is to bring about a reorganization and to produce aircraft. That the President has undertaken to do in the selection of Mr. Ryan and in the reorganization of the agencies of the Government which will operate under his direction and under the direction of the Assistant Secretary of War, Mr. Stettinius.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I yield to the Senator.

Mr. POINDEXTER. The Senator from Utah [Mr. KING] has just said that an officer of the Government expressed to him the opinion that somebody ought to be shot for this offense; and it seems to be a very general and widespread opinion in the country, judging from editorials in leading newspapers, that not only has there been a failure, but that there has been a willful and intentional failure to produce airplanes. Now, it is a well-known principle of criminal law, with which the Senator from Nebraska is thoroughly familiar, that those who aid and abet a criminal are guilty. There is such a thing as being an accessory to a crime.

I want to ask the Senator from Nebraska this question: When the official of the Government who is responsible under the President for the aviation program and for the expenditure of over $800,000,000 which Congress has appropriated for this purpose—when the failure has been pointed out to him, when it has become a matter of public scandal, of world-wide notoriety—goes before the committees of Congress and, instead of ordering these men to be shot, defends them and denies that there has been any failure; when the Secretary of War says that we have done better than we expected to do——

Mr. HITCHCOCK. I will ask the Senator to confine himself to a question, if he will. I have not yielded the floor.

Mr. POINDEXTER. That is the question. Is not the Secretary of War himself an accomplice, and is he himself not the man who ought to be reached by the committees of Congress or others who are proceeding to hold some one responsible?

Mr. HITCHCOCK. Mr. President, I have no occasion to stand here and defend the Secretary of War, but I believe this fully: The Secretary of War has been as completely deceived by men who have been in position to know the facts as the committee was deceived for months at a time; and I have not any other idea than that the Secretary of War, embarrassed as he is by multitudinous duties and tremendous responsibilities, was himself completely misled by the Aircraft Board and by officers in the Signal Corps.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska further yield to the Senator from Washington?

Mr. HITCHCOCK. I yield for a question.

Mr. POINDEXTER. Does the Senator from Nebraska believe that the Secretary of War is now laboring under the delusion that the aviation program has been a success?

Mr. HITCHCOCK. Why, evidently not. The Secretary of War, acting as the agent of the President, has made these changes in the organization. He would not have taken the control of the aircraft production out of the hands of the men who held it if he had had confidence in them. He showed his lack of confidence by his action; and I will say to the Senator that, while I have no means of knowing it, I have every reason to believe that in the natural course of events the Department of Justice will investigate these charges that have been made public, and my own judgment is that any investigation made by the Military Affairs Committee tending to establish the question of whether or not guilt is involved would only impede the Department of Justice at this time.

Mr. POINDEXTER. Mr. President, has the Senator from Nebraska ever heard or seen any expression from the Secretary of War criticizing or condemning any official guilty of this great failure?

Mr. HITCHCOCK. I have seen this substantial act of condemnation—that he has withdrawn the power and responsibility from the men who formerly had the power and responsibility. That is the best evidence of dissatisfaction with the Aircraft Production Board.

Mr. POINDEXTER. My understanding was that that, with a number of other improvements in the War Department, was planned and practically carried out while the Secretary of War was in France.

Mr. HITCHCOCK. It has been done by authority of the President, and the selection of Mr. Ryan has been since the return of Secretary Baker. I have reason to believe that the full reorganization is not yet complete and can not be completed until the Overman bill is finally enacted.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do.

Mr. KNOX. I wish to inquire of the Senator from Nebraska, if this matter is as indicated at present—I know nothing about the facts; I am only taking as the basis of my question the report of the Aeronautical Society as to what Mr. Borglum has said—but if this indicates anything like the scope of the situation, is it not entirely too broad for a mere criminal investigation? Is it not too great for the machinery even of the Department of Justice?

I ask that question because it seems to me that it involves these elements. Of course, there is the criminal feature of it, and that, of course, is a matter exclusively for prosecution by the Department of Justice; but then there is evidence, or at least there are charges, of conspiracy that indicate the misuse or the obtaining by false pretense or as the result of conspiracy of hundreds of millions of dollars of the people's money. If that state of facts can be established, these people are not only responsible criminally for such a conspiracy, but they are responsible civilly, and the funds can be followed, and they can be followed into the hands of even those who would appear upon the face of the transaction to be innocent parties.

I recall a case with which I had some connection officially—it originated in the office of the Attorney General prior to my accession to that office, but it was carried on afterwards—of the frauds in connection with the excavation and improvement of the harbor at Savannah, where Oberlin M. Carter, an officer of the United States, had charge of the contract, and he and Greene and Gaynor, of New York, entered into a conspiracy by which fraudulent accounts were passed, and vast sums of money, hundreds of thousands of dollars, were obtained in that manner from the Government. The Government not only pursued them criminally and landed Oberlin M. Carter and Greene and Gaynor in the penitentiary, after following Greene and Gaynor clear through the privy council of Great Britain on questions of extradition arising in Canada, but they followed the $600,000 that it was proved that Oberlin M. Carter had gotten into safe-deposit boxes in Chicago and one in Charleston, W. Va.; they followed this money into real estate, they followed it into stocks and bonds, and the Government eventually recovered the entire amount of which it had been defrauded. So I am only intending to say that this is developing an entirely new phase, and as it was the money that Congress appropriated for a specific purpose, it seems to me Congress ought not to close its eyes or refuse any activity that it can employ to follow the matter out and develop it to see what method of prosecution could be obtained and what action should be taken.

Mr. HITCHCOCK. It seems to me that the Department of Justice is exactly the body to carry on either a criminal prosecution or a civil action for the recovery of money, and my recollection is that was done in the Oberlin Carter case, to which the Senator from Pennsylvania refers.

I do not want the Senate to have the impression that I am personally opposed or the chairman of the committee or other members of the committee are opposed to the idea of a further investigation. I have been one of the radical members of the committee. I am ready to go on with the investigation, and I know a majority are, if it is the judgment of the Senate that it can properly be carried on. But it is my judgment that this is a matter, as far as it relates to these charges of possible criminal responsibility or civil responsibility, which can be properly and most effectively carried on by the Department of Justice. I have not any doubt of the disposition of the Department of Justice to carry it on.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I yield.

Mr. KING. I know the Senator in discussing this matter has not overlooked the fact that the Senate is vitally interested in the matter. We have appropriated, as has already been stated, $640,000,000. There is now a deficit, and we shall be called upon to make further appropriations. Speaking for myself, I should hesitate to make additional appropriations until I knew something about the method of expenditure and the policy that is to be pursued.

I am sure the people and the Senate want to know what has been done with the $640,000,000 which has been appropriated. It seems to me that this committee is the best agency of the Government to make an investigation. I think it owes it to itself, I think it owes it to the Senate, to probe this matter, to find out what has been done with the $640,000,000, and if in that investigation crime is unearthed to call the attention of the proper officials of the Department of Justice to the fact, and recommend that prosecutions be instituted.

At the proper time I shall move, if the committee does not feel like undertaking this investigation, that the committee be instructed to make a thorough and an exhaustive investigation of the aircraft situation and of the appropriations which have been made by Congress.

Mr. OWEN. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Oklahoma.

Mr. OWEN. I can not but recall that when these great appropriations were being proposed there was a propaganda carried on in the public press with regard to the cost of making airplanes which looked as if it was preparing the public mind to accept a very high figure for the making of airplanes, which I thought grossly exorbitant at the time, against which I protested, and against which I raised my voice at that time in the Senate.

Mr. GALLINGER. May I interrupt the Senator?

Mr. HITCHCOCK. I yield.

Mr. GALLINGER. Mr. President, I have taken no part in this discussion at any time, and I do not propose to do so now beyond asking the Senator a frank question.

The committee has made a partial investigation, or has made an investigation and made a report covering the ground that has been traversed. It is alleged in the press, and by individuals as well—it comes to me from various sources—that there is very important testimony that has not yet been submitted to the committee, and that there is some misunderstanding in the minds of some members of the committee on that point. Does not the Senator think before the Department of Justice should be asked to take this matter up the committee should give a further hearing, that those who claim to have further important testimony, whether it is of a criminal nature or otherwise, may present their case to the committee?

Then the committee could reach a finding, and if the committee thought it desirable to make a recommendation to the Department of Justice, and they having exhausted their powers, the committee could do that, and then the President, through the Department of Justice, if he thought the matter was of sufficient moment, could order such an investigation.

I have no feeling about the matter at all. I believe the committee has tried to discharge its duties faithfully and with a view to ascertain the whole facts in this case, but if the committee has not yet probed the matter as far as it can be probed, it seems to me the committee ought to continue its work. That is the only feeling I have about it.

Mr. HITCHCOCK. The committee is perfectly willing, if there is anything substantial and desirable that can be brought before it, either from Mr. Borglum or from any other source, if it is the desire; but, as far as the work of reorganization is concerned, the committee's report to the President has accomplished that. If something further is resolved, it can only be for the purposes of prosecution, and in my opinion if witnesses can be found who have knowledge of a criminal intent or a conspiracy the place for them to reveal their kowledge is before the Department of Justice.

Now, I say this, although I am perfectly willing to go into it: Sometimes a congressional committee investigation is considered an impediment to a Department of Justice investigation. I want to say to the Senator——

Mr. BECKHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. HITCHCOCK. I yield.

Mr. BECKHAM. Just for a minute, I ask to interrupt the Senator.

The statement made by the Senator from New Hampshire [Mr. GALLINGER] justifies I think to a large extent the position taken by some of the members of the committee in regard to the majority report. Something has been said about those who did not sign the report. I was one who did not sign it. It was not because I dissented from the facts as substantially stated in the report, but I believed that we were not then ready to make a report. The discussion this morning discloses that fact.

The committee makes a report showing a general failure in aircraft production, but no one can tell from that report where the responsibility lies. I believed at the time I opposed signing it that we or some representatives of the committee should confer with the President or with other officers of the Government to see if they had found out any of the conditions which we suspected. Some of us suspected, but we could not know from the character of the investigation we made, that there might be some sinister or criminal conduct somewhere in this matter. I felt that it was best that we should wait until we could get further light on the subject and give the Senate more information about it before we should make a report.

For that reason I did not sign the majority report, nor did I sign the minority report. I really felt that the committee should go further into this matter and make a further investigation to locate, if possible, the responsibility directly.

Mr. THOMAS and Mr. McCUMBER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield and, if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Colorado.

Mr. THOMAS. In view of the statement just made by the Senator from Kentucky [Mr. BECKHAM], I think it is my duty to say that the report which is made was largely due to the existing conditions regarding the investigations of our committee up to that time. For example, shortly before we determined to make the report a news agency having its headquarters here and its home in Cleveland, and possessed of a very large newspaper clientele, had issued a news statement that was generally published accusing a number of Senators, some of whom belonged to the committee, and one at least who did not, either of being liars or of being ignorant of the actual facts. The Senator from Indiana [Mr. NEW], a member of the committee; the junior Senator from Massachusetts [Mr. WEEKS], a member of the committee; the senior Senator from Massachusetts [Mr. LODGE], who is not a member of the committee, were directly charged with falsehood or with ignorance and also with attempting to deceive the country with regard to the very satisfactory conditions of aviation. These epithets were followed by

as promising and satisfactory and romantic an account of aviation conditions as can be found anywhere in the previous literature of the subject. The committee, therefore, felt compelled in order to meet that condition to make the report at the time it did.

Mr. HITCHCOCK. Mr. President, I have nothing further to say except that if the Senate will direct the committee to make a further investigation the committee will be willing to undertake it, but I believe I express the judgment of a majority of the committee when I say that the investigation now proposed is more a matter for the Department of Justice than for the committee.

There are a good many matters which have come to the knowledge of the committee which are interesting but the publication of which is not necessarily of any great value. I am going to mention one of them as an illustration, with the consent of the Senate. I have stated that the members of the Aircraft Board came before the Committee on Military Affairs and misled and misinformed the committee, misled the committee for weeks. Now, I will go further. I will say that members of the Aircraft Board as it formerly existed played a gigantic confidence game upon the whole country in the creation of the so-called Liberty motor. I am not saying anything against the merits of the Liberty motor. I hope the highest hopes for it will be realized, but when the members of the Aircraft Board came befor the committee and told the committee, and published in the papers the statement, that the Liberty motor was the magical creation of a few great geniuses gathered in a hotel here in Washington and created within a month, they perpetrated a gigantic confidence game on the whole country.

The Liberty motor is the Packard motor, which it took the Packard Co. three years to develop, with such additions as were put into it by Mr. Hall, of California, in collaboration with Mr. Vincent of the Packard Co. Moreover, under an agreement made last summer by the War Department we are going to pay the Packard Motor Co. for the three years of experimentation and development prior to that time between $500,000 and $1,000,000, and that claim is now in the course of adjustment.

There was no need to conceal this fact and deceive the country in this way. There was no need to appeal to the imagination by such a fraud but that is one of the tricks that the Aircraft Board as formerly organized resorted to.

Mr. POMERENE and Mr. McCUMBER addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has just stated in substance that the Aircraft Board has deceived the committee and deceived the public. May I ask the Senator whether the investigation went far enough to enable him to express an opinion as to whether they had purposely deceived the committee and the public or were they themselves deceived as to the quality of the motor and what it might do?

Mr. HITCHCOCK. I am not disparaging the Liberty motor, Mr. President. I believe the Liberty motor will ultimately be equal to the great Rolls-Royce motor of Great Britain, which is of a corresponding size and power. What I am saying is that the Aircraft Board deliberately played a great confidence game on the whole country in concealing the fact that they purchased from the Packard Co. the work of three years of development, and that they were going to pay approximately $800,000 for it. They conveyed to the public the idea by frequent statements that down in a hotel here in Washington their engineers had as if by magic created it. I say that is one of the discoveries made by members of the committee. It is not of any particular value. It does not prove the Liberty motor a failure. It does not show criminality, but it shows the character of men who were upon the Aircraft Board.

Mr. BRANDEGEE, Mr. NEW, and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield; and if so, to whom?

Mr. HITCHCOCK. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I want to ask the Senator a question, because I am not certain about the fact. I have heard it stated both ways. Is what the Senator calls the former Aircraft Board entirely out of office, or simply has somebody been put in in addition to it?

Mr. HITCHCOCK. I think it has been substantially ousted. I will say the change is not complete yet, because until the Overman bill is passed it is probable that the President has not the power to fully reorganize and place the legal responsibility in the hands he wants to place it in, but the old combination is substantially out of office, and as the reform has been brought about and new management has been initiated, the committee thought it doubted the wisdom of further investigation.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. HITCHCOCK. I yield.

Mr. NEW. I was one of those who signed the majority report of the Committee on Military Affairs. I want to say that it was not my understanding at the time that that report marked the close of the activities of that committee at all; that it was a partial report in that it brought the proceedings down to date.

Now, Mr. President, I corroborate what other members of the committee have said during this discussion, that since that report was made additional rumors, at least, if not facts, some of which I confidently believe to be facts, have come to the knowledge of the committee.

I believe it is the duty of the Committee on Military Affairs to proceed with this investigation. I think that if the committee fails to go ahead with it and places the responsibility upon the Department of Justice or upon anybody else it fails of its duty, and if in such an event the investigation is not prosecuted, and I do not say it would not be at all, but in the event that it should not be prosecuted, I think the committee would then be open to very serious criticism.

I think the committee owes it to itself to proceed with the investigation in the light of these new disclosures. I think the Senate owes it to the committee to ask the committee to proceed, if any such formality as that is necessary.

Mr. KIRBY obtained the floor.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. The Senator from Arkansas has the floor.

Mr. NORRIS. I should like to ask my colleague a question.

Mr. KIRBY. I yield to the Senator for that purpose.

Mr. NORRIS. I wish to ask my colleague if he thinks section 9 of the act creating the Aircraft Board does not give the President all possible authority to change the board entirely and modify it in any way he sees fit?

Mr. HITCHCOCK. The answer to that question is this: The bill was badly drawn. It gave the President authority, but directed him to act through the Signal Corps, and until the Overman bill goes into effect my judgment is that he has not power to give any other legal authority.

Mr. NORRIS. Let me ask the Senator——

Mr. HITCHCOCK. He has placed in an advisory position Mr. Ryan and taken out of the hands of the Chief Signal Officer the construction of aircraft and put it in the hands of one of the brigadier generals of the War Department. He can do that. I assume that after the Overman bill becomes a law, he may entirely divorce it from the Signal Corps and place the authority directly in the hands of those men who are already there.

Mr. NORRIS. I read section 9 of the law the other day, when we had this matter up, and I can not conceive of a power in relation to aircraft that was not delegated, and while there is at one point language which says that the President shall do something through the Secretary of War, a similar provision was in the law which gave the President authority to take over the railroads. It provided that they should be taken over through the Secretary of War, and when the President took them over, he simply said, "According to law, through the Secretary of War, I hereby take over the railroads." I do not believe the Senator can point out or indicate a single power which makes it necessary to make any change or to add anything in regard to the Aircraft Board which is not already in the law. I may be mistaken, but I do not know of any.

Mr. HITCHCOCK. I have not anything further to say, except that the law specifically mentions the Signal Corps as the department through which the President shall act in the construction of aircraft, and they have been exercising that power under the law.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me?

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. KIRBY. I do.

Mr. KING. Will the Senator permit me to ask a question of the Senator from Nebraska before he takes his seat?

Mr. KIRBY. I yield to the Senator for that purpose.

Mr. KING. I take it, from the statements which have been made by the Senator from Nebraska, that he feels that perhaps the Committee on Military Affairs has performed its duty in respect of this matter and that it ought not to further investigate the aircraft situation, leaving to the President or to the Department of Justice any further investigation that may be deemed necessary. I stated a moment ago that if the Committee on Military Affairs does not make further investigation, I should move that it be instructed to investigate the entire matter in a thorough and exhaustive manner. I should very

much dislike to make such a motion, certainly in advance of some action hereafter to be taken by the committee.

What I wanted to ask the Senator from Nebraska, however, was: Will not the committee meet in a short time, and can not the Senator assure us that the matter will be presented to the committee with a view to determining whether or not the committee will make further investigation of this question, which is so vital to our country at this time?

Mr. HITCHCOCK. Mr. President, in the absence of the chairman of the Committee on Military Affairs I am not qualified to speak. Individually I should be perfectly willing to again consider the subject in committee. My own judgment is that if the Senator from Utah proposes to introduce such a resolution it would be wise for him to first consult the Attorney General. If the Department of Justice has no plan of action, then it would be perfectly proper for the committee to proceed.

Mr. KING. If I may be permitted to make just one observation——

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. KIRBY] has the floor.

Mr. KING. May I further trespass upon the time of the Senator from Arkansas?

Mr. KIRBY. I yield.

Mr. KING. So far as I am concerned, I do not feel like making any inquiry of the Attorney General to ascertain what his purposes are. I feel, as I said a moment ago, that the duty rests upon the Military Affairs Committee to examine this subject exhaustively. I shall, of course, not offer any resolution or motion at this time, but if the committee shall decline to examine this matter further I shall feel constrained at the proper time to submit a resolution for the consideration of the Senate, calling upon the committee to go to the bottom of this entire matter and report their findings to the Senate.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. KIRBY. I yield.

Mr. WEEKS. Before the Senator from Utah [Mr. KING] takes his seat I should like to ask him if he has in mind that the Senate Committee on Military Affairs shall investigate the details of the expenditure of money that has been made under the direction of the Aircraft Board?

Mr. KING. I have that also in mind.

Mr. WEEKS. I should like to call the Senator's attention to the fact that that, in a sense, is locking the stable door after the horse has been stolen. If we had a suitable committee on expenditures here, looking after such expenditures, we might have that information, and might quite likely check a great many extravagances which we shall run into in the future.

Mr. SHAFROTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. KIRBY. I think I can finish what I desire to say in a few moments, and I should like to finish before yielding to any further interruptions.

Mr. SHAFROTH. What is the order of business, Mr. President?

The PRESIDENT pro tempore. We have not yet proceeded with the business of the morning hour. The Senator from Arkansas [Mr. KIRBY] is pursuing the debate which was started by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. SHAFROTH. I should like to introduce a bill, and I have been waiting to do so for an hour and 25 minutes.

Mr. KIRBY. I have no objection to the introduction of bills, but I have been standing here about 15 minutes intending to say a very few words, and expect to do so without further interruption.

Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] in his statement introduced a partial report of a certain aero club investigation, and the Senator from New York said something about substituting the entire report for the partial report. I asked him if he desired to have both reports printed in the RECORD. He evidently took my question for an objection, and said he withdrew the request. I have no objection to having the full report presented, and it ought to be put into the RECORD, rather than the partial report. If that is his disposition I should be very glad if he would submit and have published in the RECORD the full report of that club, instead of the partial report. I wanted to say that much along that line.

I do not understand that the Military Affairs Committee has completed its investigation of this matter. It had reached such a point that it found a report was necessary, or thought it desirable. The report has been submitted; the board has been reorganized; and I would not regard it as proper procedure here for that committee to be instructed or directed to proceed further, until they had indicated a purpose not to do so, or at least until they had considered the matter of whether or not they should do so.

The committee has had no disposition to cover up anything that ought to be revealed. The public expectation has been largely aroused and misled by the roseate reports of newspapers, rather than by any statement which has been given out, as I understand, by the board or by the committee. The condition has been created, a state of mind exists, and now it has brought about the result which has been seen. The committee itself is willing, as I understand, to investigate all things that ought to be investigated. It has been busy from last December until now, continuously, practically, in these investigations, which have resulted in some good.

So far as I am concerned, there was one thing that the investigation disclosed that I did not like. There was nothing wrong about it, so far as I could see; but it displayed a lack of business ability and a lack of disposition to look after the Government's interests. There is a contention between the Wright-Martin people and the Curtiss people about who owns certain patents. Instead of our Aircraft Board taking over the rights in all these patents, paying those people for them, and letting them fight it out about who owned a particular patent or who owned the majority interest in a particular invention, and letting them divide the money as it ought to be divided, they spent a long time in trying to fix up a contract for the payment of royalties to both these companies and for a division of the royalties for manufacturing certain airplanes and using their patents and inventions. I thought that was poor business judgment. If we needed these things we ought to have taken them and paid for them and gone ahead with production.

Further, so far as I am personally concerned, I do not believe the airplane will ever be an effective factor in determining the war, further than for scouting and reconnoitering purposes. I think it will never be, as I say, an effective factor. That is my judgment about it, but I am not exercising my judgment; I am doing what the committee thought ought to be done about the matter, and it ought to be done speedily, and in a businesslike way.

The PRESIDENT pro tempore. The presentation of petitions and memorials is in order. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 11259. An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply; and

H. J. Res. 284. Joint resolution making an appropriation for contingent expenses of the House of Representatives.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLARK of Florida, Mr. BURNETT, and Mr. AUSTIN managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10613) to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia, and it was thereupon signed by the President pro tempore.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 11259. An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, was read twice by its title and referred to the Committee on Mines and Mining.

H. J. Res. 284. A joint resolution making appropriation for contingent expenses of the House of Representatives was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. CALDER. I present resolutions adopted by the Legislature of the State of New York dealing with the subject of the prosecution of the war, which I ask be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY,
April 12, 1918.

By unanimous consent, Mr. Sage offered for the consideration of the joint assembly of senate and assembly the following resolution:

"Whereas the most important task before the United States is to win the war; and

"Whereas the war will not be won until the peaceful development of all free peoples is guaranteed by the strength of their own will: Therefore be it

"*Resolved by the Legislature of the State of New York (both houses concurring)*, That the State of New York pledges all its resources to the vigorous prosecution of the war until Prussian autocracy has been defeated; and be it further

"*Resolved*, That the State of New York favors the entrance of the United States, after the war, into a league of nations to safeguard the peace that must be won by the joint military forces of the allied nations; and be it further

"*Resolved*, That certified copies of these resolutions be sent by the secretary of state to the President and to the presiding officers of both branches of Congress and to each of the Senators and Representatives from New York."

Which concurrent resolution was agreed to.

STATE OF NEW YORK, COUNTY OF ALBANY,
Office of the Clerk of the Assembly, ss:

I, Fred W. Hammond, clerk of the assembly, do hereby certify that I have compared the foregoing record of proceedings of the assembly of April 12, 1918, relative to the resolution therein set forth with the original thereof as contained in the original official copy of the journal of proceedings of the assembly of said State and that the same is a true and correct transcript of said journal of proceedings in so far as the same relates to said resolution and of the whole thereof.

In witness whereof I have hereunto set my hand this 23d day of April, 1918.

FRED W. HAMMOND,
Clerk of the Assembly.

Indorsed: Filed April 23, 1918. Francis M. Hugo, secretary of state.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

I have compared the preceding copy of the resolution adopted by the Senate and Assembly of the State of New York with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 23d day of April, in the year 1918.

[SEAL.] C. W. TAFT,
Second Deputy Secretary of State.

Mr. CALDER. In connection with the pending legislation to increase the compensation of postal employees as provided by the Madden bill passed by the House, I have received petitions signed by a very large number of citizens of New York, which I present and move that they be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. SHIELDS. I present resolutions adopted unanimously by the house of delegates, Tennessee State Medical Association, and by the general session of the association at Memphis April 11, indorsing what is known as the Owen bill, Senate bill 3748, and the Dyer bill, House bill 9563, providing for advanced rank for officers of the Medical Corps of the Army. I move that the resolutions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. McNARY presented petitions of sundry school-teachers in the State of Oregon, praying for the enactment of legislation to provide for the creation of a department of education, which were referred to the Committee on Education and Labor.

Mr. GALLINGER presented the petition of Emma Rayner and 43 other citizens of the State of New Hampshire, praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. KNOX (for Mr. PENROSE) presented a petition of the Board of Trade of Philadelphia, Pa., praying for the establishment of free ports in the United States, which was referred to the Committee on Commerce.

He also (for Mr. PENROSE) presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation to provide military court-martial for enemy agents, spies, and propagandists instead of by civil court, which was referred to the Committee on Military Affairs.

Mr. KENYON presented a petition of sundry citizens of Pulaski, Iowa, praying for national prohibition as a war measure, which was ordered to lie on the table.

CONTINGENT EXPENSES, HOUSE OF REPRESENTATIVES.

Mr. MARTIN. From the Committee on Appropriations, I report back favorably without amendment the joint resolution (H. J. Res. 284) making an appropriation for contingent expenses of the House of Representatives, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the following sum is appropriated out of any money in the Treasury not otherwise appropriated:

HOUSE OF REPRESENTATIVES.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, fiscal year 1918, $40,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 4472) providing for the sale of public lands for the purpose of using the proceeds arising therefrom in the construction of roads and other permanent improvements in national parks; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 4473) for the relief of Edward Looby; to the Committee on Military Affairs.

A bill (S. 4474) granting a pension to Permelia L. Dutcher (with accompanying paper);

A bill (S. 4475) granting a pension to Mary E. Morgan; and

A bill (S. 4476) granting an increase of pension to Elijah T. Knight (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4477) authorizing certain persons formerly connected with the American Embassy at Berlin to accept pieces of plate presented to them by the British Government; to the Committee on Foreign Relations.

By Mr. SHIELDS:

A bill (S. 4478) granting a pension to Oscar F. Heath (with accompanying papers); to the Committee on Pensions.

PUNISHMENT OF UNLAWFUL ASSOCIATIONS.

Mr. WALSH. I send to the desk a bill which I am directed by the Committee on the Judiciary to introduce, and as I shall request speedy consideration of it I ask that it be read.

The bill (S. 4471) to declare unlawful associations purposing by force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States, and prescribing punishment for persons engaged in the activities of such associations, and for other purposes, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, of force, violence, or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises, or defends the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, to accomplish such change or for any other purpose, and which, during any war in which the United States is engaged, shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise, or defend, is hereby declared to be an "unlawful association."

SEC. 2. That any person who, while the United States is engaged in war, shall act or profess to act as an officer of any such unlawful association or who shall speak, write, or publish, as the representative or professed representative of any such unlawful association, or become or continue to be a member thereof, or who shall contribute anything as dues or otherwise to it or to anyone for it, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or both such fine and imprisonment.

SEC. 3. That any person who, while the United States is engaged in war, knowingly prints, publishes, edits, issues, circulates, sells, or offers for sale or distributes any book, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind in which is taught, advocated, advised, or defended, or who shall in any manner teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change, or otherwise, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or by both such fine and imprisonment.

SEC. 4. That any owner, agent, or superintendent of any building, room, premises, or place, who knowingly permits therein any meeting of any such unlawful association, or of any subsidiary or branch thereof, or, during any war in which the United States may be engaged, any assemblage of persons who teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, shall be punished by imprisonment for not more than one year or by a fine of not more than $500, or by both such fine and imprisonment.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CALDER submitted an amendment proposing to provide temporary increased rank for officers of the United States Coast Guard while operating as a part of the Navy during the period of the present war, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. CALDER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PRICE OF FARM IMPLEMENTS.

Mr. THOMPSON. I desire to call up Senate resolution 223, coming over from a previous day, directing the Federal Trade Commission to investigate the high cost of farming implements and various articles which the farmer is obliged to buy in his efforts to bring about production. I should like to have the resolution read and considered.

The PRESIDENT pro tempore. The Chair lays before the Senate Senate resolution 223.

Mr. GALLINGER. Let the resolution be read in full.

The PRESIDENT pro tempore. The Secretary will read the resolution in full.

The Secretary read the resolution, as follows:

Resolved, That the Federal Trade Commission be, and it is hereby, directed, under the authority of the act entitled "An act to create a Federal Trade Commission, to define its purposes and duties, and for other purposes," approved September 26, 1914, to investigate and report to the Senate the cause or causes for the high prices of the articles hereinafter mentioned required to be bought and used by the farmers of the country on the farms, and to investigate and report the facts relative to the existence of any unfair methods of trade or competition, and relative to any and all violations of the antitrust laws of the United States by manufacturers and dealers in any of the articles hereinafter mentioned in respect to any act, combination, agreement, or conspiracy to restrict, depress, or control the prices thereof, and whether such manufacturers or dealers have committed any acts, agreements, combinations, or conspiracies tending to a restraint of trade in the manufacture, production, or supply of any of the articles enumerated as follows, to wit:

Agricultural implements, including plows, listers, harrows, headers, harvesters, reapers, mowers, drills and planters, horserakes, cultivators, thrashing machinery, wagons, buggies, carts; utensils and machinery and equipment required for the production of food, foodstuffs, grains, fuel, fuel oil, natural gas, hides, leather, cotton, and wool.

Bags, bagging, gunny cloth, and grain sacks.

Cream separators, churns, and internal-combustion engines.

Brooms and articles of household utility of tin, wood, or other material.

Necessary wearing apparel, including gloves, jumpers, overalls, shoes, and shirts.

Leather products, including harness, halters, saddles, and buggy whips.

Tools and hardware, including axes, hatchets, nails, staples, padlocks, pitchforks, hoes, shovels, picks, corn knives, grindstones, wheelbarrows, and saws.

Axle grease, lubricating oils, fertilizers, salt for stock, and oil cake.

Lumber, shingles, barrels, rope (hemp), binding twine; barb wire, galvanized wire, steel wire, and wire fencing.

Farm labor.

And that the Federal Trade Commission report whether, under the facts found, the farmers are required to pay an unreasonable price for the things they are required to purchase and use on the farms in the production of food products, and whether they are thereby prevented from making a fair profit for their labor and money expended toward production.

Mr. THOMPSON. Mr. President, inasmuch as an arbitrary price has been fixed by the Government on wheat, one of the principal products of the farm, and in view of the contemplated program of price fixing on other farm products, it is highly important to the farmers and to the country that a thorough investigation should be made of the extremely high cost of agricultural implements and other essential things which the farmer is required to buy and use in bringing about production, which is necessary to be considered in connection with fixing the price on the products the farmer produces.

In the discussion of the various bills before the Senate a great deal has been said about the high cost of wheat and other farm products, but little has been said about the extremely high price of everything the farmer is obliged to buy to produce those products. There is not a single thing that enters into his household, his barnyard, or his field but what has greatly increased in price within the last few years, and especially since the commencement of the war; and within the last few months these prices have been soaring upward by leaps and bounds, without any apparent cause. But notwithstanding this fact, the Kansas farmers have answered the spring drive of the Kaiser by sowing 9,500,000 acres of winter wheat and promising a production of about 110,000,000 bushels, more than twice the amount that was produced last year. This insures us more food for ourselves, our allies, and the armies, and more money to buy liberty bonds and to fight the war to a final and successful conclusion. The President is depending upon the farmer who produces the food to help win the war, and he will not be disappointed in the Kansas farmer.

I have here a list of 94 articles, published in the monthly crop report prepared by the Secretary of Agriculture, giving the cost of these articles used by the farmer in 1909 and 1914 as compared with the cost in 1917, showing an increase of from about 10 per cent to several hundred per cent on the things which the farmer is required to use in production, which I ask may be made a part of my remarks without reading.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

Prices of articles bought by farmers.

Articles.	1917	1916	1915	1914	1909	1917 per cent of—	
						1914	1909
Coal oil.....gallon..	$0.162	$0.143	$0.141	$0.139	$0.157	117	103
Gasoline.....do....	.275	.23	.204	.179	.202	154	136
Coffee.....pound..	.27	.258	.248	.245	.211	110	128
Flour.....barrel..	12.15	9.75	7.30	6.40	6.30	190	193
Lard.....pound..	.298	.199	.154	.141	.132	211	226
Starch.....do....	.101	.075	.071	.07	.069	144	146
Sugar.....do....	.10	.082	.074	.069	.058	145	172
Tobacco, plug....do....	.58	.47	.455	.45	.45	129	129
Brooms.....each..	.80	.53	.43	.38	.34	211	235
Dish pans, tin....do....	.65	.45	.37	.34	.32	191	203
Dinner plates..½ dozen..	.95	.67	.60	.57	.55	167	173
Fruit jars.....dozen..	.95	.80	.77	.74	.73	128	130
Kitchen chairs....each..	1.20	.92	.86	.80	.72	150	167
Lamps.....do....	.83	.64	.60	.57	.55	146	151
Stoves.....do....	37.00	29.00	26.00	24.00	22.50	154	164
Tin pails.....do....	.41	.32	.29	.27	.25	163	176
Wooden buckets..do....	.63	.45	.38	.35	.31	180	203
Wooden washtubs.do....	1.27	.95	.87	.83	.77	153	165
Gloves.....pair..	1.25	.95	.85	.77	.70	162	179
Hats (felt).....each..	2.75	2.25	2.13	2.03	1.94	135	142
Jumpers.....do....	1.52	1.10	.93	.83	.77	183	197
Overalls.....pair..	1.54	1.14	.98	.89	.82	173	188
Men's suits.....each..	20.75	16.50	15.15	14.00	13.15	148	158
Raincoats.....do....	6.60	5.50	4.80	4.40	4.25	150	155
Rubber boots.....pair..	4.70	4.25	3.90	3.75	3.55	125	132
Shirts, flannel....each..	2.35	1.75	1.55	1.41	1.34	167	175
Shoes.....pair..	3.70	2.80	2.45	2.30	2.00	161	185
Calico.....yard..	.123	.084	.07	.063	.06	195	205
Muslin.....do....	.177	.116	.10	.093	.09	190	197
Sheeting.....do....	.33	.23	.202	.180	.17	183	194
Axes.....each..	1.48	1.12	1.04	.96	.89	154	166
Barb wire.....100 lbs..	5.40	4.25	3.50	3.08	2.98	175	181
Dung forks.....each..	1.15	.90	.82	.76	.70	151	164
Hatchets.....do....	.96	.70	.65	.62	.59	155	163
Lanterns.....do....	1.10	.85	.82	.80	.77	138	143
Nails.....100 lbs..	5.75	4.25	3.82	3.40	3.34	169	172
Padlocks.....each..	.43	.31	.28	.275	.27	156	159
Pitchforks.....do....	1.00	.80	.72	.66	.62	152	161
Pincers.....do....	.82	.62	.55	.51	.49	161	167
Saws, buck.....do....	1.25	1.05	.98	.92	.89	136	140
Screw hooks.....box..	.66	.50	.41	.373	.364	177	181
Shotguns.....each..	19.25	16.50	14.15	12.85	12.45	150	155
Shovels.....do....	1.22	.95	.85	.78	.74	156	165
Staples.....100 lbs..	6.20	4.60	4.15	3.75	3.69	165	168
Steel wire.....do....	6.30	4.60	4.10	3.55	3.43	177	184
Wire fence.....rod..	.53	.42	.36	.317	.311	167	170
Axle grease.....box..	.145	.129	.123	.119	.118	122	123
Buggies.....each..	94.00	80.00	75.00	70.10	64.90	134	145
Buggy whips.....do....	.605	.50	.45	.426	.404	142	150
Corn knives.....do....	.47	.36	.32	.29	.27	162	174
Churns.....do....	3.50	2.70	2.42	2.30	2.19	152	160
Cream separators.do....	80.10	68.80	63.00	59.30	63.10	135	127
Grindstones.....do....	4.16	3.35	2.96	2.85	2.80	146	149
Halters.....do....	1.52	1.20	1.06	.95	.85	160	179
Harness.....do....	22.00	17.00	16.00	15.25	13.50	144	163
Horse blankets....do....	3.65	2.90	2.60	2.40	2.25	152	162
Hoes.....do....	.67	.53	.49	.45	.41	149	163
Harrows.....do....	19.60	14.60	12.60	11.60	11.20	169	175
Manure spreaders.do....	155.00	123.00	112.70	106.70	111.60	145	139
Mowers.....do....	65.00	53.00	49.50	46.50	44.30	140	147
Picks.....do....	1.07	.81	.75	.72	.71	149	151
Plows.....do....	19.50	14.25	13.00	12.10	11.50	161	170
Cultivators.....do....	24.70	19.00	17.00	16.00	.....	154	.....
Sprayers, hand....do....	2.30	2.00	1.75	1.62	1.60	142	144
Scythes.....do....	1.41	1.20	1.12	1.06	1.02	133	138
Saddles.....do....	34.00	25.00	22.50	20.35	17.45	167	195
Tedders.....do....	52.00	44.00	41.00	39.50	39.00	132	133
Wagons, single....do....	69.00	55.50	51.00	48.00	45.50	144	152
Wagons, double...do....	105.00	84.00	78.00	73.25	66.00	143	159
Wheelbarrows....do....	4.80	3.60	3.20	2.97	2.80	162	171
Carbolic acid, crude.lb..	.70	.55	.40	.325	.292	215	240
Copperas.....lb..	.13	.105	.086	.078	.075	167	173
Lime.....bbl..	1.85	1.50	1.41	1.36	1.29	136	143
Tiles, 3-inch.....100 ft..	5.60	4.20	3.75	3.55	3.45	158	162
Portland cement, 100 lbs.....	1.05	.85	.76	.69	.70	152	150
Paris green.....lb..	.61	.43	.36	.30	.29	203	210
Bordeaux mixture.gall..	.75	.61	.54	.50	.....	150	.....
Sulphur.....lb..	.106	.095	.085	.08	.075	132	141
Baskets, ½-bushel.each..	.55	.43	.40	.38	.35	145	157
Milk cans, 10-gallon, each.....	4.50	3.10	2.70	2.45	2.40	184	188
Milk pails.....do....	.75	.53	.48	.45	.43	167	174
Linseed oil.....gall..	1.50	1.10	.94	.82	.79	183	190
Paint, mixed.....do....	2.89	2.20	1.98	1.74	1.62	166	178
Paint brushes.....each..	.91	.70	.60	.54	.49	169	186
Rope, hemp.....lb..	.315	.21	.171	.149	.135	211	233
Sacks, grain.....each..	.30	.20	.181	.163	.15	184	200
Twine, binder.....lb..	.231	.15	.121	.112	.103	206	224
Coal.....ton..	8.20	6.80	6.00	5.80	5.50	141	149
Lumber, 1-inch..100 ft..	3.10	2.35	2.20	2.10	1.95	148	159
Shingles.....1,000..	5.10	4.20	3.95	3.70	3.50	138	146
Barrels, for apples, each..	.43	.33	.30	.28	.....	154	.....
Fertilizer, commercial, ton.....	32.00	27.00	25.90	23.20	22.15	138	144
Bone meal.....ton..	48.00	38.90	35.00	31.90	.....	150	.....
Salt, for stock.....bbl..	2.30	1.75	.....	1.65	1.50	139	153

Mr. THOMPSON. I have here a statement from the same publication, prepared by the Secretary of Agriculture from information received by him throughout the country, as to the cost of farm labor, which enters so much into the cost of production, in all the States of the Union for the years 1910, 1916, and 1917, which I also ask may be made a part of my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Wages of male farm labor.

State and division.	Per month.						Per day at harvest.						Per day other than harvest.					
	With board.			Without board.			With board.			Without board.			With board.			Without board.		
	1917	1916	1910	1917	1916	1910	1917	1916	1910	1917	1916	1910	1917	1916	1910	1917	1916	1910
Maine	$36.00	$29.00	$23.50	$53.00	$41.00	$34.50	$2.39	$1.94	$1.50	$2.88	$2.30	$1.95	$2.02	$1.60	$1.23	$2.53	$1.99	$1.60
New Hampshire	35.00	29.00	23.50	51.00	43.00	35.50	2.28	1.88	1.35	2.86	2.35	1.84	1.92	1.60	1.18	2.59	2.00	1.65
Vermont	35.00	30.00	25.00	50.00	43.00	35.50	2.40	1.95	1.75	3.00	2.45	2.25	1.98	1.50	1.21	2.45	1.90	1.60
Massachusetts	38.00	30.00	22.75	58.00	46.50	37.20	2.10	1.95	1.42	2.85	2.48	1.92	2.00	1.65	1.22	2.55	2.18	1.65
Rhode Island	31.00	29.50	21.00	48.00	44.00	34.00	2.00	1.89	1.35	2.90	2.37	2.05	1.90	1.56	1.12	2.45	2.00	1.56
Connecticut	35.00	29.80	21.00	52.00	46.00	36.00	2.21	2.00	1.55	2.85	2.54	2.00	1.85	1.58	1.07	2.50	2.13	1.55
New York	35.00	29.40	23.50	48.00	40.80	35.00	2.52	2.12	1.80	3.04	2.55	2.22	1.94	1.62	1.28	2.47	2.05	1.66
New Jersey	32.00	25.80	19.50	46.00	40.00	31.50	2.45	2.00	1.70	2.81	2.50	2.15	1.95	1.48	1.11	2.40	1.96	1.45
Pennsylvania	30.00	24.00	18.75	45.00	36.30	29.00	2.29	1.80	1.50	2.80	2.25	1.96	1.80	1.42	1.04	2.35	1.85	1.49
North Atlantic	33.26	27.32	21.65	48.06	39.93	33.19	2.39	1.96	1.63	2.89	2.41	2.08	1.91	1.53	1.17	2.43	1.97	1.58
Delaware	29.00	20.00	16.00	43.00	31.00	24.75	2.31	1.65	1.35	2.80	2.02	1.55	1.75	1.25	.98	2.16	1.50	1.22
Maryland	24.00	19.20	13.50	37.00	29.00	21.50	2.17	1.53	1.23	2.59	1.87	1.64	1.52	1.11	.88	2.09	1.43	1.18
Virginia	22.00	17.80	14.00	32.00	25.20	19.50	1.75	1.34	1.15	2.20	1.67	1.44	1.25	.94	.78	1.65	1.24	1.01
West Virginia	31.00	23.30	19.40	45.00	35.10	29.00	2.00	1.52	1.28	2.59	2.00	1.65	1.55	1.19	.94	2.06	1.62	1.27
North Carolina	25.00	16.40	13.60	30.00	23.40	19.50	1.60	1.23	1.03	1.95	1.49	1.28	1.18	.86	.73	1.50	1.11	.97
South Carolina	18.00	12.80	12.00	25.00	17.50	16.50	1.20	.99	.96	1.45	1.24	1.12	.93	.69	.70	1.16	.87	.90
Georgia	19.00	14.30	13.00	26.00	20.10	18.00	1.24	1.00	.98	1.52	1.26	1.23	1.00	.80	.73	1.31	1.00	.95
Florida	22.00	16.90	15.00	33.00	26.50	25.00	1.25	1.00	1.10	1.68	1.35	1.46	1.14	.94	.96	1.55	1.25	1.32
South Atlantic	22.44	16.49	13.77	30.80	23.72	19.75	1.55	1.20	1.07	1.90	1.50	1.33	1.17	.89	.77	1.52	1.15	1.01
Ohio	31.00	25.50	21.00	43.00	36.60	29.00	2.45	2.00	1.67	2.95	2.47	2.07	1.88	1.51	1.20	2.37	1.94	1.57
Indiana	29.00	24.30	20.50	41.00	33.50	28.40	2.30	1.90	1.70	2.80	2.33	2.07	1.65	1.35	1.14	2.10	1.73	1.45
Illinois	33.00	27.50	24.50	44.00	36.50	32.90	2.60	2.05	1.90	3.15	2.50	2.30	1.85	1.50	1.31	2.32	1.86	1.63
Michigan	34.00	28.40	23.00	47.00	39.60	33.00	2.56	2.08	1.64	3.10	2.55	2.10	1.97	1.61	1.22	2.50	2.06	1.66
Wisconsin	36.00	31.00	26.00	52.00	43.80	37.25	2.40	2.02	1.76	2.93	2.50	2.20	2.00	1.66	1.35	2.52	2.12	1.78
North Central east of Mississippi River	32.44	27.15	22.94	44.98	37.64	31.81	2.48	2.01	1.75	3.01	2.47	2.16	1.86	1.52	1.24	2.35	1.93	1.61
Minnesota	39.00	33.00	26.00	54.00	44.70	38.00	2.93	2.55	2.23	3.53	3.02	2.65	2.17	1.85	1.48	2.77	2.33	1.90
Iowa	41.00	34.10	28.00	53.00	43.80	39.00	2.83	2.35	2.12	3.30	2.80	2.51	2.23	1.85	1.57	2.76	2.32	1.98
Missouri	29.00	23.00	21.50	39.00	31.60	29.50	2.12	1.71	1.55	2.55	2.12	1.93	1.44	1.14	1.02	1.82	1.47	1.32
North Dakota	41.00	33.20	29.00	60.00	47.00	42.00	3.49	2.90	2.40	4.35	3.50	3.03	2.45	1.94	1.60	3.30	2.55	2.20
South Dakota	42.00	33.70	27.00	61.00	47.50	39.00	3.30	2.69	2.35	4.00	3.28	2.95	2.52	1.90	1.54	3.15	2.53	2.09
Nebraska	39.00	31.30	26.50	53.00	43.40	38.00	3.10	2.55	2.14	3.77	3.07	2.60	2.31	1.78	1.57	2.95	2.29	1.96
Kansas	33.00	27.30	24.00	46.00	38.10	34.00	2.90	2.42	2.18	3.40	2.80	2.57	2.00	1.5	1.42	2.50	1.98	1.84
North Central west of Mississippi River	36.23	29.65	25.10	49.46	40.35	35.45	2.77	2.31	2.01	3.32	2.77	2.43	2.03	1.62	1.38	2.57	2.08	1.77
Kentucky	24.00	18.50	16.00	33.00	26.10	23.10	1.84	1.45	1.36	2.25	1.81	1.71	1.20	.95	.85	1.59	1.23	1.12
Tennessee	21.00	16.70	14.00	29.00	23.50	20.00	1.49	1.24	1.14	1.85	1.52	1.44	1.02	.82	.77	1.35	1.06	1.02
Alabama	16.00	12.50	13.00	24.00	18.20	18.50	1.13	.94	.98	1.45	1.18	1.26	1.00	.75	.85	1.26	.97	1.05
Mississippi	17.00	13.70	13.30	24.00	19.80	19.50	1.13	.89	.93	1.42	1.13	1.22	.95	.79	.83	1.27	1.04	1.10
Louisiana	19.00	15.30	13.50	30.00	23.00	20.25	1.20	1.02	.90	1.51	1.26	1.25	1.11	.96	.77	1.39	1.17	1.02
Texas	25.00	20.40	18.00	35.00	29.00	24.50	1.67	1.40	1.22	2.05	1.70	1.57	1.28	1.05	1.04	1.65	1.40	1.32
Oklahoma	28.00	22.80	19.10	40.00	32.40	28.10	2.40	1.92	1.60	2.86	2.24	1.97	1.65	1.25	1.11	2.10	1.61	1.47
Arkansas	23.00	17.80	16.25	32.00	25.70	24.00	1.65	1.26	1.20	2.02	1.59	1.55	1.20	.95	.90	1.58	1.20	1.20
South Central	21.88	17.45	15.28	31.07	24.99	21.90	1.57	1.27	1.14	1.94	1.56	1.47	1.18	.94	.89	1.53	1.22	1.15
Montana	46.00	39.00	38.00	70.00	58.10	50.00	3.00	2.60	2.05	3.79	3.15	2.80	2.44	1.99	1.77	3.30	2.75	2.36
Wyoming	45.00	37.00	35.00	68.00	54.00	49.00	2.64	2.10	1.90	3.57	2.79	2.50	2.15	1.74	1.73	3.17	2.47	2.29
Colorado	41.00	32.50	29.50	60.00	47.50	44.50	2.64	2.05	1.95	3.38	2.60	2.47	2.15	1.65	1.47	2.79	2.19	2.00
New Mexico	32.00	27.30	24.50	48.00	40.00	34.25	1.80	1.70	1.46	2.20	2.10	1.88	1.55	1.22	1.12	1.97	1.65	1.58
Arizona	48.00	37.00	30.00	68.00	55.00	40.00	2.40	2.00	1.72	3.10	2.50	2.24	2.22	1.57	1.34	2.83	2.10	2.04
Utah	50.00	40.00	35.00	68.00	54.50	47.50	2.73	2.04	1.78	3.25	2.48	2.20	2.42	1.78	1.55	3.00	2.24	2.00
Nevada	50.00	42.00	37.00	72.00	60.00	54.00	2.65	2.20	1.82	3.25	2.80	2.38	2.25	1.88	1.39	3.00	2.55	1.96
Idaho	51.00	38.70	35.00	70.00	54.00	49.50	3.12	2.40	2.20	3.80	2.90	2.80	2.48	1.84	1.70	3.20	2.43	2.27
Washington	47.00	36.00	33.00	66.00	52.60	50.00	3.00	2.60	2.42	3.60	2.95	2.78	2.40	1.82	1.72	3.10	2.40	2.26
Oregon	44.00	34.50	32.00	61.00	46.50	44.50	2.72	2.15	2.12	3.30	2.60	2.60	2.15	1.62	1.51	2.80	2.14	2.07
California	43.00	36.70	33.00	63.00	52.50	47.00	2.56	2.08	1.98	3.15	2.62	2.48	2.04	1.57	1.44	2.67	2.17	2.02
Far Western	44.25	35.88	32.69	63.59	51.32	46.48	2.69	2.19	2.02	3.28	2.68	2.52	1.87	1.67	1.51	2.82	2.24	2.06
United States	28.87	23.25	19.21	40.43	32.83	27.50	2.08	1.69	1.45	2.54	2.07	1.82	1.56	1.26	1.06	2.02	1.62	1.38

Mr. THOMPSON. While these statements show increases beyond reason, yet the increases since 1917, especially during the last few months, have traveled upward so rapidly as to make the conclusion inevitable that there is much profiteering all along the line. The truth is, the farmer is being held up at every point possible, and the sooner the facts are known the better it will be for all concerned.

In a speech in the Senate on March 19, 1918, I took occasion to call attention to the high cost of agricultural implements, based upon information I had received from the farmers of Kansas and Oklahoma and other sections of the country; and I desire to refer again briefly to a few of those examples in this connection. I called attention at that time to the fact that in the wheat section of my State a letter received from a farmer, a producer of wheat, at Hays, Kans., showed an advance of 200 per cent in the price of headers. I also called attention to the increase in the price of gang plows of 100 per cent, and in the price of listers of 162 per cent; of drills, 230 per cent; of wagons, 145 per cent; and of barbed wire, 300 per cent.

The farmer does not object so much to having the prices fixed on his products, if deemed necessary during the war, providing the prices are also fixed on the things he is obliged to buy and use to bring about production, at such a figure as will permit him to produce his crops at a fair and reasonable profit. He is like anyone else in business; he can not continue to produce unless there is a fair margin between the cost of production and the prices received for his crops.

The Federal Trade Commission is provided by law with the facilities and functions for investigating these matters, and to furnish the necessary information to Congress and the country;

and I have no doubt when their attention is called to this question through this resolution they will at once go to work on this problem, and develop the facts, which will result in great good to both the producer and the consumer, and will aid in the increased production so important to the country at this time.

The Trade Commission have about concluded their valuable work of investigating the packers, and the country awaits with interest their report to Congress. They have no other large investigation work on hand, as I am informed, and can therefore proceed at once with this investigation, and will be able to report in time to do much good in connection with any price-fixing legislation.

I therefore urge the passage of this resolution without delay, that the country may receive the benefit of the investigation at the earliest possible date.

Mr. GALLINGER. Mr. President, can the Senator from Kansas tell the Senate who constitutes the Federal Trade Commission at the present time—what its personnel is?

Mr. THOMPSON. I can not give the names of all the members of the Trade Commission from recollection at this time. There have been some changes recently. I know that Kansas is ably represented by Hon. Victor Murdock, formerly a distinguished Member of Congress.

Mr. GALLINGER. Are there any great lawyers on it?

Mr. THOMPSON. I think there are some able lawyers.

Mr. GALLINGER. I observe that they are to investigate infractions of the Sherman antitrust law. Does the Senator think that commission is qualified to do that work?

Mr. THOMPSON. I think they have made investigations of this character in the past. This resolution follows largely the language of other resolutions which have gone to the Trade Commission. They can ascertain and state the facts, at least, to the Senate, where there are some lawyers who will be able to determine the proper course of action; and they can also find the facts for the benefit of the Department of Justice.

Mr. GALLINGER. The trouble is, they might not be facts if they are stated by men who are not competent to consider the great questions that are involved in infractions of the antitrust law.

Mr. THOMPSON. I assume, Mr. President, that members of the Trade Commission will do their duty, and will no doubt follow their usual practice and procedure in finding and reporting the facts found to Congress. I have tried to make the resolution broad enough to cover every feature of the matter.

Mr. GALLINGER. Let me ask the Senator, with his permission, whether there is ony inhibition placed upon this distinguished commission that prevents them from going on with that work now, without this resolution?

Mr. THOMPSON. I presume not; but the law creating the Federal Trade Commission provided expressely that they could proceed upon resolution by either branch of Congress, and this is the way in which the matter has been presented heretofore in investigations of this character, particularly with reference to the packers.

Mr. GALLINGER. I know; but does the Senator think that when a commission is created, the members of which are receiving high salaries from the Government, they ought to sit idly in their swivel chairs until Congress tells them to do something?

Mr. THOMPSON. I think not, Mr. President, and I do not believe that they are doing so. They have been proceeding by making various investigations at the request of either branch of Congress, and also on their own initiative, as I am informed; but I desired at this particular time to call special attention to this matter, which is deemed of high importance to the farmers of the country and to the people in the way of securing increased production during the war.

Mr. GALLINGER. How long does the Senator think it would take that commission to make the investigation provided for in this resolution?

Mr. THOMPSON. I think it could be done within a few months.

Mr. GALLINGER. The Senator thinks they could do it within a few months?

Mr. THOMPSON. I think so.

Mr. GALLINGER. I think it would take a few years at least. I do not know but that it would take eternity to accomplish that result. Perhaps the Senator is not aware of the great duty that he asks us to place on this commission.

Mr. THOMPSON. I think it is worthy of an earnest effort, and I believe the Trade Commission will make it if their attention is called to it within a reasonable time, and at least within time to do some good during the present Congress.

Mr. GALLINGER. It is barely possible that they might make a report on buggy whips in a little while. That might not take them a great while; but when they go into an investigation of every possible thing that is connected with the farm and every manufactured article that goes to make up the equipment of the farms of this country, it is absolutely futile for the Senator to say that they can do it in a few months. We know that these commissions do not rush their work very rapidly even when they have one line of investigation; but here there are at least, I should say, between 50 and 100 different things that they are going to investigate. They are going to investigate the International Harvester Co., and find out why they charge more for their narvesters and their binders and their reapers. That will be a very important investigation. They will go up against some of the geatest lawyers of this country in that investigation; and while this commission may be composed of men of great ability, I fear they would find that they are up against men of greater ability than they.

The Senator from Utah [Mr. SMOOT] has just turned to the Congressional Directory, and has said to me, sotto voce, that he can give the personnel of the Federal Trade Commission. I wish the Senator would do that.

Mr. SMOOT. Mr. President, the personnel of the commission in last January was as follows: William J. Harris, chairman——

Mr. GALLINGER. He is out.

Mr. SMOOT. Yes; he has resigned to run for the Senate. Joseph E. Davies was a member of the Federal Trade Commission, and he resigned to run for the Senate and was defeated the other day.

Mr. GALLINGER. He has probably gone back, I apprehend; has he not? He has not been reappointed, though.

Mr. SMOOT. He has not been reappointed. Then there are William B. Colver, John F. Fort, and Victor Murdock. The last three are members of the commission at present.

Mr. GALLINGER. Will the Senator repeat those names?

Mr. SMOOT. William B. Colver——

Mr. GALLINGER. Does the Senator know who he is?

Mr. SMOOT. I should prefer not to say anything at this time about Mr. Colver's ability. John F. Fort——

Mr. GALLINGER. A New Jersey man, is he, an ex-governor of New Jersey? I think so.

Mr. SMOOT. Yes; I think he is an ex-governor of New Jersey.

Mr. GALLINGER. Yes.

Mr. SMOOT. And we all know Victor Murdock.

Mr. GALLINGER. Yes. Now, Mr. President, those three men are going into first an investigation of offenses against the Sherman antitrust law. I know that the Senator from Kansas, himself a lawyer, must confess that the investigation of that matter alone has from time to time staggered the department having charge of offenses against the laws, and in many cases they have practically thrown up their hands in despair in undertaking to fasten upon individuals and corporations infractions of the Sherman antitrust law. That of itself is going to keep this commission busy for the remainder of their lives if they do it thoroughly; but after they get through with that then they are going to take up plows. They are going to Moline to investigate the manufacturers of plows, to find out whether they have increased their prices, and of course the manufacturers of plows must go into the question of the increased cost of raw material and labor, and they will not do that in one day surely. When they get through with that they will take up listers and then they will go to harrows, and then they will take up headers, harvesters, reapers, mowers, drills and planters, horse rakes, cultivators, thrashing machinery, wagons, buggies, carts, utensils, and machinery and equipment required for the production of food, foodstuffs, grains, fuel, fuel oil, natural gas, hides, leather, cotton, and wool. I do not know why they want to investigate the increased price of hides, because that is an advantage to the farmer if it is an advantage to anybody. I do not know why they want to inquire into the increased price of cotton and wool.

Mr. THOMPSON. It is to inquire into the cost of the utensils that are necessary to produce those articles.

Mr. GALLINGER. It does not say so.

Mr. THOMPSON. Not the product itself, but the utensils, and it is expressly so provided in the resolution if the Senator will carefully read it.

Mr. GALLINGER. It does not say the utensils.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. GALLINGER. Certainly.

Mr. JONES of Washington. I think I saw an order the other day that the Government had taken over all the wool.

Mr. GALLINGER. It has.

Mr. JONES of Washington. The wool crop of the United States.

Mr. GALLINGER. Then when they conclude that——

The PRESIDING OFFICER. Will the Senator suspend? The Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. The conference report on House bill 8753.

Mr. GALLINGER. I shall conclude my remarks a little later.

The PRESIDING OFFICER. Under the rule the resolution goes to the calendar.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. HARDWICK. Mr. President, I am opposed to the adoption of the conference report.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Jones, N. Mex.	Nugent	Sterling
Calder	Jones, Wash.	Overman	Sutherland
Culberson	Kellogg	Page	Swanson
Cummins	Kenyon	Pittman	Thomas
Curtis	King	Poindexter	Thompson
Dillingham	Knox	Pomerene	Trammell
Fletcher	Lenroot	Ransdell	Underwood
France	McCumber	Saulsbury	Vardaman
Gallinger	McKellar	Shafroth	Wadsworth
Gronna	McNary	Sheppard	Walsh
Guion	Martin	Sherman	Warren
Hardwick	Nelson	Shields	Watson
Hollis	New	Smith, S. C.	Weeks
Johnson, Cal.	Norris	Smoot	

Mr. BECKHAM. I wish to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SHEPPARD. I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Arkansas [Mr. ROBINSON] are detained, taking part in the third liberty loan campaign.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness.

Mr. SUTHERLAND. My colleague [Mr. GOFF] is absent because of illness.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The Senator from Georgia will proceed.

Mr. HARDWICK. Mr. President, I am opposed to the adoption of the conference report upon House bill 8753, commonly known as the espionage bill. I gave to the Senate, when this measure was before the Senate for its consideration, some of the reasons upon which my objection to it rests. The report of the conference committee has accentuated and emphasized instead of lessening and removing those objections, and since I was unwilling to vote for the bill, even in the form in which it was passed by the Senate originally, I am much more unwilling to vote for it in the form in which it is presented by the conference committee.

First of all, I want to direct the attention of the Senate as briefly as may be to the arbitrary powers that are given to the Postmaster General under section 4. I do that because my service on the Post Office Committee renders me better acquainted with the details of postal affairs than anything else, and naturally anything that touches the Post Office Department or its administration attracts my attention first. The bill provides, and by the way this section was in the bill before it went to the conference, although it has been a little amended in conference:

> The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

This language is so broad that it not only covers the writers of letters but it also covers the publishers of newspapers and other matter. It includes practically everything in the four classified divisions of postal matter. In fact, I think it is as broad as the business handled by the Post Office Department.

Now, what is the situation? What I say by no means is intended to reflect upon the present Postmaster General, who is my warm personal friend, and with whom my official relations are pleasant and agreeable, but I would oppose the granting of this sort of power to any Postmaster General unless very careful safeguards were thrown around it, and that regardless of whether the Postmaster General happened to be my friend and I had confidence in him, or whether my party happened to be in power or not.

If a citizen is charged with violating the espionage law, he must at least be accorded the right of a trial by jury under our Constitution. His guilt must be established in a court under the forms of law, and he goes into court surrounded by the constitutional safeguards that this free Republic throws about its citizens when they are charged with crime. No matter how he is charged or what he is charged with, he can not be punished until his guilt has been determined in that manner. But if anybody writes one letter or mails one newspaper that, in the opinion of the Postmaster General, violates this law or any provision of it, the writer of that letter may lose absolutely forever the right to send all letters through the mails of the United States, and if any publisher of a newspaper happens to send one issue through the mails that in the opinion of the Postmaster General comes within the inhibitions of this act, then every issue and all subsequent issues of that newspaper, coming as it does under the designation of "other matter," could be stopped by the Postmaster General, and that without any jury trial provided for, without any investigation by any court guaranteed or even hinted at. I do not believe that the Senate wants to take that position or to enact legislation of that character.

As far as I am concerned, I do not want to vote and can not vote for legislation of that sort. Even with reference to the fraud-order business, we provided in the very statute which gave the Postmaster General power to stop fraudulent mail from being transmitted by the Government that the person against whom the fraud order is directed should have the right to go into court before the order could become effective. Upon appeal from the decision of this department official the citizen had a right to a trial before a judge and jury before any final decree was entered up against his rights. Surely if we are to adopt any such provision as this in reference to this matter a similar safeguard ought to be thrown about it.

Mr. KNOX. Mr. President——

Mr. HARDWICK. I yield.

Mr. KNOX. I wish to inquire of the Senator from Georgia, as I do not myself recall the statutes regarding fraud orders, do those statutes go any further than to exclude the fraudulent matter from the mail? The language the Senator has just called to our attention penalizes the person and denies him the right to use the mail for any purpose, as I understand the Senator.

Mr. HARDWICK. Yes; I see what the Senator means.

Mr. KNOX. There is a distinction between that and the fraud-order statute, because it is only fraudulent matter that is penalized and not the individual.

Mr. HARDWICK. I am inclined to think the language goes a little further. I remember a case where it was held to go much further, but I believe the courts finally reversed the action in that particular case.

Mr. KNOX. This is introducing an entirely new element of fraud.

Mr. HARDWICK. Yes; and it is a dangerous element to introduce. No matter how innocent a man's letter or his newspaper if he commits one indiscretion, in the opinion of one human being, subject to all the human limitations, he might lose his right forever under such a law as this without any judicial ascertainment of the fact——

Mr. CUMMINS. Will the Senator yield to me?

Mr. HARDWICK. I yield.

Mr. CUMMINS. I wish to submit to the Senator from Georgia an inquiry, because he is familiar with the entire postal legislation. Have we any statute which is phrased in the way in which this bill is, namely:

> The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act.

Are not all our statutes founded upon the fact that it is to be determined first by the Postmaster General? Have we any other statute which says that the matter may be excluded if in the opinion of the Postmaster General it has been satisfactorily shown that the matter is so-and-so?

Mr. HARDWICK. As far as I know we have not. Let me say, further, to the Senator from Iowa what is one of my chief

concerns about this section. The language is so written and the idea is so expressed that I am afraid the courts will say this matter of discretion was made by act of Congress and by the language employed by Congress, so that anything satisfactory to the Postmaster General would be sufficient ground for his action.

Mr. NELSON and Mr. KING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. HARDWICK. I yield first to the Senator from Minnesota.

Mr. NELSON. I wish to say in addition to the statute of fraud orders referred to by the Senator from Pennsylvania we have two other statutes that I recall, one in reference to the Louisiana lottery and the other as to obscene literature. I think this is in the main on the same line with that relating to obscene literature. It allows the Postmaster General to exclude it from the mails.

Mr. KNOX. Yes; to exclude the obscene, lewd, and lascivious literature, but does it penalize the man who sends it through the mail by not permitting him to send other matter through the mail or receive other matter?

Mr. NELSON. I do not think this statute does that.

Mr. KNOX. I was putting the construction on it placed by the Senator from Georgia.

Mr. HARDWICK. I yield now to the Senator from Utah.

Mr. KING. In reply to the Senator from Pennsylvania and the Senator from Minnesota I would like to state that there is a statute which permits the Postmaster General to return to the sender, without opening, any letter which has been transmitted through the mails, even though that letter may be entirely innocent and not connected with a fraud. But, answering the question suggested by the Senator from Georgia, as I understood him, in answer to the suggestion of the Senator from Iowa as to whether there was any other statute of this character, I have here the statute of September 19, 1890, found in Twenty-sixth Statutes at Large, page 465, which reads as follows:

> The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof.

In a subsequent act this legislation was broadened, and it extends to all letters that may be sent, regardless of whether they were mailed or not. In a very full and complete consideration of that statute by the Supreme Court of the United States, in an able opinion by Mr. Justice Brown, the validity of this statute is upheld and the wisdom of this legislation is justified.

Mr. HARDWICK. The Senator refers to the lottery decision?

Mr. KING. No; to obtaining money or property by fraudulent representation or any scheme or device of a deceptive character.

Mr. NELSON. Will the Senator yield to me?

Mr. HARDWICK. I will yield.

Mr. NELSON. For just a moment I wish to call attention to the statute relative to obscene matter, and so forth. It provides:

> Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. HARDWICK. Mr. President, I think the trouble is that in both cases referred to by the Senator from Utah and the Senator from Minnesota the ascertainment of the fact as to whether the matter be obscene or not or whether the matter was fraudulent or was lottery matter or not was left to the court and jury. Certainly that is true with reference to the statute last quoted, because it says "upon conviction shall be fined" so much. Conviction by whom? Not by the Postmaster General but by a court and jury acting under the Constitution of the country. However, I merely want to suggest that this power is so broad and so arbitrary and there are so many possibilities for both its misuse and its abuse that I hesitate to grant it unless it be carefully guarded, carefully hedged about, and carefully protected; and I am sure the Senator from Utah is in sympathy with the proposition.

Mr. KING. Will the Senator yield?

Mr. HARDWICK. I yield.

Mr. KING. I understand the Senate placed in the bill an amendment——

Mr. HARDWICK. It amended it.

Mr. KING. But I think there is no amendment by the conferees except to narrow it, and that technically is not an amendment. As I understand it, the only words that are added to the amendment are "during the period of the war," and in view of the fact that the legislation itself indicates that it is only to be enforced during the period of the war, it is manifest that those are words of surplusage, a mere act of supererogation, so that this bill comes back to us in that respect just as it passed the Senate. So I think a point of order would be made, although as to that the Senator from Georgia is far better informed than I am, that it would not be subject to consideration or review again by the Senate.

Mr. HARDWICK. I think there is no such rule as that. While that might affect the action of the conferees of the Senate, and while doubtless this argument ought to have been presented sooner to the Senate, I will say this amendment was very hastily adopted and without full consideration.

I know I did realize its full import when the Senate first acted upon it. But when a conference report comes back I believe the Senate ought to be apprised of every reason why, in the opinion of Senators who object to it, the conference report ought not to be adopted, because we have then arrived at the final stage of legislation, our last opportunity to correct mistakes, and unless we now urge such objections, even if we ought to have urged them sooner, the opportunity to urge them at all will be lost and the country itself will be injured. Of course there is no rule of parliamentary procedure relating to the matter.

I submit to the Senate for its consideration whether or not this does not go entirely too far; whether or not, if we are to enact legislation, the legislation should not carry in it, connected with it, the plain, express provision for an appeal to the courts for the determination of this question, for a review of the action of the Postmaster General, and that before any such action shall be carried into effect.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARDWICK. For a question.

Mr. KING. Permit me just to say in reply to my distinguished friend that the courts have uniformly held that without a statute giving the right of review any person who claims that he was injured would have the right.

Mr. HARDWICK. And yet in this other case relating to postal matters we have provided that the Postmaster General shall not arbitrarily ruin men pending the review. That is the trouble. You let him do this—take away a man's right and ruin his business, suppress his newspaper—and then, when it is too late to do any good, you say let him appeal. We ought to require, pending the judicial determination, that no such arbitrary action as this shall be taken on mere departmental initiative.

Mr. President, there are one or two other things in connection with this matter that when the measure was before the Senate I discussed somewhat at length, and therefore it will not be necessary for me to go over the ground I then covered. I very much object on amendment No. 5 to the insertion of terms so general that they may give rise especially in troublesome and hysterical times to the persecution of perfectly loyal American citizens. Let me call the attention of Senators to one of these expressions:

> or to promote the cause of its enemies.

In a way everybody here is willing to punish anyone who really and truly promotes the cause of the enemies of this country, and to provide a statute as stringent and as drastic as human pen can write to do it. But let us see exactly how the statute might be applied, and let us see the danger unless the language is more carefully guarded than seems to have been done in this measure.

Not so very long ago, on two separate occasions, the President of the United States addressed both Houses of Congress in joint session assembled discussing what are termed war aims and peace conditions. Even the President was not exempt from the most drastic criticism because he discussed these matters, and a distinguished New York lawyer, one of the leaders of the bar of that metropolis of the country, while guarding his utterances very carefully, and while careful to see that there was no personal disrespect to the President in his language, insisted that the President of this Republic had injured the cause of the country, and had really promoted the cause of its enemies by discussing war aims and peace conditions at all, and many

newspapers in this country were teeming with inflammatory editorials of the same sort.

I quite agree with any Senator who might contend or feel that at present the United States is in no condition and has no reason to discuss peace conditions; until its rights are established and its honor vindicated it ought not to do it; but this law is made for the entire period of the war through all its development and all its stages. The time may come when we can with honor and with profit discuss peace conditions. When we have established the rights and vindicated the honor of this country on the battle field, and wrung from our opponents an acknowledgment of our rights, surely then we might at least consider the question without any disloyalty to this country or the possibility of being prosecuted for doing so.

Yet I venture to state without the slightest fear of successful contradiction that whenever that time comes there will be many people in this country and many leading newspapers that will insist that the bare suggestion that the time has come to make peace injures the cause of this country and promotes the cause of its enemies. If that be true what a marvelous condition of affairs we will have. Free speech in a free country will simply mean that you can speak freely if you will agree with what I believe and not at all if you do not. Free speech in a free country will simply mean that one man is perfectly free to advocate war to the end of eternity and another man can not advocate peace without putting himself in a dungeon. That is the difficulty about this kind of legislation. Let me illustrate by reading from a recent letter—I am not going to read the name of the writer—written me by a farmer. He evidently went to somebody's office and had a typewriter to write it; but he writes me that he is a farmer living in one of the Southern States, not my own, and he is evidently a man of very keen and incisive mind. He writes me with reference to some of my addresses to the Senate on this very subject. He states:

> I thought, just as you say, that we entered this war because our rights on the high seas had been violated and our citizens killed in violation of international law. Now, some other people think—that is, if we may judge them by their utterances—that we went to war because of injuries inflicted upon Belgium; still others hold we are in this conflict for the purpose of restoring Alsace-Lorraine to France; others contend that we are battling for the purpose of establishing world-wide democracy, whatever that is.
>
> Now, I am just a plain farmer and have no schoolbook education, except that acquired prior to my fifteenth birthday; I am no lawyer, and, therefore, do not know what rights I possess. As a matter of information, I should like to know if, under the proposed espionage law, I should think and say sometime in the future—say, after a decisive battle in which a few million more Huns had been slain—that my anger had been appeased, and I thought my country had secured its rights, or could do so, and this was a good time to negotiate peace—if I did, then could my neighbor, who held to the Belgium theory, successfully prosecute me for disloyalty? On the other hand, if Belgium should be restored and our rights vindicated and both myself and my Belgian friend were satisfied, could our Alsace-Lorraine friend put us both in jail for saying so?
>
> Again, presuming that the French regained possession of Alsace-Lorraine, and the trio of us—myself, who stood only for American rights, my Belgium friend, and my Alsace-Lorraine friend—were all satisfied, could our world-wide neighbor have us all shot at sunrise for this expression of our opinion; or am I to understand, in case the entire quartet of us—myself, my Belgium friend, my Alsace-Lorraine friend, and my world wide neighbor—all collectively expressed the opinion in the corner drug store that the cause of us all had been vindicated and the time had come to conclude peace, could we still be shot at sunrise because we had not waited until the President, or some other man that we by our votes had elevated to office, told us the time had come when we could speak?

This gentleman has very forcibly suggested some things that have been worrying me a good deal about this bill. I should like to see the language of this bill guarded, if it is to be passed at all, so that there could be no doubt that the right of free speech should not be denied to loyal citizens of this Republic, and without impairment of our constitutional guaranties—guaranties that are not suspended, can not be suspended, and ought not to be suspended by war, and which the people can be trusted to properly exercise, and not to abuse.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. HARDWICK. I do.

Mr. WALSH. Will the Senator kindly call our attention to the specific provision of the bill which he fears will involve any such prosecution as that suggested in the letter?

Mr. HARDWICK. I did that. In my remarks I cited that part of the bill which referred to anybody who sided against the cause of our country. I quite understand that one construction of that means simply the side our country is on in the war our country is waging. I know that is the view the Senator would suggest.

Mr. WALSH. Yes; but I was merely endeavoring to locate the provision; that was all.

Mr. HARDWICK. The Senator will remember the language to which I refer. We had this matter up before.

Mr. WALSH. Yes; but the Senator feels that a prosecution such as is suggested in the letter might be brought under that clause?

Mr. HARDWICK. Yes; I am afraid so.

Mr. WALSH. There is not any other clause of which the Senator can think under which such an act could be prosecuted?

Mr. HARDWICK. I cited some other language under the fifth amendment "or to promote the cause of its enemies." It is practically the same proposition, however.

Mr. WALSH. That is in the same clause.

Mr. HARDWICK. Yes. I am afraid that the use of the word "cause" is liable to make confusion. I think if we had merely said "anybody who sides against the United States in the war," there would not have been any possibility of any such thing as this, because nobody who advocated peace under the circumstances that he thought the honor and the interests of this country permitted would have a perfect right to do so; although I think it would be best for him, as a matter of patriotism, to make it plain in the same breath, that he did not propose to interfere and did not want to interfere with the prosecution of the war.

Mr. President, I am going to ask the Secretary of the Senate in just a moment to read a letter on the subject matter of this bill, which has been recently written to me by a lady, whom I regard as probably the most distinguished woman in the entire Southern States, an old lady of wide and varied experience in life, the widow of a former distinguished and brilliant Member of the House of Representatives from Georgia in the period just after the war; I think a lady who is generally conceded in our State to be probably its most intellectual and most brilliant woman. She has given to the Senate her views on this subject, which she has asked me to present, and I think it is worthy of serious consideration.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

> CARTERSVILLE, GA., *April 30, 1918.*
>
> Hon. T. W. HARDWICK,
> *Washington, D. C.*
>
> DEAR SIR: As one of the two representing Georgia in the Senate of the United States—and I would take equal pleasure in addressing a similar letter to Hon. HOKE SMITH, your colleague—I appeal to you to call a halt on the gospel of hate which is being preached all over our country and which is elaborated in the sedition bill before the Senate, and which gospel of hate will bring a crop of evils in America that may wreck our own Republic. We must remember the gospel of Christ.
>
> I make free to present this petition to you because I have something in my own possession that is not owned by any Member of the United States Senate, so far as my information reaches, namely, experience in a personal way with the difficulties of the Civil War time and full acquaintance with what another gospel of hate did to wreck the fortunes of the Southern Confederacy. To make my meaning plain, I heard a wealthy merchant in my town, addressing another citizen in my presence, use the following words: "Something must be done to make our people furiously mad with the Germans or we will not raise the quota of liberty bonds."
>
> During the fateful years between 1861 and 1865, in the Confederate States, whenever anything, any action, was called for by the Confederate Government it was ushered in and championed by a tremendous hate propaganda against Yankees. To illustrate, when Atlanta surrendered to Gen. Sherman I was a refugee with my family, and we awaited news from the front with painful anxiety. I knew that my father and my mother had been living in a cellar in the home of my sister on Peachtree Street, in Atlanta. I had heard nothing of their escape from the town. The newspaper that brought the first tidings read this way:
>
> "The legions of Old Ape took possession of the city at half past 10 o'clock. They had a ball that night attended by Gen. Sherman and his staff. It was an orgy of ———, where victory was glorified by dances with negro women until a late hour of the night," etc. That made us all mad, right enough. The scheme worked. We were daily and hourly fed upon fiery news items. It was considered treason to contradict or dispute such statements. "Old Ape" was about the easiest title that was conferred on Mr. Lincoln. Negro miscegenation was the thing to be relied upon to raise up the very mud sills of hatred to the Federal Government. The North also had its hate makers.
>
> The awful thing about the war is the free rein that is given to the gospel of hate.
>
> Last Friday I witnessed a great public-school celebration in my own town. The certificates for school progress I did not hear, but the highest honor for selling war stamps—known to us as thrift stamps—was awarded a small school; and when the school children filed out I saw the framed certificate as it passed me, and in the hands of the teacher, and it had two pictures on it, representing the two greatest men known to the United States, and one was the picture of President Wilson and the other—hear it, Mr. Senator—was the likeness of Abraham Lincoln! Nevertheless, I am of the opinion that Son-in-law McAdoo got his pictures mixed in transit. This one that passed by me was probably intended for northern climates or, perhaps, for the negro schools of Georgia. Less than 25 years ago any candidate for public office who exhibited a picture of Mr. Lincoln as one of the two greatest men that ever lived in America would have been tarred and feathered, and, perhaps, ridden on a rail, as that German woman was served in the State in which Mr. Lincoln lived when he died.
>
> I am an old lady—will reach my eighty-third birthday within a few short weeks. I am here to tell you that the gospel of hate may gratify vindictive human passion, but it gets you nowhere as a propaganda for security or progress in our own country. I know whereof I speak. The northern people who settled in the South before the Civil War had to make choice of residence during the war of the sixties. Many of them acted wisely in going back North or going to England, South

America, or maybe Mexico. My advice to Germans in the United States who fled from their foreign land to find a home and a welcome and a living in this free country, would be to go somewhere during this war, especially if the bill before Congress, known to me as the alien and sedition bill, becomes a law. If the States of this Union have lost all power to protect the people of the States from attempts to burn down and blow up, and this gospel of hate is as powerful as I knew it to be in the Confederate era, any evil-disposed person can wreak both spite and vengeance upon a personal enemy if there is a single person of German lineage near enough to be hinted at or suspicioned. I have no German blood in my veins. I have no kindred to shield from mob law. But I expect them to still retain affection for their kindred in Germany. I should think less of them, and so would you, if they did not attempt to correct statements made to them and in their hearing that were false. But they would risk their liberty and mayhap their lives to do so. Witness the hanging of the man at Collinsville, Ill., and the mob action at Collinsville, Okla.! As a very aged patriot, with varied experiences in Civil War times, I am admonished that it is a dangerous thing to combat any war falsehood in States like my own, and I am also of the opinion that Georgia is a favored Commonwealth, without strike periods or sedition workers.

I am writing these words to you because of the politics—the hysterical demand at this time prevailing to give legal authority to the President to do what he pleases, say what he pleases, and punish whom he pleases during the entire war period. He even dictates the candidates who may run for Congress, and especially for the Senate, and treason is openly charged if any man differs with his favoritism or his management or his selections. You remember the denunciation of your colleague, Hon. HOKE SMITH, after he addressed the university students at Athens nearly a year ago, because he admitted in the speech that he had differed with President Wilson on some of his war policies, and he was arraigned and condemned before the bar of public opinion by a superior-court judge as a traitor because of such admission or explanation. In the printed words of a critic, "Judge Cobb went for our Senators like Joshua went for the Canaanites. He smote them hip and thigh." He said in substance, "When a nation is at war it knows only two classes of people—traitors and patriots." The sin that the Georgia Senators had committed was differing with the President on matters brought before the Senate to be granted or defeated. Judge Cobb believed in doing only those things approved by the President, and failure to support such views was called treason. I was interested in another pointed statement: "Judge Cobb's speech against Senator SMITH was worthy of the best accents of his father in Congress. Senator SMITH'S speech did not suit Judge Cobb."

When Judge Cobbs's father was active in Congress and in Georgia I was also living, full grown and 21. His speeches in Congress and in Georgia on the secession question were loud and violent and always for war, just before Georgia seceded. He was commander in chief of Georgia troops—for home defense—at the time of the surrender. Whatever might be done in Georgia for protection of the helpless and the innocent, he was expected to do. There was a drastic law in force, conscripting all white males from 16 to 60, and yet Gen. Sherman marched all the way from Atlanta to Savannah, virtually unopposed. That was the time "to do or to die," as we were exhorted to perform in that era of Confederate history. I suppose I was admonished a full thousand times that our independence was really assured and that our statesmen in Congress and political generals in the field would never give up while life lasted and the "powder was dry."

Now, what happened? Georgia surrendered to Gen. Wilson in April, 1865. I was in Macon, Ga., during the forenoon, and Gen. Wilson occupied the city in the afternoon. I was told that the city would be looted and maybe burned very soon. I asked in frantic fear, "Have we no defense? Is there nobody to stand for the defenseless women—of which I was one—and children?" I was directed to see Gen. Cobb, and was told to go outside the front door of Mr. John Burke's bookstore, and I could interview the commander in chief of the Georgia military forces. I went out, as directed, but I never opened my mouth to ask a question. The general was sitting there, dressed in citizen's garb, and the only people who had gone forward to meet the enemy was a squad of citizens who went to beg for protection from an advancing army, followed by hundreds of camp followers, black and white, bent on loot and destruction. Mr. Burke's bookstore and his large printing establishment went up in smoke that night.

Smart people and some wise people can and do make miscalculations and mistakes. I have waited patiently for somebody to rise up and say what all sane and sensible Georgians ought to say—"Be careful what you do in Congress, representing the people at home, when these mothers' boys can be sent 3,000 miles away, to die in bloody trenches before German guns!" "The danger is too great for serious mistakes and risks."

I can testify in any presence that we went into the Civil War to protect the institution of slavery in the United States. Slavery was the question in dispute. If there had been no slaves, there would have been no war. Nevertheless, the Confederate Veterans still meet annually in a great convention, and the Daughters of the Confederacy have organizations in nearly every State in the Union to memorialize the "glorious cause" and the fadeless patriotism of the contest of the sixties, which destroyed billions in values and the lives of many, many thousands of human beings who were led into defeat by the mistakes and miscalculations of people representing the masses in Congress and who voted away money and human safety with incalculable speed and with very apparent lack of even the basic attributes of statesmanship. It is astounding that the politicians, North and South, only took counsel with the gospel of hate in the Civil War. It must have been apparent to outsiders that slavery was not a fitting cause for such bloody sacrifice. I was one of many thousands who came out penniless, and the longer I live the more I am convinced that Representatives in Congress, both House and Senate, should be exhorted constantly to keep in mind the people who will suffer by the horrors of war, and to carefully scan every legislative act that may work injustice and money loss to the people at home of all classes. When Congress ceases to represent the plain people, this Republic is a failure.

The President is obliged to do business through his subordinates, and he and they have human limitations. Omnipotence, omnipresence, and omniscience can meet this condition of affairs in America and Europe. Nothing else can, and to turn over the specified business of the American Congress to one man or any set of Cabinet officers, under one man's direction, without curb or limit, smacks either of laziness on one side or craven cowardice on the other.

The very weakest link in the chain of our national argument as to why the United States entered the war a year ago, waiting nearly three years to consider whether we were "too proud to fight" or whether the success of world democracy was in peril, lies in the failure or oversight on the part of the President to get a plain signed agreement from the King of England, the King of Belgium, and the King of Italy that they were also fighting this battle to make the world safe for democracy. The Romanoff and Russia collapsed at the same time, and I often wonder if we are going to be like the Hebrews in Samuel's time, anxious for a king.

There is a verse in Jeremiah—second chapter, eleventh verse—that I call to your attention. The Hebrews were then suffering under kingly rule and going headlong into captivity and ruin:

"Hath a nation changed their gods, which are yet no gods? But my people have changed their glory for that which doth not profit. Be ye very desolate, saith the Lord."

Very respectfully,

Mrs. WILLIAM H. FELTON.

Mr. HARDWICK. Mr. President, for the reasons I have given to the Senate I consider it my duty to oppose this conference report and I shall vote against it.

In taking this position I am well aware that I will subject myself to bitter but undeserved criticism. It will be contended by cheap politicians and by still cheaper newspapers that I am disloyal to the country because I do not think that this particular measure, in its present form, ought to pass, because I believe that freedom of speech is unwisely and unnecessarily abridged by some of its provisions.

I have never believed that it is necessary or advisable, in order to prosecute this war successfully, to reverse all of the processes by which this country has grown great and strong or to imperil or destroy the rights and liberties of its citizens. The very reverse is true on both propositions. While I have always been willing to grant to the President complete and exhaustive authority over all matters that are purely executive, and especially such as relate to the performance of his duties as Commander in Chief of the Army and Navy of the United States, yet I have never believed that it was either necessary or wise to grant to the President or anybody else autocratic and despotic power over the citizens of the United States and their ordinary civic affairs. I have always believed in the soundness of the basic foreign policy advocated by Washington, Jefferson, Madison, and Monroe—indeed, by all of the founders and fathers of the Republic, without notable exception—which laid it down as a fundamental proposition that this country ought to avoid foreign entanglements and hold aloof, so far as its honor and safety permitted, from European wars. For that reason I was anxious to avoid and did all in my power to avoid any entanglement in the present war; but when Germany arrogantly ordered us off the seas and impudently announced her intention to pursue, in violation of all international law, an unrestricted submarine warfare against peaceful ships of commerce, and also announced her intention to direct that warfare at her wish or whim against our flag and our ships, I unhesitatingly and warmly supported the legislation considered by Congress in March, 1917, that authorized the President to arm and defend the merchant ships of the country. In my judgment—and, of course, I criticize no Senator who thought otherwise—the honor of the country required us to adopt that course.

Besides, it was a last warning to Germany, conveyed in the most solemn manner that a nation may employ, that if she executed her threats this Nation would not hesitate to go to war if it should be necessary to do so in order to protect our flag and to vindicate our right to the freedom of the seas.

When Germany actually executed her threat and fired upon the American flag I unhesitatingly and warmly supported the joint resolution of Congress accepting the state of war that Germany had thrust upon us and pledging the power and resources of this country to the prosecution of that war. As I viewed it, Mr. President, no other course was consistent with our honor or our safety or even possible if we expected to retain the respect of other nations or our own self-respect. I voted for the war and have done and will gladly do all in my power to provide for its adequate and successful prosecution.

We came next in this body to the consideration of legislation that was necessary for the conduct of the war, the plans that were to be adopted, the methods that were to be pursued in preparing for its prosecution and in prosecuting the war—a work that is still in progress and that can not of necessity be concluded until the war itself is over.

The first matter of the kind upon which the Senate was compelled to pass was the method of raising an army. The Constitution of the United States (Art. I, sec. 8, par. 12) vests the power of raising an army in the Congress, not in the War Department, nor yet in the President. It was the duty of Congress and of each and every Member of both Houses of Congress to help determine what plan should be followed and what methods should be employed in the raising of an army. The question of how an army ought to be raised—not how it ought to be employed after it is raised—is a great civic, economic, industrial, social, and political question in which are bound up the rights and liberties of a great people. In a free land and

among a free people the decision of such a question is wisely left with the direct representatives of the people, responsible to them at frequent intervals, rather than to Executive authority.

In due course this matter of how an army ought to be raised came to the Congress for settlement. The military authorities and the President urged the adoption by Congress of conscription, or the draft system. After long, patient, and thorough investigation of the great questions involved, I came to the conclusion, for reasons that I gave to the Senate at considerable length on April 27, 1917, that the traditional plan that had always been followed in this country, except in defense of its soil, of raising an army under what is known as the volunteer system was wiser and better than the so-called draft or conscription plan. For the purposes of this discussion it is not necessary to recapitulate the arguments I then made. Suffice it to say that the considerations I then presented to the Senate were sufficiently strong to carry complete conviction to my mind, and consequently I opposed conscription and favored the volunteer system.

It was my right, as a Member of the Senate, charged with the duty and clothed with the power under the Constitution of our country to raise armies, to advocate and support whatever plan for raising an army I thought wisest and best. That duty I discharged according to my own judgment and in obedience to the dictates of my own conscience, and for the manner in which I discharged it I have neither regret to express nor apology to offer.

When, however, the majority of my associates in both Houses of Congress determined upon conscription and enacted a bill carrying that plan into law, and the bill was approved by the President, another and quite a different question presented itself. While it is unquestionably both the right and the duty of every Senator and every Representative to give to the country his own best judgment while policies are being formulated and laws are being enacted, and to do so honestly, independently, and fearlessly, it is likewise incumbent on him and on every citizen of the Republic as well, as a matter of duty and of patriotism, both to support and obey the law, when a policy does crystallize into law, however much he may have opposed its enactment or favored its repeal. This is, I believe, the elementary rule and is at the same time the real acid test of both patriotism and loyalty in a free country where men have a right to express their own opinions and to possess souls that they venture to call their own.

In the State of Georgia there was undoubtedly general and widespread opposition on the part of many thousands of its people to the enactment of the draft law. Numerous and largely attended mass meetings held in every part of the State protested against it, and in many instances challenged its constitutionality. In Georgia there are no pro-Germans nor is there the slightest trace of pro-German sentiment anywhere in its borders. With a population of almost, if not quite, 3,000,000 people, only six-tenths of 1 per cent is foreign born, and even with that negligible foreign population only a small part can be classified as German-Americans. Georgia is one of the old American States, and while it has its full share of the white man's burden to bear, it has absolutely no foreign-born problem on its hands. Its people are of the old colonial stock, absolutely loyal to the country and whole-heartedly American to the very core. There the traditions of the fathers and founders of the Republic still live, and there the principles of the fathers are still cherished. There the love of freedom still blazes in the hearts of the brave, and there true, unadulterated, and unterrified Americanism still lives and still flourishes. No man who is both honest and intelligent and who understands the situation would be either so rash or so careless of the truth as to either assail or question the loyalty or the patriotism of the untold thousands of Georgians who were opposed to the enactment of the conscription law. That such opposition was not only general but intense can not be doubted. So strong was the feeling of opposition that many of the citizens of Georgia, thoughtful and responsible gentlemen, including many of our judges and prosecuting attorneys, urged me after the draft bill had passed to issue a public statement advising a full and peaceful compliance with the draft law. Personally, I was of the opinion that these gentlemen were unduly and unnecessarily alarmed and misapprehended the real temper and the inherent law-abiding character of our people and greatly exaggerated the danger of disturbance or resistance as the day fixed for registration approached. However, I promptly, cheerfully, and fully complied with their request, issuing the following public statement to the people of Georgia, which was published there on June 3, 1917, two days before the day fixed for registration:

Rumors that are no doubt grossly exaggerated are flying thick and fast to the effect that there will be general and in some quarters even forcible resistance to registration on June 5, and possibly to other features of the selective-service law later. I can not credit these reports to any great extent. That they are grossly exaggerated must be true. I can not think otherwise. No man in all the United States who loves this country and is loyal to it could possibly be more opposed than I have been and am to the policy of the selective-service law. So long as it was a question of policy that we were to adopt I fought it to the last ditch, to the bitter end. So far from regretting that, I glory in it. I thought then and I still think that I was right; but once a measure is enacted, in the manner and form required by our Constitution, it becomes the law of the land, and so long as it remains such it is the bounden duty of every good citizen to respect it and obey it, however much he may have opposed its enactment or may favor its repeal. The bill, right or wrong, is the law. Obedience to it, submission to it, and compliance with it is the duty of every good citizen, and surely those who love liberty and are true to its principles will be the very last to withhold obedience to the law. I do not anticipate disturbance of any kind in Georgia, and I shall be deeply grieved if serious disturbances occur there or anywhere else in our country. Regardless of differences about policies, it is the first and foremost duty of every loyal American to stand by his country and to render full and willing obedience to its laws.

Such was the view that I then maintained and expressed and still hold and still maintain. Such, likewise, has been my position with reference to all the so-called war measures to which I have not been able to give my consent, and which I have voted against. I opposed the food-control bill, while the question of policy was pending before Congress, because I thought we had ample legislation already to restrict and prevent profiteering and because I believed it would have been far better to have amended and perfected that legislation, if it was necessary to do so, rather than to force a food control upon a country with powers that I considered autocratic, despotic, and unnecessary.

While the question of policy was pending before Congress I unhesitatingly opposed the War Finance Corporation bill, because I was absolutely certain that a few simple amendments to the Federal banking laws, enlarging and liberalizing the classes of securities admissible for rediscount at the Federal reserve banks, would accomplish every good purpose sought by the bill without creating another large and expensive and unnecessary executive agency. In like manner I opposed the railroad bill, because I do not believe in Government operation of the railroads and because I was certain we could accomplish the purpose sought by this bill without taking over the railroads or operating them.

In like manner I opposed the original espionage bill, and I now oppose this amendment to the espionage law as wholly unnecessary and as utterly violative of the constitutional guaranty of freedom of speech and freedom of press.

Mr. President, whenever and wherever I have opposed measures suggested by the administration, or by anyone else, for the prosecution of this war it has been simply and solely because I felt it necessary to do so in the performance of my duty as I saw it and because I believed in each case that a simpler and wiser and better plan could be substituted for the specific plan or measure that had been suggested or was under consideration. In a general way I have not been able to give my support to any measure which disregarded and reversed the ordinary and normal processes by which the Nation had grown great and rich and strong and under which its people had remained free, and sought to substitute for these processes plans and methods and processes copied from autocratic governments abroad and ill suited, in my opinion, to the free institutions and liberty-loving citizens of this great, free Republic. All these abnormal plans have been so many monkey wrenches thrown into the machinery. I have not thought that we could gain any strength or efficiency for the prosecution of the war itself by disregarding and reversing our own processes. On the contrary, I believe with all my heart and soul that the very reverse is true, and while the record is not yet fully made up, I believe my view is being vindicated every day with astonishing and increasing force. I have not thought, in order to win the war, that it was necessary to either abridge or destroy American liberties. On the contrary, I believe the very reverse is true.

Mr. President, for my vote on these measures and on each of them I am answerable to the sovereign constituency whose commission I hold in this body and to it alone. Other than that constituency I have no master, acknowledge none, and obey none. Upon each measure that comes before the Senate I must and will continue to vote as my conscience and judgment dictate, striving to do the right and avoid the wrong as God gives me the light to see. Such must be my course so long as I remain a member of this body. Service here under any other conditions or upon any other terms would be impossible. My power and authority as a Senator from Georgia I can never delegate or surrender to anybody on this earth. My responsibility for my conduct and my votes I can never shirk or pass on to another, be he President of the United States or what not.

The people of Georgia are soon to pass on my stewardship of this great office, and to their decision, when it is rendered and whatever it may be, I shall bow in contented submission. If they approve my views and indorse my positions, as I confidently believe they will, I shall endeavor to continue to do my best to advance their interests and to protect their liberties. At the same time I shall endeavor to do my whole duty by the people of the United States and shall give to the country the benefit of my honest and independent judgment on each question that I am called upon to consider. If the people of Georgia do not approve my course, I shall cheerfully and willingly lay down the burden of office and shall wish for whoever they select to succeed me a career of honor, vigor, and usefulness here; but so long as I am here, while policies are being formulated and before they crystallize into law, I shall continue to give to my constituency and to the country, as fearlessly as I can, the benefit of my own unbiased and independent judgment as to what I think is best and wisest and safest for the country. I shall do so regardless of the amount of slander, misrepresentation, and calumny I am called on to face from unscrupulous newspapers and designing demagogues, who, in a period of strain and stress, of excitement and hysteria, confuse loyalty to the country with unmanly subserviency to an official, and who purposely ignore the fact that every Senator owes his country a high duty, in no respect less sacred and in many respects little less important than the duty of the President himself. Whenever bills ripen into statutes and policies crystallize into law, then obedience to the law is the bounden duty of every loyal American, be he President of the Republic, Senator of the United States, Representative in Congress, or citizen in private life; but until bills do ripen into statutes and policies do crystallize into law it is not only the undoubted right but also the undoubted duty of every Senator and Representative to give to the country the best that is in his heart and head and to give to the country his own independent judgment, based on the best information that he can obtain and the most careful consideration of which he is capable, with reference to each and every bill that it becomes his duty to act upon; and that Senator or that Representative who fails to do so because he fears abuse or dreads calumny or hesitates to brave misrepresentation is no less a coward and a slacker than the soldier who deserts to the enemy on the battle line. When our country's policies are settled by law, then loyal citizens support these laws; but if no Senator may exercise his independent judgment as to what are the best laws to be enacted or what are the best plans to be followed, without subjecting himself to the charge of disloyalty, then this body has practically ceased to function and then, indeed, the liberties of our country are in deadly and imminent peril.

Mr. WALSH obtained the floor.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lenroot	Simmons
Bankhead	Gronna	McKellar	Smoot
Beckham	Guion	McNary	Sterling
Borah	Hardwick	New	Thomas
Calder	Henderson	Norris	Thompson
Culberson	Hollis	Nugent	Tillman
Cummins	Jones, N. Mex.	Overman	Trammell
Dillingham	Jones, Wash.	Page	Underwood
France	Kenyon	Reed	Wadsworth
Frelinghuysen	King	Sheppard	Walsh
Gallinger	Kirby	Sherman	Watson

Mr. THOMAS. I wish to announce that the Committee on Foreign Relations is in session and that the members of that committee are therefore absent on official business.

The PRESIDING OFFICER. The call of the roll discloses only 45 Senators present. A quorum not being present, the Secretary will proceed with the call of the absentees.

The Secretary called the names of the absent Senators, and Mr. CURTIS and Mr. SHAFROTH answered to their names when called.

Mr. PITTMAN, Mr. TOWNSEND, Mr. POINDEXTER, Mr. MARTIN, Mr. VARDAMAN, and Mr. PHELAN entered the Chamber and answered to their names.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. BAIRD] on account of death in his family.

The PRESIDING OFFICER. The roll call discloses 52 Senators present, a quorum.

Mr. WALSH. Mr. President, I have understood that the main objection to the conference report now under consideration by the Senate arises by reason of the elimination of the language incorporated in the bill as it passed the Senate upon the motion of the Senator from Maryland [Mr. FRANCE], namely, the language:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives and for justifiable ends.

The Senator who last addressed the Senate [Mr. HARDWICK] discussed the bill as well in its general aspects as it was debated before the Senate when it was here in the first place for consideration. I address myself particularly to the language referred to, known as the France amendment.

It will be recalled by those who have followed the history of the bill that when the bill was before the Senate I voted for the amendment offered by the Senator from Maryland and made a few remarks in support of it. I find no reason, however, in the attitude that I then took concerning this matter, to interpose any objection whatever to the adoption of the conference report with this language eliminated. I am entirely satisfied that this amendment has been given by some Senators an importance far beyond its deserts. I am entirely satisfied that in the practical operation of this statute it will receive substantially the same construction, whether that language is found in the act or not.

In the course of some remarks made by the junior Senator from California [Mr. JOHNSON] on April 24, when the conference report was submitted to the Senate, he said:

On, Mr. President, what a travesty, it seems to me, to-day is presented when the Congress of the United States refuses to permit the people of the Union to speak what is true, with good motives and for justifiable ends, and denies the doctrine that has been the doctrine from time immemorial in this land—denies it, indeed, by its negative action and the elimination of this amendment—denies the right which ought to be the right of every American in time of war or in time of peace to speak the truth with good motives and for justifiable ends!

No such spectacle, however, is presented to the people of the United States. It will be remembered that the original act contained no such words of limitation, and the present act simply amplifies the original espionage act.

I regret that the Senator from California is not in his seat. I should like to advise him that in the trial of Max Eastman before the Federal court sitting in the city of New York, which, unfortunately, resulted in a mistrial, the defendant under the law as it now stands was permitted to deny from the witness stand that he was actuated by the criminal intent contemplated by the statute and that, on the contrary, he wrote what he did write with good motives and for justifiable ends; and he was permitted to go on and tell what his motives were and what the ends were which he sought to accomplish by the publication for which he was indicted. That, Mr. President, was in accordance with the very well recognized rule of law thus expressed in the seventh volume of the Encyclopedia of Evidence:

Except in Alabama the rule is now believed to be universal in the United States that whenever, in either civil or criminal cases, the intent of a person is relevant to the issue, or whenever the intent of a person in the doing of an act or in the uttering of a declaration becomes material, such person, whether a party to the cause or not, may testify directly as to what his intention was in the given instance.

Accordingly Mr. Eastman and, so far as I know, every man who has been indicted and tried under the act has been permitted, if he desired to do so, to go upon the stand and to assert that he did not have the criminal intent contemplated by the statute, but was, in fact, actuated by good motives and that the publication of the utterance was for justifiable ends which he could exploit. Then it became a question for the jury to say whether he was or was not actuated by such justifiable motives.

Mr. President, with a single exception, to which I will invite your attention directly, the criminal intent is an essential ingredient of every criminal act defined in the bill. Thus it is made criminal to "make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States." Next it is made criminal to "say or do anything * * * with intent to obstruct the sale by the United States of bonds or other securities." Observe the intent to bring that result about. Next it is made criminal in anyone who "shall willfully cause or attempt to cause or incite or attempt to incite insubordination" in the Army. The intent to do this is implied in the use of the word "willful" in the statute. It must be shown that that was his purpose, that that was his intent, and of course he is entitled to go upon the stand under the ruling to which I have invited your attention and deny that he had any such purpose, that he had any such intent, and he may go on and explain what his intent and purpose was and to show, if he can, that he was actuated by honorable and upright motives and that are justifiable under the law,

I skip now some of the language of the bill and proceed to that part which makes it criminal in anyone who "shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States." Again you will observe the intent is an essential ingredient, and finally it is made criminal in anyone who "shall willfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things" otherwise made criminal in the statute. The criminal intent is an essential ingredient in every one of the criminal acts defined except those thus grouped and defined—

and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States—

Shall be punished. There you will observe no intent need be established at all. If a man uses the language concerning any of these subjects, he is then amenable to prosecution under the act.

Mr. REED. Mr. President——

Mr. WALSH. Just a moment. Bear in mind the language must be first disloyal, or it must be profane, or it must be scurrilous, or it must be contemptuous, or it must be abusive, and it must be about, first, our form of Government; second, the Constitution of the United States; third, the armed forces of the United States; or, fourth, the uniform of the soldiers of the United States. I undertake to say that there is no man who can use language of that character about any one of those subjects who can say that he was actuated by pure motives and was seeking justifiable ends. Accordingly, the question of intent becomes entirely irrelevant, so far as that part of the act is concerned, and the language offered by the Senator from Maryland would not be available to the man because it would be impossible for him, as I view it, to establish that language of that character used with reference to any one of those four subjects was uttered with good motives and for justifiable ends. I now yield to the Senator from Missouri.

Mr. REED. The language in the section just commented on by the Senator, as I recall the reading of it—I do not have the bill before me—is "whoever shall willfully advocate," and so forth.

Mr. WALSH. Yes, sir.

Mr. REED. I understood the Senator to contend with reference to another section that the word "willfully" itself implied intent.

Mr. WALSH. Yes, sir.

Mr. REED. If that is true as to the other section, then it would be true that the word "willfully" in the section commented on also implied or carried with it the intent.

Mr. WALSH. No; I do not think so; and the language will scarcely sustain that. "Willfully" is used there with reference to obstructing or inciting anyone; to one who shall willfully incite insubordination. You will observe that whatever he does must be done for the purpose of inciting insubordination; that is to say, he must have the intent insubordination which is implied in the word "willful." When you pass to the word "willful" down below, it simply qualifies what follows; that is to say, "utter, print, write, or publish." If he willfully utters it or prints it or publishes it, no matter what his motive may be, no matter what his intent may be, he becomes subject to the operation of the act.

Mr. REED. I understand the distinction the Senator draws. It seemed that the word "willful" implied the word "intent," but I see the Senator distinguishes according to the context.

Mr. WALSH. Exactly; it does imply intent. In the second place it simply implies intent to publish. For instance, here is the owner of a newspaper. Without his knowledge at all, language is inserted in the newspaper which falls under the condemnation of this statute. While in a way he uttered it, he did not do it willfully and he would escape the punishment. The one who actually framed the language, and he alone, would be answerable and amenable to the law, unless indeed it was done with the knowledge of the owner of the paper. So far as intent is implied in "willful," it qualifies only the uttering and publishing.

Mr. REED. I understand the distinction the Senator makes. I am much obliged to him.

Mr. WALSH. So, Mr. President, I am entirely satisfied that however one might have felt about this language when it was presented as to whether it should be incorporated in the bill or should not be incorporated in it, there seems to be no reason why anyone should now decline to give his approbation to the conference report, that this much-needed law may speedily go into operation.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. REED. I do not like to take the time of the Senate by calling for a quorum.

The PRESIDING OFFICER. Does the Senator from Missouri suggest the absence of a quorum?

Mr. REED. I have not done so. I understand the Senator from Idaho desires to go on.

Mr. BORAH. When the Senator gets through.

Mr. REED. I will yield to the Senator.

Mr. GALLINGER. I will suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	New	Simmons
Borah	Henderson	Norris	Smoot
Calder	Hollis	Nugent	Sterling
Culberson	Jones, N. Mex.	Overman	Swanson
Cummins	Jones, Wash.	Page	Thomas
Curtis	Kenyon	Phelan	Tillman
Dillingham	King	Pittman	Townsend
Fall	Kirby	Poindexter	Trammell
Fernald	Knox	Pomerene	Underwood
Fletcher	Lenroot	Reed	Vardaman
France	Lodge	Saulsbury	Wadsworth
Gallinger	McCumber	Shafroth	Walsh
Gore	McKellar	Sheppard	Warren
Gronna	McNary	Sherman	Williams
Gulon	Martin	Shields	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names on the roll call. There is a quorum present.

Mr. BORAH. Mr. President, I desire briefly, I hope, to call attention to section 4 of the conference report, which reads as follows:

SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

This amendment was offered at a very late hour in the consideration of the measure and passed the Senate without any considerable discussion, and I am of the opinion without any considerable consideration upon the part of very many Senators. I know that, so far as I am concerned, I did not give it the consideration which I have given it since the report has been returned to this body, and I did not understand the amendment at the time it was offered to have the effect which in my judgment it undoubtedly has.

When the espionage act was originally before the Senate division 12 contained three separate sections with reference to nonmailable matter. I thought at the time that those provisions were in themselves too arbitrary and drastic in their purport and sought to have them eliminated from the act, but the vote of the Senate was against it.

When this amendment to the espionage act came before the Senate I introduced an amendment to strike out those provisions from the law, believing that in view of the extended terms of the act, its more drastic features and provisions, there was sufficient protection against the use of the mails without establishing the arbitrary power of an ex parte hearing with reference to such matters. In other words, it seemed to me that if parties were punishable by fine and imprisonment for sending mail or for doing these several things it was not necessary to go further and to establish an ex parte tribunal where these matters were passed upon in another way, and in my judgment a way calculated to do injury to innocent people. But I ascertained that the Senate was not in harmony with that view, and I did not urge it. However, I am unable, Mr. President, to give my vote to this clause because in my judgment it goes much further than those measures against which I have stood from the beginning.

Mr. FLETCHER. Mr. President, I simply wish to ask the Senator if he has noticed that the only change in the amendment as it passed the Senate made in the conference was to add the words "when the United States is at war" at the beginning of the section. That is the only change which was made.

Mr. BORAH. I am aware that the amendment in its substance is the same as it was when it passed the Senate, and as I said a moment ago we who followed the bill know that it came in at a time when the bill was about to be put upon its final passage. It was one of the last amendments offered. I can only speak for myself; I do not know what consideration others gave to it; but I did not myself give to it the consideration which I think it is entitled to have. I heard it read from the desk but did not have it before me.

Mr. President, it will be observed that, in the first instance, upon evidence satisfactory to the Postmaster General alone this exclusion is to take place. I am not about to criticize the present occupant of that office, because my objection to the measure has nothing to do with any individual. I assume that he would administer it as well as any other Postmaster General. But solely upon the action of the Postmaster General upon such evidence as satisfies him he may exclude this material from the mail. It will be observed that the law itself provides for nothing more than a purely ex parte hearing.

It is true, undoubtedly, that the Postmaster General could call in anyone whom he desired to hear in regard to it; but the law upon its face provides that upon any evidence, legal or otherwise, which is satisfactory to the Postmaster General, the mail matter shall be excluded from the mail and it not only covers——

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. Is not the Senator stating that rather differently than the language of section 4, which he has just read, implies? It is not an exclusion technically; it is the return to the sender of certain matter referred to in the section.

Mr. BORAH. I accept the Senator's statement. I understood, however, that the fact of its return is the same in its practical effect as the exclusion from the mail.

It not only covers the individual action but that of any business concern, any printing establishment, etc. The act, in my judgment, is not confined to the exclusion of the particular mail matter which may be found objectionable, but an interpretation could very fairly be put upon it that upon a party being found guilty of having used the mails or attempted to use the mails for any specific mail matter, he could be denied the use of the mails at all thereafter at the option of the Postmaster General.

Mr. REED. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. REED. Does it not almost necessarily follow if the mail matter is seized the Postmaster General might determine whether it was proper or improper material in his view, and then he would be obliged to send it on or he would be obliged then, under the powers of this act, to reject it altogether and it would give him the right to reject mail directed to a person because that individual has offended against what he believes is the proper course of conduct?

Mr. BORAH. I think that is the logic of the measure, and I assume it was the intent to give the Postmaster General the power to say that any one who had attempted to mail nonmailable matter or disloyal matter of any kind should not have the use of the mails at all.

Mr. KING. Will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. The Senator does not contend that this is new or novel legislation?

Mr. BORAH. No; the principle is not novel; but I feel that the matter has gone further than it has ever been urged heretofore, because of the wide range of subjects covered.

Mr. KING. Will the Senator pardon me, though I dislike to take up his time?

Mr. BORAH. I am perfectly willing to be interrupted.

Mr. KING. The section now under consideration, I will say, I am in part responsible for, and in drafting it previous legislation of Congress was followed. If I may be indulged for a moment, I will invite the attention of the Senator to one of the statutes which was employed very literally textually in the drafting of the provision which is under consideration. Some years ago there was passed a law, which is found in Twenty-sixth Statutes at Large, page 496, which reads as follows:

The Postmaster General may, upon evidence satisfactory to him—

Employing the same language that is employed in the section under consideration—

that any person or company—

It will be observed that it applies to persons as well as to corporations and associations—

is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, or to the agent or representative of any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof.

Subsequent legislation enlarged the provision of this statute so as to include all letters, all mail matter, addressed to the individual, firm, or association referred to in the previous part of the section. This matter came under review by the Supreme Court of the United States, and with reference to this particular language Mr. Justice Brown, in delivering the opinion of the court, uses this language:

It is contended, however, that the laws in question are unconstitutional in that they authorize the Postmaster General to seize and return to sender all letters addressed to a particular person, firm, or corporation which he is satisfied is making use of the mail for an illegal purpose. Their constitutionality is attacked upon three grounds: First, because they provide no judicial hearing upon the question of illegality; second, because they authorize the seizure of all letters without discriminating between those which may contain and those which may not contain prohibited matter; and, third, because they empower the Postmaster General to confiscate the money, or the representative of money, of the addressee, which has become his property by the depositing of the letter in the mails.

I will not take the time to inject in the Senator's speech——

Mr. BORAH. Is that the case of Ex parte Jackson?

Mr. KING. No; that is the case of Public Clearing House against Coyne, in One hundred and ninety-fourth United States. And after a review of the authorities and an exposition of the constitutional questions involved, the Supreme Court, Justice Peckham dissenting, affirmed the constitutionality of the act. They argued that by no means could the act be carried into effect and the beneficent purposes back of the act be effectuated other than by the administration of the law as in the statute laid down.

Mr. BORAH. Mr. President, I have no doubt that Congress has the power to enact a law such as the court there passed upon, and I have no doubt that Congress has the power to enact this law; but the policy of it is the one question which I am interested in presenting.

I wish to call the Senator's attention to the fact in reference to the policy, that there they were dealing with a specific matter; that is to say, the mails relating to a specific kind of transaction. That law, of itself, however, relating, as it does, to a specific class of matter, has been subject to a great deal of abuse. It has resulted in a great deal of wrong being done to citizens of the country. I know of some such instances within my own knowledge in time past, in the last 10 or 15 years. But how much more likely is it to work an injury to the citizen where it covers a vast field of literature such as is covered by the espionage act now? The Postmaster General is called upon to pass upon the question of abusive language, of disloyal language, of contemptuous language, or language calculated to incite opposition to the war. The entire field of literature practically with reference to the war is placed under the control of the Postmaster General by this section. You need no other provision than this to establish a complete and comprehensive censorship.

Now, I submit and I believe the Senator from Utah will agree with me, that upon those things men will honestly entertain different views, and particularly so if there is simply a hearing without an opportunity for the accused side to present their view of it.

I am perfectly willing to see the most drastic measures enacted by the Congress during this war for the punishment of disloyalty, whatever form it may take, and for the discouragement of propaganda against the war, whatever form it may take, provided the parties who are charged with the offense have an opportunity in the ordinary tribunals of the country to present their case, to pass in and out, guilty or innocent, according to the established tribunals of our land; but I could never bring myself to grant to any one man the power to pass upon the entire field of controversy, and to exclude from the mails anything which may appeal to him as being in violation of the law, without the publicity which accompanies a real trial and a real hearing in regard to the matter. It makes one man the sole judge of what constitutes aiding or discouraging the war, one man the sole judge of what is fair and just criticism and what is disloyal propaganda. He is not only the sole judge but he may condemn to utter obloquy a citizen without giving the citizen a right to be heard. He may destroy his business overnight, stop his publication, ruin his property without taking a scintilla of real probative evidence.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I shall yield in just a moment. I do not say that, I want to repeat, having in view any individual. It is too much power to give to a single individual to be exercised in that way, regardless of who the individual may be. I now yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, I called the attention of the Senate earlier in the day to the point that the Senator from Idaho has just made. Since reading the bill it strikes me that it is not only the man who has violated this law and who the Postmaster General finds has violated this law that is penalized but it is also the man who writes a letter to him. His tailor could not send in his bill under the provisions of this proposed act, because all letters addressed to him are undelivered. It is the innocent man who may be punished just as much as the guilty man.

Mr. BORAH. I thank the Senator from Pennsylvania for that suggestion. I had noted that that was one of the objections to the bill. It not only reaches the man whom we are now discussing—the man who writes the letter—but it reaches his entire business connections, those with whom he may be dealing and those who wish to deal with him.

Mr. KNOX. And also his social relations.

Mr. BORAH. Yes.

Mr. OVERMAN. Mr. President——

Mr. BORAH. I yield to the Senator from North Carolina.

Mr. OVERMAN. I desire to call the attention of the Senator from Idaho to the fact that the matter he is discussing has already passed the Senate and gone to the other House; and, so far as the Senate is concerned, it is not in conference. It seems to me the only way to do would be to have another bill. If we should send the bill back to conference we could not have a conference on this amendment because the Senate has already acted on it.

Mr. BORAH. And does the Senator from North Carolina understand that, if the Senate should vote to reject this conference report after a consideration of it, that it would not be an instruction to our conferees?

Mr. OVERMAN. Not on this amendment. This amendment is not in controvery; it has already passed the Senate.

Mr. BORAH. I presume there must be some way for the Senate of the United States to stop that after it has changed its mind.

Mr. OVERMAN. We might instruct the conferees to leave this out; but if we merely defeat the conference report, and send it back, we would be bound to insist in the conference on this amendment, because it has already passed the Senate.

Mr. SMOOT. We might yield on it.

Mr. OVERMAN. Yes; but the House has already agreed to it.

Mr. SMOOT. That does not make any difference.

Mr. OVERMAN. We can not yield unless the House should consent.

Mr. LODGE. Yes; the whole conference report is open.

Mr. OVERMAN. The conference report is open; but we go back into conference on what?

Mr. LODGE. On every amendment.

Mr. OVERMAN. But not on an amendment that the Senate has already agreed to.

Mr. LODGE. It does not make the slightest difference. The whole conference report will be rejected.

Mr. OVERMAN. We reject the whole bill?

Mr. LODGE. We reject the whole report and the conferees begin anew.

Mr. OVERMAN. How does it begin anew?

Mr. LODGE. Just as it was when the matter was first taken into conference.

Mr. OVERMAN. That is what I am asking; but this provision has been adopted by the Senate.

Mr. LODGE. The Senate might recede, as the House has not passed it.

Mr. OVERMAN. But the conferees could not change the action of the Senate.

Mr. SMOOT. That is done all the time.

Mr. OVERMAN. The conferees can only act as to matters in controversy.

Mr. LODGE. That is in controversy. The House has not passed it.

Mr. OVERMAN. Then, we could strike out a part of the bill.

The PRESIDING OFFICER. Does the Senator from Idaho yield; and if so, to whom?

Mr. OVERMAN. The Senator from Idaho had yielded to me.

Mr. BORAH. I yielded to the Senator from North Carolina in order that he might state his position.

Mr. OVERMAN. I want to understand this matter. If we again go to conference, we can not yield on something that the Senate has already adopted.

Mr. BORAH. I presume that we could certainly pass a resolution directing the conferees to do so.

Mr. OVERMAN. There is no doubt about that.

Mr. BORAH. Well, Mr. President, I do not desire at this time to discuss the parliamentary situation; in fact, I do not think I should undertake to discuss it at all, for I am not sufficiently familiar with the practices of conferences between the two Houses to say what they can do or what they can not do. My observation, however, has been that they always do what they want to do, notwithstanding the rules of the Senate.

Now, I will go back to this section again in order that we may gather its true import. The section reads:

SEC. 4. The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provision of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act."

That would isolate the gentleman entirely from the business world. No one could write to him, and he could not write to anyone. Mr. President, that would be a very serious judgment to render against a man after he had been tried in a common-law court and convicted before a jury. Under this bill, with its wide scope of subjects and the numerous things about which these officials are called upon to pass, that would be a form of judgment which would be as severe as could be rendered this side of actual life imprisonment. It might mean not only the ruin of the man himself in a business way, but it might be of incalculable injury, perhaps, if it were certain kinds of concern, to the people who are seeking to do business with it.

Mr. KING. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. KING. Does not the Senator know that one of the most effectual methods of destroying concerns that were engaged in lotteries or fraudulent schemes was to deny the right of those firms to receive letters of any kind, even letters, as suggested by the Senator from Pennsylvania [Mr. KNOX], from their tailors? In other words, to use the language of the Senator from Idaho [Mr. BORAH], they were isolated; they were ostracized, so far as the Government could do so, and were denied communication, so far as the reception of letters was concerned, from any source—letters from a man's wife, letters from other persons upon innocent and harmless subjects. The mail could not be used by such a man or by such a concern for the purpose of receiving letters even of that character.

Mr. BORAH. That is true; but that was a concern which was engaged in an enterprise which was unlawful, which was in violation of law; and the concern itself was criminal; it was itself ostracized. Therefore it was denied the use of the mails at all for that enterprise. But here, Mr. President, might be a concern engaged in a perfectly legitimate business and in an enterprise which in no sense is subject to censure, but which might send a letter, or some representative of the firm might send a letter, or some member of the firm might send a letter wholly disconnected with the business, perhaps not concerned with the carrying on of the business, but containing the expression of some view which came under this act, and the concern, though it might be a perfectly legitimate concern, carrying on a legitimate business, would be ostracized or isolated.

Mr. KING. Mr. President, will the Senator pardon me an interruption?

Mr. BORAH. Yes, sir.

Mr. KING. Under the provision of the section to which I invited the Senator's attention a few minutes ago, many corporations and firms were carrying on businesses which the Postmaster General thought were fraudulent. He instituted an investigation and determined, in his opinion, that they were fraudulent. I have no doubt that in some instances he came very close to the line, and that some businesses or undertakings which perhaps some people might not have regarded as being fraudulent were by the Postmaster General determined to be engaged in some fraudulent scheme or undertaking. Now, having so determined, without any adjudication by a court, he excluded their matter from the mails and then returned to the persons who sent letters to the particular corporation or firm the letters that were so mailed; and the Supreme Court of the United States has said that such legislation as that was not obnoxious to any provision of the Constitution of the United States.

Mr. BORAH. The Supreme Court of the United States said just as the Senator contends; but in the ex parte Jackson case, I think it was, the court went on to say that if the provisions were so broad as actually to interfere with the freedom of the

press it would be in violation of the Constitution of the United States.

Now, Mr. President, let us assume that a large concern engaged in the business of publishing a newspaper publishes an editorial which comes under the provisions of the espionage act, and that the Postmaster General determines that that editorial is in violation of the act. It seems to me the Senator of the United States ought not to go on record in favor of a law which would give any man the right to say, upon an ex parte hearing, that for the publication of that editorial the paper should never again use the mails of the United States and thus reduce to ashes an absolute worthlessness hundreds of thousands of dollars' worth of property, or even perhaps millions of dollars' worth. Take a magazine. I know of instances where magazines for the last few months have been called upon to justify themselves before the department under this act, the Postmaster General having found that an article in a particular issue was objectionable. He could have said to the proprietor of a magazine, "You shall suspend; you shall publish no more, because you can not use the mails." Of course the magazine could be published and circulated individually or through the express companies, but it would mean the destruction of the enterprise.

So, Mr. President, here we are enacting a law which enables the Postmaster General to pass upon publications upon every phase practically of the war. We are enabling the Postmaster General to say what publications shall, in fact, take place, because the Senator knows that in the practical workings of the proposition the time will come when the newspapers which want to live will consult with the censor before they print. That has been the history of censorship from time immemorial, and that is one of its great evils.

I do not wish to be placed in the position—and I do not propose to be so placed intentionally—of permitting any man who actually publishes disloyal literature to escape punishment; but we have covered by this bill almost every conceivable form of publication and have assessed against the publisher, in case he is found guilty, a penitentiary sentence to the extent of 20 years and a fine of $10,000. I undertake to say that when there is a conviction establishing the fact that a man is disloyal and he is punished as is provided by the law, we will never have any trouble with that man again during this war; he will be out and over; there will be no difficulty in dealing with him; but if he is not guilty, if he is not subject to punishment by reason of conviction under the law of the land, he ought not to be punished so drastically by a sigle individual who may pass upon the question without arriving at the verity which belongs to a jury.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I yield.

Mr. NELSON. I think the Senator is in error about the punishment. I will call his attention to the fact that the provision of the bill which he is discussing is simply an amendment to title 12 of the espionage law, which we passed in June last, and I wish to call the Senator's attention to the first section of that title, which reads:

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Now, coming down to section 3 of the same title, we find the punishment provided is as follows:

SEC. 3. Whoever shall use or attempt to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable shall be fined not more than $5,000 or imprisoned not more than five years, or both.

I leave it to the Senator to say, in view of the fact that this bill simply proposes to amend that part of the espionage law, whether the punishment could be any greater than that provided in Title XII of the espionage act?

Mr. BORAH. The Senator from Minnesota misunderstood me. When I was speaking of the punishment of 20 years in jail and a $10,000 fine, I was speaking of the punishment under the espionage act when the accused is convicted by a jury of an offense under that act; I was not speaking of the punishment of one who has undertaken to use the mails contrary to the provisions of the law. The Senator is correct in his construction of the statute with reference to that feature; but I ask the Senator from Minnesota to compare this section in its import, breadth, and inclusiveness with the sections which he has read. It goes a great deal further. Under the section the Senator has read the accused would be entitled, if he wanted it, to a hearing before a jury; he could finally force a trial upon that proposition; but under this bill the Postmaster General may not only exclude his mail upon any evidence satisfactory to him—and that is the end of it—but he may exclude the mail which is coming to him from any individual who wants to do business with him.

Mr. NELSON. I do not think so; I think the Senator is putting it too broadly, if he will allow me to interrupt him further——

Mr. BORAH. I am very glad to be interrupted by the Senator.

Mr. NELSON. I think the language is not open to that construction. If the Senator will read the section under discussion, he will find that the Postmaster General can not exclude all mail coming to a person. If a man mails unpatriotic documents, disloyal documents, or writes a disloyal letter, such matter can be excluded from the mails; but if the Postmaster General excludes other mail he does so at his peril, and the man whose mail is excluded has a remedy.

Mr. BORAH. No, Mr. President.

Mr. NELSON. I do not think that because the Postmaster General finds that A has been guilty of mailing disloyal letters or documents, therefore he can exclude all the mail from A. I do not believe the section is open to that construction.

Mr. BORAH. I should like to ask the Senator's particular attention to the language, because I am satisfied the Senator would not be in favor of such a proposition, and if it does mean that, then I may rely upon the Senator's support to exclude it from the bill. Let me read this to the Senator:

SEC. 4. When the United States is at war the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed—

It might be a sermon—

with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

If that language means what it says—and it will mean what it says and all it says when it is construed by the department; there will not be any trouble about that—all the mail directed to that address could be excluded.

Mr. NELSON. If the Senator will allow me, I think that section should be construed in connection with section 1 of Title XII of the original espionage act, of which it is an amendment. It is plain that it is limited to that class of writings embraced in section 1 of Title XII. We should take that title as an entirety with this section added to it. When that is done it gives color to the whole act; and I think no court would hold otherwise than that the section under discussion would be covered by the rule laid down in section 1, Title XII, of the original act.

If the Senator will allow me to interrupt him further in this connection, as he knows the Senate agreed to the paragraph of the bill just as it is found in the bill. When we met in conference the House conferees agreed to it, and we were not in a position, as the Senator can well see, to strike it out or to modify it. I will simply say to the Senator that I had no intention of having the law go further than to exclude from the mails disloyal matter.

Mr. BORAH. Exactly.

Mr. NELSON. I would not have any other mail penalized. I do not think that power to exclude matter from the mails under fraud orders has ever been construed to authorize the department to go so far as to exclude all a man's mail, but only such mail as pertains to the fraud being perpetrated.

Mr. BORAH. Mr. President, I am not seeking to criticize the conferees. Of course, in dealing with this matter after it had passed the Senate, and the House had agreed to it, the conferees on the part of the Senate had but one thing to do; but now it is back in the Senate, and I should like to see an expression upon the part of the Senate which will enable the conferees to deal with it in a different way from the way in which they had to deal with it in the first instance.

Mr. NELSON. Mr. President, may I ask the Senator in this connection would it be satisfactory to him if this section were limited to mail of the character to which reference has been made?

Mr. BORAH. If the section were limited to mail which is disloyal in character——

Mr. NELSON. Under section 1 of Title XII of the espionage law, for instance.

Mr. BORAH. It would not be satisfactory to me, because I am opposed to the proposition entirely; but I would not oppose it here in the Senate. I should not undertake to oppose the proposition if it should come back in that form, although I am utterly opposed to giving to any one individual the power to do what he may do under Title XII of the original act. I think it is too broad. It is a form of censorship. It enables one man to censor the whole expression of all the people. The Senator will recall that I opposed that provision when it was originally under consideration, but I would not, if it should come back to the Senate in that form, undertake to oppose its passage, because I know the Senate is in favor of it.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him further?

Mr. BORAH. I am very glad to have the Senator's view.

Mr. NELSON. Although there has been much criticism from many quarters—and I remember years ago that I received many letters from people who were hit—against what we commonly call the fraud-order law of Congess, I do not know how the Senator from Idaho feels about that; but I have always believed that the law has accomplished a wonderful amount of good. There are constantly in this country a lot of schemers who are trying to bunko and deceive the American people and who succeed to a greater or less extent. About the best protection we have ever had against them, so far as I know, is the fraud-order law under which the Post Office Department may act. I feel that I am taking too much of the time of the Senator, but I am anxious to stamp out disloyalty, and I think the United States mails ought not to be the vehicle of distributing disloyal and unpatriotic literature.

Mr. WATSON. Mr. President, will the Senator allow me to ask him a question?

Mr. NELSON. Certainly.

Mr. WATSON. Is not the fatal defect of this particular section that it puts up to the Postmaster General to say what is and what is not disloyal; that is to say, it leaves to him the final limitation to be placed on the word "disloyal"?

Mr. NELSON. That is so in the case of fraud orders; and, if my recollection is right, we made the same rule in the case of what is called indecent literature. I think the question there was left to be decided by the Postmaster General.

Mr. WATSON. That is quite true; but I call the Senator's attention to the fact that there was not, nor could there be, anything political in its nature about the construction of that law, whereas there might be about the pending measure.

Mr. BORAH. Mr. President, I agree with the Senator from Minnesota that mail matter which is disloyal or which teaches disloyalty or which is in furtherance of a propaganda against the prosecution of the war ought to be excluded; but I want a tribunal where the man charged with disloyalty and the man whose business is to be destroyed can have a hearing, where he can present his cause, and where he can be heard in a way which will insure that the decision which is to be arrived at will be fair. I want to know first that it is disloyal in a proper way, then exclude it. I do not think, Mr. President, when we are dealing with subject matter which covers the whole range of discussion with reference to the war, the whole field of controversy, and almost every conceivable phase of it, that it ought to be put up to any one man to determine the question upon an ex parte hearing.

Mr. President, as I said in the beginning, I am not challenging or criticizing the Postmaster General individually. I want to put this discussion upon a different and higher plane. I think it is inherently wrong to vest such power in any man. It is not possible for a man to administer it, especially under the terms of this particular provision, without doing great injustice. I have seen magazines and articles excluded from the mails within the last few months in which I could not discover anything in the nature of disloyalty. I felt a great wrong was done some, and I feel that such arbitrary power is unnecessary.

Mr. NELSON. Will the Senator allow me to interrupt him again?

Mr. BORAH. I will in just a moment. In one instance I know of it meant absolute ruin to the man accused. He was denied the use of that for which the whole country is taxed; he was prevented from sending his material through that agency which the Government has provided for all our citizens. He lived 3,000 miles from the place where it was determined that he was disloyal.

Mr. President, that was not because the present Postmaster General passed upon the question; but an institution of that kind will result in such cases time and time again without any purpose or intent upon the part of the individual to do wrong. I do not think that we ought to pass this bill, with its broad terms covering almost every phase of human transactions with reference to the war, for when we have provided that, when convicted in a court before a jury, the guilty party shall be sent to the penitentiary for 20 years and may be fined $10,000, we ought in addition to put the citizen to another test to ascertain his loyalty when he may not be present to defend it.

Mr. President, the Anglo-Saxon race has been fighting battles and shedding its blood for a few of these fundamental rights for the last thousand years; and I have thought if we could carry this war through and preserve these great rights, such as habeas corpus, trial by jury, free speech, a free press, and free assembly, that I would not be very particular what other class of laws we passed, because if people may assemble and discuss questions freely and fairly, and may have their guilt or innocence determined by the precedents of Anglo-Saxon jurisprudence, it does not make much difference what kind of drastic laws may be enacted. When this war shall have ended we will be able to repeal all unwise measures. But if we put a censorship over the people of the country and deny them the right of free expression, the right of free speech, and the right of a hearing when they are charged with disloyalty, we are going to reduce them to such a state of mind that they will have no opinion to offer and no theories to advance with reference to their country when the time comes when we shall call upon them as part of the public opinion of this land.

Mr. LODGE. Mr. President, if it will not disturb the Senator, I should like to ask him a question. Under this law as it is framed here it will be perfectly possible, will it not, for the Postmaster General to say that any criticisms that appeared in a newspaper, or that were made in a speech carried by the newspaper, which criticized our deplorable Postal Service constituted treason, were disloyal, were contemptuous, and he could shut the newspaper out of the mail on his own say that that was, in his opinion, bad?

Mr. BORAH. That is true.

Mr. LODGE. I do not see any escape from it. He can do that in the case of anything he thinks is disloyal.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. The Senator from Minnesota has, I think, a very sound opinion with regard to what ought to be the law, but in connection with what he has said I want to ask the Senator from Idaho to explain this to me, which has bothered me from the beginning:

The purpose of this provision is to prevent the circulation of disloyal literature through the mail. Now, suppose that John Smith, of Washington, is found by the Postmaster General, upon evidence satisfactory to him, to have been using the mail for sending out literature in violation of the espionage law. The next day a sealed letter comes to John Smith from some quarter. How is the Postmaster General to tell what that letter contains or whether or not there is anything disloyal in it?

Mr. BORAH. He does not, under this bill, assume that difficulty. If he has once determined that this person is sending through the channels of the Post Office Department mail that is disloyal, when the letter comes the next day it is sent back, regardless of its contents.

Mr. CUMMINS. I know; but the Senator from Minnesota thought that the proper interpretation of the law was that it would only exclude the disloyal literature. My question is, after the Postmaster General has found that this particular person has used the mail in violation of the law, and then a letter comes to him from some source or other, how is he to find out whether that particular letter is disloyal or otherwise?

Mr. BORAH. Of course, he can not find out.

Mr. CUMMINS. I suggest that in order to make it perfectly clear that the construction of the Senator from Idaho with regard to the matter was correct, and that once the Postmaster General found that a particular person had been using the mail improperly, everything that came to him, no matter how innocent, must be returned to the sender, stamped as provided in this act.

Mr. BORAH. I understand that that is the view of the Senator.

Mr. KING. Mr. President——

Mr. BORAH. I yield to the Senator from Utah.

Mr. KING. I shall be very glad to have the support of the Senator from Minnesota for this measure with the construction placed upon it which I believe to be the correct one, and I could not afford to ask him to support the measure in its present form without explaining to him that in my opinion the interpretation which he has placed upon the bill is incorrect.

I think the Senator from Idaho and the Senator from Iowa have correctly interpreted this section. I have no doubt that

the section as drawn will prevent any person, firm, or corporation whose publications have been held to be disloyal by the Postmaster General from receiving any mail; not alone mail relating to and connected with the disloyal publication, but mail of an innocent character.

I might say in passing that the fraud statutes and the obscene-literature statutes, and others which I will not take the time to refer to now—and I am occupying the floor with the permission of the Senator from Idaho—contain the same provision, and though it was urged that letters of an innocent character might be thus excluded from the mail, the Supreme Court held that that was no reason why the validity of the act should be challenged. I might say further, in passing, that one of the principal objects of the statute that I read a few moments ago, and the reason why it gave such unlimited power to the Postmaster General to exclude all letters and other mail matter addressed to one engaged in the business denounced by the statute was that in a great many instances innocent people were induced to transmit money through the mails to these fraudulent concerns, and the only way to effectively deal with the question was to deny the use of the mail to the organizations referred to and return to individuals who mailed money orders or sent letters inclosing money their communications.

One of the things that we now have to meet arises from this fact: The Industrial Workers of the World and certain criminal socialistic and certain anarchistic organizations existing in New York, Chicago, Philadelphia, and a few other large cities, are sending out their poisonous and treasonable literature through the mail, and they are asking that remittances be made, by their readers or the public, to support such dangerous publications and aid in the criminal propaganda being carried on. Thousands of dollars are being sent to Mr. Haywood and to other leaders of the Industrial Workers of the World and to the leaders of criminal organizations not only by those who profess the same disloyal faith but by some who are ignorant of the wickedness of such organizations. The purpose of this section is to prevent those who are publishing these disloyal papers from receiving contributions. I am inclined to think that Congress has the power to order the confiscation of the money sent to these disloyal organizations, but it was felt when this section was offered that it was better to follow the precedent of former legislation and to stamp the letters sent to these organizations as nonmailable and have them returned to the senders.

Mr. BORAH. Mr. President, if we pass the measure which we reported to the Senate to-day with reference to the Industrial Workers of the World there will not be any Industrial Workers of the World organization left to send mail, if it is enforced at all. We have reported a bill which makes it a penal offense to even belong to such an organization, and have provided in the bill most drastic punishment for those who belong to such an organization. I was in favor of the measure, because I desire to do what I may to punish those who by force undertake to change our form of government or break down the war. I am perfectly willing to see those punished who are guilty of those offenses, but I do not want to vote for a measure which, in order to get some Industrial Workers of the World, will result in a great injury to people who are not Industrial Workers of the World and who are not to be classed with that kind of people who join criminal organizations. Any arbitrary law, or any law which is enforced in an arbitrary way, as this will be—I say "arbitrary" because it provides only for an ex parte hearing—will result, in my judgment, in a vast amount of injury to a great many innocent business institutions.

Mr. President, I think we are liable to go so far in this country in these questions of censorship and of discouraging discussion, and so forth, as to protect venality and corruption and profiteering and treason if it is sufficiently wise to come to Washington and offer to serve the Government and wrap a sufficient number of American flags around itself before it comes. We had this morning a discussion here in the Senate which must be humiliating to every loyal citizen, and I have no doubt it is humiliating and most annoying to the Commander in Chief, the President of the United States. It would seem that men have come here deliberately to Washington and put themselves in touch with a vast appropriation, who, through sheer incompetency, which amounts almost to criminality, or, indeed, to criminality, have not only gotten hold of the large appropriation which the taxpayers of the country must pay, but they have gone very far toward preventing the successful carrying on of this war.

Mr. President, there was a time when, under this espionage act, any man who would have written an article against the chief member of that board would have undoubtedly been sent to jail or denied the use of the mail. There was a time when, if the Aircraft Board had been assailed by the press of this country, that press would have been excluded from the mails of the country, honestly enough, no doubt, by the Postmaster General, at the time he acted; honestly enough, no doubt, by those who at that time were called upon to pass upon the facts. But unless you turn on the sunlight of publicity, you will find the creeping, crawling minions of corruption and incompetency in almost every department of the Government before this war closes. It has been so from time immemorial, that unless you have the utmost discussion of public questions, incompetency and venality and corruption burrow in about the pillars of the Government. It is just as much to the advantage of the President and to his administration as it is to the advantage of the balance of the country that those out of public place be permitted to discuss those who are in public place.

If this espionage act passes in its present form and the new Aircraft Board goes into power and somebody shortly after writes an article attacking the chief of the Aircraft Board, his publications can be excluded from the mail, and yet in six months from now—not reflecting upon the gentleman, because I do not know him—he may turn out to be wholly incompetent also.

I venture to say that if the public press of this country had felt perfectly free to come here to these departments and to investigate and to ferret out incompetency, a vast amount of this waste would not have occurred, and a vast amount of this incompetency would have been exposed before it loitered along here for a year and held this country a year behind in this movement of ours.

I do not believe in criticism for criticism's sake either in peace or in war. It is an unhappy and wholly fruitless way to wear out your life. Furthermore, no one need to fear unjust criticism; the sober and final judgment of the American people will sustain the man who is unfairly and unjustly assailed. It is only the weak, the incompetent, the dishonest who need fear the facts or who should seek shelter from the freedom of speech and of the press. The libeler, the slanderer, the unfair critic, the purveyor of false news will have short shift with the American people. If that were not true, our theory of government would be startlingly erroneous, for it all rests at last upon public opinion, and without a free press and free speech there can be no such thing as a sound public opinion. Sincere and fearless discussion is in the long run the aid of a competent and able administration.

I repeat I do not believe in, and the American people will not sustain, criticism for criticism's sake, and especially they will not sustain unjust and unfair assailment in time of war. Everyone who has his country's interest at heart will resolve all doubts in favor of the honesty and integrity of those in power. But when tens of thousands are conscripted for the Government service, taken from their homes and their health and their lives placed in chancery; when billions are being taken from the people in the way of taxes and expended by the people's agents; when war, which, while it arouses the nobler natures, also stimulates the mean and selfish; when the whole Nation, our liberties and our institutions are at stake, there should be no covering up of facts, for to cover them up is not to change them. There should be no suppression of news, no seal upon the lips of sincere and honest men simply because they may be out of office. In such times of all times the voice of the multitude should be heard, for the multitude must pay the taxes, must do the fighting and dying. The people as a whole can be trusted to be honest and fair with their public servants and loyal and patriotic to their country.

I do not mean to say I would not hold those who abuse the privileges of a free press and free speech responsible for such abuse. If I am not loyal and patriotic and abuse these privileges, I should go to jail. I would punish without limit those who by print or speech instigate sedition or crime of any nature. But I would never give to mere man the power to say in advance what others should print or what others should say when they address their countrymen. The one always results in concealing facts, suppressing truth, in fostering neglect, indifference to the public service, in shielding incompetency, treachery, and venality; the other brings forth the facts, stimulates public service, unifies and inspires the whole Nation—for secrecy has always been the prolific parent of suspicion and discontent, of injustice and fraud. A free press, as I have said, has its inconveniences and its evils, but without it the public service would soon become a hive of festering incompetence, a mass of stupidity. This is as true in time of war as in time of peace. War does not purify and purge the human soul of all its meanness, its littleness, nor make of incompetents competents. If it did, the Germans would be right and war should be the constant state of society.

Mr. NELSON. Mr. President, I have no purpose or desire, God knows, to deprive American citizens of their right of free

speech, or of their right to write freely and criticize the Government. Nothing is further from my mind. But I have felt from the beginning, and I felt even before our country got into this war, that an insidious propaganda was being carried on in this country. Before we got into the war a large class of the American people were in one way or another poisoned, if I may use the expression—morally poisoned. We have gotten into the war now; and the same propaganda, though in a different manner, and not so methodically or from such high quarters as before, is still going on in this country.

So far as printed newspapers are concerned, it is easy for the Postmaster General to determine this question. Everyone can determine it. No mistake can be made. But the difficulty is when you come to sealed letters. Let me read section 2 of Title XII:

> Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States, is hereby declared to be nonmailable.

I take it that you will all agree with me that a letter of that kind sent through the mails is a dangerous sort of propaganda. Now, how can we reach that evil? We have no right under the law to open that letter. The men who are carrying on this propaganda in this country can carry on their villainous machinations to the very limit in sealed packages. Can any of you point out how to reach that in the case of sealed letters? If you read the law as it is, it is a blank letter. You can not tell, if the letter is written, whether it is a disloyal or an unpatriotic letter, and so this law proposes to leave it, in the first instance, to the Postmaster General.

Can you reach the evil in any other way, if you admit that it is an evil to send such disloyal mail—I mean, of the rankest kind—through the mail? If that is an evil that ought to be stopped, I wish some of you would suggest an appropriate remedy for it.

Mr. BORAH. Mr. President, in the case of a sealed letter how will the Postmaster General determine that it is disloyal?

Mr. NELSON. He will have to take his chances. If he makes a mistake he is liable.

Mr. BORAH. No; he is not.

Mr. NELSON. Yes; he is.

Mr. BORAH. No; under this law he could exclude from the mail a letter which I might write to my wife, and he would be perfectly immune from anything except physical responsibility.

Mr. NELSON. I do not agree with the Senator on that.

Mr. BORAH. Mr. President, there is no doubt but that we authorize him to exclude this from the mail; and if he excludes it for any reason satisfactory to himself, as he is the judge—and we make him the judge—there is no way in the world by which we can hold him responsible. He excludes it, and we have told him to exclude it. Somebody undertakes to hold him responsible, and he says: "Well, here is the law. It authorizes me to do it. It was satisfactory to me."

Mr. NELSON. Mr. President, may I ask the Senator a question? Does the Senator believe in using the Post Office Department as a vehicle for carrying rankly disloyal mail?

Mr. BORAH. Certainly not.

Mr. NELSON. How are you going to reach the evil, then? Can you prescribe a remedy that will not in some direction, perhaps, work an injustice?

Mr. BORAH. Mr. President, I think it is perfectly practical to pass a law by which you can discriminate and distinguish between the guilty and the innocent; and if you will provide a sufficient tribunal where the parties can be heard and where both sides of the question can be presented, nine times out of ten the guilty will be punished and the innocent will be protected.

Mr. NELSON. But would you not have to provide some system by which they could open a letter and determine what it contained?

Mr. BORAH. If you are going to go into first-class mail matter, that is true; but, Mr. President, it is not the first-class mail matter that is worrying me in this matter so much as it is the second-class mail matter. I do not want any man to say to me in advance, "You can not write this without my consent." There is a difference between refusing a man a privilege and holding him responsible if he abuses it. If I have to go to you and ask you what I shall write and what I shall print, I am an intellectual slave to begin with; I am a mere denizen of despotism. But if my Government says to me, "You shall print according to an established rule that is according to law, and when you print it you will take your chances before a court and a jury for doing wrong if you abuse it," that is a different question entirely.

Mr. NELSON. I want to say to the Senator, if he will allow me, that second-class matter is to a large extent open and aboveboard. I do not conceive that it is so necessary in that case to have any restriction. The greatest danger, the worst poison, to my mind, is conveyed in sealed letters, and that is what I should like to get at. If the Senator can suggest a remedy to reach that stuff, I should be very glad to have him point it out. As to second-class matter in the case of newspapers, that is an easy matter to determine; but in the case of letters you have either got to let the Postmaster General act on the best information and judgment he has, or else you have got to provide some system by which letters can be opened, either by the court or by the Postmaster General, to determine the matter; and you can not determine it in any other way.

Mr. BORAH. If the Postmaster General is not permitted to read a letter, and I am not permitted to read a letter, I think I am just as good a judge of the contents of that letter as he is. He is not permitted under this law to read that letter, and therefore he must exclude it upon some ground which would not be at all convincing to you or to me as to its contents. It is excluded upon some evidence which is unknown as probative evidence with reference to establishing a fact. We simply give him the authority to exclude first-class mail matter without first knowing at all what the contents are. Now, you can see the terrific injustice of that, and you can see also that in all probability you would not get the guilty fellow at all.

Mr. NELSON. Well, generally you do. If the Senator will allow me, take the case of the fraud order. I remember that years ago there was a kind of a bank established in St. Louis, and a paper published in connection with it, and that to my mind was clearly in its very make-up a fraudulent scheme. The Postmaster General had no right to open the letters addressed to that institution, and he did not, but, as a matter of fact, he debarred that stuff from the mail, and he did a lot of good by it. Some of the poor victims wrote to me and complained that the Postmaster General had interfered with their rights, but afterwards they wrote and expressed their thanks for what the Postmaster General had done in saving them.

Mr. BORAH. That is all right, Mr. President; but there was a specific institution engaging in a specific kind of a transaction which the whole world condemns, and that is fraud, and it had a character for fraud which was established, and their matter was excluded from the mail. But here is a newspaper which prints an editorial to-day which is nonmailable, which is in violation of the law. The Postmaster General under this law could prevent that newspaper from sending a sealed letter to-morrow to one of its customers.

Mr. NELSON. He can do it now, under this law, in the case of a newspaper; it is declared to be nonmailable.

Mr. BORAH. As to the newspaper, yes; but I say that after having looked at the editorial and determined that the editorial itself was disloyal, then he could go to the first-class mail matter and say that the party could not even send a letter, because he was denied the use of the mails, having once violated this law.

Mr. WILLIAMS. That is not a very heavy punishment for disloyalty, after all, is it?

Mr. BORAH. No; but we have provided here for disloyalty. If the Senator from Mississippi will bear it in mind, we have already provided here for the punishment of disloyalty by a penalty, making it a penitentiary offense and subject to a $10,000 fine. Now, I shall not oppose a provision which will also exclude actually disloyal mail matter; but this provision goes so far as to enable the Postmaster General to say that a business institution, having violated this law with reference to an editorial, may not use the mails at all with reference to anything or for any purpose.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota a question. If I gather the idea of the Senator, I judge that if the proposed amendment excluded the first-class mail matter, that would meet his objection. In other words, the propaganda of which he spoke is carried on by letters. Why not confine this amendment to first-class mail matter? That will reach the class of disloyal people who are carrying on, and have been carrying on in past years, propaganda against the war and against the Government.

Mr. NELSON. Speaking for myself individually, and not as a member of the conference committee, I will say to the Senator that I would be perfectly satisfied with that; but I feel so earnest about this matter of disloyalty sent in sealed packages through the mail that I regard it as of more importance than the matter of suppressing fraud. Years ago we gave this drastic authority to the Postmaster General to stamp out fraud. I regard it as more important that we give power in some manner to stamp out this disloyal propaganda carried on by sealed letters; and I wish that the Senators who agree with

me that such a propaganda ought to be stamped out would lay their heads together and provide amendments reaching it.

Mr. SMOOT. Mr. President, I will say frankly to the Senator that if this amendment were confined to first-class mail matter, I would vote for it; but it goes further than that, and it goes just as far as the Senator from Idaho has stated that it goes. I do believe that there should be some power granted to stop this insidious lobby of disloyalty that has been going on in this country from the days before the declaration of war; and I believe that if this amendment were confined to first-class mail matter—and that is how it is carried on—it would break up that propaganda and that class of disloyalty.

Mr. KING. Will my colleague yield for a question?

Mr. NELSON. Will the Senator yield to me? I want to say to the Senator that I have in my office a bunch of letters that I received in the period just before the war. They are as disloyal and unpatriotic as any letters can be well imagined. They had a perfect right to go through the mail. It was bad enough then before we declared war, but it is still worse now when we are in the war to have such matter carried in the mail.

Mr. KING. I should like to ask my colleague a question, with his permission, to see if I understand his position.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Does the Senator from Utah yield to his colleague?

Mr. SMOOT. I yield.

Mr. KING. In order to put it in a concrete way, I should like to call the Senator's attention to the publication known as The Masses. That publication has been sending out through the mail disloyal and treasonable matter. The Postmaster General excluded it from the mail. Appeals were made to the court, and the circuit court of appeals I understand has affirmed the action of the Postmaster General in excluding this poisonous, villainous, and disloyal paper from the mails. The editor of The Masses, Mr. Max Eastman, was indicted. The jury stood 9 to 3, as I am advised, in favor of his conviction. Three were for him. I have just received word that a number of Socialists and disloyalists are going to have a celebration soon to rejoice over the fact that he was not convicted. Does the Senator think we ought not to enact some legislation which would prevent, now that this paper is excluded from the mails, individuals from sending letters to The Masses, and using the Government agencies to transmit money to aid disloyalists in their efforts to continue a disloyal propaganda throughout the United States?

Mr. SMOOT. Mr. President, if we included first-class mail matter, letters of the character named could not be sent to Max Eastman or anyone else if the Postmaster General thought they were disloyal and under this provision he would have power to open such letters, and he has the power to return them stamped as provided for in the amendment.

Mr. KING. The amendment merely provides if my colleague will indulge me that the Postmaster General, where he has satisfactory evidence that this criminal statute has been violated, he may then return to the senders of the letters their own communications, stamped as fraudulent.

Mr. SMOOT. I do not know whether my colleague heard the statement that I made to the Senator from Minnesota.

Mr. KING. I did not hear all of it, and that is the reason I interrogated my colleague.

Mr. SMOOT. I said I was willing to go as far as to exclude first-class mail matter in the amendment, but I did not want to go any further than that because I think it is most dangerous. I also said I believed the statement made by the Senator from Idaho was absolutely correct and that the authority granted under the proposed amendment gave to the Postmaster General all the power, and he could accomplish all the Senator from Idaho stated he could. I have stated as far as I would go as to the first-class mail matter; it is giving a power that was never given before, and I want to say that, of course, no one would think of giving it now unless we were in war. But if this propaganda of disloyalty can be broken up by extending it to first-class mail matter, I think perhaps that would be the best solution of the problem.

Mr. KING. If my colleague will still pardon me, he is in error if he says we have not heretofore given any authority to prevent the delivery of first-class mail matter to the mailee in cases of fraud.

Mr. SMOOT. What I meant by that was that the power was granted to the Postmaster General, that he should have the power upon his ipse dixit to say whether the matter should go back or whether it should not, without giving the party involved a right to appeal to the court, and this amendment does not give that right.

Mr. KING. If my colleague will still pardon me, there was nothing specifically stated, as I recall, in the act; but the court held that they had jurisdiction, and in this act, notwithstanding it is silent in respect to an appeal to the court, I have no doubt in the world but what the court would have jurisdiction to review the proceedings of the Postmaster General. Indeed, in the espionage act which we passed a few months ago and in which, as I recall, no reference was made to the courts and no machinery provided for appealing to the courts, nevertheless appeals have been made under the act to the courts, when it was averred that the Postmaster General had exercised arbitrary power or exceeded the power conferred upon him by the act.

Mr. CUMMINS. I desire to ask either the junior Senator or the senior Senator from Utah a question on that point, because my impression is that such an amendment as has been suggested by the junior Senator from Utah would make the amendment still more objectionable, from my point of view.

Mr. KING. I think the Senator from Iowa had better propound his question to the senior Senator from Utah instead of to me.

Mr. CUMMINS. If it is confined to first-class mail matter, sealed mail matter, I assume it must be accompanied with authority to the Postmaster General or to any postmaster to open every letter that goes through his office. Otherwise your first-class mail matter would be subject to be returned to you unopened upon the mere suspicion that you possibly may have written a disloyal letter or a letter in violation of the law. How in the world would a postmaster or a Postmaster General act in the case if it were confined to sealed letters? It would simply put the whole country under suspicion? There could be no proof whatever of any offense without opening the letter.

Mr. SMOOT. I desire to say to the Senator that the amendment as it now stands refers to first-class mail matter and all other mail matter.

Mr. CUMMINS. Of course it does.

Mr. SMOOT. So it can not have any other effect under the amendment as it now stands, and the evidence required by the Postmaster General is evidence satisfactory to him.

Mr. CUMMINS. Undoubtedly.

Mr. SMOOT. Therefore it is limiting the power rather than extending it.

Mr. CUMMINS. Certainly; but I am opposed to the amendment as a whole, and in my opinion the only safety in it lies in its application to second-class mail matter, open to everybody, the character of which can be known; but if you limit it to first-class matter then you have excluded that part which really may be judged fairly and with reasonable certainty, and you have restricted the Postmaster General to sealed letters, concerning which he can know nothing at all. His only guide would be in the character or reputation of the person who either sent them or the person to whom they were addressed. It seems to me you would be retaining all the objectionable features of the amendment and eliminating the rather unobjectionable features of it. I do not say that I would be willing that the Postmaster General or any postmaster should open every letter that passes through the office. We have reached a time now when there is no secrecy anyhow possible on the subject. But I hope the amendment will not be limited to first-class mail matter.

Mr. SMOOT. If we allow it to extend to second-class mail matter we include all papers, all magazines. Propaganda of disloyalty is very seldom carried on through second-class mail matter. If it is undertaken to be carried on with second-class mail matter it is open to all the world and is very quickly known, and if they are disloyal under the law to-day they can be handled. But it does seem to me if we include second-class mail matter in this amendment the power is given to the Postmaster General to open any mail matter upon evidence that will be satisfactory to him; and if that matter can be excluded from the mail, he can say whether any magazine or any paper in the country shall exist or not, and they will have no right whatever under this provision to appeal to any court in the land.

Mr. SHERMAN addressed the Senate. After having spoken for five minutes,

Mr. GALLINGER. I understood the Senator to state that he did not expect to conclude his remarks this evening. Would he be willing to suspend that we may have an adjournment at this hour?

Mr. SHERMAN. Certainly; I will do that at any time.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. GALLINGER and others. Make it 12 o'clock.

The PRESIDING OFFICER. It is moved that a recess be taken until to-morrow at 11 o'clock.

Mr. GALLINGER. I move to amend by making it 12 o'clock.
Mr. OVERMAN. Very well, I accept the amendment.
The PRESIDING OFFICER. It is moved that a recess be taken until to-morrow at noon.
The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Friday, May 3, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 2, 1918.*

The House met at 12 o'clock noon.
The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:
Let Thy Spirit, Almighty God our Heavenly Father, descend upon us as the dew from heaven, to refresh and fructify our souls; that the meditations of our hearts, the words of our lips, and all our work may be acceptable in Thy sight, O Lord our strength and our Redeemer; in His name. Amen.
The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. SWANSON, Mr. REED, and Mr. CURTIS as the conferees on the part of the Senate.

SIGNAL BELLS.

Mr. WALSH. Mr. Speaker, I desire to inquire, in view of the happening yesterday, when the signal bells were rung and did not sound in the other building, whether it might not be well that the bells might be tested again this morning to see if they are in working order without the necessity of making the point of no quorum?
The SPEAKER. The Doorkeeper has already tested them.
Mr. WALSH. They have been tested twice. I think the third test ought to be made. In order to make sure, without the point of no quorum being made, I ask that the bells be tested a third time.
The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bells be tested the third time. Is there objection?
There was no objection.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to call up House bill 10265, to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, with Senate amendments, which just came over from the Senate.
The SPEAKER. The Chair lays before the House the bill H. R. 10265, which the Clerk will report by title.
The Clerk read as follows:

A bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. CLARK of Florida. Mr. Speaker, I ask that the House disagree to the Senate amendments and agree to the conference asked for by the Senate.
The SPEAKER. The gentleman from Florida asks unanimous consent that the House disagree to the Senate amendments and agree to the conference asked for by the Senate. Is there objection?
There was no objection; and the Speaker announced as the conferees on the part of the House Mr. CLARK of Florida, Mr. BURNETT, and Mr. AUSTIN.

CAPITOL POLICE.

Mr. SANFORD. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.
The SPEAKER. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?
Mr. SISSON. Reserving the right to object, does not the gentleman think he can get time under the five-minute rule?
Mr. SANFORD. I would much rather do it now. My purpose in asking for this time is to reply as briefly as I may to the remarks of the gentleman from Tennessee [Mr. BYRNS] in general debate yesterday concerning my inaccuracy in some colloquy that I had with him some time since, and I think it involves facts that the House should know.
The SPEAKER. Is there objection?
There was no objection.
The SPEAKER. The gentleman is recognized for 10 minutes.
Mr. SANFORD. Mr. Speaker, in the course of general debate yesterday the ranking member of the Committee on Appropriations, the gentleman from Tennessee [Mr. BYRNS], called the attention of the House to an inaccuracy in the conversation or colloquy that I had with him upon the floor of the House some time since. It seems, according to the RECORD, that I said, "The chief," referring to the chief of police, "tells us that he can use about 30 of the 100 policemen that he has." I must have used those exact words; I will concede that I did; but the facts that I should have stated, had I had an opportunity, perhaps will give the best idea of what the truth is.
In the first place, I want to thank the gentleman from Tennessee for the courteous manner in which he referred to me and for acquitting me of any intention to misstate the facts. During the war session of Congress the Committee on Accounts had before it a resolution to appoint 50 extra policemen. At that time we called before us the captain of police, Capt. M. B. Louthan, who appears to me to be a very intelligent person, actuated by a desire to render good public service. He came before our committee and told us the facts about the police department of this Capitol.
In order to be sure that my recollection is correct, I talked to Capt. Louthan this morning, and what he says to me this morning, which I know to be the truth, is exactly what he said to the committee in the extra session of Congress, and those facts are these: The police department that guards this Capitol is run under the patronage system, and perhaps that is enough to condemn it. He says that men are put on the force whom Senators and Members of Congress bring on from their States and districts. He says the system is that the patronage committee of the majority gives to each Member of the majority a certain share of patronage, and some Members of the majority take their patronage in the form of a policeman, and whoever that person is whom the Member of Congress brings on gets his place on the force. In other words, the captain of police, who has the responsibility of keeping the service right, has no discretion in the selection of the men who will render that service.
He told us at that time, and he tells me again this morning, that 30 per cent of the force are absolutely inefficient. That is probably where I got the figure 30. He did not say 30 men, but he said 30 per cent of the men are absolutely inefficient. A number of the policemen are students in the schools in Washington. A large number of them are old men, who may know something about the duties of policemen, but who have not the physical ability to act as policemen. He said then, and he says now, that a large number of the force are entirely unacquainted with the duties of policemen. He says they do not know how to make an arrest, nor are they capable of judging of the circumstances which would require an arrest, and that a large number are physically incapable of performing the duties of their office. He said to me then, and he says now, that he himself is a product of the patronage system. Therefore, I do want to concede that the patronage system can produce one clear-minded and efficient individual. He must be an accident. He impressed me as honest and sincere. He appears to me from his statement to be very anxious with reference to the efficiency of the police force that has the duty of guarding this Capitol. Just recently, in the legislative, executive, and judicial appropriation bill, there has appeared a provision to appoint 50 more policemen in the same fashion. The Senate Rules Committee, apparently recognizing the inefficiency of this system, has agreed of its own motion that no Senator will recommend any of those extra policemen for the force, and they have passed a rule that Capt. Louthan shall have a free hand to select men capable of performing this duty. The House has taken no such action.
Mr. MOORE of Pennsylvania. Mr. Speaker——
Mr. SANFORD. I should like to finish what I have to say, but I will yield for a moment.
Mr. MOORE of Pennsylvania. In fairness to the captain I want to ask whether this was a voluntary statement or an involuntary one?
Mr. SANFORD. I am very glad to say that the statement was given by the captain eagerly and willingly, both to the committee and to me this morning, because he seems to be actuated by a desire to get this thing right. I need not say to the intelligent men who make up the body of this House that the guarding of this Capitol during this war is one of the most sacred trusts that is in our hands. I know of no place in America where our enemy could strike with such satisfaction to himself and with such hurt to the feelings of the American people as he would if his agents were to practice sabotage on this precious specimen of American architecture.
Mr. COX. Will the gentleman yield for a question?
Mr. SANFORD. Yes.

Mr. COX. How is the captain of police appointed?

Mr. SANFORD. By the patronage system.

Mr. COX. Who is responsible for him?

Mr. SANFORD. The gentleman of your caucus who happens to have the captain assigned to him as his share.

Mr. COX. Does the gentleman know where the captain is from?

Mr. SANFORD. No; I do not know anything about his personality except as he revealed it to me. He has an honest face and a plain-spoken manner.

Mr. COX. I think that the criticism of bringing men here and putting them on the police force and letting them go down to a university or school is absolutely a just and wise criticism.

Mr. SANFORD. Judging, therefore, by the importance of the work that this police department has to do—to guard this Capitol—I believe I am justified in taking these few minutes in correcting a misunderstanding with reference to my exact words and to use that inaccuracy, if I was guilty of it, as an excuse for pressing upon the minds and consciences of the majority of this House the seriousness of the duty that confronts them. After this testimony was given in the extra session of Congress, the resolution for 50 extra policemen disappeared. It was wisely tabled, but now the Appropriations Committee brings it in again in the form of an amendment that was put in in the Senate, and the House has now adopted and put itself on record for continuing this system. We all know that 20, 30, or 40 years ago, in all the cities of America, the police department was the prey of politicians. It was so in the old days. I venture the statement that to-day in no city of America is the police department considered as the spoils for politicians. This House of Representatives is the last place where it remains. The civil-service system has prevailed everywhere except here. This is the last stronghold of the spoils system. I have never been in any way associated with the reforms of the civil service, but I think I can say with safety that in no place has the civil service worked so advantageously as in the management of police departments. It has been a relief to have the police departments of our different cities freed from the influence of the spoils system. Instead of the scandal, corruption, and inefficiency that prevailed under the spoils system, we have now in our cities a method by which order can be maintained and the dignity of the city preserved. I have a hope that in view of this revelation of facts, which nobody can dispute, the House may be willing to organize, for the management of the police department of the Capitol, a civil-service system. It would not require much effort. It would require only a willingness to abandon the spoils system. I realize that in the way of such a reform stands the desire of men who want this $1,000 a year or so of patronage. I do not think there is any danger of becoming too serious about a matter of this kind. When one goes through this country to-day and hears the appeals that are made to men, women, and children to buy $50 liberty bonds to preserve the things that are worth preserving and that are worth fighting for, can it be possible that as the representatives of those same people we have acquired nothing of the spirit in which they are fighting and pleading? I hope, I believe, that such is not the case. [Applause.]

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 10613. An act to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

AMENDMENT OF THE NATURALIZATION LAWS.

Mr. BURNETT. Mr. Speaker, I desire to call the attention of the House to the conference report on H. R. 3132 that was presented day before yesterday, but incorrectly printed yesterday and reprinted this morning. It is what is known as the Raker naturalization bill. I want to call it up to-morrow for the action of this House. The bill as agreed on by the conferees has now been printed in full, and I would be very glad if gentlemen would give careful consideration to it. It is most important. It involves the interests of aliens who have volunteered and gone over in our armies and are liable to die and leave their families here without naturalization or the civil or political rights of naturalized citizens. I would be glad, in order to expedite the consideration of it to-morrow, when I shall ask to take it up, if gentlemen will refer to the RECORD, page 5996, and give it some consideration.

Mr. ROGERS. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. ROGERS. Has the bill been printed in the form which corresponds to references in the conference report and statement?

Mr. BURNETT. I do not know; the bill has been printed in full.

Mr. ROGERS. And it is obtainable at the document room?

Mr. BURNETT. Yes.

EXTENSION OF REMARKS.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval appropriation bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the naval appropriation bill. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of dry docks.

The SPEAKER. The gentleman from Pennsylvania asks to extend his remarks in the RECORD on the subject of dry docks. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER. The gentleman from Mississippi moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District appropriation bill (H. R. 11692).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The Clerk, proceeding with the reading of the bill, read the paragraph beginning on line 15, page 2.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last word. On yesterday at the other end of the Capitol one of the Senators inserted in the RECORD a letter from the War Department touching the right of soldiers to vote in primary and general elections. In the discussion surrounding the introduction of that letter the impression was created in the Senate, and doubtless created throughout the country—because I notice that the junior Senator from Mississippi stated that he "had requested the press to copy the letter and send it broadcast throughout the country." In my own State, under the law, these soldiers and sailors who to-day are fighting in the cause of their country, whether they be in the United States, in France, or elsewhere, are permitted to vote. Under that law on next Monday the ballots, with each candidate's name thereon, will be printed and mailed to every Mississippi soldier and sailor, wherever they may be. Under that law their names may be furnished by the candidates, by their friends, by the soldier or sailor himself, and I am not willing that such an impression go abroad that would have a tendency to influence any soldier or sailor, or any of their friends, from presenting their names to the election authorities in the various counties of my State that these boys may vote. I can understand how any friend of any one of these soldiers who may be to-day in France on reading what happened in the Senate yesterday might conclude that it would be unnecessary and useless to present his friend's name to the executive committee and request a ballot to be sent him, because they would naturally conclude that under the law they would not be permitted to vote. It is to remove such an impression in my State and in other States of this Union where the conditions are similar that I have arisen to address the House to-day.

Some days ago I received from the War Department a similar letter to the one that was incorporated in the RECORD on yesterday, but when I first read it I felt sure that those regulations were promulgated because of laws in some States quite different from the election laws in my State and perhaps other States of the Union; so I went to the War Department and conferred with the officials there and told them that in Mississippi and other States with similar laws that to allow them to vote in France or elsewhere could not possibly cause a disarrangement in the camps or in the trenches; that it could not possibly cause any inconvenience, any worry, or demand any of the officers' time or attention in camp or field. I explained to them that under the law in my State, and I had no doubt that it existed in other States, that it was only necessary, when the soldier received his printed ballot, for him to sign his name and place a cross mark opposite the name of the candidate for whom he desired to vote, seal his ballot in an envelope, address and mail it to the election authorities in the county from which he came. It would not be necessary to have managers appointed, booths provided, and tally sheets prepared in order to hold the election, but that a simple and fair way had been provided that if the soldier was in France

he could vote the same as he could write a letter and mail it back home; that he could perform this function of citizenship in the trenches, in his tent, or on the training grounds. To this the department informed me that under that system they had no objection in the world to the soldiers in France or elsewhere voting.

I am quite sure, therefore, Mr. Chairman, that so far as the soldiers of Mississippi are concerned who are now or will be on foreign soil, they will be permitted to vote. [Applause.] And I can not see for the life of me why they should not be entitled to vote. The legislature of my State drafted the law in order to avoid the cumbersome system of providing ordinary election machinery—to avoid, if you please, the very thing against which the War Department complained. I congratulate the legislature of my State on the simple yet very fair method they have provided that permits these splendid soldier and sailor boys the right to express their sentiments touching candidates for public office. If there be one class of citizenship who should be entitled at this time to vote over any other class, it is the fighting forces of the country. For four years and more delicate international questions have arisen in this House and at the other end of the Capitol. They have presented questions about which some of us have differed—questions that went to the right of our citizens to travel the high seas; the right of our citizens to ship their products abroad; the protection of their lives and property; and an indorsement of America's attitude or Germany's attitude on many international policies. These boys who are to-day fighting for the causes that America stood for, and about which men in this House and in the Senate either voted for or against, championed or opposed, are certainly, above all other citizens, entitled to either condemn or indorse. Who would have a greater interest in the character of Representatives who are to make the laws for an army and its government—the soldiers who are fighting, who are defending the country, or the civilian population of the country? Is it not perfectly natural to presume that the soldier who is risking his life and his all is vitally interested in having men represent his Government who indorse the policies for which he is fighting and whose ideas of prosecuting the war are in sympathy with his?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARRISON of Mississippi. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. STEPHENS of Mississippi. I understand the gentleman to say that the soldiers in France will be permitted to vote.

Mr. HARRISON of Mississippi. Yes.

Mr. STEPHENS of Mississippi. I think they should be, of course, but the last paragraph of the letter to which the gentleman refers——

Mr. HARRISON of Mississippi. That is exactly the reason that I make these remarks.

Mr. STEPHENS of Mississippi. Says that they will not be. Of course it would be an outrage if the soldiers and sailors are not permitted to vote. They are performing the highest possible patriotic service, and all their rights and privileges should be protected.

Mr. HARRISON of Mississippi. The gentleman is absolutely right. The latter part of the letter the gentleman alludes to was no doubt the action of the War Department, based on the supposition that all of the States provided under their laws that some election machinery must be employed for holding the election, and because of the inconvenience it would naturally work the department evidently thought it might not be practical in France, but they very clearly make exceptions, as I have stated before, to the soldiers and sailors in France or elsewhere being allowed to vote when this cumbersome election machinery is not employed.

Mr. STEPHENS of Mississippi. Then, in the gentleman's opinion, the Mississippi soldiers will be permitted to vote?

Mr. HARRISON of Mississippi. They certainly will; and I hope the friends of these boys who are now fighting for the glorious cause of this country will see to it that complete lists in every county in Mississippi are furnished to the executive committees of those counties on next Monday that these printed ballots containing the names of the candidates for whom they may vote may be sent to them, wherever they may be, so that they can express their approval or disapproval of the candidacies of various men. I very sincerely hope that they will not get the impression from what appeared in the RECORD this morning that they, even though to-morrow they should embark for France, will be cut off from voting in the coming election.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. ROGERS. The Acting Secretary of War, Mr. Crowell, four or five days ago sent to a Massachusetts legislative committee, which is considering this general question of soldiers voting, a long letter in which he argued very elaborately as to the impracticability of allowing the soldiers to vote in France. In view of what the gentleman says, does he mean the House to infer that the War Department has changed its viewpoint since that letter of Mr. Crowell's was written?

Mr. HARRISON of Mississippi. Mr. Chairman, I certainly have been unfortunate in the language that I employed if the gentleman has failed to understand me. I stated that where blanks are furnished and sent to the soldiers, and all they have to do under the State law in order to vote is to sign the blank ballot just as they would sign a letter written to their home folks and put a cross mark opposite the name of the candidate for whom they desire to vote, the War Department would have no objection to it. This information came to me not for the first time this morning. I gathered it several weeks ago when I first investigated the question. I want to say, however, to the gentleman from Massachusetts that it is my opinion that the department does not look with favor, and does not desire, that the soldiers in France or on other foreign soil should vote where under the laws of a State certain election machinery must be provided, such as managers and bailiffs and booths in order for the election to be legally held. The letter does say that "the department has reached the decision that their vote can not be taken without serious interference with military efficiency."

Mr. BORLAND. Has the gentleman an official statement from the War Department to that position?

Mr. HARRISON of Mississippi. I have such an official statement that satisfies me absolutely on the proposition. I conferred personally with them. I went there especially to see them about this matter, and thoroughly satisfied myself that so far as my own State is concerned, under the laws of that State permitting these sailors and soldiers to vote, that they will be permitted to vote, whether they are in France or elsewhere. I was told this morning that an opinion similar to the statement that I am now making to the House was given to some Member of Congress from North Carolina.

Mr. BORLAND. The official statements seem to be otherwise, and it would be very desirable to have an official statement to the effect of what the gentleman says.

Mr. HARRISON of Mississippi. I have addressed myself to this subject to-day because these names should be furnished to the various committees in my State by next Monday, and I want to cure at this time any impression that might go out from the discussion in the Senate on yesterday.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The Clerk read as follows:

For fuel, light, power, repairs, laundry, mechanics, and labor, not to exceed $3,500, and miscellaneous supplies, $23,000.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word. About three months ago I called the attention of the House to the condition of the Armenian and Bagdad fronts and suggested at that time that a little aid financially from the allies would enable the Armenians and the Georgians to raise a couple of hundred thousand men and defeat the Turks on the Armenian front and join hands with the British Army from Bagdad. If the gentlemen have followed the dispatches, they will find that the suggestions I made as to what would happen have to a great extent happened, except that we have not assisted them financially. I want to further suggest now that if we had done so they would be much better off than they are, and that what I stated they would attempt they have attempted. I speak of this now because the dispatches state within the last day or two that the British Army has begun a well-prepared advance from the Bagdad front for Mosul. It is about 150 miles from Bagdad to Mosul. The English hold Bagdad, as you know, as they have for some time, and have advanced about three-fifths of the distance now toward Mosul, up the Tigris. Mosul is a city of 100,000 population or more and is the last Turkish stronghold in that section of Turkey. I think I am safe in saying to the House that within a short time the British Army will probably take Mosul and destroy the Turkish defense in that part of the Empire of Turkey. Very likely, from what I can learn, the Turkish Army at that point is not so strong as it might be, and the English advance is so determined that it will probably reach Mosul within a reasonably short time. What I wanted to call the attention of the House to at this moment is that when they have reached Mosul they are within about 150 miles of the city of Van in Turkish Armenia. At the time I spoke the Armenians held Van, on the 6th of February, which they had taken from

the Turks under Russian auspices but with their own men and officers. The Russian troops drew out of Turkish Armenia and entered Russian Armenia. They assailed the Georgians at Batum, from which the railroad runs to Tiflis and Boku. You know the bolsheviki ceded Russian Armenia to Turkey, and they proceeded to take possession, which I ventured to prophesy would occur when I spoke in February. Abandoned by Russia Armenians and Georgians organized a government of their own at Tiflis and began a stand of their own. The Turks took Erzerum, Van, and all Turkish Armenia, including Trebizond.

As I said then they would, the Armenians then proceeded to organize themselves without Russian aid and to build up an army and assail the Turks again. They are marched into Turkish Armenia and have retaken Erzerum and Van, and the Armenians now hold the city of Van, about 150 miles across the valleys and mountains from Mosul. When the British Army is in Mosul, which I hope and anticipate will be soon, it will be within about 150 miles of the Armenian troops in Van. There will be practically no force to divide them, and when it happens, if my opinion and judgment are correct, you will see the Armenians and the English quickly united, or at least in touch, and the two armies will be then within a striking distance of each other, and you will see the front extended from Bagdad up to the Caucasus. They will advance toward Alexandretta, on the Mediterranean.

Mr. STERLING of Illinois. Will the gentleman yield for a question?

Mr. LITTLE. Yes.

Mr. STERLING of Illinois. Does the gentleman know how many soldiers the English have there?

Mr. LITTLE. No; I do not know. I can not give the number. They have brought from India a very considerable army, and it is maintained from Bombay.

Mr. STERLING of Illinois. Does the gentleman know how many they have in Mesopotamia?

Mr. LITTLE. That is Mesopotamia.

Mr. STERLING of Illinois. And Greece?

Mr. LITTLE. They have no soldiers in Greece except at Salonica.

Mr. STERLING of Illinois. Does the gentleman know how many?

Mr. LITTLE. No; I do not. The allies have several hundred thousand at Salonica and in that vicinity, but the exact number I do not know. The natural difficulties in the way of an advance from Salonica are much greater than from Mosul, and the Huns have stronger forces before Salonica than before Armenia.

Mr. STERLING of Illinois. They have quite a large army in Mesopotamia?

Mr. LITTLE. Yes; they have a large army; they have a sufficiently large army, but I can not give the exact figures on the Turkish front of Mesopotamia; but I feel safe in prophesying that they will take Mosul and join hands with the Armenians at Van if no unexpected circumstances arise. Now, when that is done you have a line from Bagdad clear to the Caucasus and Tiflis, a united effort.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I ask leave to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? [After a pause.] The Chair hears none.

Mr. LITTLE. As I said before, the Armenians have raised a large army in the Caucasus and are fighting the Turks. The Turks have within a few days taken from the Armenians the city of Kars, a large Russian-Armenian city. I can say to the committee the Armenians raised an army of about 50,000 men to fight at Kars the Turks, who have a larger force, and have it better organized and with Germans behind them. The Turks have been able to take Kars since the time I spoke here about three months ago. If the suggestion I then had the honor to make had been adopted at that time and the United States or our allies had extended financial assistance and encouragement to the Armenians, the Armenian force of 50,000 at Kars would have been big enough and well organized enough so that the Turks would not have taken that city. The chance is still there. The British will probably be able to join the Armenians and control the Caucasus. If our Government will extend now to the Armenians and the Georgians financial assistance, which we have frequently extended elsewhere, in the next three months we may see the Armenians so organized that they will not only keep Van, but they will effectively join with the English from Bagdad and then retake Kars and perhaps start on the road to Constantinople with the English, which I think would be the road to Berlin. We can put 200,000 men in arms against the Turks on the Armenian front with less money than we can raise such a force at home and still have our own soldiers. Our allies there will not go against the German trenches. We will fight them on their weakest side. [Applause.]

Mr. ROGERS. Mr. Chairman, I have some information that I think may interest the committee, directly in line with the speech made by the gentleman from Mississippi [Mr. HARRISON]. I wonder if the gentleman would withhold the enforcement of his rule in that case.

Mr. SISSON. I will have to object, because I want to try to get the bill along. It is absolutely necessary that these appropriation bills get through.

Mr. ROGERS. This is an extremely live matter.

Mr. SISSON. That is very true; but I will state to the gentleman here that the gentleman from Minnesota [Mr. DAVIS] had control of two hours in general debate, which we agreed upon, and that the two hours were not taken up on that side on yesterday.

Mr. ROGERS. Is not that good reason for using the time now, if it was not used before?

Mr. SISSON. The man who had the time did not take it. Therefore I want to state, in all courtesy and consideration to every Member of the House, that I am going to object.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to discuss fuel, the item just reached.

Mr. DYER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. I would like to know where we were reading when we stopped for the discussion.

Mr. MOORE of Pennsylvania. We were on page 4, line 12.

The CHAIRMAN. On the paragraph on page 4, ending with line 14.

Mr. MOORE of Pennsylvania. May I have five minutes?

The CHAIRMAN. The gentleman made a parliamentary inquiry, and the Chair responded to it.

Mr. DYER. I asked the question for the purpose of making a point of order if the gentleman does not speak to the bill itself.

Mr. MOORE of Pennsylvania. I thank the gentleman for his gentlemanly way of making a threat. The gentleman has been in the House a long while, and knows how to do that. I say to him, in all candor, there was no provocation for his suggestion. If the gentleman is going to be the guardian——

Mr. DYER. Mr. Chairman, I make the point of order the gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] will proceed in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I said I wanted to discuss fuel, and I will adhere strictly to that point. May I ask how much time I have? On account of the interruption of the gentleman from Missouri I fear I have lost some.

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. MOORE of Pennsylvania. The increase of smoke in the District of Columbia has attracted some attention. Those who observe the belching chimneys of the city, which hitherto has not been a great industrial center, have feared that much damage will be done to the architectural beauty of the Capital. In order that this matter might be brought to the attention of the Committee on the District of Columbia, I introduced a bill a few days ago, asking that some inquiry be made with the view of arresting the smoke or, at least, to reduce its volume without prejudice to the industries concerned.

Residents of Washington who are interested in the symmetry and beauty of the buildings here have been pleased that some effort is being made to draw attention to what may become a very great nuisance before the summer is over.

Amongst others who have written is one who suggests that possibly it may not be the use of soft coal in particular, or of oil, or other fuels, that is entirely responsible for the trouble. It is suggested in this letter that some of this smoke belching from the smokestacks may be due to the excess of pipes, cigars, and cigarettes that are used by employees in the various departments, contrary to the rules, during office hours. One gentleman, an employee of one of the departments, tells me that in the building where he is employed 80 per cent of those in uniform, as well as those not in uniform, during office hours, while men and women come and go upon public business, openly practice the pipe habit, or the cigar or cigarette habit. That would not be permitted in the office of any ordinary business man. It is not permitted in warehouses. There are signs up on our new munition establishments and executive offices in Washington now forbidding smoking. We used to complain of the word "verboten," which had something to do with the war in Europe, but the word "forbidden," so far as smoking goes in the departments in Washington, seems now to be held in as

much contempt as some of us would treat the German word "verboten." One correspondent tells me that in the last month he put out three fires in one department building in Washington due to the careless throwing away of cigarette stumps, lighted and thrown negligently into rubbish heaps.

But that is only one part of the smoke nuisance. We will hear more about it during the coming summer. There are two great smokestacks over yonder at the Capitol power house which cover the Capitol with smoke, and which send their fumes into the House Office Building. That is calculated to keep the window cleaners and the charwomen on the job constantly. I presume that will interest us during the hot weather.

Mr. Chairman, I am making this brief talk in order that official Washington, and particularly architectural Washington, may take notice. I see it affects my friend from Ohio [Mr. LONGWORTH], who kindly passes a cigarette so that I may close on time. [Laughter.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read.

The Clerk read as follows:

Auditor's office: Auditor, $4,000; chief clerk, $2,250; bookkeeper, $1,800; accountant, $1,500; clerks—three at $1,600 each, three at $1,400 each, one $1,350, four at $1,200 each, seven at $1,000 each, one $936, two at $900 each, two at $720 each; messenger, $600; property survey officer, $1,800; disbursing officer, $3,000; deputy disbursing officer, $1,600; clerks—two at $1,200 each, two at $1,000 each, one $900; messenger, $600; in all, $48,776.

Mr. JOHNSON of Kentucky. Has the reading of the paragraph been concluded?

The CHAIRMAN. It has just been concluded.

Mr. JOHNSON of Kentucky. Mr. Chairman, in line 12, I move to strike out "$2,250" and insert "$2,500." And in that connection I wish to say——

Mr. SISSON. I wish to reserve a point of order on that.

Mr. JOHNSON of Kentucky. I wish to say that I do not know this particular clerk, but I am quite familiar with his work. During the last few years I have had a great deal of communication with him, particularly through the accountant for the District of Columbia, and that work has shown beyond all sort of doubt that he is a most competent fellow—that he is really doing the main work in the auditor's office—and I believe that his salary ought to be increased very much more than $250. I hope that the point of order will not be insisted upon, but that this man's salary may be increased at least to the extent of $250. I think he is worth many times that to the District of Columbia, and I would be very glad indeed to see the amendment adopted.

Mr. ROBBINS. Mr. Chairman, will the gentleman submit to an inquiry?

Mr. JOHNSON of Kentucky. Yes.

Mr. ROBBINS. Has the clerk asked for an increase?

Mr. JOHNSON of Kentucky. He has not asked me for it.

Mr. SISSON. Mr. Chairman, I want to make a statement here that I hope will be accepted as the policy of the committee with reference to all of these salaries.

Your committee did not increase any of the higher salaries in the District of Columbia. The commissioners estimated for this $250 increase, but we agreed generally that none of the salaries of the officers and employees of the Government of $2,000 and over should be increased, because we felt that this was not the time to increase salaries. For that reason we made that rule, with only one exception that I know of, and that was where an employee did a great deal of work at night in connection with the selective draft, and we did not then give all that was asked for.

For that reason alone I shall be compelled to make the point of order, notwithstanding the fact that all the gentleman says about this particular employee is correct.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For maintenance, repairs, fuel, lighting, fitting up buildings, lunchroom equipment; purchase, exchange, and maintenance of bicycles and motor delivery vehicles; and other contingent expenses, $11,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I have the attention of the gentleman from Mississippi [Mr. SISSON]? The purchase of coal is provided for all through this bill, and I would like to get some information as to just how the District is being supplied at this time. Soft coal, as I understand, is being used almost exclusively in public buildings.

Mr. SISSON. The gentleman understands, of course, the coal situation in the District of Columbia was very acute during the winter.

Mr. MOORE of Pennsylvania. Yes; I do.

Mr. SISSON. And for that reason the official activities of the District, as well as of the hotels and private citizens, were permitted to use any such coal as they could get. The District commissioners, of course, make a contract for coal for the District, and the various institution, like the schools and the District Building and all the other official activities, are provided for, and the District commissioners during the winter were compelled to resort to all sorts of means of getting coal. For example, many of the teams of the District of Columbia which would be used in other departments of the government were converted into coal wagons, so that they might deliver coal to people who absolutely needed it.

Mr. MOORE of Pennsylvania. It was a hand-to-mouth proposition?

Mr. SISSON. Practically a hand-to-mouth proposition, and they took just such coal as they could get.

Mr. MOORE of Pennsylvania. Mostly soft coal?

Mr. SISSON. Yes. What the gentleman spoke of a moment ago will perhaps be to a certain extent true, because the demand for hard coal in the Navy is going to be so great that the chances are that in all the activities in the United States they will probably use the soft coal in preference to the hard coal, which will be used freely in the Navy. Also you will understand that a great deal of coal is being stored up by the Navy for future use in the Navy as a precautionary measure. Of course, if the war should end that coal would be released and put upon the market, and there would be no sort of trouble in getting what sort of coal you wanted to use. Heretofore they have used the West Virginia and Pennsylvania hard coal, which does not produce so much smoke, gas, and ashes, but the use of coal during the winter has been just such coal as the commissioners could get.

Mr. MOORE of Pennsylvania. Yes. The gentleman has stated the case very clearly. What I wanted to get at is whether any arrangements are being made for storing coal for District use for next winter?

Mr. SISSON. The statement I make is rather private and tentative, and I would not like to be held to too strict an accountability for it; but the District Commissioners are now making arrangements to get coal enough to carry them through the winter as soon as they can get transportation.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the Chesapeake & Ohio Canal is being used now to bring coal to the city?

Mr. SISSON. I do not know to what extent, because I do not think they have many coal barges. They are using that canal for the transportation of stone and hay.

Mr. MOORE of Pennsylvania. I understand the District officials have been before the Director General of Railroads, and that he is inclined to encourage the canal for that purpose.

Mr. SISSON. That may be. The gentleman may possibly have this in mind: There is an estimate in the sundry civil bill, which is now pending before the Committee on Appropriations, looking to the establishment of a coal yard.

Mr. MOORE of Pennsylvania. That is what I wanted to know.

Mr. SISSON. That is in the sundry civil bill.

Mr. MOORE of Pennsylvania. There was a proposition here before the coal famine of last winter to establish a municipal coal yard.

Mr. SISSON. As I understand it they propose to establish a coal yard for all of the governmental activities in the District of Columbia, and for coal for the District itself, for the purpose of taking care of the local situation here at the one coal yard.

Mr. MOORE of Pennsylvania. Does the plan, as the gentleman understands it, now contemplate any relief for the residents of the District of Columbia, apart from the governmental departments?

Mr. SISSON. Yes. Of course, the relief of the one would be the relief of the other of necessity; but I understand that the coal yard will be used so that in the event that the residents themselves do not have coal, if there is coal sufficient in the coal yard, they will also have access to the coal there.

Mr. MOORE of Pennsylvania. Does the gentleman know to what extent oil is being used for fuel in the District of Columbia for public purposes?

Mr. SISSON. I do not.

Mr. MOORE of Pennsylvania. The smoke fumes would indicate that something in addition to bituminous coal is being used, or there must be something wrong in the firing.

Mr. SISSON. Many of the grates in the District of Columbia have been constructed for hard coal only, and perhaps they are not so well suited for the burning of soft or bituminous coal as the grates made for it.

Mr. MOORE of Pennsylvania. Will the gentleman have any objection to my inserting in the RECORD a letter from the District Commissioners on the subject of the smoke nuisance?

Mr. SISSON. None at all.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting that letter.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The letter is as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 23, 1918.

MY DEAR MR. MOORE: Your letter of the 15th instant has been received, asking whether there is or is not in force in the District of Columbia any law or regulation enabling the commissioners to prevent the emission of objectionable smoke from the smokestacks of the District. A law that in ordinary times is sufficient to enable the commissioners to accomplish the end named is found in the act entitled "An act for the prevention of smoke in the District of Columbia, and for other purposes," approved February 2, 1899. A copy of this act (30 Stat., 812) is inclosed herewith.

The commissioners have themselves noted the increasing smokiness of the atmosphere of the Capital during recent months and share in your fears concerning the possible defacement of buildings and possible interference with the comfort and orderly maintenance of homes and places of business as the result of that condition. The commissioners have been unable, however, to find any practicable method of securing or even materially relieving the situation.

The recent increase in the smokiness of the atmosphere of the District has not been due to any lack of legal authority on the part of the commissioners to prevent it. It has been due to the state of the coal market, which has rendered it necessary to use in many of the heating and power plants in the District, if they are to be maintained at all, coal for which they were not designed, including, if current reports be true, much low-grade coal.

Where the commissioners have been unable to obtain any evidence of any inadequacy of the heating or power plant or of any carelessness or ignorance in its management, and where such evidence as they have been able to obtain has shown that the owner of the plant has been driven by the state of the coal market to the use of coal not adapted to his purpose, the commissioners have refrained from bringing prosecution. To have prosecuted in such cases would have been to undertake to penalize the proprietor of the plant for a condition entirely beyond his control. The only alternative he would have if he would avoid the payment of fine or the serving of a jail sentence under such circumstances would be to discontinue the operation of his establishment, and practically none of the offending establishments have been such as could be well closed without disturbance to the already too much disturbed housing and business situation in this District.

If there be any practicable way of preventing the emission of dense or thick black or gray smoke to a greater extent than it is now being prevented, the commissioners will welcome suggestions that will enable them to accomplish that end. They will be glad to cooperate with you in any action you may take to better existing conditions.

Yours, very truly,

(Signed) LOUIS BROWNLOW,
Commissioner, District of Columbia.

HON. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

The Clerk read the paragraph beginning on line 21, page 13.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, merely to make an inqury in regard to a resolution which I introduced in this House some three or four weeks ago. That resolution provided that a service flag with four stars, the number of the Congressmen who have gone to the colors, should be hung in this Hall. That resolution was referred to the Committee on Accounts, and, as I understand it, the Committee on Accounts has favorably reported the resolution—that is, they have favorably passed upon it; but for some reason that resolution has not been brought before the House. I see one member of that committee on the floor, my colleague from New York [Mr. SANFORD], and if it is not violating any confidence of the committee, I would like to ask him why it is that that resolution, having passed the committee, has not been reported to the House?

Mr. SANFORD. Will the gentleman yield?

Mr. HICKS. I yield.

Mr. SISSON. Mr. Chairman, I do not like to object, but if I yield to one Member I will have to yield to another, and it will set a precedent.

Mr. HICKS. I know my friend is too good-natured to object.

Mr. SISSON. I suppose the gentleman can get the information privately from his friend, who is right close to him. I am sure he wants to facilitate the passage of this bill.

Mr. HICKS. I think probably the House would like to have the information. I know my genial friend from Mississippi will indulge me just for two minutes.

Mr. SISSON. I would not object if two minutes would be all, but it would set a precedent.

Mr. HICKS. I moved to strike out the last word, and I think I have two or three minutes left.

The CHAIRMAN. The gentleman has two minutes.

Mr. HICKS. I yield to my colleague from New York [Mr. SANFORD].

Mr. SISSON. One moment. I shall have to object, unless the gentleman's remarks are confined to the item in the bill. The gentleman has his request in the RECORD, and he can get the information from his friend.

Mr. HICKS. Mr. Chairman, have I not the floor under my motion to strike out the last word?

The CHAIRMAN. The gentleman must proceed in order, and he will have to speak to this amendment if the point of order is made.

Mr. HICKS. My friend has not made the point of order, has he?

Mr. SISSON. I make the point of order, not because I want to make a point of order against the gentleman, because I would be very glad to give him all the leeway he wants, but I do not want to set a precedent that would give us trouble in the future.

Mr. HICKS. I feel, Mr. Chairman, that with every public building, religious edifice, office building, factory, and home decorated by service flags commemorating the patriotism and loyalty of those who are now with the colors, this Hall should honor the men who have responded to the call of the country. Four Members have donned the uniform of the Nation since war was declared—the lamented Gardner of Massachusetts, LAGUARDIA of New York, HEINTZ of Ohio, and JOHNSON of North Dakota.

I understand that the Committee on Accounts some time ago decided to report favorably a resolution I had introduced providing for the purchase of such a flag. For some unexplainable reason that resolution has never been called up on the floor, despite the fact that the Committee on Accounts is a privileged committee. Why the delay, Mr. Chairman, why the neglect to honor our brave colleagues who are fighting for the flag? I hope the chairman of the Committee on Accounts will explain the reason why this resolution has not been offered.

The Clerk read the paragraph beginning with line 21, on page 16.

The CHAIRMAN. The Clerk calls the attention of the Chair to a typographical error, in line 22, page 16, where the word "department" is incorrectly spelled. Without objection, it will be corrected.

There was no objection.

The Clerk read as follows:

For the necessary and adequate means of approach and access to existing buildings or to temporary buildings which may hereafter be erected in the District of Columbia for the use of the United States, including the grading, paving, improvement, and repair of such streets, avenues, and roads, as in the judgment of the commissioners shall be necessary, including all necessary incidental work, $85,000, to be available immediately: *Provided*, That the foregoing work shall be done under the direction of the commissioners, by contract, day labor, or in such other manner as in their judgment may be most advantageous to the Government.

Mr. SISSON. Mr. Chairman, in line 2, page 22, the word "foregoing" is misspelled. I ask unanimous consent to correct the typographical error.

The CHAIRMAN. Without objection, the correction will be made.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. It must be very evident to anyone who has walked around through the District of Columbia that the streets have been allowed to get into a condition of very bad repair. A great many of the asphalt pavements are full of holes and apparently have not been kept up. I want to ask the gentleman from Mississippi [Mr. SISSON], who has charge of this bill, what the members of the committee have done, whether they have simply taken the estimates submitted by the commissioners or whether they have taken the pains to go over the District and notice the condition of the streets themselves?

Mr. SISSON. I will say to the gentleman that the subcommittee went over the streets. I think the criticism that the streets have been permitted to get into this condition is in one sense of the word true, but it is due to the very severe winter, an unprecedented winter, and to the unprecedented amount of heavy hauling.

As I stated in my remarks explaining the bill, if the gentleman will go further down the bill he will find that we granted the District commissioners every dollar they asked for for the repair of streets. The only items we have not allowed were in the edges of the city, where there are some real estate improvements going on, and where in many instances streets were asked to be

made when there were only two or three residents on that street. We have not granted pavements to all the streets in the outskirts of the city, but we have given the commissioners every dollar they asked for for the repair of streets in the District of Columbia.

The gentleman understands that the fund available for street improvement was not used during this very severe winter. These repairs that the gentleman is complaining about are going on as rapidly as the District Commissioners can get laborers to make them. In July the sum of money carried in the items following in the bill will, in the judgment of the committee, repair all of the defects and holes that the gentleman speaks of in the streets of the city.

Mr. DALLINGER. What I wanted to ascertain was whether the gentleman believes that the money given in the bill, in view of the severe winter, is sufficient to put the roads in good condition before next winter?

Mr. SISSON. I do think so, the subcommittee thought so, and the District engineer commissioner thinks so.

The Clerk read as follows:

Construction of suburban roads: For construction of suburban roads and suburban streets, to be disbursed and accounted for as "Construction of suburban roads and suburban streets," and for that purpose it shall constitute one fund, as follows:

Northwest. Otis Place, Georgia Avenue to Sixth Street, pave, $5,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee for information. This appropriation, as I understand it, is not the aggregate cost of the pavement, but is only the share that the Government pays for the pavement, the other being paid by the parties themselves.

Mr. SISSON. This is the cost of the new pavement. The streets named in this item are the new streets that have never been paved in the outskirts of the city.

Mr. DOWELL. Does the Government pay all the expenses of the original pavement?

Mr. SISSON. After the streets are paved 25 per cent of the initial cost of the pavement is collected from the property owners on either side. That is after the pavement is laid. The property is assessed for 25 per cent of the cost.

Mr. DOWELL. The Government pays it originally, and then it is assessed to the property owners and covered back into the Treasury?

Mr. SISSON. Yes; collected as taxes under the Borland amendment, except that on streets over 40 feet wide that in excess of 40 feet is borne one-half by the District treasury and one-half by the Federal Treasury.

Mr. DOWELL. Does the property owner on streets more than 40 feet wide pay any share of the pavement?

Mr. SISSON. Yes; he pays his portion of the costs within the 40 feet.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorizes the commissioners to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, there is appropriated, payable entirely from the revenues of the District of Columbia, such sum as is necessary for said purpose during the fiscal year 1919.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I do so in order to ask the gentleman in charge of the bill what part of the District of Columbia is "outside the city of Washington"?

Mr. SISSON. That is a term that has been carried in the bill for a long time. As I stated when I made my explanation of the bill, I have never been able to ascertain just why that language is carried. The old city of Washington has been designated in the bill as "within the city," and that outside is called suburban, and they are called roads and not streets, and yet they are built up as they are in the city of Washington. This is arbitrary language used in the bill when the city was small, when these were "roads" and not streets at all.

Mr. JOHNSON of Kentucky. For that reason I propounded the question. It occurs to me that the time ought to come when in the bill we would treat the situation from a correct historical standpoint. I will say that I have several times gone into the matter and find the old city of Washington never had any boundaries.

Mr. SISSON. No very well-defined boundaries.

Mr. JOHNSON of Kentucky. The act of 1802 chartering the city of Washington gave it no boundaries whatever.

Mr. SISSON. That is true.

Mr. JOHNSON of Kentucky. I made the inquiry with the view of having future bills written in accordance with the historical fact.

Mr. DOWELL. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. DOWELL. Does not the city of Washington extend to the boundaries of the District of Columbia?

Mr. SISSON. It does.

Mr. JOHNSON of Kentucky. I beg to differ with the gentleman; there is no city of Washington; there is only one municipality, and that is the District of Columbia.

Mr. SISSON. If the gentleman from Kentucky had listened to my explanation in my opening remarks on the bill, he would have found that I called attention to this arbitrary language, and said that there was no good reason for it.

The Clerk read as follows:

For construction and repair of sidewalks and curbs around public reservations and municipal and United States buildings, $25,000.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Mississippi what is the status of this Capitol Park? I notice that a number of buildings are still standing there that were standing there unremoved two or three years ago, and there is quite a section of that park that is not improved or graded. What is the status of it, and what is the prospect of that park ever being completed?

Mr. SISSON. I suppose the gentleman has reference to the property between the Capitol and the Union Station?

Mr. DALLINGER. Yes.

Mr. SISSON. Called the Capitol Plaza. That is property that was taken over a few years ago by the United States Government and added to the Capitol Grounds. Just as the Superintendent of the Capitol Building and Grounds has been granted funds he has been removing the old buildings. There was the exception of the Maltby Building, which belongs to the United States Government. That is Government property. Since the war broke out there has been no disposition on the part of the committee and no insistence on the part of the Superintendent of the Capitol Building and Grounds to remove those buildings, because practically all of them are occupied, and they are arranging now, as I am informed, to have all of those buildings opened up for occupancy. That space is being used, and the Government may have to use a great many of those buildings for its own activities.

The Clerk read as follows:

Dust prevention, cleaning, and snow removal: For dust prevention, sweeping, and cleaning streets, avenues, alleys, and suburban streets, under the immediate direction of the commissioners, and for cleaning snow and ice from streets, sidewalks, crosswalks, and gutters in the discretion of the commissioners, including services, and purchase and maintenance of equipment, rent of storage rooms; maintenance and repairs of stables; hire, purchase, and maintenance of horses; hire, purchase, maintenance, and repair of wagons, harness, and other equipment; allowance to inspectors and foremen for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed for each inspector or foreman $25 per month for a horse-drawn vehicle, $30 per month for an automobile, and $15 per month for a motorcycle; purchase, maintenance, and repair of motor-propelled vehicles necessary in cleaning streets; purchase, maintenance, and repair of bicycles; and necessary incidental expenses, $320,000.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I desire to inquire of the chairman of the committee, with this appropriation are we to have the same character of service in cleaning the snow and ice from the streets that we had during last winter?

Mr. SISSON. If we have the same sort of winter I suppose we will have practically the same conditions.

Mr. DOWELL. With this appropriation, is it not possible that something at least can be done to clear the snow and ice from the streets?

Mr. SISSON. I think not, because this item is for the purpose of keeping the streets clean every day in the year. What are known as the "white angels" that the gentleman sees on the street are paid for out of this fund, and it is for the purpose of keeping the streets clean every day in the year. When the streets get covered with snow it would take a perfect army of people during that short time to clean the snow away.

Mr. DOWELL. Is there any provision, or has the gentleman investigated, as to whether or not there is or can be a provision whereby the property owners will be required to clean the snow and ice from the walks and streets?

Mr. SISSON. I think that would be a very desirable thing. It is said that Jerusalem was the cleanest city in the world, because each man was required to clean in front of his own door. From an investigation that we have made that seems to be the only practicable way to do when the streets get covered with snow. Let every individual clean his own sidewalk. It is a very simple matter if each man cleans in front of his own door.

Mr. DOWELL. I desire to inquire if the committee has made any attempt to require the property owners to clear the snow and ice from the sidewalks in front of their property?

Mr. SISSON. This committee has no right to do that. We are not a legislative committee, but an appropriating committee.

I am informed that some time ago a law was passed by the Congress requiring that to be done, when the District Commissioners thought the snow was sufficiently great to require that the property owners clean in front of their own property, and the Supreme Court of the District knocked that law out.

Mr. DOWELL. With that in view, should not this provision be stricken out of the bill—not appropriating any money to clear the snow and ice, and leave it up to the property owners?

Mr. SISSON. They do not clean the sidewalks at all out of this fund. They clean the streets.

Mr. DOWELL. It appears, from my experience, that they do not clean it from any fund.

Mr. SISSON. If the gentleman would knock this fund out, without having some provision to have the streets cleaned, he would have the city in such a filthy condition in two or three weeks so that we could not live here.

Mr. DOWELL. I certainly do not want that to happen, but what I am anxious about is that some provision be made to require these streets to be kept in proper condition when the snow and ice is on the ground.

Mr. SISSON. Of course, as the gentleman understands, that is a legislative matter, but this last winter the conditions were such that you could not get labor and teams to haul coal to the freezing people, much less get teams to haul snow and débris from the streets. That was a very unusual condition.

Mr. DALLINGER. Mr. Chairman, I move to strike out the last two words. I see that there is a provision here for inspection, and I assume that it is somebody's business in the District of Columbia to observe whether there are dangerous defects in the highways. Several months ago I noticed on Massachusetts Avenue, just beyond Sheridan Circle, a place where the avenue goes across Rock Creek—that large viaduct filled in with gravel for the most part, except in the center—where the sidewalk is undermined. About the only thing that keeps the sidewalk on Massachusetts Avenue at this point from caving in is the fact that it is a solid mass of concrete. It is perfectly evident that unless something is done, and any undue weight comes on that part, there will be a serious accident to people walking along there.

The bank has apparently washed out from under the sidewalk. I notice that this has not been fixed. It has been that way for some time, and I simply wanted to ask whether it is anybody's business—the business of the police or anyone else—to observe such things and report them and have them fixed?

Mr. SISSON. I will state to the gentleman that if that had been called to my attention I would have either notified the policeman on the beat or notified the District Commissioners of the condition. This inspection referred to here is not inspection of that character. This is an inspection as to the cleanliness of the streets and as to whether or not this department that cleans the streets is cleaning them properly; but in the office of the engineer commissioner there are several inspectors whose business it is to inspect the condition of the streets as to dangerous places.

Mr. DALLINGER. If anyone ever went by there he could not help but see it.

Mr. SISSON. I believe I should have called it to the attention of the District Commissioners. I do not know, of course, whether inspectors have done their duty or not in reference to the particular item that the gentleman is talking about.

Mr. DALLINGER. I notice also that there are a number of places through the District where the fences on these viaducts and bridges have been seriously injured, and apparently nothing has been done to repair them. I was wondering whether it was anybody's business to see those things were kept up.

The CHAIRMAN. Without objection, the pro forma amendments will be withdrawn and the Clerk will read.

The Clerk read as follows:

Disposal of city refuse: To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes from private residences in the District of Columbia, including inspection and allowance to inspectors for maintenance of horses and vehicles or motor vehicles used in the performance of official duties, not to exceed $25 per month for each inspector for horse-drawn vehicles, $30 per month for automobiles, and $15 per month for motorcycles; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, $608,997, to be available immediately: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts.

Mr. SISSON. Mr. Chairman, I have a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 30, lines 21 and 22, strike out the words "from private residences."

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, at the end of line 8, insert the following: "that every person, corporation, or institution in the District of Columbia shall be permitted to transport in closed metal containers from the place of origin to places outside of the District of Columbia any table refuse, including meat, bread, and vegetables, not in a decayed or decomposed condition, to be fed to poultry, pigs, or other live stock at any place where said feeding is not prohibited by law."

Mr. SISSON. Mr. Chairman, I reserve the point of order upon that until I can see just what the gentleman's amendment does.

Mr. JOHNSON of Kentucky. Mr. Chairman; the amendment proposes to take care of a somewhat peculiar situation in the District of Columbia. Under the present law the contractor is paid to haul away garbage that persons would be willing to haul away themselves. There is one concrete instance that has come to my attention. If I may have the attention of the gentleman from Mississippi, Providence Hospital needs fresh eggs and things of that kind, and they own a farm over in Maryland, where they have some chickens and pigs and cows. Under the present law they can not take the bread that is left on the table, nor the meat scraps that are left on the table, nor remnants of vegetables left on the table, and haul them out to their farm in Maryland with which to feed their own chickens and pigs. By this amendment I have proposed they will have that right.

Mr. DOWELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DOWELL. In the provision in the other bill that has passed, the House gave this same authority, and would not that authority be given under the other legislation without any amendment to this bill?

Mr. JOHNSON of Kentucky. That is a question whether it would or not, but not feeling sure about it I have offered the amendment.

Mr. SISSON. I intended to ask my friend that very question. The provision is in the law now, and I understand it has passed the Senate, and I suppose has been signed by the President.

Mr. JOHNSON of Kentucky. Well, not knowing whether or not the statement made by the gentleman is correct is the very reason I offer it here.

Mr. SISSON. Of course, the whole paragraph would be subject to the point of order if the bill has not become a law. Now, I have no objection to the amendment going on here, except it seems to me that it is surplusage, because it is already in the law.

Mr. JOHNSON of Kentucky. It is not surplusage if the Senate struck out that amendment.

Mr. SISSON. But I understand it has not.

Mr. JOHNSON of Kentucky. I do not know whether it has or not.

Mr. SISSON. I think the bill was passed in the Senate without the dotting of an "i" or the crossing of a "t."

Mr. JOHNSON of Kentucky. Even so, it would not do any harm to insert it here.

Mr. SISSON. I do not see any harm could come from this. It still leaves this discretion with the District Commissioners to adopt any one of these methods which was in the mind of the gentlemen when the bill was passed, though I think it is a mere surplus amendment.

Mr. JOHNSON of Kentucky. Even so, it will not do any harm, and I trust the gentleman will interpose no objection.

Mr. SISSON. It is not subject to a point of order, because it is already in the law.

The question was taken, and the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. This paragraph appropriates $608,997 for the disposal of city refuse. The garbage bill which passed the House, coming from the District Committee two or three weeks ago, contemplated the taking over of this work, did it not?

Mr. SISSON. Yes.

Mr. MOORE of Pennsylvania. This appropriation would carry the commissioners over until the new law takes effect; is that the idea?

Mr. SISSON. No; it is to carry out the new law before the contract expires. In other words, the District has to make arrangements to take care of the garbage on the 1st day of July, and therefore they have got to make preparations to do so.

Mr. MOORE of Pennsylvania. May I ask if this same amount was carried in the bill that was before the House recently?

Mr. SISSON. This amendment is a little less, a few dollars less than was authorized.

Mr. MOORE of Pennsylvania. It does not represent two amounts for one year?

Mr. SISSON. No, indeed; there is no appropriation in the bill as it passed the House the other day; that was merely an authorization.

Mr. MOORE of Pennsylvania. But even then that would be caught up by the Committee on Appropriations if the question of duplication should arise?

Mr. SISSON. Yes; but there is no duplication at all.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Playgrounds: For maintenance, equipment, supplies, tools, construction of toilet facilities, wading pools, installation of telephones and telephone service, installation of electric lights and electric service, grading, and repairs, including labor and materials, and transportation of materials, maintenance and repair of storehouse, and necessary incidental and contingent expenses for all playgrounds, under the direction and supervision of the commissioners, $25,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on the paragraph. I believe it will be better that I reserve the point of order on the paragraph and go ahead and read down to the end of line 25, and then make the point of order to the whole proposition.

Mr. SISSON. That is entirely satisfactory, because the amendment I would offer to carry out the law and the idea of the gentleman from Kentucky would come properly there, so I ask unanimous consent——

The CHAIRMAN. What is the request? The Chair could not hear the gentleman?

Mr. JOHNSON of Kentucky. I reserve the point of order on the paragraph with the understanding that we read down to and including line 25, and there I will make the point of order.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order, and in the meantime asks unanimous consent to read down to the bottom of page 32. Is that it?

Mr. JOHNSON of Kentucky. Down to the bottom of page 32.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For salaries: Supervisor, $2,500; inspector of playgrounds, $1,200; clerk (stenographer and typewriter), $1,200; to be employed not exceeding 10 months—20 directors of playgrounds or recreation centers at $65 per month each, assistant director at $60 per month, general utility man at $60 per month; to be employed not exceeding 7 months—2 assistant directors at $60 per month each, 3 assistant directors at $50 per month each; to be employed not exceeding 3 months—3 assistant directors at $60 per month each, 20 assistants at $45 per month each; to be employed 12 months—20 watchmen at $50 per month each, clerk (who shall be a bookkeeper) at $75 per month; for services of extra directors at not exceeding 35 cents per hour, $800; for services of extra watchmen at not exceeding 25 cents per hour, $600; in all, $38,530;

For supplies, installing electric lights, repairs, maintenance, and necessary expenses of operating five swimming pools, $3,000;

For five guards or swimming teachers for four months at $60 per month each, $1,200;

In all, for playgrounds, $67,730.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make a point of order on the playground provision, on the ground that the existing law is to the effect that all of that should be paid out of the revenues of the District of Columbia, and no such provision is made in the bill.

Mr. SISSON. Mr. Chairman, I will state for the benefit of the Chair and of the committee that it was an oversight on the part of the subcommittee that they left out the language "to be paid wholly out of the revenues of the District of Columbia." If the gentleman will reserve his point of order, and if I may be permitted, by unanimous consent, to amend, at the bottom of page 32, after line 25, by inserting "to be paid wholly out of the revenues of the District of Columbia," then, as I understand, the gentleman will have no objection, and it would be in order. If I can get this amendment in by unanimous consent——

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent to offer a committee amendment, which the Clerk will report, pending the reservation of the point of order.

The Clerk read as follows:

Committee amendment: Page 32, at the end of line 25, after the figures, insert "to be paid wholly out of the revenues of the District of Columbia."

The CHAIRMAN. Is there objection to the amendment? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the point of order.

Mr. SISSON. Mr. Chairman, I supposed unanimous consent would adopt that amendment.

The CHAIRMAN. The Chair asked if there was any objection to offering the amendment, and there was no objection.

The Clerk read as follows:

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, and for all necessary expenses in connection therewith, including rental of stables and storerooms, livery and extra labor, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia appropriation act for the fiscal year 1912, and with the provisions of the District of Columbia appropriation act for the fiscal year 1913, and other laws applicable thereto, $415,000.

Mr. SNELL. Mr. Chairman, I wanted to ask the chairman whether the District develops its own power for lighting or if the current is bought?

Mr. SISSON. The current is bought.

Mr. SNELL. From one of the local companies here?

Mr. SISSON. Yes.

Mr. SNELL. Can you tell the price paid for the current?

Mr. SISSON. Well, it is all regulated by law. You would have to get the schedule in order to find out.

Mr. SNELL. I have wondered many times, and I have tried to find out, where the current came from, and the price, but I have not been able to get it.

Mr. SISSON. You would have to see the contract to be able to get a very intelligent idea about it.

Mr. SNELL. Where would a man go to get the information about it?

Mr. SISSON. You could get it from the District Commissioners' office. In other words, they have lamps of different power, and the contract is by the year for a certain character of lamp.

Mr. SNELL. They do not buy it for so much per kilowatt hour?

Mr. SISSON. They do not buy it by the kilowatt hour, although I believe they try to figure out the annual kilowatt consumption on the lamps, but the contract is for so much per year for a lamp.

Mr. SNELL. I did not know but on account of the amount of current the Government bought they would have a flat price for so much per kilowatt hour.

Mr. SISSON. That has not been done. And I take it that at the price of coal, for the last year or two, while in the past they might have paid a pretty good price for it, they are getting a pretty cheap rate now.

Mr. SNELL. This is all manufactured by coal power?

Mr. SISSON. Yes.

Mr. SNELL. Does the Government own anything in connection with the Great Falls?

Mr. SISSON. No. The Government owns the aqueduct from the edge of the District up here to Great Falls, and the Government owns a certain amount of land, I do not know how much, at the intake of this aqueduct.

Mr. SNELL. And you do not understand that they own any part of that power there?

Mr. SISSON. Except the general control that the Federal Government would have over navigable streams.

Mr. SNELL. You do not know how much of this $415,000 is actually paid for current used, and the only way to find out would be by looking at the contract?

Mr. SISSON. That is all. I think they have paid a pretty good price in the past for their light, but I do not think they do now. I think under the present coal consumption they are getting a pretty fair price.

Mr. SNELL. I think it is such a large matter that it is due to the country as a whole to investigate, when you already pay that much for light.

Mr. SISSON. Yes; I think the gentleman is correct.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ROCK CREEK PARK.

For care and improvement of Rock Creek Park and the Piney Branch Parkway, exclusive of building for superintendent's residence, to be expended under the direction of the board of control of said park in the manner now provided by law for other expenditures of the District of Columbia, $22,000.

Mr. DALLINGER. Mr. Chairman, I want to ask the member of the committee in charge of this bill whether he thinks that $22,000 a year is sufficient for the care and improvement of a park the size of Rock Creek Park?

Mr. SISSON. I will state to the gentleman that that is what they have had heretofore, and your subcommittee felt that if you could keep the park in reasonably good condition at this particular time, when so many demands were made on the Treasury, it might be just as well to repair and maintain it. There was no increase asked for, to amount to anything—per-

haps two or three thousand dollars more—but we gave them just what they had last year.

Mr. DALLINGER. I simply want to say that, in my opinion, whether it is the fault of the committee or the District Commissioners, the policy that is now being pursued in the District of Columbia of not keeping up the roads in the park and the District is going to result in a tremendous expenditure that will have to be made later on to rebuild these roads, and that would be saved if this work was done now.

Mr. SISSON. I do not believe the statement of the gentleman is warranted. I believe we are keeping them up, and I believe when the opportunity is had to repair the streets and parks you will find the streets and parks are not neglected.

The CHAIRMAN. Without objection, the Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 26, 1918:

H. R. 10783. An act to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes.

On May 1, 1918:

H. R. 9832. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

PUBLIC SCHOOLS.

Officers: Superintendent, $6,000; assistant superintendents—1 $3,500, 1 $3,000; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of $2,200 each; secretary, $2,000; clerks—1 $1,600, 1 $1,400, 1 $1,200, 3 at $1,000 each, 1 (to carry out the provisions of the child-labor law) $900; 2 stenographers, at $1,000 each; messenger, $720; in all, $60,520.

Mr. DALLINGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Mr. DALLINGER offers the following amendment: Page 36, line 2, after the figures "$6,000"——

Mr. COX. Mr. Chairman, I reserve a point of order on the original paragraph as read by the Clerk.

The CHAIRMAN. The gentleman from Indiana reserves a point of order on the original paragraph. The amendment can not be offered until the point of order on the paragraph is determined.

Mr. COX. Pending that reservation, Mr. Chairman, I would like to know what the amendment is.

The CHAIRMAN. Pending the reservation of the point of order on the original paragraph, the gentleman from Massachusetts [Mr. DALLINGER] offers an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Page 36, line 2, after the figures "$6,000," insert the word "two," and strike out, in line 3, "1 $3,500, 1 $3,000," and insert in lieu thereof "at $3,500 each."

Mr. SISSON. Mr. Chairman, I make a point of order on that amendment. It changes existing law.

The CHAIRMAN. The point of order is sustained.

Mr. COX. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order on the original paragraph is withdrawn. The Clerk will read.

The Clerk read as follows:

Special beginning teacher in the normal school, $800; in all for teachers, $1,727,150.

Mr. SISSON. Mr. Chairman, I desire to offer a committee amendment on page 38, after line 8.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 38, after line 8, insert as a new paragraph the following:

"The salaries appropriated herein for teachers in classes 1, 2, and 3 during the fiscal year 1919 shall be in lieu of the present basic or initial salaries for such classes, and the present rates of longevity increases of pay for the said classes shall apply to the basic or initial salaries appropriated herein."

Mr. MADDEN. Mr. Chairman, I reserve a point of order on that. I would like to hear the gentleman's statement as to why he wants to change the basic pay.

Mr. SISSON. If the gentleman had the longevity act before him, he would find that it makes an enumeration; for instance, the salary is $600 for the first year, $625 for the second, $650 for the third, and so on. It was not the intention of the subcommittee in increasing the salaries of the low-grade teachers to change the longevity law. Personally, I have great objection to the provisions of the longevity law, but I will not go into that now. Since we are appropriating money in accordance with the law, we have no disposition to change the longevity status of any individual teacher, and we simply make the basis of the different classes the basic pay provided in the law, except the three classes in which we have increased the pay. If the gentleman had a copy of the act before him he would find that class 1 is so arranged that in the first year the teacher receives $500, the second year $525, the third year $550, and the fourth year $575 up to $600, which begins class 2, and then successively $625, $650, $675, up to $700. Now, I think there is not any doubt as to the construction to be placed by the auditor upon the amendment as I have offered it. It is not for the purpose of changing the calculation of longevity pay.

Mr. MADDEN. Does this start them in at a higher compensation?

Mr. SISSON. It starts them in at a higher compensation.

Mr. MADDEN. Is that the purpose of the amendment?

Mr. SISSON. Oh, no. The salaries have already been increased, and those items have been passed. The base pay in classes 1, 2, and 3 has been increased to $750. The purpose of this amendment is to remove doubt as to exactly upon what the longevity shall be calculated.

Mr. MADDEN. Is not that already figured out several times?

Mr. SISSON. No, sir. I have just tried to explain that your subcommittee, in granting increases of salary, has taken the exact form in which the statute is passed, giving the first year $500, the second year $525, the third year $550, the fourth year $575, and then $600. That is what is called class 1, the basic salary being $500 in that class, and in class 2 the basic salary being $600, rising successively to $625, $650, $675, and up to $700. The base pay of $500 and $600 has been raised to $750. Now, this amendment insures the computation of the longevity increase on the base pay as is outlined in this act. It was not our intention to repeal that law.

Mr. MADDEN. It looks to me as if the gentleman was doing exactly what he did not intend to do; that he has fixed the thing so that there will not be any longevity pay a little later.

Mr. SISSON. Absolutely not.

Mr. MADDEN. Has the gentleman any objection to hearing the amendment read over again?

Mr. SISSON. No; not at all. I will give the gentleman a copy of it.

Mr. DOWELL. Mr. Chairman, I raise the point of order that no quorum is present.

The CHAIRMAN. The Chair will count. [After counting.] Thirty-seven gentlemen are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Dupré	Hood	Nichols, Mich.
Baer	Eagan	Howard	Norton
Barkley	Estopinal	Humphreys	Oliver, N. Y.
Barnhart	Evans	Hutchinson	Olney
Bowers	Fairchild, B. L.	Jacoway	O'Shaunessy
Brodbeck	Ferris	Johnson, S. Dak.	Phelan
Campbell, Pa.	Flood	Johnson, Wash.	Platt
Cantrill	Flynn	Jones	Polk
Carew	Fordney	Kahn	Porter
Chandler, N. Y.	Foss	Kelley, Mich.	Powers
Clark, Fla.	Fuller, Mass.	Kennedy, R. I.	Price
Clark, Pa.	Gallagher	Key, Ohio	Ragsdale
Cooper, Ohio	Garland	King	Ramsey
Cooper, W. Va.	Glass	Kreider	Reavis
Copley	Glynn	LaGuardia	Reed
Costello	Godwin, N. C.	Lee, Ga.	Riordan
Cramton	Good	Lever	Rodenberg
Crosser	Goodall	Littlepage	Rose
Curry, Cal.	Graham, Pa.	Lobeck	Rouse
Dale, N. Y.	Gray, Ala.	Longworth	Rowland
Dale, Vt.	Gray, N. J.	McArthur	Sanders, La.
Davidson	Gregg	McCulloch	Sanders, N. Y.
Dempsey	Griest	McFadden	Scott, Pa.
Denison	Griffin	McLemore	Scully
Dent	Hamill	Maher	Shouse
Dewalt	Hamilton, N. Y.	Mann	Siegel
Dies	Harrison, Miss.	Martin	Slemp
Dill	Harrison, Va.	Meeker	Small
Dillon	Haskell	Montague	Smith, Mich.
Donovan	Hawley	Morin	Smith, C. B.
Dooling	Heflin	Mott	Smith, T. F.
Drukker	Heintz	Mudd	Stafford
Dunn	Hilliard	Nicholls, S. C.	Steele

Steenerson	Swift	Treadway	White, Me.
Sterling, Pa.	Talbott	Vare	Zihlman
Stevenson	Templeton	Waldow	
Sullivan	Thompson	Ward	
Sumners	Tinkham	Welling	

The committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the District of Columbia appropriation bill, H. R. 11692, found itself without a quorum; whereupon he caused the roll to be called, when 281 Members answered to their names, and he handed in the names of the absentees for printing in the RECORD and Journal.

The SPEAKER. A quorum is present. The committee will resume its session.

Accordingly the committee resumed its session, with Mr. GARNER in the chair.

The CHAIRMAN. Does the gentleman from Illinois insist on the point of order?

Mr. MADDEN. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Librarians and clerks at minimum salaries as follows:
Librarian in class 4—1 $800; librarians and clerks—14 in class 3 at $650 each, 8 in class 2 at $600 each, 15 in class 1 at $500 each (including 1 additional for Central High School); in all, $22,200.

Mr. MASON. Mr. Chairman, for the purpose of asking a question I move to strike out the last word. I have received a communication which leads me to ask a question, whether there is any discrimination in the matter of the pay between the white and colored teachers? For instance, I am told, as to the assistant supervisor of manual training, that the man in the white school receives $1,500, with longevity pay of $100 for 10 years, and that the one in the colored school gets $1,300. For the assistant directors of music, drawing, and physical culture I am informed that in the colored schools there is a basic pay of $1,300, with longevity pay of $50 for five years, and that in the white schools the director receives $1,500, with a longevity pay of $100 for 10 years. I am also informed that the board of education and the District Commissioners have recommended an equalization of this pay, but that is not contained in this bill. I am just asking for information.

Mr. SISSON. Mr. Chairman, I will state to the gentleman that there is nothing in the law which treats them differently. In some instances, where teachers have been employed longer than other teachers, their pay will be greater because their longevity pay has been running longer. They get a certain increase annually. If there is any discrimination made, it is not made either in the law or in this bill.

Mr. MASON. I understand that the law as originally passed contemplated no discrimination; but here is an assistant superintendent of the colored schools who gets $3,000, while the assistant superintendent of the white schools gets $3,500.

Mr. SISSON. If there is any disparity in salaries it is due to the fact that under one assistant superintendent there would be a great many more schools and a great many more teachers; but if you take teachers of white schools and teachers of colored schools of the same class, they get identically the same pay. That is, their base pay is identically the same; so I think the gentleman has perhaps been misinformed as to the condition of the law.

Mr. MASON. The only information which I have is what I have received this morning in a communication.

Mr. SISSON. I think if the gentleman will investigate it that he will find there is no discrimination.

Mr. MASON. I will investigate it, and I feel sure that the chairman of the committee wants fair play.

Mr. SISSON. I think every member of the subcommittee, as well as of the full committee, feels the same way about it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Longevity pay: For longevity pay for director of intermediate instruction, supervising principals, supervisor and assistant supervisor of manual training, principals of normal high and manual training high schools, the assistant principal (who shall be dean of girls) of the Central High School, principals of grade manual training schools, heads of departments, director and assistant director of primary instruction, directors and assistant directors of drawing, physical culture, music, domestic science, domestic art, kindergartens, and penmanship, teachers, clerks, librarians and clerks, and librarians to be paid in strict conformity with the provisions of the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, as amended by the acts approved May 26, 1908, May 18, 1910, and June 26, 1912, $400,000: *Provided*, That hereafter the board of education is authorized, on recommendation of the superintendent of schools, to withhold the longevity increase of any teacher because of an unsatisfactory efficiency rating.

Mr. MADDEN. Mr. Chairman, I make a point of order against the proviso contained in lines 14 to 18, inclusive, on page 39.

Mr. SISSON. Of course, it is subject to a point of order, and I ask permission to make this one statement: The purpose of the Board of Education in asking for this provision was to be able to give the increased pay to meritorious teachers, while those who did not deserve it would not get it. I concede that the point of order is well taken.

Mr. MADDEN. In other words, the board of education wanted to have the power to grant the longevity pay to those teachers whom they wanted to favor and to take it away from those whom they did not want to favor.

The CHAIRMAN. The point of order is sustained.

Mr. MILLER of Minnesota. I ask unanimous consent to return to line 15, page 31, for the purpose of making an inquiry.

The CHAIRMAN. The gentleman asks unanimous consent to return to page 31——

Mr. SISSON. For the purpose of making an inquiry only.

Mr. MILLER of Minnesota. For the purpose of making an inquiry only.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. We have progressed in the reading of the bill faster than I ever dreamed we would, or I would have been more prompt in making the inquiry. I congratulate the gentleman on the success he is attaining in getting his bill through. It is quite unprecedented.

The item about which I wish to inquire is that relating to the bathing beach. I am one of the small boys of Washington who like to swim, and last summer I used the opportunities of the basin as often as opportunity permitted, and thereby had a chance to do some observing. I am informed that it is the intention to employ as the superintendent this year, at a salary of $600, the gentleman who had charge of the shack down there on the basin where we used to bathe last summer. Is that so?

Mr. SISSON. No; this item refers to the concrete pool. I will state for the gentleman's benefit that what he has in mind is the item carried in last year's sundry civil bill providing for a new bathing beach. If the demands on the labor market do not prevent the work being finished, the new bathing beach will be completed before the weather gets very hot. But that is not covered in this bill.

Mr. MILLER of Minnesota. Where is this bathing beach, then, that is provided for on page 31?

Mr. SISSON. This is the little concrete pool down on the Mall, not very far from the Monument. The new bathing beach is an entirely different proposition, carried in last year's sundry civil bill, but not in this bill.

Mr. MILLER of Minnesota. Then I have no further interest in it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For furniture, including clocks, pianos, and window shades for additions to buildings; equipment for kindergartens; and tools and furnishings for manual-training, cooking, and sewing schools, as follows: Three kindergartens, $2,400; two sewing schools, $520; one housekeeping and cooking school, $800; one cooking school, $580; two manual-training shops, $1,480; portable schools, $30,000; in all, $35,780, to be available immediately.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word. I yield to the gentleman from the Philippines [Mr. YANGCO].

Mr. YANGCO. Mr. Chairman, I should like to read a cablegram which my colleague, Mr. de Veyra, received this morning from Manuel L. Quezon, the president of the senate, and Sergio Osmeña, the speaker of the house of representatives of the Philippine Islands.

MANILA, P. I., *May 2, 1918.*

VEYRA, *Washington:*

Memorial services were held the night before last at the session hall of the house of representatives in honor of Mr. JONES, with attendance of the Governor General, members of cabinet, legislature, and supreme court, provisional governors, municipal delegations, Army, and Navy, etc. Speakers were the Governor General, presidents of both houses of the legislature, a representative from the Filipino Chamber of Commerce, a representative from labor unions, and leaders of political parties.

MANUEL L. QUEZON,
President Philippine Senate.
SERGIO OSMEÑA,
Speaker House of Representatives.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I was called from the Hall for a few minutes when the item in reference to the medical inspectors was read. Will the gentleman state why the chief medical and sanitary inspector and his associates are placed under the health officer of the District of Columbia.

Mr. SISSON. For the reason that the health activities of the District should be coordinated under one head. We do not want to have too many independent organizations working under different directors. Take the medical department of the District. The Board of Education knows nothing about the laws of health, but it is well enough that the activities be directed by that activity of the government which has charge of the health of the people of the District of Columbia.

Mr. MOORE of Pennsylvania. It may be all right; I have no fault to find with the system if it is all right and so understood by the committee. But the medical inspectors are appointed by the Board of Education, and the health officer is appointed by the Commissioners of the District of Columbia, I understand.

Mr. SISSON. The gentleman understands, too, and I hope it will be changed in the near future, that the Board of Education appoints the teachers, and the Board of Education is not appointed by the District Commissioners. The health officer is appointed and is under control of the District Commissioners. But when the health officer and inspectors of schools act under the direction of the health officer, who is an experienced, skilful physician, a man with some reputation throughout the country——

Mr. MOORE of Pennsylvania. Dr. Woodward is a skilled physician and an excellent officer.

Mr. SISSON. And has a splendid standing as a health officer throughout the country.

Mr. MOORE of Pennsylvania. The question is whether or not circumlocution lends unnecessary work in passing up reports.

Mr. SISSON. No such complaint has come to the District Subcommittee.

Mr. MOORE of Pennsylvania. The committee has heard nothing of that kind?

Mr. SISSON. No.

The Clerk read as follows:

For textbooks and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education, and for the necessary expenses of purchase, distribution, and preservation of said textbooks and supplies, necessary labor not to exceed $600, including one bookkeeper and custodian of textbooks and supplies at $1,200, and one assistant at $800, $80,000: *Provided*, That the board of education, in its discretion, is authorized to make exchanges of such books and other educational publications now on hand as may not be desirable for use.

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the proviso. While I reserve it I wish to say that it looks as if it would give the Board of Education the power to change the textbooks whenever they please, and in that way create a lot of expense that ought not to exist. Of course, the expense would not be imposed on the individual who uses the books; but, nevertheless, if it means that it is going to add to the expense of the public by changing the textbooks, giving the Board of Education the right to do it, I would insist on the point of order.

Mr. SISSON. This is not a new provision; it has been the language of the bill for the last five or six years.

Mr. MADDEN. That does not make it right.

Mr. SISSON. I think it has worked well. The books are bought by the Government.

Mr. MADDEN. I know that.

Mr. SISSON. If they did not have the right to adopt another textbook and have a right to use the old textbook and sell those and get what they could for them, the textbooks might be lost entirely.

Mr. MADDEN. They are probably lost, in a way—sold for old paper.

Mr. SISSON. I think it is not any extra expense at all.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Is it not a fact that the editions of books are sometimes changed and you are permitting them to turn in the old editions to get a new and later edition? If this was not in the bill they could not do that.

Mr. MADDEN. If that is true it furnishes some reason for it.

Mr. SISSON. If there is an improved edition of a history or a geography, the textbook companies would give a certain price for these old books.

Mr. MADDEN. The gentleman from Connecticut says that they turn the old book in and get a new one.

Mr. TILSON. They get an allowance toward the new one.

Mr. MADDEN. If you do that that is a very good trade, but if you are going to sell the old books for junk and buy new ones at a price fixed by the booksellers, that is another proposition. If this enables the Board of Education to do that whenever it pleases, impose new conditions on the scholars and additional expense upon the people who pay the bills, that is another proposition to which I would be opposed. But if you can turn in books no longer needed for books that must be obtained and are needed, of course, I would favor it. Does anybody here know exactly what they do do under this provision?

Mr. SISSON. It permits them to have new textbooks, as in the example I used a few moments ago—histories. It enables them to get a better price out of them than they would get by selling them to secondhand-book dealers. They are able thereby to save a great deal of money, and there is no expense attached to the exchange of the books, because they have to have some clerical force there to take care of purchasing new books and the distribution of the books, and the same force that does one service does the other.

Mr. MADDEN. Let me ask this question: Does the proviso grant authority to the Board of Education to transfer the contract from a publishing house from which it may have been purchasing books to a new publishing house, to furnish totally different books, and also give the Board of Education the power to transfer what books it has on hand to a new publisher, in order that he may be able to take the contract away from the old publisher?

Mr. SISSON. No. This has nothing to do with that.

Mr. MADDEN. What does it have to do with?

Mr. SISSON. This is to deal with the books that have been turned in by the pupils, that are on hand, and if we did not make this disposition of the books we would be compelled to sell them under the law in reference to the sale of property at public auction, and the secondhand-book dealers would buy them up, and we would thereby get much less money for the books.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Does the proviso give anybody any authority to impose any additional burden of taxation upon the people of the District of Columbia?

Mr. SISSON. Absolutely not.

Mr. MADDEN. Does it give them the authority to discontinue the use of a given textbook?

Mr. SISSON. Absolutely not.

Mr. MADDEN. For the purpose of trading in an old one and adopting a new one?

Mr. SISSON. Absolutely not; because they have the authority not by virtue of the proviso, but they have without that the right to change the textbooks if they adopt the method provided by law.

Mr. GALLIVAN. Mr. Chairman, will the gentleman from Illinois yield for a question?

Mr. MADDEN. Surely. I am looking for information.

Mr. GALLIVAN. The gentleman understands that this proviso has been in the law for five or six years?

Mr. MADDEN. That does not make it law.

Mr. GALLIVAN. He understands that it has been there?

Mr. MADDEN. Yes.

Mr. GALLIVAN. Has he heard of any violation of it?

Mr. MADDEN. I could not tell. I am not in the detective business, and I would like to get information from those who have studied the question.

The CHAIRMAN. The time of the gentleman from Illinois has again expired. Does the gentleman insist upon the point of order?

Mr. MADDEN. No; I withdraw the point of order.

The Clerk read as follows:

For purchase of United States flags, $1,350.

Mr. HICKS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 47, line 6, strike out the figures "$1,350" and insert "$1,370."

Mr. HICKS. Mr. Chairman, the reason I do this, adding $20 to the amount, is to provide for a service flag for this House.

Mr. MADDEN. Oh, you can not pay for it out of that appropriation.

Mr. GALLIVAN. A service flag is not a United States flag.

Mr. SISSON. I hope the gentleman will withdraw that. You can not get it there. It is subject to a point of order, since the gentleman has stated the purpose for which he offers the amendment.

The CHAIRMAN. The amendment does not state that purpose.

Mr. SISSON. It would be subject to a point of order if he had stated the purpose. The gentleman can not get it in that way.

He would simply give an amount not asked for here to buy flags for the schools.

Mr. HICKS. Mr. Chairman, I withdraw the amendment.

The Clerk read as follows:

For payment of necessary expenses connected with the organization and conducting of community forums and civic centers in school buildings, including equipment, fixtures, and supplies for lighting and equipping the buildings, payment of janitor service, secretaries, teachers, organizers, and clerks, and employees of the day schools may also be employees of the community forums and civic centers, $10,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against the paragraph to be found in lines 14 to 20, on page 48. I do not know whether that is new law or not.

Mr. SISSON. That is in the current law?

Mr. MADDEN. I was wondering why we pay people for the privilege of using the schools for public meetings.

Mr. SISSON. We do not do that.

Mr. MADDEN. We pay the expenses, do we not?

Mr. SISSON. No.

Mr. MADDEN. Most of the cities in the United States where they permit the use of public schools for public purposes outside of strictly educational purposes charge a rent for the use of the buildings, and here we give those who use the buildings something in addition to their use.

Mr. SISSON. This is in accordance with the law which was passed by the Congress authorizing the use of the school buildings through certain forums which were organized in the community, and this money is being expended now, especially, for the purpose of taking care of the young ladies and those people who have come here to the District of Columbia to do war work, in order that they may become a part of the social life of the city.

Mr. MADDEN. That is a good work, and I have no objection to it, and I do not make the point of order. I simply wanted to get the information.

Mr. FESS. Mr. Chairman, may I ask the chairman of the committee whether this is in accordance with the movement of some months ago?

Mr. SISSON. It has been in operation about 2 years—18 months, I think.

Mr. FESS. We had a good deal of agitation about meetings on Sunday.

Mr. SISSON. I know what the gentleman has in mind, yes. The Secretary of War asked that an additional item be placed in the urgent deficiency appropriation bill in order to do the work that they did not have the money to do under the old appropriation, and that item was carried, as the gentleman will recall, in the urgent deficiency appropriation bill and amounted to $10,000.

Mr. FESS. There has been some opposition upon the basis that you did not provide for the janitor service.

Mr. SISSON. That is provided for now. We appropriated last year $5,000 and $10,000 was carried in the urgent deficiency bill which is now available, and with that $10,000 plus this $10,000 for public buildings to go through next year. They are doing very valuable work. It is work which is very essential. There are many strange young ladies coming to the city, and they can become part of the community by going to these meetings which are presided over by the good women of the community, those who patronize the schools, and this is for the purpose of keeping up that organization, keeping up with their addresses and to see that they are in proper rooms and proper surroundings, and I think no money could be spent more wisely than this small amount that is for this great purpose.

Mr. FESS. I am in sympathy with what the chairman says about the matter, but I was not sure as to the source of it.

Mr. SISSON. The gentleman is right about it.

The Clerk read as follows:

Buildings and grounds: For the construction and erection of portable schools, including necessary grading, improvements, and toilet facilities, $231,000, to be available immediately.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Mississippi whether this $231,000 is intended to cover all expenditures for new public-school facilities in the District of Columbia for the coming year?

Mr. SISSON. I will state to the gentleman that if he had heard the statement I made in presenting the bill originally he would recall that I said that we had this whole matter up for a number of days, and I know the gentleman will appreciate this because it refers to a line of business with which he is thoroughly familiar. We authorized $75,000 three years ago for an addition for one school of eight rooms. The time came for the contract to be let according to the law. Advertisements were made and the smallest bid, as I recall, was $85,000. They came back to us then and asked for a deficiency, and we gave them the amount of money they asked for. Then the advertisement was had according to law the succeeding year, which was some time this year, and for that work the lowest bid they got was $141,000, so that was, of course, beyond the reach of any fund which they had.

Mr. MADDEN. For the same work?

Mr. SISSON. For the same work—the same eight-room building.

Mr. MADDEN. Why did not they let the contract at the $85,000?

Mr. SISSON. They could not, as I tell the gentleman, because they advertised for bids. When they could have gotten it the year before for $85,000 they had only $75,000. Then they came to us and we gave them $85,000. They again advertised for bids, and the lowest bid was, as I say, $141,000. After discussing the matter with the District Commissioners and the board of education, we had items aggregating $1,600,000 for school buildings. Now, if we had authorized that amount of money—I will say to the gentleman from Illinois that the engineer commissioner stated that he did not know that any of these buildings could be completed at all—the result would be this influx of population, some ten or twelve thousand, which would come in the District of Columbia, with the congested conditions even prior to the influx, would amount at least to ten or twelve thousand, would have no school facilities. After discussing the matter with the Board of Education and District Commissioners, your subcommittee went over the matter very carefully, and the only thing left for us to do was to provide these portable buildings to take care of the immediate situation.

Mr. MADDEN. These are the summer schools, are they?

Mr. SISSON. No.

Mr. MADDEN. Can they be made in such form as to——

Mr. SISSON. We have many of them.

Mr. MADDEN (continuing). As to permit children to attend them in winter?

Mr. SISSON. We have many of them now, and they are provided with the same furniture, the same equipment, that any other rooms would have. These portable buildings were examined by your subcommittee. They went out and examined them. They are very nice little schools; comfortable and warm, and well lighted, and they are serviceable for unlimited use. They can be taken down at a very small expense. One whole side of the building, some 40 feet long, can be carried over then to some other place and used, so this money is not money that is thrown away at all, but it was the only means which your subcommittee could find to take care of the situation at the beginning of the next school term.

Mr. MADDEN. Now the question arises, Have we provided enough money to take care of the influx and also for the children over and above that where we only have buildings sufficient to accommodate them for half a day?

Mr. SISSON. We think so. We gave them all the money they asked for that purpose, and we think we have given them ample funds for use in the construction of these buildings; and if they should find they do not need——

Mr. MADDEN. I think they will need a good many more.

Mr. SISSON. I doubt that, because this is two hundred and odd thousand dollars.

Mr. MADDEN. How many buildings would be embraced in that $231,000?

Mr. SISSON. About 60.

Mr. DAVIS. There are 152 buildings in use now.

Mr. SISSON. A hundred and fifty-two buildings in the city.

Mr. MADDEN. That is what we have now.

Mr. DAVIS. I will state specifically. There are 10 or 15 of the permanent buildings that needed additions thereto which would approximately cost $1,600,000. The chairman of the committee has stated that the engineer commissioner and the other commissioners stated it would be impossible to accomplish any of that during this year and possibly not the succeeding year owing to scarcity of labor and material at this time. Also that even if obtainable the cost of such additions would be abnormally high.

There is a congestion now, and it is increasing all the time, so we have made provision, after very mature deliberation and examination, that 60 of these portable buildings should take care of the congestion now existing, and that may exist for some time in the future at the same ratio that it is now increasing. So take, for instance, the John Eaton School, which needed several additional rooms. We have placed near to that three of these portable buildings. The John Tenley School needed several more rooms, so that will be taken care of by four portable buildings. The Force School, the Takoma School, and many others needed additional rooms, and they are all amply provided for by the 60 portable buildings in this bill.

Mr. MADDEN. On an average cost of about $4,000 each?

Mr. DAVIS. Hardly as much as that, but nearly so.

Mr. MADDEN. How many children can attend each one of these schools?

Mr. DAVIS. I believe between 40 and 50 in each room.

Mr. MADDEN. In how many rooms?

Mr. DAVIS. In one schoolroom.

Mr. MADDEN. You have more than one teacher?

Mr. DAVIS. Two teachers, I think.

Mr. MADDEN. Is it intended that those who attend will go a full day or half a day?

Mr. DAVIS. Just the same as they go to the other schools. This is to take care of the congested condition that now exists in the District. This is the only possible way to accomplish the result.

Mr. MADDEN. Sixty schools, with fifty children in each school, would make 3,000 scholars, would it not?

Mr. DAVIS. It will take care of them. The gentleman said a few moments ago it would not take care of them. We have made provision here for quite a number of these in anticipation of those that might come in the near future. Sixty are more than necessary at the present time.

Mr. MADDEN. The gentleman from Mississippi [Mr. SISSON] said a moment ago that 12,000 additional children had come into the District, and that this $231,000 that is being appropriated for portable schools will take care of 3,000 children. What are you going to do with the other 9,000?

Mr. SISSON. They did have a good many of these portable buildings constructed. Now, at some portions of the city, where they were preparing to construct buildings, they built portable schools, and some of them are in storage—how many I do not now recall. But all of them can be used. The superintendent of schools and the commissioners said that this will take care of them.

Mr. DAVIS. A few extra buildings are added on for any emergency that might arise.

Mr. MADDEN. As a matter of fact, according to the statement of the gentleman from Mississippi, it would take 200 of these schools to accommodate 10,000 children, and that is assuming that you are going to get 50 children in each one of these schools; and if you have 12,000 pupils, and you have only 60 schools, you can imagine how many children will be walking the streets without an opportunity for an education. Why do we not spend a few dollars to educate the children and keep them off the streets, keep them from getting killed by the automobiles, put them where they ought to be, under the care of somebody who can teach them what they ought to know?

We spend money for all the trash we can think about—hog cholera, and beetle bugs, and boll weevil, and all kinds of humming bees, and everything like that, and you forget the children, who are going to make the manhood of the Nation. [Applause.]

Mr. DAVIS. I wish to state for the information of the gentleman from Illinois, if I can get his attention, that the figures that may have been given here offhand by the chairman of the committee and myself may not be exactly accurate. But when the number of these portable schools was finally determined on there were present in the committee room not only the chairman of the Board of Education, Mr. Hamilton, but the superintendent of public instruction and the engineer commissioner, and they then and there figured out all it was possible to use under existing conditions and for some time to come, and the 12,000 children that the gentleman stated over here as being new pupils that come in here he may be mistaken about and I may be mistaken about, but the number of portable schools has been definitely settled by the school authorities of the District of Columbia as ample and sufficient and the only way to take care of the children at this time.

Mr. MADDEN. The gentleman from Minnesota is perfectly satisfied that the statements made by the Board of Education or those who represent the board were such as to convince him that there will be no doubt whatever that the children will have a chance to go to school?

Mr. DAVIS. I am perfectly satisfied.

Mr. MADDEN. All right.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Preliminary to permanent appointment as patrolman, there shall be a period of probation for such time as may be fixed by the commissioners, and no person shall receive a permanent appointment who has not served the required probationary period, but the service during probation shall be deemed to be service in the uniformed force if succeeded by a permanent appointment, and as such shall be included and counted in determining eligibility for advancement, promotion, retirement, and pension in accordance with existing law. If the conduct or capacity of the probationer be unsatisfactory to the commissioners, the probationer shall be notified in writing that at the end of such probationary period he shall for that reason not be retained in the service. The retention of the probationer in the service otherwise shall be equivalent to a permanent appointment therein.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the section. May I ask the chairman of the subcommittee what is the method of getting new appointees attached to the service under existing law?

Mr. SISSON. That, of course, is left largely with the commissioners. These appointees are called upon to pass a very rigid examination.

Mr. WALSH. Under the existing law?

Mr. SISSON. Yes; and under the regulations also of the police department. They must be as nearly physically perfect as possible for men to be. Of course, they have to go out in all sorts and kinds of weather, and then they ought, in the nature of things, to be strong men. Now, before one can become a member of the police force, subject, of course, to all the protection of the municipal rules, this probationary period is for the purpose of enabling the commissioners to determine a man's temperament along with his physical capacity, to determine whether or not he is a proper man to go permanently on the police force. The commissioners urged this provision very strongly and impressed all the members of the subcommittee with the fact. In other words, you could hardly get a man off of the police force that you had put in the department. It is almost impossible to get him out.

Mr. WALSH. They can prefer charges against him.

Mr. SISSON. That is true; but it would have to be by trial, and this is so much better and is in accord with the methods used in all the up-to-date cities, and if he is a good man he would have no trouble in retaining his place.

Mr. WALSH. I know; but according to the proposal he might be kept on a period of probation for quite a lengthy period of time. I think under the civil-service regulations the period is fixed.

Mr. SISSON. I think it is six months.

Mr. WALSH. It says here it shall be a period of probation for such time as may be fixed by the commissioners. Now, it seems to me that a man ought to know——

Mr. SISSON. In some cases, of course, they might be satisfied in a few months. In other cases they might be willing to give a man a little further trial. It is largely a question of administration until he becomes a part of the police force. This is the same provision that they now have in the fire department.

Mr. WALSH. For the District?

Mr. SISSON. Yes; for the District; and the same men administer the one law as the other.

Mr. WALSH. And the period of probation is fixed by the commissioners? That is, the District Commissioners?

Mr. SISSON. Yes. It is in the nature of an ordinance.

Mr. WALSH. That is to say, there are no police commissioners of the District of Columbia?

Mr. SISSON. There are three commissioners, but no police commissioner. The three commissioners acting together would make this regulation. After a policeman has served his probationary period he would then go automatically on the force.

Mr. WALSH. And this provision is designed to improve the personnel?

Mr. SISSON. Absolutely.

Mr. WALSH. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The reservation of the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For miscellaneous and contingent expenses, including purchase of new wagons, rewards for fugitives, modern revolvers, maintenance of card system, stationery, city directories, books of reference, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bed clothing, insignia of office, purchase of horses, bicycles, motorcycles, police equipments and repairs to same, harness, forage, repairs to vehicles, van, patrol wagons, motor patrol, and saddles, mounted equipments, and expenses incurred in prevention and detection of crime, and other necessary expenses, $35,000; of which amount a sum not exceeding $500 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the War Department may, in its discretion, furnish the commissioners, for use of the police, upon requisition, such worn mounted equipment as may be required.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HICKS. I do so merely to ask the chairman a question. What is meant by "worn-out equipment"? What is this equipment that is being requisitioned?

Mr. SISSON. It is worn mounted equipment.

Mr. HICKS. Oh, I beg the gentleman's pardon.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

House of Detention: To enable the commissioners to provide transportation, including purchase and maintenance of necessary horses, wagons, and harness, and a suitable place for the reception, transportation, and detention of children under 17 years of age, and, in the discretion of the commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending final investigation or examination, or otherwise, including 2 clerks, at $1,000 each; 2 drivers, at $780 each; 6 guards, at $600 each; 3 matrons, at $600 each, to possess police powers of arrest; motor station wagon, $1,000; miscellaneous expenses, including rent, fuel, gas, ice, laundry, meals, maintenance of motor station vehicle and other necessary expenses, $6,000; in all $15,960, or so much thereof as may be necessary.

Mr. SISSON. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Mississippi offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 55, line 12, strike out the sum "$600" and insert in lieu thereof the sum "$720," and in line 16 strike out the sum "$15,960" and insert the sum "$16,320."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FIRE DEPARTMENT.

Chief engineer, $3,500; 2 deputy chief engineers, at $2,500 each; 8 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; chief clerk, $2,000; clerk, $1,400; 38 captains, at $1,500 each; 40 lieutenants, at $1,320 each; 41 sergeants, at $1,200 each; superintendent of machinery, $2,000; assistant superintendent of machinery, $1,200; 27 engineers, at $1,200 each; 27 assistant engineers, at $1,140 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,200 each; 2 assistant marine engineers, at $1,140 each; 2 marine firemen, at $720 each; 342 privates of class 2, at $1,140 each; 103 privates of class 1, at $960 each; hostler, $600; laborer, $600; in all, $757,220.

Mr. GALLIVAN. This item carries a large increase in the sum provided for salaries in the organization of the fire department in this city as compared with the item last year. Our committee has provided for a two-platoon system, which has been long wished for by the members of Washington's fire-fighting force.

The two-platoon system is one of the complex social questions confronting the American municipality to-day, because it embraces the cardinal principles upon which our great Government is founded—equality, justice, and humanity.

Child labor, day of rest, compensation, and widows' pension laws have recently been enacted for the express purpose of correcting a most apparent abuse of our social system. Everything seems to have been fairly well regulated with the exception of the hours of duty of city firemen.

The two-platoon system would permit a fireman in Washington to have one-half of his time off duty, as against one-fifth of his time, as now allowed. Under the two-platoon system one shift would be at rest at all times, and in case of a conflagration the off shift would be called on duty; by this means at least from five to seven companies could be placed in service by using the reserve apparatus of the department. These companies could be placed to cover the territory vacated by the companies operating at the fire, the remainder of the shift would report to the officer in charge at the fire, who would double up on the engines, thereby doubling his fire-fighting force without additional fire apparatus. This would be accomplished by leading out additional lines of hose from the engines already working at the fire, which would be two lines from each engine, and in case of an emergency three lines could be laid from some of the larger engines. In other words, it would place a double fire-fighting force at the seat of the conflagration, and at the same time provide fire protection in the uncovered territory.

The two-platoon system is nothing more than a scientific adjustment of the fire force serving two purposes: First, using the fire-fighting apparatus to the utmost capacity, thereby decreasing the expense of purchasing and operating additional apparatus. Second, to permit the members of the department more time off duty, which will make for efficient service by reason of a contented personnel, all of which certainly is justifiable owing to the vast amount of Government records, property, and increase population, which calls for a prompt and efficient fire force. The two-platoon system places a reserve fire force at the command of the chief engineer, which in the event of a large and long-drawn-out fire the off shift or platoon would come on duty and relieve the shift already working at the fire; these men would, after a period of 10 hours, be somewhat tired out and weak; the shift coming on duty would be fresh and vigorous and would take hold of the task with a vim.

A considerable number of the personnel have severed their connection with the department for positions of shorter hours and better wages. Should the two-platoon system be not established a considerable number of vacancies will occur by reason of members leaving the department to accept better positions both in hours and money, which, of course, will reduce the efficiency of the department by the loss of trained and efficient men.

The two-platoon system is not an experiment—no more than is the building of a skyscraper or a bridge over a river. It is a scientific adjustment of the working hours of firemen and guarantees efficiency. It provides an opportunity to keep on duty a better average crew than is now possible with the defects of an imperfect system of fire-department operation.

The two platoon removes the inhumanity of irregular meals, deferred leaves, needless details, and broken sleep. Doctors attest that after 10 or more years in the fire department many men are unfit for duty, and Chief Kenlon, before the Mayors' Pension Commission, March 4, 1914, said: "We have had examinations made by our medical staff, and, while the figures were never given out, I believe that the results were startling. If we were to examine all the men for defects, it would deplete the department. After 20 years their condition is pretty low. Perhaps one or two men in the fire department know their defects, but a great many do not know that themselves." And Chief Kenlon's statement at the hearing before the board of aldermen, November 10, 1916, wherein he made an attempt to explain his former testimony that what he intended to say was "that after 10 or 15 years of service under the present system the condition of the men is very low."

The hard, grueling condition of a fireman's calling, especially during the long, cold winter months, renders him susceptible to many minor ills, and if proper steps are not taken immediately to prevent them—by virtue of the unreasonable hours of duty—serious consequences may develop. He is laid up with pneumonia. Under the two-platoon system, a fireman receiving the inevitable wetting has a change of tours within a few hours, at which time he can administer a remedy, go to bed in his own home, and by next roll call he has arrested the threatened affliction. Are men so cheap that no provision is made for their personal comfort? Must a fireman's caliber be determined by the extent of the cruelties he is able to withstand without flinching or falling in his tracks?

A list of cities in which the two-platoon system is now in operation and those in which it has been authorized but has not yet been placed in effect includes Berkeley, Cal.; Lincoln, Nebr.; Pueblo, Colo.; Bayonne, N. J.; Topeka, Kans.; Buffalo, N. Y.; Minneapolis, Minn.; Braddock, Pa.; Billings, Mont.; Helena, Mont.; Superior, Wis.; Missoula, Mont.; Colorado Springs, Colo.; Atlantic City, N. J.; Kansas City, Kans.; Paterson, N. J.; Hibbing, Minn.; Hamilton, Ohio; Anaconda, Mont.; Scranton, Pa.; Great Falls, Mont.; Los Angeles, Cal.; Omaha, Nebr.; Chicago, Ill.; Newark, N. J.; Duluth, Minn.; Yonkers, N. Y.; Kansas City, Mo.; Pittsburgh, Pa.; Butte, Mont.; Seattle, Wash.

And in the following cities the system is authorized but not in force: San Francisco, Cal.; Philadelphia, Pa.; Camden, N. J.; Orange, N. J.; Cleveland, Ohio; Elizabeth, N. J.; St. Paul, Minn.; Hoboken, N. J.

We do not always stop to think that while war has its heroes, so, too, has peace. The fireman is the hero of peace—always ready, always faithful. His is the life of danger and hazard; his business is to save life and property, not to destroy them. He knows that death and destruction may be his reward at any time; and he faces both with a modest manliness and indifference to consequences that mark him as the most heroic figure in our peaceful public service. Yet the fireman has no piping days of peace; he sleeps constantly upon his arms; for in the hurly-burly of the day and out of the stillness and darkness of the night his call to arms comes suddenly, to be answered promptly regardless of cost.

Seldom a year passes that does not add to the grim tally of death, amidst stifles of suffocating fumes and the fury of fire and flames. Let us remember that it is the business of the fireman to save life and property, even if it costs him his own life; and in doing this duty the sting of death is multiplied by its horrors since the manner of death is devoid of all spectacular accompaniments.

The fireman is one of the most heroic figures in our modern civilization. He is truly the exemplar of those simple virtues, courage, devotion to duty, and self-sacrifice, which humanity has agreed are the sum total of true heroism. The example of that famous regiment which called the name of its most heroic dead at every roll call in order that the splendid response, "dead on the field of honor," might be given to honor the dead and inspire the living, could and should be repeated in every firehouse in the

Republic which has contributed one victim to the muster roll of the heroic dead. All honor to our heroes of peace!

Mr. CARY. Mr. Chairman, on page 56, line 9, I wish to amend by striking out after the word "machinery" the figures "$1,200" and inserting "$1,500."

Mr. SISSON. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Miscellaneous: For repairs and improvements to engine house and grounds, $15,090.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. CALDWELL. Mr. Chairman, I have long been interested in the question of two platoons, and I have some data here as to the application of this sum, particularly regarding the operations of the system in Chicago, Ill., which I wish to submit:

The following is a comparative statement of how the double-platoon system has effected the health, discipline, and efficiency of the fire department from April to December 31, 1917, as compared with the corresponding months of 1916 under the old system, as shown by the civil service and fire-department records:

Average time lost to the city per member on account of sickness for the last nine months of 1916 under the old system 2.68 days.

Under the double-platoon system for corresponding nine months of 1917, 1.27 days.

A reduction of time lost to the city of 52.6 per cent.

The trial board cases were reduced from 72 to 44, or 38.8 per cent.

The fire losses were reduced $818,496, or 22.7 per cent, during the nine months of 1917, while the double-platoon system was in operation, as compared with 1916, and this notwithstanding the added war hazard during all of that time, which has caused a general increase in fire losses throughout the country.

Loss by fire.

[Double-platoon system went into effect Apr. 1, 1917.]

	1916	1917
April	$241,035	$236,357
May	388,930	266,593
June	194,994	138,504
July	595,608	802,945
August	539,155	276,776
September	201,388	130,159
October	408,712	152,587
November	371,270	154,629
December	963,226	627,367
Total	3,604,383	2,785,887

A reduction of $818,496, or 22.7 per cent.

[SEAL.] GEO. B. HARGAN.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For repairs to apparatus and motor vehicles and other motor-driven apparatus, and for new apparatus, new motor vehicles, new appliances, employment of mechanics, helpers, and laborers in the fire department repair shop, and for the purchase of necessary supplies, materials, equipment, and tools: *Provided*, That the commissioners are authorized, in their discretion, to build or construct, in whole or in part, fire-fighting apparatus in the fire department repair shop, $17,500.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. ROBBINS. I see here that you have in this item the purchase of new vehicles, and on turning back to page 55, in lines 3 and 4, I see you have this item, "For the purchase and maintenance of necessary horses and wagons." Then if you turn over to line 21, on page 54, you find you have there an appropriation of $3,000 for additional motor vehicles, which is a repetition of the same items.

Is the city of Washington going into the automobile business, that we must buy all these new wagons and automobiles? What does it mean? How many are we to buy? What limitation is there on this expenditure? What necessity is there for it?

Mr. SISSON. I want to say to the gentleman that they are preparing and constructing this fire-fighting apparatus and as the city increases in size it becomes necessary to buy additional equipment. We have to equip another fire-engine house. The language of the law, I will say to the gentleman, in all these various items, does not mean that they are going to buy all of them. They will buy only what they need. Another thing is absolutely essential, and that is that the city is getting to be very much larger than heretofore, with much more territory to be covered, and the officers who attend the fire apparatus have to be more numerous than heretofore.

Mr. CANNON. Did I understand the gentleman to use the word "apparati"?

Mr. SISSON. I believe that is the plural of "apparatus." I am not under cross-examination. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read the paragraph beginning with line 19, page 64.

Mr. ESCH. Mr. Chairman, in line 19, page 64, the word "maintenance" is incorrectly spelled. I ask unanimous consent for the correction of the typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Police court: Two judges, at $3,600 each; clerk, $2,200; deputy clerks—one $1,600, one $1,500, two at $1,200 each, one (who shall be a stenographer and typewriter) $900; deputy financial clerk, $1,500; probation officer, $1,500; assistant probation officer, $1,200; 7 bailiffs, at $900 each; deputy marshal, $1,000; janitor, $600; engineer, $900; assistant engineer, $720; fireman, $600; 2 assistant janitors, at $300 each; matron, $600; 3 cleaners, at $360 each; telephone operator, $480; in all, $32,880.

Mr. SISSON. Mr. Chairman, a committee amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 63, line 24, strike out the sum "$900" and insert in lieu thereof the sum "$1,200," and on page 64, strike out, in line 5, the sum "$32,880" and insert in lieu thereof the sum "$33,180."

The amendment was agreed to.

The Clerk read as follows:

INTEREST AND SINKING FUND.

For interest and sinking fund on the funded debt, payable one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated, $975,408.

Mr. ROBBINS. Mr. Chairman, I want to ask the gentleman in charge of this bill a question. I heard his opening statement, but I do not understand the manipulation of the city sinking fund. Having owned some property in this city at one time, I understand that the city pays half the expenses of the District government and that the United States pays the other half. Now, as I understand it, the debt that this sinking fund is created to pay as it matures is a debt of the city of Washington. I should like to ask the gentleman why it is that it requires such a large sum of money as this to provide for this sinking fund, when, I understand, that there is in the Treasury quite an accumulated sum of money collected from the taxes of the District of Columbia?

Mr. SISSON. On the 30th of last June there was remaining of the old debt about $4,000,000. This will be paid off by 1924. To go into a long explanation of that would involve a good deal of history.

Mr. ROBBINS. I do not want to annoy the gentleman to go into a long statement, but I should like to have a brief statement as to why the sum required is so large—$975,408 per year? Is that the amount fixed by law?

Mr. SISSON. It takes exactly that amount to pay the interest and retire the bonds by the maturity of the bonds. The bonds are simply taken up at maturity; or from time to time, when they can get the bondholders to surrender the bonds, they sometimes purchase them.

Mr. ROBBINS. What rate of interest do these bonds bear?

Mr. SISSON. They bear a rate of 3.65.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

National Training School for Girls: Superintendent, $1,200; matron and 4 teachers, at $600 each; overseer, $720; 2 parole officers, at $600 each; 7 teachers of industries, at $480 each; engineer, $720; assistant engineer, $600; night watchman, $480; 2 laborers, at $300 each; in all, $11,880.

Mr. WALSH. I move to amend by inserting in line 10, page 72, before the word "matron," the word "treasurer."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 72, line 10, after the figures "$1,200" and before the word "matron," insert the word "treasurer."

Mr. WALSH. Mr. Chairman, this simply restores existing law.

Mr. SISSON. Mr. Chairman, this item has been carried in the bill for a number of years, but that is the only one of these institutions that has a treasurer. This $600 can not be used for any purpose in the world except to carry that one place. All the money is paid out of the treasury of the District, and all the other institutions have their funds handled through the facilities which exist in the District Building, the auditor and disbursing officer of the municipal government. It is a useless office, and your subcommittee did not feel that it ought to be

continued, and, although the item is not a very large one, they felt that in good administration it ought to come out.

Mr. WALSH. Mr. Chairman, it may be as the chairman of the subcommittee states, that this is the only institution which is provided with a treasurer, but the office is authorized by the law creating the institution, and it has had a treasurer, a very competent person who acts not only as treasurer but also as secretary, and in a way as an assistant to the superintendent. The trustees have not asked for any change, and later in this bill an amendment has been inserted by the committee, in the nature of a limitation, as they say in their report. As a matter of fact, it is a change of existing law, and this is an attempt to change the existing law and an attempt to dispense with an official who has acted for a great many years, and who has done much to keep up the efficiency of this institution, and has added much to its administrative force. I do not think the reasons given by the chairman of the committee are sufficient to warrant this office being abolished. The mere fact that it is the only institution that has a treasurer certainly is not sufficient, and the fact that the trustees are not in favor of dispensing with this official, and the additional fact that under the law authorizing the establishment of the reform school for boys and the reform school for girls this office is specifically authorized, it seems to me, should warrant the treasurer being retained. I trust that the amendment which I have offered, which makes the paragraph conform with the existing law, will be adopted.

Mr. GILLETT. Mr. Chairman, it is possible that I am not so well posted about this that I ought to say anything, but some years ago I was chairman of this same subcommittee and was very familiar with this institution. I remember well going over there several times and investigating it. I know the person who is president of the board. He is an unusually public-spirited, efficient, and exemplary officer, and he is strongly of the opinion that the amendment offered by my colleague ought to be adopted. It seems to me that the institution is not receiving quite fair treatment, for the reason that when its president was before the committee no suggestion was made at all that the treasurer was to be dispensed with, so the board had no opportunity to show the reasons for the existence of this office. I think they ought at least to have had an opportunity to be heard, and when they were present no intimation of such a change was suggested. So it seems to me, in fair play to them, this amendment ought to be adopted. I think I am as desirous as is my colleague on the committee to reduce expenditures.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The amendment was agreed to.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the total be changed to $12,480.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In all, National Training School for Girls, $31,880: *Provided*, That on and after July 1, 1918, appropriations for the National Training School for Girls shall be disbursed by the disbursing officer of the District of Columbia in the manner now provided by law for expenditures from appropriations for general expenses of the government of said District.

Mr. WALSH. Mr. Chairman, I make a point of order on the paragraph.

Mr. SISSON. I concede the point of order. I ask unanimous consent that the total on the top of page 73 be changed in accordance with the facts.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For expenses of camps, including hire of horses for officers required to be mounted, and such hire not to be deducted from their mounted pay, and for the payment of commutation of subsistence for enlisted men who may be detailed to guard or move the United States property at home stations on days immediately preceding and immediately following the annual encampments, damages to private property incident to encampments, instruction, practice marches and practice cruises, drills and parades, fuel, light, heat, care, and repair of armories, offices, and storehouses, practice ships, boats, machinery and dock, dredging alongside of dock, telephone service, horses and mules for mounted organizations, street car tickets (not to exceed $200) necessarily used in the transaction of official business, and for general incidental expenses of the services, $7,500.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman in regard to the expenses of the Militia of the District of Columbia. Upon what basis does the committee figure?

Mr. SISSON. I know what the gentleman has in mind——

Mr. TILSON. I have in mind that the National Guard has gone into the Federal service and is not on the same basis that it was before.

Mr. SISSON. The adjutant general for the District says that under the present law this is all the money that he can spend. He has about sixty-odd thousand dollars now; there is some legislation pending to which I think there will be no objection, and as soon as that legislation is passed then it will be necessary that he should have an additional fund. I think he has $69,000 of that fund now on hand that he can not spend this year. Unless he gets the additional legislation the adjutant general can not undertake the expenditure of additional money. A bill is pending both in the House and in the Senate.

Mr. TILSON. I have in mind the fact that there is legislation proposed. A bill will probably be before the committee of which I am a member in relation to the creation of a new National Guard in the District of Columbia. It has seemed to some of us that it was perfectly proper that we, as representatives of the legislature of the District of Columbia, corresponding to what is the legislature of the States, should do for the District something along the same line that the States are doing for themselves in the absence of the National Guard. Nevertheless, it occurs to me that this would not be the proper time to attempt to reconstruct the National Guard system, or even to attempt a beginning at it, when there is uncertainty as to what condition the National Guard will be in after the war is over. While the amount here proposed is considerably less than last year, I wondered in what way this amount was going to be expended.

Mr. SISSON. The adjutant general has a good deal of property here that has to be cared for. We gave him all the money he could use under the present law. They have, as I say, a good deal of property to look after, and we thought it well enough not to take away from the District Militia the property which they have. I do not know what would be done with it. The property is rented and the lease might be terminated if we had not given them the money.

Mr. TILSON. That was going to be my next inquiry in regard to leases and the money to pay the rent. I was surprised that so small an amount as is here proposed would suffice. Only last year we authorized the making of leases running five years of property for the District Militia.

Mr. SISSON. They did not make the contract for that length of time.

The Clerk read as follows:

For the payment of approximately 84 civilian guards during the fiscal year 1919, the employment of whom was made necessary by the removal of the military guards stationed on the Washington Aqueduct and its accessory structures, and for the purchase of necessary equipment, $64,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on that paragraph. What does it mean by "approximately 84 civilian guards"? Do they not know how many may be taken away and how many they want to replace?

Mr. SISSON. The number fluctuates. The maximum is 84. This is one of the war-emergency matters. Perhaps the gentleman is aware that the whole city of Washington is dependent on water that comes through the water main from here to Great Falls. One bomb would put the entire city out of business.

Mr. WALSH. I appreciate that, but I wondered why there was any discretion as to the number of guards that should be employed. Here you say "approximately," and it seems to me it would be safe to keep all that are needed.

Mr. SISSON. When we have great crowds of people in the city, the War Department thought it was necessary and wise that we should have more guards, and to give them some little leeway so that they might be able to secure more guards we make the maximum number 84, and not compel them to keep all the number on the permanent roll.

The Clerk read as follows:

SEC. 2. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, street cleaning, or road work, or construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the commissioners, and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the commissioners in their annual estimates shall report the number of such employees performing such services, and their work, and the sums paid to each, and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed $80,000 during the fiscal year 1919.

Mr. ROBBINS. Mr. Chairman, I want to inquire whether the waterworks fund is sufficient to operate the waterworks system, or whether the city is compelled to pay out of other funds any moneys to make up a deficit?

Mr. SISSON. I am of the opinion that the water rates at the present time will not perhaps pay the expenses of the water system. There has been a considerable increase in the cost of

coal and in the price of labor. I think they will have to increase the rate to a small extent in order to take care of that.

Mr. ROBBINS. What is the meter rate per thousand gallons? I see you have a large force of meter raters here.

Mr. SISSON. The average cost per meter for maintenance is 25 cents. The rate charge for water under the meter system is 4 cents per 100 cubic feet for all used in excess of 7,500 cubic feet. The minimum charge to each premises, allowing the use of 7,500 cubic feet, is $4.50 per annum, which is the cheapest water rate in the world.

Mr. ROBBINS. Yes; that is a very cheap rate.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That the services of assistant engineers, draftsmen, levelers, rodmen, chainmen, computers, copyists, and inspectors temporarily required in connection with water-department work authorized by appropriations may be employed exclusively to carry into effect said appropriations, and be paid therefrom, when specifically and in writing ordered by the commissioners, and the commissioners in their annual estimates shall report the number of such employees performing such services and their work and the sums paid to each: *Provided*, That the expenditures hereunder shall not exceed $13,200 during the fiscal year 1919.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. If he will turn back to page 88, section 2, the gentleman will see that he has there the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, and so forth, to be paid out of an appropriation amounting to $80,000, and in this paragraph the same class of men—rodmen, chainmen, computers, and so forth—are to be paid out of an appropriation of $13,200. It is all the same character of work.

Mr. SISSON. One item is for bridges, buildings, sewers, and things of that character, and this other item is for water service, water mains.

Mr. ROBBINS. It does not say so, does it?

Mr. WALSH. Yes; in lines 16 and 17.

Mr. ROBBINS. Oh, very well.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 5. That all per diem employees and day laborers of the District of Columbia who have been regularly employed for 15 working-days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, shall be granted such leave of absence with pay as is granted the regular annual employees of the District of Columbia for said legal holidays.

Mr. WALSH. Mr. Chairman, I make the point of order on the paragraph.

The CHAIRMAN. Does the gentleman from Mississippi concede the point of order?

Mr. SISSON. No. I think it would do the employees of the District a very great injustice to cut this out entirely.

Mr. WALSH. Why not restore the language as formerly in the act?

Mr. SISSON. If you cut this out, it all goes out.

Mr. WALSH. Of course, if this goes out the gentleman is permitted to offer an amendment to restore the original language.

Mr. SISSON. The only purpose of this amendment is to have all of the employees of the District of Columbia treated exactly alike.

Mr. WALSH. That is why I am making a point of order.

Mr. SISSON. Because the gentleman does not want them trented alike?

Mr. WALSH. I do not want employees who have simply come in and worked for 15 days to get the same as others.

Mr. SISSON. They do not do that.

Mr. WALSH. That is what this provides—

All per diem employees and day laborers of the District of Columbia who have been regularly employed for 15 working days next preceding such days as are legal holidays in the District of Columbia and whose employment continues through and beyond said legal holidays shall be granted such leave of absence with pay as is granted the regular annual employees of the District of Columbia for said legal holidays.

Mr. SISSON. The item carried in the last appropriation law, not permanent law, provides that they shall be granted a leave of absence with pay for legal holidays where their employment continues through and beyond said legal holiday, and that simply meant that the employees on the per diem work would get every Saturday afternoon without doing a day's work. That does not apply to the employees on the regular monthly roll, so we simply intended by this to restrict the per diem people just as we do the regular employees. If the point of order be sustained the per diem employee will not get anything, will not be treated as the others at all, because it goes out entirely. This is for the purpose of enabling the per diem employee to be treated as the others are treated.

Mr. WALSH. Mr. Chairman, will the gentleman yield further?

Mr. SISSON. Yes.

Mr. WALSH. This is intended to increase the number of holidays with pay which per diem employees enjoy.

Mr. SISSON. Oh, no; it cuts off part of the half holidays that they would get by the provision carried in last year's appropriation act. The District Commissioners objected very seriously to paying for that half day that they did not work, and yet the auditor and the comptroller said that under the provisions of that act they were entitled to the half holiday on Saturday.

Mr. WALSH. Mr. Chairman, according to my interpretation of the new language incorporated in section 5 it is to grant to those per diem employees and day laborers who have been regularly employed for 15 working days before a legal holiday such leave of absence with pay as is granted to regular annual employees of the District. Now, it certainly does not seem fair if we have got a per diem or day laborer who has been working——

Mr. SISSON. I want the gentleman to understand what we are trying to do; the purpose is a good one, but if the gentleman makes the point of order, then, during the entire year all of these per diem employees will work one-half a day and be paid for a whole day, where those on the monthly roll will be compelled to work all day Saturdays except during the summer months. Here is the law in reference to the District of Columbia:

All per diem employees and day laborers of the District of Columbia who have been regularly employed for 15 working days next preceding such days as are legal holidays in the District of Columbia, and whose employment continues through and beyond said legal holidays, shall be granted leave of absence with pay for such legal holidays.

That is the statute; that is the existing law.

Mr. WALSH. Then, why change it?

Mr. SISSON. I am not trying to change it, except to do this: I am trying to put a provision in this bill that when the per diem employees do not work Saturday afternoon that they shall not be paid for it, but that whenever the District employees on the annual roll get their legal holiday with pay, then the per diem people would get their legal holiday with pay, so that they may be treated just alike.

Mr. WALSH. Do I understand the gentleman to say that there is any law authorizing per diem employees for the District of Columbia to get Saturday afternoons off and pay for it?

Mr. SISSON. I have just read the gentleman the law.

Mr. WALSH. I find that in last year's act, but I do not see anything in there that gives the per diem and day laborer a Saturday holiday.

Mr. SISSON. All the departments of the Government in the summer time get a half holiday.

Mr. WALSH. Under what authority?

Mr. SISSON. By proclamation.

Mr. WALSH. Of the commissioners?

Mr. SISSON. Yes.

Mr. WALSH. Well, they can dispense with it by proclamation if they want to do so.

Mr. SISSON. They can not do it with the per diem employees unless this amendment goes on. The District Commissioners themselves agree with the gentleman. The District Commissioners were turned down by the auditor and by the comptroller, and that is why they asked to have this provision which is in the language we carry here. It is doing the very thing the gentleman wants done and that is the purpose of it.

Mr. WALSH. Mr. Chairman, there is clearly a difference in language here, and despite the very clear explanation of the gentleman in charge of the measure I can not see where, by adopting the language as reported in section 5 of this bill, you are safeguarding the treasury of the District. Instead of giving them leave of absence for the legal holidays you are granting them the same leave of absence you grant the regular annual employees of the District. That is what the language says and that is the plan, and in my opinion it is increasing the number of holidays for the per diem employees and the day laborers.

Mr. SISSON. Suppose, without this amendment that we put in this bill, that a day laborer should work three days, Wednesday, Thursday, and Friday, and work half of Saturday, and say, "I am not going to work any more."

Mr. WALSH. The gentleman knows what he would do if he was commissioner for the District.

Mr. SISSON. Absolutely. I would do exactly as the auditor for the District, or I would do exactly as the District Commissioners did. I would not give him the half day. But the comp-

troller says he is entitled to that half day under the provisions of the act. Now, we provide that before he can make any claim for that half holiday, as a per diem employee, he must have worked the 15 preceding days before he can get it.

Mr. WALSH. That is the present law.

Mr. SISSON. I know it is the present law, but under the provisions of the act, as it is there carried in the bill, the construction was that he would be entitled to a half day. In other words, he would take the half day just as anybody else did, irrespective of whether he had worked 15 days or 3 days or worked 1 day.

Mr. WALSH. Could he get pay if he quit Wednesday noon?

Mr. SISSON. Absolutely. What the commissioners asked your subcommittee to do was to prevent that being done and enable the employee to not get the half holiday unless he worked at least 15 days preceding the holiday. That is all.

Mr. WALSH. Before the gentleman takes his seat I wish to say that he has divulged a very peculiar situation here in the District, namely, that if a man can be put on the per diem roll or go to work as a day laborer and quit at 12 o'clock on any working day, under some decree of the auditor he has got to be paid for a whole day. There is no authority of law for any such construction as that under the statute which the gentleman has read.

Mr. SISSON. The attorneys for the District of Columbia and the attorneys for the Government have decided that issue against us, and having decided against us I am endeavoring to meet that decision.

Mr. WALSH. Just one further question before I decide whether or not to withdraw the point of order. If the new language is kept in the bill, do I understand that the annual employees of the District do not get any Saturday half holidays?

Mr. SISSON. Yes, they will; but they get them under the provision of the law which gives the District Commissioners the right to do that which they see proper to do. Now, what the gentleman has in mind is to carry out the present law, and that was all the committee and the District Commissioners had in mind when they put this provision in the last appropriation bill. But the construction of the language in the last appropriation bill was just what the committee and the District Commissioners did not think it would be. Therefore we are endeavoring now to make it comply with the regular statute, so that they must work for 15 days before they are entitled to a legal holiday.

Mr. WALSH. Of course, that is the present law. You have got to work 15 days and through and beyond the legal holiday before being entitled to pay while absent for said holiday. But if the annual employees are entitled to the half holiday under the language of section 5, you make the per diem and day laborers entitled to it.

Mr. SISSON. They are not.

Mr. WALSH. Let me call the gentleman's attention to the language:

Shall be granted——

Mr. SISSON. In order to construe that statute you have got to construe it with the other statute.

Mr. WALSH. What other statute?

Mr. SISSON. The other statute is that the annual employees are only entitled to the half holidays when the District Commissioners see fit to grant them to them. Now, the legal holidays granted to these other per diem employees are granted by an act of Congress, and, construing the two statutes together, when the per diem employees were working only a few days, when they would begin work on Friday, we will say, the next Saturday, under the regulation for the employees of the District government on the annual roll, they would get the half holiday; and under the construction of the statute in this year's appropriation bill the per diem man would also get the half holiday, although he has only worked a day and a half and quits Monday. We do not want that to be done. We only want to require that they shall work 15 days prior and through the holiday, provided the District Commissioners should see fit and proper to grant the half holiday to the regular employees of the District of Columbia.

Mr. WALSH. Well, it looks to me as though they were going to have a riot of half holidays in the middle of the week if we are going to be guided by the construction which the attorneys or the corporation counsel have placed upon the existing law, and if they come within a thousand miles of construing this law as peculiarly as they have done, all a man has got to do is to quit on Wednesday and take a half holiday, and when it comes along Saturday he can take another one; and he can claim pay for it simply because he is a per diem employee or a day laborer. And just in order to give this legal talent an opportunity to make a ruling and another construction upon this statute equally peculiar with the one already referred to, and in order to encourage half holidays when the circus comes to town and the like, I am going to withdraw the point of order.

The CHAIRMAN. The gentleman from Massachusetts withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the commissioners are authorized to employ in the execution of work the cost of which is payable from the appropriation account created in the District of Columbia appropriation act for the fiscal year 1905, approved April 27, 1904, and known as the "Miscellaneous trust-fund deposits, District of Columbia," all necessary inspectors, overseers, foremen, sewer tappers, skilled laborers, mechanics, laborers, special policemen stationed at street-railway crossings, 1 inspector of gas fitting, 2 janitors for laboratories of the Washington and Georgetown gaslight companies, market master, assistant market master, watchman, horses, carts, and wagons, and to incur all necessary expenses incidental to carrying on such work and necessary for the proper execution thereof, such services and expenses to be paid from said appropriation account.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so to ask the gentleman from Mississippi if he expects, if we should complete the consideration of the bill this evening, to have more than one or two roll calls upon these amendments that have been adopted?

Mr. SISSON. I hope to have no roll calls at all.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. SISSON. Mr. Chairman, there is a clerical error, as I am informed—although I have not made a comparison—in the amendment offered to the bill by the gentleman from Ohio [Mr. GARD] yesterday, and I ask unanimous consent to have the correction made so as to have it appear in the right place.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the clerical error made yesterday in the Gard amendment be corrected. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I move that the committee do now rise and report the bill, with the amendments thereto, back to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SISSON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SISSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE PASSPORT BILL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the bill H. R. 10264, known as the passport bill, be in order to be considered to-morrow after the reading of the Journal and the disposition of matters on the Speaker's table.

Mr. ROGERS. Reserving the right to object, Mr. Speaker, would the gentleman have any objection to my speaking for 15 minutes prior to the taking up of that bill and after the reading of the Journal, and so on?

Mr. KITCHIN. I would not, if we get the unanimous consent.

Mr. MILLER of Minnesota. Reserving the right to object, Mr. Speaker, I would like to inquire of the gentleman if there will be a disposition to have the reading of the bill started at once, or whether it would be advisable to have a period of general debate on it?

Mr. KITCHIN. You can arrange that to-morrow with the Chairman, Mr. FLOOD. I would not like to enter into any arrangement about that.

Mr. MILLER of Minnesota. I am in favor of the bill, but there are some members of the committee who are opposed to some part of it and they are not here.

Mr. KITCHIN. I do not think that there will be any trouble about having full debate.

Mr. GILLETT. You will be disposed to have full and fair debate?

Mr. KITCHIN. Yes. There will be every disposition to have full debate and not cut it off.

Mr. BURNETT. Mr. Speaker, reserving the right to object, I gave notice this morning that after the reading of the Journal to-morrow I wanted to take up the conference report on the naturalization bill. I should not like to have this interfere with that.

The SPEAKER. Why not take up that conference report right now?

Mr. BURNETT. The other conferees are not here. I would be perfectly willing to have it taken up right now, and then adjourn pending the consideration of it.

Mr. GILLETT. The conference report would have its right of way ahead of this bill, would it not?

The SPEAKER. Not if the request is made in a certain form.

Mr. KITCHIN. I will modify my request by saying that it is not to interfere with conference reports.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that to-morrow after the reading of the Journal and the cleaning up of business on the Speaker's table H. R. 10264 shall be in order, not to interfere with conference reports. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object. I should like to ask the gentleman from North Carolina the reason for this demand for haste in the consideration of this measure. Does it change existing law with reference to passports?

Mr. KITCHIN. It adds some restrictions. I will say that the President of the United States phoned Mr. POU, of the Rules Committee, this morning that it is very necessary and urgent that this bill be passed immediately.

Mr. WALSH. That sounds familiar.

Mr. ROGERS. If I may supplement the statement of the gentleman, the testimony before the Committee on Foreign Affairs was that this bill is a change of existing law, and not merely a codification.

Mr. KITCHIN. I did not say a codification. I said it added restrictions. It adds restrictions and prohibitions to the entry and departure of persons to and from this country.

Mr. MILLER of Minnesota. The departments of the Government, including the Army, Navy, Immigration, and State, united in the most vehement request that this bill be passed without the slightest delay.

Mr. WALSH. I think the bill should have been sent to the proper committee. The espionage law, which was considered by another committee of this House, had several provisions in it relating to passports, and made some changes in the existing law. This measure has apparently come in very suddenly. The urgency of it is stated upon very high authority. Unless there is to be an understanding that there will be plenty of opportunity for discussion, I am inclined to oppose it.

Mr. KITCHIN. I will assure the gentleman that there will be opportunity for discussion.

Mr. McLAUGHLIN of Michigan. Has the bill been considered by a committee?

Mr. KITCHIN. By the Committee on Foreign Affairs, and unanimously reported. That is, I presume some members of the committee would want to amend it or add to it; but, on the whole, I understand it is a unanimous report.

Mr. MILLER of Minnesota. The gentleman from Massachusetts called attention to the fact that another committee might have jurisdiction over one part of this bill. That is true, but that committee very generously waived jurisdiction over that portion of it in order that it might all be considered at once.

Mr. WALSH. Not the committee, but probably somebody representing the committee. Well, I will not object.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that after the conference report is disposed of and prior to the consideration of the bill just mentioned, H. R. 10264, I be permitted to address the House for 15 minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent that after the conference report in charge of the gentleman from Alabama [Mr. BURNETT] is disposed of, and before we go into the consideration of H. R. 10264, he be permitted to address the House for 15 minutes. Is there objection?

Mr. ROBBINS. Reserving the right to object, on what subject?

Mr. ROGERS. I want to supplement the remarks that the gentleman from Mississippi [Mr. SISSON] made this morning on the subject of the soldiers' vote.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Friday, May 3, 1918, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7498) granting a pension to Ella Godfrey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11478) granting a pension to S. P. Battle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8584) granting a pension to Mary E. Mott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11655) granting an increase of pension to Alexander P. Minton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 11870) to provide that duly certified first-class mail matter of officers, nurses, and enlisted men in the service of the United States during the present war shall be forwarded without payment of postage; to the Committee on the Post Office and Post Roads.

By Mr. FLOOD: A bill (H. R. 11871) for the control and regulation of the use of boundary waters of the United States for power purposes, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SIEGEL: A bill (H. R. 11872) to provide for allowances for and minimum pay of Army field clerks, to provide for increased pay to Army field clerks for service beyond the continental limits of the United States, and to provide quarters or commutation thereof to Army field clerks in certain cases; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 11873) to authorize the Secretary of the Interior to issue patent for certain land to school district No. 9, of Sanders County, Mont.; to the Committee on the Public Lands.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 11874) for the refund of duties paid on materials destroyed by fire; to the Committee on Ways and Means.

By Mr. GARD: A bill (H. R. 11875) to authorize the acquisition by the United States during the period of the present war of private property of any and all kinds, real, personal, and mixed, needed for the national security and defense or the conduct of the Government, to provide a method of such acquisition, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 11876) to amend section 35 of the Criminal Code, and for other purposes; to the Committee on the Judiciary.

By Mr. POU: Resolution (H. Res. 336) providing for the consideration of House bill 10264; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Memorial of General Assembly of the State of Rhode Island, urging the repeal or suspension of the zone system of postage for second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. SIEGEL: Memorial of the Legislature of the State of New York, pledging all its resources in men and treasure for the successful prosecution of the war; to the Committee on Military Affairs.

By Mr. STINESS: Memorial of the General Assembly of the State of Rhode Island, urging upon Congress the repeal or suspension of the zone system of postage for second-class mail; to the Committee on Ways and Means.

Also, memorial of the State of Rhode Island, indorsing the proposed council of States on the establishment of a definite relationship between sources of Federal and State revenues and providing for official representation therein; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11877) granting an increase of pension to James Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11878) granting an increase of pension to William A. Giffen; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 11879) granting a pension to Margaret L. Cisney; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 11880) to reimburse Martin Carroll for additional facework on walls of officers' quarters over the price named in the contract for the United States noncommissioned officers' quarters at Fort Leavenworth, Kans.; to the Committee on Claims.

By Mr. BRUMBAUGH: A bill (H. R. 11881) granting a pension to Elsie Williamson; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11882) granting an increase of pension to James K. Shaw; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11883) for the relief of George W. Stinebaker; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 11884) granting a pension to Flora B. McCain; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 11885) granting an increase of pension to William D. Jones; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 11886) to validate the homestead entry of the heirs of Victoria A. Thomson; to the Committee on the Public Lands.

By Mr. FERRIS: A bill (H. R. 11887) granting an increase of pension to Ransom W. Emerson; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 11888) granting an increase of pension to Joshua D. Woodworth; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 11889) granting an increase of pension to Archibald P. Cooper, sr.; to the Committee on Invalid Pensions.

By Mr. LUFKIN: A bill (H. R. 11890) granting a pension to Charles W. Wilson; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 11891) granting an increase of pension to William E. Blanchard; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 11892) granting a pension to Martha R. Benner; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 11893) granting a pension to Edward M. Gordon; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ESCH: Papers in support of House bill 11829, granting a pension to Charles Peterson; to the Committee on Pensions.

By Mr. FOCHT: Evidence in support of House bill 11636; to the Committee on Invalid Pensions.

By Mr. HAYES: Resolutions for immediate prohibition as a war measure by the Anna Ella Carroll Circle No. 1, Ladies of the Grand Army of the Republic, San Jose, Cal., and by the Sheridan-Dix Women's Relief Corps, No. 2, San Jose, Cal.; to the Committee on the Judiciary.

By Mr. McFADDEN: Petition signed by 112 residents of Wyalusing, Camptown, Rummerfield, Terrytown, Oak Hill, and Sugar Run, Pa., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. RAKER: Letter from Mrs. Lena Butterway of Cottonwood, Cal., protesting against the zone system and asking for its repeal; to the Committee on the Post Office and Post Roads.

By Mr. SIEGEL: Resolutions adopted by the Chamber of Commerce of the United States of America, relative to installment payment of income and excess profits taxes; to the Committee on Ways and Means.

By Mr. TINKHAM: Resolutions of a mass meeting of American citizens of Irish blood relative to Irish conscription; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, *May 3, 1918.*

(Legislative day of Thursday, May 2, 1918.)

The Senate met at 12 o'clock noon.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asburst	Hardwick	New	Smith, Md.
Bankhead	Henderson	Norris	Smith, S. C.
Beckham	Hollis	Overman	Smoot
Calder	Johnson, Cal.	Page	Sterling
Colt	Jones, Wash.	Phelan	Sutherland
Culberson	Kellogg	Pittman	Thomas
Cummins	Kenyon	Poindexter	Thompson
Curtis	King	Pomerene	Tillman
Dillingham	Kirby	Ransdell	Trammell
Fletcher	Knox	Reed	Underwood
France	Lenroot	Saulsbury	Vardaman
Frelinghuysen	McCumber	Shafroth	Wadsworth
Gallinger	McKellar	Sheppard	Warren
Gerry	McLean	Sherman	Watson
Gronna	McNary	Shields	Weeks
Gulon	Myers	Simmons	Williams
Harding	Nelson	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. BAIRD].

Mr. BECKHAM. I announce that my colleague [Mr. JAMES] is detained by illness.

Mr. KIRBY. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Illinois [Mr. LEWIS] are detained, taking part in the third liberty loan campaign.

Mr. McNARY. I desire to announce that my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], is detained by illness.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present. The question is on agreeing to the conference report.

Mr. OVERMAN. Mr. President, I wish to ask unanimous consent that not later than 4 o'clock this afternoon all debate on the conference report shall be limited to 20 minutes. I want to say that for months and months we have tried to pass some bills to punish spies. It seems one would judge from looking into the Senate and seeing what is going on that there are no spies in this country, no Bolshevik program going on, no German propaganda, that there are no I. W. W.'s in this country. There are none in my State, but I am told that there are in the West. Why not pass this legislation, which is of vast importance, and pass it quickly, and punish somebody? The Attorney General tells me that he is helpless. I ask the Senate to give me unanimous consent to try to adopt the conference report to-day, and get it enacted into law.

Senators discussed yesterday afternoon for two or three hours a question that is not before the Senate. Section 4, as it passed the Senate, is not in disagreement at all; the House conferees agreed to it. Why discuss that matter when the Senate had already acted on it?

Mr. NORRIS. Will the Senator yield?

Mr. OVERMAN. Certainly.

Mr. NORRIS. It will be in order if the conference report is rejected to instruct the conferees to recede on the amendment of which the Senator is speaking?

Mr. OVERMAN. I said that yesterday—that that is the only way to do it.

Mr. NORRIS. I think that is the only way to do it, and if the conference report is rejected and some one else does not, I expect to make that motion.

I wish to ask the Senator another question. I did not hear his request. It was that after a certain time speeches be limited to 20 minutes.

Mr. OVERMAN. After 4 o'clock this afternoon.

Mr. NORRIS. As far as I am concerned, I have no objection to limiting the debate now. I wanted to say something on the conference report all day yesterday, and tried to get recognition, but was unable to do so.

Mr. OVERMAN. I asked that speeches be limited to 20 minutes. The bill has been discussed here for three months.

Mr. NORRIS. I should like to have about 30 minutes myself.

Mr. OVERMAN. I will make the request that speeches be limited to 30 minutes.

Mr. CUMMINS. Let me make a suggestion to the Senator from North Carolina. Why not make it apply now?

Mr. OVERMAN. Very well, I will ask that all speeches on the conference report be limited to 30 minutes hereafter, and that no Senator shall speak more than once.

Mr. REED. After 4 o'clock.

Mr. McCUMBER. After 2 o'clock. I gave notice that this morning I intended to speak upon a subject that is related to the whole question.

Mr. OVERMAN. I did not intend to cut off the Senator from North Dakota. I would like to hear his speech. I will say 2 o'clock.

Mr. GALLINGER. Before the Senator submits his request I wish to correct an observation which I heard as I came into the Chamber that the bill has been discussed for three months. It has been discussed off and on in a desultory way, but during that time a great many other important bills have been passed.

Mr. OVERMAN. It has been up here for days and days and for weeks.

Mr. GALLINGER. I did not want the impression to go out that it had been discussed for months.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Carolina?

Mr. SHERMAN. I object.

Mr. OVERMAN. I ask the Senator from Illinois if he will not agree that the debate shall be limited after 4 o'clock.

Mr. NELSON. Allow me to suggest to the Senator to make it 2 o'clock.

Mr. OVERMAN. I suggested that and the Senator from Illinois objected. Another Senator suggested that it be limited after 4 o'clock. Therefore I will renew my request that all speeches after 4 o'clock be limited to 30 minutes, and that no Senator shall speak more than once.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent to an agreement that after 4 o'clock speeches shall be limited to 30 minutes and that no Senator shall speak more than once. Is there objection?

Mr. SHERMAN. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OVERMAN. I want to give notice to the Senate that I shall ask the Senate to stay here and adopt the conference report if we have to stay all night.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. McCUMBER obtained the floor.

Mr. THOMAS. Will the Senator yield to me for a moment?

Mr. McCUMBER. I yield to the Senator from Colorado.

Mr. THOMAS. I ask unanimous consent to report from the Committee on Military Affairs two bills for the calendar.

The PRESIDENT pro tempore. Without objection, the reports will be received.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4365) to authorize the President to make provision for the care and treatment of persons discharged from the military or naval forces of the United States who are citizens of any nation at war with a nation with which the United States is at war (Rept. No. 421); and

A bill (S. 4428) to amend section 272 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (Rept. No. 420).

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 3172) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia, reported it with amendments and submitted a report (No. 422) thereon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 11692) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 11692. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

LABOR CONDITIONS ON THE PACIFIC COAST.

Mr. POINDEXTER and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield, and if so, to whom?

Mr. McCUMBER. I yield to the Senator from Washington.

Mr. POINDEXTER. In view of the importance of the matter embodied in the letter and resolutions which I hold in my hand, I ask unanimous consent to have them read by the Secretary.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

SEATTLE, WASH., *April 27, 1918.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

HONORABLE SIR: At a specially called meeting of our union April 26, 1918, the inclosed resolution was adopted by our local and a copy of the same ordered sent to you by mail, in which we have the honor to be,

Very respectfully, yours,

SHIPWRIGHTS' UNION, LOCAL 1184.
JNO. STERNS, *Secretary.*

SEATTLE, WASH., *April 25, 1918.*

Whereas we have been requested by the Central Labor Council of Seattle and vicinity to vote on the question of striking on May 1 if Thomas Mooney is not set free before that date; and

Whereas this matter has been referred to President Wilson, who will, we feel sure, see that justice is done in the case; and

Whereas our Army in France is looking to us to build ships so that enough men, food, clothing, arms, and ammunition may be sent there so that they may continue their fight for honor and liberty unhampered; and

Whereas by ceasing work for even one day would be unpatriotic, un-American, and uncalled for, jeopardizing the lives of our men over there, and the cause for which we have spent billions in money: Be it

Resolved, That we refuse to concur in the request of the Central Labor Council in the matter of striking on May 1 if Thomas Mooney is not set free.

Resolved, That we again pledge our loyal support to President Wilson in his prosecution of the war, believing that by so doing we are helping not only Thomas Mooney but all lovers of honor and liberty.

SHIPWRIGHTS, JOINERS, BOAT BUILDERS, AND MILLMEN LOCAL 1184.

Mr. POINDEXTER. Mr. President, I have asked that this be read by the Secretary in order to give proper credit to this labor union, Local 1184, of the shipwrights, ship joiners, calkers, and boat builders, of Seattle, Wash., because the publicity which it will thus acquire will be a valuable example, I believe, to other labor unions.

I desire to say in this connection that in resisting the dark force in their own ranks that sought to betray them into acts of disloyalty to their country and into the support of a policy of lawless force and violence, blackmail and coercion, which ultimately would have led to their ruin, these labor-union men have displayed intelligence, independence, and courage. By this act they have earned the sincere esteem and gratitude of all good citizens. In refusing to follow the false and criminal members of their organization who have sought to betray them into the service of the German Kaiser this labor union has given an example of true patriotism. They have done more by this act to advance the interests of union labor, by the development of a favorable public opinion, than all the sabotage, militancy, direct action, and bombs ever devised.

INCREASE OF THE ARMY.

Mr. SMITH of Georgia and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield to the Senator from Georgia, as he rose first.

Mr. SMITH of Georgia. Mr. President, I received this morning from the secretary of the chamber of commerce of the city of Atlanta a telegram which I wish to read to the Senate. Mr. Cooper is a man of ability and thought. The sentiments he presents in this telegram come from his earnest desire to express the patriotic purposes of the people of Georgia to do all within their power to help bring the war to a triumphant conclusion. All he says is worthy of consideration. I will read his telegram:

ATLANTA, GA., *May 3, 1918.*

Senator HOKE SMITH,
Washington, D. C.:

Congratulations on 5,000,000 bill, but let me urge you to double number at once. Now is the crucial moment to let the world, our allies, and Germany know our determined purpose. Put in a bill authorizing

the President to draft 10,000,000 men as fast as they can be trained and transported. Pledge all necessary funds to him and pledge ample backing to Russia in reorganizing her army. Send agents there to overcome German influence and help reorganize army, industry, railroads, and finance. There are 40,000,000 Poles, Roumanians, Slavs, and Czechs groaning under Germany's yoke who will join Russia when she raises her new army. She will raise it if effective aid is given. This can be done by inviting Japan and China to join allies on the basis of Asia for Asiatics, Europe for Europeans, America for Americans, and the world for democracy. The time has come for bold and decisive action, both military and psychological. In this supreme hour of destiny the psychological offensive with force behind it is worth millions of men and it travels with the speed of lightning. Strike now with the blows of a giant Nation and victory will speedily be ours. The heavier the blows, the quicker they come, the sooner it will be over and the more lives will be spared. God help Congress and the President to rise to the heights of this great emergency. The people are aroused and will back the Government to the last dollar and the last man. Victory is worth all of that, and without victory nothing has any value.

W. G. COOPER.

PETITIONS.

Mr. WARREN presented a petition of sundry citizens of Converse County, Wyo., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a petition of the County Medical Society of Concordia, Kans., praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the Kansas Society of the Daughters of the American Revolution, of Ottawa, Kans., praying for the enactment of legislation to provide a national ocean-to-ocean highway over the pioneer trails of the country; which was referred to the Committee on Agriculture and Forestry.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KING:

A bill (S. 4479) for the protection of the water supply of the town of Sunnyside, Utah; to the Committee on Public Lands.

By Mr. PHELAN:

A bill (S. 4480) granting a pension to Charles H. Woodward (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4481) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein; to the Committee on Indian Affairs.

By Mr. WILLIAMS:

A bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended (with accompanying papers); to the Committee on Finance.

By Mr. CALDER:

A joint resolution (S. J. Res. 151) providing a commission to consider the question of the adoption of the zone system for the construction of buildings in the District of Columbia; to the Committee on the District of Columbia.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GALLINGER submitted an amendment proposing to appropriate $1,500 to enable the Secretary of State to pay to any secretary to the counsel of the United States as remuneration for services rendered by him in the preparation and trial of the case of the United States at Geneva, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

Mr. HARDING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LENROOT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. McNARY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. McCUMBER. Mr. President, I desire to say a few words on this conference report. I have not the fear that many Senators have, that the bill on which the conference report is made, if passed, is going to impinge upon the right of free speech by the American people. The only people who will be in danger under this proposed law, in my opinion, will be those whose hearts are wrong. Every true American to-day is talking for America; he is pleading for our great cause; he is presenting it to the public, to everyone with whom he comes in contact; he is showing what it will mean to the world if we win and what it will mean to both the world and us if we should lose. If those kind of Americans—and they are the only true Americans—who give utterance to their patriotic views should see fit to condemn a department of the Government, stating that it is not doing its duty, should criticize any one of the branches of the Government for its malfeasance or its negligence, such persons are not going to be prosecuted under this proposed law.

I had before me yesterday, Mr. President, a newspaper which is published in the State of Minnesota in a foreign language. I could not read one word in that paper, but there were two cartoons in its which impressed me, as I looked at them, with the belief that the editor of that paper was a disloyal man and ought to be out of this country and not in it. There was nothing in those cartoons which would possibly subject him to prosecution, but there was sufficient in them to indicate a sentiment of disloyalty, a lack of sympathy, and a purpose to impose that sentiment upon the readers of the paper. Then I made inquiry of some one who knew the gentleman who edited this paper, and I was told he was one of the most disloyal men in the United States. If you should read that paper, you would probably find that there has been nothing ever said in it in support of the great American cause.

It is such persons who are liable to be caught by this proposed law, because, having in their hearts a hatred against our cause, they will sometimes lose discretion and will give utterance to sentiments which ought to send them to the penitentiary. Such persons ought to be prosecuted upon general principles, and if we shall at some time get something against them which will enable the law to get hold of them and dispose of them as they ought to be disposed of I shall not worry. I know hundreds and hundreds of people in the United States who are saying nothing to-day. Why? Because of the fear of just such a law as this one which is proposed. I hope the law will be so strong that we shall keep the fear of the Lord and of the Government in their hearts until we get out of this war, and then I wish there was some possible way of separating the black sheep from the white and sending the black ones out of this country, for the man who can not appreciate the justice of this world war against military autocracy and whose heart does not respond to that sentiment in loyalty ought never to be allowed to claim this as his country.

Mr. KING. Mr. President, will the Senator from North Dakota permit an observation at this point?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I do.

Mr. KING. It was disclosed in the investigation by the subcommittee of the Committee on the Judiciary of the activities of the German-American Alliance that a number of the German press at the outset of the war had admonished Germans and those who were readers of the press to be silent, to keep quiet, and many of them who are disloyal have been quiet and silent by reason of the admonitions of disloyal newspapers.

Mr. McCUMBER. Mr. President, lest the suggestion of the Senator from Utah might be misunderstood, I think it is but fair for me to say that the paper to which I refer was not a German paper, but was printed in another foreign language.

However, Mr. President, I rose particularly to discuss the results of one year of the United States being in this great war, its lessons, and its suggestions for our action in the ensuing year.

THE FIRST YEAR OF THE WAR.

Mr. President, on the 6th day of April, 1917, the United States declared to the world that it accepted the responsibilities and the duties of a war which had been thrust upon this country, and thereupon Congress pledged all the resources and directed the President to employ all the naval and military forces of the Government to bring the conflict to a successful termination.

That day, Mr. President, must forever live in story, either as the birth of a new national freedom, broad as the expansive breast of earth, or the destruction of that partial liberty acquired through centuries of warfare by a few progressive peoples of the earth—partial in that no liberty is complete so long as it lives in the shadow of an ever-impending danger—so long as it must stagger beneath the load of armaments that its mere existence may be assured.

The great issue which confronted this country on that fateful day was whether henceforth all nations should lay down their arms and devote their energies to the pursuits of peace, interchanging the products of their toil in friendly competition, or whether henceforth they should become armed camps breathing the pestilential air of hate and misery; whether this should be a world of many free nations, living in political tranquillity and assurance, or a world of one powerful master nation, arrogant, brutal, domineering, and other slave nations, crushed, cringing, and despoiled.

To preserve these sacred rights of nations and to defend our own, we entered this conflict and made this war our war. It is most proper, therefore, that remembering our great cause we should look back on this our first year of war efforts, review its accomplishments, and, in the light of its experiences and the shadow of its errors, make the real might of this great Nation felt as a decisive factor in a victorious termination before the end of another year.

Mr. President, since we entered the war more than 3,000 noble ships, builded to carry the commerce of the world, to feed the hungry, and to carry comfort and joy into every home have, without signal or warning, been sent to the bottom of the ocean by those cowardly monsters of the undersea that exult in murder but dare not fight. During this brief period of one year a tonnage has been swept off the waves equal to two-thirds of the entire trans-Atlantic tonnage before the war, when commerce ruled at its highest and best.

Since we entered the war there have been killed probably not less than 2,500,000 men, the flower of the manhood of the world. Since we entered this war there have been maimed for life probably not less than another 2,500,000 men. And when we contemplate the meaning of this slaughter, in widows bereaved, in children made fatherless, in homes made desolate, in cities demolished, in whole States made sterile, the picture is so appalling that it paralyzes our imagination.

And while our allies alone have been so battling and dying in our common cause what service has this great, powerful Nation been rendering in this conflict? What we may have in contemplation may be worthy of our praise. But, Mr. President, it is with a feeling of neither pride nor satisfaction that we are compelled to chronicle the little we have accomplished, the meager assistance we have given, during this our first year.

We have a population two and a half times greater than the most powerful of our allies, Great Britain, and resources at least five times those of that country. At the beginning of the war Great Britain was as unprepared as we were. To-day, with back to the wall she is battling against overwhelming numbers, against artillery that is superior, against an army that on the whole is better organized and disciplined, and, I fear, generally, more efficiently officered.

We proposed to have in France at the end of the first year of our war not less than 1,500,000 fighting men. The year ended with less than 200,000. We purposed to have in France before the end of the first year a flying squadron of about 12,000, to be increased to 20,000 shortly thereafter.

And though there has been voted for aircraft alone $640,000,000, enough to cover the whole expenses of an ordinary war, at the end of the first year we find this enormous appropriation has been worse than criminally squandered, and a call is made for another $400,000,000 to begin the real construction of our air machines.

Mr. President, yesterday's papers gave an account of a soldier boy who was dishonorably discharged and sent to prison for five years because he declined to be operated on for hernia. The soldier on the front who would purloin a loaf of bread to appease his hunger, the soldier sentry on the line of battle, no matter how tired and weary, who should sleep at his post of duty would pay the penalty with his young life. These are the rigid rules which are applied to those who offer their lives a sacrifice for their country.

Mr. President, the same day a leading member of the Committee on Military Affairs of the Senate expressed his willingness to drop further investigation to ascertain and punish those intrusted with the power and the duty to construct aircraft who have purloined three-fourths of a billion dollars raised to carry on this work, delayed the country in its war aims for a year, thereby sacrificing thousands of lives. Do you believe this country can or will stand idly and unconcernedly and see the billion-dollar grafter go scot free while such awful penalties are imposed upon our poor, weak, or overexhausted soldier boys?

We wasted many months in attempting to secure a liberty motor that should be superior to those used abroad. I think no one claims that we have even reached their standard of perfection and must look entirely to our allies for the swifter and higher class of fighting planes. We lost many months in attempting to invent a recoil that would make our guns superior to those used by our allies, and to that extent we delayed progress, only to find in the end that we have failed and must go back to the French model. Considering the emergency we were facing it was incumbent on us to proceed immediately to produce the ordnance, the war motors, and other war weapons which had been tested and which were in use and satisfactorily filling the demands of the armies in Europe. That we should attempt to produce something superior is most commendable, but our efforts in that direction and our experiments could have proceeded without delaying the production of those war necessities which had already been tested and found most effective. Mr. President, there is no excuse, there can be no legitimate excuse, for this delay.

We wasted nearly six months of the most precarious time of the war before we did anything to augment the construction of ships. If that delay has not proved fatal to our cause, it is due to the endurance and terrible sacrifices of our allies. That the results of our efforts have been almost negligible up to the present time compared with our purpose must be admitted; that they have fallen far below our capabilities is even more regrettable.

The first and greatest question which confronted us when we entered this war was the question of ship construction. We virtually assured our allies that our part of the program of 1917 should be 6,000,000 gross tons of ships. We actually furnished about 1,000,000, or about one-sixth of what we were expected to furnish. To support our Army of 1,000,000 men in 1918 we should have 6,000,000 additional gross tonnage. To meet the U-boat devastation our share should have been 5,500,000 more, or 11,500,000 tons in all. The present outlook is for not exceeding 3,000,000 wholly new gross tonnage, probably much less. We, of course, have taken Dutch ships of about 600,000 gross tons. But those ships were already in trans-Atlantic trade. We have not thereby added to the tonnage afloat. The roseate utterances of our Shipping Board as to what they have accomplished may sound cheerful to those who calculate only by comparisons or percentages, while failing to grasp the vast needs of our country. If we need to construct in one year 1,000 ships, we get little comfort out of the assertion that, having had only one ship to begin with, we have built two others, thereby increasing our shipping 200 per cent in a single year. Despite the fine percentage showing, the ugly fact still stares us in the face that we have only constructed 2 ships when the situation demanded 1,000 ships.

Mr. President, there is no use of our saying that we have even begun to meet the expectations of either our allies or ourselves. Lloyd-George, Mr. Balfour, Mr. Asquith, and other British statesmen have been compelled to admit on the floor of Parliament their great disappointment in our tardiness, and, though they have refrained from any criticism and suppressed their chagrin that their reliance upon our assurance had misled them, to their great detriment in many ways, the conviction that we have so far failed to perform our part in this conflict is deep seated in Britain, France, and Italy.

What has been the reason, the underlying cause, of this failure to accomplish results? It is not because we are a small Nation. We have a population of 105,000,000 of naturally industrious people. It is not because we lack resources. In grain fields, in coal, iron, and copper mines, and in timber we have at least five times the wealth of all our enemies combined. It is not because we have not the mills and factories for converting our raw materials into the finished products. If all our existing mills and all our existing factories had been operated during the year at their full capacity, except possibly munition plants, which had to be greatly enlarged, and if the labor employed had been a hundred per cent efficient, we undoubtedly could have produced many times what we actually produced in 1917. It is not because of a lack of capability on the part of our people. Our industrial progress belies that charge. It is not because we lack executive ability. Our great industrial, transportation, and manufacturing establishments had been organized during times of peace on a broader and far more efficient scale than is found anywhere else in the world. It is not because we have not had the money to convert our great resources into effective war weapons. During the first year of the war, from April 6, 1917, to April 6, 1918, we have received—

From the sale of liberty bonds, war savings and thrift stamps and from certificates of indebtedness (less certificates redeemed)	$9,207,628,521.09
Estimated revenue for the year ending June 30, 1918, in excess-profits tax, corporation income tax, individual income tax, miscellaneous internal revenue	3,400,000,000.00
Customs receipts estimated for same period	185,000,000.00
Receipts from all other sources estimated	306,360,000.00
Total cash subject to war drafts	13,098,989,461.09
We appropriated for the fiscal year ending June 30, 1918	18,879,177,014.96

The amount we can possibly expend even with our criminal waste will probably be under twelve billions. Not a single war program has been delayed one moment for lack of funds.

What, then, has been or is the trouble? Where rests the responsibility? Why is it that we, the greatest of all the nations, have so far failed to perform a man's part in this war?

Mr. President, there are many causes which, all combined, can be assigned for our gross delay. Some are to a certain extent excusable. Others are partially or wholly inexcusable. Foremost among the former causes was our unpreparedness. Of course, that has been a very important element of delay in getting into this war. But it is not nearly as great as many of the critics would have us believe. Criticism has been indulged in against those who, it is said, have not favored proper preparedness in the past. These criticisms are very far afield in most instances. If 10 years ago or 5 years ago you would have asked any of these critics, "Do you think we will ever have occasion to send an army over to Europe to battle against any great power there," the critic addressed would have immediately answered, "Certainly not. Our war with any great power will be a war on the sea. Our preparation should be for a great Navy, a Navy at least equal to that of Great Britain and greater than that of any other great power. We need more dreadnaughts." Now, as a matter of fact, Mr. President, the dreadnaughts in this war have been the least valuable and effective of all the fighting craft. And I am not certain that they have not been more of a liability than an asset. The only ships that have proven their worth, that have accomplished results, have been the swift cruisers with their long-range guns, the submarines, the torpedo destroyers, and the submarine chasers. And so, Mr. President, if the country had followed the then ideas of the preparedness propaganda we still would not have been prepared for this particular land war in Europe. We should have had on hand a lot of out-of-date mammoth dreadnaughts and would have been no nearer the war preparation necessary to meet the new conditions of this war than we were on August 3, 1914. What we lacked most was the foresight and determination to get up and be doing when the flying sparks of that great world war threatened to produce a conflagration that might force us on the firing line. Then was the time to take an account of our war accessories and lay our plans for speedy organization in case we might be suddenly called into action. Then was the time to contemplate and prepare to meet the new instrumentalities of war. Then was the time to prepare for airplanes, to develop new gases to meet the poisons that have been used by our enemies.

The whole science of war has been changed since August 3, 1914. Most of the preparation which we might have indulged in prior to that date would have been antiquated. Where we have fallen down is in what we have failed to do since August 3, 1914, when war was imminent, and to a far greater extent what we have failed to do since April 6, 1917, when war was upon us.

The next important reason for our failure to meet our war expectations has been an almost total lack of foresight on the great fundamental requirements. We seem to have gotten so bewildered in a maze of little things that we have lost sight of the great requirements. The failure in our shipping program is the most aggravating example of this failure to grasp a big situation. When we entered the war April 6, 1917, ruthless and relentless submarine warfare had been in operation for two months. Its deadly toll for those two months was more than 1,000,000 gross tons, or about 1,600,000 dead-weight tons, and clearly presaged its devastating possibilities.

The conduct of the war up to that date had demonstrated that the German war machine was the most effective in the world; that every step taken by that power had been taken only after the most careful consideration that trained military minds could give; that the German war authorities had fully weighed the advantages of the submarine against the disadvantages of adding the United States to the list of enemies. We knew that the central powers would never have allowed the United States to become one of its enemies unless after the greatest possible investigation and consideration they had arrived at the conclusion that the submarine could probably so diminish the world's tonnage that Great Britain would be badly crippled and there would not be sufficient ships to transport and maintain a real and effective army of American soldiers. We were fully apprised of what the losses in ships and tonnage would be by the time we could have an army ready to be transported. We knew, or at least ought to have known, just what additional tonnage we should need to supply those soldiers. We knew that we ought to have 1,500,000 men in France before January 1, 1918. We could measure with almost mathematical accuracy just what we would lack in ships by the time this army was ready. And yet, Mr. President, it was impossible to awaken the Shipping Board or the country to the dire situation that would surely overtake us unless we immediately began the construction of ships on a scale greater than the world had ever dreamed of.

Observing that this part of our war program was being neglected, on the 17th of April, 1917, I sought to force its attention on the Shipping Board by presenting the situation on the floor of the Senate, with all the data that I could then obtain.

Mr. President, had we begun ship construction immediately after April 6, 1917, we could have had 1,500,000 men in France by the 1st of January, 1918. Had we had that many on the firing line, the great drive which began March 21 would not have been made, or if made would have been repulsed. We can not, therefore, divest ourselves of responsibility for the loss of many hundreds of thousands of lives in that drive, and the possible loss of a whole army before the drive is over.

We are now doing our best to secure ships to carry our forces to the front. We have been compelled by the exigencies of the situation to commandeer the ships of neutrals in our ports. Great Britain, with insufficient ships to carry food to her own people, is lending us ships, and we still can not get our men over rapidly enough to meet the most urgent demand for them.

Of course, no one can condemn the President for this failure. He can not personally build the ships. He appointed a board for that specific purpose, and Congress has already placed at its disposal $1,750,000,000. During the first six months of the war nothing was done by the Shipping Board. During the last six months it has laid plans and begun the work of construction on a somewhat extensive scale. But, Mr. President, I want to say with all the earnestness in my power that the scale is not one half as great as it should be. It is not one-half as great as it should be to take care of just 1,000,000 men, and we will need not less than 5,000,000 men on that battle front before a real victory can be achieved. We could add 5,000,000 tons in concrete ships in 1918; but, notwithstanding the fact that the President has approved and recommended it, I am certain that there is a cunningly devised scheme—a conspiracy, if I may call it such—to shelve concrete shipping. I shall have more to say about this and the source of the opposition on some other occasion.

Still another and most important cause has been the unparalleled extravagance along every line of endeavor. The spirit of avarice seems to have taken possession of people as never before. Within a few days after war was declared the price of everything began to soar skyward. Extortionate charges were made for material furnished and still more extortionate demands made for labor used in any undertaking whose product was essential for our war needs. Slacking became the rule rather than the exception all along the line. Department bid against department and bureau against bureau for labor and clerks. Wages became immediately so high that the laborer could live better than ever before on three or four days of service in the week, and he often availed himself of that opportunity. The worse than extravagant wages paid to unskilled foreign laborers actually reduced efficiency and output in many important industries as low as 50 per cent. It required neither education nor experience to secure high salaries by clerks in all of our departments. Those departments thereupon became filled with inefficient clerks, and their inability to perform their tasks made necessary other clerks of equal inexperience until the vast number hindered and delayed each other. Thousands of civilians who had never had the slightest military training and who were well within the draft age were made military or naval officers, given high ranks, commutation, and comparatively high salaries while they were performing duties of no higher grade than would be performed by an ordinary file clerk, while no commutation was provided for the families of officers battling in France. Up to the present time this has gone on without diminution. We have been literally burning up the money which the taxpayers have cheerfully paid to create and support a fighting army. I am not exaggerating when I say that the money expended so far should have produced from eight to ten times what it has produced in real war effectiveness. It is probably well that the average taxpayer

does not fully understand the proportion of the money paid by him that has been recklessly expended.

To give a single illustration: A gentleman told me the other day that his Federal taxes this year would be something over $2,500; that in order to be able to support his family and pay the other expenses of living he had been compelled to dispense with his chauffeur and to drive and take care of his own auto. He said he would be more than glad to do this if this money had gone out to really support the boys at the front. But he instanced the case of a young doctor who, while still holding his office in the city, had been commissioned by the Government, furnished with an auto and two chauffeurs, at $75 per month each. Before being made an officer this doctor had driven his own little car and is well able to do it now. So that $1,800 of his $2,500, which should have paid the wages of five soldiers on the fighting lines, went to pay these two unnecessary chauffeurs in this city.

This is but one out of thousands upon thousands of instances which could be given of like extravagances. If we were to keep on with our present rate of spending the money raised to carry on this war, we would be bankrupt before we could put 5,000,000 men in the field and support them.

Before we get through with this war we shall be compelled to learn the lesson of prudence and economy. They say to us, "Buy liberty bonds and win the war." But, Mr. President, while we can not win the war without buying liberty bonds, neither can we win it by making bonfires of the money received from liberty bonds. They say to us, "Save wheat and win the war." But the war can not be won by fasting alone. The value of what we would save in one year by wheatless days is burned up in one day of that Saturnalia of extravagance. The Government has a right to say to every citizen, "Be patriotic and buy a liberty bond." The citizen, Mr. President, has a right to say to the Government, "Here is your money; spend it honestly and effectively." The people have performed their duty. The Government has failed to perform its duty toward the taxpaying and the bond-buying public.

Another thing that has delayed our war progress to an enormous extent has been the bluster and braggadocio of the public press. Every line of this instrumentality of public information has breathed a spirit of assurance unwarranted by the real facts in the case. We have thereby been misled and lulled to sleep. We have grossly exaggerated everything in our favor and grossly underestimated everything against us. If blowing could have won battles the enemy would have long since been blown off the face of the earth by the American press. We declared war on the 6th of April. We proclaimed what terms of peace we would impose on the 7th. We made a new map of Europe on the 8th, and then settled down to the delightful pastime of cartooning a frightened Kaiser, while army after army and ally after ally were being totally annihilated by the advancing hordes of the conquering "Hun." Great God, will we awaken from this false dream, this drunken delirium of invincibleness, before it is too late?

Mr. President, I have complained, and vigorously complained, of this worse than misleading attitude of the press, and in combating that influence I have been termed a pessimist, not only by the press but undoubtedly by some of my associates. But, Mr. President, my pessimism has always been of the constructive kind and it has been necessary to overcome obstructive optimism. I have attempted to awaken the people from the hypnotic state of complacency which had been created by a boasting journalism. When the press declared in lurid headlines that the allies outnumbered the enemy on the western line two to one, and could drop five shells to the enemy's one, I tried to demonstrate the falsity and absurdity of such a claim and to show that the enemy not only had a much larger force on the northern end of the western line, but also such advantage in position that they could throw a crushing force from one part of the battle line to another in a very much shorter time than it would be possible for the allies to shift their forces to meet the thrust. It was asserted and proclaimed over and over again that the German Army never could break through the western line. But though accomplished with the greatest slaughter, they did break through the defense and pressed onward for 30 miles, and then for the first time the public were given the actual truth, made known from official sources, that the British defenders were battling against a force never fewer in number than two to one, and often one division of our allies battling against an enemy four times their numerical strength.

And so, Mr. President, I still plead that the unvarnished truth may be presented to the American people, that they be no longer deceived by the constantly repeated assertion that Gen. Foch has a mighty reserve force in the rear awaiting an opportune moment to strike a blow that will destroy this conquering enemy. That assertion is false. He has no such reserve. The only mighty reserve force is the American Army on this side of the ocean, and the only hope of our allies is that they may be able to withstand the German assault until providence, forgiving our sinful delays, shall lend them a sufficient American force to check that assault.

Mr. SHERMAN. Will the Senator yield for a question?

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I yield, Mr. President.

Mr. SHERMAN. The Senator rightfully makes the criticism of the public press and others, but does he not think that some of that criticism ought to apply to Members of Congress? I ought not to use any names, but I have the press report of an address made by a Member of Congress in which he says that we now have constructed a heavy gun which will make a 42-centimeter German gun look like a popgun. I quote the expression from his address, not using my own language. Another statement was that there is a surface bomb invented that will destroy a submarine when it appears on the surface, a depth bomb invented that will destroy it when submerged, and that within three months the submarine will be swept from the Atlantic Ocean and all adjoining waters. He says further that we have ample force in France, and that the war will be over by autumn. That is from a Member of Congress.

Mr. McCUMBER. Mr. President, in April, 1917, when I tried to present the necessity for taking hold of the shipping situation a Senator upon the floor of the Senate scoffed at the idea of any danger of the submarine and stated that within a few weeks the submarine menace would be a dream of the past, or something of that character. Since that time the submarine has been taking a monthly toll of not less than 500,000 tons of shipping each month.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. GALLINGER. Supplementing the suggestion made by the Senator from Illinois [Mr. SHERMAN], I will say to the Senator that some months ago, the date I can not fix accurately in my mind, a member of the Shipping Board, who is still a member of that board, stated in an address in one of the great cities of the country that by January 1 we would have 6,000,000 tons of shipping completed. Perhaps it escaped the attention of the Senator, but such an absurd statement was made by a member of the Shipping Board.

Mr. McCUMBER. I read it, Mr. President, and was surprised, as was the Senator from New Hampshire. I want to call the attention of the Senator to the fact that he was dealing with dead-weight tonnage and was including not only all the ships that we had commandeered and that we had purchased at the beginning of the war, the shipbuilding contracts, and so forth, but all that we might possibly get from anywhere in the world, and then for the rest he must have drawn upon his imagination.

Mr. President, another great setback in our progress has been lack of coordination.

Mr. SMOOT. Before the Senator leaves the subject, I noticed in the press that we are given to understand that it will only take 2½ tons of shipping for each soldier that we may have in France. I have heard the Senator discuss the question a good many times and I have never heard him mention so low a tonnage. Has the Senator any information in relation to that point?

Mr. McCUMBER. During the Boer War, when there were no submarines and no enemies to attack ships, the British Government's report shows that it took over 6 gross tons per man. Therefore, if you would have a million under equally favorable conditions it would take 6,000,000 gross tons, or 9,000,000 dead-weight tons.

Mr. GALLINGER. Leaving out the question of submarines.

Mr. McCUMBER. Yes. Taking into consideration the roundabout course, the delays that must occur in loading and unloading, the slow movement of ships that are to be convoyed, and the losses, I am certain it will require not less than 6 tons per man. I have based that not only upon my own conclusions but upon the expert testimony of those who do know exactly what it will take.

Mr. SMOOT. The reason why I asked the question of the Senator was that the newspaper articles professed, upon their face at least, to come from the War Department itself, and I was wondering whether our War Department was figuring upon 2½ tons of shipping for each man, and the department felt that 2½ tons per man would afford sufficient shipping facilities.

Mr. McCUMBER. I think the Shipping Board placed it at about 3 tons, but it will take double that. You can be sure that it will take double that before we get through.

The new boards created with power to give priority orders in shipments of freight, instead of relieving the situation made it tenfold worse. Thousands upon thousands of carloads of coal lay week after week, sidetracked to give way to priority freight that might not be needed for months while people were freezing for want of coal.

Another great mistake which retarded our war work was the idea that this war had given us the opportunity to put into active operation theories of the idealist. We started in with the idea that the world had run along in an old casehardened way; that we had been tethered by obsolete customs and usages which had clogged our real progress, and the war had given us the great opportunity to put into effect so-called progressive ideas; and so we proposed to launch into a realm of newer, more socialistic and paternalistic methods. Men with staid and practical habits would, of course, have no place in this new order of endeavor, and therefore the theorist, the Chautauqua lecturer, the college professor, the fiction writer, the socialist, the single-taxer, the pacifist—those who could expound all the laws of economics but who would have landed in a court of bankruptcy in six months had they applied their theories to the hard realities of business—were selected to administer the vast powers voted to the Executive as war measures.

Mr. President, untried theories and practical facts always have conflicted and always will conflict. He whose ideas are gained entirely from book lore and he whose convictions have been driven into him by the sledge hammer of actual experience never have agreed and never will agree; and hence, when you divide authority between the two discord will follow; and where you sow discord you will inevitably reap disaster. Oh, yes; in the early part of the war these practical men were called in to advise. But they soon learned that, like children, they should be seen and not heard, and their advice was seldom sought and never, so far as I can learn, followed. I am not criticizing the President in his appointees. He undoubtedly used his very best judgment. I am simply giving the result of our first year's experience in transferring power to this incoherent school of new thought. The appointment of Mr. Schwab and other late appointments show that the President himself has become convinced that practical men of affairs must be put in charge if we are to secure results that will enable us to win this war.

Another mistake we have made during the first year of this war has been that we have taken in the labor unions, with their good elements and their bad elements, as a side partner instead of all the American people. I do not concede that this was necessary in order to keep labor loyal. There is just as great a percentage of loyalty in one class as in any other class of Americans. National patriotism is not dependent upon badges or cards of admission to any society or any union. The disastrous results of this partnership became apparent very soon. Raised so suddenly into such power, it was but natural that the bolsheviki element, the I. W. W. element, should take advantage of the opportunity to hold the Government by the throat. That element got beyond the control of those loyal men who were at the head of labor organizations of the country, with the result that in actual efficiency the man power employed in building, in construction, fell off from 35 to 50 per cent, and this notwithstanding the enormous wages that were being paid. I believe that we are overcoming this danger. I believe that the loyal men of the unions will gradually eliminate or control the unpatriotic and disloyal element—which, for the most part, Mr. President, are not American at all, and many of whom can not even speak the English language—and will, as has been done in Great Britain, show to the world that American labor is not only loyal to the core but that its loyalty will respond in a production that will in the end win this war.

There has been another mistake made, I believe, during the first year of this war. I do not think there has been that close relation and understanding there should have been between the executive and the legislative branches of the Government. The country has never had a Congress more loyal than that which is to-day backing this Nation in its war. I think I can also truthfully say that the country has never had a President more earnest in his desire to lead this country to a glorious victory than President Wilson. The combined wisdom and patriotism of both these great branches of the Government are necessary in this war. Their labors should be harmonious. I can not explain why it is, and yet I feel it, that these two branches are as far apart as though they represented two separate governments in a war alliance rather than the two harmonious arms of a single war power. I think they would each understand the other far better if there were more consultations between the executive and the legislative branches, not after a particular program has been laid out by the President, calling for particular legislation, but before it is laid out, in initiating the legislation. I am certain there is more wisdom in the whole Congress than in any single adviser of the President.

I do not wish to be understood as implying that the President has not been always ready to consult with and to receive the views of any individual Member of Congress. From my own personal experience I can declare the opposite. For I have never requested to see the Executive that the request has not been immediately granted, and courteous, full, and fair consideration given to every matter presented. I am speaking of Congress as an entity. I want to support the President in every possible way. I sympathize with his declarations. I believe in them with my whole heart. I would support every one of his 14 declarations of terms of peace.

I join heart and soul in his determination not to emerge from this conflict until the rights of every nation, great and small, are safeguarded by the written bond of every other nation, until the crushing load of armaments has been lifted from the people of the world, and that world made safe for democratic governments and institutions, and I know this is the sentiment of Congress. I sincerely hope that the second year of the war will bring Congress and the executive branch of the Government into a closer relation and a consequently better understanding.

Mr. President, as we pause within the sound of the most desperate battle of the ages, now being waged by our courageous allies, and look into the uncertain future, anxiously seeking how we may be able to render our long delayed assistance, these glaring failures of the first 12 months ought to stand as signboards pointing toward the only safe course we can pursue.

The first, the greatest, the most imminent demand is for an assisting army. That means ships—ships for the transportation of our armies, ships for their support, ships to feed our allies. Mr. Schwab, the present head of the Shipping Board, is reported to have stated that we would produce 10,000,000 tons of shipping in 1919. Of what avail will this shipping be to us, so far as this war is concerned, if we are unable to meet the demands of 1918?

Not only this, but he refers to 10,000,000 dead-weight tonnage, which is little more than 6,000,000 gross tonnage, and this in the face of the fact that the very board of which he is the head estimates the losses of ships in 1918 at 7,000,000 gross tons. The startling proposition contained in this statement is that a year later we will come within 1,000,000 tons of meeting the U-boat ravages for this year.

Mr. SMOOT. Mr. President, in that connection will the Senator from North Dakota yield a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. I yield, Mr. President.

Mr. SMOOT. I want to ask the Senator's opinion of an editorial in the Washington Post, of May 2—that is, yesterday—in which this statement is made:

> Within the next two months the United States will have at least 1,500,000 men in France, one-third to one-half of whom will be in the trenches.

Does the Senator believe that there are shipping facilities in the world to transport one-half that many men to France in two months?

Mr. McCUMBER. I do not. I do not know just exactly to what extent Great Britain can surrender her shipping for our use, but I do know that Mr. Secretary Baker stated a few months ago that he could have 1,500,000 men in France in 1918 if he had the shipping to transport them; but he said he could not get the shipping. I do not believe it is possible to put that many men into France in 1918 unless our allies can furnish a tonnage which I believe it will be impossible for them to furnish.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. McCUMBER. I yield.

Mr. FLETCHER. I desire to suggest to the Senator from North Dakota that we now have under our flag registered for foreign commerce, which is mainly trans-Atlantic, 4,750,000 tons of shipping.

Mr. McCUMBER. The Senator does not mean that that is new construction?

Mr. FLETCHER. It is not new construction.

Mr. McCUMBER. Why, Mr. President, we had 8,000,000 tons in 1914 altogether. We had about 2,000,000 tons that could be used in the trans-Atlantic service, and then we had a vast number of ships in our coasting trade. Of course, those are already in existence, but in making an estimate of the shipping we have

to compute the shipping of the world, which has been so rapidly destroyed.

Mr. FLETCHER. If the Senator from North Dakota will recall, I said that we had registered for foreign commerce and in the service 4,750,000 tons of shipping. That, of course, does not have any reference to the coastwise shipping, which is not registered shipping, but is enrolled shipping. The coastwise shipping is about equal to what we had before the war—something near that, though somewhat diminished, because some of the ships engaged in the coastwise trade have been registered and are now engaged in the foreign trade. We had in 1914 under our flag only 1,076,000 tons of registered shipping for foreign trade; but I am now speaking with reference to meeting the emergency. It is estimated, I believe, that we should require, for instance, about 4 tons to serve every man in the Army abroad. That would mean that we ought to have 6,000,000 tons of shipping available for use if we have 1,500,000 men in France.

Mr. McCUMBER. Let me ask the Senator a question right there. In speaking of the number of tons of shipping, is the Senator speaking of dead-weight tonnage—that is the American term ordinarily—or of gross tonnage?

Mr. FLETCHER. I am speaking of registered tons.

Mr. McCUMBER. Here it means the dead-weight tonnage.

Mr. FLETCHER. I have not alluded to the tonnage that is available to us of neutrals and allies. I am speaking of tonnage under our flag which is at present in the service. I think, beyond any doubt, we shall have shipping available to take care of 1,500,000 men in France.

Mr. McCUMBER. I think that is impossible; first, because the Senator is speaking, I think, of dead-weight tonnage in his estimate, and, secondly, because it is going to require very much greater tonnage than the Senator has given. I am certain of that. That, however, is not all. There has been no allowance in that estimate at all for losses, and the Shipping Board itself estimates that for 1918 the losses in the world's shipping will be about 7,000,000 gross tons, which would be about 10,500,000 dead-weight tons.

Mr. FLETCHER. Mr. President, if the Senator will allow me, I am considering that we will have some of the benefit of neutral and allied shipping, and that we will not be limited entirely to our own tonnage.

Mr. McCUMBER. Yes; but no other nations of all our allies are now building ships, except Great Britain. We are going, I think, to assist ourselves to some extent by an agreement with Japan under which Pacific trade may be turned over to Japan, thereby relieving some Australian ships for our use. There is no question but that at the present time we are doing everything possible to get all the shipping that we can, but I do not think we can get enough to take care of a million men, even without considering at all the losses in shipping.

Mr. President, if we fail to put less than 5,000,000 men on the fighting line before the end of another year we will again have grossly failed to measure up to our moral duty. I wish I could make that truth sink into the hearts of the American people and those responsible for the conduct of this war. If we fail to do that we will have charged to our discredit another year of colossal blunders. This 10,000,000 dead-weight tonnage will not be half of what we should start now to produce within the next year. A program which contemplates but 10,000,000 tonnage is trifling with the most serious question that ever confronted the people of this country. It is worse than trifling; it is suicidal. Our only hope of winning this war is in being able to keep our allies in the field another year. That means that it is incumbent upon us to supply them with food. If we can not get armies into the field, for God's sake let us at least get food and munitions to those who are fighting our battles. While we are thus building ships we should speed with all possible haste the construction of munitions and aeroplanes.

Concurrent with this program, and to make our efforts sure and effective, we should no longer delay some effective method of utilizing all the energies of all the people of the country in the field of production. We are at present operating on a scale not even 50 per cent efficient when we consider our capabilities. Provision should be immediately made to the end that not a single other strike shall occur in our essential industries during the remainder of this war. We should see to it that there should be no just cause for strikes, and then we should further see to it that every day's service performed in the production of war necessities shall be a full and honest day's work; that so long as we have a single soldier in France fighting for this country there shall not be a single slacker on this side of the ocean. Back of our patriotic fighting force there should be a patriotic producing force, a force with the same ardor, the same determination, the same patriotism that thrills the hearts of our little Army. That we should call upon one class of men to perform heroic tasks, to suffer excruitating horrors beyond words of expression, and even to die the most agonizing of deaths, and at the same time allow other men to loaf in the streets or retard production that could save the lives of hundreds of thousands of our soldiers and the soldiers of our fighting allies, is worse than a mere national blunder, worse than a mere national injustice. It is a national crime without palliation or excuse. We should proceed immediately to organize the entire manhood and womanhood of this country into a mighty and invincible army of producers.

So, Mr. President, the great, the impending duty that confronts us at the beginning of this second year is the duty to really get into this war, to get into it on a scale commensurate with our wealth, our population, and our resources, to get into it with ships, to get into it with guns, to get into it with aeroplanes, to get into it 5,000,000 strong, to get into it on a scale and with a force that will make victory not only absolutely certain but so complete, so overwhelming that no nation shall ever have the power to commit another such atrocious crime against the people of the world—a victory that shall once and for all drive from the face of the earth those twin monstrosities which have caused more suffering and more horrors than all other calamities combined since time began, autocracy and militarism. These, Mr. President, are the duties confronting us at the beginning of the second year of the war.

Mr. NORRIS. Mr. President, the conference report now before the Senate for action contains, among other things, an amendment to the espionage law by which a new section, known as section 4, is added to Title XII of that act. This amendment reads as follows:

> When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed.

And then it provides that the letter or other matter shall be returned to the writer, under such rules and regulations as the Postmaster General may adopt.

Mr. President, let us consider for just a moment what the Post Office Department is, how it has grown up, and what are its activities.

It is probably the largest concern of its kind in the world. It deals with all our people, almost without exception. Its activities enter into the life of every citizen, every home, every fraternal, religious, or political organization or institution. It is used in the carrying on of practically every business in the United States. It has grown up, and we have grown up with it, until it has become a part of the woof and the warp of our lives, and to deprive any person or concern of the use of the facilities of the Post Office Department is practically to ostracize such person or concern, to drive them out of business if they are in business; in fact, to make it impossible for any man or concern engaged in business to continue his or its business. So that an interference with a citizen's use of it is a serious proposition, and it reaches every individual and every citizen of the country in all his activities of life, whatever they may be.

Let me say also, Mr. President, that in discussing this proposition I have no reference to any particular individual, no reference to any person or to any particular Postmaster General; and as Postmaster Generals hold their position at the will of the President, I want to say also that I have no reference to any President. Presidents come and go; Postmaster Generals come and go. I am opposed to the principle of this provision. I would be opposed to giving this power to a saint. There is no man living in whom this power could be intrusted, however wise or good or great he may be, without, in my judgment, interfering with the very fundamental principles of human liberty and human freedom on which our great Commonwealth is founded.

Now, let us consider the language. Let us see just what it does.

> The Postmaster General may, upon evidence satisfactory to him—

Mr. President, there is no trial provided in this law, no court, no jury, no hearing, not even a charge or notice. If this power is exercised the first the individual may know that it is used against his activities or his business is when he goes to the post office to get his mail and is notified by the postmaster that no mail can be delivered to him.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. I have been out of the Chamber, and have not had the opportunity of hearing the preceding remarks of the Senator from Nebraska; but as I understand his criticism of this

section, I submit, with all due deference to him, that he is not interpreting it quite fairly.

Mr. NORRIS. I shall be glad to have the Senator from Utah correct me if I am misinterpreting it. I want to be informed. I am only hunting for the truth.

Mr. KING. As I understand the provision of this law, it is similar to that which exists now in a number of statutes; and the same reasons which exist to justify the Postmaster General in excluding from the mails certain publications under statutes already in existence find expression in the act which the Senator is criticizing.

As I understand this proposed law, and as I understand other acts found upon the statute books, they simply mean that where it has been adjudged in the mind of the Postmaster General, upon evidence which has been brought to his attention, that individuals or concerns have infracted the law, he is justified in excluding from the mails the literature or publications which in the past they have been sending through the mails.

For instance, take the fraud orders, with which the Senator doubtless is familiar, and the lottery statute. In those cases the Postmaster General makes an investigation. It is charged that a certain concern is engaged in a deceptive and fraudulent business, as a result of which innocent people are being robbed. If the evidence by him is deemed sufficient, he issues an order denying the use of the mails to that concern. Not only does he deny the use of the mails to that which they emit and put into the mails for transmission, but he goes farther, and orders that letters which are addressed to the concern shall not be delivered to it, but shall be returned to the senders.

That is the law with respect to a number of concerns or individuals or businesses. What objection can the Senator have to a similar law when it comes to dealing in a time of war with men, with corporations, with concerns perpetrating crimes, guilty of disloyalty, and seeking the destruction of our Government? If in times of peace it was deemed wise and prudent legislation to prohibit the use of the mails to concerns of a shady character and to prevent individuals from being defrauded of their money, certainly it would seem to me that in a time of war, when we know that there are spies in our midst, pacifists who are disloyal, cowardly, intriguing, seeking the destruction of our form of government, the Senator ought to concede that the same power should be given to the Postmaster General to deal with men of that character as has been given to him in time of peace to deal with mere questions affecting property rights.

Mr. NORRIS. Mr. President, this bill deals entirely with property rights. This is not a criminal statute. It it were confined to men who were adjudged guilty of a crime, the objection to a great extent would disappear; but this does not provide that a man must be adjudged guilty of a crime before this law can be applied against him. In fact, I think I shall be able to show that in its very operation it never will be applied to such people. It says that where the Postmaster General, upon evidence satisfactory to him, believes that persons have used the mail in violation of the espionage act, then he can prohibit them from getting any mail.

I am not speaking of a newspaper, that can be read by everybody. That is not what this statute applies to. It does not apply to outgoing mail. The man against whom it is used can send letters and papers, but he can not receive any. I want to say to the Senator that I am just as anxious as he is to punish the disloyal and the spy. In my judgment there is only one punishment that ought to be inflicted upon the spy, and that is death; but I would not inflict that punishment if the law said that he could be adjudged a spy by a secret tribunal, without a charge, without a hearing, without notice, without a chance to defend or even explain. That is what this proposed law does. The instance of fraud orders given by the Senator has no application to the objectionable provision in this conference report. In the case of the fraud order a notice is given and a hearing is had before the order is issued. There is no secret about it. Everything is done in the open. If this provision of this conference report becomes a law, no such safeguards are guaranteed. If it provided for a notice and hearing, in which the person accused had a right to defend himself, I would not be opposing it.

It is different from applying it to a great lottery, that is a public affair and that everybody knows about. The danger of this is not so much in the number of men who will be denied the use of the mails. There will be comparatively few, and it will only be used occasionally against them; but the great danger comes to the very large number of people who will be coerced indirectly because the power exists and is in the hands of one man to put them out of business without giving any reason, without giving any trial, without any notice, and without any charge. There is no way to get at it. It rests in the secret bosom of the Postmaster General. He may say, "I am satisfied, from evidence which I have," which he does not explain, which he does not need to tell anybody about. It does not need to be in writing. There needs to be no charge. "I am satisfied." That is all he has to say, and then he notifies the postmaster that the man or the concern against whom he is going to exercise this power can not receive any more mail.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I will say to the Senator that I shall be glad to yield for a question; but I do not intend to take up much time, and I hope the Senator will not make an extended argument. I shall be very glad to yield to the Senator for a question or a suggestion that the Senator may wish to make.

Mr. KING. It might extend into more than a suggestion, so I shall not interrupt the Senator.

Mr. NORRIS. Mr. President, the harm that is coming from this is not so much in what is done as it is in the power that exists and what might be done. If you applied it only to the man who had been adjudged guilty of a violation of the espionage act you would only add to the punishment that is already provided for in the law. The espionage act covers a multitude of crimes, and punishment is provided by the law in every case where the individual is found guilty, and those punishments are severe, running into imprisonment from quite a number of years to life, with heavy fines to be paid. If you only denied the use of the mails to those men who were found guilty of a crime under the espionage law I would not have so much objection to it, although I do not think we ought to provide by law that the poor unfortunate in jail shall not be permitted to get letters.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. In just a moment. But those men are punished under the law after being found guilty. This provision would not be any particular harm to them. They would not care so very much; many of them would not care at all if they could not get mail. Many of them would receive no mail anyway. So it is not to those convicted persons that we want to apply this law or with respect to those that the danger comes. It comes from the fact that secretly, without notice, without any trial or any charge, from the breast of a Postmaster General, comes an order depriving some individual from getting letters or papers or anything else, parcel-post packages or anything, through the mails. I think everybody who considers the proposed law must agree with me that if we were only going to apply it to those who were found guilty there would not be any demand for this law, because such persons are already punished. They are tried before a court and before a jury, and if the Postmaster General has evidence that any individual or any concern has violated the espionage law he ought to turn that evidence over to the Attorney General and let the Attorney General bring the proper prosecution to see that the guilty parties are promptly punished.

I now yield to the Senator from Utah.

Mr. KING. Mr. President, let me put a concrete case. Does the Senator think this would be improper under existing law? Suppose A is suspected of carrying on a business, fraudulent in character, that extends beyond the borders of a State. It is discovered that he is obtaining large sums of money from all parts of the United States, transmitted to him through the mails. The Postmaster General makes an investigation, and from all of the information which he can obtain he reaches the conclusion that the business of the individual is fraudulent in character and one which comes within the denouncements of the existing statute. He thereupon promulgates an order denying the use of the mails to the individual, prohibiting him from transmitting through the mails the literature which he has been sending out and which has resulted in his obtaining large sums of money from the people; and at the same time, in order to prevent him from being enriched by his fraudulent scheme, he orders the postmaster at the town where A resides not to deliver to him any of these letters, which come to him in floods as a result of his fraudulent advertising and his fraudulent scheme, but to return the letters to the senders. Does not the Senator think that is right and proper?

Mr. NORRIS. Yes; I have no objection to that. I am not finding fault with that. I am not finding fault because the Postmaster General has stopped the lottery business or any other thing of the kind. You can not run a lottery without the public finding it out. There must be publicity or the lottery

will not operate. I have no objection to closing up a concern of that kind or prohibiting the use of the mails by a concern of that kind.

But, Mr. President, in those cases hearings are held, a trial is had by the Postmaster General. The man has notice and an opportunity to defend himself. There is no such thing in this proposed provision. If the Postmaster General wants to exercise it according to its very terms, he does not need to have any evidence, he does not have to have a hearing. Nobody has made a charge. The Postmaster General simply says "I am satisfied," and then puts the man out of business, and there is no appeal from his order.

Mr. President, what a wonderful power this would be in the hands of an unscrupulous man in a political campaign! With that power resting over a man in business, with that power in the hands of one man resting over the head of every business man or every concern, how much of a slush fund could be raised? That kind of power in such a case would be such that it would make a liberty-loan campaign look like 30 cents in comparison. It would give to that man an indirect power based on his ability to put any man he wanted out of business, to compel him to seal his lips and to open his pocketbook. It would give him a mortgage on his conscience and a key to his safe.

It seems to me that the power is almost unlimited. I want to go as far as any man to punish crime. I want to go as far, and I will go as far as anyone to give power wherever it is necessary to carry on this war.

We are in the war and we must carry it to a successful issue, whatever the cost may be. There is no stopping place except at a victorious end. It must be carried on and the autocracy headed by the Kaiser is driven from power, until overthrown—until after such a victory a peace is established that is as permanent as human ingenuity can make it, so as to be a guidepost on the road of history, a warning to any future monarch or despot that he will not—that he can not—succeed in any military scheme or plan to govern the world.

I am not objecting to giving to the Postmaster General authority if it will help to win the war. Mr. President, I am willing to be his slave, I am willing to shine his shoes and to clean out his stables, I am willing with uncovered head to bend the knee before his throne and to bare the back to his cruel lash if it is necessary to bring victory to our arms across the sea. But here you propose to give him a power that has no more to do with the winning of the war than the flowers that bloom in the springtime. It seems to me, Mr. President, that it is a blow at the very fundamentals of our institutions.

Mr. President, this is a Senate amendment. The simple rejection of the conference report will not effect the objects, but if the conference report is defeated I am going to make a motion to instruct our conferees in the conference which will then follow, to recede from that part of the amendment which contains the section I have read.

The conference report also strikes out a provision of the bill as passed by the Senate to which I wish briefly to call attention. When the Senate passed the bill, it contained this language, known as amendment No. 6:

Provided, however That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

The conference report strikes that out. It seems to me that is another reason why the conference report should be rejected and the Senate should insist that that language remain in the law. It follows a provision in the law defining many crimes, crimes made by language spoken and language written.

I confess I was astounded when the conferees came to the Senate and gave us an agreement, by which they had agreed that this language should be strucken out. It seems to me it ought to go almost without question that when a crime is charged consisting of language written or spoken, and that is what this applies to, if the defendant can show that what he said was true and he said it or wrote it with good motives and for justifiable ends, that ought to be a complete defense. When men can not speak the truth with good motives and for justifiable ends, then our boasted freedom will, I fear, soon disappear and our great Republic will be in serious danger of degenerating into an autocracy.

I was astounded at the letter of the Attorney General printed in the RECORD the other day, in which he denounced this language as interfering with convictions. Mr. President, I can not myself conceive of a crime charged where, if the man in his defense proves that what he said was true and that he said it with good motives and for justifiable ends, he ought not to be acquitted. Are we not going to permit a man charged with using language that statute makes a crime to say, "I told the truth when I said it, and I did it with good motives and I was justified in using the language"? When he has that defense established to the jury, he ought to be free, and to say that he shall not be permitted to establish those facts is to deny him the liberty and the right I have always supposed our country stood for and faithfully upheld.

If the language in regard to the Post Office Department that I have read remains in and this language is taken out, then it will not be long, in my judgment, until we will need another Declaration of Independence. It will bring usurpation in the end. I want to read just a sentence or two from what George Washington, the Father of our Country, said in regard to usurpation. Even if usurpation accomplishes good in any particular instance, its precedent will be evil, and it will be used as a precedent for many evil things thereafter. Listen to what he says. He was speaking of the change of governments and advocating that the Constitution should be only changed in the manner provided by law.

But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. President, I appeal to Senators that this law, going back again to the power given to the Postmaster General, can accomplish no good. It is to apply a strenuous remedy against our fellow citizens without trial, without notice, and without a hearing. The man running a corner grocery store in a little village can not continue in business if he is denied the right to receive mail while his competitor can have that blessing and that privilege. It means a discrimination. It is no defense to say that the Postmaster General will only use it when necessary and be careful about it. The very existence of the power is the great evil and will bring coercion, even though it may be without the knowledge of the man who possesses the power. That often happens.

We are giving it now to one man, and, let me repeat, I have no reference to any individual. We are placing now, if we adopt this conference report, in the hands of one man a power greater than that possessed by any court in the land, a power that has been the reason why men have risen and rebelled against autocracies and monarchies in the past, and while we are engaged in making the world safe for democracy we ought to remember that America is a part of the world, and it will be of little consequence if we establish democracy in Europe and at the same time establish autocracy here. "What doth it profit a man if he gain the whole world and lose his own soul?" No good can come from the law. The courts may punish, prosecuting attorneys and juries can convict. I want to do everything I can to assist them in the proper prosecution and conviction of guilty parties; but here we are confiding in one man a greater power over all the people of the United States than has ever been possessed by any court in Christendom from the Supreme Court down to a justice of the peace. And we are providing that this one man can exercise this power in secret, without a trial, without notice to the defendant, without a charge being made, and render a judgment without evidence, without a record—a judgment that is final and from which there is no appeal.

I repeat, Mr. President, it is a serious matter. It seems to me we owe it to the very fundamental principles of human liberty upon which our Government was founded to see that no such provision is put in the law.

Mr. SHERMAN. Mr. President——

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	Norris	Smith, Md.
Beckham	Hollis	Overman	Smoot
Colt	Jones, N. Mex.	Page	Sutherland
Culberson	Jones, Wash.	Phelan	Swanson
Cummins	Kenyon	Pittman	Thomas
Curtis	King	Poindexter	Thompson
France	Kirby	Pomerene	Tillman
Gallinger	Knox	Ransdell	Trammell
Gerry	Lenroot	Saulsbury	Underwood
Gore	McKellar	Shafroth	Wadsworth
Gronna	McNary	Sheppard	Watson
Guion	Martin	Sherman	Weeks
Hale	Nelson	Simmons	
Hardwick	New	Smith, Ga.	

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on official business.

Mr. OVERMAN. I desire to announce that the Senator from Idaho [Mr. NUGENT] is unavoidably detained from the Senate.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GORE], is absent on account of illness.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, there is a quorum of the Senate present.

PRICE OF WHEAT.

Mr. GORE. I ask the Chair to lay before the Senate the action of the House of Representatives on amendment No. 44 to House bill 9054, being the Agricultural appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendment of the Senate No. 44 to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, and requesting a further conference with the Senate thereon.

Mr. GORE. I move that the Senate further insist on its amendment numbered 44 and agree to the further conference asked by the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma.

Mr. POMERENE. I am not quite sure that I understand the effect of the motion. If I may ask the Senator, does it mean that we shall insist on the minimum price of $2.50 per bushel for wheat?

Mr. GORE. The House, I will say to the Senator, disagreed to amendment numbered 44, being the wheat-fixing proposition, and asked for a further conference upon that subject. My motion is that the Senate shall further insist upon the amendment and agree to the conference asked by the House.

Mr. OVERMAN. I suggest to the Senator that it is not necessary to move to insist but simply to agree to the further conference.

Mr. GORE. It is unnecessary I will say, and I withdraw that part of the motion.

The PRESIDING OFFICER. Without objection, the motion is agreed to, as modified, and the Chair appoints the Senator from Oklahoma [Mr. GORE], the Senator from South Carolina [Mr. SMITH], the Senator from Georgia [Mr. SMITH], the Senator from Nebraska [Mr. NORRIS], and the Senator from North Dakota [Mr. GRONNA] conferees on the part of the Senate at the further conference.

Mr. GORE. I should like to say while I am on my feet that I intended to call a meeting of the conferees to-morrow morning, as I am going to leave the city on Sunday and will be absent for some days. I find the chairman of the Committee on Agriculture of the House and the ranking member of that committee are both absent, and this will for the present require a postponement of the meeting of the conferees, but will not interfere with the progress of the conference thereafter.

Mr. POMERENE. As the motion has been put and agreed to, asking for a further conference and naming the conferees, I do not know that I shall take the time of the Senate now to discuss the subject; but, for one Senator, I am unalterably opposed to this increase. I think it would be a public calamity to get an increase of 30 cents per bushel for wheat at this particular time. It means an addition of between $200,000,000 and $250,000,000 to the original cost of the wheat out of which comes the bread of the country. A little later I shall have something to say on the subject.

Mr. OVERMAN. I hope the Senator will not discuss it, because I myself asked the Senator from Oklahoma to take from his motion that the Senate insist on its amendment, so that we would merely accede to the request for a conference, without coupling that with the motion.

Mr. POMERENE. I have no objection to a further conference, but I shall ask to be heard later on.

Mr. GORE. Mr. President, I realize that this is not an appropriate time to discuss the merits of the amendment in relation to advancing the price of wheat; but referring to what the Senator from Ohio has just said, I would like to say that the proposed increase would add about 1 cent to each loaf of bread. It is the theory of the proponents of this amendment that it is better for the people to pay 1 cent additional for the price of bread and be able to get bread than be willing to pay twice the present price and be unable to get it at all.

I will say, furthermore, the farmers are receiving to-day a little more than $9 for the wheat which constitutes a barrel of flour—I believe $9.90. I am informed, I assume upon responsible authority, that the freight rate on flour from the United States to Europe to-day is $20 a barrel. Shipping concerns receive twice as much for transporting a barrel of flour from the United States to Europe as the man who digs it out of the ground receives for the wheat which constitutes the barrel of flour.

Not only that, I realize the Senator has a good many laboring men in his State. He explained here one day that he would not be willing to fix the wages of laborers in Ohio. I entirely agree with him about that. The average laboring man has five members in his family, and the proposed increase on wheat would add $3 a barrel on flour. That would be $15 a year additional for the bread purchased by the laboring man in Ohio and Oklahoma and elsewhere. It would save the laboring man, say, in Oklahoma City $15 a year in buying bread for his family, but the farmer who produced the wheat would lose this $15. Who has the best title to this $15, the farmer who produces the wheat or the laboring man who purchases it at a price arbitrarily reduced by the Government? Justice can return but one answer.

Mr. OVERMAN. Mr. President——

Mr. GORE. It is a question as to who has the best title to that $15, the farmer who produces the wheat, who earns it, or the laboring man who receives it as a bonus, as a mere benefaction, at the hands of Congress by arbitrarily interfering with the price of wheat.

Mr. POMERENE. Mr. President, I did not intend to provoke a discussion. I know there is always a very wise observation made to the effect that it is better to have wheat at a high price than no wheat at any price. Such a condition does not exist. On the other hand, it may be observed that a large quantity of wheat does no man any good if he does not have the price to get it. It is true, as the Senator from Oklahoma suggests, there are many laboring men in my State. There are likewise more farmers in my State than there are in the State of Oklahoma.

I am not going to take the time to discuss this question, but as the farmers in my own State have been referred to, I am going to take the time of the Senate long enough to read a letter which comes from a real farmer. Under date of March 23, 1918, which was while this question was being discussed here on the floor of the Senate, this is what he said:

PORT CLINTON, OHIO, *March 23, 1918.*

MY DEAR SENATOR: Just a minute to tell you how thoroughly I approve of your opposition to advancing the price of wheat. I raise wheat—840 bushels last year—and it almost hurt my conscience to take last year's Government price.

A man who is not satisfied with $2.20 will not long be satisfied with $2.50, and the Government certainly ought not be party to encouraging such avarice.

I feel that we farmers are even now a privileged class, and in this national crisis any farmer who fails to produce all the food he possibly can, regardless of price, should not be brought into line by an advance in price—that is too much like hiring a man to do his duty.

Preempt unused and uncultivated land for the State and there will speedily be less haggling over price.

Yours, respectfully, ——— ———.

I do not care to discuss the matter further, though I shall do so later, when the conference report comes back to the Senate.

Mr. GORE. Mr. President, I would like to have printed in the RECORD—I do not have it now on my desk—a letter from a citizen of the State of Ohio advocating the other side of this proposition.

Mr. POMERENE. Oh, Mr. President, we have a few men of that kind. I had a letter from one farmer in my State—I am sorry to say that he lives in the State—who said that last fall he had sowed 24 acres of wheat, and he complained very bitterly about the high price of coal and the low price of wheat; and said that if the Government did not increase the price of wheat he would clip his wheat in the spring so that it might not mature. There are a few men of that kind in Ohio.

Mr. REED. Mr. President, I suppose, if they are on the Senator's side, all of these men are highly patriotic citizens; but, if they disagree with him, they are bad citizens.

Mr. POMERENE. No, Mr. President, I would not want to put the Senator from Missouri in that class, because he and I differ on a great many subjects, but I have always regarded him as a very highly patriotic man and I am always ready to testify to that fact.

Mr. REED. I do not happen to be a farmer in the Senator's State, so I did not include myself in that class; but the Senator from Ohio proves his case by reading a letter from a farmer, and the Senator from Oklahoma [Mr. GORE] states that he wants to read a letter on the other side of the case from another farmer. Thereupon the Senator from Ohio declares that he supposes there are farmers in the State of Ohio of that class; that he himself had a letter from one of that class; that he is a ashamed that fellow is a citizen of his State, because he proposed to destroy his crop; and it seems to follow that the farmer who agrees with the Senator from Ohio and who compliments him is a highly patriotic individual, whereas those who differ from him are in a class which he characterizes as disloyal and unworthy citizens. The Senator from Ohio can not so include me; I am not a farmer in the Senator's State, and am not a constituent of his; but I know of many farmers in the State of Missouri who are of the opinion that under present conditions there ought to be no arbitrary reduction of the price of their wheat crop when everything they buy is un-

controlled. I have felt that these men were entitled to that opinion and that their place as citizens of the Republic ought not to be challenged because they entertain that opinion.

Mr. POMERENE. Oh, Mr. President——

Mr. REED. I agree that the Senator from Ohio has a perfect right to argue that $2 or $2.20 a bushel or any other price for wheat is a sufficient price; but I do not think a farmer who does not think that is a just price for wheat ought to be catalogued as a bad citizen.

Mr. POMERENE. Mr. President, I did not say that the man who favored $2.50 per bushel was a disloyal or an unpatriotic citizen. That may have been an inference which could be drawn from the language of the letter I read. The writer does not call such men disloyal. He speaks of this advance in price as encouraging avarice. But I do not care to follow the discussion further, but I will at a later time discuss the matter entirely on its merits.

The PRESIDING OFFICER. The Senator from Oklahoma has asked that a letter to which he has alluded may be printed in the RECORD.

Mr. GORE. I have not the letter at present, but I shall present it later.

The PRESIDING OFFICER. Without objection, permission to do so will be granted.

Mr. GORE. Mr. President, I have just a sentence which I wish to have read into the RECORD at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

In Senator "JIM" WADSWORTH'S section of New York—he is a farmer, you know, and has a farm home to prove it—they are plowing up wheat that may make 15 bushels to an acre in order to sow grain upon which there is no regulated price. The West is doing the same thing.

Mr. GORE. Mr. President, I am informed that in the West a great deal of wheat that promises to yield less than 8 bushels an acre is being turned under. Even if it would yield a profit at a fixed price of $2.20, it is not enough. The fact that it does not promise as large a profit as rye, corn, and barley is the controlling factor, and the farmers will naturally, and very properly, sow their land to the crop that promises the larger return. With rye bringing $3 and more per bushel and wheat bringing only $2.20 per bushel, and the further fact that the land will produce more rye to the acre than it will of wheat, is a pretty fair indication that that will control a great many farmers and cause the sowing of the land to rye instead of to wheat.

Mr. KING. Mr. President, will the Senator from Oklahoma yield to me?

Mr. GORE. Yes.

Mr. KING. Is not such a statement and the conclusion to be deduced therefrom an argument in favor of fixing the price of rye and barley and corn?

Mr. GORE. If equal injustice rather than equal justice be our standard, I answer yes. Of course, if there is any justification for fixing the price of wheat, I suppose there would be equal justification for fixing the price of rye, with this exception, that if we do a man an injustice and an injury in one particular it does not constitute a rational justification to double or treble the injury and the injustice.

I am just in receipt of a letter from the president of the Farmers' Union of my State advising me that the turning under of wheat is proceeding on a much larger scale than he had anticipated when he was lately in Washington.

Mr. McCUMBER. Mr. President, will the Senator from Oklahoma yield to me?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. GORE. I yield.

Mr. McCUMBER. Following the suggestion of the Senator from Utah [Mr. KING], whether or not the condition referred to by the Senator from Oklahoma [Mr. GORE] would not justify the fixing of the price on rye or corn, I want to ask him if fixing the price on corn and rye would not also justify the fixing of the price on farm machinery; the fixing of the price on groceries; the fixing of the price on cotton; the fixing of the price on clothing; the fixing of the price on drugs and oils and on everything that the farmer buys? If it is proposed that we shall fix the price on what the farmer produces, why should we not fix the price of the things which he must purchase?

Mr. GORE. Mr. President, I entirely agree with the suggestion of the Senator from North Dakota [Mr. McCUMBER]. The reason that I returned a qualified answer to the Senator from Utah [Mr. KING] was because of the fact that I do not believe in the price-fixing policy at all. I think it is impossible of execution upon any principle of justice. It is not a new experiment under the sun. I find instances of it reach'ng back as far as 2,250 years before Christ. It is one dreary tale of disappointment, and in many instances of disaster. Some say that the Government can not fix a price on an article. The Government can fix a price on an article, but it can not do so without working incalculable and unanticipated injustice in many instances.

I have also a recent article based upon a report of the Department of Labor, which I will request be printed in the RECORD, to the effect that price fixing has been a failure in Germany, where there is autocratic power, where, if arbitrary and despotic methods could be made to prevail, I assume they would be made to prevail. Our own Department of Labor has reported that their efforts have been crowned with failure—the unfailing crown of all efforts to repeal the laws of economics.

The PRESIDING OFFICER. In the absence of objection, permission to do so will be granted. The Chair hears none.

The article referred to is as follows:

[From the Evening Star, Apr. 22, 1918.]

PRICE FIXING A FAILURE IN GERMANY IS REPORT—LABOR STATISTICS BUREAU SAYS UPPER CLASSES ENJOY WEALTH, WHILE MASSES ARE IN POVERTY.

Price fixing in Germany has been a failure and profiteering exists everywhere, says the April bulletin of the Bureau of Labor Statistics. The upper classes are rolling in wealth, while the masses are in abject poverty.

Not daring to tax the people directly, the bulletin says, money is raised for the war by floating loans. These loans, although taken to some extent by the wealthy classes, are really paid for by the people, who have to pay exorbitant prices. With imports cut off, the land does not produce enough properly to sustain life.

Shortly after the war started maximum prices were fixed on commodities, but these, says the bulletin, were evaded by dealers and producers. Regulation of the amounts of the necessities sold to one customer was attempted, but resulted in much illicit trading at high prices, with the rich getting the much needed commodities.

German Government figures show the cost of living to have increased 117 per cent, but the bulletin says these figures do not show the real facts. Buying has to be illicitly done to get the goods, and enormous prices have to be paid.

Mr. GORE. I say, again, that the reason that I returned the qualified answer that I did to the Senator from Utah was that I do not believe that the price ought to be fixed on wheat, rye, barley, corn, cotton, or on any other article which is produced by the farmers of this country. The farmers in the United States are unorganized; they can not combine to fix the price of their product. Every man who produces a commercial article is entitled to whatever price the law of supply and demand will award; and so long as he receives no greater price he can not be indicted as a profiteer. It is those who are in a situation to manipulate the law of supply and demand, to arrest and to thwart its operation, who can be subjected to the charge that they are profiteers. It is the man who is able by situation, combination, or otherwise to extort a larger price for his product than the law of supply and demand will award, who deserves the epithet of profiteer. The farmers do not come within that category, and they do not deserve that epithet.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois [Mr. SHERMAN] has the floor. Does the Senator from Illinois yield further?

Mr. SHERMAN. Yes, sir.

Mr. JONES of Washington. Mr. President, the farmers of my State, while they think that the action of the Government in fixing prices so far as farm products are concerned is unfair and unjust, feel more deeply this situation; they see the Government fixing the prices of manufactured products, and fixing them in such a way as to insure to the manufacturers a fair profit, while they are not assured any profit at all.

Just for example, I will say that it is reported to me that the Government has fixed the price at which the milk condenseries in my State shall sell their product, and the milk condenseries are assured a profit of, I think, from 7 to 10 per cent; but the farmer who furnishes this condensery milk is selling his milk at a loss, and the price of milk is getting less all the time. It is things like that that drive the iron into the hearts of the farmers.

Mr. GORE. Mr. President, will the Senator from Washington permit me to interrupt him a moment?

Mr. JONES of Washington. Yes.

Mr. GORE. I am advised that one condensery in New York desired to pay a larger price for milk than the price fixed, but was forbidden to do so.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce

the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. SHERMAN resumed the speech begun by him on yesterday. After having spoken for some time,

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. SHERMAN. Certainly.

Mr. OVERMAN. The Senator is always very kind in yielding, and I want to ask if he will yield to me to submit to the Senate a proposed unanimous-consent agreement. Of course, that would require the calling of the roll.

Mr. SHERMAN. All right; I yield.

Mr. OVERMAN. I submit a request for unanimous consent, which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The Secretary will state the proposed agreement.

The SECRETARY. The Senator from North Carolina asks unanimous consent that at not later than 4 o'clock to-morrow, May 4, 1918, the Senate will proceed without further debate to vote on the conference report on House bill 8753, a bill to amend section 3, title 1, of the act entitled "An act to punish acts of interference," and so forth, approved June 15, 1917.

Mr. THOMAS. Mr. President, may I inquire of the Senator having charge of the bill if that presupposes a recess until 11 in the morning?

Mr. OVERMAN. It does, Mr. President.

Mr. THOMAS. I have no objection.

Mr. GALLINGER. Mr. President, I suggest that the roll be called under the rule. The rule says that the roll shall be called on agreement for the final vote on a bill or resolution; but I think we ought to treat this as a bill, and I ask that the roll be called.

The PRESIDING OFFICER. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Martin	Smoot
Bankhead	Hardwick	Nelson	Sterling
Calder	Henderson	New	Sutherland
Colt	Hollis	Norris	Swanson
Curtis	Johnson, Cal.	Overman	Thomas
Dillingham	Jones, N. Mex.	Page	Thompson
Fall	Jones, Wash.	Pittman	Tillman
Fletcher	Kenyon	Poindexter	Trammell
France	King	Pomerene	Underwood
Frelinghuysen	Kirby	Saulsbury	Vardaman
Gallinger	Knox	Shafroth	Wadsworth
Gerry	Lenroot	Sheppard	Walsh
Gore	Lodge	Sherman	Warren
Gronna	McKellar	Simmons	Watson
Guion	McNary	Smith, S. C.	Williams

Mr. GUION. I wish to make the announcement that my colleague, the senior Senator from Louisiana [Mr. RANSDELL], is unavoidably detained.

Mr. THOMPSON. I have been requested to announce that the junior Senator from Kentucky [Mr. BECKHAM] is unavoidably absent.

The PRESIDING OFFICER (Mr. WALSH in the chair). Sixty Senators having answered to their names, a quorum is present. The Senator from North Carolina makes a request for unanimous consent, which will be stated by the Secretary.

The SECRETARY. The Senator from North Carolina asks unanimous consent that at not later than 4 o'clock to-morrow, May 4, 1918, the Senate will proceed without further debate to vote on the conference report on House bill 8753.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. SHERMAN. Mr. President, under existing laws the query propounded by the Senator from Idaho [Mr. BORAH] can be answered. Under Title XI of the espionage act, approved June 15, 1917, search warrants may be taken out. The search-warrant acts are very much extended under this title, and liberalized, so that papers and documents can be taken, which before might not have been possible. Subsection 2 of Title XI provides that when the property was used as a means of committing a felony it is subject to be taken by search warrant.

Second-class postal matter is property when it is sent by Mr. Haywood to me, for instance, in Washington from Chicago. I am the addressee. It is provided under this amendment that that shall be returned to Mr. Haywood. That is a proper case for regulation. But Mr. Haywood is thereby isolated from all postal facilities; he is cut off completely from all such communication of every kind.

That can be ascertained on second-class postal matter in one of two ways. Either an employee of the post office, an inspector, can go and seize Mr. Haywood's literature sent out from 1001 West Madison Street in Chicago or a search warrant can be issued by a United States commissioner. It is an ex parte matter. Any post-office inspector can make the necessary oath and can describe the kind of property to be taken. That will definitely ascertain the character of Mr. Haywood's propaganda. He is sending out a vast quantity of I. W. W. literature. I think I have 10 pounds of it in my office. Because I happen to be a voter in his jurisdiction he has sent me a great quantity of it. Some of it clearly ought not to go through the United States mails. I think it ought to be stopped.

Mr. NELSON. I imagine he sent it to you for the purpose of converting you.

Mr. SHERMAN. No doubt it is done for two purposes. One is for the moral effect on my opinions, and the other is to obtain subscriptions to defend divers of his associates who are now on trial in the United States district court in Chicago. He will not succeed, or he has not up to this time, in either one of his purposes; but he evidently is sending out literature in great quantities. That can be definitely ascertained. Everybody who receives that matter knows what the character of the literature is. Even the formality of a search warrant is not necessary to obtain evidence on which to seize it or to isolate Mr. Haywood.

Mr. Haywood is well know to be an I. W. W., and that he has collected about him a vast number of the lawless elements. At one time he was quite prominent in the Western Federation of Miners. He was responsible for a great deal of violence out about the Rocky Mountain country. Afterwards he went into the I. W. W. movement, and he is sending out literature of a great many kinds that is designed for no other purpose than for sedition and lawlessness in the United States. He is the visible head of the organized forces of physical violence. His associates who are now on trial are on trial charged with attempting the same things that are set out in the documents which I referred to. These matters can be seized under existing law. There is no difficulty about ascertaining their character.

The mail in Title XII, in section 1, is already capable of being used.

> Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, in violation of any of the provisions of this act is hereby declared to be nonmailable matter and—

This matter that has come to my table in my office in Washington is nonmailable under section 1 of Title XII of the espionage act. It is second-class matter. It is newspaper; it is mailable as newspaper matter, circulars, pamphlets, and the like. So Mr. Haywood can be reached under the existing law. There is no difficulty in stopping Mr. Haywood from scattering his seditious literature. The only question is the detail of some post-office inspector to this duty. It requires no such provision as that contained in this conference committee report to stop Mr. Haywood. I think Mr. Haywood ought to be dealt with, and his matter ought to be excluded from the mails, and he himself ought to be isolated and totally cut off from all such postal facilities. The matter that he is sending out directly tends to the commission of a felony.

Under the espionage act of June 15, 1917, the offenses are felonious if they amount to anything, or it would be a felony under other provisions of the conference committee report of the bill as considered in the report, because some of these documents are directly calculated to interfere with the war operations. Some of them are contemptuous in character on the form of government of the United States, and they are felonies of themselves. I do not see that this provision in the conference report is necessary for the purpose of stopping seditious literature of this kind from being circulated through the mails.

There is one other provision I wish to call attention to, and I do not want to go into this subject entirely to-night. It is only the matter discussed by the Senator from Idaho and others that I wish more particularly to refer to in a few moments.

The Senator from Idaho referred to the violations that are under existing postal laws entirely specific, such as documents used or mail used for the purpose of committing frauds under the usual fraud order. That can be reached. That law has a good purpose in every particular. Then there is in addition to that matter that is promotive of acts that are forbidden by law, such as sales of lottery tickets and immoral practices of various kinds that are to be promoted thereby.

[At this point Mr. SHERMAN yielded the floor for the day.]

Friday, May 3, 1918.

Mr. SHERMAN. Mr. President, postal laws as they now are, I suggested last evening, if invoked and applied, would keep from the mails the seditious matter now coming to the desks of Members of Congress and to many of the citizens of this country. The purpose of such literature is evident. It passes beyond the limit of safety. No citizen of the country ought to undertake to scatter such printed matter, much less

to be encouraged in it by the use of the postal facilities of the country.

I do not think, however, the remedy requires such drastic legislation as the kind contemplated in the section on the motion of the Senator from Montana and directly concerned in the conference committee report. It isolates any person against whom it is leveled, completely cuts him off from postal facility, not only in regard to the literature in question but all other postal matters.

[At this point Mr. MCNARY raised the question of a quorum, and the roll was called.]

Mr. SHERMAN. Mr. President, if this bill were enacted in its present form, it could be applied so as to wholly destroy a man's privilege of receiving mail of any kind; any mail addressed to him could be returned to the sender, not only documents of a seditious character but all other postal matter of every kind. Matter mailed on legitimate business, letters containing remittances or relative to any of the ordinary private or business transactions of life and not referring to any seditious documents or utterances of any kind, could all be excluded from the mails. The bill, if enacted into law, would so completely establish a postal quarantine as effectually to preclude him from transacting any of the ordinary business of private life; he could not pay the premium on his insurance policy unless he sent the currency or a draft by express; he could not communicate with his bank if he were absent from home; he could not obtain a remittance in any part of the United States; he would be wholly barred from conducting any of the ordinary transactions that would be necessary for his welfare, although not in any manner connected with the seditious matter that is sought to be excluded.

That is not a part of the punishment ordinarily inflicted on a citizen when he is tried, found guilty by a jury, and sentence by the court is imposed. I can understand in such an instance why he should not only be deprived of his liberty or fined, as the case might be, but should be denied the privilege of resuming his business until the expiration of his sentence; but this bill goes further and, without the verdict of a jury duly impaneled, without sentence imposed by any court, upon the mere dictum of an appointive officer, not even an elective officer, but one who is at the head of a department, his privilege of using the mails is arbitrarily—and it is the abuse of power against which we ought always attempt to guard in such measures as this—taken away from him, thus effectually isolating him from even lawful transactions that could be carried on through the Post Office Department.

For myself, before I can yield to that, I must understand that the country is in such a condition because of war that it is indispensable.

I can understand how in the case of invasion or rebellion it might be found necessary to suspend the civil law. Martial rule can take the place of the civil authorities, but only in the case of an actual clash of arms, in which event things can be done unknown to the civil law. The courts are then closed; there is no way of issuing or serving process; no way of collecting debts or imposing sentences by the civil or criminal courts; so that by necessity the civil law being ended and all the activities of the tribunals that expound the law and the authorities that enforce the law being suspended, it becomes necessary for some rule to take its place; martial rule is substituted.

In such circumstances, Mr. President, the authorities can take property without compensation; they can destroy property. It is a well-known principle of warfare that private property can be taken when an invasion or a battle is impending. When property is needed to fortify an army or to throw up works for the public defense, the military can seize the property, can burn it, can in any manner destroy it, and without paying a dollar for it either then or thereafter. Ordinarily, however, where a military engagement is not impending and there is no immediate pressing necessity for the use of the property, it is taken and paid for under acts of Congress or by civil process. It need not be paid for in advance, but it can be taken.

Emergencies, as we all understand, require extraordinary measures. It is not claimed, however, that such legislation as this could be justified on other than war-power grounds. We are constantly exercising war powers in this Capitol; measures have been enacted under war powers granted to Congress that we could not justify, and would not seek to justify, in ordinary times of peace. These war powers are contained in the powers granted to Congress, and they are found in the right to raise and support armies.

In this morning's press reports, Mr. President, there is found an abstract of a claim for additional powers made before the House Committee on Military Affairs yesterday by the Secretary of War. It was there proposed that general powers be vested in the Executive to call to arms any number of men in his discretion. Ordinarily I believe that an army ought to be raised and its limits fixed by congressional action. That power ought not to be delegated to the President. The power to raise and support armies is one of the powers especially vested in Congress. Congress fixes the number and the method of their selection, whether by volunteering or conscription; it provides by revenue bills for the raising of revenue, and by appropriation bills for the money that shall be expended for the support of the Army after it shall have been raised. I only refer to this to show the extreme length to which the abdication of power or its delegation by Congress is sought. We have gone now to the extreme limit. I voted for most of these measures, but I have not voted for some of them in the latter days here, and this is one of the measures I can not bring myself to support.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. Did not the Senator understand the statement of the Secretary of War merely to mean that, within the limits authorized by Congress, the administration might be permitted to make the selections or call for the number of soldiers as provision could be made for their transportation and for their equipment?

Mr. SHERMAN. I should like to believe that that was the sole purpose of the application made to the committee.

Mr. KING. If the Senator will pardon me, I know some little about the situation, and my understanding is that the purpose of the Secretary of War was, after Congress shall fix the number of soldiers that shall be raised, that it shall be left to the administration, to the War Department, to call for that number as ships may be provided and as we shall be permitted to equip them.

Mr. SMOOT. Mr. President, will the Senator from Illinois yield to me?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the senior Senator from Utah?

Mr. SHERMAN. Yes.

Mr. SMOOT. I wish to suggest to the Senator from Illinois that that power is already contained in the existing law under which Congress only provides the ultimate number of soldiers that can be called into the service. I think the Senator was correct in the statement he made that the law now proposed, if I remember correctly, gives the President the authority to call any number of soldiers into the service.

Mr. SHERMAN. Within the age limits of 21 and 31.

Mr. SMOOT. Within the age limits; that is as I understand it.

Mr. SHERMAN. Unless some additional legislation is required, I can see no reason why the Secretary of War should have made the statement to the House committee that he did. It was made with the idea, as I understand, of delegating further powers.

The war powers are well understood; they extend not only to the raising of armies, but to all the supplies that are incidental to the support of armies. They can go even further; they can be applied to protect the Army even in peace areas, in all of the camps, cantonments, garrisons, or coast defenses, forts—in fact, at every place where there is a force of the United States stationed; they can be applied to all naval stations and naval craft, to everything that is connected directly or indirectly with the Navy.

I repeat, the war powers are well understood; there is no controversy here, I apprehend, between those who oppose the conference report and those who favor it in regard to the execution of war powers or in the delegation of war powers to the Executive. I believe, however, there is a well-grounded controversy in regard to the surrender by Congress of war powers that it ought properly to keep.

They are the war powers exercised by Congress that are of a discretionary character, but dependent upon our republican form of government to justify and measure the extent of their exercise. How much money shall be levied? How much shall be collected in revenue bills? How much shall be appropriated by the supply bills for the Army? When shall we extend the draft age beyond 31 years, or when shall we drop it below 21 years? Shall we extend the draft age to 50 or 60 years? Those are matters of legislative discretion. In the exercise of the power to raise and support armies both the levying of taxes and the drafting of men are discretionary matters with Congress. No appropriations that Congress may make for raising and supporting armies can extend, however, for more than two years. That takes it up to the general election. It is with a view of constant consultation with the source of political power

in this country that this restraint is placed upon Congress. It ought not to be delegated to another. The House of Representatives, the source of revenue bills, expires every two years, which is in keeping with the salutary principle that we shall not go beyond this period in the exercise of the great powers of taxation upon which armies ultimately depend for their maintenance. This is only saying that the American people exercise their right of free government by recurring elections. In exercising that power we have passed what is commonly known as the conscription act. Within the limits of 21 and 31 years men subject to military duty have been registered. The extent to which they shall be called into service is a matter of congressional discretion. That power can, it is true, be delegated to the Executive and, under certain conditions, ought to be delegated to the Executive; but at present, with no greater speed, with no greater accounting for powers already delegated than we can find before the Senate, I do not think we are justified in delegating further powers to the Executive at this time, nor are we justified in further blanket legislation appropriating money, in view of some expenditures which have not yet properly been accounted for.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. SHERMAN. Yes.

Mr. WALSH. I rise to a parliamentary inquiry. What is the matter before the Senate?

The PRESIDING OFFICER. The conference report on the espionage bill is before the Senate, and the question is on agreeing to the report.

Mr. WALSH. In view of the discussion, I was afraid it had been displaced by some other business. I am measuring the probable exercise of power asked by the use of that already granted and its enlargement proposed.

Mr. SHERMAN. Mr. President, under the provisions of the pending bill the further delegation of power is to the Postmaster General. It is an Executive power, because it at last is exercised by an appointee of the Executive. It will only be in addition to powers that have already been granted. There is an espionage act that has been in force for some time, to which this proposed law will be an amendment. If the espionage act were enforced, I think it would prevent a great many of the complaints which are made of various imprudent actions, to say the least, of citizens and aliens.

Mr. President, there is in the press reports this statement from the officers of the Department of Justice in Chicago:

> From now on anyone who "does anything willfully" with the obvious purpose of interfering with the proper functions of the Government in the prosecution of the war can be arrested and, what is more, can be convicted. "We can fill the jails," said one operative. "It is just what we have been waiting for. It gives us the power we have lacked."

In Chicago to-day William D. Haywood has an office at 1001 West Madison Street, as I remember, and he has been there for some time operating for the I. W. W. He is sending out great quantities of literature, and, as already stated, that literature no one questions is highly seditious in character. It is not only intended to give aid and comfort to the I. W. W., but it is directly intended to hinder the Government in the prosecution of its war purposes and in the exercise of its war power.

In addition to that, a gentleman who has recently been to Washington, and I think appeared before the committee not many days ago—yesterday or day before yesterday—Mr. Townley, has uttered and has spread broadcast in the Northwest more seditious sentiments than the I. W. W. operating out of Chicago. Mr. Haywood is subject to arrest. He can be checked and punished, if the district attorney of Chicago would invoke existing laws. He claims that further legislation is necessary. So do the State authorities. They say that no convictions can be had. That must be, then, because there is an entire absence of evidence, or of such evidence as would convince a jury that a conviction is justified.

Mr. Townley is responsible for the language which I am about to read. Instead of arresting him on such language, instead of stopping him, even after the espionage law was passed—it has been in force since last fall—he has been running at large, uttering his sentiments at pleasure. He is in Washington. He has abused his liberty and his citizenship. He is under indictment for arrest now but not under any act of Congress or as a result of any prosecution by a Federal officer. He is now being prosecuted under the State laws of Minnesota. Mr. Townley used this language on the 8th day of July, 1917. It is worse than anything used by the I. W. W. He has never apologized for it or retracted it:

> We have been dragged into war by the American autocracy, dragged into a war we did not want, and we are told it is a war to liberate the people from the control of autocracy. We are about to send millions of our young men over to Europe to fight the German autocracy—

I regret to use this language, but I put it in the CONGRESSIONAL RECORD—

> while the big-bellied, red-necked American plutocrats, ten times worse than the German autocrats, coin the blood of our young men into profits for themselves, we are about to send our soldiers over to fight the German autocracy, who charge their people $8.50 per barrel for flour; we are sending them over to fight for the American autocracy, who charge the American people $17 per barrel for flour. You are about to have these young fellows drafted into the Army, and they will be sent over to Europe to fight. They will have their legs shot off—

And then he enumerates various of the hardships of military service, which I will insert at the conclusion of my remarks, without reading, but repeating that—

> American plutocrats continue to obtain their extortionate profits of $4,000,000,000 per year while loudly shouting that this is a war for liberty and democracy.

This same offender, Mr. President, was taken by the censor of publicity, Mr. Creel, to various Federal officials, in order that he might interview them, and assure them that he was a good American citizen now. He may be granted absolution for his sins by the public authorities; but the man who, on the 8th of July, 1917, at Buffalo Lake, in Sargent County, N. Dak., delivered himself of these sentiments, at heart was not a good citizen, whatever promises he may make now, however plausible may be his denunciation of others, however much he may accuse others of falsehoods. Mr. Townley is on record not only in this extract from his speech but in many others as a seditious character himself. As I stated a few days ago, he was five times on the platform with Frank Little in the State of Montana. He was there for seditious purposes. He was caught in the company of the I. W. W.'s in that State. They were engaged in disturbances of the public peace. What they did is well known in that State. Mr. Townley's connection with their seditious and murderous plans is not so well known.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. Is this the same Townley who is the president of this new league, the Nonpartisan League?

Mr. SHERMAN. Yes, sir.

Mr. KING. And the man who is attempting to organize the farmers in the United States?

Mr. SHERMAN. Yes, sir.

Mr. KING. Do those who are the members of this organization know of his criminal utterances, his disloyal sentiments, and approve of him and still retain him as the leader and president of their organization?

Mr. SHERMAN. Yes, sir; he is the same one, I will say to the Senator from Utah.

Mr. KING. It would seem to indicate that the members of this Nonpartisan League are disloyalists at heart, and are putting forth as their representative a man who ought to be in the penitentiary.

Mr. SHERMAN. I think the Senator is correct; and I think many of the members of the Nonpartisan League, upon a discovery of Mr. Townley's conduct and his affiliations in very recent times, are withdrawing themselves from that organization.

Mr. President, the extract which I have read is signed by 17 persons. I suppose every Member of the Senate has a copy of it. It bears the marks of being one of numerous carbon copies made. The men who signed this are farmers, merchants, druggists, and physicians at different points in North Dakota.

It has become quite popular to shock audiences by statements of a radical character, and this applies to the present war; it applies to certain business men in the United States; it applies to some of the authorities. It reflects upon every Member of Congress who voted to declare war, to raise and support armies; it reflects upon the President; it reflects upon all his Cabinet, especially upon the Secretary of War and the Secretary of the Navy. It is in an existing controversy, a war with a public enemy. Remarks of that kind and their repetition, their introduction into the mails of the country, directly tend to interfere with the progress of the war. They tend, in the language to which I have no objection applied in that particular instance, to cast contumely upon or bring the United States Government into disrepute.

I dislike to be specific in mentioning names, but a week or two ago it became necessary, according to my lights, to do so, and accordingly I did. I do not pursue this course in the Senate voluntarily, but because there is no other way to reach the evils which I regard as calling for public criticism.

If Mr. Townley should be arrested under this bill, if it should be enacted, how would he defend himself? For instance, I am in receipt of a letter on the arrest of Theodore B. Pape, a lawyer in good standing in Quincy, Ill. I think he is of German parentage. He is of the majority party. He was arrested un-

der existing law. He would not buy any liberty bonds. He said he hoped or believed that this war ought to end in a draw between this country and Germany. For that he was arrested and is now under bond. He defends himself by saying that in 1916 he supported in his political efforts a certain ticket because the party it represented had kept us out of war, and that he believed we ought to preserve a strict neutrality; that he himself, in refusing to buy liberty bonds and in asking that the war end in a draw, is only carrying out what he voted to carry out in November, 1916. I think he is wrong. Conditions have changed since then, but it is characteristic of a good many of our German friends that they change their attitude slowly. Mr. Pape can not adjust himself to the newly organized forces of democracy. He is a victim to his inability to change rapidly, to say the least of it. He does not change his opinions with that degree of facility and with that rapidity that his chief did, in whose word he placed reliance and whose ticket he supported. That is his claim. I think he is wrong about it. He must adjust himself to the declaration of war made in Congress and to the execution of war powers pursuant to that declaration.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. REED. My attention has been diverted from the remarks of the Senator, so that I am not sure that I followed all he was saying; but I understood him to read a statement purporting to set forth the language of Mr. Townley, uttered at some meeting in one of the Dakotas.

Mr. SHERMAN. In North Dakota.

Mr. REED. Mr. Townley appeared before the Military Affairs Committee on, I think, the day before yesterday, and under oath denied the truth of a number of newspaper statements which were read to him, and I think that among those statements was the one the Senator read or one very similar to it in terms. Mr. Townley claimed that the press had deliberately misrepresented him. I hold no brief for Mr. Townley; but I know that the Senator from Illinois, if he had been advised of the fact that I have just stated, would have stated that fact in connection with what he has said.

Mr. SHERMAN. Yes, sir. He is entitled to the benefit of the denial, and to be heard at proper times and places. I assume that the Military Affairs Committee in due time will report the evidence taken in its hearings, so that it may be accessible to the general public.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. Notwithstanding he may have so appeared before the committee and have so testified, if he was with Frank Little in Butte and appeared upon the public stands with him and supported the activities of the I. W. W. in Butte or elsewhere, then he deserves all of the condemnation, and more, that was bestowed upon him by the Senator from Illinois.

Mr. SHERMAN. Yes, sir; I agree with the Senator.

Mr. REED. Mr. President, will the Senator yield?

Mr. SHERMAN. Yes, sir.

Mr. REED. I think the record of the Military Affairs Committee will show that I pretty severely cross-examined the gentleman, and no reasonable man will go further than I would go in condemning any man who utters the sentiments that have been attributed to Mr. Townley; but, of course, no fair man would convict him for uttering those sentiments if, in fact, he did not utter them, and I thought it was only fair to say what I did to the Senator from Illinois. As to whether he is a member of the I. W. W. or not I do not know. As to whether he is a good man or not I do not know; but I would not convict him for uttering these expressions because he had done something else, and neither would the Senator from Utah. I simply thought I ought to say what I did to the Senator from Illinois.

Mr. SHERMAN. Mr. President, the hearings before the committee can ascertain the weight of the evidence finally. The 17 men whose names are attached to this statement, however, say that all of them heard this speech made. Among them is A. N. Cariblom, who at one time was the auditor of the State of North Dakota. He certainly would not have his name attached to a statement of this kind without being duly advised of the truth of it. These 17 men, however, can be brought before the committee, and it can be ascertained whether this statement is true or false; and in justice to Mr. Townley, who is entitled to justice along with the rest of us, the matter ought to be pursued to a conclusion, so that it may be ascertained where the weight of evidence is, and that the truth may be known concerning Mr. Townley. I have no desire to do him an injustice.

I have called attention to these things that he has said that have been well authenticated so far as I can judge without interviewing witnesses myself. Newspaper men from St. Paul, Minneapolis, Stillwater, and various other points in Minnesota, have written me that they have attended his meetings, and they have vouched for the accuracy of seditious remarks made by him similar to the ones I have read. So when the hearing is finally determined in all probability there will be a considerable volume of testimony on Mr. Townley's alleged seditious statements.

I referred to the defense, which I think is entirely unjustified, set up by the gentleman referred to at Quincy, Ill. In addition to that I read from an address made October 16, 1916, at Jersey City, N. J., by the Secretary of War. The Secretary says:

> Some people say they can not understand the President's Mexican policy, and I want to tell you why. They have forgotten our own history and the Declaration of Independence, and the President has not forgotten either. Why are we impatient at the Mexicans? We say they do not respect the lives and property of our people. Perhaps they don't. We say they do not pay their honest debts. They don't. We say they are a ragamuffin lot. We say their money is not any good. That is true. It is only worth two or three cents on the dollar. We say they do not respect church property. That is also true.
>
> The amazing thing is that people never respect these things in a revolution. We had a revolution, and from the beginning to the end of that the conditions in this country were so like Mexico that it is perfectly astounding to read.
>
> Washington's soldiers, in the march to Valley Forge, stole everything they could lay their hands on. They stole the silver vessels from the churches and melted them up to buy drink; they drove ministers of the gospel and preachers of churches out of their churches and out of the country. The money of the Confederation was so worthless that when they tried to make merchants take it the latter hid their provisions in their cellars.

On the 23d of December, 1777, Washington reported to Congress that 2,898 men were unfit for duty because they were barefoot or otherwise naked. Only 8,200 men were present for duty. It is estimated that 3,000 men perished on these hills during the six months of the encampment, while in the 26 principal engagements of the Revolution the number of killed and wounded did not greatly exceed a total of 9,000. Three thousand perished on the hills alone. These are the men of Valley Forge, in the winter of 1777 and 1778, of whom the present Secretary of War says that "they stole the silver vessels from the churches and melted them up to buy drink; they drove ministers of the gospel and preachers of churches out of their churches and out of the country."

Let me read this provision of law, which is just about the same as the provisions in all the State laws on slander and libel. Most of the State laws on criminal libel have practically the same provision:

> A libel is a malicious defamation, expressed either by printing or by signs or pictures or the like, tending to blacken the memory of one who is dead or to impeach the honesty, integrity, virtue, or reputation, or publish the natural defects of one who is alive, and thereby expose him to public hatred, contempt, ridicule, or financial injury.

Under the ordinary definition of a criminal libel any descendant in blood of a soldier or officer of Valley Forge would have a right under such a statute, if the language was repeated in the State where that is the law, or in any other State having a similar law, to bring a prosecution for criminal libel against the Secretary of War for that utterance. How can we blame the Townleys, how can we blame the Haywoods, how can we blame the Victor Bergers, how can we blame the I. W. W.'s in the hop fields of the coast, in the wheat fields of the Northwest, in the cornfields of the Mississippi Valley, in the autumn husking season, when they deliver themselves of their diatribes against the law and order of communities or when they speak of the soldiers living when the Secretary of War speaks of the soldiers dead in such language? Such language as Townley's, which he is alleged to have uttered of the war, and of Secretary Baker ought not to be used either of the living or dead.

Mr. President, there is a very great latitude, and properly so, in campaigns. This utterance was made in the campaign of 1916 in the State of New Jersey. I apprehend that it produced no immediate results favorable to the speaker. Such things usually bring their own punishment, and nobody makes any complaint about it. I only allude to these matters to show that those who now are very great sticklers for the amendment of the law so that the truth can not be told, even with good motives and for justifiable ends, propose to apply to everybody in this unhappy state of public affairs a rule which they themselves have never observed.

I think every one of the 48 States in the Union has in its bill of rights a provision similar to the one which I shall now read:

> Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

These are criminal libels that are referred to in the pending bill. Whenever there is a prosecution it will be by criminal process, on indictment by a grand jury, because the punishment may extend to confinement in the penitentiary. It is a crime which, when a defendant is convicted, is denominated an infamous offense. Mr. President, it is well known that the first 10 amendments to the Constitution were adopted very soon after the formation of the present Federal Government. They were adopted in pursuance of a common understanding with the ratifying States. Some States of the original 13 were reluctant to ratify the Constitution. They were jealous of their local State powers; so there was an understanding that this series of amendments would be made in the event they ratified the Constitution.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Mexico?

Mr. SHERMAN. Yes, sir.

Mr. FALL. Before the Senator leaves the point upon which he has just been addressing the Senate, I will state that I have listened with a good deal of interest to the extracts which he has read into the RECORD from the remarks of the Secretary of War, and I should like to ask the Senator a question. He is now discussing the conference report upon H. R. 8753, which act itself provides a penalty of $10,000, or imprisonment for not more than 20 years, for willfully uttering, printing, writing, or publishing, among other things—

> any language intended to bring the * * * military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute.

If this act were now a law and the Secretary of War would repeat the words he, I understand, uttered, would he, in the opinion of the Senator, be liable to punishment under the terms of the act for uttering words calculated to bring the Army of the United States into contempt and scorn and contumely or disrepute?

Mr. SHERMAN. He would be entitled to a jury trial.

Mr. FALL. And the bill provides for a jury trial, of course.

Mr. SHERMAN. He is liable to indictment. Such language directly tends to bring the Government of the United States into disrepute. I do not think he will be prosecuted.

Mr. FALL. I will say to the Senator it is a fact that, in my judgment, he could be prosecuted, and that is one of my reasons for supporting this bill.

Mr. SHERMAN. I do not think he would be prosecuted, because I do not regard the present Attorney General of the United States as a vigorous prosecutor.

Mr. GALLINGER. Mr. President, will the Senator kindly read once again the utterances of the present Secretary of War which the Senator quoted?

Mr. SHERMAN. Yes, sir. I regret that such an utterance was ever made. I want to preface the rereading of it by saying that in the Continental Army, upon reading the confidential reports, it appears that like all other armies there were a few improper characters found in the service. They were court-martialed, they were sent to the guardhouse for larceny, for drunkenness, for various offenses, but that these lapses of an occasional kind, an exceptional character, were such as to justify describing the men at Valley Forge in such language there is no historic proof. If that were in a school history, how would it be regarded in any part of the Union? Who would want to read it? Who would wish it taught to his children? I remember in the steel vault at Albany, N. Y., some of the memoranda and writings of George Washington, one in particular, which contains his opinion of his generals. It was preserved in that form so that in the event of his death, because he took risks, he was under fire, those who succeeded him might have the benefit of his knowledge of his generals. In that is the statement about "Mad" Anthony Wayne. All of you who have read it will remember, without my going into details, his opinion of Gen. Wayne as a brave officer, and without quoting some parts of it, however, one who always needed some one to exercise over him discretionary and supervisory power. He went through analyzing the characteristics of others of his generals. Those were matters that ought not to be published in any school history or any general history of the United States. I would not even quote here so as to incorporate in the CONGRESSIONAL RECORD the substance of some things he said about his own generals. But that is the exception to the general rule of the men whom he gathered about him to fight the Revolutionary War. To make that a pretense for a general charge against all the officers of the Revolutionary War would be a gross libel upon their memory. It would be in addition to that, Mr. President, a lapse from the duty of any good citizen of this country. With this preface I read this language:

> Washington's soldiers in the march to Valley Forge stole everything they could lay their hands on. They stole the silver vessels from the churches and melted them up to buy drink; they drove ministers of the gospel and preachers of churches out of their churches and out of the country. The money of the Confederation was so worthless that when they tried to make merchants take it the latter hid their provisions in their cellars.

What they needed, then, was a food administrator, Mr. President.

Mr. GALLINGER. If the Senator will permit me——

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I have seen it repeatedly stated that the present Secretary of War is or was a pacifist, but I did not know before that he had gone the length the Senator quotes him as having gone in denunciation of the Army fighting under Gen. Washington.

Mr. SHERMAN. He loses no opportunity to oppose war, even in a revolutionary cause which resulted in the founding of the Government under which we are now living here. He undertook to justify the Villa banditti of Mexico by the outrageous statements read that a Mexican bandit and murderous robber was no worse than Washington's soldiers at Valley Forge.

The Senator from New Mexico [Mr. FALL] spoke of prosecutions. There will be no prosecutions whatever the merits of the controversy might be. The Attorney General does not prosecute under existing law with that pertinacity and vigor that ought to mark a great prosecutor representing the punitive branch of the Federal Government. He either does not well understand the criminal laws of this country or he exercises a degree of color blindness when he approaches offenders.

I shall not insert in the RECORD these matters, but the assistant district attorney in Tennessee was recently removed from office. I suppose it will stir up a great controversy, but I do not care to pursue it. I am only stating the fact as it has occurred. He was removed, whether rightfully or wrongfully I shall not stop to inquire. He had been active in collecting evidence and presenting charges against the publisher of a newspaper known as the Nashville Banner. Because of his activity in presenting charges against the owner and publisher of this newspaper as an alien enemy, as he regarded him, he was, as he says, removed from office. No prosecution has ever been had of the editor of this newspaper. No prosecution will be had. The evidence would tend to show that he is an alien, that his utterances previous to the declaration of war were friendly to the nations now a public enemy. Because of this investigation by the assistant district attorney I think the proof before me shows he was removed upon the demand of the newspaper man referred to. I only allude to this, not for any purpose at this time of doing more than serving a purpose in pointing the moral and adorning the tale of prosecutions in the United States. If it should be proper at some future occasion when the issue is raised, it probably will be examined in due form and hearings had, if the Senate should regard it as worthy of that investigation.

These amendments, the first 10 to which I alluded a while ago, were in pursuance of a common understanding by the ratifying States that similar amendments would be presented and ratified in due time. Amendment No. 1 says:

> Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Those are a very formal sort of rights. We read them over and think very little of them. They are like the air we breathe in this country. No one ever questions them until they are denied to us. We would never understand fully the benefit we derive from those apparently simple provisions, like the air that comes to everybody who needs it, every living person. We never appreciate it until it is withdrawn and then we suddenly learn that it is the breath of life. So these apparently simple provisions which go with us as a matter of course we seldom understand until the rights guaranteed fail or are withdrawn, and then we understand that they are the very breath of civil liberty and of free government.

Mr. WALSH. Will the Senator yield?

Mr. SHERMAN. Yes, sir.

Mr. WALSH. Recurring to the removal of the Tennessee district attorney, the public press at that time, a few days ago, announced as I read the article that the district attorney had been removed because it was thought he had not been sufficiently vigorous in prosecutions under the espionage act and other acts connected with the war. I want to inquire of the Senator from Illinois if he read the statement in the papers, and if the Senator is in a position to tell us which of the two stories is correct.

Mr. SHERMAN. I would not undertake to state. I think that is a proper matter for the Judiciary Committee of the Senate to investigate.

Mr. WALSH. Let me inquire, then, why the Senator saw fit on the floor of the Senate to give the other version of the matter and not to advert to the fact that the public press of the country announced that he was removed because he had not been sufficiently vigorous?

Mr. SHERMAN. I know that was the charge. When the Senator asks why I did not refer to it, I apprehend that Mr. E. B. Stahlman, the newspaper man referred to, will, if a hearing is had, present the charges against the assistant district attorney of Tennessee, Mr. Campen.

Mr. WALSH. I do not care to pursue it further, but I was curious to inquire why the Senator overlooked the public press statement of the matter and gave what appeared to be the reason assigned by the man who had been removed.

Mr. SHERMAN. I was quite sure that before the controversy was ended in the Senate Mr. Stahlman or others would be heard from and the Senator's curiosity gratified. I thank the Senator for bringing up that view of it. The press reports that were made soon after said that Marvin Campen, as I remember, was removed because he was not sufficiently vigorous in prosecution. Mr. Campen, from documents I have in my possession, says that he was removed because he presented reasons why Mr. Stahlman himself was an alien and a naturalized resident of the United States and was not in sympathy with the prosecution of the war either before or since the declaration of war. For that he says that he was threatened by Mr. Stahlman that he would be removed, and his removal followed thereafter in due course. That is his statement, but whether it would be sustained by the evidence at the hearing is a matter that, if it should come before a committee, can be attended to as other disputed questions of fact are.

Mr. WALSH. Mr. President, another question. Does not the Senator think that the statement by him on the floor of the Senate of the reason assigned by the officer who was removed is calculated to leave upon the public mind the impression that the Department of Justice is not as vigorous as it ought to be in ferreting out those who are guilty of disloyal utterances?

Mr. SHERMAN. Yes, sir.

Mr. WALSH. Does the Senator think that he ought, upon the evidence he has given, aid in instilling in the minds of the public that impression?

Mr. SHERMAN. I do. I think I am justified in saying all that I have said and much more.

In addition, if the Senator will permit, I do not want to exhibit any ex parte unfairness, but I communicated with the Attorney General myself on some matters that I thought required attention. I will refer to them in a moment. Whether any statement I may make here would carry any weight in Tennessee or not, I do not know.

I have made a number of statements here probably contrary to the traditions of the Senate, contrary ordinarily to my own custom of late years. I use the names of persons. There is no way that I know to get results unless I speak the names of the human agencies. Now, whether it produces any results, I do not know. I only know that a number of infuriated, excited gentlemen got together in my home town last Sunday on the south side of the courthouse—several thousand of them, it is claimed—and passed resolutions to the effect that I was entitled to no credence. Evidently I produce no very satisfactory impression upon that multitude. It might have been satisfactory from their viewpoint, but from my viewpoint, in producing convictions, it has exactly the opposite effect from what the Senator from Montana had hoped.

I have been denounced by very many of them in years past, and I am probably not supersensitive to criticism from that source. My epidermis has received a toughening process from other like resolutions from these gentlemen and their associates. I have had no very exuberant hope that I would convince them even when I made the statement about them, but it was about these same gentlemen and it is in that connection that I communicated with the Attorney General, and from which in part I received the impression to which I gave utterance a while ago, that he is not just as vigorous in prosecution of offenders, especially where remedial justice would be served by apprehending some who contemplate, or say they contemplate, the commission of crime in certain localities.

There are in the soft-coal belt I referred to about 100,000 soft-coal miners. Nearly all of them, the greater part at least, are unionized. These mines produce the fuel for a very great industrial community. I think the bituminous coal tonnage produced in that area exceeds that of any soft-coal area in the United States. The greater part of the power generated in Chicago, in Moline, Rock Island, Davenport, Canton, Ill., up and down the Mississippi Valley for manufacturing purposes is derived from this coal belt, and as well some of the manufactories in East St. Louis and a great deal of the manufacturing in St. Louis across the river in Missouri are furnished from this coal belt. A strike is disastrous.

The man who is the chairman or president of the Illinois Federation of Labor is active, I repeat in spite of his vociferous denials on various occasions, in encouraging strikes. Referring to various strikes that have taken place in the past, in which cold-blooded murders have occurred of not less than 40 men, coal mines have been dynamited and destroyed, and a very large amount of property destroyed. I have documents in my possession with his name signed to them calling upon these men to remember the same methods they used in putting other of their employers out of business in years past. I have reports from a credible agency of more than 25 witnesses of actual conditions in that area of men and women, of hack drivers, plumbers, coal miners, firemen of railways, firemen in the municipal department, firemen of various factories in that area where they say they are only waiting for a favorable opportunity to renew the sympathetic strike.

These statements were made before this document I have in my possession was signed by the president of the Federation of Labor. The matter is one that can easily kindle an explosion. I have seen on three occasions strikes in this area. They are of a peculiarly vindicative and bloody character. They are destructive, and on three occasions martial rule was declared by the governor, and as high as 5,000 troops drew a cordon around the affected area to restore order.

With matters in this surcharged condition, with the public atmosphere in that condition, this statement was made encouraging these men to promote and practice another strike with all the attendant disorders.

There are in this area and dependent upon this fuel a great many factories. They have war contracts. From military vehicles in Rock Island, the arsenals and the island of Rock Island, and the Mississippi River carload after carload of coal goes from this area into that plant for the generation of power. From the vehicles in and about Moline and Chicago, motor trucks are sent to France, gun carriages made, the artillery that is in course of preparation to be used upon our allies' front is made from power generated by this coal. I consider in the exercise of a war power alone that a strike taking away fuel from this needed industry, a strike stopping this production of the war munitions, is of itself a direct interference with the preparation or with the support of the Army and Navy of the United States.

I think under existing law the authorities familiar with those who interfere with our Army in that way, whether they be members of labor unions, whether they be dishonest contractors, or whether they be seditious men upon the platform in this country, can all be dealt with, and they all ought to be dealt with. I called upon the Attorney General and presented him these reports, stating the conditions, and asked him to take action through his authority. The reply which I have in my files is that the department does not think anything can be done. Following on this failure, which I communicated to those interested in contracts and in keeping the peace in this area, they appealed to the governor. The lieutenant governor of the State appeared here when this act was pending before it went to conference. He came from the Attorney General's office and said that something had to be done, that they could not preserve the public peace, and asked me to lend myself to the passage of this original measure. I gave the answer to him that I gave on the floor here some days ago. I told him to go home, as far as I was concerned, and tell the officers of the State, beginning with the governor, to exercise their lawful powers and preserve the peace by the State authorities. I said further, if I was in the governor's office there would be peace there or I would know the reason why; that I would exhaust every able-bodied man in summoning a posse that there was in that State. I said, "You do not need more laws; what you need is enforcement of the ones you now have."

Mr. WALSH. Mr. President——

Mr. SHERMAN. I yield.

Mr. WALSH. Will the Senator kindly tell us under what law he thinks that prosecution could have been conducted by the Federal authorities?

Mr. SHERMAN. Interference with the armies.

Mr. WALSH. Can you give a reference to the statute?

Mr. SHERMAN. No, sir. I can find it for you. It is a war power as well as under recent acts of Congress.

Mr. WALSH. The Senator can put it in at any time. It could not have been the espionage act, because he was opposed to it when it was before the Senate, and he is opposed to it now.

Mr. SHERMAN. I will do so. The war power punishing interfering with the Army is already in the espionage act. It is

already in sections 1342 and 1343 of the statutes, in which the Army and Navy are protected. I was not opposed to that, because it was passed before I was ever in Congress. It deals with the interference directly with supplies going to or the movements of the Army. I think it could be dealt with by court-martial even under existing law under section 1343 of the Revised Statutes. The threatened action to which I directed the attention of the Attorney General could have been reached under section 4 of the food and fuel administration act, which has been effective since August 10, 1917. That section says:

> It is hereby made unlawful for any person * * * to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for * * * producing * * * any necessaries; (b) to restrict the supply of any necessaries.

Coal is a necessary element of fuel. To limit its production is a direct violation of the law. Still the Attorney General could find no law to punish those who promoted strikes and stopped coal production.

These 10 amendments that were made immediately following the creation of the present form of government contain several of the guaranteed civil rights of a citizen of the United States. Suppose it were proposed here that we repeal the right by an act of Congress, or abrogate it, rather, of the people peaceably to assemble. It is war times, it is said, and we ought not to have the right to assemble; it might lead to seditious multitudes. Suppose we petition the Congress to nullify or abrogate the right of petition, constantly exercised as one of the routine orders of business in this body. Is there any occasion for it at this time? If there is no occasion to abrogate the right peaceably to assemble and the right to petition for a redress of grievances, there is no right therefore to interfere with the freedom of speech or of the press. They are in the same amendment. They are a part of the same guaranty. They are an essential element of the civil liberty of the American citizen, and if one is to be taken away then all of them can as well be taken away. I can understand upon certain conditions, if the civil law were suspended and we were living under martial rule, that all constitutional guaranties would end until the resumption of civil government.

The law of the camp would be the law of the land when the Constitution ceased its protection.

There is only one occasion, Mr. President, when a right can be suspended by Congress, when, in the absence of martial law, a civil or a common-law right can be taken away. We can suspend the law of habeas corpus. I have always inclined to the view that that writ of common right or any other common-law right ought not to be suspended except by an act of Congress, and not by an Executive order. So long as civil authority is paramount in territory subject to the jurisdiction of the Constitution there can be no suspension by the Executive. These rights guaranteed by the Constitution must remain. They can be suspended, not by an act of Congress, but only by an invasion or a rebellion of that character which suspends civil authority in the territory concerned. Then all these civil guaranties that preserve the liberty of the citizen are at an end.

I have gone through a good many losing fights in smaller jurisdictions, and I am prepared to see this voted through in the way the conference committee has reported it. I am not possessed of any abounding enthusiasm or faith in what the Senate will do so far as rejecting the report is concerned. I am only making these observations in pursuance of what I consider a duty, to state the views of myself and my colleagues who are of a like opinion. Mr. President, it seems to me if we suspend these rights or attempt to do so by an act of Congress we ought to inquire what the limitations on our power are. We have no right by law to establish religion. A State may do so by its constitutional law or by a statute if it wishes. It might create a State church; that is its local affair; but Congress can not do so. That is a limitation. Immediately following a prohibition of the exercise of the power respecting the establishment of religion follows a prohibition on Congress of restricting the freedom of speech or of the press. That being a limitation upon Congress, it necessarily leaves any restriction upon the liberty of speech or of the press in the hands of the States. The only way we can justify any such power here, Mr. President, is under the exercise of the war powers of Congress. In the exercise of the war powers I believe we can prohibit the use of language that casts reflections upon the form of government, the Constitution, the Army, the Navy, the uniform, and the flag. I wish to inquire a moment, under the language of this bill as embodied in this conference report, what it is when it comes to a matter of evidence—and that is the way all these matters finally come in the enforcement of penal statutes—what as a matter of evidence would be regarded as anything uttered or printed that is contemptuous or abusive about the form of the Government of the United States, the Constitution of the United States, or the military or naval forces?

Abusive language relative to the form of government is likely to be construed to be an attack upon republican government or upon free popular government. Conceding that is what it means, then a mere criticism of the Government in its details of operation would not of itself be an offense. The bill continues, further, that the Constitution must not be reflected upon in contemptuous or abusive language nor the military or naval forces.

When we come to the military forces, Mr. President, what would be contemptuous or abusive language about the military forces? Who decides it? When it comes to a postal matter, the Postmaster General decides it, and from him there is no appeal in a practical sense. A week or a month or several months must elapse before a final hearing could be had setting aside any unjust orders he made, and in that time bankruptcy and ruin would be inflicted upon a newspaper publisher or the publisher of a magazine or a periodical. Would I be allowed, Mr. President, to say what I have said on the floor of the Senate about the Secretary of War? All these laws must in some way be enforced. I am as ardent in my desire to see this war conducted successfully as is the Secretary of War himself. The criticisms I make are because, as I think, they are not conducting the war in the most efficient way; the criticisms are meant to be and are constructive criticisms. What would be contemptuous or abusive language about the Secretary of War? How far could I go? What could I say? What suggestions could I make? What errors could I recite? What constructive criticism would be allowed before I would be charged, if I were merely outside of the Senate Chamber, with using contemptuous and abusive language about the military forces of the United States? Must I be held to speak of those forces in the aggregate, as a unit, as an entirety, or if I speak of a division or of a brigade or of a regiment or of a company or of an officer or of the officers in the aggregate, or if I speak of the Secretary of War critically alone, am I then using, according to the interpretation of those charged with the execution of the law, contemptuous and abusive language?

No one would question what would be contemptuous and abusive language about the uniform. For it we have a reverence and a respect, as we have for the colors themselves; but if we criticize the method in which the war is being conducted, sometimes by fallible human agents, would it not be said that necessarily the inference is to reflect by construction abusively or contemptuously upon the Army, the Navy, or the uniform or the flag? That is a question of construction. Constructive criminal libel would be a doctrine similar to constructive treason in the arbitrary rule of the early Kings of England. I would greatly like the Senator in charge of the bill, the very capable Senator from North Carolina [Mr. OVERMAN], to say, if he takes occasion to comment upon the bill, whether a criticism of a military officer or of the Secretary or Assistant Secretary of War or of any military authority—a criticism that is true, based upon a desire to improve the service—would be regarded as contemptuous and abusive in the language of this bill? I am interested in that. I make the inquiry; and I hope to be enlightened by the Senator from North Carolina before this discussion closes.

Again, there is this further provision in the bill to the effect that no one shall use language that will incite or provoke or encourage resistance to the United States. How shall that be construed? If a Senator—one outside not being a member of the Committee on Military Affairs—should say on the platform what has been said here on airplane construction as to the expenditure of money and the surprising lack of adequate results, would not that be regarded as something that would incite resistance to the United States? That information taken to Germany, to say nothing of our own citizens; that information carried to the public enemy, would in all probability incite stronger resistance by the inability shown to produce results with an astonishingly large sum of money. That is the truth, told with the motive of preventing the repetition of such expenditures and the loss of priceless time; is not that a good motive, and is not any good citizen justified, if that be true, in saying so, and calling upon the authorities who have power in this matter either delegated by Congress or inherent by constitutional grants in the Executive to end that condition of affairs? If that were done with good motives, for justifiable ends, and were true, with this stricken out it would render the critic liable to fine and imprisonment, or possibly both.

That brings me, Mr. President, to the statement that these are all governmental matters; they are subjects that concern the administration of government by people who have certain inalienable rights protected by constitutional guaranties. There is no such thing as a hereditary Executive in this country, nor

is there a House of Lords. All of the Members of the other branch of this Congress go through the process of the ballot box every two years. It corresponds with the members of the House of Commons. The Senate is now elected by the direct vote of the same voters who in the 435 districts in the United States elect the Members of the other House. With matters in that condition, our Executive is elected every four years. It is a Government that, therefore, essentially is public in character, and one that is popular in its exercise, because it appeals to the public opinion of the voter in order to effect any changes that are supposed to be necessary for the public welfare. Therefore these questions become political in character. I am not using the term "political" in its narrow sense; I am using it in its governmental sense. These questions are submitted to those having the right of franchise in the States. They directly appeal, therefore, to the voter to exercise his judgment. To that end all manner of information is proper. The voter is in turn asked to exercise the right of petition here for the redress of grievances. All have a right to refer to the voter and to give him whatever information they think is true in order that he may arrive at a correct conclusion.

The reason why I can not agree with the Senators who support this measure, as my good friend, the Senator from Montana [Mr. WALSH], does, is because we are going back 225 years. In the reign of James II, beginning in 1685 and running up to 1688, these questions all came up. The right of petition, the right peaceably to assemble, the right of free speech and of free press were then struggling in their embryo state. There was before that time, Mr. President, the political offense known as scandalum magnatum. In Germany and certain other autocratic countries it is the same as lese majeste. A subject can not talk about the sovereign; he can not tell the truth about him; the King or a public officer is not a subject of public discussion; his power and authority are derived directly or indirectly from the Deity; he is the vicegerent of God on earth, and no profane tongue may question what he does or indulge in any language scurrilous or otherwise about him; he is hedged about with all the divinity and sacredness that belong to the divine right of kings.

James II belonged to an ancient race of kings in England. No one up to that time could talk about the Crown, and anyone who did so was liable to be prosecuted for criminal libel. About 1685, Mr. President, something happened that is of profound concern to us. I speak of it because it is connected with this bill and with these apparently simple rights that until recently have never been questioned.

If we were attacked, if there was an invasion of our soil, if there was rebellion or civil war, and armies fought here, if there was anything to warrant setting aside the guaranties of civil liberty, I would be as quick to give my individual vote as anybody else in the Senate to that end; but civil government is still in full operation; not a right has been suspended, unless it has been by the lawless and arbitrary conduct of individuals who are themselves creating breaches of the peace. The courts are open; punishments can be inflicted; grand juries return bills; petty juries are impaneled; and the administration of justice, as in the case of Mooney in California, goes on uninterrupted.

About 1685 and 1686 King James II undertook to exercise the power of suspending the laws of England. He suspended an act of Parliament and required all of the clergy of the established church to read from their pulpits his declaration of indulgence. Seven bishops in the district of London signed a petition—it was a mere petition, as petitions are presented here in the Senate—and sought to present it to the King, asking him to release them and the subordinate clergy from the publication in their pulpits of what they regarded as a violation of an act of Parliament and contrary not only to the statutes of the realm but to the British Constitution. They presented the petition and were indicted for criminal libel for even seeking to question the infallibility of the Crown. They were prosecuted by the attorney general. The seven bishops were defended by John Somers, who in that generation was the greatest of British constitutional lawyers, with several associates of lesser fame. They were tried by a jury and by five judges appointed by the King. Their instructions are found in the old black letter book of that time. King James had his army at Hounslow Heath to intimidate the court, to intimidate the lawyers for the defense, to intimidate the jury, and to enforce with the strong arm of royal influence the infliction of the penalty of criminal libel upon the seven bishops of the Church of England.

It was in that celebrated case, Mr. President, that one Arnold, a brewer, was drawn on the jury, and it was he who made the statement that he was in sore straits; that if he found against the bishops, he would brew no more for the people of England, and if he found for the bishops, he would brew no more for the King. The jury remained out for many weary hours. It was then, as appears in the old law book, that one of the jurors said what we have heard around the nisi prius courts ever since; every young lawyer hears it for the first time and laughs about the stubbornness of the jury. An old baron, an old English farmer from one of the shires outside of London, was sitting on this jury, and when asked how long he would stay there before he would sign a verdict of guilty, he said that before he would do that he would remain until he died and the ants carried him out of the keyhole of the door of the jury room. That is the first time in history I ever found that record of the obstinacy of a jury recorded.

It was argued by the lawyers for the defense that this was a matter of right; that the presentation of a petition denying the power of the King to suspend an act of the Parliament was a right under the constitution of England and under the law of that realm; that they had a right to protest to their sovereign against the breach of those laws; and that the Crown himself, like the humblest subject, was bound by the laws of that empire. The bishops were found not guilty.

This case became a precedent down through the generations.

Many years afterwards George III was on the throne. That was the day when Pitt and Fox and Burke and Nelson fought the battles, organized the Parliament, and led in the forensic arena when England was in her great struggle with the newly revolutionized country of France and later against the power of Napoleon in his dream of universal empire.

At that time, Mr. President, there came to the bar of England one of the greatest of her advocates, not great in the sense of John Somers, of an earlier generation, but great in his powers of presenting a case to the jury and in the examination of witnesses. Thomas Erskine made his reputation and the greater part of his active life was spent in explaining and enforcing the rights of English subjects under the law of criminal libel. Every one of his great cases is related to this bill. The first case that he tried was the King against Baillie, a charge having been made by the defendant, Baillie, against Lord Sandwich, the first lord of the admiralty, criticizing his conduct of hospitals in the naval service of England.

All Europe was then in war. France was a madhouse of revolution and a bloody shambles. She resembled Russia under the rule of Lenine and Trotzky. Afterwards stability was restored and Napoleon waged war against England; but in all those days of tumult, Mr. President, England never suspended the civil laws of the country. She found time not only to face a world in arms, but to develop the great principles that lie at the foundation of the freedom of speech and of the press. Baillie was acquitted.

In the charges against Lord George Gordon the same issues came up. The doctrine of constructive treason was the point in issue, but it was connected with a political offense.

Again the publisher Stockdale was indicted for criminal libel. He published a pamphlet connected with the trial of Warren Hastings. He was defended by Erskine. The question always in these cases, Mr. President, was what should the jury decide. It was said that all the jury could decide—and the courts so instructed for a time in many of the circuits in England in their assizes—all the jury had to do in a crown case where criminal libel was charged was to pass on the fact of publication itself and merely find whether the defendant published the article complained of. The court undertook to say what the character of the publication was, what the motives of the defendant were, and whether the publication was made with malice. That was a matter of law for the courts to decide. Finally, after litigation had run its course, Charles James Fox in Parliament brought in a bill that ended in a law providing that the whole matter should be left to a jury; that the jury should decide on the fact of publication, of the character of the publication, and of the malice or absence of malice of the defendant. It was at that period, Mr. President, that it was decided that the subjects of England had a right to discuss the public acts of the sovereign, his ministers, the House of Lords, and the House of Commons, together with all the crown officers of the empire.

The doctrine of political criminal libel, scandalum magnatum, or lese majesty, was killed by an act of Parliament and by the decisions of English courts. It was decided that in public affairs connected with the Government of England, not only in the elections of members of the House of Commons but in every question that was related to the public welfare, the Englishman had a right to criticize and discuss freely, holding himself responsible if he maliciously spoke or published of his Crown or its officers something that was not true. The truth, told with good motives and justifiable ends, was a complete defense.

Now, bear in mind how and when this was done. It was during the Napoleonic wars. It was at a time when England was struggling for her national life. She still found time not to declare martial law, not to destroy a free press, but to enact in Parliament laws defending the press, and laws that finally, by the decisions as well as by legislation, gave to free speech and free press all the guaranties that have belonged to an Englishman from that time to the present.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. Does the Senator contend that Fox's act, to which he has just referred, passed, as I recall, in the year 1799, made provision that a libel could be justified upon the ground that it was true, and made for justifiable ends? My recollection is that the act of Fox made no such provision; that the act which permits a plea of justification of the character just referred to was not enacted until the year 1843, and was known as Lord Campbell's act, and is found in Fifth and Sixth Victoria Statutes.

Mr. SHERMAN. The Senator is correct. That was supplemental to what was already the law applied by courts. When Charles James Fox's libel act of 1793, the year of Thirty-second George III, was passed, it was provided that the fact of the publication, the character of the publication, and the malice or the absence of malice of the defendant, should be all left to the jury. Now, on the question as to whether the defendant was or was not malicious in his statement, he could introduce, as a matter of trial evidence, the truth of the charge he made in order to absolve himself or rebut the presumption of malice.

If he failed or could not produce that proof, then, the charge being false, the malice was almost conclusively presumed as a matter of evidence, and he was found guilty. But later on, as the Senator says, in one of the chapters or sections of Lord Campbell's act, it was provided that the truth, when published with good motives and for justifiable ends, should be a complete defense. I think the Senator is right as to the reign being the early years of Queen Victoria.

Mr. KING. Mr. President, one other question, with the indulgence of the Senator. Does not the Senator think, however, that even under Lord Campbell's act justification that the publication was true and for justifiable ends could be interposed only in a criminal libel, but did not extend to seditious libels, and that even now, in England and Canada or in English possessions, you may not plead by way of justification in a seditious libel that the publication is true and that it was made with justifiable ends?

Mr. SHERMAN. That involves the doctrine of constructive treason. Seditious libel is only to be punishable by the sovereign on the ground that it is a species of treason or tends to provoke public disorder. It may be less reprehensible than that punishable by confinement in the tower or by death, but, nevertheless, it is a species of treason; that the sedition that is incited by the language complained of tends either to breaches of the peace or to create civil commotion, and thereby overthrow the law or the government of the realm. Now, in that I think that the defendant can still defend himself against the charge by showing that he had no seditious motives. He can still show he published the matter complained of for the public good. Constructive treason was ended in the principles developed in the trial of Lord George Gordon, who was not a very resolute member of the nobility, was somewhat given to consorting with seditious persons, and was finally apprehended in connection with anti-Catholic riots, and on a charge of that kind was prosecuted and was defended by Erskine.

Mr. KING. Mr. President, if the Senator will pardon me, I recall the case very well. Evidence was admitted of the declarations made by the mob in the streets——

Mr. SHERMAN. Yes, sir.

Mr. KING. And the question was as to whether it was res gestæ or whether it was admissible at all. But the point I was attempting to inquire about was whether or not a plea of justification may be interposed even now in England in mere criminal libels, in contradistinction to seditious libels—and by the word "seditious" I mean any libel that would tend to disturb the public peace or would tend to bring into contempt the Government, and to that extent weaken the confidence of the people in the Government, in its integrity, and in the justice and integrity of the officials of the Government.

Mr. SHERMAN. I think such a plea may be interposed as a matter of evidence. I think evidence of that character is admissible on the trial.

Mr. KING. I am inclined to think, if the Senator will pardon me, that even now in England you may not interpose that sort of a plea in cases of seditious libel; and, if I may be permitted in conclusion, an action brought under this bill, if one should be brought, would be equivalent to an action for seditious libel.

Mr. SHERMAN. What may be the rule under late act of Parliament, since the war of 1914 has been declared, I will not undertake to say. I have not examined it. But prior to that time, I think, under the laws of seditious libel, a defendant was permitted, in order to absolve himself from the charge of malice, as a part of the defense, to show that he commented upon the question for the public good. I think you will find, on an examination of the trials, that that is always admitted to rebut the presumption of malice, when otherwise, if uncontroverted or unexplained, it might be conclusively presumed that the defendant was guilty. It is not like a civil case. The malice constitutes the willful intent, and without the willful intent there can be no criminality, even in a seditious libel. We recognize that in the wording of this bill. It refers to things willfully spoken, to acts that are intended. The curtailment of production, for instance, must be intended to hinder the United States in the prosecution of the war.

Both in civil prosecutions for libel and in criminal prosecutions, whether for seditious libel or merely for just ordinary criminal libel, because it tended to provoke a breach of the peace, and thereby fell under the ban of the law, the old rule was, prior to 1793, that the greater the truth the greater the libel; and that was the peculiarly atrocious character of the ancient black-letter law of criminal libel.

If the Senate will bear with me, I will refer briefly to the case of State of South Carolina *v.* Dow. This was the notorious evangelist, Lorenzo Dow. He was the predecessor of Billy Sunday. Mr. Dow published a book containing an account of his evangelistic work, and he took occasion in that book to speak of one Mr. Hammet, with whom he seemed to be at theological difference, as having died drunk. Dow was indicted under the statute of South Carolina. He was tried; and the judge, in charging the jury on what the law was on the subject, administered the law, as I think, improperly. He administered it as it was in England before 1793, that the greater the truth the greater the libel committed, and that you could not set up the truth of the charge you make. The reason for it was that in a private libel of that kind, not one connected with any public official or the Government, saying these things, even if true, about a man who was dead, tended to provoke his living relatives to a breach of the peace by assaulting the person making the charge, and so they laid down this doctrine that the greater the truth the greater the libel. The court, in instructing the jury, told them that this was the law, and so they found Dow guilty, and he paid a small fine and spent a few hours in jail, simply to vindicate the law.

I think the law had been changed, assuming that they administered the common law in South Carolina at that time. However, the penalty was paid by the evangelist. Here is what he had to say about that law, conceding that to have been the law then. This is Lorenzo Dow's explanation of the reason of the law, and it is pretty nearly the reason we have for this bill to-day:

> It has been argued that this doctrine of libels—
>
> The greater the truth the greater the libel—
>
> is necessary to protect the character of reformed ladies; but were they to speak through me perhaps they would ask, "Is it not rather to protect the character of unreformed gentlemen."

The old preacher of that time got much nearer the truth as to the reason of the law than he thought. It is because the truth is not to be told, not out of any tender consideration for the public welfare but to protect the character of unreformed men having contracts or possibly holding public office. My opinion is that this provision of the bill is put in for the purpose of preventing the examination of such matters as the airplane difficulty, and it will be invoked more in terrorem, and used in that way.

Mr. President, under the old rule the greater the truth the greater the libel. If this is not intended to be applied again as it was 125 years ago, then the amendment offered originally by the Senator from Maryland [Mr. FRANCE] ought to remain in the bill. Under this rule of the ancient times if this provision No. 6 on page 3 should be stricken out by the adoption of the conference report, it will be taken as a declaration of legislative intent. Having stricken that out, it is an indication to the court that we did not intend the truth to be told under any conditions, whether with good motives and for justifiable ends or for malicious purposes. That would be used

by the court in interpreting what this act means if we undertake to pass a provision of that kind; but with this stricken out it will be taken as a declaration of legislative intent that the Senate and the House did not intend to have the truth told under any conditions. With that state of the record, to be used by the court in interpreting the act, we are under a double danger. We ought to send this report back to the conference committee to reinsert this provision.

It is said that there is a parliamentary condition in which it can not be done. If there is any parliamentary condition that ever faced any conference committee, in the five years I have been here, that they could not get out of, I do not recall it. I have seen them legislate originally, write in measures that nobody ever heard of in this Chamber, and come back, and by a single roll call they were adopted. They possess supreme, uncontrollable powers of legislation, sovereign in character, from which there is no appeal; and legislation is generated by them in a star chamber, to which the public or the Members of the House and the Senate who are not members of that committee have no access and never know anything about it.

Mr. GALLINGER. But, Mr. President, in this case there is nothing in the way of the conferees agreeing to restore that amendment to the bill. It is a Senate amendment, and all that has to be done is for the House conferees to agree to it, and it goes back into the bill.

Mr. SHERMAN. Not in the least, Mr. President. If this is not intended to be stricken out for defensive purposes hereafter, why not let it stay in? If it can work no injury to anybody, let it stay in. I say quite candidly that if this amendment stays in finally, by the action of the conference committee, I propose to vote for the bill.

I will now quote one professor to another. I read from John Stuart Mill. He says:

Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.

If we wish to return to the dark ages and go back to the star chamber and the dungeon of James II and earlier ages, let us enact this bill without the amendment of the Senator from Maryland. We are still reasonable men, we presume, and capable of improvement by free and equal discussion.

Again, this author says that the reason for open discussion is because everyone has felt—

that the only way in which a human being can make some approach to knowing the whole of a subject is by hearing what can be said about it by persons of every variety of opinion and studying all modes in which it can be looked at by every character of mind.

Again, this author quotes from the Koran. I should like to have this engrossed, framed, and hung up in the Executive office and in the office of every Cabinet member in Washington. It is from the religion of what we call a heathen race—from the Koran, not from the Bible. I read:

A ruler who appoints any man to an office, when there is in his dominions another man better qualified for it, sins against God and against the State.

If I were to say that, with this amendment stricken out, on a platform, outside of the Senate Chamber, I presume I would be arrested by a marshal and indicted by a United States grand jury for sedition.

I repeat, Mr. President, if this amendment is stricken out, before a campaign can be conducted on public questions, every speaker will have to take a bundle of blank petitions for writs of habeas corpus and a surety bond with him, and hire a lawyer, and be ready to petition for a writ in order to keep his dates.

This administration does not take kindly to criticism, although it be of a constructive character and designed to remedy the defect made in the prosecution of the war. I am as much interested in my smaller way as the Executive is in a successful issue to this struggle. No one who has made a criticism on this side of the Chamber has done so for mere captious reasons. It has been for the purpose of avoiding the mistakes for the future. The past is beyond remedy; the loss of time, the waste of money, the inefficient men who have been trusted with public office, the effort to perform the operation of a transfusion of blood so as to keep alive the third political party—to enable the Bull Moose to draw the blood of patronage in its veins—are wasted. All transfusion of vitality by that process has been a signal failure. Still, it has led to the appointment of unfit men, to failure after failure on the Shipping Board, to the appointment of men to examine packers who have done nothing but shout from platforms, who have no record of constructive industrialism behind them, who have succeeded in no profession, who built no great enterprises, who have done nothing in the world except to frame criticism of men who have from the time the public ever heard of them. They to-day are examining the great industries with a view to putting them upon a war basis. It is an effort to manage and direct by the collective inexperience and ignorance of the country.

Note what Thomas Jefferson wrote; and I shall close with two quotations, one from a teacher and the other from a statesman.

John Milton said:

Give me liberty to know, to utter, and to argue freely according to conscience above all other liberties.

Thomas Jefferson said:

Error of opinion may be tolerated where common sense is left free to combat it.

Errors of opinion on public questions can be left free where common sense—and I presume that the average American citizen has that—is left free likewise to combat the error. If there is a perpetuation of free government for the generations yet to come, it consists in a free discussion of public questions without the fear of the dungeon or the hangman's halter. This measure, to me, reflects the shadow of the Inquisition, of the old Tower of London, of the headsman and the halter, of the proscription for conscience sake, of persecution for criticism of the crowned despots of old. To my mind, I think more of my right to say what in my conscience I feel than I do of my personal liberty, and inconceivably more than I do of the paltry, petty honor of holding any public office.

I append here the whole of the extract from Mr. Townley's speech, according to those sending it, who say they heard it:

[Excerpts from A. C. Townley's speech at Buffalo Lake, Sargent County, N. Dak., July 8, 1917.]

"We have been dragged into war by the American autocracy, dragged into a war we did not want, and we are told it is a war to liberate the people from the control of autocracy. We are about to send millions of our young men over to Europe to fight the German autocracy, while the big-bellied, red-necked American plutocrats, ten times worse than the German autocrats, coin the blood of our young men into profits for themselves. We are about to send our soldiers over to fight the German autocracy, who charge their people $8.50 per barrel for flour. We are sending them over to fight for the American autocracy, who charge the American people $17 per barrel for flour. You are about to have these young fellows drafted into the Army, and they will be sent over to Europe to fight. They will have their legs shot off, their arms shot off, their chests ripped open, their eyes torn out, and as they lay there in no man's land at night human reptiles will crawl over them, go through their pockets, and steal their little trinkets and souvenirs. Their carcasses will become carrion for the vultures, the worms, and the reptiles of the earth, while the human reptiles—the big-bellied, red-necked American plutocrats—continue to obtain their extortionate profits of $4,000,000,000 per year, while loudly shouting that this is a war for liberty and democracy."

Names of witnesses: E. B. Johnson, farmer, Milnor, N. Dak.; John Wicklund, farmer, Gwinner, N. Dak.; John Peterson, farmer, Forman, N. Dak.; Oscar Morran, merchant, Milnor, N. Dak.; Jens Pederson, merchant, Milnor, N. Dak.; C. W. Nordstrom, merchant, Milnor, N. Dak.; P. Hinds, lumber dealer, Milnor, N. Dak.; Henry Johnson, farmer, Milnor, N. Dak.; A. E. Austin, merchant, Milnor, N. Dak.; Ole Hanson, merchant, Milnor, N. Dak.; S. C. Hoel, druggist, Milnor, N. Dak.; W. W. King, physician, Milnor, N. Dak.; Emil Intlehouse, banker, De Lamere, N. Dak.; A. N. Carlblom, merchant, Gwinner, N. Dak.; M. D. Fay, farmer, Milnor, N. Dak.; Peter Christiansen, farmer, Milnor, N. Dak.; Ed. C. Enge, farmer, Milnor, N. Dak.

ADDRESS BY SENATOR GORE.

Mr. CALDER. Mr. President, on April 27 the senior Senator from Oklahoma [Mr. GORE] delivered a patriotic address at the Acadamy of Music in Brooklyn, my home, under the auspices of the Liberty Loan Committee of the City of New York. At that meeting over $2,500,000 was subscribed to the liberty loan. I ask unanimous consent that the speech of Senator GORE be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ADDRESS ON THE LIBERTY LOAN DELIVERED BY HON. THOMAS P. GORE, OF OKLAHOMA, AT THE ACADEMY OF MUSIC, BROOKLYN, N. Y., ON THE EVENING OF APRIL 27, 1918.

"The Battle of Leipzig was called the Battle of the Nations. The present war may fitly be called the war of the nations. The United States is now a party to this great international suit in the supreme court of battle. In this momentous contest we can not afford to fail. To fail would be the supreme catastrophe of history. To fail would be to arrest the progress and to mar the destiny of the human race. To fail, let me repeat, would be to blot out the star of hope, to blot out the bow of promise from the firmament of the future. From the dictionary of civilization we must therefore blot out the word 'fail.' In this day of danger and of destiny we must have in America no double allegiance, no divided loyalty, no fifty-fifty fidelity. In this crisis the American people must typify 100,000,000 souls with but a single thought; 100,000,000 hearts that beat as one. In all America there should breathe not a single American who never to himself hath said this is my own, my native land. In all America there should breathe not a single American who is unwilling to strive, who is unwilling to sacrifice to bring victory to the Stars and Stripes and enduring peace to a war-stricken world. America has a right to expect, has a right to

insist, that every American shall do his duty. 'Duty,' the finest word in all human speech, does not merely mean that every citizen should do his bit, but that every citizen should do his best. His best is the least that any citizen, is the least that any soldier, can afford to render his country in this terrifice contest. Our soldier boys are doing not only their bit, they are doing their best. They are paying the blood price. 'Theirs not to make reply. Theirs not to reason why. Theirs but to do and die.' All of you can not go to the front. You can not fight in the trenches. You can not go over the top, but you can render a service, a service as indispensable to success as are the foundations of this building to the superstructure that rests upon them. The boys can not shoot the bombs over there unless you buy the bonds over here. If I had the power I would divide all our citizens into two classes. In the one class I would place all those who could not aid, who could not serve at all. In the other I would place all those who could render any service, however great, however small. I would then seek to make it possible for each and every one to render the best service of which he is capable. I would seek to have every one bring forth the fruit of service after his kind. I would seek to have every one perform the part or parts for which he was best equipped. There is no economy in delay. The shortest way out is straight ahead. We should fight our way through to the blessings of peace.

"In saying this I speak as one who did not favor the declaration of war. But whether we favored or opposed the declaration of war we are now equally committed to the prosecution of the war. We must all stand by our country with equal and unfaltering devotion. In the spirit of the Revolutionary fathers, we must sink or swim, live or die, survive or perish together.

"Not only should every individual do his best, not only should every individual perform the part for which he is best equipped, but each and every one of the countries waging war against Germany should do its best, should perform the part or parts for which it is best equipped. Such division of labor means real unity and efficiency. It is the law of war that the enemy of my enemy is my friend. This is at least one of the ties which binds the United States to the entente allies. There is a community of interest among the nations making war against the Imperial German Government. Based upon this community of interest and measured by it there should be cooperation among them. Without formal or entangling alliance, there can be the closest cooperation and teamwork of the most effective character. This unity of purpose and division of labor devolve upon the United States a large share in financing the war. Since the war must be fought to the end, it must be financed to the end. More than 2,300 years ago one of the wisest of the Greeks, Thucydides, said that 'success in war is dependent not so much on arms as upon possession of money.' The great Napoleon said, in effect, that 'the god of battle and of victory is always on the side which has the heaviest artillery.' As this is an age of combination we might combine the two principles. We might back up the heaviest artillery with the amplest treasury. This is, after all, in some measure a war of economic resources; a struggle between exchequers; a contest between commissaries; a battle of bread as well as bayonets. It is in some measure a combat between the public and private treasuries of the contending nations. I say in some measure, because the mere possession of economic resources is not enough. Economic forces and resources must be organized and made effective. Napoleon also said 'that the superior force beats the inferior force.' This is the beginning and the end of military science. We must have the superior force at the point of contact when the hour of decision, when the hour of destiny strikes. We must concentrate our forces and our resources at the point of contact when and where the battle wages fiercest. This is the price of peace.

"The superiority of the economic resources is on the side of the allies. The United States are well qualified to perform the part allotted to them in financing the war. The United States have been favored of Heaven. They were given more than ten talents and have made good use of them. While the youngest of the great nations, it is still the most opulent. Less than one and one-third centuries old, our national wealth aggregates today more than two hundred and forty billions; "the half has never yet been told"—at least to the tax assessor. While we have already authorized bonds to the amount of twelve billions, this is no occasion for alarm when compared with our assets. I do not mean to suggest that a public debt is a public blessing, but if an individual possessed of $240,000 was in debt for only $12,000, this would not be regarded as a serious encumbrance upon his estate. If he were an Oklahoman he would be regarded as ultraconservative. We have already authorized loans to the allies of the amount of seven billions. Several billions of this have already been advanced. This money has been well and wisely expended. It has provided the allies with the sinews of war. It has given strength to the arms of those who are making common cause with us. Moreover, this money will be returned. It will be returned, both principal and interest, although I am not entirely certain that I should ever be willing to accept one single cent from prostrate, bleeding France—from devoted France, that rocked the cradle of human liberty here in the wilds of the western world.

Give us a name to move the heart
With the strength that noble deeds impart;
A name that speaks of the blood outpoured
To save mankind from the sway of the sword.
A name that calls on the world to share
The burden of sacrificial strife,
Where the cause at stake is the world's free life,
And the rule of the people everywhere.
A name like a star! A name of light!
I give you France.

"I repeat that the money advanced to the allies is money wisely expended. It is economy of American life and treasure. It is economy of blood and tears. Remember that when you buy a bond, the proceeds of which go to the allies, you may be saving the life of an American boy and drying the tears from the eyes of those who might otherwise become widows and orphans.

"The future is veiled with mystery. Behind this veil broods ever the mighty "perhaps." There are many facts and factors connected with the future which are, of course, uncertain, but there are certain points which are as certain as time and the tides. That the Government will raise the money to carry on the war is certain. About this there can be neither doubt nor controversy. It is equally certain that it will get the money from those who have the money. It will get the money either by exercising the power to tax or by exercising the power to borrow. In the present war, as in all preceding wars, the Government has relied both upon taxation and upon public credit. It will continue to do so. From the standpoint of the Government, from the standpoint of organized society, from the standpoint of the taxpayer who is not also a bondholder, there are certain advantages in favor of a large reliance upon taxation, but from the standpoint of the individual, who must furnish the money to conduct the war, either in the form of taxes or loans, there are decided advantages in favor of the policy of relying upon public credit. When the individual parts with his money in payment of taxes it is gone and forever. He bids it a final if not an affectionate farewell. He may say with truth, "It will never come back to me." On the other hand, when he purchases a bond he will receive not only the principal but the interest in return. There are several questions which naturally and properly present themselves to an investor when he considers the outlay of his money in any kind of investment. First, he looks to the solidity, the certainty, the value of the security. There is no better security than the bond of the United States. It is as much better than the bond of an individual or corporation as the wealth of the whole people is greater than the wealth of any individual or corporate concern. He must, of course, take into consideration the ratio between indebtedness and assets. A bond of the United States is based upon every dollar's worth of property and every dollar's worth of capital within the jurisdiction of the United States. It is first lien upon all the wealth of all the people. The bond of the United States is based upon all the talents, energies, industry, thrift, and productive capacity of one hundred millions of people. It is the first lien upon the fruits of all the people.

"The second point is the rate of the return. This is, of course, largely a matter of ratios. It is a relative matter as between different returns. Four and one-fourth per cent is a small return as compared with 8 per cent and a large return as compared with 2 per cent, the rate upon the old outstanding bonds of the United States. It has been estimated that the average annual return upon all the capital in the United States is about 3 per cent in ordinary times. Of course, a great deal of capital brings a much larger return than 3 per cent. A great deal brings no more than 3 per cent. A great deal brings less than 3 per cent; and marvelous to say, some brings less than nothing. Modesty forbids an entry into details. Four and one-fourth per cent is, therefore, above the average. It is a wise old maxim that "You should not expect yourself to be a favorable exception to a general rule, but should count yourself within the rule." Upon this basis, 4¼ per cent is better than the rate which prevails in time of peace, even if we had a right to base our action upon the rate of return alone. The next point is that Government bonds are quick assets. They can be converted into cash between the rising and setting sun. They have a recognized, quoted market value. They are always salable on the stock exchange. They can be realized upon without delay. You do not have to wait upon the coming of the harvest. You do not have to wait 'til the rent comes around. You do not have to wait 'til your ships come sailing home.

"In the next place, Government bonds are gilt-edge collateral. Any bank, any trust company, any credit institution will lend money upon them. They are always available for that purpose. It might be said that they are almost too available as a temptation to borrowing. The purchase of bonds, if paid for out of current earnings, may stimulate a disposition to save, to economize, may cultivate thrift, which would be a valuable accession to our catalogue of national virtues.

"These points are based upon practical and pecuniary considerations. We have a right to take them into account, but there are other arguments based upon just as practical grounds and appealing to loftier sentiments. I repeat, as the war must be fought to the end, it must be financed to the end. The man with the pocketbook must stand back of the boy with the bayonet. To buy a bond means to back up the boy with the bayonet. The payment of taxes is a performance of public duty. It is the discharge of public service, and yet the service of him who pays taxes, important as it is, is but as the dust in the balances as compared with the service of him who is battling for his country upon the field of danger and of death. The purchase of bonds is the performance of a patriotic duty. It is the discharge of public service, and yet the service of him who purchases a bond, important as it is, is but as the breath-blown bubble when contrasted with the service of him who is imperiling his life at the point of the bayonet, at the mouth of the cannon. Many of our brave young boys will never come back again. Many of them will lie down to sleep beneath the lillies of France. Many of them will answer the last summons of duty with no sentinel save the silent stars, with no mourner save the weeping night. These brave boys are giving the ultimate proof of their devotion. They are offering the ultimate sacrifice upon the shrine of their Nation's honor. Shall we abandon them upon the field of battle? Shall we desert them in the face of the foe? If we are to do our duty as they are doing their duty, we must finance the war as they are fighting the war. It is something more than paraphrase of an ancient proverb to say, "He also serves who only buys a bond." The man who buys a bond renders a service to his country, renders a service to the soldiers at the front, renders a service to himself, and to those who are dependent upon him, if he were so calculating as to think that he is casting bread upon the waters. It is quite as important to buy a bond as it is to pay taxes. Both are essential to the prosecution of the war. The failure of a liberty loan would be little less disastrous than the loss of a battle.

"I know there are two sets of feelings or sentiments to which an appeal can be made. There is an appeal to the passions, an appeal to hate, an effort to arouse resentment and animosity. This is Germany's fact. We have marveled at her campaign of hate, at the hymn of hate which she has taught her children to sing. Perhaps we can not realize the President's declaration that we would wage war without rancor. Perhaps that is too much to expect of human nature. Parents whose sons are going into the jaws of death can hardly choose but hate with a hate that is more than hate. This is spontaneous. There are feelings in the human heart which react against injustice and brutality as the sensitory nerves react to frost and fire. Our conduct should prove our superiority; should vindicate our own character and motives; should exemplify humanity rather than hate; should emphasize by contrast the inhumanity and hate of the enemy. I appeal to your sense of duty, the finest attribute in your nature, the divinest part of God's image in man; I appeal to your love of country, to your love of humanity; I appeal to your interest in the future, to your devoted desire to transmit to posterity, undiminished, the priceless blessing of liberty which you have inherited from your fathers; I appeal to your interest in the past, to your pride in those traditions and glories which have come down to us from other times, to your attachment to those principles which were wrung from reluctant tyranny by the embattled barons at Runnymede, principles which were baptized by the best blood of our fathers upon the insanguined fields of Brandywine, Kings Mountain, and Saratoga; I appeal to those principles of human liberty which are embodied in our free institutions and which are symbolized by the Stars and Stripes. This flag of the free has never called in vain for champions or defenders. In its defense the undying dead have sought for death as the bridegroom seeks his bride. Freedom's flag will never call in vain for champions or defenders so long as valor is esteemed a virtue, so long as heroism is honored among the sons of men.

The unity of reunited America and its singleness of heart, of purpose, and of patriotism are fitly celebrated in the following impressive poem:

A TOAST.

Here's to the Blue of the wind-swept North,
When we meet on the fields of France,
May the spirit of Grant be with you all
As the sons of the North advance.

And here's to the Gray of the sun-kissed South,
When we meet on the fields of France;
May the spirit of Lee be with you all
As the sons of the South advance.

And here's to the Blue and Gray as one,
When we meet on the fields of France;
May the spirit of God be with us all
As the sons of the Flag advance.

"We may fitly contrast these principles and these institutions with the false ideals which have led and misled the Imperial German Government. Germany has defied force. Germany has apotheosized the sword; she has exalted might above right; she has placed her trust in reeking tube and iron shod; she has paid greater heed to the earthquake and to the thunderbolt than to the still small voice; she has enthroned, has crowned and sceptered and hailed as Lord Paramount of the moral universe mere material force. Can it be that this golden image hath not feet of clay? The first article of the treaty of peace should begin with these words: 'Know all men by these presents, that right not might is omnipotent.' The greatest service which this terrific struggle could render human society would be to write after the word 'war' in the dictionary of enlightened humanity the one word 'obsolete.' This war should make it manifest to all the children of men that the 'earth and everything that is in it is the patrimony of those who exalt right above might and not the prey of those who rely upon the mailed fist and embattled efficiency.' This war should make it manifest that Christian civilization is builded upon the rock of eternal justice, and that the gates of Germany, and that the gates of hell, shall not prevail against it."

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

EXTENSION OF ARBITRATION WITH NORWAY.

On motion of Mr. HITCHCOCK, the injunction of secrecy was removed May 3, 1918, on the following agreement between the United States and Norway, which agreement had been previously ratified by the Senate on April 30, 1918:

TO THE SENATE:

I transmit herewith, to receive the advice and consent of the Senate to its ratification, an agreement between the United States and Norway, signed March 30, 1918, extending for another period of five years the Arbitration Convention concluded between the Government of the United States and the Government of Norway on April 4, 1908.

(Signed) WOODROW WILSON.

THE WHITE HOUSE,
April 3, 1918.

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The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to its ratification, an agreement between the United States and Norway, signed at Washington on March 30, 1918, extending for another period of five years the duration of the Arbitration Convention concluded between the two Governments April 4, 1908.

Respectfully submitted.

ROBERT LANSING.

Inclosure: Agreement betweeen the United States and Norway, dated March 30, 1918.

DEPARTMENT OF STATE,
Washington, April 1, 1918.

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AGREEMENT EXTENDING FOR ANOTHER PERIOD OF FIVE YEARS THE ARBITRATION CONVENTION OF APRIL 4, 1908, BETWEEN THE UNITED STATES AND NORWAY.

The Government of the United States of America and the Government of the Kingdom of Norway, being desirous of continuing for another period of five years the arbitration convention concluded between them on April 4, 1908, which by the terms of the agreement signed between them on June 16, 1913, will expire on June 24, 1918, have authorized the undersigned—to wit: Robert Lansing, Secretary of State of the United States, and H. H. Bryn, envoy extraordinary and minister plenipotentiary of Norway to the United States—to conclude the following agreement:

ARTICLE I.

The convention of arbitration of April 4, 1908, between the Government of the United States of America and the Government of the Kingdom of Norway, which by the terms of the agreement signed between them on June 16, 1913, will termi-

nate on June 24, 1918, is hereby extended and continued in force for a further period of five years from June 24, 1918.

ARTICLE II.

The present agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Norway, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate in the English and Norwegian languages, at Washington, this 30th day of March, 1918.

ROBERT LANSING. [SEAL.]
HELMER H. BRYN. [SEAL.]

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m., Friday, May 3, 1918) the Senate took a recess until to-morrow, Saturday, May 4, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 3 (legislative day, May 2), 1918.

AIRCRAFT BOARD.

John D. Ryan, of Montana, to be chairman of the Aircraft Board.

REGISTER OF LAND OFFICE.

George S. Allen, of Topeka, Kans., to be register of the Land Office at Topeka, Kans., vice Harry C. Green, resigned.

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICER.

Brig. Gen. William L. Kenly, National Army, to be major general with rank from April 29, 1918.

MEDICAL CORPS.

To be brigadier generals with rank from May 1, 1918.

Col. Merritte W. Ireland, Medical Corps.
Col. Francis A. Winter, Medical Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 3 (legislative day, May 2), 1918.

SECRETARIES OF EMBASSY OR LEGATION.

CLASS 4.

William S. Howell, jr., San Jose, Costa Rica.
G. Howland Shaw.
Cornelius Van H. Engert.
Curtis C. Williams, jr.
Joseph W. Carroll.
Walter C. Thurston.
Sam S. Dickson.
Nathan P. Stedman.

UNITED STATES DISTRICT JUDGE.

George W. English to be United States district judge, eastern district of Illinois.

UNITED STATES ATTORNEY.

Frank A. O'Connor to be United States attorney, northern district of Iowa.

SURVEYOR GENERAL.

Charles E. Davidson to be surveyor general of Alaska.

APPOINTMENT IN THE NATIONAL ARMY.

Arthur Johnson to be a brigadier general.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 3, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast made us, the laws which environ us, and filled our souls with longings, hopes, and aspirations, clarify our vision, that we may see clearly, act nobly, meet all the demands Thou hast laid upon us; and thus expand our intellectual, moral, and spiritual being, hallow Thy name, satisfy our longings, and leave behind us, as individuals and as a Nation, a record worthy of the blessings Thou has bestowed upon us; after the similitude of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from Waller W. Graves, chief justice of the Supreme Court of Missouri, recently written to Gov. Gardner, of Missouri, in which he declines the appointment of Senator tendered him by the governor as a successor to Senator STONE, and in which letter he gives the reasons for his declination.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting therein a letter written by Chief Justice W. W. Graves, of the Supreme Court of Missouri. Is there objection?

There was no objection.

The matter referred to is as follows:

Judge Graves said in his letter declining the Senatorship:

"I beg to acknowledge the receipt of your very kind note of the 26th instant, offering to me the Senatorship from Missouri as successor to the late lamented Senator WILLIAM J. STONE. Words can not express my gratitude to you for this unexpected but distinguished honor thus conferred upon me. May my future life demonstrate to you that the honor was not misplaced. To hold a seat in the upper House of the greatest legislative body of the world is a distinction which comes to but few, and to say that your offer did not kindle anew the fires of ambition would be to utter an untruth. But these are trying times for this Republic, and times when each man should serve where he thinks that he can serve best. I have tried to give your very kind offer the best consideration that I have in me and have taken counsel with my family and many friends. Personal ambitions on the one hand and inconveniences and discomforts on the other I have tried to leave out of the consideration. After this character of the consideration, I have concluded that I should not accept this high post of honor.

"As you know, my whole life has been wedded to the law. With me it has been a labor of love. I have never sought promotion, or held office, except along the line of my profession. My study of statecraft has been a casual one, and one prompted solely by the desire for general information, and not with the view of preferment in the field of politics. Under ordinary circumstances one has, without serious public loss, ample time to adjust himself to a new field of action. But not so now. With the world literally on fire, and the very liberty of all free peoples at stake, it is a time when the man should serve where he thinks, by his training, he can serve best. This is no hour for slackers, but I feel that I can more efficiently render public service with the judiciary than in the United States Senate, and I know it is more congenial to my tastes.

"I note in the public press your desire to have a man who will stand firmly at the back of President Wilson in this great struggle for the world's liberty. This I must heartily indorse, but I feel that there are many men in loyal Missouri from whom you can choose such a man, and that the one you may select will not only heartily support the President but will otherwise ably and signally represent our growing Commonwealth. So again thanking you for the distinguished honor you have conferred upon me, and regretting that my best judgment prompts a declination of the Senatorship at this time, I beg to remain,

"Very sincerely, yours,

"WALLER W. GRAVES."

Mr. MOORES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief discussion of the bill H. R. 11554, recently introduced by me.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by a discussion of the bill H. R. 11554, recently introduced by him. Is there objection?

There was no objection.

Mr. LUFKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the 122 soldiers in Massachusetts recently decorated for gallant service in France.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD touching the 122 Massachusetts soldiers recently decorated for heroic conduct. Is there objection?

There was no objection.

Mr. TAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the two-platoon system.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD on the two-platoon system. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 284) making an appropriation for contingent expenses of the House of Representatives.

AMENDMENT OF STATUTES RELATING TO NATURALIZATION—CONFERENCE REPORT (NO. 532).

Mr. BURNETT. Mr. Speaker, I move to take from the Speaker's table the conference report on the bill H. R. 3132.

The SPEAKER. The gentleman from Alabama calls up the conference report, which the Clerk will read.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

Mr. WALSH. Reserving the right to object——

Mr. CANNON. Will the gentleman allow me to suggest, as one Member who has been busy in hearings upon important bills? I hold in my hand the report and statement. It seems to me that if the gentleman would dispense with the reading of the statement, which is quite lengthy, and will take it up by unanimous consent from one provision to another and explain it, that those situated as I am situated would get a better knowledge of what has been done, rather than to listen to a hasty reading of the statement.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that neither the statement nor the report be read, but that we may proceed immediately to the consideration of the report.

Mr. WALSH. I object to that.

Mr. CANNON. One further remark, then, before it is read. The statement covers many closely printed pages, and if you read it all it will take 30 or 40 minutes. I think we could arrive at it just as well, and get a better knowledge of what it contains, if the gentleman from Alabama will go from one provision to another, subject to interruption and explanation, where it may be made.

Mr. BORLAND. Will the gentleman let me call attention to the fact that almost all of the statement is a reprint of the Senate bill, which is one amendment; so that the statement itself is not so very long, except that it involves the reading of the new amendment. Probably this is as good a way to get at it as any other.

Mr. CANNON. But you are going to have it all read?

Mr. FOSTER. The statement does not have to be read.

Mr. CANNON. I am speaking of the statement, and it is quite lengthy.

Mr. BURNETT. Mr. Speaker, I modify my request and ask that the report be read instead of the statement.

Mr. WALSH. I think the gentleman's first request is a reasonable one. Here is an important Senate amendment that has never been read to the House.

Mr. FOSTER. I ask for the regular order.

Mr. WALSH. Then, I object.

Mr. BURNETT. Mr. Speaker, I withdraw my request.

The SPEAKER. The Clerk will read the conference report.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments as follows:

Page 1, subdivision 7: Strike out, in lines 5, 6, 7, and 8, the following: "and who may be honorably discharged therefrom after an enlistment of not less than four years, or who may receive an ordinary discharge with recommendation for reenlistment," and insert the following: "and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment."

Page 2, line 22: Strike out the word "at" and insert in lieu thereof the words "engaged in the present," so as to read: "any alien serving in the military or naval service of the United States during the time this country is engaged in the present war."

Page 3, line 11: After the words "United States" insert the following: ", and the place of such military service shall be construed as the place of residence required to be established."

Page 4, lines 4 and 5: Strike out the words "for the time required."

Page 4, line 7: Strike out the word "rebuttable."

Page 4, line 21: After the first "the" in the line insert the words "time of the."

Page 6: At the paragraph commencing "During time when the United States is at war" after the word "During" insert the word "the."

Page 7, subdivision 9: In the fifth line of the subdivision, after the word "naturalization," insert "as provided in this subdivision."

Page 8, subdivision 10: In line 3 of the subdivision strike out "May" and insert "July."

In line 4 of the subdivision strike out "10" and insert "14."

Page 9, subdivision 11: In line 14 of the subdivision, after the word "hearing," insert "or heard." Strike out the word "due" and insert "90 days." After the word "notice" insert the words "given by the clerk of the court."

On page 10, in the second proviso: After the words "*Provided further*," strike out "that the President of the United States be, and he is hereby, authorized and empowered, from time to time, by proclamation or otherwise, to except natives, citizens, subjects, or denizens of any country with which the United States is or may be at war, or any individual or class thereof, from the classification of alien enemies, and thereupon they shall have the privilege to apply for naturalization." In lieu of this insert: "That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization."

Page 10, subdivision 12: Strike out the word "no," in the first line of the subdivision, and insert the word "any."

Page 11, in line 2: Insert, after the words, "United States is now at war" the word "who."

Page 11, in line 5: After the word "service" insert the following: "may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization."

Page 16, section 3, paragraph 3: Strike out "Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

JOHN L. BURNETT,
ADOLPH J. SABATH,
JOHN E. RAKER,
E. A. HAYES,
ALBERT JOHNSON,
Managers on the part of the House.

THOS. W. HARDWICK,
THOS. P. GORE,
WM. P. DILLINGHAM,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to the amendments of the Senate, namely:

The effect of each of the amendments agreed to by the conference is explained in the following statement:

Page 1, lines 5, 6, 7, and 8, seventh subdivision: This amendment expresses in more direct language the purpose of this provision, and the change from four years to three years is to effect uniformity of exemption in all of the services.

Page 2, line 22: This change limits the provision to the present war.

Page 3, line 11: This amendment is for the purpose of having the military service referred to construed as establishing residence for naturalization purposes.

Page 4, lines 4 and 5: This amendment eliminates surplus language, as does also the elimination in line 7.

In line 21 on page 4: This amendment clarifies the meaning.

The amendment on page 6 is to correct a typographical error.

The amendment on page 7, subdivision 9, is to place a limitation upon the scope of the work of the Bureau of Naturalization.

The amendments on page 8, in lines 3 and 4 of the tenth subdivision, change the date of effect from May 1, 1910, to July 1, 1914.

The amendments on page 9, line 14, of subdivision 11, are to insure notice to the Government in the special cases of the naturalization of alien enemies.

The amendment on page 10, in the second proviso, is for the purpose of having each individual exemption stand upon its merits, and by so doing to avoid the possibility of granting exemption to groups where it would be impossible to determine the loyalty of all. The further purpose of the exemption is to enable an alien enemy, after his loyalty has been fully established, to apply for naturalization, if the President in his discretion, upon report, deems it desirable to exempt any individual alien enemy from that classification.

Page 10, subdivision 12, line 1: This amendment, as well as the amendment on page 11, in line 2, is necessitated by reason of the provision contained in the amendment in line 5, on page 11, which requires the oath of allegiance to be taken by the Americans referred to. This method of resumption of American citizenship avoids the issuance of the certificate of repatriation which is required under the act which this subdivision is intended to repeal. Under the operation of that act the door has been opened to the issuance of fraudulent certificates of citizenship. Most of the certificates issued under the act of October 5, 1917, are simple typewritten statements. These certificates are given to these American citizens by the consuls in France, Canada, and England without any uniformity of wording. This subdivision, as perfected by the conferees, requires these Americans to abjure such allegiance as they have assumed and to declare under oath that they will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that they will bear true faith and allegiance to the same. This is a stronger oath of allegiance to the United States than the oath of allegiance which they took to enable them to perform military service in the armies of our allies. By requiring this oath of allegiance to be filed with the State Department and the Bureau of Naturalization, the record of their repatriation will be complete.

The following is the oath prescribed by the naturalization law and regulations for this purpose: "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty; that I will support and defend the Constitution and the laws of the United States of America against all enemies, foreign and domestic; and that I will bear true faith and allegiance to the same."

The amendment on page 16, section 3, paragraph 3, was recognized as necessary to relieve loyal foreigners from an unwarranted hardship by denying them admission to citizenship on account of laws of their sovereign for which they were not responsible.

The effect of the second amendment is to adopt a title appropriate to the subject matter of the act.

The bill as agreed to by the conferees is as follows:

"That section 4 of the act entitled 'An act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, be, and is hereby, amended by adding seven new subdivisions as follows:

"'Seventh. Any native-born Filipino of the age of 21 years and upward who has declared his intention to become a citizen of the United States and who has enlisted or may hereafter enlist in the United States Navy or Marine Corps or the Naval Auxiliary Service, and who, after service of not less than three years, may be honorably discharged therefrom, or who may receive an ordinary discharge with recommendation for reenlistment; or any alien, or any Porto Rican not a citizen of the United States, of the age of 21 years and upward, who has enlisted or entered or may hereafter enlist in or enter the armies of the United States, either the Regular or the Volunteer forces, or the National Army, the National Guard or Naval Militia of any State, Territory, or the District of Columbia, or the State militia in Federal service, or in the United States Navy or Marine Corps, or in the United States Coast Guard, or who has served for three years on board of any vessel of the United States Government, or for three years on board of merchant or fishing vessels of the United States of more than 20 tons burden, and while still in the service on a reenlistment or reappointment, or within six months after an honorable discharge or separation therefrom, or while on furlough to the Army Reserve or Regular Army Reserve after honorable service, may, on presentation of the required declaration of intention petition for naturalization without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established; any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States; any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition, by two witnesses, citizens of the United States, and in these cases only residence in the Philipine Islands and the Panama Canal Zone by aliens may be considered residence within the United States, and the place of such military service shall be construed as the place of residence required to be established for purposes of naturalization; and any alien, or any person owing permanent allegiance to the United States embraced within this subdivision, may file his petition for naturalization in the most convenient court without proof of residence within its jurisdiction, notwithstanding the limitation upon the jurisdiction of the courts specified in section 3 of the act of June 29, 1906, provided he appears with his two witnesses before the appropriate representative of the Bureau of Naturalization and passes the preliminary examination hereby required before filing his petition for naturalization in the office of the clerk of the court, and in each case the record of this examination shall be offered in evidence by the representative of the Government from the Bureau of Naturalization and made a part of the record at the original and any subsequent hearings; and, except as otherwise herein provided, the honorably discharged certificate of such alien, or person owing permanent allegiance to the United States, or the certificate of service showing good conduct, signed by a duly authorized officer, or by the masters of said vessels, shall be deemed prima facie evidence to satisfy all of the requirements of residence within the United States and within the State, Territory, or the District of Columbia, and good moral character required by law, when supported by the affidavits of two witnesses, citizens of the United States, identifying the applicant as the person named in the certificate or honorable discharge, and in those cases only where the alien is actually in the military or naval service of the United States, the certificate of arrival shall not be filed with the petition for naturalization in the manner prescribed; and any petition for naturalization filed under the provisions of this subdivision may be heard immediately, notwithstanding the law prohibits the hearings of a petition for naturalization during 30 days preceding any election, in the jurisdiction of the court. Any alien, who, at the time of the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court and shall not be required to take the prescribed oath of allegiance in open court. The petition shall be verified by the affidavit of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavit the portion of the residence that they have personally known the applicant to have resided within the United States. The time of military service may be established by the affidavits of at least two other citizens of the United States, which, together with the oath of allegiance, may be taken in accordance with the terms of section 1750 of the Revised Statutes of the United States after notice from and under regulations of the Bureau of Naturalization. Such affidavits and oath of allegiance shall be admitted in evidence in any original or appellate naturalization proceeding without proof of the genuineness of the seal or signature or of the official character of the officer before whom the affidavits and oath of allegiance were taken, and shall be filed by the representative of the Government from the Bureau of Naturalization at the hearing as provided by section 11 of the act of June 29, 1906. Members of the Naturalization Bureau and Service may be designated by the Secretary of Labor to administer oaths relating to the administration of the naturalization law; and the requirement of section 10 of notice to take depositions to the United States attorneys is repealed, and the duty they perform under section 15 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), may also be performed by the Commissioner or Deputy Commissioner of Naturalization: *Provided*, That it shall not be lawful to make a declaration of intention before the clerk of any court on election day or during the period of 30 days preceding the day of holding any election in the jurisdiction of the court: *Provided further*, That service by aliens upon vessels other than of American registry, whether continuous or broken, shall not be considered as residence for naturalization purposes within the jurisdiction of the United States, and such aliens can not secure residence for naturalization purposes during service upon vessels of foreign registry.

"'During the time when the United States is at war no clerk of a United States court shall charge or collect a naturalization fee from an alien in the military service of the United States for filing his petition or issuing the certificate of naturalization upon admission to citizenship, and no clerk of any State court shall charge or collect any fee for this service unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the

State shall be charged or collected. A full accounting for all of these transactions shall be made to the Bureau of Naturalization in the manner provided by section 13 of the act of June 29, 1906.

"'Eighth. That every seaman, being an alien, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served three years upon such merchant or fishing vessels of the United States, be deemed a citizen of the United States for the purpose of serving on board any such merchant or fishing vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such after the filing of his declaration of intention to become such citizen: *Provided*, That nothing contained in this act shall be taken or construed to repeal or modify any portion of the act approved March 4, 1915 (38 Stat. L., pt. 1, p. 1164, ch. 153), being an act to promote the welfare of American seamen.

"'Ninth. That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, as provided in this subdivision, authority is hereby given for the reimbursement of the printing and binding appropriation of the Department of Labor upon the records of the Treasury Department from the naturalization fees deposited in the Treasury through the Bureau of Naturalization for the cost of publishing the citizenship textbook prepared and to be distributed by the Bureau of Naturalization to those candidates for citizenship only who are in attendance upon the public schools, such reimbursement to be made upon statements by the Commissioner of Naturalization of books actually delivered to such student candidates for citizenship, and a monthly naturalization bulletin, and in this duty to secure the aid of and cooperate with the official State and national organizations, including those concerned with vocational education and including personal services in the District of Columbia, and to aid the local Army exemption boards and cooperate with the War Department in locating declarants subject to the Army draft and expenses incidental thereto.

"'Tenth. That any person not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1914, and was on that date otherwise qualified to become a citizen of the United States, except that he had not made the declaration of intention required by law and who during or prior to that time, because of misinformation regarding his citizenship status erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file the petition for naturalization prescribed by law without making the preliminary declaration of intention required of other aliens, and upon satisfactory proof to the court that he has so acted may be admitted as a citizen of the United States upon complying in all respects with the other requirements of the naturalization law.

"'Eleventh. No alien who is a native, citizen, subject, or denizen of any country, State, or sovereignty with which the United States is at war shall be admitted to become a citizen of the United States unless he made his declaration of intention not less than two nor more than seven years prior to the existence of the state of war, or was at that time entitled to become a citizen of the United States, without making a declaration of intention, or unless his petition for naturalization shall then be pending and is otherwise entitled to admission, notwithstanding he shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject: *Provided*, That no alien embraced within this subdivision shall have his petition for naturalization called for a hearing, or heard, except after 90 days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require: *Provided, however*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien; and section 2171 of the Revised Statutes of the United States is hereby repealed: *Provided further*, That the President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization; and for the purposes of carrying into effect the provisions of this section, including personal services in the District of Columbia, the sum of $400,000 is hereby appropriated, to be available until June 30, 1919, including travel expenses for members of the Bureau of Naturalization and its field service only, and the provisions of section 3679 of the Revised Statutes shall not be applicable in any way to this appropriation.

"'Twelfth. That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the act (public 55, 65th Cong., approved Oct. 5, 1917) is hereby repealed.

"'Thirteenth. That any person who is serving in the military or naval forces of the United States at the termination of the existing war, and any person who before the termination of the existing war may have been honorably discharged from the military or naval services of the United States on account of disability incurred in line of duty, shall, if he applies to the proper court for admission as a citizen of the United States, be relieved from the necessity of proving that immediately preceding the date of his application he has resided continuously within the United States the time required by law of other aliens, or within the State, Territory, or the District of Columbia for the year immediately preceding the date of his petition for naturalization, but his petition for naturalization shall be supported by the affidavits of two credible witnesses, citizens of the United States, identifying the petitioner as the person named in the certificate of honorable discharge, which said certificate may be accepted as evidence of good moral character required by law, and he shall comply with the other requirements of the naturalization law.'

"SEC. 2. That the following provisions of law be, and they are hereby, repealed: Section 2166 and 2174 of the Revised Statutes of the United States of America and so much of an act approved July 26, 1894, entitled 'An act making provisions for the naval service for the fiscal year ending June 30, 1895, and for other purposes,' being chapter 165 of the laws of 1894 (28 Stat. L., p. 124), reading as follows: 'Any alien of the age of 21 years and upward who has enlisted or may enlist in the United States Navy or Marine Corps and has served or may hereafter serve five consecutive years in the United States Navy or one enlistment in the United States Marine Corps and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps'; and so much of an act approved June 30, 1914, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes,' being chapter 130 of the laws of 1914 (38 Stat. L., pt. 1, p. 392), reading as follows: 'Any alien of the age of 21 years and upward who may under existing law become a citizen of the United States, who has served or may hereafter serve for one enlistment of not less than four years in the United States Navy or Marine Corps, and who has received therefrom an honorable discharge or an ordinary discharge, with recommendation for reenlistment, or who has completed four years in the Revenue-Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, or who has completed four years of honorable service in the naval auxiliary service, shall be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof from naval or revenue-cutter sources of such service: *Provided*, That an honorable discharge from the Navy, Marine Corps, Revenue-Cutter Service, or the Naval Auxiliary Service, or an ordinary discharge with recommendation for reenlistment, shall be accepted as proof of good moral character: *Provided further*, That any court which now has or may hereafter be given jurisdiction to naturalize aliens as citizens of the United States may immediately naturalize any alien applying under and furnishing the

proof prescribed by the foregoing provisions'; and so much of section 3 of an act approved June 25, 1910 (34 Stats. L., pt. 1, p. 630), reading as follows: 'That paragraph 2 of section 4 of an act entitled 'An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States,' approved June 29, 1906, be amended by adding, after the proviso in paragraph 2 of section 4 of said act, the following: *Provided further*, That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens, has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.'

"That all acts or parts of acts inconsistent with or repugnant to the provision of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined: *Provided*, That for the purposes of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to this act the statutes and laws hereby repealed shall remain in full force and effect; *Provided further*, That as to all aliens who, prior to January 1, 1900, served in the Armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

"SEC. 3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized.

"The word 'District' in sections 4, 10, and 27 of the act which this act amends is hereby amended to read 'the District of Columbia.'

"Amend the title so as to read: 'A bill to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.'"

JOHN L. BURNETT,
ADOLPH J. SABATH,
JOHN E. RAKER,
E. A. HAYES,
ALBERT JOHNSON,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question before he makes a statement?

Mr. BURNETT. I will not make the statement until I yield. I ask unanimous consent, Mr. Speaker, that the Deputy Commissioner of Naturalization, who acted as the clerk of the conference committee and who is familiar with the details of the matter—this is substantially a department bill—may be permitted to sit in the House during the consideration of these matters, as I perhaps shall want to refer to him for information.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Deputy Commissioner of Naturalization, who is supposed to know about this bill, be permitted to sit in the House during the consideration of the conference report. Is there objection?

Mr. GARRETT of Tennessee. I understand that he served as the clerk of the conference committee?

Mr. BURNETT. Yes.

Mr. WALSH. Mr. Speaker, reserving the right to object, I understand that he desires to sit with the Committee on Immigration and Naturalization as the clerk of the conference committee and not as the Deputy Commissioner of Naturalization.

Mr. BURNETT. Yes; in either capacity; I do not care anything about that.

Mr. WALSH. I do not think he ought to make the request that he be permitted to sit as the Deputy Commissioner of Naturalization.

Mr. BURNETT. I withdraw that part of it.

The SPEAKER. Is there objection?

Mr. WALSH. I shall object unless the gentleman asks that this gentleman sit as the clerk of the conference committee.

Mr. BURNETT. I put it in that form.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman sit as the clerk of the conference committee. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Speaker, at the proper time I desire to move to recommit the conference report. Is it in order to make that motion at this time?

Mr. GARRETT of Tennessee. Mr. Speaker, I submit that the gentleman from Alabama is entitled to the floor.

The SPEAKER. Yes. The gentleman from Massachusetts can not take the gentleman from Alabama off the floor until the expiration of the hour.

Mr. GARRETT of Tennessee. The gentleman, of course, will have his opportunity to make that motion.

Mr. BURNETT. At the close of the discussion.

The SPEAKER. The Chair will recognize the gentleman at the proper time.

Mr. WALSH. Mr. Speaker, will the gentleman from Alabama yield?

Mr. BURNETT. Yes.

Mr. WALSH. I notice in reading the conference report it refers to various subdivisions in the printed bill. Every one of those references is out of place or improperly made.

Mr. BURNETT. The reference is to the bill as messaged over from the Senate, and not the bill as passed by the Senate.

Mr. WALSH. But I have the bill as messaged over, signed by the Secretary of the Senate, and none of these references apply to the page and lines of the bill. All I rose to ask is that the gentleman in making his statement correctly state the references which are incorrectly stated in the report.

Mr. BURNETT. Yes; I shall call attention to the amendments in the bill as reported by the Senate, and which was the bill on which the conference acted.

Mr. ROGERS. Mr. Speaker, will the gentleman yield to me in the course of his hour for a few moments?

Mr. BURNETT. Yes; during the discussion. It may be possible that before we get through we shall have to ask for a little extension over the hour, but I hope not. I desire to divide the time equally with the gentleman from California [Mr. HAYES], and to allow him to allot that time as he may desire.

The SPEAKER. The gentleman from Alabama yields one-half of the hour to the gentleman from California [Mr. HAYES].

Mr. BURNETT. Mr. Speaker, this bill is a substitute for House bill 3132, which was passed by the House some two months ago. The House Immigration and Naturalization Committee has had before it an extended bill, introduced by Judge SABATH, covering a great many questions of naturalization and a recodification of some of the naturalization laws that already exist. That bill is substantially the same as the one that the Senate passed as a substitute for the Raker bill, H. R. 3132, with the amendments that have been agreed to in conference. The original Raker bill is section 11 in the bill reported by the conference committee. The first subdivision of the bill as it now is permits the naturalization of native Filipinos of the age of 21 years and upward who have declared their intention to become citizens of the United States and have enlisted or may hereafter enlist in the United States Navy or Marine Corps or the naval auxiliary service. That was put in at the request of the Secretary of the Navy; and, also, there is an amendment to the bill as passed by the Senate, beginning on line 19 of the bill as passed by the Senate, striking out the language, "who may be honorably discharged therefrom after an enlistment of not less than four years or who may receive an ordinary discharge with recommendation for reenlistment."

In order to have uniformity in regard to the three years' service, that was stricken out, and an amendment adopted by the conferees, the substance of which amendment is merely to change the word "four" to the word "three" and the transposition of the sentence, and then adding "any alien or Porto Rican, not a citizen of the United States of the age of 21 years or upward, who has enlisted or entered or may hereafter enlist or enter in the Army of the United States," and so forth. In regard to the Porto Ricans, there was a general act passed

when Porto Rico was admitted, which permitted Porto Ricans to become naturalized citizens, provided they were then residents or became residents within six months after the passage of that act. It was brought to the attention of the conferees that there were a good many in this country that have gone into either the naval or military service but who never resumed their residence in Porto Rico and who are residents here, and for that reason that is incorporated. It does not embrace a great many.

We have a number of laws in regard to the naturalization of aliens who have enlisted in the Army and Navy and in the Marine Corps, and who have served on merchant vessels. There are about four of those statutes. Our bill codifies and harmonizes all these statutes, and makes some amendments to them.

Several years ago the gentleman from California [Mr. HAYES] introduced a bill, which I think passed this House, for the purpose of bringing about uniformity in these several statutes. Mr. Speaker, under these laws they could only be naturalized after an honorable discharge of the alien. The conferees believe that any alien who thought enough of our country to enlist under its flag and is fighting in our Army ought not to have to wait for an honorable discharge to receive his naturalization papers, and in order to meet that kind of condition the conferees now fix it so that any alien soldier who makes his request for immediate naturalization may do so even before he secures the honorable discharge.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. MOORE of Pennsylvania. How would that apply in the case of a Chinaman or a Japanese? The term "any alien" there is pretty broad. It applies to a Filipino in the service. Is it possible it would apply also to a Chinaman or a Jap?

Mr. BURNETT. This does not repeal the existing law which excludes Chinese and Japanese from citizenship.

The law reads:

That hereafter no State court or court of the United States shall admit Chinese to citizenship, and all laws in conflict with this act are hereby repealed.

Mr. JOHNSON of Washington. Further, it is to persons who have applied for citizenship. It is not under present laws as to those outside of this country.

Mr. MOORE of Pennsylvania. Would it be possible to obtain a foothold in the Army and make that the medium of becoming a citizen under this section?

Mr. HAYES. Mr. Speaker, I would like to suggest to the gentleman that the purpose of this, of course, is to admit Porto Ricans and Filipinos who are in the Army to apply for commissions in order to have an official position in the various Filipino and Porto Rican contingents of the Army. That is the primary purpose of it.

Mr. BURNETT. It would not apply to those who are not capable of acquiring citizenship.

Mr. MILLER of Minnesota. Before the gentleman leaves that point will he yield?

Mr. BURNETT. I will.

Mr. MILLER of Minnesota. I observe the language reads in relation to the Filipinos:

Any native-born Filipino of the age of 21 years and upward who has declared his intention to become a citizen of the United States and who has enlisted—

And so forth.

Now, a Filipino must be 21 years of age and he must have made application for citizenship; also he must have enlisted. Now, aliens are only required to enlist. Why this disadvantage placed upon the Filipinos?

Mr. BURNETT. He must have declared his intention.

Mr. MILLER of Minnesota. The gentleman did not quite get my question. In order for a Filipino to have citizenship he must have made an application and declared his intention of becoming a citizen and also he must have enlisted in the Army or the Navy, and so on. He has to do two things. He must have declared his intention of becoming a citizen or have enlisted, or maybe he must do the two at the same time, whereas any other alien is required only to enlist and serve and then he can become a citizen. Now, may not the court construe that language easily that it is necessary for the Filipino first to declare his intention of becoming a citizen and then enter upon the military service, and will not that work a hardship upon him vastly greater than upon the ordinary alien?

Mr. BURNETT. This is the language suggested by the Department of the Navy and clearly meets the situation, as I understand it, that it desires.

Mr. MILLER of Minnesota. I do not know what the Navy Department has in mind, but I know what Congress has in mind—at least I think I do—and that is to deal fairly with all classes of these people and not to put the Filipino to any disadvantage. But, now, if the Filipino has to do two things to become a citizen that nobody else has to do, you can not possibly say that is treating him justly. Now, the Filipinos make splendid sailors, first-class men in the Navy in a great variety of ways, and instead of putting a hardship upon them we ought to make it easier for them than any other class of people, because in one sense they are under our flag, and it is an advantage to have them in our service.

Mr. BURNETT. Under the law they can not become naturalized except by some provision of this kind.

Mr. MILLER of Minnesota. I understand that; but why not have it read simply that if they enlist in the Army or Navy they can thereupon become citizens of the United States by proper proof. Why is it necessary that they shall have to declare their intention to become citizens——

Mr. BRITTEN. What is the objection to amending the bill in that respect, if any?

Mr. MILLER of Minnesota. This is a conference report.

Mr. DYER. This is going further than anything that has been done heretofore, I will say——

Mr. BURNETT. Much further.

Mr. DYER. There are men to-day in the United States who have served their country in previous wars and they have not received any benefits from Congress in reference to naturalization.

Mr. MILLER of Minnesota. They have been permitted to become citizens upon proof of military service.

Mr. DYER. They have got to go through the regular channels.

Mr. BRITTEN. The gentleman is mistaken.

Mr. BURNETT. This applies to those enlisted in the United States Navy or Marine Corps or the naval or auxiliary service, and the Navy Department has held that no alien can join these forces; and hence he must have declared his intention before being admitted to the Navy at all. That is all—merely to show that he has declared.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to call his attention to that section beginning on top of page 3 of the original bill, as follows—

Any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States—

And then recur to the question? I do not want to embarrass the gentleman, but he may have thought it out. I want to know if under that broad provision applying to "any aliens" it may not apply to Japanese and Chinese who may be engaged somewhere in the Navy or the Army? Surely there are some on the ships and at Army posts.

Mr. BURNETT. If the gentleman will refer to page 16, he will find:

Nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined.

Now, that section excludes them from naturalization.

Mr. MOORE of Pennsylvania. The gentleman has caught up with the question I am raising.

Mr. BURNETT. That was all discussed in our committee and in the conference committee.

Mr. MOORE of Pennsylvania. The language on page 3 of the original bill is so broad that I thought it proper to ask the question.

Mr. BURNETT. With that limitation I think it is all right.

Mr. MILLER of Minnesota. If the gentleman will permit, I would like to ask him a question. Is not there some way it can be changed without unduly delaying it? A Porto Rican does not have to declare his intention to become a citizen and thereafter have military service. It is a hardship placed on the Filipino, and I do not believe Congress wants to do that.

Mr. BURNETT. I will say to the gentleman that I am in sympathy with the suggestion he makes, but this is the first time that these Asiatics have ever been given the right of naturalization, and it may have been that even the Navy Department have thought we should not go far in that direction until we had tried the other. I think the question a proper one, and if the gentleman will introduce a resolution to that effect I am sure the committee will be very glad to give it consideration.

Mr. MILLER of Minnesota. May I make one further inquiry? This is related, but not exactly germane, to the point we have been discussing; but it is important, and I would like to have an expression from the gentleman if he will give it. My attention has just been called to the fact that we have never passed a law enabling the men who served in the Spanish-American War to become citizens of the United States by reason of that

service. Now, I have had a large number of cases—and by a large number I do not mean a thousand, but I mean quite a number—of exactly this character, and they have written me because in journeying through the Philippine Islands I have met these men in their various positions around through the islands. Quite a large number of splendid young men who came from Sweden and Norway and other European countries to the United States declared their intentions to become citizens. The Spanish-American War came on and they went into the service, and I know two or three that were highly educated officers in the country from which they came. Now, they stayed in the Philippines, and when this war broke out they came back to the United States and wanted to offer their services, and they could not be utilized because they were not citizens, and the courts held they had to sit here in the United States for one year before they could become citizens.

Mr. JOHNSON of Washington. How can the gentleman reconcile that with the fact that a man is actually drafted in the Army?

Mr. BURNETT. The bill says:

Any alien declarant who has served in the United States Army or Navy, or the Philippine Constabulary, and has been honorably discharged therefrom, and has been accepted for service in either the military or naval service of the United States on the condition that he becomes a citizen of the United States, may file his petition for naturalization upon proof of continuous residence within the United States for the three years immediately preceding his petition.

And be naturalized.

Mr. MILLER of Minnesota. I do not like the clause:

Has been accepted for service in either the military or naval service of the United States.

Mr. DYER. Why, I will ask the chairman, should not the same provision be enacted into law for the rights of the men who served in the Spanish War and the Philippine War? There was such a law passed, of course, in the Civil War times, but no benefit has ever been given to these men at all.

Mr. BURNETT. I will state to the gentleman that under the act passed in July, 1862, I think those gentlemen were provided for, in section 2166 of the Revised Statutes, where it says:

Any alien of the age of 21 years or upwards who may have enlisted in the armies of the United States, in either the Regular or Volunteer Service, and has been or may hereafter be honorably discharged, shall be admitted to be a citizen of the United States upon his petition without any previous declaration of his intention to become such.

And I think that section amply takes care of those who served in the Spanish-American War.

Mr. DYER. That ought to be plain, I will say to the gentleman, but I have no knowledge that that provision has ever been adhered to or has been so declared by the Commissioner of Naturalization. It may be, and I trust it is.

Mr. BURNETT. As a matter of fact, I am informed by the gentleman who was the clerk of the conferees, that it has been done in a number of cases; that there have been a number of cases of those who enlisted in the Spanish-American War service that have been naturalized.

Mr. DYER. There are a number of naturalization officers of the country that do not know that that law is in existence or they have a wrong interpretation of it.

Mr. BURNETT. That is the interpretation of the Bureau of Naturalization, and it has been acted on by the courts by whom applications have been granted.

Mr. MEEKER. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. MEEKER. Is it not the opinion of the chairman of the committee, speaking for the department, that that law does provide for these Philippine veterans and the men coming from the different countries? And as to the point raised by the gentleman from Minnesota [Mr. MILLER], that they would be compelled to remain here for a year before they could get their naturalization papers, possibly some of the immigration officers have decided or declared that these men should remain here within the borders of the United States for a year.

Mr. BURNETT. The bureau has construed that that meant any year of their residence in the United States, whether it be the year immediately preceding or not.

Mr. MILLER of Minnesota. I beg the gentleman's pardon. That is not the holding of the California courts and several other jurisdictions I know of. I am not aware generally of the holdings throughout the country, but the holdings of these courts is one year immediately preceding the date of making application for the final citizenship papers. And that is where the hitch comes.

Mr. WELTY. That is a State court, is it not?

Mr. MILLER of Minnesota. No. That is a Federal court. I am aware that there has been some conflict in the decisions on that point.

Mr. BURNETT. The law does not say "immediately previous."

Mr. MILLER of Minnesota. I was down at the department several times, and they said there was a conflict in the decisions, and they had not put it to a final test. They told me that there was to be legislation on the subject.

Mr. BURNETT. The question is as to those who may not want to enlist. The law says they must have resided here a year previous, and therefore the bureau has construed it to mean any year previous to his application.

Mr. MILLER of Minnesota. I do not think the gentleman is correct in his statement that the Bureau of Immigration so construes it. I have found a number of gentlemen there who have held rigidly to the other theory. I can only give my own experience. I have in mind two jurisdictions of the United States Federal court that have held absolutely that a man must have had a residence in this country for one year immediately preceding the date on which he makes his final application for citizenship.

Mr. BURNETT. That construction of the bureau has been fortified by the opinion of the Department of Justice that that was the correct construction.

Mr. MEEKER. Then, we understand that it is the opinion of the chairman of the committee that this particular thing should be so construed that if a Filipino, or anyone who has been discharged during the Spanish-American War or since, and has lived a year in the United States at any time, is therefore under the law entitled to citizenship?

Mr. BURNETT. Not the Filipino.

Mr. MEEKER. I mean those men who have served under the United States forces?

Mr. BURNETT. Yes; those who are entitled to naturalization; but an Asiatic could not be. Any other alien who under the general naturalization laws was entitled to naturalization would be, under this general law, according to the construction that the bureau has given it and that the Department of Justice has given it. He would be entitled to naturalization.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. In a moment. On page 16 of the bill, as messaged over, it is provided—

That as to all aliens who, prior to January 1, 1900, served in the armies of the United States and were honorably discharged therefrom, section 2166 of the Revised Statutes of the United States, shall be and remain in full force and effect, anything in this act to the contrary notwithstanding.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. BURNETT. I yield.

Mr. COOPER of Wisconsin. I think that possibly what the gentleman has just read applies to the question I was about to ask. I have received many letters from veterans of the Spanish War and veterans of the Civil War who are aliens, men who have been honorably discharged from the military service of the United States, inquiring as to how they could be naturalized. As I understand the present law, and the law as it is to continue to be, from what the gentleman has said and from the clause that he has just read, if a veteran of the Spanish-American War, an alien, or a veteran of the Civil War, an alien, files his petition to be naturalized, produces his honorable discharge, and submits satisfactory evidence of a residence of one year in the United States prior to the filing of his application he will be entitled to naturalization. Is that true?

Mr. BURNETT. It would entitle him to a hearing by the courts.

Mr. COOPER of Wisconsin. But suppose that the evidence is all true and that there is nothing to show that he is not a loyal person?

Mr. MEEKER. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER of Wisconsin. In a moment. I have asked that question because of the letters that have come to me from veterans of the Civil War and from soldiers who were in the Spanish-American War.

Mr. MEEKER. Would you add to that question that the words "immediately prior" do not need to be in the application and are not in the law? That is the point made by the gentleman from Minnesota [Mr. MILLER]. Some of the courts have ruled, he says, that this residence must be prior. Now, is it not a fact that he must be here a year immediately before he files his application?

Mr. BURNETT. That is not the law.

Mr. COOPER of Wisconsin. If an alien should present a certificate showing his honorable discharge and indubitable

proof of his residence in the United States in 1910 and 1912, would that suffice to secure him naturalization?

Mr. BURNETT. If he had been a resident for any one year, it would, without a doubt.

Mr. COOPER of Wisconsin. Then it is not the requirement that he must have been a resident for one year immediately or next preceding the filing of the application.

Mr. BURNETT. That is not the law. It does not say a year next preceding, but a year previous. The Bureau of Immigration and the Department of Justice have decided that that means any year previous.

Mr. COOPER of Wisconsin. I have answered that question in that way and then have received another inquiry directly afterwards. I see the gentleman from Alabama smiling, and I surmise that perhaps he also has had similar letters. Must the Union veteran or Spanish-American War veteran who submits his petition file his honorable discharge with the petition in order to be heard?

Mr. BURNETT. That is a matter of construction. It says the court, in addition to admitting such alien, must have proof as to good character according to law, and the applicant must also accompany his application with proof that he is a resident or has been a resident a year preceding his discharge.

Mr. HAYES. Mr. Speaker, I yield back the time that the gentleman from Alabama has surrendered to me, with the understanding that I may have an hour in my own right.

Mr. BURNETT. I would like to make a parliamentary inquiry as to whether we will have to have an agreement to that effect or whether the gentleman can speak in his own right at the end of the hour?

The SPEAKER. If the gentleman moves the previous question, the gentleman can occupy an hour in his own right.

Mr. BURNETT. Now, Mr. Speaker, I believe that is the substance of that first subdivision. In regard to service on the merchant marine, the bill specifically says it must be the American merchant marine. It has been construed by some of the courts that those who have been serving in the foreign merchant marine may have their residence on that construed as residence in the United States. Hence we put that in in order to guard it, so that only those who have served in the domestic merchant marine are entitled to the privileges of this bill—those who have served under the American flag.

Mr. ALEXANDER. That does not mean that they shall be citizens of the United States before they are entitled to service in the merchant marine?

Mr. BURNETT. No. It means that while they are serving in a foreign merchant marine that it will not be allowed to them as a part of their residence in this country.

Mr. ALEXANDER. You mean it will be given?

Mr. BURNETT. Those in the American merchant marine will be.

Mr. ALEXANDER. It says, on page 8, "after he shall have served three years upon such merchant or fishing vessels of the United States." It means a citizen of the United States.

Mr. BURNETT. Yes. That is provided for. If he served in a foreign merchant marine or merchant ship, that would not be regarded as residence to entitle him to American citizenship.

There are several minor changes in verbiage, or the insertion of some necessary word, that I shall not consume any time in the discussion of.

Subdivision 9, on page 8 of the bill as passed by the Senate provides—

> That for the purpose of carrying on the work of the Bureau of Naturalization of sending the names of the candidates for citizenship to the public schools, and otherwise promoting instruction and training in citizenship responsibilities of applicants for naturalization, authority is hereby given for the reimbursement of the printing and binding—

of certain books and bulletins. This is a matter that has been carried on for several years by the Bureau of Naturalization for the purpose of trying to train those who desire to become applicants for citizenship, and it does not apply to anyone except those who contemplate applying or have applied for citizenship.

Mr. SHERLEY. Will the gentleman yield?

Mr. BURNETT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Is this meant to validate the work that has been done without authority of law and without any check upon the bureau?

Mr. BURNETT. That has not been done.

Mr. SHERLEY. They have been doing it where they could find some way around an auditor. They have been coming to Congress and asking for funds and not getting them for a great deal of work, because they were not able to prove a good case for the expenditure that they wanted; and this would seem to be an attempt in this conference report to take care of that situation and to open the door to all the funds that can be used for this purpose.

Mr. BURNETT. Mr. Speaker, the funds that are to be used are only those resulting from naturalization fees.

Mr. SHERLEY. I understand, but that is no reason. Such funds amount to very large sums. Why should the bureau be given an absolute leeway to expend them in this form of work without any kind of check?

Mr. BURNETT. I do not think they would have that right unless the Committee on Appropriations should give it. This is a mere authorization for them to do that work; and if they do the work, or if they present estimates to the Committee on Appropriations, of course, I should think that committee would feel that this expenditure for this work and these textbooks should be appropriated for.

Mr. SHERLEY. I do not think the gentleman's statement is accurate as to the effect of the language. Not only that, but the conference committee saw fit to carry a direct appropriation of $400,000 for carrying out the provisions of this section of the bill.

Mr. BURNETT. For the carrying out of the purposes of the entire section.

Mr. SHERLEY. That includes this. They could expend all this $400,000 for this purpose. It is that sort of loose legislation that makes useless the work of the Committee on Appropriations in trying to check extravagances in these departments.

Mr. BURNETT. Mr. Speaker, in reply to the gentleman, an appropriation of $400,000 is sought to be made by this bill. We did that in the immigration bill for the purpose of guarding the border, and a lot of other extra work that was entailed. Now, the purpose of this appropriation is that there may be a naturalization of these men in the camps and cantonments——

Mr. SHERLEY. If the gentleman will permit, we have been having hearings on the sundry civil bill, and that bill will carry, as it does every year, appropriations for the naturalization service What you have done here is just to hand over $400,000 to these people, without any showing as to whether they need that, or twice that, or half that.

Mr. BURNETT. Mr. Speaker, in reply I desire to say that this is an immediate necessity. I received a letter the other day——

Mr. SHERLEY. It does not become available until the 1st of July, and the sundry civil bill would make it available just as early as this will.

Mr. BURNETT. I think under the terms of this bill it would be immediately available.

Mr. SHERLEY. It is for expenditures during the fiscal year 1919, which does not begin until July 1.

Mr. BURNETT. I think it is also available until the 30th of June of this year.

Mr. SHERLEY. That is possible. I may be mistaken about that, but that makes the situation even worse—the idea of giving them $400,000 to spend between now and the 1st of July——

Mr BURNETT. It does not mean that they are to expend all of it before then.

Mr. SHERLEY. You can not always safely predict. You generally find them spending anything they can get.

Mr. BURNETT. But not all of it is to be expended until July, 1919. It is to be available until then.

Mr. SHERLEY. It is for the next fiscal year also.

Mr. BURNETT. And for the remainder of this fiscal year, from now until then. Mr. Speaker, this is an immediate necessity.

I received a letter from a Federal judge a few days ago who says that quite a number of young men who are aliens and have been enlisted in our Army are coming to him every day for the purpose of securing naturalization. Now, we believe that ought to be guarded in some way, and therefore we provide that in making these applications notice shall be given to the representatives of the Bureau of Naturalization, and when this bill is passed they expect to have the means at hand to have men in all these cantonments, so that these men may make applications and the judges may at once grant their naturalization.

Mr. SHERLEY. What the gentleman has really done, instead of throwing safeguards around, has been to take away one safeguard and to transfer jurisdiction. This takes away the provision that required the district attorneys to be notified of applications and gives to this Naturalization Bureau what they have been fighting for for years—a chance to build up a tremendous organization in connection with this work.

Mr. BURNETT. Mr. Speaker, the Naturalization Bureau is certainly in better condition to handle this matter than anybody else. It is given no judicial functions, but it is to be represented. For several years notice of naturalization was required to be given to the district attorneys. Instead of that

this notice is now to be given to representatives of the Bureau of Naturalization. Formerly it was merely perfunctory, so far as the district attorneys were concerned, and if there were any contests inaugurated they were inaugurated by the representatives of the Bureau of Naturalization, and they were the ones who should contest it. Hence it was merely a dead letter in most cases, so far as giving notice to the district attorneys; but the notice given under this bill is to those who have the matter in hand, better fitted and qualified to pass on such matters and to make recommendations to the judges in order that the young alien soldiers may be made American citizens.

Mr. SHERLEY. If the gentleman will permit, the reason that I am making the inquiry and statement is because the House is presented with what seems to me an unusual situation, and what ought to be a situation never to be repeated, and that is having a bill pass the House with one single paragraph and then have the Senate by amendment change in very many fundamental particulars the naturlization laws and have the House asked to simply vote up or vote down the conference report the conferees have considered. If the House to-day differs on any part of the report, it must either reject or take it as a whole. That is not fair to the House touching a matter of this kind.

Mr. BURNETT. In reply to the gentleman I will say that this is an unusual condition and an unusual time.

Mr. SHERLEY. That does not justify the breaking down of all safeguards. We will be 20 years in undoing these thoughtlessly considered matters.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. I did not understand whether the gentleman from Kentucky was dealing with section 9, which provides for money to get out a textbook, or whether it was the latter part of section 11.

Mr. SHERLEY. In my last statement I was dealing with the whole conference report, the whole scope and character of it.

Mr. JOHNSON of Washington. I did not hear the first part of the gentleman's remarks.

Mr. BURNETT. Mr. Chairman, I remember when we passed the immigration bill, a few years ago, we in the House had nothing in it but the literacy test, and when it came back from the Senate they had struck out all after the enacting clause and made a bill of 30 or 40 pages.

Mr. SHERLEY. And it was brought on the floor of the House and submitted for discussion and subject to amendment. I would have no criticism if they did the same thing here, but instead of that they went into conference, and three gentlemen on the part of the House and three gentlemen on the part of the Senate have written the bill.

Mr. SABATH. If the gentleman will allow me, there were five conferees on the part of the House.

Mr. SHERLEY. Well, that relieves the offense to the extent of two.

Mr. BURNETT. I want to say in mitigation, if not in justification, that the Committee on Immigration and Naturalization for weeks considered the Sabath bill, and in order to expedite the matter the Senate had a bill that they passed, and they substituted that bill for the Raker bill, and it went to conference. This conference bill is substantially the Sabath bill, to which the House committee gave much thought.

Mr. SHERLEY. Translated that means that because the Committee on Naturalization was in favor of the Sabath bill they concluded that the Senate's action was proper and agreed to it in conference. But the House has never considered it.

Mr. BURNETT. The gentleman is mistaken in his implication. The conferees did not assume that they were the whole House. It was a matter that had been fully considered by the committee to which it was referred.

Mr. HAYES. If the gentleman will permit, I would like to ask the gentleman from Kentucky what course we should have pursued?

Mr. SHERLEY. I will say frankly to the gentleman what I think ought to have been done. I think the amendment of the Senate should have been referred to the committee, and it should have been reported back without any amendment or with such amendments as the committee saw fit, taken up on the floor, and then it would have been subject to consideration in detail.

Mr. HAYES. It is subject to consideration now.

Mr. SHERLEY. No; it is not.

Mr. HAYES. We can vote down the conference report and strike it out.

Mr. SHERLEY. That is theoretical but not practical. We all know that we have no option about the matter; we have either to vote down the report or take everything that you gentlemen have put into it.

Mr. SABATH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SABATH. Is it not a fact that the House did pass the most important provision in the conference report in the bill on March 4, and that bill which the House passed was sent to the Senate and is embodied in this bill, and is the most important provision in this conference report?

Mr. LONDON. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. LONDON. I would like to call the gentleman's attention to subdivision eighth, page 8, and ask to what extent it modifies the seamen's act?

Mr. BURNETT. We specifically state, if the gentleman will read——

Mr. LONDON. I have read it, and it says that it does not modify it.

Mr. BURNETT. Out of abundant caution, for fear that it might be inferred that it was a modification or a repeal, we put in the statement that it should not modify or repeal that act.

Mr. LONDON. What is the purpose of the provision, what does it do in effect?

Mr. BURNETT. It reenacts a portion of section 2174, which had been repealed; that is, by a general repealing clause. That excepted a seaman, a foreigner, who had declared his intention to become a citizen in a competent court and who had served three years on board of a merchant vessel of the United States, and so forth. This reenacts that provision. This was intended as a partial codification of the laws in order to get them together and in order to get uniformity.

Mr. LONDON. But it does not change the existing law?

Mr. BURNETT. No.

Mr. WALSH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. WALSH. Will the gentleman state when he expects to begin his explanation of the amendment?

Mr. BURNETT. I have been trying to get at it for some time.

Mr. NORTON. Mr. Speaker, I understood the gentleman from Alabama [Mr. BURNETT], in making the explanation to the gentleman from Pennsylvania, to say that in paragraph 10, on page 16, line 21, the reference to section 2169 of the Revised Statutes would exclude the inclusion of Chinese and Japanese in the term "any alien serving in the military or naval service of the United States" as used on page 3, line 20. The gentleman from Pennsylvania called the attention of the gentleman from Alabama to the fact that the expression "any alien serving in the military or naval service of the United States" might include Chinese or Japanese as that term "any alien" is used on page 3, line 20. May I ask the gentleman from Alabama [Mr. BURNETT] how is that safeguarded against? As I understood the gentleman from Alabama, he said it was safeguarded by the provision on page 16, beginning at line 18 and extending to line 23, which is as follows:

That all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed; but nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the seventh subdivision of this act and under the limitation therein defined.

Mr. BURNETT. Section 2169 is a declaration as to who shall be entitled to naturalization—that is, that white persons and aliens of African nativity and persons of African descent; and, in not repealing that, and specifically stating it does not repeal that, it constitutes a limitation upon the scope of this law so far as the naturalization of Chinese or Japanese is concerned.

Mr. NORTON. The gentleman's interpretation of section 2169 is that it excludes from the naturalization laws Japanese and Chinese?

Mr. BURNETT. Yes; that has been the construction of the courts.

Mr. NORTON. Section 2169 reads as follows:

The provisions of this title shall apply to aliens [being free white persons and to aliens] of African nativity and persons of African descent.

Mr. BURNETT. Yes.

Mr. NORTON. Is the effect of that to exclude those of the brown race?

Mr. BURNETT. Yes.

Mr. NORTON. That is the interpretation that has been placed upon it?

Mr. BURNETT. Yes; that is the interpretation given by the courts. The inclusion of the one is the exclusion of the other. It is a limitation on those entitled to naturalization.

Mr. MOORE of Pennsylvania. Have the courts so interpreted section 2169?

Mr. BURNETT. Yes.

Mr. MOORE of Pennsylvania. As applying to Asiatics as well as Africans, because it mentions only Africans?

Mr. BURNETT. It only states who may be naturalized, and in stating who may be naturalized, by virtue of that very fact, it excludes those not embraced within its terms, and therefore they can not be naturalized.

Mr. NORTON. The words "being free white persons" are included within brackets and then come the words "and to aliens of African navitivity and persons of African descent." That excludes the brown races?

Mr. BURNETT. That is the interpretation of the courts, and I think it is a very reasonable one.

Mr. NORTON. In reading the section that interpretation of it was not clear to me and that is the reason I made the inquiry.

Mr. BURNETT. Yes; it is an important question, and I am glad the gentleman asked it. I desire now to speak briefly about section 11.

Mr. MAPES. Mr. Speaker, before the gentleman leaves section 10, I would like to ask him a question.

Mr. BURNETT. I shall speak of that. I thank the gentleman for calling my attention to it. I had not spoken of that but I shall do so.

Mr. MAPES. Will the gentleman permit me to ask him a question before he takes it up? The section provides that any person not an alien enemy, who has resided within the United States for a certain length of time, and who has believed that he was a citizen, may be naturalized under certain conditions provided that he has not made the declaration of intention required by law. The Supreme Court held recently that unless a declarant followed up his declaration of intention with his petition for full naturalization, within seven years, he lost his right to become naturalized without starting all over again. What relief will this bill give to such a man who has made his declaration of intention? This section takes care of the man who has not made it?

Mr. BURNETT. I will call the attention of the gentleman to the fact that that is considered further on, and if he will wait until we come to that——

Mr. SABATH. Section 3.

Mr. BURNETT. Section 3 provides for that, but I am glad that the gentleman has referred to section 10, because it is an important section.

Mr. MAPES. The gentleman's construction of section 3 is that it will allow the man who has made a declaration of intention 10, 15, or 20 years ago now to follow that up with a petition for naturalization, notwithstanding the decision of the Supreme Court to which I have referred?

Mr. BURNETT. No. We never thought of such a thing, and we would not do it. An Englishman asked me that question while the conferees were in session, and he asked if it covered his case. I asked him what his case was, and he said, "I have been here 15 years." I said, "When did you file your application for naturalization?" and he answered, "About a year ago," and he said he wanted to know whether that will cover his case. I said it would not if I could help it. I asked him why he did not take out his naturalization papers years ago, and he said that it was mere negligence, and I said, "No; it was because you loved your country better than ours." But section 3 is simply this: There were a number of declarations upon which the courts erroneously granted citizenship before the decision of January 7 declaring those declarations invalid by reason of the fact that more than seven years had expired. This provision is for the purpose of enabling those to come within the purview of the law, to vitalize and make legal the decisions of the courts naturalizing men on those petitions, and does not allow a man to come up now, after waiting seven years, and present his application and get his papers.

Mr. MAPES. But, then, does not the gentleman's bill give greater rights to a man who has not made his declaration of intention than it does to the man who has—because section 10 permits any man who has exercised the rights of citizenship under a false impression that he was a citizen, if he has not filed his declaration of intention, to become naturalized; but if he has filed his declaration of intention, then, under a decision of the Supreme Court he can not become naturalized, and the gentleman says it is not the intention to allow him to become naturalized.

Mr. BURNETT. That brings us to the consideration of section 10 and embraces the very question the gentleman has asked, and I will answer it.

Mr. MAPES. Will not the gentleman answer the question?

Mr. BURNETT. I will answer it; I am seeking to answer it now.

Mr. MAPES. My question is, Has not the man who has not made declaration of intention and who has exercised the rights of citizenship under a false impression that he has the right to do so, greater rights than the man who has made his declaration of intention?

Mr. BURNETT. No; not when he comes within the provisions of section 10, and I will show the gentleman why.

Mr. MAPES. He can not come within the provisions of section 10 because it has this language:

Except that he had not made the declaration of intention.

Mr. SABATH. That is because he was under the impression that he was a citizen of the United States. It is to relieve a few cases here and there where men have been elected to office or appointed to office or have voted and for years exercised the rights of citizenship. It is the present law, and it is only amended——

Mr. MAPES. But my point is that there are many cases where a man made declaration of intention 10 or 15 years ago and exercised the right to vote and other rights of citizenship. Now, under the decision of the Supreme Court, because he did not follow that up with a petition for naturalization in seven years, he loses his right to become a citizen without going over the same ground again.

Mr. SABATH. No; that is because the law provides that he must follow——

Mr. MAPES. In section 10 you give a right to a man who has not made declaration of intention to become a citizen, as I understand it, but you deny the right of the man who has declared his intention and has taken the first step to become a citizen.

Mr. SABATH. No; we only excuse from the full declaration of intention because, as I have stated, there are some cases here and there where men, under the impression that they were citizens, exercised the right of citizenship and have held important positions and all at once, due to some investigation, you ascertain that there is some question as to whether a man's father was naturalized. Notwithstanding the fact that a man resided here for 39 or 40 years, voted and exercised all the rights as an American citizen, all at once he is informed that he is not a citizen; and it is to relieve such cases as that that this provision is inserted, and, in fact, it has been the law ever since 1910, and it is only amended to safeguard.

Mr. HAYES. If the gentleman will permit. The provision of this bill is to relieve the case of a man whose father declared his intention, especially in States where the declarant has the right to vote, and does not complete the citizenship——

Mr. MAPES. The bill does not say so.

Mr. HAYES. The bill relieves him because he supposed that his father was fully naturalized and he himself has exercised the rights of citizenship for a very long time, usually. It is intended to relieve him. The man who has declared his intention more than seven years ago and has not completed his citizenship is guilty of negligence in not having completed it. It is his fault.

Mr. MAPES. In the one case the man takes the first step to become a citizen and is denied the right to become a citizen.

Mr. HAYES. But does not complete it.

Mr. MAPES. And in the other case he takes no step, but he is given the right to become a citizen.

Mr. HAYES. Because he supposed his father was naturalized, that is the reason.

Mr. MAPES. If the gentleman will pardon me, just one more question. Then, I am to understand this bill does not permit a man who made a declaration of intention several years ago and due to a misapprehension of his rights did not follow up that by getting his full papers to become a citizen. He must, even after the passage of this act, renew his declaration of intention and start de novo.

Mr. BURNETT. He starts de novo, as the gentleman says.

Mr. SABATH. That is the law.

Mr. MAPES. If that is a proper interpretation of the bill, I think the bill is defective in that respect.

Mr. BURNETT. In the very declaration of naturalization that man is put on notice that if he fails to complete the requirements of the law the declaration is invalid for all purposes seven years after the date thereof——

Mr. MAPES. But the law requiring that to be done was passed only a few years ago and does not apply to the man who filed his declaration of intention several years ago before that law was passed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I ask that I may proceed for 20 minutes more.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to speak for 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. BURNETT. I will.

Mr. BYRNS of Tennessee. I notice there is provided an appropriation of $400,000 to carry out the provisions of this section and that it is expressly provided that section 3677 of the Revised Statutes shall not be applicable in any way to this appropriation.

Now, that section, as I understand it, provides in effect that no department of the Government shall spend more than the sum appropriated in any particular fiscal year, nor shall they be permitted to make contracts in excess of the sum so appropriated. Now, is it the purpose of this particular section to throw the door open wide to the Bureau of Naturalization so that it may make contracts after the expiration of the fiscal year?

Mr. BURNETT. That is virtually a reiteration of section 29 of the naturalization law we previously passed:

That for the purpose of carrying into effect the provisions of this act there is hereby appropriated the sum of $100,000, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June 30, 1907; and the provisions of section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

Mr. BYRNS of Tennessee. Now, of course, the enactment of the provision to which the gentleman has just referred does not necessarily make it wise to enact a similar provision with reference to this $400,000. It seems to me as I read this provision that it will permit the Bureau of Naturalization to make contracts for the expenditure of this sum after the next fiscal year, and thus extend it indefinitely, if not expended prior to that time.

Mr. BURNETT. There is nothing in the law that contemplates the making of contracts. There will have to be the employment of men, and if that was wise, as the gentleman says, when it was passed before it is much wiser now because of the immediate necessity of the work, and the work of a number of men, in order that immediate naturalization may be brought about. And it does not mean they are to expend it all. But here are men in cantonments all over the country that want to be naturalized, and they have to have the help of the Bureau of Naturalization in order to do it. That was for the purpose of meeting the immediate contingency that did not exist when the law was passed before that the gentleman speaks of the wisdom or unwisdom of. And I think now it is more imperative.

Mr. BYRNS of Tennessee. I did not mean to be understood as saying it was wise to adopt the provision in the statute to which the gentleman has referred. It seems to me it was quite the reverse. Here you are making an appropriation of $400,000 for the use of this bureau. You provide, it is true, that this shall be available only until June 30, 1919, but at the same time you undertake to repeal, in so far as this particular appropriation is concerned, the section to which I have referred, and by doing that you throw the doors wide open, so that this bureau may make contracts for the expenditure of this sum if it is not expended prior to the date fixed by the gentleman in this report.

Mr. BURNETT. No. The gentleman is mistaken. There is nothing in the section that provides that the making of contracts will go beyond that time.

Mr. BYRNS of Tennessee. There is nothing in the section that prevents the making of contracts, and you repeal the provision that prohibits the making of contracts.

Mr. BURNETT. Only as stated in the subdivision. That is only the extent of the repeal.

Mr. BYRNS of Tennessee. That is the point I am asking the gentleman about. Why is it necessary to repeal that section?

Mr. BURNETT. It goes over the time and it has to be a repeal, and it is only repealed to that extent. It is not an absolute general repeal of the statute at all. It must be construed in connection with the rest of the statute and for the purpose of carrying out the provision of that subdivision.

Mr. BYRNS of Tennessee. I would like the gentleman to inform the House just why it is necessary to repeal the section referred to with respect to this particular appropriation?

Mr. BURNETT. It is not a general repeal.

Mr. BYRNS of Tennessee. I understand that very well. But it is a repeal in so far as this particular appropriation is concerned and will operate to permit the bureau to make contracts after the expiration of the fiscal year for the expenditure of the sum provided.

Mr. BURNETT. But it would be only expenditures within the length of time provided in that subdivision—July, 1919. Certainly not contracts that go beyond that time.

Mr. BYRNS of Tennessee. I think otherwise, from the reading of this provision, because it leaves absolutely no limitation whatever upon the bureau in the making of any contract for the expenditure of money after the expiration of the fiscal year referred to.

Mr. BURNETT. If the gentleman will read the provision, it does not make provision for contracts and does not contemplate any contracts.

Mr. BYRNS of Tennessee. I understand that. But when you repeal the provision that prohibits the making of contracts to extend beyond the fiscal year, and there is no inhibition against the bureau making contracts, of course they would have the right to make contracts in carrying out that provision. And that is the matter of which I am complaining.

Mr. BURNETT. It only applies to this appropriation.

Mr. BYRNS of Tennessee. And I am trying to get the gentleman, if he will, to explain to the House why it is necessary to repeal the provision of law as applied to this particular appropriation.

Mr. BURNETT. It might be in giving the authority it was not absolutely necessary, but we do not want the section to get in the way of the comptroller auditing and allowing the disposition of this money in the manner authorized by that subdivision.

Mr. BYRNS of Tennessee. The gentleman has provided that this fund shall be only available until June 30, 1919, but at the same time, by the insertion of this language repealing this particular section as applicable to this provision, he has made it possible for the bureau, although it may not have expended the money within the time fixed, to make contracts for the next year, or even the year later, involving an appropriation to be made by Congress subsequently.

Mr. BURNETT. That was the precedent that had been made by the statute that was passed before, and has never been so construed as the gentleman thinks it might be.

Mr. MAPES. Mr. Speaker, I was calling attention a moment ago to those cases where men had made a declaration of intention and had not followed it up with a petition for naturalization. Now, would the proviso on page 15 affect them?

Mr. BURNETT. What are you quoting from?

Mr. MAPES. From the proviso on the bottom of page 15.

Mr. BURNETT. I did not catch the question.

Mr. MAPES. My question is, Would not that proviso take care of the men who have made declaration of intention and exercised the rights of citizenship?

Mr. BURNETT. No. I have called attention to what the present law is.

Mr. MAPES. It provides "That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States, who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens, has labored and acted under the misapprehension that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen," and has not obtained his naturalization papers because of misinformation and belief, may upon further showing be naturalized.

Mr. BURNETT. We substitute section 10 for that, and in doing that we expressly repeal that. The law will be then just as we express it in section 10, and section 10 is substantially a repetition of the act of June 25, 1910, which provided—

That any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during a period of five years next preceding May 1, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights and duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization.

Mr. MAPES. I do not understand the gentleman's statement that the bill has substituted section 10 for the provision I have read. They are both in the conference report.

Mr. BURNETT. As the gentleman will observe, he was reading from the portion of the section repealed. We set out the portion of the section repealed.

Mr. MAPES. You make provision for those men to become naturalized.

Mr. BURNETT. I know; but if the gentleman will look at page 15 he will see that we repeal certain laws, setting out the laws, and that which he calls attention to is that law which I have just read, including the proviso of the law that I just read.

Mr. MAPES. The gentleman means that the proviso sets forth the law that is to be repealed?

Mr. BURNETT. Yes. It is just a copy of the law that is to be repealed.

Mr. MAPES. I did not so understand.

Mr. BURNETT. I would like to explain that for a minute. I would like to explain what the effect is. The Committee on Immigration and Naturalization reported, and the House felt that we ought to bring it up to that time—May, 1910, when the bill was reported—the law allowing people who had honestly labored under the misapprehension that they were citizens, under misinformation that induced that misapprehension, and who had resided in this country five years before May, 1910. We felt that they ought to be permitted to go on and perfect their naturalization. The conferees believe that if it was right to bring it up to date then, in May, 1910, when the act was passed—it having been approved June 25, 1910—we ought to extend the time to July 1, 1914, so that those who had resided in this country for five years before July 1, 1914, and had labored under this misapprehension and misinformation would be allowed to become citizens. We did not feel that we ought to bring it up within the period of the war in Europe, but by making the residence date back five years before July 1, 1914, it will permit hundreds of good men all through the country, some holding official positions, who have labored under this misapprehension, to become fully naturalized. There are some in my own State. The gentleman from Texas [Mr. SLAYDEN] before the Senate committee cited a number of cases of extreme hardship in his own State. They have them in the States, no doubt, of every gentleman here, men who have, out of misapprehension, gone on and become aldermen and members of the legislature and mayors of cities, and some voting; and now, in order to meet such hardships as that, this date was moved up so as to include those who resided here five years preceding July 1, 1914.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SLAYDEN. My attention was called by one of the Senators from Nebraska to a case in his own State of a Union soldier of the Civil War. He had thought himself a citizen. He had been voting all his life, and he found out recently that he was an "alien enemy." The Senator was anxious to have the law amended to relieve that citizen and others similarly situated.

There have been quite a number of cases in my district. I have numerous instances in mind; there are three or four gentlemen who came to Texas 70 years ago and grew up there. Their fathers voted under the specific authority of the constitution of the State of Texas, where a man who declares his intention to become a citizen becomes a voter after he has lived in the State a year and six months in his county. Their fathers voted, and their sons went into the military service in 1861. I will not say which service they entered, because it might prejudice the bill in the minds of some. But they came back and have been loyal citizens, and in three or four cases have been holding office, both State and Federal. One of them, I recall, was a postmaster for 17 years. They are all good citizens. They have grandsons in the Army at the present time, and to the extent of their ability—which is very considerable, too—have invested in the bonds of this country. Those people would be relieved by this legislation. It would relieve both Union and Confederate soldiers. I hope this particular provision will make an appeal to every Member of the House, as it did to every Member of the Senate.

Mr. ROBBINS. Mr. Speaker, I would like to ask the gentleman in charge of the bill whether this section 10 will cover a case like one that I have in my district that has given me considerable anxiety and worry. A man came from Germany bringing with him a son, a boy of about 14 years of age. This son has now grown to be a man of probably 40 years of age, and he has held various positions of trust and responsibility in the city where he resides, as a member of the school board and as a member of the city council. He has voted there ever since he reached the age of 21. The question has been raised whether he was naturalized. Of course, he was not, and he could not prove that his father had ever been naturalized during his residence in this country. This man had to register as an alien enemy, but he is not an alien enemy. He does not even speak the German language. Under section 10 of this bill, as I read it, he will be entitled to become a citizen simply by making a declaration and proving by two witnesses that he is a bona fide resident of the country and desires to become a citizen and would renounce his allegiance to the Imperial German Government.

Mr. SLAYDEN. If he has resided uninterruptedly in the country for a certain length of time——

Mr. ROBBINS. He has resided uninterruptedly in my native county for at least 20 years. Now, does section 10 meet his case, or is it intended to meet such a case as that? This man came down here to see me, and I advised him to register as an alien enemy. I am quite anxious to have his case disposed of in a satisfactory way, so that he may become technically and legally what he is now in fact, a loyal citizen of the United States.

Mr. BURNETT. Perhaps the tenth subdivision would not reach that case, but the eleventh subdivision will reach the case to which the gentleman refers. The tenth subdivision says "not an alien enemy," but the eleventh subdivision will cover it.

Mr. RAKER. If the gentleman will yield, a member of the Committee on Appropriations referred to section 3679. I just wanted to call the attention of the chairman of the committee to the fact that the act he refers to was passed before the beginning of the fiscal year, and took in a month or so just like this, so that there is nothing in the point made about the appropriation for the remainder of this fiscal year.

Mr. BURNETT. Mr. Speaker, this brings me to section 11. I will ask the Chair how much remains of my 30 minutes?

The SPEAKER pro tempore. The gentleman has only one minute remaining.

Mr. BURNETT. Then I will ask for 30 minutes more.

Mr. WALSH. Mr. Speaker, this is an extremely important matter. The gentleman is about to take up an important section of the bill. I do not think it is fair to the gentleman himself or to the House that there should be so few Members here, and I will make the point of order that there is no quorum present.

Mr. BURNETT. Will the gentleman allow me to obtain the consent first for an extension of my time?

Mr. WALSH. Certainly; I will withhold the point until the consent is granted.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to proceed for 30 minutes.

Mr. WALSH. I wish the gentleman had asked for 40 minutes instead of 30.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. BURNETT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Austin	Fairchild, G. W.	Kreider	Sanders, La.
Bacharach	Flynn	LaGuardia	Sanders, N. Y.
Barkley	Fordney	Lee, Ga.	Scott, Pa.
Barnhart	Foss	Lehlbach	Scully
Bowers	French	Lever	Shackleford
Brodbeck	Fuller, Mass.	Littlepage	Shouse
Brumbaugh	Gallagher	Longworth	Siegel
Buchanan	Garland	McCormick	Slemp
Butler	Glass	McCulloch	Small
Campbell, Pa.	Glynn	McFadden	Smith, C. B.
Carew	Godwin, N. C.	McLaughlin, Pa.	Smith, T. F.
Carter, Mass.	Goodall	McLemore	Stafford
Clark, Pa.	Graham, Pa.	Maher	Steele
Cleary	Gray, Ala.	Mann	Stephens, Miss.
Collier	Gray, N. J.	Miller, Wash.	Sterling, Pa.
Cooper, W. Va.	Gregg	Mondell	Stevenson
Copley	Griest	Moores, Ind.	Sullivan
Costello	Griffin	Morin	Sumners
Crago	Hamill	Mott	Swift
Curry, Cal.	Hamilton, N. Y.	Mudd	Templeton
Dale, N. Y.	Harrison, Va.	Nelson	Thompson
Dale, Vt.	Haskell	Nicholls, S. C.	Tinkham
Davis	Hawley	Nichols, Mich.	Van Dyke
Delaney	Heintz	Olney	Vare
Denison	Hood	O'Shaunessy	Vestal
Dewalt	Howard	Parker, N. Y.	Waldow
Dies	Jacoway	Phelan	Walton
Dillon	Johnson, S. Dak.	Porter	Ward
Donovan	Jones	Powers	Watson, Pa.
Dooling	Kahn	Price	White, Me.
Drukker	Kehoe	Ramsey	Williams
Dunn	Kelly, Pa.	Reavis	Winslow
Eagan	Kennedy, R. I.	Riordan	Wood, Ind.
Elliott	Kiess, Pa.	Rose	Woodyard
Estopinal	King	Rowe	
Fairchild, B. L.	Kinkaid	Rowland	

The SPEAKER pro tempore (Mr. HOUSTON). Two hundred and eighty-eight Members have answered "present."

Mr. BURNETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

A quorum being present, the doors were opened.

BILLS ON UNANIMOUS CONSENT CALENDAR.

Mr. BURNETT. Mr. Speaker, without having it taken out of my time, I wish to yield to the gentleman from Tennessee, the chairman of the Committee on Naval Affairs.

Mr. PADGETT. Mr. Speaker, there are five bills on the Unanimous Consent Calendar that encumber the calendar and mislead Members who have other bills on that calendar. These five bills have been passed by the House, as they were included in the naval appropriation bill. I ask that they be stricken from the Unanimous Consent Calendar so that the calendar on next Monday will not mislead Members.

Mr. MOORE of Pennsylvania. What are the bills?

Mr. PADGETT. The first one is H. R. 10783, a bill to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes, calendar No. 102.

Mr. MOORE of Pennsylvania. Are they naval committee bills?

Mr. PADGETT. Yes; and were passed in the naval appropriation bill.

Mr. MOORE of Pennsylvania. The purpose is to take them off the calendar.

Mr. PADGETT. Yes. The next bill is S. 3406, calendar No. 107, an act to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps.

The next is H. R. 7327, a bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916.

The next is H. R. 8983, a bill to amend an act approved May 27, 1908 (35 Stats., pp. 417 and 418), and for other purposes, and the other is H. R. 8986, a bill to pay a cash reward to civilian employees in the United States Navy. I ask unanimous consent that those bills of which I have given the numbers be stricken from the Unanimous Consent Calendar, and as they appear on the Union Calendar, that they be stricken from that calendar and lie on the table.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bills of which he has given the numbers and titles to be stricken from the calendar for the reason stated. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, were these bills on the Unanimous Consent Calendar and objected to?

Mr. PADGETT. No; they are on the Unanimous Consent Calendar, but before they were reached they were included in the naval appropriation bill and passed.

Mr. MOORE of Pennsylvania. And the purpose of the gentleman is to take them off the calendar altogether?

Mr. PADGETT. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AMENDMENT OF STATUTES RELATING TO NATURALIZATION.

Mr. BURNETT. Mr. Speaker, in regard to section 11 the purpose is to provide for many meritorious people who have filed their declarations of intention to become citizens, or who are otherwise entitled to become citizens, but who, on account of the fact that we are at war in the countries of which they are natives, like Austria-Hungary, Germany, and Bulgaria, they are not entitled to perfect their citizenship. This provision we thought ought to be extremely well guarded. It is well guarded. In the first place, the petition must have been filed not less than two nor more than seven years before the war. We go further and say that no alien embraced in that subdivision shall have his petition for naturalization called for a hearing, or heard, except after 90 days' notice given by the clerk of the court to the Commissioner or Deputy Commissioner of Naturalization to be present, and the petition shall be given no final hearing except in open court and after such notice to the representative of the Government from the Bureau of Naturalization, whose objection shall cause the petition to be continued from time to time for so long as the Government may require.

I think that is self-explanatory. For the purpose of enabling these people in that condition, after due notice of 90 days, to the Naturalization Bureau agents to investigate the question as to whether these people are loyal or not. There are thousands of people from Austria-Hungary—Bohemian and Moravian—who are just as much with us in this war as the Americans, and yet these people by the accident of birth are included in the class of alien enemies not entitled to perfect their citizenship. It is for the purpose of protecting such cases as that that we put in this provision.

There is an amendment to that, that the President may in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon he shall have the privilege of applying for naturalization.

One member of the conference committee, my good friend from Washington [Mr. JOHNSON], called attention to a case of extreme hardship, where a washerwoman in this city was in the class of an alien enemy and about to be interned. This gives the President, not the right to select classes and say that they shall be exempt from the alien enemies, but upon investigation by the Department of Justice as to the loyalty of individuals, the President may remove the ban of the condition of an alien enemy from these people, and thereupon they may apply for naturalization.

Mr. RAKER. And even then, after the President does that, the party must comply with the naturalization laws just the same.

Mr. BURNETT. Yes; after the President acts, they have to run two gauntlets; first the Naturalization Bureau which makes the investigation, and then the court is not bound by even the report of the Naturalization Bureau.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. SMITH of Michigan. Will the Turk come under section 10 or section 11?

Mr. BURNETT. The Turk is not an alien enemy.

Mr. SMITH of Michigan. Then he would come under section 10.

Mr. BURNETT. Yes; unless he is an Asiatic.

Mr. SMITH of Michigan. Ought he not to be under section 11?

Mr. BURNETT. When the President declares war he should be.

Mr. SMITH of Michigan. It is not for the President to declare war. The Congress declares war.

Mr. BURNETT When I say the President I mean when Congress does on the recommendation of the President.

Mr. RAKER. At the present time all those that have complied with the naturalization law can be naturalized, if they comply with the law, and this only applies to alien enemies who can not proceed at all at the present time. Is not that right?

Mr. BURNETT. Yes.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. WALSH. I do not quite understand what is meant by the language "that the President upon investigation and report of the Department of Justice fully establishing the loyalty of an alien enemy," and so forth. If a person is an alien enemy, I do not see how a report upon investigation can establish his loyalty.

Mr. BURNETT. They are alien enemies theoretically. It is the law that fixes the status of the alien enemy. We have a statute which says that no alien enemy can become naturalized. Many of those by law who are theoretically alien enemies and by letter of the law are alien enemies are at heart loyal to our Government.

Mr. WALSH. I appreciate that, and perhaps it might be considered as quibbling; but I think the language should be "fully establishing the loyalty of any person classified as an alien enemy," and then it would not apply to a person who was an alien enemy. You can not establish the loyalty of an enemy.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. RAKER. This is the same language that is in the act of July 30, 1813. They shall be alien enemies at the time and in the manner prescribed by law, but if they comply with the law, having lived in this country the requisite length of time, having filed their declaration of intention and made their application, notwithstanding the legal status, if their loyalty is shown to this country, they can then be admitted. For over 105 years that has been on the statute books, and it has worked well.

Mr. WALSH. But we have a few different judges interpreting the law from those we had back in 1813.

Mr. RAKER. I know; but we have, in addition to the judges, the Bureau of Immigration and the Attorney General's office, and we have every appliance for the purpose of determining the loyalty of the particular individual, and I will call attention to this: Say a man makes his application, then everybody is given notice and everybody will determine whether he is loyal or not. If he is loyal and is willing to give his lifeblood for this country in order that his sons may become naturalized and enter the service, ought he not to be permitted to enter?

Mr. WALSH. Yes, certainly; but the gentleman will note that before he can apply under this provision the President will have to exempt him from the classification, and he can not file his application until after the President has acted upon the investigation.

Mr. RAKER. There are two subdivisions, the one where he has already complied with the law except as to getting final judgment of the court by reason of the declaration of war. This last provision is to allow the President to make thorough investigation. He would call on the Attorney General's office or the Bureau of Immigration, and if he did determine that fact then the individual would be in a position to make his application and go forward with it to final determination, if all of the conditions were ripe that he should.

Mr. WALSH. I think under the language it might be possible for a spy—I wish the gentleman from Alabama [Mr. HEFLIN] were here—or a person engaged in furthering propaganda to withstand an investigation, to be found to be loyal, who was classified as an alien enemy, and who might be permitted to be naturalized during the continuance of the war; and I only wanted to get the chairman's view of the matter, as well as the opinion of the gentleman from California, and have those opinions put in the RECORD so that in case occasion should arise the full intent of this change would be determinable. I think the language, however, is a little faulty in the respect I have pointed out. There seems to be an attempt to prove that somebody who is an enemy is loyal. If he is an enemy, he can not be loyal; and if he is loyal, he can not be an enemy.

Mr. BURNETT. Possibly the gentleman has been misled by the language of the Senate bill, which authorizes him to exempt from the classification of alien enemies any individual or class thereof. We struck out the words "or class thereof," so that it is confined to the individual. The investigation has to be of the individual, and the report has to be made on each individual.

Mr. MASON. Mr. Speaker, in that connection will the gentleman from Alabama permit me to suggest this: In the city of Chicago, for instance, on Saturday they are to have a parade and a large meeting in the interest of our country by the Hungarians of Chicago, and possibly there may be among those people men who would be described legally as alien enemies, but a more patriotic lot of people we have not in the United States, for they are not only here ready to fight for this country but they are anxious to spread this doctrine of republicanism or democracy in the country they came from, which is wholly in the interest of this country and our allies, and anything that will encourage those people who are really loyal but who come in under the definition of alien enemies ought to be encouraged.

Mr. SABATH. And that applies to the other nationalities in Chicago, to the Poles, the Bohemians, the Moravians, the Lithuanians——

Mr. MASON. Yes; the Lithuanians and others.

Mr. JOHNSON of Washington. Friendly aliens from enemy countries.

Mr. BURNETT. Mr. Speaker, as the gentleman has referred to these cases of hardship, I desire to say that we have cases brought to our attention where the sons of some of these people are enlisted as privates and are fighting in our armies, and yet the father and the mother have to be interned because they are alien enemies, and it is not right.

Mr. COX. Mr. Speaker, I want to ask the gentleman a question for information.

Mr. BURNETT. Certainly.

Mr. COX. I suppose all of us have cases of this kind in our districts, but here is a case of a gentleman who has repeatedly written to me. He came here at about the age of 18 years. He was erroneously advised that when he became 21 he would become an American citizen, and about five years ago he took out his first naturalization papers. He is a minister of the Gospel and moves around from one place to the other wherever the synod chooses to send him. Now, under this bill, if this conference report becomes a law, will he be permitted to take out his second papers?

Mr. BURNETT. Has he taken out his first papers?

Mr. COX. Oh, yes.

Mr. BURNETT. When?

Mr. COX. About five years ago.

Mr. BURNETT. Yes. This says not less than two and not more than seven years prior to the existence of a state of war; that is, our declaration of war. If he is a German, not less than two or more than seven years before—I believe it was the 6th day of April—we declared war, and if he is an Austrian or Hungarian, then not less than two or more than seven years before the declaration of war with those countries.

Mr. COX. I am delighted to hear that, because I want to bear testimony to this man's loyalty. He has moved heaven and earth to try and get into the Army somewhere. He was in the Spanish-American War, and he has done wonderful work in Red Cross and other war activities.

Mr. BURNETT. In a case like that this bill would give relief.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. STEPHENS of Nebraska. I have a case in point of a captain in the Army—now serving in the Army—who was brought to this country by his parents when he was a small boy. His father was not naturalized until this boy was 23 years of age, and so he never did apply for naturalization papers, because he always supposed he was a citizen. Now he is in the Army, and the question of citizenship has arisen, and he is likely to be declared an alien. Now, what I want to know is whether or not this measure will protect him?

Mr. BURNETT. It will. Under the statement the gentleman makes it would, because he believed erroneously that he was a citizen, and acted under that impression. In the second place, even if that was not the case, this bill provides that those who have enlisted in the Army, whether drafted or volunteers, they may immediately make application, and on 90 days' notice the court could naturalize them on proper proof.

Mr. STEPHENS of Nebraska. In addition to that, this captain has taken oath several times as a National Guardsman. That would not have any effect——

Mr. BURNETT. How did he get to be a captain?

Mr. STEPHENS of Nebraska. Through the National Guard.

Mr. BURNETT. One of the very handicaps aliens have is that they can not go into a commissioned office as long as their alienage exists. That is why I made that inquiry. This will take care of him.

Mr. SABATH. The chances are they do not know that he was not a citizen.

Mr. BURNETT. Now, Mr. Speaker, section 12 says:

> That any person who, while a citizen of the United States during the existing war in Europe, enters the military or naval service of any country at war with a country with which the United States is now at war, shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations; and such oath may be taken before any court of the United States, or of any State authorized by law to naturalize aliens, or before any consul of the United States; and certified copies—

And so forth.

Mr. WALSH. May I direct the gentleman's attention to the fact that he has put the word "who" in there twice?

Mr. BURNETT. Yes; I observe that.

Mr. WALSH. I suppose the gentleman will have that corrected by unanimous consent later?

Mr. BURNETT. Can we do that on a conference report?

Mr. RAKER. By resolution.

Mr. WALSH. By resolution or unanimous consent, I think the gentleman can.

Mr. BURNETT. I think the gentleman's criticism is right, but I do not think it is vital, and, if so, we will find a way to correct it. It is simply an oversight in repeating the word "who."

Mr. RAKER. The trouble was we worked so late and so many nights that the owls were "who-whoing," and we did not strike one "who" out.

Mr. BORLAND. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. BORLAND. Does that clause the gentleman is discussing refer to the young men who have gone over to Canada and enlisted in the Canadian forces in the Royal Flying Corps over there?

Mr. BURNETT. Yes. This is simply the Rogers law that we passed some time ago amended, and I was delighted when I found my good friend, Mr. ROGERS, was satisfied with it, because I had labored with him very recently trying to get my committee to report the bill which was before the committee, and it is a most wise provision. Now, Mr. Speaker, under our naturaliza-

tion law they have to take an oath that they retain no allegiance to any king, and so forth. In other words, it is this:

Any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws—

If they had stopped there no harm would have been done, but in addition—

or when he has taken the oath of allegiance to any foreign state.

Now, those who joined the Canadian and English armies were required to take an oath of allegiance to King George, and under the construction of this law—perhaps a strict construction at least, and I have no doubt the correct one—they have expatriated themselves.

Many of them enlisted before the war. And the Rogers bill was for the purpose of curing that. It is thought by the naturalization authorities in getting that bill up there might be some unnecessary red tape about it, and so, in order to remedy anything of that kind, we simply require them to take the oath of allegiance to this country before the court, if they are here, or before some consular officer on the other side. The Senate bill made it that they did not lose their citizenship in this country, simply a negation. The conference committee believed there ought to be some expression on the part of the soldier that he wanted to resume his citizenship, and therefore they require him to express his desire in the way we indicate in order to rehabilitate himself as an American citizen. And that is simply all there is of that.

The thirteenth provision, Mr. Speaker, is for the purpose of allowing those who are honorably discharged and have not secured their citizenship to acquire their citizenship.

Section 2 is a repeal of these numerous acts that have been codified. As I said a while ago, there has been a great lack of harmony and uniformity in the enabling act for the purpose of allowing aliens to become citizens, and this is a repeal of those statutes, and made necessary by reason of this codification.

Mr. WALSH. Will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. WALSH. Does the gentleman have any information, as a member of the conference or chairman of his committee, that those sections would not have been repealed if they had simply been referred to by numbers and dates when they were approved, instead of setting out all that language?

Mr. BURNETT. I think so, beyond a doubt. I am informed they were riders or, rather, amendments to appropriation bills, and hence were perhaps necessary; but I believe even if the law is in conflict with a provision that, ipso facto, it repeals the existing law.

Mr. WALSH. You do that on page 16.

Mr. BURNETT. So far as I am concerned, Mr. Speaker, I rather desired that as a matter of information, so that my friends, in the discussion of this matter, would have right before them just the language that was sought to be amended and repealed. And I agree with the suggestion of the gentleman, but from my standpoint it was more a matter of aid in securing the speedy passage of the bill than anything else. I recognize the legal principle that my friend states.

Now, Mr. Speaker, I think, unless some gentleman desires to make some further queries in regard to this matter, that I have consumed about all the time that I wish.

Mr. DAVIDSON. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. DAVIDSON. In reference to section 3, page 17, which limits the effect of the act so far as the declaration of intention is concerned, I want to call the gentleman's attention to some court decisions with which he is familiar, where some naturalizations have been held void. Is this intended to cure that?

Mr. BURNETT. Yes. I am very glad the gentleman has called my attention to it, because I had overlooked that fact; and I want to state it is for the purpose of curing naturalization which had been, as the individuals thought, effected by the courts whose decisions have been annulled by the decision rendered on the 7th of January, holding that those declarations were void after seven years. And that was the purpose of it.

Mr. WALSH. Will the gentleman yield further?

Mr. BURNETT. I will.

Mr. WALSH. The gentleman has been very liberal in yielding for questions.

Mr. BURNETT. Well, this is an important matter, and all the questions have been proper ones.

Mr. WALSH. Will he state the effect and reason for the last sentence of this act? I see what it covers, but I think perhaps a little explanation of it ought to be made, as I do not think it was included in any measure which we passed here. Would that prevent, for instance, citizens of Italy who may have come over here, and are still considered by their Government to be citizens of Italy, from becoming naturalized?

Mr. BURNETT. I will state to the gentleman that that was another amendment of the Senate that the conferees would not agree to. The Senate had in their bill that—

Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

Now, I desire to say, Mr. Speaker, I was considerably in sympathy with that proposition, but the committee, I believe, except myself, thought that was a question of restriction more than anything else, and ought to be considered later on, when the question of whether we would admit people who were by their laws debarred from becoming citizens of this country was being considered. And for that reason it was stricken out, and it was left so that, in the opinion of the committee, it will include those, regardless of what the laws of their own country are.

Mr. WALSH. After you get a lot of them in here and naturalize them, and pass this bill, what good will it do then?

Mr. BURNETT. The question is what good will it do us. One good it will do, Mr. Speaker, is that it will make these people subject to our draft laws, subject to our laws, the laws of our country.

Mr. WALSH. By not including?

Mr. BURNETT. Exactly. Mr. Speaker, I would like now——

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. HAYES. Mr. Speaker——

Mr. BURNETT. Mr. Speaker, I desire to say that the House has been exceedingly courteous to me. I have consumed a great deal more time than I anticipated, by reason of the questions—everyone of them pertinent and proper—that were asked me. There are gentlemen on this side who wish to speak. The gentleman from California [Mr. HAYES] will ask for one hour in his own right, and by reason of the fact that I have consumed so much of this time I should like to have, say, 20 or 30 minutes more, in order that I may yield to the gentleman from Illinois [Mr. SABATH], the gentleman from California [Mr. RAKER], who were my colleagues on the conference, and the gentleman from Texas [Mr. SLAYDEN], a member of the committee, who helped us to frame what is known as the Sabath bill, which has been reported. I ask for 30 minutes more.

Mr. WALSH. Of course the gentleman will not object if the gentleman from California would like to have more time than the hour?

Mr. BURNETT. Not at all.

Mr. HAYES. I would like to have my hour, and would not want to yield for 30 minutes. The gentleman has had over an hour. I would like to use my hour now.

Mr. BURNETT. I just wanted to give notice now that I would like to have the time.

The SPEAKER pro tempore. The gentleman from California is recognized for one hour.

Mr. HAYES. Mr. Speaker, I think the gentleman from Alabama [Mr. BURNETT] has explained most of the provisions of this bill so there are probably few misunderstandings in regard to it. I think there are still some.

The gentleman from Minnesota [Mr. MILLER] has raised a point here that I think can be easily cleared up. The provision in subdivision 7, relating to the Filipino, is no discrimination against him, but on the contrary it extends to him a privilege. The Filipino at this time, so far as naturalization is concerned, is an alien, and, being a member of the Malayan or brown race, he is not eligible for naturalization; and the purpose of the first provision here is to permit him or to encourage him to enlist in the naval service, in the Marine Corps, or in the merchant marine. After his term of enlistment, or after three years of service, he may be admitted to citizenship and become a citizen of the United States.

This is incorporated in the bill at the suggestion of the Secretary of the Navy, and the purpose, as I say, is to encourage the Filipino to enlist and serve in the Navy. The Filipino makes a splendid sailor. The bill is not a discrimination against the Filipino at all, but extends to him a privilege which he does not now enjoy.

Mr. MILLER of Minnesota. With due respect to the gentleman, I still insist that it is discrimination against him, and for this reason: When the courts come to construe this act they are going to say, "You made a line of demarcation between a Filipino and an alien." And there is one. A Filipino has to swear and maintain allegiance to the United States flag and the United States Government.

Mr. HAYES. Yes.

Mr. MILLER of Minnesota. To that extent he is not an alien at all. The courts do not hold him an alien.

Mr. HAYES. He is not a citizen.

Mr. MILLER of Minnesota. He is everything but a citizen. But you can not describe him as an alien, and this bill makes a distinction between him and an alien. You permit an alien to do many things that you do not permit a Filipino to do.

Mr. HAYES. That is true, because it is not intended to admit the Filipino, or any member of the Malayan race, to naturalization as a general proposition. That is the policy of our law. It has been the policy of this country from the beginning, and it still is our policy, that only white people and, latterly, persons of African nativity or African descent shall be admitted as citizens.

Mr. MILLER of Minnesota. We have made all the people of Porto Rico citizens of the United States.

Mr. HAYES. They are not members of the brown race. They do not enlarge the general scope of our naturalization laws. They are not Malayans or Mongolians, and therefore they are eligible to naturalization under our law.

Mr. SMITH of Michigan. How about the Hawaiian? He is not a black man.

Mr. HAYES. No. He is not; but by law the Hawaiians became citizens of the United States at the time the Hawaiian Islands became the property of the United States, I believe.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. ROBBINS. What disability does the Filipino labor under except that he has not the right to vote? He holds the right of acquiring property and the right of marriage and the right of bequeathing property.

Mr. HAYES. There are other disabilities that he has.

Mr. ROBBINS. What are they?

Mr. HAYES. He can not serve in the United States Army as an officer. One of the provisions of this bill relieves him during the present war from that disability. There are others. We all desire to do justice to the Filipino, but I do object to giving him the right—ten or twelve millions of him—to become a naturalized citizen of the United States and to swarm over here.

Mr. MILLER of Minnesota. Is that accurate, that he can not serve in the Army of the United States? The Filipino Scouts are made up almost entirely of Filipinos.

Mr. HAYES. That is true. I said he can not be an officer in the United States Army. During this war the Filipino can become an officer of the United States Army, but as a general proposition he can not. I mean he can if this bill becomes a law. I would be very much opposed to admitting the Filipinos generally to naturalization. In my view—and I think in the view of the gentleman from Minnesota and in the view of almost all of us—the flag is floating over the Filipinos not as a permanent proposition.

Mr. MILLER of Minnesota. I do not agree with the gentleman as to that. I am not worried about whether it is going to be permanent or not. I am not worried about that.

Mr. HAYES. We have promised the Filipinos their independence ultimately, and, of course, that promise will be kept.

Mr. MILLER of Minnesota. I am not willing to pass any law that makes a distinction that is unfair to the Filipino.

Mr. HAYES. I will agree with the gentleman in that respect, but I think the first consideration that the Congress of the United States should have in this matter is justice to the people of this country and the avoidance of any further troublesome racial questions coming into this country to plague us, as the one that we have already has done.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. LITTLE. I do not know whether the Filipino can be enlisted in the Army or the Navy or not, but I will say to the gentleman that 20 years ago in his State an officer of the Regular Army asked me to enlist a couple of Filipinos.

Mr. HAYES. I did not say they could not be enlisted.

Mr. LITTLE. Excuse me; I have not finished. They changed their minds, and a general order was issued in San Francisco to the effect that no Filipino should be enlisted. I judged from that that they could be.

Mr. HAYES. I have not stated that they could not be. I said they could not become officers in the Army of the United States without some enabling act like this, because they had to be citizens of the United States in order to be officers in the United States Army.

Now, the principal purpose of this subdivision 7 is to permit the immediate naturalization, as I recall, of something like 126,000 aliens who are now in the Army of the United States—many of them now in France and many more of them going—to naturalize them immediately, so that when they get over there they will have the right of the protection of this country as citizens of the United States, so far as we can give it to them. At present we can not even say that they are citizens. We should have the power to grant them protection. We have no right to attempt it under international law. We desire to put these men and the families of these men who are serving and offering their lives on foreign soil for this country on the same basis as soldiers who are citizens of the United States by giving them the right to become immediately citizens by naturalization. That is the immediate purpose of subdivision 7, and I think it does this, and does it so far as we are able to do it, by throwing around the naturalization proceedings the necessary protection, so that the right shall not be abused.

Of the 126,000 who are not citizens, 76,000 have not even declared their intention to become citizens of the United States.

Mr. JOHNSON of Washington. Are the 76,000 out of the 126,000?

Mr. HAYES. Yes; 76,000 out of the 126,000.

Subdivision 8 is intended, as the gentleman from Alabama has already indicated, to equalize the time that aliens must serve in the Army, or Navy, or the Marine Corps, or the merchant marine of the United States in order to take advantage of their service in becoming citizens.

Subdivision 11 is intended to take care of those aliens who are friendly to the United States and loyal to us, but who are classified under the law as alien enemies. For example, almost all of the Bohemians in this country are enemies of Austria, and are just as loyal citizens under our flag as we have; but they are classified as alien enemies, and under the law are liable to be interned. Subdivision 11 permits the reclassification of those alien enemies who are really at heart not alien enemies, and permits them under certain and very severe restrictions to apply for naturalization, so that they may be protected in their rights. It is intended to relieve certain very extreme cases where there is great hardship. There is a woman, for example, who has lived for 30 years in this city, and who is engaged in business here. Her husband is dead. She is a German woman and her husband never took advantage of the law to become naturalized. She has been in business here since his death, and is a perfectly harmless and loyal woman. Yet she has been interned as an alien enemy. This subdivision would permit her, after an examination by the Department of Justice, to satisfy the department that she is perfectly loyal, to be reclassified and admitted to naturalization. That is the purpose of the latter part of subsection 11.

Mr. WALSH. Will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Massachusetts.

Mr. WALSH. There are certain provisions of this bill which affect those who serve in the Army or the Navy, and I should like to ask the gentleman if the conferees know whether these provisions of the bill are approved by the War Department and the Navy Department?

Mr. HAYES. The conference committee had before them representatives of the War Department and of the Department of Justice, and so far as I understand it the bill is framed to meet their views. Some of the provisions in the bill have been specifically requested by the Secretary of the Navy. So far as we are advised the bill is entirely satisfactory to both those departments.

Mr. GORDON. Mr. Speaker, will the gentleman yield to me?

Mr. HAYES. Yes.

Mr. GORDON. Has the State Department made any suggestions in reference to the provision of the law that the gentleman is now discussing—for the naturalizing of alien enemies?

Mr. HAYES. I do not recall that it has.

Mr. GORDON. There are some countries, Germany in particular, that undertake to impose conditions and restrictions upon the rights of their citizens to become citizens of foreign countries.

Mr. HAYES. Yes. Italy and Germany have such laws.

Mr. GORDON. I was wondering whether the committee have considered that?

Mr. HAYES. Yes; we considered it very fully. I am coming to that. That is the last subdivision. I would say, however, to the gentleman in regard to the Department of State, that so far as I know we had no suggestions from the Department of State, but we are advised by that department that they fully approve this bill, or at least have no objection to it. Now, so far as the other point that the gentleman referred to is concerned, the conferees considered that it would be a great injustice to those citizens of Italy, for example, who come to this country and who desire to become naturalized and incorporated into our citizenship, to deny them naturalization simply because their country refuses to recognize the naturalization laws of the United States and their change of citizenship. It is a matter entirely beyond their control. They have no control over the laws or the Government of Italy, and if they desire to come

here and become citizens I see no reason why they should be discriminated against because of the remarkable action of their own Government.

Mr. GORDON. Of course there is just this difficulty about it: In case these men should enter the military service and be captured they would become liable to the pains and penalties of treason.

Mr. HAYES. That is true; but if they were not naturalized the same thing would be true, so they are in no worse position; but, on the contrary, by becoming naturalized American citizens they acquire the right to whatever protection our Government can give them.

Mr. GORDON. I understand it is the policy of the War Department not to permit any such aliens as that to go abroad.

Mr. HAYES. They have never said anything to us in regard to that. At least I have not heard of anything of that kind being said by the representatives of the War Department.

Mr. JOHNSON of Washington. The statement has been made that certain aliens whom it is not desirable to send to foreign countries are being placed in other service in the United States.

Mr. HAYES. That is true.

Mr. JOHNSON of Washington. That covers their case.

Mr. HAYES. Yes; perhaps it does.

Mr. FAIRFIELD. Has the gentleman any information as to what attitude the State Department has taken in recognition of the fact of dual citizenship?

Mr. HAYES. The State Department, in view of our laws, can not recognize any dual citizenship, of course. The naturalized aliens are citizens of the United States in our view, no matter what may be the law of the country to which they formerly owed allegiance. So our State Department does not recognize the law of Italy or of Germany in that regard. That has been for many years a bone of contention between the governments that have such laws and our own Government.

Mr. FAIRFIELD. And there never has been, either directly or indirectly, any recognition at all on our part of any such dual citizenship?

Mr. HAYES. On the contrary, quite the reverse.

Mr. GORDON. In the War of 1812 we expressly repudiated that idea.

Mr. HAYES. Absolutely; and have always repudiated it ever since then, and still do.

Mr. JAMES. Will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Michigan.

Mr. JAMES. The other day I had a letter from the Secretary of State, in which he said he expected in a short time that under the new treaty with Italy men who come over here from that country and are naturalized here will be treated as American citizens

Mr. HAYES. That would be a very desirable outcome of the dispute which has been going on for years.

Mr. JAMES. Germany passed a law a short time ago in which it was provided that a German before leaving for this country or any other country might go before his burgomaster and take an oath, as a result of which, notwithstanding any renunciation of allegiance to the Imperial German Government which a man is required to declare when he becomes a naturalized citizen of the United States, he would still be a subject of the Kaiser.

Mr. HAYES. In their view of the law, yes.

Mr. JAMES. Now, I notice that the Senate put in an amendment to this bill which provided that—

> Hereafter, subject to the provisions of subdivision 11 of this act, no citizen or subject of any country which by law permits its citizens or subjects to retain their citizenship or allegiance in such country after being naturalized in another country shall be eligible for naturalization in the United States.

I take it that referred specially to Germany.

Mr. HAYES. Yes.

Mr. JAMES. For what reason was it stricken out?

Mr. HAYES. For the reason I have stated. Italy has the same sort of a law, and it would be unjust to former citizens of that country who have come here with the firm intention of becoming a part of our citizenship to refuse them naturalization because of the unreasonableness of the laws of their home government and the attitude they take toward all other governments in the world.

Mr. JAMES. But there is a difference between Italy and Germany. Italy does not recognize the naturalization laws, while Germany has a law that, notwithstanding they become citizens of another country, they still remain citizens of Germany. They deliberately cover up the Germans, which is not what Italy is doing.

Hr. HAYES. The result is the same.

Mr. CANNON. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. CANNON. What does the report do and what does the bill do where a German subject becomes naturalized in the United States and Germany will not recognize that naturalization? Did not we fight the War of 1812 to establish that principle?

Mr. HAYES. We did; and we have been fighting for it ever since through the State Department.

Mr CANNON. Does this bill interfere with that provision?

Mr. HAYES. It does not; the committee struck out the provision that would interfere with it.

Mr. CANNON. Otherwise they could take the naturalized German citizen or the citizen of any country with which we were at war and shoot him.

Mr. HAYES. And we would have no power to interfere; that is, no international power or international right to interfere, even if we had naturalized him.

Mr. CANNON. It would be a question of force and retaliation.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HAYES. I will.

Mr. SLAYDEN. As to this question of dual citizenship, Germany and Italy, and formerly, if not at this time, France, claimed that her citizens were still citizens of that country; she never gave up her claim on citizens. Now, a matter of that kind can only be reached and corrected, I suppose, by a treaty duly ratified.

Mr. HAYES. That is true.

Mr. SLAYDEN. Germany declares that her emigrants becoming naturalized do not lose their citizenship in the German Empire. We say they do. That is as far as the argument can be advanced except through a treaty or the battle field.

Mr. HAYES. Yes; it must be settled either by treaty or by force, or not at all.

Mr. HICKS. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. HICKS. If my friend from Texas will permit and my friend from California indulge me, I think the citizen of Germany who becomes naturalized, if he applies to the consul of that country, can retain his German citizenship, thus assuming an absolutely dual allegiance.

I think that both Italy and France maintain that they have the right to the military service of their former citizens even after those citizens have become naturalized in America. While we have denied this right, it is a conflict of law and does not involve dual allegiance. France and Italy only in a qualified way concede the right of their people to expatriate themselves, while Turkey and Russia deny it absolutely. Germany, however, while not denying this right, sets up in lieu of it the doctrine of double allegiance, inviting emigrants from her sovereignty to retain their German citizenship while accepting the obligations of American citizenship. Those naturalized citizens must perjure themselves and assume a false position, a position that is reprehensible and repugnant to the spirit of our institutions.

Mr. HAYES. I think that Italy is in substantially the same category as Germany. I see little practical difference in the attitude of the two countries.

Mr. JAMES. I think that the claim of Germany is that he is a citizen of both countries; but not so with Italy.

Mr. HAYES. The effect, so far as this country is concerned, is substantially the same.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. FAIRFIELD. As I understand it, the Senate was recognizing in this paragraph the fact of dual citizenship.

Mr. HAYES. Yes.

Mr. FAIRFIELD. By eliminating that particular language from this law the Senate as a treaty-making power has recognized that fact.

Mr. HAYES. Yes. I will say to the gentleman that the gentleman that put the amendment in the Senate bill was satisfied by argument that he was mistaken and that it ought to go out.

Mr. FAIRFIELD. In common with the gentleman from Illinois, I think it ought to go out and that we ought to protect these men when they become citizens with all the power of the country.

Mr. ROGERS. Will the gentleman yield?

Mr. HAYES. Yes.

Mr. ROGERS. It was Senator LODGE who offered this amendment, was it not?

Mr. HAYES. Yes.

Mr. ROGERS. Do I understand that he was satisfied to have it go out of the bill?

Mr. HAYES. We are so advised. Now, Mr. Speaker, there is one other thing I wish to mention, and that is that the act of

October, 1917, permitted repatriation of soldiers who had expatriated themselves. The reason it is incorporated in the bill is to eliminate the provision in the act of October last that is susceptible to great abuse. That is the requirement that a certificate of citizenship should be given to those who repudiated themselves. There were presented to the committee a large number of certificates, typewritten and in different forms. One in particular was issued to an Englishman who lived in England at the time he took the oath of allegiance. His family lived there, and it did not appear on the face of the papers that he had ever been in the United States at all. It is plain that this would open the door to great frauds, and the only essential change that is made in the present law is to take out the provision requiring such certificates to be issued by the consuls to repatriated citizens, and the bill requires a copy of the oath to be filed with the Secretary of State and the Bureau of Naturalization in this country as a safeguard against frauds that might be perpetrated under the law of October, 1917.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. FESS. I am not sure that the bill covers the case that I want to ask about, and I rather think it does not, but when the war broke out in 1914 quite a number of American citizens went up to Canada, enlisted in the Canadian forces, some of them without letting the authorities there know that they were Americans, and others, in order to do it, I suppose in a form renounced their allegiance to this country.

Mr. HAYES. They did.

Mr. FESS. Then after we got into the war some of those who had not gone overseas with the Canadian forces came down to this country without leave.

Mr. HAYES. They are expatriated under the view of the administrators of our law, and this bill permits them to become citizens again by taking the oath of allegiance and having that oath filed with the Secretary of State and the Bureau of Naturalization.

Mr. FESS. Take the case of a citizen who has renounced his allegiance in order to join the Canadian forces, who then without leave, in order to join our own Army, leaves the Canadian Provinces and comes back to the United States. He can not make application to enter the Army as an American citizen, for he finds that he is not an American citizen, and he is in a sense a deserter from the Canadian forces. What is the remedy for a case of that kind?

Mr. HAYES. The remedy proposed in this bill is to let him go before a United States court or, if he is not in this country, before a United States consul in any part of the world and take the oath of allegiance and have that oath or a copy of it filed with the Secretary of State and the Bureau of Naturalization, and he again becomes a citizen of the United States.

Mr. FESS. Is there any plan in the bill whereby he can cancel that charge of desertion?

Mr. HAYES. Certainly not.

Mr. FESS. Without some other procedure?

Mr. HAYES. Certainly not.

Mr. JOHNSON of Washington. And nothing like that can be permitted to come about, because it would interfere with the relations of the armies of the allies.

Mr. FESS. That would have to be done diplomatically between the two nations?

Mr. HAYES. Yes.

Mr. SMITH of Michigan. There is some military order by which men can be inducted into the American Army in such cases as the gentleman inquires about. A soldier in the Canadian forces may be inducted into the American Army.

Mr. FAIRFIELD. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. FAIRFIELD. I have two or three letters recently from German-American citizens who have been here for 25 or 30 years, who have voted and held office, and have taken out their first papers, but now find themselves aliens, and they are very anxious about it. One of them has a boy in the service. Would this bill take care of those cases?

Mr. HAYES. Yes; it takes care of those cases.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. HUSTED. As I understand it, this bill would permit, under certain circumstances, citizens of Germany to become naturalized during the period of the war?

Mr. HAYES. Yes.

Mr. HUSTED. I would like to ask the gentleman if he does not think there might be some danger lurking in that provision. I understand it is to cover cases of men and women of undoubted loyalty, who have lived in this country for many years, but who have not availed themselves of their opportunity to become citizens of the United States by declaring their intentions; but is it not possible that some designing German who wants to avoid the suspicion of being a German agent might take advantage of the provisions and secure American citizenship and aid himself in the prosecution of some design inimical to the best interests of this country?

Mr. HAYES. I think it is hardly possible under the safeguards that the bill provides. Before such an alien can be naturalized he has to give 90 days' notice to the Bureau of Naturalization, and the bureau will, of course, in such a case make a thorough investigation. If it is not satisfied with a man's loyalty it may hold up the case and get it continued until it can be satisfied whether he is loyal or disloyal. Besides that, if he had not already applied when war was declared and he is classified as an alien enemy he can not be admitted even to apply for naturalization until the Department of Justice has made a thorough investigation of his case, and is thoroughly satisfied that he is loyal, and I think the gentleman may be sure, if he has come in contact with the Department of Justice at this time or since the declaration of war, that if there is the slightest doubt of the loyalty of that alien in such case his application would be held up.

Mr. HUSTED. I have not any doubt about that, but these German agents are pretty clever in avoiding suspicion.

Mr. HAYES. And our officers are pretty clever and skilled in the detection of all such cases.

Mr. SNOOK. Mr. Speaker, I desire to ask the gentleman a question on the line of the one the gentleman from Indiana was asking. Do I understand the gentleman from California to say that this bill also covers a case where a man has taken out his first papers and thinks he has been naturalized, and he is honestly mistaken, as well as the case where he is not?

Mr. HAYES. Absolutely.

Mr. SNOOK. I understood the chairman of the committee to say it did not.

Mr. HAYES. The gentleman only needs to read the bill, where he will see it refers to the case of a man honestly exercising the rights of citizenship supposing that he was a citizen of the United States.

Mr. SNOOK. I understood the chairman of the committee in making a statement to say it did not cover the case where a man took out his first papers.

Mr. HAYES. If he has taken them out and lets them lapse by negligence, it does not cover him.

Mr. SNOOK. Suppose a man had taken out his first papers, and he thinks he has been naturalized and thinks the process has been completed, is the gentleman of the opinion that the bill covers that?

Mr. HAYES. If he can satisfy the court that he has thus acted in good faith it covers the case.

Mr. SNOOK. It is a question for the court?

Mr. HAYES. Exactly. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. MONTAGUE). The gentleman has 25 minutes.

Mr. HAYES. I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, because this bill to amend the naturalization laws contains many technical phrases it is not easy to pick out from its several paragraphs the many beneficial things that it proposes to do for the unification and general welfare of all the people in the United States, including those aliens who hope to remain here and who are willing to help fight our battle, many of whom are in fact fighting under our flag and in the uniforms of our country, who can not complete their naturalization without such a measure as this one. This bill comes to us from the Senate as a substitute; in fact, a long and technical rider on a small bill passed by the House which dealt with only one phase of the situation. But the House Immigration Committee gave the bill, as it is now before you, much study and I am convinced that this bill when enacted into law will perform a great service toward putting right a large part of the population of the United States. The bill does four or five things in addition to codifying the naturalization laws. Let me state them briefly:

First. It permits the correction of mistaken citizenship brought about through misunderstanding as to the rights of men who have thought they are citizens, because they think their fathers took out full citizenship papers.

Second. This bill gives the opportunity for quickly making full-fledged Americans of all of those brave boys who, without waiting to complete their citizenship, have gone into our great Army and are fighting against our enemies. That is not only fair but a just proposition.

Third. It permits the President of the United States, after full examinations are made by the Department of Justice, to exempt from classification as alien enemies individuals now

so classed. Each individual case is to be handled on its own merits. Whole classes, such as Slavs, Bohemians, and the like, are not to be exempted as classes, but each person personally, after full investigation. An aged German, who, for some reason or lack of foresight, has neglected citizenship and now finds himself an alien enemy, can step out of that classification on proper proof and become known, if I may coin the phrase, as a friendly alien from an enemy country. He can then begin the process of naturalization. That is a just proposition. Every Representative knows of cases where some well-known citizens, long-established residents, both men and women, have neglected to start the citizenship process and suddenly upon the President's proclamation, necessarily so, find themselves declared alien enemies. Such a law will help the Department of Justice in its efforts to mark and imprison alien enemies as well as spies and treasonable persons. It will do a lot to clarify the situation.

Fourth. The bill permits those aliens in this country who were here two years prior to the beginning of the war with Germany—that is, aliens from that country who had started naturalization proceedings—to go right ahead with the naturalization process if they have made a satisfactory showing as to loyalty. For instance, that would take care of men who have made homestead entries on the public domain. Certain restrictions are imposed, of course. The man must have taken out his first papers not more than seven years prior to the day war was declared by the United States.

Mr. Speaker, these various offers of American citizenship to those aliens who deserve citizenship can not fail to clear conditions in all parts of the United States. For years I have been for a restriction of immigration. Too many aliens came too fast. But those who are here and who mean well deserve fair and just treatment.

War has checked immigration, and I am satisfied that one of the things this war will do for the United States is to determine its citizenship, so we will know who are the real Americans, no matter when or whence they came. But, Mr. Speaker, we can not afford, in making that determination, to encourage a feeling of hate against the people whom we know and who can themselves prove that they are loyal. Sooner or later we must gather up all the loyal and well-meaning people in the United States into full citizenship, and I am satisfied this bill will go a long way toward doing it. We can jail or deport the others. The bill when it becomes a law will be one more proof that the United States never lets itself give way to malice, viciousness, or hatred, for it will prove to the people here from other countries, when their countries are at war with us through no acts of these people, that the great United States means to be fair to them. [Applause.] I yield back the balance of my time.

Mr. HAYES. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish to draw attention to section 3 of this bill, which runs as follows:

SEC. 3. That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intention filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized—

and to ask unanimous consent to extend my remarks thereon.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks upon the paragraph to which he has just addressed himself. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. In the minute or two remaining I wish to say to the House that this is one of the important paragraphs in the bill. Recently the Supreme Court, in the case of Morena—and, as it is a short case, I shall insert it in the RECORD—decided that where certificates of naturalization had not been applied for within seven years they were void, and this decision had the effect of invalidating probably 100,000 certificates of former aliens who believed themselves to be citizens of the United States. The invalidation of their certificates again alienated them, their wives, and their children. The effect of the Supreme Court decision, of course, was Nation-wide.

In every congressional district—certainly in every State—there are men who believed they had qualified under the law with regard to naturalization, but who were cast out suddenly by the decision of the Supreme Court of the United States, due to the legal conditions that will appear. Good faith to these intending citizens, I assume, should induce us to remedy the defects pointed out by the court. I shall put in the RECORD certain data bearing upon the matter.

Mr. Speaker, the following letter from the clerk of quarter sessions of Philadelphia first brought this matter to my attention:

PHILADELPHIA, *January 10, 1918.*

Hon. J. HAMPTON MOORE,
Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of a telegram from the Commissioner of Naturalization, advising me the United States Supreme Court has handed down an opinion in which it held that the declarations of intention issued prior to the date on which the act of June 29, 1906, went into effect are invalid.

One of the provisions of the above-named act was to make declarations of intent invalid for all purposes seven years after the date of issuance, and, with the exception of the United States judicial circuit taking in the southern district of New York, it has never been heretofore held that that provision was retroactive.

It is my belief this opinion of the Supreme Court will have the effect of making all certificates of naturalization issued throughout the country since this act went into effect, namely, September 27, 1906, the petitions for which were supported by declarations of intent that were more than seven years old, null and void.

I thought that you might be interested in introducing a bill in Congress that would have the effect of validating all such certificates.

Yours, very truly,

THOS. W. CUNNINGHAM,
Clerk Court of Quarter Sessions.

The Department of Labor was then consulted, with the result shown in the following letter:

DEPARTMENT OF LABOR,
Washington, January 18, 1918.

Hon. J. HAMPTON MOORE,
Representative in Congress, Washington, D. C.

MY DEAR MR. MOORE: I am in receipt of your letter of the 15th instant to the Commissioner of Naturalization, with which was transmitted a communication addressed to you by the clerk of the quarter sessions court at Philadelphia, Pa., in relation to aliens who have been naturalized on declarations of intention filed prior to September 27, 1906, which declarations were recently held by the Supreme Court of the United States to be invalid.

In reply I beg to inform you that this matter is now being taken under advisement, and as soon as it is possible to do so a bill to accomplish the purpose indicated will be prepared and submitted to you.

The letter of the clerk of the court is herewith returned to you, as requested.

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

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DEPARTMENT OF LABOR,
Washington, January 29, 1918.

Hon. J. HAMPTON MOORE,
Representative in Congress, Washington, D. C.

MY DEAR MR. MOORE: Referring further to your letter of the 15th instant, to the Bureau of Naturalization, in relation to the recent decision of the Supreme Court of the United States with regard to declarations of intention filed prior to September 27, 1906, I beg to state that I believe some legislative action should be taken in this matter and submit the following as a draft of the bill proposed by you:

"That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 7, 1918, upon declarations of intention filed prior to September 27, 1906, are hereby declared to be valid in so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized."

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

The bill introduced by me February 1 followed the exact language of the Department of Labor as submitted in the second letter of Assistant Secretary Post, and is now incorporated in the bill submitted by the conferees, except that the date "January 7, 1918," is changed to "January 31, 1918," for reasons satisfactory to the committee.

The purpose of it, of course, was to remedy the unfortunate conditions arising from the confusion of rulings on naturalization matters, but these have now been settled by the decision of the Supreme Court. I append that opinion:

[Supreme Court of the United States. No. 523. October term, 1917. The United States *v.* Antonio Morena. On a certificate from the United States Circuit Court of Appeals for the Third Circuit. Jan. 7, 1918.]

Mr. Justice McKenna delivered the opinion of the court.

This certificate presents for construction certain sections of an act of Congress passed June 29, 1906, and entitled "An act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States." (Ch. 3592, 34 Stat., 596.)

The pertinent parts of the act are as follows:

"SEC. 4. That an alien may be admitted to and become a citizen of the United States in the following manner, and not otherwise:

"First. He shall declare on oath before a clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States * * *: *Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

"Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file in duplicate a petition" for citizenship.

The facts certified are these:

Morena, on December 15, 1905, declared his intention to become a citizen of the United States, and on December 21, 1914, filed in the district court of the United States for the western district of Pennsylvania a petition for citizenship. On April 6, 1915, the petition was granted, and he was admitted to citizenship.

July, 1915, the United States filed in the district court a bill praying that the order admitting Morena to citizenship be vacated and his certificate be canceled upon the ground, among others, that the certificate was void, because it had been granted upon a petition filed

more than seven years after he had made his declaration and more than seven years after the passage of the act of Congress of June 29, 1906.

The district court dismissed the bill, and an appeal was taken to the Circuit Court of Appeals for the Third Circuit.

The Circuit Court of Appeals, reciting that there are conflicting decisions upon the construction of the act of Congress, has certified the following questions:

"1. Is a declaration of intention made before the naturalization act of 1906 saved by the proviso of the first paragraph from the seven-year limitation of the second paragraph of section 4 of the act?

"2. Is an alien who has made a declaration of intention before the act of 1906 required to file his petition for citizenship at a time not more than seven years after the date of such declaration of intention?

"3. Is an alien who has made a declaration of intention before the act of 1906 required to file his petition for citizenship at a time not more than seven years after the date of the act?"

The question in the case, then, to state it succinctly, is whether the act of 1906 is applicable to declarations of intention made prior to its passage, and to what extent applicable, if at all?

That the question is susceptible of different answers is indicated by the diversity of views of the courts which have passed upon it.

(The cases deciding that the seven-year limitation is applicable to prior declarations are as follows: In re Goldstein et al. (D. C.), 211 Fed., 163; Yunghauss v. United States (C. C. A., 2d Cir.), 218 Fed., 168, sustaining 210 Fed., 545; Harmon v. United States (C. C. A., 1st Cir.), 223 Fed., 425, affirming decree of district court; and In re Lee (D. C.), 236 Fed., 987. The cases contra are: Eichhorst v. Lindsey (D. C.), 209 Fed., 708; In re Anderson (D. C.), 214 Fed., 662. And to like effect are: United States v. Lengyell (D. C.), 220 Fed., 720; In re Valhoff (D. C.), 238 Fed., 405; Linger v. Balfour, 149 S. W., 795.)

The cases that have answered the question in the negative have invoked in support of their view the presumption that statutes have prospective operation unless controlled by contrary intention clearly expressed and certain provisions of the act which indicate, it was said, that it was not the intention of Congress to invalidate a declaration of intention made prior to the act "at any future time." And one case adduces the contemporaneous construction of an administrative board.

The words especially relied on are those of the proviso in the first paragraph of section 4 and those of section 8.

(SEC. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.)

The latter may be disregarded. It prohibits the naturalization of aliens who can not speak the English language, if physically able to do so, but preserves prior declarations if made in conformity with law in force at their date. The proviso of section 4 deserves more notice. It is that no alien whose declaration conformed to law when made "shall be required to renew such declaration." To this provision the cases we have summarized—and we refer to them because there is no brief on file for Morena—have ascribed the direct influence of excluding declarations theretofore made.

We can not assent to that view or to the view that if a limitation be put upon the time to complete the declaration by the final application for citizenship it can be construed as invalidating the declaration. It is no destruction of a right or privilege to limit the time for its assertion, and the cited provision does no more. Section 4 prescribes a time for completing the declaration, a time so liberal regarding the privilege granted and the reason for granting and seeking it as not to be considered in any just appreciation of words as even a limitation of it. And there was appealing purpose. There were reasons for diligence and reasons for giving to all declarations the same duration.

It is to be remembered that the resolution of the alien to change his allegiance is expressed in his declaration. The interval of time between it and admission to citizenship is the precaution of the law to assure of qualification. In the old law this interval could not be less than two years, and so in the new law. Aside from this there was no other prescription in the old law of the time that should elapse between the declaration and the final petition. The minimum of time was preserved in the new law, but there was a maximum time prescribed for the completion of the declaration, and unless this was made applicable to "old-law declarations" as well as to "new-law declarations" the act of 1906 would not do what its title declares it was intended to do—"provide a uniform rule for the naturalization of aliens throughout the United States."

A limitation of time even upon the assertion of a right theretofore having no limitation upon its assertion, or a different limitation, is not infrequent, and its legality is unquestionable if a time reasonable, in view of the subject matter, be given. (Wilson v. Iseminger, 185 U. S., 55; Soper v. Anderson, 201 U. S., 359; Blinn v. Nelson, 222 U. S., 1. See also Sohn v. Waterson, 17 Wall., 596; Union Pacific Railroad Co. v. Laramie Stockyards Co., 231 U. S., 190.) This being the power of Congress, there were, as we have seen, promptings to its exercise.

The act therefore does not invalidate old declarations. It only specifies a time for their realization, a time ample to consider and estimate the value of realization, the extent of its duty and responsibility, a time determined and applied, therefore, upon full consideration; and we are not impressed with the argument that would assign an eternity of duration to prior declarations.

The first question certified would seem to be addressed to the view that the act of 1906 made nugatory declarations theretofore filed. This, however, is not urged by the Government, and we consider it untenable for the reasons which we have already expressed. Such has been the ruling of the cases.

We therefore answer the first and second questions in the negative and the third in the affirmative.

And it is so ordered.

An unofficial statement of the far-reaching consequences of the Supreme Court decision, which suggests the harm that has been or may be done unless the bill validating certificates as proposed is speedily enacted into law, is herewith submitted:

An examination of the naturalization records of the United States district court and the quarter sessions court, Philadelphia, indicates that an average of 17 per cent of the certificates of naturalization issued between June 30, 1913, and June 30, 1917, inclusive, were based on old-law declarations of intention, and therefore illegal under the decision of the United States Supreme Court in the case of Antonio Morena, rendered January 7, 1918.

It is assumed that this average (which is considered very conservative) would be maintained throughout the United States. The total number of certificates of naturalization issued during the four fiscal years ended June 30, 1917 (less the number, approximate, issued in districts where old-law declarations were rejected), was 250,637, to which should be added the number of such certificates issued during the period July 1, 1917, to January 7, 1918, approximated at 31,330, making a total of 281,967 certificates thus issued, which, computed on a 17 per cent basis, shows that 47,934 illegal certificates of naturalization were issued during the period stated.

Exact figures can only be obtained upon an inspection of approximately 500,000 individual petitions for naturalization to ascertain whether an old law or a new law declaration of intention was filed in support thereof and whether the petition was granted, denied, or is pending.

In view of the position in which the holders of so many invalidated certificates—men who have believed themselves citizens by the action of our courts—now find themselves, due evidently to mistaken notions of the law, for which the certificate holders were not to blame, I trust this remedial legislation will pass. Otherwise, it returns to the alien class for all the odium and suspicion that attaches to aliens in war times, hundreds of thousand of patriotic and good-intentioned women and children who necessarily resume an alien status with the fathers and husbands who understood they had shaken it off.

Mr. HAYES. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I have served notice upon the House that at the proper time I desire to move to recommit this conference report to the conference committee, and I wish now to indicate to the membership of the House upon what ground I propose to take that step. I want to say at the outset, however, that I think this is a very salutary bill as a whole, and am glad that it has progressed so far toward enactment.

The matter to which I desire to direct the attention of the House seems to me a fundamental blot upon a bill which is, in general, a most desirable and important addition to our laws. I wish the Members of the House would turn to the bottom of page 3 of the text that is before us, and which reads as follows:

Any alien serving in the military or naval service of the United States during the time this country is engaged in the present war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years residence within the United States.

The purpose of that provision, of course, is to grant citizenship to the men who are in the military or naval service of the United States—men who need to be protected with the cloak of American citizenship as long as they are continuing to fight for the flag of the United States; men who have shown that they have patriotism by volunteering or by declining to claim exemption, as they had a right to do under the draft; men who, in other words, are as worthy of American citizenship as any men in the entire United States. That, I think, is an admirable provision.

Page 4 and most of page 5 deal with the methods by which those men can take on American citizenship, so long as they are in the United States, namely, that they may appear, after complying with certain formalities, before the appropriate court, may take the oath of allegiance, may be relieved from the necessity of proving residence, and may then directly and forthwith acquire American citizenship.

Then, at the bottom of page 5 there is a provision to which I wish to direct the especial attention of the House, which takes care of soldiers in the military forces who are in France and elsewhere outside of the territory of the United States, and who, therefore, can not, in the discharge of their duties, appear before a naturalizing court as is ordinarily required in order to acquire American citizenship.

I desire to read that provision in part:

Any alien who, at the passage of this act, is in the military service of the United States, who may not be within the jurisdiction of any court authorized to naturalize aliens, may file his petition for naturalization without appearing in person in the office of the clerk of the court, and shall not be required to take the prescribed oath of allegiance in open court.

In other words, that, as I say, is to take care of the men who have left the United States on duty and who are now, perchance, members of the American Expeditionary Force. Those men number to-day somewhere in the neighborhood of 125,000. There are about 125,000 men serving in the Army of the United States, most of whom are in France, who are aliens and to whom we desire to give the opportunity of acquiring American citizenship. With that, I think, we all sympathize. But I wish

to direct the attention of the House to three respects in which the language that I have read and the immediately succeeding language fails utterly to accomplish the purpose which we desire to achieve:

Any alien who, at the passage of this act, is in the military service of the United States.

There are, we will say, about one million and a half men in the military service of the United States to-day. There are 125,000 of those men who are aliens and whom we want to permit to acquire citizenship. We are going to have an army, perhaps, of 4,000,000 men or 6,000,000 men—nobody knows.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAYES. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. ROGERS. With an army of a million men or thereabouts, I say, we have 125,000 aliens. That is about one-eighth of the total. If we have an army of 4,000,000 men in the near future, we shall have half a million of our soldiers, if the same proportions are maintained, who will be aliens. And yet this conference report says that unless those men are in the military service at the time this act becomes law they may not be permitted to acquire American citizenship.

Mr. HAYES. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HAYES. I must correct the gentleman. That is not a provision of the law at all. The provisions of the law permit a man when he is here—as stated on page 3—to be naturalized, and the intention is, and it is the purpose of the appropriation, that in the future all who are aliens and desire to become citizens of the United States shall be naturalized before they leave the country. That is a provision of the law.

Mr. ROGERS. It may be the intention and the purpose of the law that these men shall acquire citizenship before they leave the United States, but suppose those men are shipped off to France before they have the opportunity to acquire citizenship? We all know that men do not instantly take advantage of their rights. We all know that this law will not be familiar to the officers of our Army at once or to the aliens who are in our Army, and the moment that they go to France, the moment they leave the United States, provided they enter the military service subsequent to the passage of this law, their rights are instantly stopped, because they must appear in person before the naturalizing court in order to have the privileges of this act.

Mr. HAYES. Let me say to the gentleman that his fears are entirely groundless. The law not only permits their naturalization before they leave this country, but every Army officer in the United States is fully alive to the necessity of seeing they are naturalized, and the committee has had repeated conferences with the War Department upon that subject, and this provision is entirely satisfactory to them.

Mr. ROGERS. There may be somebody in the War Department or somebody else somewhere else who will know about this law and who will try to encourage our soldiers to acquire American citizenship before they go abroad. But we know from our experience with the war-risk insurance act and the limitations of the provision for taking out insurance that as a practical matter these soldiers do not do things at once, and that very many of them will be left outside of the fold.

Now, I ask the House what possible reason there can be for saying that the alien who enlists in the Army the day before this law becomes operative is to be permitted to take advantage of this provision without appearing in open court——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. HAYES. Mr. Speaker, I yield to the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for two minutes more.

Mr. ROGERS. What reason is there for saying that an alien who enlists in the Army the day before this law becomes operative shall be permitted to take advantage of this provision without appearing in open court, while the man who enlists the day after the law becomes operative and who is sent abroad promptly to France, and who, during the interval, has not taken out his citizenship papers, is absolutely debarred from the process of this law, and must still be an alien, although he is fighting for the flag of the United States?

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. RAKER. I understand that the War Department is not sending over aliens to France now.

Mr. ROGERS. There are aliens in France now, and there will be aliens in France later.

Mr. RAKER. My colleague from California [Mr. HAYES] has explained that those will be provided for. The officer will know just who are aliens in his service. He will be interested as well as the Bureau of Immigration to see that those men are all naturalized before they go across. Then they can take the matter up and go into court close by, and the same day they will be naturalized, and the next day they will go to France, so that it will protect everybody.

Mr. ROGERS. There is a theoretical remedy. But what we want is a practical remedy. Can any Member of this House give a reason why a man who joins the Army the day before the law becomes operative is permitted to do one thing and the man who joins the Army the day after the law becomes operative is required to do another thing? Why is one required to do what his brother has not done?

I have been very much interested in this law. I think the committee knows that I am very anxious to do anything I can in promoting its enactment. I ask unanimous consent that, without infringing further upon the time of the gentleman from California, I may be permitted to proceed for 10 minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. SLAYDEN. Mr. Speaker, I would couple with that request a request that I may have five minutes.

Mr. ROGERS. I have no possible objection. I understood that the chairman of the committee was going to take care of the gentleman.

Mr. SLAYDEN. I will submit my proposition to the House.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Massachusetts and the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. HAYES. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. ROGERS. Certainly.

Mr. HAYES. I want to say to the gentleman from Massachusetts that the War Department has already written to every cantonment in the United States, expecting the passage of this law, so that all the aliens in those cantonments will be listed, and every one will be known, and they will be naturalized as speedily as the law can do it, and no doubt all future enlistments will be subjected to the same sort of care.

Mr. ROGERS. We all know that the provisions concerning the taking out of insurance by soldiers was very thoroughly and very effectively advertised throughout the armies and camps of the United States, and yet we know that at this moment, perhaps, the Committee on Interstate and Foreign Commerce is taking testimony with a view to amending that law so that men who failed to apply within the time limit may hereafter acquire insurance. Now, this is precisely the same sort of thing. There may be a theoretical remedy for these soldiers. There may be a possibility that they will acquire naturalization papers before they will go abroad. But I venture the confident prediction that there will be hundreds and perhaps thousands of these men who will go abroad and who, if this language is left in the law as it stands, will not be able to take advantage of the act.

At the bottom of page 3 the conference committee recommends this language:

During the time this country is engaged in the present war may file his application for naturalization.

My suggestion is that, on page 5, line 21, we strike out the words "at the passage of this act" and substitute the words "during the time this country is engaged in the present war." There can be no possible objection to that, I submit to the House, and these men will thereby automatically be taken care of. Why should one sort of treatment be extended to men who join the Army on one day and another sort of treatment be extended to men who join the Army the next day?

And, then, there is another point that I want to call attention to. In line 22 are the words "any alien who is in the military service of the United States." Why should there be a restriction to the military service? Why should not men in the naval service be included? Why do you repeatedly in this act use the term "military or naval service" but confine this provision to those in the military service? I call your attention to the language on page 3, line 20, "any alien serving in the military or naval service of the United States." I call your attention also to page 4, line 4, "service in either the military or naval service of the United States." I could cite you half a dozen other places where aliens in the military or naval service are taken care of. There must be some reason why naval men are excluded in this place, and I would like to know why it is.

Mr. BURNETT. Those in the other places the gentleman has called attention to are not to go out of the country. Those are now in the military service and none are in the naval service now.

Mr. HAYES. There are now none but citizens in the naval service of the United States. Up to five years ago there were men who were in the naval service of the United States who were not citizens. That language is intended to protect those in the future, so that, so far as our law is concerned, there will be none except citizens.

Mr. ROGERS. Let me call your attention to the language on page 3, line 21:

Any alien serving in the military or naval service of the United States during the time this country is at war.

Mr. HAYES. There are none.

Mr. ROGERS. Then, why do you speak of it in one place and not in the other?

Mr. HAYES. It is mere surplusage.

Mr. ROGERS. Even though it may be true that at this moment there are no aliens in the Navy—which I very much question—we do not know what the policy of the country will have to be in the near future. The Secretary of the Navy has the power to handle this by regulation, and he may at any moment modify the present policy so that declarants may be admitted to the Navy, or, possibly, so that out-and-out aliens may be admitted to the Navy.

Mr. RAKER. Will the gentleman yield right there?

Mr. ROGERS. Yes.

Mr. RAKER. That being true, is it not a fact that any man in the United States who enters either the military or naval service can the very next day be naturalized under this bill?

Mr. ROGERS. There is a theoretical remedy. I do not know how long it would take, but he would have the remedy, provided he was not shipped right off to the front.

Mr. JOHNSON of Washington. In the carrying out of the draft law in the future it is not proposed to draft any first-paper aliens. The trouble which we have had in the Army was due to the fact that we took in first-paper noncitizens on the theory that they were citizens. That caused the Secretary of War to recommend legislation here to change the draft law.

Mr. ROGERS. What I am trying to find out is why men in the military or naval service of the United States are taken care of in most places in the bill, but in this particular case only the men in the military service are taken care of.

Mr. HAYES. I explained to the gentleman that in the cases where they are not taken care of it provides for the future, and there are no men taken into the naval service of the United States who are not citizens, whereas there are men who have been in the naval service, and it is possible that there are still a few whose term of enlistment has not expired, because I am advised by a gentleman sitting by my side here that instead of five years it is only three years since the law was changed.

Mr. ROGERS. I repeat that in my obtuseness I can still see no reason why you should draw the line in one place and not in another.

Now, Mr. Speaker, the third and last suggestion that I have to make is with reference to words which appear at the top of page 6—

The petition shall be verified by the affidavits of at least two credible witnesses who are citizens of the United States, and who shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided within the United States.

At the bottom of page 3 it is stated that—

Any alien serving in the military or naval service of the United States during the time this country is at war may file his petition for naturalization without making the preliminary declaration of intention and without proof of the required five years' residence within the United States.

And I assume that that means that it is not necessary to file proof of any period of residence within the United States. Yet when we get to the top of page 6 we find the requirement in the case of the men who are in France that their witnesses shall prove in their affidavits the portion of the residence that they have personally known the applicant to have resided in the United States. I submit that there can be no justice in that requirement. In view of the fact that by the very terms of the act itself residence is not necessary to be shown in connection with taking out naturalization under these circumstances.

Mr. Speaker, as I said at the outset, I shall move to recommit the conference report, because it seems to me that these things go to the essence of a very good bill. There is no great delay involved in this process, as we have seen more than once, most notably in connection with the draft law of a year ago. We shall certainly have to correct these three or four places in the bill, and perhaps some others that have been suggested in the course of the debate, before very long by resolution if we do not take care of them now. It will mean a delay of only one day to take care of them at this time.

I am very sorry that in a bill of this importance the House has not had an opportunity to consider it in detail and under the five-minute rule. I think there are many places where a careful study and scrutiny by the House would have improved doubtful places. At the same time I repeat that I think this bill is an enormous step forward, and I am very glad indeed that we are going to have the opportunity to do this measure of justice to the aliens who are fighting for the cause which we all hold sacred. [Applause.]

Mr. SLAYDEN. Mr. Speaker, I can not persuade myself that the objections urged by my distinguished and learned friend from Massachusetts are really important. This bill has had the careful consideration of two committees, of the Senate and the House, and then of the joint committee of both Houses, and has been gone over, I am told, in a careful manner by the departmental officials in the Bureau of Naturalization, and has been approved all along the line as a wise and timely measure. In point of fact there are, as the gentleman says, about 125,000 or 130,000 men now in Europe who are not citizens of the United States, but who are helping to fight the battles of the United States. In most instances they are citizens of countries with which we are engaged in war. They undertake a double hazard in their military service. If they escape the bullet or the bayonet in the actual battle, they are rather apt to run into more serious trouble if they are captured, for they will be promptly shot as traitors as soon as it has been discovered that their allegiance is to Germany, to Austria Hungary, or perhaps to Bulgaria or Turkey. We want to correct that situation at once. It is most urgent. It is in behalf of these particular people that urgency in this matter is demanded. They are there now, perhaps engaged in battle to-day, and we ought to relieve them of that needless peril as quickly as possible. We ought to throw around them, as the gentleman from California [Mr. HAYES] said so convincingly, all of the protection that can be given them by clothing them with the citizenship of the American Republic. I hope that no gentleman will be sufficiently impressed by the argument of my distinguished friend from Massachusetts [Mr. ROGERS] to persuade him to vote to recommit the measure, because there will be more than one day of delay in that event.

Now, Mr. Speaker, there are other features of the bill that I am very much in favor of and, which I regard of extreme importance. These features relieve men who are merely technical aliens from that stigma; good, loyal citizens, with members of their families doing loyal service. That ought not to be delayed. There are men interned to-day as alien enemies who have been living in this country 10, 20, 30, 40 years, who have discharged the duties and exercised the rights of citizens, and until this question came up they never suspected themselves to be alien enemies, even technically speaking, and they are as good and loyal citizens as we have in the country.

There are living in my district now quite a large number of Slavs, Bohemians, Croatians, Poles, and others who when they go into our Army, unless they shall have become citizens, undertake for themselves serious peril which we can avoid for them. They are more intensely hostile to the countries with which we are at war than we are ourselves; their enmity is traditional, it is personal, their enmity has inclined them to take the peril of revolution under the most hazardous conditions. Do not let us be negligent of our duty in affording them all the protection possible. I think the question that the gentleman from Massachusetts has raised about the difference between men who are enlisting the day before the act passes and those who enlist the day after is of no particular importance, if he will pardon me, because no man who has enlisted is inducted immediately into the Army or the Navy of the United States. When he has enlisted the enlistment tells the date, the birth, the age, and all about him, and he can at once, if this bill becomes a law, be made a citizen of the United States before he is sent abroad to fight the battles of the country. That citizenship is their due. They are our soldiers, fighting our battles, and, I repeat, entitled to all the protection we can give them.

Mr. HAYS. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, no country in all history has such a composite population as America. Europe's picked people were our earliest settlers. This is true whether applied to the English, the French, the Dutch, the Spanish, or Swedes, all of whom were represented in the original Colonies. That is due, first, to the promised land, whose glowing reports were made to Europe by the early discoverers and explorers, who gave it the title of "the land of the free and the home of the brave." It soon became and has remained the shelter place and the refuge of

the Old World, some coming to better their condition because of a chance to materialize real ability in the country which Emerson declared was but another name for opportunity, and another motive was to run away from oppression. Much of our population is imbued with the spirit of freedom simply because of its denial before they came here. They have largely shared in the progress of the country, which in the short space of a little over a hundred years has shown the most wonderful growth in population, as well as in wealth and other achievements, of any nation on the globe.

Naturally these conditions—oppression in Europe and freedom here—would populate our country with a large proportion of people who, although without sympathy with the home country, yet might not take advantage of naturalization at once to become citizens of this country. Notwithstanding that fact, when we think of that particular element of European population who came here to escape oppression we can easily recognize their fighting spirit for liberty when the war in Europe was realized as a struggle of a people against the oppression of autocratic government.

Especially is this true of that portion of the population of the central powers living in Austria and denied the freedom which belongs to a democratic system.

It is easy to explain why at least 17,000 residents here that are not citizens of our country, but who in law must be regarded as citizens of the country from which they came—in this case Austria, in the main—would at the very first outbreak of the war, which now has become a struggle for liberty, take the earliest opportunity to engage in a fight against the world oppressor for liberty as represented by their native country. The 17,000 from the other side are but a small proportion in the service of liberty.

That spirit explains why they are found in the army of the allies, notwithstanding the fact that legally they belong to the countries that they are fighting. They came to escape oppression. Now they fight to assist their kin to enforce liberty at home. Now, I think it is the least thing we can do, first, in honor of the brave fellows who with eyes wide open to the penalty awaiting them in case of capture, and, secondly, in removing the embarrassment to our own Nation, and, thirdly, to give impetus to those who are fighting first in the ranks of our allies and then to the millions of oppressed under the Austrian yoke, as well as trepidation to those who are fighting against us.

When we realize that Austria at this very moment is in a state of unrest which augurs possible revolution, especially if they could organize their power and secure in their own hands, by the use of effective weapons revolution might be heard in Austria. The difficulty is that 10,000,000 Germans in Austria, known as the Austrian ruling element, are controlling 18,000,000 that are not Germans and have little to say about government. The 18,000,000, double the population of the ruling class, are little more than abject slaves. That is absolutely true, for I am giving figures. Eighteen millions of people who in a country where government is of and by and for the people, in Austria are subjects composed of Czechs of Bohemia, Slovaks of Moravia, Poles of Silesia, the Slovenes of Slovenia, and Serbo-Croats of southern Austria. All these and many more are subjects and have no privilege to speak of in the government. Yet they double the population of the ruling element, and if this vast mass could know that America is giving their own blood not only for the protection of civilization but its best support to back up their patriotic purposes in a fight for liberty, and also that the prestige of this Government will go to the very limit in fighting for the things they are fighting for, in my judgment that will stir, as few things can stir, the spirit of revolution in Austria. We ought not, in my judgment, to be too nice about what we do in order either to strengthen our own people in their fight in this war or to weaken our enemy, both of which are military strategy employed by every belligerent. I shall vote for this measure. [Applause.]

Mr. HAYES. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Speaker, there is no bill in which I am more interested than the one now before us. Many years ago I remember to have read that Gen. Garfield while in the House, in writing to Hinsdale, wrote across the corner at the top. It was during the days of reconstruction. He said, "Dear Burke, I am trying to be a radical without being a fool."

There have been times when that message has come ringing into my own ears. No man who has followed my votes here from time to time could question for a single moment that I am intent upon the prosecution of this war to a victorious end. [Applause.]

On the other hand, I recognize that due to faulty State laws and misconceptions many citizens in my own State who vote and who have held office, who have conducted themselves as good citizens for many years, find themselves suddenly to be aliens. This law undertakes under certain conditions to give them an opportunity to perfect their citizenship. I think that is wise at this time. It is true that we asked them to come here, and it is true they took advantage of our institutions and have prospered, but it is also true that they have built well for us. There is many a man to-day, in my own district, who if he were to loudly talk of his patriotism would have suspicion cast upon him on the ground that he was undertaking to cover up his delinquencies, and on the other hand, if he is quiet and moves along in the course of his life as he has ordinarily done, yet suspicion also is cast upon him. It would be outrageous, so far as the fighting boys are concerned, not to pass a bill of this kind, but simple justice demands that German-American citizens should be treated as human beings at least, and given just consideration. This bill undertakes to do that, and I am going to vote for it. [Applause.]

By unanimous consent leave was granted to Mr. FAIRFIELD to extend his remarks in the RECORD.

Mr. BURNETT. Mr. Speaker, I occupied quite a lot of time unintentionally by reason of the number of questions that were asked, and there are two members of the conference committee to whom I would like to yield 25 minutes or get unanimous consent that they might speak, the gentleman from Illinois [Mr. SABATH] 15 minutes and the gentleman from California [Mr. RAKER] for 10 minutes.

The SPEAKER pro tempore (Mr. CRISP). Does the Chair understand the gentleman to make that request?

Mr. BURNETT. Yes.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the gentleman from Illinois [Mr. SABATH] be allowed 15 minutes and the gentleman from California [Mr. RAKER] 10 minutes. Is there objection?

Mr. FLOOD. Mr. Speaker, reserving the right to object, there is a very important bill to follow this, which the House yesterday granted unanimous consent to be taken up this morning immediately after the morning hour, of course subject to disposition of matters on the Speaker's table. It is a bill that I think will not take much time, but if it is not finished to-day under the order entered yesterday, will it have the right of way to-morrow?

The SPEAKER pro tempore. The gentleman understands that the present occupant of the chair is a temporary occupant, and he would not like to answer that inquiry, but would prefer to have the Speaker of the House answer it.

Mr. FLOOD. The unanimous-consent order was that the bill should be in order to-day. This is a bill that the President and three or four of the departments of the Government are intensely interested in having passed, and they say that an hour's delay is important.

The SPEAKER pro tempore. The Chair has been advised by the Speaker of the House, he will say in answer to the gentleman's inquiry, that unless the bill is disposed of to-day it would not go over until to-morrow and be the continuing order.

Mr. FLOOD. Then, with the gentleman's permission, I will interpose a request and ask unanimous consent that the bill H. R. 10264 be the order and the continuing order to-day and to-morrow, after the conclusion of this conference report.

Mr. CLARK of Missouri. The gentleman from Massachusetts [Mr. ROGERS] has 15 minutes between the conclusion of this conference report and the taking up of the bill referred to by the gentleman from Virginia [Mr. FLOOD].

Mr. ROGERS. Mr. Speaker, I do not want to delay the consideration of any important measure, and I shall ask unanimous consent to postpone my 15 minutes until Tuesday morning next. I should prefer not to stand in the way of the gentleman from Virginia.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that he be allowed to address the House for 15 minutes on Tuesday morning next, not to interfere with conference reports, in lieu of the 15 minutes allotted to him to-day. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that at the conclusion of this conference report the bill H. R. 10264 shall be made in order, and that it be the continuing order for to-morrow. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, this is the passport bill concerning which the order was made yesterday?

The SPEAKER pro tempore. Yes. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama asks unanimous consent that the gentleman from Illi-

nois [Mr. SABATH] be permitted to address the House for 15 minutes and the gentleman from California [Mr. RAKER] for 10 minutes on the pending measure. Is there objection?

Mr. MILLER of Minnesota. Mr. Speaker, reserving the right to object, would the gentleman add to that five minutes to be allotted to myself?

Mr. BURNETT. I would be very glad to have that done.

Mr. MILLER of Minnesota. I will say that I expected to have time to-day.

Mr. MEEKER. Mr. Speaker, reserving the right to object, that will mean 30 minutes more?

Mr. BURNETT. Yes.

Mr. MEEKER. Is that all?

Mr. BURNETT. That is all that I know of.

Mr. ROGERS. Mr. Speaker, I suggest that the gentleman from Alabama make his request that at the end of that time the previous question be considered as ordered.

Mr. BURNETT. I thank the gentleman for the suggestion.

The SPEAKER pro tempore. The Chair will state the request again. The gentleman from Alabama asks unanimous consent that the gentleman from Illinois [Mr. SABATH] be allowed 15 minutes, the gentleman from California [Mr. RAKER] 10 minutes, the gentleman from Minnesota [Mr. MILLER] 5 minutes for the discussion of the pending conference report, and that at the expiration of that time the previous question shall be considered as ordered on the conference report. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, does that cut out the motion to recommit or is that not being pressed?

The SPEAKER pro tempore. The Chair will answer that it will not. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the conference report be given permission to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Alabama asks general leave that all who have spoken on the conference report be permitted to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker, I yield five minutes to my colleague from Illinois [Mr. JOHN W. RAINEY]. [Applause.]

Mr. JOHN W. RAINEY. Mr. Speaker, because I have had occasion while in public office to come in contact with the foreign element of this country, especially that of Chicago, which I might say is one of the principal meccas for immigrants, I have always taken a lively interest in the citizenship and the naturalization of aliens, and therefore it affords me great pleasure and I will take this opportunity of expressing a few thoughts in a cursory way relative to the bill in question, and of emphasizing certain points thereof.

I have given this matter considerable thought and a plan such as this has appealed to me, and I am happy to see this Government make it its business of seeing that declarants of intention to become citizens of this country are to have means whereby they may become familiar with this country, its laws, its ideals, its fundamental principles, and its history.

The past proves the need of instructing the alien who intends to become a citizen. Books of naturalization and citizenship have been published and the declarant in order to obtain the same has been obliged to pay for them. As I understand this bill, and it is also my idea, these books regarding citizenship are to be distributed free of charge to the applicant. But the bill provides that such textbooks are to be distributed only to candidates in attendance at schools. I am of the opinion that such books should be distributed to each and every alien who declares his intention of becoming a citizen; that such distribution should be made at the clerk's office where the declaration is made. The need for such books exists. The good derivable therefrom on the part of the alien would be great. As my experience has taught me, Government agents and judges have counseled applicants needing instruction to obtain such citizenship textbooks. It resolves itself into the question of the most expedient means of effecting the distribution of such textbooks.

My experience as clerk of the circuit court of Cook County, Ill., makes me realize, now, more than ever the neglect of which this Government is guilty in reference to the instruction of its new citizens. The declaration of intention or the taking of the final oath is not such a preparation as will fit an alien to become a worthy and thorough American citizen. We have been naturalizing citizens, not nationalizing them. As a matter of fact, a great many aliens have taken citizenship papers not because of their desire of becoming Americans, not because they knew of this Government's ideals, not because they appreciated the air of freedom afforded by this land, not because of any particular knowledge of this country's past and destiny, but in many cases because of qualifying for a position of pecuniary advantage they could not otherwise obtain or to avoid certain obligations to their foreign country. I understand that to-day in Chicago the number of applicants for first papers has increased from three to five hundred per cent during the month of April of this year. The applicants are residents of this country and have been residents of this country for the past 5 to 30 years. Can you in all fairness believe that these citizens are lifting their hand in taking the oath of allegiance because of love for their new home, because of love for the colors? No; the reason why these residents, who have been living upon the fat of the land enjoying its luxuries just as the citizens of this country are, declare their intention is because of recent enactments and laws they are not able to obtain certain licenses to do various works and continue in certain jobs.

Let me say a word or two regarding another point, but before I touch upon it let me emphasize the fact that this country must instruct its candidates for citizenship. Schools should be established in such cities as have a great population of aliens, in centers inhabited mostly by foreigners, and these schools should be made permanent in such cities and localities. The books of instruction should be distributed free and declarants should be informed of such schools and classes for aliens by the clerk at the time of declaring their intention or applying for second papers.

Referring again to the great number of aliens in this country who have resided here for many a year and have not yet taken out their papers, it is my purpose to foster a bill that would make it compulsory upon them to take out their citizenship papers. [Applause.]

During the past year I learned to appreciate the problem of the great number of aliens in this country who owe no allegiance to it. I had the honor of being appointed chairman of the advisory board of the twelfth local district of Cook County, Ill., and while discharging such duties I was astounded at the great number of young men who claimed exemption on account of being aliens. Young men who had lived in our midst for years, given equal opportunities with our boys, men who were making comfortable livelihoods, claiming exemption because they were aliens. They had received the best the land could give them, they had left a foreign shore to better themselves and had done so; they had immigrated here to be free of the thraldom of autocracy, and they refrained from fighting for that freedom; and still they so little appreciated it they had not thought it worth while to bind themselves to the country of their adoption by the oath of allegiance. But the heirs apparent of the land, the firstborn, our American boys, had to go; they claimed no such exemption, and they went willingly. They went to fight the enemy of civilization in order to preserve intact the democracy of the world and of this land. But the alien remained behind. Our boys left their positions, sacrificed their future, tore themselves away from their mothers and fathers or their wives; they placed on the altar of patriotism their all, and offered all for the greater glory and the safety of the Stars and Stripes. But the alien stayed behind, behind the subterfuge of his alienation. He remained behind, stepping into our boys' position, reaping the harvest while the sower is away. Waxing fat with the riches of this land while our boys, those preeminently entitled to such riches, are spilling their blood on foreign soil. Is there any justice in such condition of affairs? Long ago the prophet said, "They shall not build and another inhabit; they shall not plant and another eat." Such thoughts when pondered upon are revolting in the mind of the thinker, and brand him as a coward and a parasite who enjoys the luxuries of a country and fails to respond to its call when the source of his happiness and comfort is in jeopardy. This is no idle pen picture. It is a fact—a living fact; a fact for which the Government can only say, "mea culpa." And to remedy the same I will bend every effort in my power so that if in the future America calls her young men to the front she will call indiscriminately and without restraint, because all her young men will be Americans; not one half American and the other alien. [Applause.] The injustice of the situation appeals to me feelingly, because in my district we have a large population of foreigners, and when I think of American boys whom I have known all their lives, whom I have seen grow up and become successful in life, go to the front I am proud of them; but when I realize the great number of young men of military age remaining behind because of their foreign allegiance, my soul revolts with the injustice of the plan. We were all foreigners at one time, either our ancestors or ourselves. Why should some of us bear all the burden and the sweat of the day while others, similarly situated as we were, or our parents were, escape the sufferings, the sacrifices, and death incidental to carrying on this war to a successful end. I

am not decrying the fact that we have to make sacrifices at this time, for greater honor and praise to him who makes the greater sacrifices and suffers more; but I want to draw your attention to the situation confronting us. The boys of my district have gone freely, gaily, and enthusiastically to meet the common enemy of humanity; they are in unison with the patriotism that permeates the air we breathe; naturally I feel the people of my district are in a class by themselves. They are sometimes referred to as from "in back of the yards," well back of the yards is the richest, the greatest, and one of the most important districts in the United States to-day. I am proud to say I come from that district, also known as the Stock Yard district. The people of my district sent me here recently to represent them, and represent them to the best of my ability I will try. I would like to foster a bill making it compulsory upon aliens to apply for their first papers.

I advocate the naturalization of all aliens, whether of military age or not. And the safeguard and penalty I advocate would be in time of war internment, and in time of peace deportation back to the country they came from.

I do not wish to leave the impression that we are not a nation but a "mere polyglot of the nations," for this war has proven that, although we are composed of the blood of many nations, we have assimilated our ideas and our hopes in this country. In the past some expressed doubts as to whether the United States could survive a world war in which the various nations taking part had sons and daughters in this country. But our doubts and our hopes of yesterday have become a convicition that we are to-day a Nation united in the bonds of liberty, united in the common desire to a more perfect state of living, united to live and let live, to rule and to be ruled, for "they love the land of their children better than that of their parents." I do not think that aliens who have not yet applied for their papers have failed to do so because of a greater love of their mother country than of America—no; in the majority of cases it is pure negligence.

My idea advocated here does not seem to me to be radical, severe, harsh, but is simply a matter of justice due from the alien to this country, and a matter of self-preservation, self-betterment, and greater national unity in peace time and especially in war time.

We might as well take these questions up now unflinchingly and without respect to persons and feelings illguided, for when our Army of boys come back, let me tell you, there are going to be great changes; they are going to see that these equitable, just, and democratic principles are lived up to and enacted into law. Our Government should enact such laws as will make the responsibility for military service incumbent upon all residents of this country who are or may be of military age.

These measures might just as well be taken up now as later on, for "ideas rule the world," and whether ideas arise before or after the conditions to which they relate, once they have arisen they will make their power to change and alter felt. No great and telling improvement or change has ever taken place without having been the fruit of an idea, sometimes an idea arising in the mind of a single man. True, ideas are powerless unless embodied in some kind of organization, but the latter is only the vehicle and detracts nothing away from the former. But supposing the vehicle, the organization, stands ready to carry to full fruition the idea emanating from the mind of the thinker, or supposing it emanates from the mind of a couple of million thinkers, can anyone deny the power of that idea? Therefore, remember that the young men you are banding together to go fight the Hun are going to be the thinkers for the future of this Nation, and the military organization the vehicle, the instrument to bring to full realization those ideas. If the impelling force of a simple single idea is so powerful, what titanic latent force must reside in the ideas that to-day, as a result of war, are not the idea of a single man, even of a few hundred thousands, but of millions and millions. What power to change! Let us not be taken by surprise. Each and every soldier boy silently keeping guard at the outposts or awaiting in the dark the command to go over the top, thinking of home, of what he has left, of what he has sacrificed, of what the autocracy of a couple of nations have forced him to do, of the great transition from peace to the battlefield; every boy so thinking will also realize the fact that there are many young men of military age remaining behind just as liable, just as obligated to fight for America as he is, and each and every one of them becomes a thinker, and will bring back his thoughts with him, and they collectively will force them upon the country.

These boys, millions of them, will bring back ideas to change many of the present and antiwar conditions. They themselves will be changed physically, mentally, and morally. War will have called forth the man in thousands of them. They are going to bring back with them a mighty organization to foster their ideas. Do not think that theirs is only a military organization. It will be the most powerful political organization the world has ever known. Through it our international courts and schemes will find a foundation. Can anyone deny the vast political influence which the Civil War veterans exercised after the Civil War. How many of their generals became our national leaders. They will bring ideas in reference to industrial alterations; their ideas regarding the health of the citizens will be heightened; they will give an impetus to a more real universal education; labor will really be dignified and not called dignified only by the sycophant politician; the wage increase will not be simply a bonus or war measure, it will be something permanent; and they will return a religious army seeking "the evidence of things not seen," for their proximity with death will reawaken in them the undeniable feeling best expressed by the phrase "Mankind is incurably religious."

And when in my mind's eye I see these boys returning, having become older in age and wisdom, having developed measures and thoughts for better government, more equality, greater comfort and happiness for the greater number, having a new life before them and a new earth to live on, after coming out of a terrible nightmare such as a battle field in this war is, I see them coming back a powerful organization either to contend with or to assist us in right and proper democratic government. They are fighting for democracy, and after winning it they are going to insist that it be given them. And they will insist upon just such measures as is here advocated, namely, the free distribution of books of instructions to new citizens, the establishment of schools to make Americans not only naturalized but nationalized citizens, the compulsory taking out of citizen papers. [Applause.] Read what the press have to say about slackers, also suggestions to frame such a law as I have in mind.

The New York Globe believes that—

To allow slackers of our companion nations in arms to find refuge here while their fellow men are giving their all in the struggle for world freedom is not doing our utmost for our allies. We are all one in the great fight, and we must stand together if we are to hope for victory. There must be no room in this country for the slacker, and the sooner he is given to understand this the better it will be for the cause.

The Macon Telegraph says:

The question of international law being in the way can easily be met, for surely the Governments of Britain, Canada, France, Italy, and every country fighting by our side will waive all meticulous points of law with positive enthusiasm, as they will have as little sympathy with slackers from their shores enjoying American immunity as we have with those of our people who have fled into Canada and Mexico, for instance. * * *

This land of the free and home of the brave is not and can not be made a sanctuary for those whose nationality calls for service under any of the many flags carrying the entente cause to victory.

The St. Louis Globe-Democrat says:

If we were in a war with a neighboring nation over some comparatively inconsequential matter, it would be different, but we are engaged in the greatest struggle of all history in defense of the rights of all people to live their own lives without trespassing on the rights of others.

The Macon Telegraph follows with:

Subjects of Japan, Serbia, and Italy are absolutely exempt from military service for this Government, according to a State Department memorandum summarized by a New York World correspondent, "because treaties between the United States and these countries specifically provide that nationals of the contracting parties shall not be taken for military service against their will." Aliens from other friendly countries may, however, be drafted if they have taken out their first papers announcing their intention to secure American citizenship. This writer learns that most of the allied governments would be willing to have their nationals drafted here or deported to their homes.

This law is not an imposition that I suggest here to-day; we have not to become apologists to enact the same. We are not asking anyone for anything. We are demanding for this Government what is due to it, what it is entitled to—allegiance and loyalty on the part of all who have come here to make their home under the mighty branches of the mighty tree of liberty, of all those who reap of the plenty of the country, of all those who, "dreaming dreams of freedom" and wishing to realize the same, left the land of their ancestors and family and childhood ties behind them and came here to enjoy the liberties destined for men who can live as men, established for men who can act as men, and preserved by men who, realizing what the Stars and Stripes mean to them, their parents, or their children, are conscientious and loyal enough to shed their very blood to keep those colors afloat upon the flagstaff of victory and success.

Not only for the far and dim future but for the present this measure seems opportune. The great problem to-day in the Nation, so far as I can see, is coordination in all and every respect, unity in all things, a national spirit imbuing all with the same desires and hopes, and a centralization of the powers of each and every resident of the United States—not only of every citizen—to win this war.

And any inhabitant of this land not responsive to this call and suggestion, any resident of this land who would refuse to

fit and prepare himself in every way possible, physically, mentally, morally, and especially politically, to bring to triumphant issue the present conflict, any inhabitant of this country enjoying the benefits of the land who would act or speak in such a way as would make one infer that he thinks that this war is not his war, that he has no obligations of patriotism and loyalty to the land he has adopted, is not worthy of our companionship as fellow men, is not worthy to tread upon the soil made sacred by the blood of the first foreigners and aliens who came here years ago, has no place beneath the American sky, and should be sent back to the land he came from, for there is no such thing in this life as being a citizen of no land, as being neutral in all respects—perfect neutrality is death—and America has no time for dead members. [Applause.]

Mr. SABATH. Mr. Speaker, being extremely anxious for passage of this bill without any further delay, I do not desire to take up a great deal of time, but in view of certain attacks and objections raised on the part of some gentlemen against several of the provisions of the bill, and in view of the fact that others are more or less opposed to the bill and, not being able to find any valid objections, lay great stress on the form in which it has been presented to the House, I feel it my duty to take some time in which I desire to explain how it came about that the bill was not considered originally in the House, and, at the same time, wishing to assure the Members that the action on the part of the conferees was proper and not unusual, feeling confident that I will be able to demonstrate it before I conclude my remarks.

Mr. Speaker, the very day the resolution declaring war against the Austro-Hungarian Government was passed, being satisfied that the great majority of the subjects of Austria-Hungary were not in sympathy with their Government, and having positive knowledge that nearly all the former subjects of the monarchy, especially the Slavic and Latin races residing in the United States, who, remembering the discrimination, oppression, and persecution of their kinsmen by the tyrannical and deceitful Governments, welcomed the opportunity to be of service to their adopted country, this great Republic of ours, and enlisted in our Army in large numbers, notwithstanding that they still were unwilling subjects of that hypocritical monarchy, not having had the opportunity of becoming naturalized citizens of the United States. [Applause.] On that day I introduced a resolution, known as House joint resolution No. 181, providing for their exemption from the classification of alien enemies, which I insert as part of my remarks:

Joint resolution (H. J. Res. 181) providing that Bohemians, Moravians, Slovaks Roumanians, Poles, Ruthenians, Serbs, Croatians, Slovens, and Italians be, and are, specifically excluded from the classification of alien enemies as subjects of Austria-Hungary.

Whereas this Congress, upon the recommendation of the President of the United States has declared that a state of war exists between the United States and Austria-Hungary; and

Whereas certain States and Provinces within the Empire of Austria-Hungary have been subjugated to its rule without their consent and against the wishes of the inhabitants; and

Whereas the peoples of these States and Provinces, to wit, the Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovens, Italians, and Roumanians, suffering from the persecution and oppressions inflicted upon them by the Empire of Austria-Hungary, have sought and been given the haven of these United States in very large numbers; and

Whereas these people gratefully appreciate the shelter and opportunities given them by the United States and are now eager and anxious to serve this country in its present grave crisis; and

Whereas throughout the breadth and length of this country thousands of men of these races have enlisted in the several branches of the armed forces of this country to sustain and aid it in the holy fight for democracy and the freedom of all nations, large and small; and

Whereas many more thousands of the men of these races have been called to serve and are now serving under and by virtue of the selective-draft act; and

Whereas the said Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovens, Italians, and Roumanians are technically considered subjects of Austria-Hungary, which status is beyond their control and contrary to their wishes; and

Whereas by the declaration by this Congress that a state of war exists between the United States and Austria-Hungary these said Bohemians, Moravians, Slovaks, Poles, Ruthenians, Serbs, Croatians, Slovens, Italians, and Roumanians at present serving this country in the several branches of its armed forces who have not declared their intention to become citizens of the United States, or who, having declared their intention to become citizens of the United States, have never become fully naturalized, are immediately considered alien enemies, thereby being restrained in their patriotic desire to serve this country whole-heartedly and devotedly and to give their all to aid the cause of humanity and democracy; and

Whereas they and all other peoples of these States and Provinces who are noncombatants would be barred from entering, working, conducting business, or residing within certain territories prohibited to alien enemies; and

Whereas such a condition would cause a grave wrong and irreparable injury to peoples whose loyalty and devotion to this country stands unquestioned and unchallenged, and who unselfishly and unreservedly have upheld the cause of the allied powers against the central powers: Therefore be it

Resolved, etc., That the said Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovens, Italians, and Roumanians be, and they are hereby, specifically excluded from the classification of alien enemies wherever such classification now exists, as to subjects of Austria-Hungary, by reason of any act of Congress of the United States or regulations established by the President of the United States and under such rules and regulations as the President may from time to time promulgate.

SEC. 2. That the said Bohemians, Moravians, Slovaks, Poles, Ruthenians, Serbs, Croatians, Slovens, Italians, and Roumanians shall not be barred from the armed forces of the United States due to their status as (unwilling) subjects of Austria-Hungary and that they shall be subject to the operation of the selective-draft act.

The resolution was referred to the Foreign Affairs Committee, and the following day a hearing was held on the same and I briefly gave the committee my reasons in support of the resolution, and insert herewith the statement I then made:

Mr. SABATH. Mr. Chairman and gentlemen, realizing the fact that we will be forced and compelled, due to conditions, to declare war against Austria-Hungary, and being more or less acquainted with the conditions of that country, or dual monarchy, and the people who compose that State, I felt it my duty to prepare a resolution which would exclude from the classification of the alien-enemy act such people who are now, and always have been, unfriendly to the Austria-Hungary Government, and who, through no fault of theirs, are the subjects of that dual monarchy.

Austria-Hungary is composed of a great many States and Provinces. Austria herself is only a small part of the Austria monarchy. The Germans have a population in Austria of 9,950,266.

The CHAIRMAN. You mean that is the whole population?

Mr. SABATH. That is the population of Germans who reside in lower and upper Austria and some of the Provinces. On the other hand, there are 6,435,983 Bohemians, there are 4,957,984 Poles, 3,608,844 Little Russians there are 1,252,940 Slovenians, there are 783,334 Serbo-Croatians, there are 768,422 Italians, and 275,115 Roumanians. That is in Austria. In Hungary there are 10,050,575 Magyars, who are known as Hungarians; there are 2,949,067 Roumanians, 2,037,435 Germans, 1,967,970 Slovaks, 7,833,167 Croatians, 7,106,471 Serbians, and 472,587 Little Russians. So that the majority of the people are not Germans, but are of Slovak and Latin descent. They are held and dominated by the empire of Austria-Hungary against their will, and for years and years the Bohemians, the Poles, the Slovaks, the Croatians, the Slovenians, and Serbians have endeavored to secure their freedom and independence from Austria.

Mr. STEDMAN. And that is the feeling there?

Mr. SABATH. Yes; and it has been for years and years and is now. In the last three years, and since the declaration of war, a great number of Bohemians, Serbians, Slovenians, and Poles have been condemned by the Austrian Government for treason, because they have tried to secure for their countries, now controlled and held by Austria, the freedom and independence to which they are entitled, and which, I hope, they will eventually secure.

Being acquainted with these people and their sentiments, I have introduced this resolution, believing they should be exempt from the operation of the alien-enemy act, because to-day we have large numbers of these people in our Army——

The CHAIRMAN (interposing). Have you a copy of the alien-enemy act?

Mr. SABATH. I have not. As I was saying, to-day we have large numbers of these people in the Army of the United States as well as in our Navy. A great number of them have been accepted on their first declaration, mostly on declaring their intention to become American citizens, but under our law it takes two years after they have filed their declarations to become citizens, so that many of them are not yet citizens, although they have filed their intention and declaration to become American citizens. There are a great many others who have not filed such a declaration of intention and who are in our Army and Navy. However, all of these people are loyal to our cause, to the cause of America, not only for the love they have for and duty which they owe to this country, but also through the sympathy which they have for their mother country. In addition to these large numbers of people of these various States and Provinces who are found in our Army and Navy, we have thousands who are employed in ammunition plants, in our coal mines, and in a great many other industries, whom I know to be loyal to this country and to the cause of our flag. Therefore I believe it would be manifestly unfair to them, as well as to ourselves and to our industries, and even to those men who are now serving, if this resolution or a similar resolution should not be adopted, so as to exclude them from the operation of the alien-enemy act.

I have introduced this resolution for another reason. Of course, among these nationalities, as among all other nationalities, although their sympathies are with us, there are some who claimed exemption from the operation of our selective-draft act. I feel that as we are giving these people every opportunity to better their condition in this country, and as they have all of the advantages of an American citizen, that they should also be made to accept the responsibilities of this Government the same as any other American citizen in this war and during this war, and I am therefore providing in this resolution that all these of military age shall be treated the same as our own citizens and shall be subject to the selective-draft act. I feel satisfied that nearly all of the men whom I have in mind are desirous of doing their duty toward this country. I am satisfied that nearly all of them are right; I will not say that there are not some here or there who may not be in full accord with the things we do, but we find that even among some of our own American citizens, born in this country and whose forefathers were born in this country. But on the whole I feel that they are loyal and can be trusted.

Mr. HUDDLESTON. May I call your attention to the fact that our conscription of these aliens would be violative of international law? It is not optional, it seems, whether we will make them citizens of this country and subject to conscription, because our treaty with Austria-Hungary perhaps forbids that we should force their subjects into our armies.

Mr. SABATH. Well, I will say this: I do not think that we have a treaty with these nationalities. We may have with Austria-Hungary, and I am not one of those who is willing to violate the treaties of any nation, but nevertheless——

Mr. HUDDLESTON. If I am not mistaken, our treaty with Austria-Hungary carries with it the most-favored nation clause, and we have treaties with certain countries which provide that even in case of war we can not impress their subjects into our armies.

Mr. SABATH. I have that in mind; but I also have this in mind: All of these nationalities that I am describing do not subscribe to the treaty with Austria-Hungary; they do not desire the privilege of exemption that might be theirs under the treaty; they are not in

accord with Austria-Hungary, and I know that the sentiments of a large percentage of those who live here are not with the country of their birth or the Government that has oppressed them, their relatives, fathers, and mothers for many, many years, but their sympathies are with our country, and they are anxious and willing to serve this country.

After extensive hearings on the resolution, during which representatives from the Department of Justice, the Army War College, State Department, and Council of National Defense appeared, it was referred to a subcommittee for redraft and amendments. Within a few days the resolution, with some amendments, was favorably reported to the committee, and the chairman of the committee, the gentleman from Virginia [Mr. FLOOD], was authorized to report the same to the House, which was done on January 23 in the form of bill H. R. 9159. For the information of the Members and the record I insert the report thereon, containing the amended resolution or bill:

The Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 181) providing that Bohemians, Moravians, Slovaks, Roumanians, Poles, Ruthenians, Serbs, Croatians, Slovenes, and Italians be and are specifically excluded from the classification of alien enemies as subjects of Austria-Hungary, having had the same under consideration, reports back, as a substitute therefor, a bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps, and recommends that the bill as reported do pass.

The bill referred to is as follows:

"A bill to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps.

"*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized and empowered by proclamation or otherwise to exclude Alsatians, Bohemians, Croatians, Hungarians, Italians, Jews, Lithuanians, Loranians, Moravians, Poles, Roumanians, Ruthenians, Serbs, Slovaks, Slovenes, and other natives, subjects, or denizens of Austria-Hungary or Germany, or any individual or class thereof, from the classification of alien enemies, wherever such classification now exists by reason of any act of Congress of the United States: *Provided, however*, That such exclusion shall not apply to any individual who claims exemption from the military service of the United States under the selective-draft act of May 18, 1917, on the ground of alienage.

"SEC. 2. That during the present war any alien now or hereafter in the service of the United States, as a member of the Army, Navy, or Marine Corps, who has an honorable record in such service, may, while in such service, be admitted to become a citizen of the United States upon his petition filed in any district court of the United States, the United States district courts for the Terriories of Hawaii or Alaska, the United States district court for Porto Rico, the Supreme Court of the District of Columbia, or a court of record of any of the States having a common-law jurisdiction and a seal and a clerk, whether or not any such alien be a resident of the State, Territory, or District in which the application is made. The court before admitting such alien to citizenship shall require oral or documentary proofs, by witnesses under oath or by affidavits, that he is of good moral character and loyal to the United States, but shall not require him to prove more than one year's residence in the United States previous to filing such petition, and shall also require him to make the oath of allegiance to the United States as now prescribed under the law relating to naturalization. And except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

"SEC. 3. That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austria-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

"SEC. 4. That the President of the United States is hereby authorized to make and promulgate such regulations as may be necessary to carry out the purposes of this act, whether or not such regulations conform to the procedure now existing.

"SEC. 5. That certificates of citizenship obtained in the mode provided in this act shall be subject to cancellation in any district court of the United States upon proof that the person so naturalized has been guilty of mutiny, sedition, desertion, or of committing a felony against the criminal laws of the United States, or of committing a crime which, according to the laws of the place where it was committed is punishable by death or imprisonment for a term exceeding one year in a penitentiary, or that he has been dishonorably discharged from the military or naval service of the United States. The procedure in the district court of the United States for such cancellation shall follow the procedure described in the act of June 29, 1906, chapter 3592, section 15, and shall be in addition to modes of cancellation and of expatriation provided by all statutes now in force.

"SEC. 6. That the provisions of this act shall remain in force and effect during the continuance of the present war, and all laws or parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war."

The committee earnestly and unanimously recommends the passage of this bill.

It has come to the attention of the committee that within the confines of the two great military empires with which this country is at war there are probably 32,500,000 people who are friendly to our war aims and those of our allies and bitterly hostile to every aim of the central powers.

Of these, 8,500,000 are German subjects, and 24,000,000 are subjects of Austria-Hungary.

The representatives of these submerged nationalities, held down at home by the exercise of despotic military power, now residents of the United States, number close to 5,000,000 people, who are engaged in many classes of important industries of this country. Evidence given before your committee discloses that over 76,000 unnaturalized men of these nationalities are now serving in our Army, Navy, and Marine Corps, 62,000 having enlisted and about 14,000 having been incorporated in the service under the selective-draft act, who have not claimed exemption as aliens. The status of these aliens must be fixed, and they should be made citizens, as it is our duty to give them all the protection which it is possible to give, so that in the event of their capture they would not be considered traitors by the country of which they are still subjects and unwilling citizens.

Our task is first to do our duty by these people, especially those who have enlisted in our military service.

Second. To conserve the good will of these people here, and of their kindred and members of their races in the central empires, by making it clear to them that we do not consider them as enemies of this country.

Third. To utilize their activities in the many fields of industry in which they are now engaged in this country.

Fourth. To leave nothing undone to safeguard the security of our country.

The committee feels that it has accomplished all of these purposes in the bill which is herewith submitted.

The French Government early in the war adopted a similar policy.

On October 13, 1914, the French ministry of justice instructed the district attorneys to seize all personal and real property of German, Austrian, and Hungarian subjects engaged in commerce, industry, or agriculture in France, and place such property in the charge of receivers. The ministry of the interior issued, on the same date, instructions to the prefects of the various Departments to assist the district attorneys in every possible way. It was expressly provided, however, that the measure was not to apply to Alsatians, Poles, or Bohemians, the original provision reading:

"Cette mesure ne sera pas applicable aux Alsaciens-Lorrains, aux Polonais et aux Techèques."

The text of the instructions will be found in L'Économiste Français for Saturday, October 24, 1914, page 443.

As evidence of the feelings of these nationalities, resolutions recently adopted by the Bohemian National Alliance of America are herewith attached:

"RESOLUTIONS ADOPTED BY THE BOHEMIAN NATIONAL ALLIANCE OF AMERICA.

"Whereas in A. D. 1526 the Czech (Bohemian) Nation of its own volition elected the Hapsburgs to the throne of Bohemia, and had nothing in common with the other Hapsburg lands except the dynasty, and the Hapsburgs at that time, by solemn oaths and pledges, bound themselves to maintain and protect the independence of the Bohemian State; and

"Whereas the Czechs never ceased to fight for complete independence from Austria and never waived, directly or indirectly, their rights to complete independence, and their representatives always opposed the present arrangement of the Dual Monarchy, as is evidenced by the President of the United States himself, who, in his work on 'The State,' declares: 'No lapse of time, no defeat of hopes, seems sufficient to reconcile the Czechs of Bohemia to incorporation with Austria.' And even now the Austrian Emperor, as one of his titles, calls himself the King of Bohemia; and

"Whereas no Bohemian parliamentary body has ever authorized a declaration of war, and the Czechs throughout the war have opposed Austria-Hungary to the utmost limits of their ability, as is evidenced by declarations of Czech deputies in the Austrian Parliament, manifestos of Czech authors, and pronouncements of Czech workingmen's organizations, as well as by the bitter prosecution and wholesale executions the Austrian Government perpetrated upon the Czechs throughout the duration of the war; and

"Whereas the legal existence of the Bohemian State is further attested by the existence of a Czecho-Slovak Army in France and Russia, under the leadership of the Czecho-Slovak National Council, headed by Prof. T. G. Masaryk; and

"Whereas the Czecho-Slovak Army in Russia recently declared in public proclamation that the Hapsburgs are deprived of the Bohemian Crown and of Slovakia, that it is conducting a defensive war on Austria-Hungary, that the Czecho-Slovak Army, led by the Czecho-Slovak National Council, is a regular army, and should be recognized as such under international law; and

"Whereas Emperor Charles of Austria-Hungary, as far as the Bohemians are concerned, is nothing but a usurper, he never having been crowned King of Bohemia, and thus not having performed the ceremony which would give him the legal sanction to govern Bohemia, and the throne of Bohemia is therefore vacated; and

"Whereas the Czechs and Slovaks are members of the same nation, the only difference being that the Czechs are suffering under German domination in Austria, while the Slovaks are suffering under Magyar domination in Hungary, and Czechs and Slovaks, by a solemn manifesto issued in Paris on November 15, 1915, declared themselves against Austria-Hungary and the Hapsburg dynasty, demanding therein complete independence for the Czecho-Slovaks, and the reconstruction of an independent Czecho-Slovak State; and

"Whereas in the other allied countries Czechs and Slovaks are not considered alien enemies, move freely about in Great Britain and in France, and an identification card of the Czecho-Slovak Council is sufficient evidence that the bearer is a member of a friendly nation, and in Russia the late provisional government ordered all the local authorities to extend the privileges allowed members of friendly nations to all Slovaks and Czechs living in Russia who bear identification cards of the Alliance of Czecho-Slovak Organizations in Russia; and

"Whereas immediately upon declaration of war against Germany by the United States Czechs and Slovaks joined the United States Army in large numbers, and, indeed, furnished more volunteers proportionately than any other racial group, and by other methods, such as large purchase of liberty bonds, they attested the passionate loyalty of all Czechs and Slovaks to the United States of America: Therefore be it

"*Resolved*, That the President and the Congress of the United States of America be urged not to classify the Czecho-Slovaks as alien enemies and exclude them from the operation of the alien-enemy act."

Some days later the bill was called up on the floor for consideration, and the first section exempting the nationalities therein mentioned from the operation of the alien-enemy act and the third section stricken out, and, as amended, the bill was passed by the House. It then only provided for the immediate naturalization of all aliens now or hereafter in the service of the United

States. A short time later the so-called Raker bill, H. R. 3132, passed the House, amending section 2171 of the Revised Statutes. On March 8 I introduced a bill to validate certificates of naturalization erroneously issued, which bill was favorably reported by the Committee on Immigration and Naturalization on March 15, and which is now on the Unanimous Consent Calendar. I insert herewith the report of the committee, which contains the bill as reported to the House:

The Committee on Immigration and Naturalization, to which was referred H. R. 9455, introduced by Mr. MOORE of Pennsylvania, having had the same under consideration, reports in lieu thereof a bill H. R. 10589, and recommends that the bill as reported do pass.

The bill referred to is as follows:

"A bill to make valid certain certificates of naturalization.

"*Be it enacted, etc.*, That all certificates of naturalization granted by courts of competent jurisdiction prior to December 31, 1918, upon petitions for naturalization filed prior to January 31, 1918, upon declarations of intentions filed prior to September 27, 1906, are hereby declared to be valid so far as the declaration of intention is concerned, but shall not be by this act further validated or legalized."

On January 7, 1918, the Supreme Court of the United States, in the case of the United States *v.* Morena, held that all certificates of naturalization issued on declarations of intentions filed over seven years prior to the issuance of said certificates were issued in violation of the act of 1906. The Naturalization Bureau and the Secretary of Labor feel that it is for the interest of the Government, and in justice to the persons so naturalized, that all such naturalizations be validated, which this bill aims to do.

In the last session the House passed several bills harmonizing our naturalization laws pertaining to the aliens in the Navy, Marine Corps, and merchant marine. All of these bills having been favorably considered by the committee, and most of them having passed the House, remain awaiting consideration in the Senate. Feeling that there should be no unnecessary delays on any of the bills, and fearing that many of them may fail to pass the Senate, I have, with the aid and cooperation of the Naturalization Bureau, drafted a bill which not only included the bills previously passed and those favorably reported by the Foreign Affairs Committee and the Immigration and Naturalization Committee, but also other provisions which the various departments thought necessary, and which I thought very much needed to assist thousands upon thousands of deserving and loyal resident aliens, and introduced on March 13 the bill H. R. 10694. Prolonged and careful hearings were held on this bill by the Immigration and Naturalization Committee, and after careful consideration on the part of the committee the bill was amended and perfected, and on the 15th day of April I was authorized and instructed by the committee to reintroduce the bill as amended and report the same to the House, which was done by me on April 18, the bill being numbered H. R. 11518, and the report thereon was filed April 20. On April 16, the day after the Committee on Immigration and Naturalization agreed on the bill, and the Senate committee fully realizing the importance of the legislation and the immediate need for it, the same having been submitted to the Senate committee, after careful consideration agreed to the House bill and, wishing to finally expedite the delayed passage of this legislation, embodied it (H. R. 11518) as an amendment to H. R. 3132, which had previously passed, and the committee asked for a conference on the same, to which the House agreed. In view of the fact that the Senate amendment is virtually the bill H. R. 11518, which after weeks of careful consideration was favorably reported by the House Committee on Immigration and Naturalization, the conferees on the part of the House came to the conclusion that the matter was properly before them and that they were not exceeding their authority in its consideration in that form, and felt that thereby the House, as well as the Senate, would be saved a great deal of time in enacting this needful legislation. At this juncture I desire to insert the report on H. R. 11518, filed on April 20, which fully explains the bill:

The Committee on Immigration and Naturalization, to which was referred the bill (H. R. 11518) to amend the naturalization laws and repeal certain sections of the Revised Statutes of the United States, and other laws relating to naturalization, and for other purposes, reports the same to the House and recommends the bill be passed. It recommends this bill as a war emergency measure and urges its passage at the earliest possible moment. The main provisions of this bill consist in adding seven subdivisions to section 4 of the act of June 29, 1906, being an act to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States.

The seventh subdivision has been prepared for the purpose of unifying the rule of exemptions extended to certain aliens who have received military training in the armies of the United States and the Philippine Islands, as well as those serving on vessels of the United States Government and the American merchant marine. It also makes the first enlargement ever authorized of the provisions of section 2169 by allowing Filipinos who have served in the United States Navy or Marine Corps or the Naval Auxiliary Service, and have been honorably discharged therefrom after the term of enlistment specified, to petition for naturalization under the conditions and limitations as defined in the seventh subdivision, and includes all those who are at present in the military service of the United States, whether they have declared their intention or not.

For all of these classes of cases the seventh subdivision provides that a petition of naturalization may be filed in the most convenient court, and be heard without the usual delays necessitated under the general provisions of the naturalization law and without the usual proof of residence in the United States required of aliens to whom no exemptions from the general provisions of the naturalization law have been extended. Because of this special method of naturalization the subdivision requires the appearance of those candidates before a representative of the Bureau of Naturalization before filing their petitions for naturalization in the office of the clerk of the court.

It also provides a means for the naturalization of all of the foreigners in the military forces of the United States in whatever capacity they may be associated. The subdivision, in brief, provides for the naturalization of those who have taken up arms in defense and in the service of the United States Government.

Further provision is made to prohibit the filing of a declaration of intention during 30 days preceding and including election day. This provision is analogous to the one which excludes the courts from naturalization authority during the 30 days preceding election, and is a provision that has long been known to have been inadvertently overlooked in the enactments heretofore passed. The subdivision also prohibits the naturalization of aliens serving on vessels of foreign registry, this construction having been maintained by some courts in view of the provisions of section 2174, which recognizes service of aliens on vessels of American registry. Penal provisions are contained in this subdivision by the terms of which citizenship is forfeited by those who are naturalized under the terms of the seventh subdivision if they are convicted during the time the country is at war of the offenses named. It also waives the payment of the naturalization fee by the American soldier during the time of war.

Subdivision 8 safeguards the rights that have for years been given to aliens serving on vessels of the American merchant marine and is necessary in view of the inclusion in the general codification of section 7 of such aliens.

Subdivision 9 authorizes the continuance of the work of the Bureau of Naturalization in connection with the public schools and the local Army exemption boards.

Subdivision 10 contains a reenactment of the act of June 25, 1910, in language that is clear in its meaning and continuing the exemption up to May 1, 1914, instead of May 1, 1910, and includes all in the general provisions of the law except the alien enemies who are authorized by subdivision 11 to proceed, under the restraint imposed by the eleventh subdivision.

Subdivision 11 authorizes those who by the terms of section 2171 were excluded from naturalization because they were alien enemies to proceed under the terms of this subdivision to naturalization. It includes those who by the act of June 25, 1910, at the time the existence of the state of war was declared were entitled to become citizens of the United States without making the declaration of intention, and in addition authorizing those who had declared their intention prior to that event and those who had petitions for naturalization then pending to perfect their naturalization after the consent of the Bureau of Naturalization shall have been received by the clerk of the court. It distinctly provides for the hearing in open court and in the presence of the representative of the Government from the Bureau of Naturalization, and in this particular class of aliens provides that the objection of this representative of the Government shall cause the petition of this alien, who has been exempted from the alien enemy classification, to be continued until the Government is satisfied as to his loyalty.

There is a large number of aliens whose loyalty is unquestioned and well known who, under the registration of alien enemies, have recently had disclosed to them the startling fact that they are not citizens of the United States. They are to be found in largest numbers in the States where aliens have been voting for generations upon the declaration of intention. Instances have been reported to the committee of these unfortunate individuals who are Americans at heart, who have lived in this country upward of 70 years—they were infants when they were brought to this country by their parents over 70 years ago—some of them, and have lived almost all their lives in States where aliens have been authorized by the State constitutions to vote upon their declaration of intention. These children, growing to manhood, have exercised all the rights of American citizenship, some of them for nearly a half a century. Some of the cases reported to the Committee on Immigration and Naturalization included those who were legislators in the States where they lived, and others who had held elective and appointive offices and who have their grandchildren as soldiers in the present war. Cases have been reported to the committee of those who were engaged in the Civil War, on either side, who have but recently, by reason of the registration required by alien enemies, found that they were not citizens. The act of June 25, 1910, which is repealed by this act, gave them the right to proceed to become naturalized without making the declaration of intention. Subdivision 10 reenacts this portion of the act of June 25, 1910, but it is not applicable to the alien enemy as reenacted. Subdivision 11 provides the means by which those who by the act of June 25, 1910, were at the time the state of war was declared to exist between this country and their sovereign entitled to become citizens of the United States without making the declaration of intention to file their petitions without making the declaration of intention, because they have for years in good faith believed themselves to be citizens of the United States and have exercised the rights and performed the duties of a citizen. While this act will repeal that portion of the act of June 25, 1910, referred to, it does not prevent them from filing their petitions for naturalization upon the right which was vested in them by the act of 1910, and which was theirs at the time the existence of a state of war was declared, although their alien enemy status was unknown to them and the necessity to exercise that right was not at that time known by them.

Subdivision 11 also authorizes the Bureau of Naturalization to investigate the loyalty of any alien enemy who may apply for naturalization and who is not included in those previously exempted, and after determining definitely the loyalty of such alien enemy to except him from such classification for the purposes of naturalization. It also authorizes the appropriation of $500,000 for the purpose of carrying on the provisions of this act.

Subdivision 12 authorizes the naturalization of any alien soldier of the United States military or naval forces serving outside of the United States, upon return to the United States, and to have the period of military service outside of the United States counted as residence within the United States to complete the five years.

Subdivision 13 offers a great relief to hundreds of thousands of citizens who secured their American citizenship status by the act of the father in becoming naturalized. Great embarrassments have been

experienced by those who have secured citizenship through the acts of their parents because of the insufficiency in the law to provide them with certificates showing their American citizenship. This provision will relieve all these citizens, and those who hereafter secure citizenship by the acts of their parents, by providing a distinctive certificate of American citizenship to be issued by the Bureau of Naturalization from its records. It will be impossible to cause the issuance of this certificate of citizenship by the clerks of courts, for the reason that the father may have been naturalized in Baltimore and subsequently removed himself with his family to St. Louis. His children on reaching adult age and desiring to exercise the rights of citizenship may be in various parts of the country. None of them can secure any evidence of their citizenship, since the law provides no certificate of citizenship for them. The clerk of the court in St. Louis would be wholly incompetent to issue a certificate of citizenship on the naturalization of the court in Baltimore, and none of the clerks of the courts at the places where the sons reside would have any means of determining whether or not these sons were actually naturalized by the act of their father as alleged. The Bureau of Naturalization has the duplicate originals of all naturalization records authorized by law to be retained, and it alone is the only source from which such certificates of citizenship can be issued and the fraudulent issuance of them prevented. In view of the importance of this certificate of citizenship, and the uses to which it may fraudulently be placed, the same penal provisions that surround the certificate of naturalization are enacted in connection with this certificate of citizenship.

Section 2 contains the numbers of the sections of the Revised Statutes that are repealed, and also refers to and quotes the other portions of the acts amending the naturalization law that are repealed. The lengthy quotation is necessitated by the fact that in all of these instances the acts carrying these provisions have been parts of acts which carried appropriations.

In the general repealing portion of this section the provision as to the effect of this act upon section 2169 of the Revised Statutes is clearly shown not to enlarge it in any way except as to the Filipino, and only in those cases of Filipinos who have performed the service in the Navy as defined in subdivision 7.

The provisions of section 2166 of the Revised Statutes are not repealed in their application to those who were honorably discharged in Civil War times and up to and including those who were discharged from the Spanish-American War.

It also makes the usual provisions regarding the application of the criminal statutes in cases of offenses and crimes against the naturalization laws of the United States.

Section 3 validates all certificates of naturalization that may be granted by courts of competent jurisdiction up to December 31, 1918, where the declaration of intention has been declared by the Supreme Court to be invalid. This relates to declarations of intention made prior to the operation of the current naturalization law that were not acted upon until after the seven years which the present naturalization law prescribes as the limit of the life of a declaration. There were probably a hundred thousand aliens naturalized upon declarations of intention, between September 27, 1913, and January 7, 1918, which had been taken out under the old law and were held by the Bureau of Naturalization to be valid. The decision of the Supreme Court declared them to be invalid. None of these naturalizations, therefore, has been legally conferred, on account of the invalidity of the declaration of intention.

There were probably many petitions filed in January, in good faith, by foreigners whose declarations of intention that were not valid under the Supreme Court decision, after the decision, and before the notice from the Bureau of Naturalization was received by the clerk of the court. This notice was sent at once, but in order to embrace all that may have filed, the date of January 31, 1918, has been named as the final and inclusive date, and December 31, 1918, as the date when these petitions may be acted upon. Under the present law they will all have an opportunity to be disposed of.

This section also classifies the positions of naturalization assistants where the compensation has been paid by the Department of Labor under the authority of various appropriations and section 13 of the act of June 29, 1906. This has been urged heretofore by the Department of Labor because of many gross irregularities that have grown up by the acts of these clerks and because of the inability of the clerks of courts to supervise their work. This will place them immediately under the Bureau of Naturalization and prevent and wholly eradicate these practices, and also result in a more economical expenditure of the funds from the appropriations.

The committee has most carefully considered this bill and held extensive hearings covering many weeks. At these hearings it has learned from the report of the Provost Marshal General that 123,277 aliens waived all exemptions on account of their alienage and were certified to the first draft army. The second draft army, with its larger quota and prospective legislation further increasing the military forces of the United States will bring in ever increasing numbers of other loyal foreign-born men who owe an allegiance in their heart to the United States, the country of their adoption. This will probably mean that 500,000 loyal foreign-born residents of this country will joint our colors in the next year. All of these should have the privilege of citizenship conferred upon them while they are taking up this most fundamental and sacred of all obligations of citizenship—the obligation and willingness to take up arms against the common enemy.

During the last year there has been unprecedented increase in the number of applications for citizenship, in addition to those candidates for citizenship disclosed by the reports of the Provost Marshal General. The number of candidates for citizenship in the civil life has been greater during the last year than at any time. The number of naturalizations since the European war commenced in 1914 has been greater than at any other time, notwithstanding the fact that immigration has been only on an average of about 300,000 annually. Over 75,000 petitions for naturalization were filed during the first nine months of this year, while the average number of foreigners admitted to citizenship annually heretofore has been but slightly more than 70,000.

In addition to this, attention is particularly called to the large number of foreigners who have been classified by law as alien enemies. Among these, it is well known, are large numbers—hundreds of thousands—who are loyal and devoted wholly to this country. These foreigners feel the stigma of their alien-enemy status—many of them have innocently believed themselves to be citizens under the Federal and State laws. Registration of alien enemies during the past year has disclosed the fact that they had not completed their citizenship in accordance with the law, although they had exercised all of the rights for many years. Particular attention is also invited to the provision which will enable the alien who secures citizenship by the act of his father to receive the certificate of United States citizenship which this bill for the first time authorizes to be created and issued.

Because of all of these most insistent remedial measures, the committee has recommended the appropriation of $500,000. This amount has been found to be the minimum amount necessary, after careful investigation and study both by the committee and by the Bureau of Naturalization of the Department of Labor. The subject matter of this bill as contained in the bill H. R. No. 6347 has been approved by the Department of Labor. Certain modifications have been made in the bill since that time by the committee as the result of subsequent experience.

The minor amendments shown in the conference report have already been explained by the gentleman from Alabama [Mr. BURNETT].

Mr. Speaker, I have endeavored to the best of my ability to show, and believe that I have shown, that the conferees have acted in the best interest, not only of the House but also of the country. I regret that I have not the time to personally more fully explain the bill, and therefore, for the benefit of all those Members who are not present now and who, due to lack of time, have been unable to familiarize themselves with each and every provision of this bill, I insert herewith a statement explaining it:

GENERAL STATEMENT.

This act is a general codification of the several exemptions that are extended to aliens who serve in the military and naval forces and in the American merchant marine, so that they will all have a uniform rule of exemption from compliance with the general provisions of the naturalization law.

There have been a great many amendments to the naturalization law carried by various appropriation bills in the last 10 or 15 years, which are entirely lacking in uniformity.

This bill makes the rule uniform in requiring at least three years' service and an honorable discharge of aliens, so that they may be naturalized and recognition given to their time in the military service or in the service on the seas. While they are in these two branches of service they do not have any domicile on the land in the usual sense, and therefore are unable to acquire residence in the jurisdiction of the court, to enable them to comply with the general provisions of the naturalization law.

It also makes it possible for the military forces of the United States to be strengthened at the present time by providing for the immediate naturalization of those who have had military, naval, or merchant-marine training, by doing away with the 90-day period of posting the petition and by enabling them to come into the most convenient court without proving that they have lived in the State for the one year necessary under the general provisions of the law.

This will all be found in subdivision 7. This subdivision also provides the formal method for the naturalization of the soldiers in the draft army who are not citizens. It allows them to file their petitions for naturalization in the courts at the cantonments or Army camps, and allows them to have their petitions heard at once.

The seventh subdivision provides means for the naturalization of all of the soldiers who are in our military forces, whether they have declared their intention or not and wherever they may be found.

These provisions have all been deemed wise by the committees of the two Houses and the conferees, as well as the Senate, in view of the fact that these aliens have waived all exemptions to which they are entitled and have put on the American soldier's uniform and are ready to fight and offer their lives in protection of the principles of liberty and freedom for which this country is fighting.

The seventh subdivision also provides that no fees shall be paid by these foreign-born soldiers.

Subdivision eight preserves the rights which American seamen of foreign birth now have, and which they have always had, of protection as American citizens after they have declared their intention, and is necessary of inclusion here, for the reason that section 2174 of the Revised Statutes has been modified by the provisions of subdivision seven, and in order to safeguard these rights, which have been extended to these foreign-born sailors in our American merchant marine from time immemorial, it was deemed wise to reenact the remaining portion of that section of the Revised Statutes and repeal the section itself, since its principles are embodied in this act.

Subdivision nine. This subdivision will enable the Bureau of Naturalization to continue the work it has been carrying on with the public schools throughout the United States for approximately four years and strengthen that work by authorizing the presentation to the foreigner who is a candidate for citizenship of a textbook by which he can be instructed in the responsibilities of American citizenship. It also gives lawful authority for the Bureau of Naturalization to continue the work which it has been carrying on with the local army exemption boards, at their request, of locating alien declarants subject to the draft army who have denied their declarations of intention and claimed exemption as aliens. Many thousands of names have been reported to the Bureau of Naturalization, and large numbers of aliens have been disclosed as fraudulently claiming exemption and have been turned over to the military forces as a result of this work.

The tenth subdivision is a recodification in clear and concise language of the ambiguous language contained in the act of June 25, 1910.

Subdivision eleven. This section amends the provisions of the act which was passed by the House and which appears in lined type on page 1. This provision as it passed the House allowed alien enemies to be naturalized without any restrictions. The language in subdivision eleventh allows them to be naturalized, but only after a searching investigation by the Bureau of Naturalization has determined that they are loyal. It also allows the Department of Justice to recommend to the President any specially meritorious cases where the loyalty of the individual alien is substantiated without a doubt. Upon this recommendation the President of the United States may exempt these aliens from the alien enemy classification in order that they may apply for naturalization.

This subdivision also, as it passed the Senate and was agreed to by the conferees, carries an appropriation making effective the administration of this most important legislation.

The American soldiers of foreign birth now in the first draft army represent over 123,000 patriotic foreigners. The second draft army will have a larger number, and as there are apparently to be 3,000,000 soldiers raised, it will mean a larger and heavier responsibility and work than ever before. The number of aliens in the first draft army to be naturalized is far greater than the entire naturalization of any one year. The work can not be done without adequate means to accomplish the purposes of this act.

The twelfth subdivision is a substitute for the legislation that was passed on October 5, 1917. That act required the certificate of citizenship to be issued, while this substitute allows the American soldiers to repatriate themselves in the same method without requiring the issuance of the certificate of citizenship. This certificate has already been found to be a very dangerous instrument, and opens the door wide for fraud.

The thirteenth subdivision makes it possible for any alien-born American soldier to become naturalized on his honorable discharge, and return to the United States without proving five years' residence immediately preceding his naturalization in the United States.

Section 2 contains the numbers of the Revised Statutes that are repealed. It also contains those portions of the various appropriation acts which offer exemptions from a compliance with the general provisions of the naturalization law but which were not at all uniform in their application.

The last portion of section 2 contains a general repealing clause but leaves the provisions of the penal statutes for violations of any acts that may occur before the passage of this act, so that prosecutions may be maintained after this enactment. It also safeguards the rights of aliens who have been honorably discharged from the Spanish War and Civil War and who may not have completed their naturalization, so that they may perfect their rights at such time as they deem it necessary.

SEC. 3. This section validates all naturalizations that were granted by courts of competent jurisdiction during the period following September 27, 1913, where the declaration of intention was more than seven years old. It also allows time for all petitions to be heard that were filed prior to January 31, 1918, upon such declarations of intention. On January 7, 1918, the Supreme Court declared all such declarations invalid, and notices were received by all clerks of courts before January 31, 1918, not to accept any more such declarations.

Mr. Speaker, briefly this bill will permit, without delay, the naturalization of nearly 150,000 men now in the military forces of the United States. It will enable us to utilize men who have had years of experience in the Philippine Islands, Porto Rico, the Mexican border, and in many of the European armies, who, notwithstanding their experience and knowledge of warfare, can not be appointed as officers to help in training recruits here or to be of service in the trenches on the western and Italian fronts. The bill will also make it possible to naturalize a large number of aliens who are classified as alien enemies, and who, due to age and other causes, can not enlist in our armed forces, but are doing their utmost to be of service to our country. They are employed by the thousands in our mines, in the munition plants, in the shipyards, in the shops, in the factories, and on the farms, and, in fact, in every essential industry in the United States, working to supply food and to maintain our Army and Navy and our allies. But due to the fact that unfortunately they were born in the lands ruled by the Austro-Hungarian Government, they are made by existing laws and classified as alien enemies and, upon the declaration of war against Austria-Hungary, could not be naturalized.

Mr. Speaker, from the beginning of the war a large number of our citizens joined the allied armies, but before doing so were obliged to swear allegiance to the country under whose banner they enlisted, and consequently have expatriated themselves. A provision in this bill provides that they can without great trouble and delay again establish their American citizenship.

Another provision appropriates $400,000, authorizing certain expenditures for the purpose of helping the naturalization, investigation, and education of aliens. To my mind it will be of great benefit.

In a general way the bill harmonizes the naturalization laws, making them simpler and easier, and still gives the naturalization department greater opportunity to eliminate the undeserving from being naturalized.

This explanation, I regret, only imperfectly explains the most important provisions of the bill, but the statement which I have inserted does so fully.

Mr. Speaker, when the House considered my bill H. R. 9159 on March 4, which we passed, and which provisions are embodied in the bill now under consideration, I endeavored to assign the reasons why the measure should be enacted into law; and therefore I shall not take up your time to-day in further explanation, being desirous of securing the immediate consideration of the bill; and, feeling satisfied that the membership is favorably inclined, I will conclude with the earnest hope that I have not mistaken the sentiment of the House in believing that they will vote nearly unanimously for the adoption of the conference report, which will bring relief, happiness, and joy to thousands upon thousands of deserving, loyal, and courageous aliens in our military forces, as well as to those millions of honest and hard-working aliens in our most essential industries which keep our Army and Navy properly and sufficiently supplied, who will appreciate this legislation, and thus inspire them to still greater efforts in behalf of our country and for the cause for which we are fighting, and which eventually must and will succeed. [Applause.]

Mr. Speaker, due to an error in my remarks on the main provisions of this bill, namely, H. R. 9159, on March 4, a part of my speech was charged—or, if I may be permitted to say, credited—to the gentleman from New York [Mr. WALDOW], and, notwithstanding that I have asked and received consent of the House that same be corrected, it has not been done. In view of the fact that the remarks then made by me apply to this bill as well, I shall insert same here, relieving the gentleman from New York from any apologies he may be obliged to make for it. [Applause.]

Mr. Speaker, having the utmost confidence in the loyalty and patriotism of the people of the nationalities described in section 1, I introduced a resolution some time ago exempting them from the operations of the alien-enemy act. Since that time the President of the United States in a proclamation has exempted all of these people and has added other nationalities, exempting them from the operations of the alien-enemy act. That I have been justified in my confidence I offer this fact, that nearly 100,000 aliens of these nationalities are now in the Army, Navy, and Marine Corps of the United States. It is to protect these men, to enable them to remain in our armies, that this legislation is sought. All this bill aims to do is to naturalize all these men who desire to fight for the country of their adoption who otherwise would have no chance or opportunity to become American citizens.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does not section 2 admit of the naturalization of other aliens apart from those referred to in section 1?

Mr. FLOOD. Oh, yes.

Mr. SABATH. Section 2 applies to all of the aliens who are now serving in the United States Army, Navy, or Marine Corps; it matters not of what nationality they are. I believe that any man who has volunteered, or any man who has not claimed exemption under the selective act, is a good enough man, is made of the right material, has the right conception of his duty to this country, and as such is entitled to all the protection that we can give him, and is also entitled to become a citizen of the United States without any unnecessary trouble or delay.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this matter and has introduced a bill, as he indicates. While the gentleman is on his feet, and since he is talking in the time of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Foreign Affairs, I desire to ask him one or two questions. Is it not a fact that any alien, not these particularly mentioned in paragrap' 1, but any alien who has been in the country one year and who has enlisted for service in the Army or Navy, may become a naturalized citizen of the United States on petitioning a court of competent jurisdiction, as referred to here?

Mr. SABATH. Yes; and on complying with the rules and laws and regulations of our country pertaining to the naturalization of aliens.

Mr. MOORE of Pennsylvania. As the gentleman is something of an expert I want to ask this question, so that this matter may be made clear to my constituents, who are interested in it: If an alien comes forward to-day and enlists in the Army, he may apply to-morrow for naturalization and be naturalized a citizen of the United States if he can prove that he has been in the country one year. Is not that the fact?

Mr. SABATH. He must prove that he has been in the United States for one year, and he must also prove that he is a man of good moral character and, in addition to that, that he has an honorable record in the Army or Navy or Marine Corps of the United States.

Mr. MOORE of Pennsylvania. He must have the usual qualifications.

Mr. SABATH. Yes.

Mr. TOWNER. Yes; and be loyal to the United States.

Mr. SABATH. And be loyal to the United States is right.

Mr. MOORE of Pennsylvania. Exactly. That is one of the qualifications. Now ordinarily a man must wait in this country for five years before he can become a citizen of the United States.

Mr. SABATH. Not only that, but he is subjected to examination, and must prove that he is capable of answering a great many questions that are propounded to him; he must know how to read and write the English language, and there are a great many other things that he is obliged to do before he can become an American citizen.

Mr. MOORE of Pennsylvania. Let us get down to the point I wanted to make. An alien under the law must remain in the

United States for five years before he can become a citizen of the United States?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. If he joins the Army or the Navy or the Marine Corps and has one year's residence in the United States, he may apply for citizenship and secure it if he has the necessary qualifications?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. That is to say, he can cut short the period of residence four years and become a citizen if he joins the Army or the Navy?

Mr. SABATH. Yes; that is the intention.

Mr. MOORE of Pennsylvania. Following up the purpose of the alien-slacked bill, if this bill is adopted it means that anyone who is an alien in the United States who has been here one year may become naturalized if he enlists in the Army or Navy?

Mr. SABATH. Yes; it means that he will be permitted to fight for our country, because otherwise, if the law is not enacted, there is great danger that he may be discharged on account of being an alien; that he is not an American citizen; and thereby this country would lose from the Army and the Navy seventy-five to a hundred thousand deserving men desirous of fighting for our country.

Mr. MOORE of Pennsylvania. Some gentlemen on this side seem to misunderstand the point that the gentleman has been making, and I want to repeat it. This will apply to any alien now or hereafter in the service of the United States, and not only to those specifically referred to in paragraph 1.

Mr. SABATH. That enlist in the Army, Navy, and Marine Corps.

Mr. MOORE of Pennsylvania. It would apply to anyone. Any alien except a German enemy alien could become a citizen of the United States after one year's residence upon enlistment if he wanted to.

Mr. SABATH. It will apply to all aliens that are now or will be in the Army, Navy, or Marine Corps.

Mr. FESS. Not quite as broad as that, for there is a proviso.

Mr. SABATH. There is a proviso as to people who can not become citizens now.

Mr. FESS. That is what the gentleman from Pennsylvania is driving at.

Mr. MOORE of Pennsylvania. I want to show that if a man likely to be deported from the country under the slacker bill is qualified to become a citizen he can make a short cut to citizenship under this bill by enlisting in the Army, the Navy, or the Marine Corps if he has had a year's residence and the requisite qualifications.

Mr. SABATH. Yes.

Mr. JAMES. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. JAMES. The people in paragraph 1 have been ordered back by Austria to fight in the Austrian Army. They have not gone; but in case they should be caught they will be treated as deserters. They will be deserters according to the law of Austria and according to our own law, and therefore, unless this bill is passed, we will place all these men in an embarrassing position. If it passes we can claim the men and look upon them as American citizens.

Mr. WALDOW. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. WALDOW. Does this bill give a change of status to the Poles who have formed themselves into an independent organization? A great many of them have gone to France to fight. We have right outside of my city an army of about 8,000 men, all of them of Polish nationality. Is this going to change their status in any way?

Mr. SABATH. We can not aid them in this bill. There is a separate bill pending now in which I hope we will be able to protect the brave Poles and men of other nationalities who are now joining the so-called Polish and Czecho-Slovak Army in France as well as in Canada. I expect that the bill will be shortly reported and that it will receive the unanimous support of all Members of the House.

Mr. WALDOW. Why is it not possible to have that bill incorporated in this bill?

Mr. SABATH. I think it is a very wise suggestion, and if it will not be objected to I would be more than pleased to look upon the amendment with favor.

Mr. WALDOW. I am very much interested in the proposition. We have over a thousand men from the city of Buffalo alone who have joined the Polish brigade, and it seems to me that they ought to have the protection of the United States.

Mr. SABATH. They are entitled to all the protection we can give them.

Mr. JAMES. Are these people going in a Polish legion—are they going as Poles or Americans?

Mr. SABATH. They are going as Americans. Many of them are citizens of the United States and many of them are not as yet citizens of this country.

Mr. JAMES. Who pays the expense?

Mr. SABATH. The Polish-American people in the United States, as well as other people vitally interested in organizing this splendid body of men. And what applies to the Polish legion and the Polish Army applies to the so-called Bohemian-Slavic Czecho-Slovak Army that is being formed here, in Russia, and France, and is now fighting the cause of the allies across the sea.

Mr. JAMES. Those who are citizens will be taken care of?

Mr. SABATH. Yes; but they will not be entitled to any pension or special benefits because they are not joining our forces. For that reason they are entitled to greater consideration than the men who are drafted and who are American citizens, because they do not have to go, but do it of their own free will, desirous of being of aid and assistance to the country of their adoption.

Mr. GALLAGHER. If the gentleman will permit, I want to say that this is the army I referred to a moment ago when I was talking to the chairman. They are not in our Army, and therefore this bill would not cover them. They joined the French forces.

Mr. SABATH. I realize the force of the gentleman's statement, and, as I stated before, if an amendment can be framed and will meet with the approval, as it should, of Members here, we should embody it in this bill.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman a question. Can he conceive of any legislation that we could pass which would protect men not citizens of this country who join the armies of one of our allies?

Mr. SABATH. I say in answer to that that we are trying to reach that before the Immigration Committee in this way: We have a bill pending there whereby we will suspend the operation of the immigration law as to all of the aliens who are now going abroad with our forces or with the Polish, Czecho-Slovak, or the Jugo-Slovak armies, or who join the allied forces in Europe.

Mr. Speaker, to those in whom there remains any doubt as to the merits of this bill I desire to say that the people covered by this bill came to these shores to escape a tyrannical dynasty, allegiance to which they never subscribed and the overthrow of which they have struggled and sought for centuries. They came here eager to grasp the opportunities afforded under our institutions and denied them in the land of their birth. They sought to advance and educate themselves and their children, to understand our institutions and the form of government that had given them every opportunity and every advantage afforded to its own citizens and that had made them free men and women. They came here to better their own conditions and to relieve, if possible, the oppressed and persecuted brethern abroad.

That they have done this none can deny. In the mines and in the factories, in the mills and in the shops, upon the farms and in the forests, in the industries and in the professions, in commerce—everywhere they have toiled, labored, and studied for the increased development of the land of their adoption. They have helped and are now helping to turn the great wheels of our industry. They have aided our commerce. They have contributed to our science. They have always been good, true, and loyal residents of this great country of ours. Who can challenge their industry? Who can question their constancy? Who dares impugn this loyalty?

And now, in the hour of our Nation's trial, they have sprung to the support of our country, to sustain our glorious flag, by the thousands, aye, by the tens of thousands, patriotically volunteering and loyally waiving all claims for exemptions, to the end that the Stars and Stripes may ever float over a free and happy people.

We who live in this wonderful democracy of ours can only speak of the wrongs of autocratic government from a theoretical knowledge, but these people who have suffered under it know this form of government from bitter, practical experience.

We are at war to preserve "humanity and democracy." They go to war not only for this reason but in the fond and passionate hope that they might help to secure it for their oppressed kinsman across the seas. Shall we deny them this opportunity because in a technical, and a purely technical, sense they are subjects of Austria-Hungary and Germany? Shall we say to these people that because a brutal and overpowering military force has subjugated you to despotic and tyrannical rule you are barred from assisting in its overthrow, even though you are a

loyal and devoted resident of this country? Shall we discourage and dishearten these people, interfere with the wheels of our industries, deplete the mines and the factories of their much-needed man power, diminish the output of our workshops, increase our economic problems, already stupendous, and thereby give "aid and comfort" to our enemies, who are even more their enemies, because of a status beyond their control, the removal of which they have sought with their life's blood these many centuries? Shall we deny them the right to fight for the colors of their adoption and force them into the foreign-legion division of France and Italy?

Mr. Speaker, I do not believe such action would be compatible with the principles for which we are striving. In the mines and in the steel mills, in the great ammunition factories, they are steadfastly preparing this country for the mighty conflict in which we are engaged. Whether it be before the fiery furnaces of the steel mills, the stifling depths of the coal mines, the hazards of the ammunition factories, they go about their work steady and contented, satisfied to be of service to this country, the country of their adoption. To be of service is all they ask. Shall we deny them this?

In our Army, Navy, and Marine Corps they are represented by over 76,000, and, if I am reliably informed, if they are not excluded from the operation of the "alien-enemy" laws our armed forces will in the course of time be deprived of some 400,000 men. What is there that would justify such a course of action?

I know that some will say that these people are responsible for this unpleasant situation because they did not become naturalized. This, however, is due to the harshness and stringency of our naturalization laws.

Mr. Speaker, with a deep faith and irrepressible confidence, I have stood upon the floor of this House upon many an occasion and vouchsafed the good and unimpeachable conduct and behavior of these people. I have never had occasion to regret it, and I say now, with a calm assurance that rests upon my complete faith in them, that they will never give me cause to regret one word or one sentiment. I call upon them now to vindicate my every assertion, to sustain my every utterance, to uphold my every assurance. I call upon them to prove, as I know they will, true to their best traditions, to meet every condition and make every sacrifice required of them with firm resolve and stout hearts, to uphold the ideals of the flag of their adoption—the red, the white, and the blue—to give their lives and their all in defense of these glorious colors, to the end that liberty and democracy may forever be preserved to our sacred country and to her brave "comrades in arms."

I call upon them to inspire and encourage their oppressed brethren in despotic Austria and military-controlled Germany; to rise in their might and break the chains that have held them in bondage and slavery, in misery and in want; to throw off the yoke of their oppressors and those tyrants who are responsible for this terrible war that has destroyed millions of lives; that has taken from mothers their sons, from wives their husbands, from millions of innocent children their fathers; that has driven from the humblest shelter and deprived of life's every necessity—life's every means of sustenance—millions of aged men, women, children, and babes. I also beseech them to call to their kinsmen across the seas and with loud voice exclaim, "Rise from your slumber, you Czecho-Slovaks, descendants of Huss-Ziska! Rise, you Poles, descendants of Sobieski, Pulaski, and Kosciuszko! Rise, you Jugo-Slavs, descendants of Dusan and Kara George! Rise, all you subjugated peoples, so that the liberty and freedom for which your forefathers hoped, suffered, bled, and died may be attained and to you forever made secure.

And when, aided by all other democracies of the world who are engaged in this monumental struggle to obtain for you this liberty and freedom, you will have helped to break the chains that have shackled you these centuries, then extend in the spirit of brotherly love and benevolence to the peoples of Germany, who are dominated by the iron and ruthless heels of military lords, the hand of friendship and aid, so that they, too—the great common masses of these German peoples—may live in peace with all the peoples of the world, but who are forcefully subjugated by the brutal power of Prussian militarism, which is attempting to conquer the nations of the world.

And, in conclusion, I fervently hope that the great Russian people and their leaders will have the wisdom and foresight to realize that the freedom they have attained and the liberty they have gained can be protected only in concert with the allied democracies of the world; that they will detect the cunning and deceit of the archenemies of every form of democracy and liberty, the autocracies of the Hapsburgs and the Hohenzollerns; that they will not, after all these years of struggle and sacrifice, lose the freedom for which they have paid with their life's blood; that they will once more join hands with the other democracies of the world, so that the sunshine of liberty and democracy may throw its light and its warmth upon all the oppressed countries of the world, be they large or small, powerful or weak; that the peace we seek shall be a righteous and permanent peace wherein all tyrannized peoples and nations shall once more breathe the air of freedom and independence.

Therefore, Mr. Speaker, in justice to these peoples, in recognition of their unquestioned and devoted loyalty, in consideration of their industry and constancy, and, finally, as a measure of self-protection, a means to sustain and increase our tremendous war preparations, this bill should be passed.

The SPEAKER pro tempore. The time of the gentleman has expired. The gentleman from California [Mr. RAKER] is recognized for 10 minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, I am not going to detain you even for the length of time that has been allotted me. The chairman of the committee has quite fully and thoroughly explained the bill to the House. The gentleman from California [Mr. HAYES] has also gone over it in detail. I think it has been shown that there is a real necessity for the legislation, and also that the bill does contain what the House really wants and the country needs. True, the House has not passed upon a large part of the measure. The large part of the bill was introduced in the Senate some time ago, and a part of it in the House. The bill in the House was submitted to the Committee on Immigration and Naturalization, and after some four weeks of hearings and then about three weeks of consideration by the committee it was placed in shape. And I want to say to the Members of the House that the Senate used the House provisions. There are but very few changes in the bill as passed by the Senate and that were finally adopted by the House Committee on Immigration. So the bill has had in its various phases a great deal of consideration. The conference committee spent some part of four days, and on three of those days the greater part of the time that could be occupied by the Members of the House and the Senate. And so we have gone into those matters in detail.

The bill attempts to relieve a condition that ought to be relieved at the present time, and I believe it does so. It puts into the service of the country men who have, by their actions, by their deeds, shown that they should be American citizens. They have shown it by joining the Army and the Navy and the other branches of the service of the United States in its struggle in this world-wide war. The purpose of the bill is that by eliminating the long, tedious processes of the course of naturalization, these men, after having been thoroughly examined by the Bureau of Naturalization, may go with that written record and file it with the court, and after the court hears it, they may be admitted as citizens by a final order and decree, to the end that they will then stand, as you and I do, as American citizens, invested with all the rights that follow from being an American citizen. They can then be sent abroad, and then there will be no question, in case they are captured, of their being shot down as traitors, as might be done if they were not naturalized.

There are many thousands of these men. The present situation can be relieved by the immigration officers going to the cantonments and other places and taking the statements of these men and by the court's early action; not as is done under the present law, where men are required to go to the court nearest their places of residence, but they can go to the court nearest to the camp or the cantonment and there be naturalized. This bill remedies the defect and cures the evil of the present situation, and gives full naturalization and citizenship to the men who believed that they were American citizens by virtue of their residence, by virtue of the naturalization of their fathers, and who have acted in the capacity of citizens and have voted and held offices, and who now want to be in the attitude and in the position where they can say that they are American citizens under the law of this country. It ought to be done.

Then, we take up another class, those who have received their naturalization certificates but whose naturalization has been nullified and declared void by the decision of the Supreme Court in the Morena case, where it was held that they had filed their original applications too long ago and had waited too long to be naturalized, and consequently the whole proceeding was void. This bill remedies that condition and permits those who thus received their final judgment of naturalization to have their certificates validated, notwithstanding the fact that they waited one year too long. There are many hundreds of such men, and it is but just that they should be naturalized. Many of them

want to go into the military service. A good many of them would be classed as "alien enemies." The bill treats them all alike.

Further, in section 11, in addition to the bill as it passed the House, the Senate has passed the bill with certain restrictions. I want to call the attention of the House to that fact, to show that the conference committee has thrown all the necessary safeguards around the Government, to the end that no man can be admitted as an American citizen unless he be pure in heart, is loyal to the core, and is ready and willing to lay down his life for this country. When we find a man in that shape we ought to clothe him with the insignia of an American citizen, to the end that he may show it wherever he goes.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield to my distinguished friend from Massachusetts.

Mr. WALSH. Did not the bill that the House passed some time ago provide for all that?

Mr. RAKER. It did.

Mr. WALSH. This bill not only provides for all that, but for a lot of other important matters.

Mr. RAKER. You are considering them now, and doing it so thoroughly that I know that my distinguished friend can realize that under the circumstances, by doing it this way, we can expedite the matter.

Mr. WALSH. The gentleman is handling adjectives very carelessly.

Mr. RAKER. Not to my distinguished friend.

Mr. WALSH. The gentleman says it took the committee about seven weeks to consider this thing. Does the gentleman think that three or four hours of consideration by this immense throng here assembled is real full consideration of a measure of this importance?

Mr. RAKER. Yes; for the reason that the House has confidence in its committees, and when a committee takes charge of a bill that has been intrusted to it, it goes to the root of the matter, and then presents it to the House; and the House, having confidence in the committee, after the situation has been fully presented, and after getting all the reports and hearings, and seeing that the situation has been presented in proper form—takes but little time then, and the House can consider it more rapidly and expeditiously and at the same time most thoroughly—that is the condition in this particular instance——

Mr. WALSH. The gentleman is not disclosing any secret in making that statement, is he? [Laughter.]

Mr. RAKER. Not at this time.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I will yield to the gentleman for a question.

Mr. BUTLER. The gentleman says the bill has been given full consideration at this time. It has been by the gentlemen who have spoken. I have not had a chance to study the bill. I want to vote for this measure, and yet I find that big appropriation of money in it, of which I disapprove, and I want to distinguish the good parts of the bill from the bad.

Mr. RAKER. I will say to the gentleman that every bill that comes before this House shows a like condition. The members of the committee have an opportunity to be heard, and in the case of many bills not all the members of the committee can be heard because of the lack of time.

Mr. BUTLER. I am not going to be heard on it. Where does my chance come? I want to vote.

Mr. RAKER. I will yield to the gentleman the rest of my time.

Mr. BUTLER. I do not want the gentleman's time. I want to have a chance to vote out that provision containing the appropriation.

Mr. RAKER. Now, the proviso is jurisdictional. I want to call the attention of the House to that. The proviso is jurisdictional with the court, to the end that the court can not set the case for a hearing nor can the court hear the application until two things exist, namely, there must have been 90 days' notice given by the clerk to the department, and the department must have made an examination before the court gets jurisdiction to hear the case. Then everybody knows who he is; the neighbors and every one else; and under the peculiar state of affairs we will all know who is going to be naturalized. The department has full opportunity to know, and if there ever was an opportunity thoroughly to sift a man's conscience and thoroughly analyze his conduct in this country by his neighbors and enemies and everybody else it is provided here. If you find anything wrong about him we have given power to the Attorney General's Office to say, "We believe there is a black speck on this man and at the present time he can not be naturalized." But if his record is clear, pure and white, and he is ready to fight for this country he should be admitted to citizenship, so that he and his boys, in common with other American citizens, may give their lives, if necessary, in defense of this country. [Applause.]

Mr. BUTLER. Yes; but how can I vote for this bill and vote against this appropriation?

Mr. RAKER. The gentleman can vote for it, because we are all for it.

By unanimous consent Mr. MASON was given leave to revise and extend his remarks in the RECORD.

Mr. MILLER of Minnesota. Mr. Speaker and gentlemen of the House, it is very apparent that the conference report is to be adopted. It is equally apparent that the membership of the House would like an opportunity to change several of its provisions. Of course, the only way under which they can be changed, under the parliamentary situation now existing, is to return the conference report to the conferees and let the matter be thrashed out again.

It has been suggested by the gentleman from Alabama [Mr. BURNETT], who is always anxious to accommodate the House, that certain corrections can be made by resolution later on. That may be the best way out of it. Anyhow, before the House votes—although I appreciate that the Members are somewhat wearied and tired with the discussion, short as it has been upon this important matter, and are anxious to come to a vote—I want to call attention to three things that I think ought to be changed, and to three things that I trust will be changed by joint resolution. And the committee ought to be the ones to bring in that resolution. They ought not to depend on some Member of the House to draw it.

The first point I desire to make is the one I made when I interrogated the gentleman from Alabama, and that is in reference to the people of the Philippine Islands. No matter how you look at this bill, my friends, it is an injustice to the Filipino. You are conferring benefits and privileges by this act. You are not taking things away. The question is, Do you confer upon the Filipino as many benefits and privileges as you confer upon other classes of noncitizens? You do not. Why? You make three classes of people in the bill: First, Filipinos; second, aliens; third, those citizens of Porto Rico who are not covered into the citizenship of the United States by the recent bill which we passed. A Filipino is not an alien, and you can not make him an alien. There is no language that means alien that can be used to describe a Filipino. He owes allegiance to this country and its flag, and while he is not a citizen of the United States he is not an alien. Now, he labors under the disadvantage of blood when it comes to acquiring citizenship in the United States, and yet there are thousands of people in the Philippine Islands without a drop of Malay blood in them, pure Spanish, who are barred from acquiring citizenship in the United States. This bill says that a Filipino who is 21 years old, born in the Philippine Islands, and who has also enlisted in either the Navy or the Marine Corps—it is confined to that—after four years' service and an honorable discharge can become a citizen of the United States.

Mr. JOHNSON of Washington. Three years.

Mr. MILLER of Minnesota. No; it is four. In the next paragraph an alien, and a citizen of Porto Rico not a citizen of the United States, can become a citizen of the United States under what opportunities? And their very recital discloses that they are vastly more numerous and more available than the two I have indicated as being open to the Filipino.

In the first place, this is open to all aliens who are in the Military Establishment of the United States in the land forces. You do not give that opportunity to the Filipinos. You give it to all aliens. You give it to Porto Ricans, but you do not give it to the Filipino, and it goes on down the list. If he serves in the Army, in the Navy, in the Marine Corps, or if he even serves on a merchant ship as a sailor, at the expiration not of four, but of three years of service, he can become a citizen of the United States. Now, what reason can there be to hold open this wide door of opportunity to all these others and not open it so wide to the Filipino, I know not. I fancy it is this: One part of the bill was drawn by one group of individuals, who had one thing in mind and carried that out, and another part of the bill was drawn by another group of individuals, who had another thing in mind and carried that out. I do not believe it is the desire of the committee—and I am sure it is not the desire of Congress—to fail to give the Filipino as full rights as any other class of citizens in the world. That is point No. 1.

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman has expired.

Mr. MILLER of Minnesota. Why, Mr. Chairman, I have not come to my two most important points yet.

The SPEAKER pro tempore. The gentleman has used five minutes. Under the order of the House the previous question is ordered on the conference report.

Mr. ROGERS. Mr. Speaker, in order that the conference committee may have an opportunity to consider the questions that have been raised here, I move to recommit the conference report to the committee of conference.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to recommit the report to the conferees.

The question was taken; and on a division (demanded by Mr. WALSH), there were—ayes 9, noes 37.

Mr. WALSH. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that no quorum is present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 13, nays 260, answered "present" 2, not voting 155, as follows:

YEAS—13.

Ellsworth	McLaughlin, Mich.	Platt	Walton
Gillett	Mapes	Rankin	
London	Mondell	Walsh	
Lufkin	Moores, Ind.	Rogers	

NAYS—260.

Alexander	Dyer	Key, Ohio	Russell
Almon	Edmonds	Kincheloe	Sabath
Anderson	Elliott	Kinkaid	Sanders, Ind.
Ashbrook	Elston	Kitchin	Sanford
Aswell	Emerson	Knutson	Saunders, Va.
Ayres	Esch	Kraus	Schall
Baer	Evans	La Follette	Scott, Iowa
Bankhead	Fairfield	Langley	Scott, Mich.
Beakes	Farr	Larsen	Sells
Beshlin	Ferris	Lazaro	Shallenberger
Black	Fess	Lea, Cal.	Sherley
Blackmon	Fields	Lesher	Sherwood
Bland	Flood	Lobeck	Sims
Blanton	Focht	Lonergan	Sinnott
Booher	Foster	Lundeen	Slayden
Bowers	Francis	Lunn	Sloan
Brand	Frear	McAndrews	Small
Britten	Freeman	McArthur	Smith, Idaho
Browne	French	McClintic	Smith, Mich.
Browning	Fuller, Ill.	McCormick	Steagall
Brumbaugh	Gandy	McKenzie	Stedman
Buchanan	Gard	McKeown	Steenerson
Burnett	Garner	McKinley	Stephens, Miss.
Byrnes, S. C.	Garrett, Tenn.	Madden	Sterling, Ill.
Byrns, Tenn.	Garrett, Tex.	Magee	Stevenson
Campbell, Kans.	Glynn	Mansfield	Strong
Candler, Miss.	Good	Martin	Sweet
Cannon	Goodwin, Ark.	Mason	Switzer
Cantrill	Gordon	Mays	Tague
Caraway	Gould	Meeker	Taylor, Ark.
Carlin	Graham, Ill.	Miller, Minn.	Taylor, Colo.
Carter, Okla.	Green, Iowa	Miller, Wash.	Temple
Cary	Greene, Mass.	Moon	Thomas
Chandler, N. Y.	Griffin	Moore, Pa.	Tillman
Chandler, Okla.	Hadley	Morgan	Tilson
Classon	Hamilton, Mich.	Neely	Timberlake
Claypool	Hamlin	Nelson	Towner
Condy	Hardy	Nichols, Mich.	Treadway
Collier	Harrison, Miss.	Nolan	Van Dyke
Connally, Tex.	Harrison, Va.	Norton	Venable
Connelly, Kans.	Hastings	Oldfield	Vestal
Cooper, Ohio	Hayden	Oliver, Ala.	Vinson
Cooper, Wis.	Hayes	Oliver, N. Y.	Voigt
Cox	Hensley	Osborne	Volstead
Crago	Hersey	Overmyer	Walker
Cramton	Hicks	Overstreet	Wason
Crisp	Hilliard	Padgett	Watkins
Crosser	Holland	Park	Watson, Pa.
Currie, Mich.	Hollingsworth	Parker, N. J.	Watson, Va.
Dallinger	Houston	Peters	Weaver
Darrow	Huddleston	Polk	Welling
Davidson	Hull, Iowa	Pratt	Welty
Decker	Hull, Tenn.	Purnell	Whaley
Dempsey	Husted	Quin	Wheeler
Dent	Hutchinson	Rainey, J. W.	White, Ohio
Denton	Igoe	Raker	Williams
Dickinson	Ireland	Ramseyer	Wilson, La.
Dill	James	Randall	Wilson, Tex.
Dixon	Johnson, Ky.	Rayburn	Wingo
Dominick	Johnson, Wash.	Reed	Winslow
Doolittle	Juul	Robbins	Wood, Ind.
Doremus	Kearns	Roberts	Woods, Iowa
Doughton	Keating	Romjue	Young, N. Dak.
Dowell	Kennedy, Iowa	Rouse	Young, Tex.
Dupré	Kettner	Rubey	Zihlman

ANSWERED "PRESENT"—2.

Butler	Rodenberg

NOT VOTING—155.

Anthony	Caldwell	Copley	Dies
Austin	Campbell, Pa.	Costello	Dillon
Bacharach	Carew	Curry, Cal.	Donovan
Barkley	Carter, Mass.	Dale, N. Y.	Dooling
Barnhart	Church	Dale, Vt.	Drane
Bell	Clark, Fla.	Davis	Drukker
Borland	Clark, Pa.	Delaney	Dunn
Brodbeck	Cleary	Denison	Eagan
Burroughs	Cooper, W. Va.	Dewalt	Eagle
Estopinal	Hood	Morin	Siegel
Fairchild, B. L.	Howard	Mott	Sisson
Fairchild, G. W.	Humphreys	Mudd	Slemp
Fisher	Jacoway	Nicholls, S. C.	Smith, C. B.
Flynn	Johnson, S. Dak.	Olney	Smith, T. F.
Fordney	Jones	O'Shaunessy	Snell
Foss	Kahn	Paige	Snook
Fuller, Mass.	Kehoe	Parker, N. Y.	Snyder
Gallagher	Kelley, Mich.	Phelan	Stafford
Gallivan	Kelly, Pa.	Porter	Steele
Garland	Kennedy, R. I.	Pou	Stephens, Nebr.
Glass	Kiess, Pa.	Powers	Sterling, Pa.
Godwin, N. C.	King	Price	Stiness
Goodall	Kreider	Ragsdale	Sullivan
Graham, Pa.	LaGuardia	Rainey, H. T.	Sumners
Gray, Ala.	Lee, Ga.	Ramsey	Swift
Gray, N. J.	Lehlbach	Reavis	Talbott
Greene, Vt.	Lever	Riordan	Templeton
Gregg	Linthicum	Robinson	Thompson
Griest	Little	Rose	Tinkham
Hamill	Littlepage	Rowe	Vare
Hamilton, N. Y.	Longworth	Rowland	Waldow
Haskell	McCulloch	Rucker	Ward
Haugen	McFadden	Sanders, La.	Webb
Hawley	McLaughlin, Pa.	Sanders, N. Y.	White, Me.
Heaton	McLemore	Scott, Pa.	Wilson, Ill.
Heflin	Maher	Scully	Wise
Heintz	Mann	Sears	Woodyard
Helm	Merritt	Shackleford	Wright
Helvering	Montague	Shouse	

So the motion of Mr. ROGERS to recommit the conference report was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WRIGHT with Mr. JOHNSON of South Dakota.

Mr. LINTHICUM with Mr. PARKER of New York.

Mr. HENRY T. RAINEY with Mr. MERRITT.

Mr. PRICE with Mr. SCOTT of Pennsylvania.

Mr. ROBINSON with Mr. HEINTZ.

Mr. SEARS with Mr. VARE.

Mr. PHELAN with Mr. SANDERS of New York.

Mr. RAGSDALE with Mr. SNELL.

Mr. SISSON with Mr. RAMSEY.

Mr. LITTLEPAGE with Mr. ROSE.

Mr. CHARLES B. SMITH with Mr. TINKHAM.

Mr. POU with Mr. SLEMP.

Mr. RIORDAN with Mr. STAFFORD.

Mr. MCLEMORE with Mr. PORTER.

Mr. STEPHENS of Nebraska with Mr. WALDOW.

Mr. RUCKER with Mr. STINESS.

Mr. O'SHAUNESSY with Mr. POWERS.

Mr. STERLING of Pennsylvania with Mr. TEMPLETON.

Mr. SHACKLEFORD with Mr. WARD.

Mr. SULLIVAN with Mr. ROWLAND.

Mr. SUMNERS with Mr. WHITE of Maine.

Mr. SHOUSE with Mr. WILSON of Illinois.

Mr. TALBOTT with Mr. BROWNING.

Mr. WALTON with Mr. LAGUARDIA.

Mr. THOMPSON with Mr. WOODYARD.

Mr. WISE with Mr. DRUKKER.

Mr. WEBB with Mr. PAIGE.

Mr. FISHER with Mr. CURRY of California.

Mr. EAGLE with Mr. GRAHAM of Pennsylvania.

Mr. DELANEY with Mr. KIESS of Pennsylvania.

Mr. CHURCH with Mr. GRIEST.

Mr. GRAY of Alabama with Mr. KING.

Mr. KELLY of Pennsylvania with Mr. DENISON.

Mr. GODWIN of North Carolina with Mr. BENJAMIN L. FAIRCHILD.

Mr. CLEARY with Mr. MCLAUGHLIN of Pennsylvania.

Mr. JACOWAY with Mr. HAUGEN.

Mr. DOOLING with Mr. MCFADDEN.

Mr. HELM with Mr. GREENE of Vermont.

Mr. HELVERING with Mr. MCCULLOCH.

Mr. DEWALT with Mr. KELLEY of Michigan.

Mr. GLASS with Mr. DUNN.

Mr. DIES with Mr. LONGWORTH.

Mr. HEFLIN with Mr. GEORGE W. FAIRCHILD.

Mr. JONES with Mr. MORIN.

Mr. ESTOPINAL with Mr. KAHN.

Mr. KEHOE with Mr. HAWLEY.

Mr. GREGG with Mr. LEHLBACH.

Mr. LEVER with Mr. FULLER of Massachusetts.

Mr. HOOD with Mr. LITTLE.

Mr. LEE of Georgia with Mr. HEATON.

Mr. HUMPHREYS with Mr. GARLAND.

Mr. MAHER with Mr. GOODALL.

Mr. OLNEY with Mr. BURROUGHS.

Mr. T. F. SMITH with Mr. GRAY of New Jersey.

Mr. HOWARD with Mr. DILLON.

Mr. GALLIVAN with Mr. DAVIS.

Mr. DONOVAN with Mr. COOPER of West Virginia.

Mr. DALE of New York with Mr. HASKELL.
Mr. DRANE with Mr. ROWE.
Mr. SANDER of Louisiana with Mr. RODENBERG.
Mr. CLARK of Florida with Mr. HAMILTON of New York.
Mr. STEELE with Mr. BUTLER.
Mr. MONTAGUE with Mr. FOSS.
Mr. NICHOLLS of South Carolina with Mr. REAVIS.
Mr. BARNHART with Mr. FORDNEY.
Mr. SCULLY with Mr. DALE of Vermont.
Mr. EAGAN with Mr. KENNEDY of Rhode Island.
Mr. GALLAGHER with Mr. BACHARACH.
Mr. BARKLEY with Mr. CARTER of Massachusetts.
Mr. CALDWELL with Mr. ANTHONY.
Mr. BRODBECK with Mr. COPLEY.
Mr. CAREW with Mr. COSTELLO.
Mr. CAMPBELL of Pennsylvania with Mr. AUSTIN.
Mr. BELL with Mr. CLARK of Pennsylvania.

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from Maryland [Mr. TALBOTT]. If he were present he would have voted "nay." Therefore I let my vote stand.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER pro tempore. The question now recurs upon the adoption of the conference report.

The conference report was agreed to.

PASSPORT REQUIREMENTS.

Mr. FLOOD. Mr. Speaker, under the unanimous-consent order I call up the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That when the United States is at war, if the President shall find that the public safety requires the imposition of restrictions and prohibitions in addition to those otherwise provided upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful, except under such rules, regulations, and orders, and subject to such limitations and exceptions as the President shall authorize or prescribe—

(a) For any person to depart from or enter or attempt to depart from or enter the United States unless and until he shall have secured from such official or department as the President shall designate permission to depart or enter, as the case may be.

(b) For any person to transport or attempt to transport from or into the United States another person not having permission to depart or enter, as the case may be.

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another.

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use.

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use.

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States.

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

SEC. 2. That whoever shall willfully violate the provisions of the foregoing section, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than 20 years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any conveyance or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

SEC. 3. That the term "United States" as used in this act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

With the following committee amendments:

Page 1, line 3, strike out the words "that when" and insert the words "Section 1. When."

Lines 4 and 5, strike out the words "the imposition of" and insert the word "that"

Line 6, strike out the word "otherwise" and after the word "provided" insert the words "otherwise than by this act imposed."

Line 10, after the word "such" insert the word "reasonable."

Page 2, line 3, strike out the word "person" and insert the word "alien."

Lines 9 and 10, strike out the words "not having permission to depart or enter, as the case may be" and insert the words "with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act."

Page 3, after line 7, insert as new section the following:

"SEC. 2. After such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport."

Line 15, strike out the numeral "2" and insert the numeral "3," and strike out the words "that whoever" and insert the words "any person who."

Line 16, strike out the words "the foregoing section" and insert the words "this act."

Line 24, strike out the word "conveyance" and insert the word "vehicle."

Page 4, line 3, strike out the numeral "3" and insert the numeral "4."

After line 6 insert as a new paragraph the following:

"The word 'person' as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic."

Mr. FLOOD. Mr. Speaker, this is a much-needed measure to stop a gap left by the legislation we have enacted already in reference to the war. Its purpose is to give to the executive departments of the Government power to control ingress to and egress from this country. The Government is now very much hampered by lack of authority to control the travel to and from this country, even of people suspected of not being loyal, and even of those whom they suspect of being in the employ of enemy governments. On the 6th of April, 1917, the President issued a proclamation, and in regulations 9 and 10 provided that no alien enemy shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under sections 4069 and 4070 of the Revised Statutes, and that no alien enemy shall land in or enter the United States except under such restrictions and at such places as the President may prescribe; and the trading with the enemy act in section 3 (b) provided:

(b) For any person, except with the license of the President, to transport or attempt to transport into or from the United States, or for any owner, master, or other person in charge of a vessel of American registry to transport or attempt to transport from any place to any other place any subject or citizen of an enemy or ally of enemy nation, with knowledge or reasonable cause to believe that the person transported or attempted to be transported is such subject or citizen.

But there is no adequate punishment prescribed for the violation of this proclamation or this act, and there is nothing in the proclamation or the act to prevent American citizens, whether natural born or naturalized, from coming and going as they please.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield at that point?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. Section 2 raises a question upon that point. It provides that after such proclamation by the President, and so forth, it shall be unlawful for any citizen of the United States to depart from or enter or to attempt to depart from or enter the United States unless he bears a valid passport. Is he not permitted to do that now—to go and come if he has a valid passport?

Mr. FLOOD. Yes; he can go and come if he has a valid passport, and he can go and come without a passport if he can get in and out, and this law is intended to prevent him from going and coming without a passport.

Mr. MOORE of Pennsylvania. How would that affect the coming and going of men along the Canadian border, men who work in Canada and come home to sleep in the United States? The gentleman knows there are thousands of men in the vicinity of Niagara Falls, Detroit, and other Lake ports who have the habit of ferrying across to Canada, where they work.

Mr. FLOOD. It is a very easy matter to provide themselves with a passport; but I do not think this would be necessary in the case of travel to Canada. The regulations prescribed by the President would reach that case, because American citizens going into Canada would not have to have their passports visfed, and regulations can be made under section 2 which would take care of the situation which the gentleman mentions. The section reads:

SEC. 2. After such proclamation as is provided for by the preceding section has been made and published, and while said proclamation is in force, it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

The President can prescribe otherwise in such a case as the gentleman intimates, and such regulations would take care of the situation.

Mr. MOORE of Pennsylvania. I am asking the question for this reason: We are passing so many laws that bind and hog tie American citizens in the performance of their daily occupations, that it seems to me we ought to go cautiously about preventing their actual movements upon the highways.

The coming and going of American citizens across bridges leading into Canada is a matter of such daily occurrence, and is so commonplace now, that I assume it would be necessary, if this provision goes into effect, for every workman and every mechanic, every bricklayer and plasterer, every newsboy who wants to go and come back and forth from Canada, to apply to the department to get his passport?

Mr. FLOOD. Not at all. It will not be necessary at all under this provision of the law. There has never been any trouble in reference to people coming and going across the Canadian border. There has been trouble on the Mexican border, but not on the Canadian border. Section 2 provides that unless the President provides otherwise it would be necessary to have a passport. The President or the department of Government which would control this matter would take care of a situation like that on the Canadian border and make provision by which people there would not be inconvenienced, or inconvenienced any more than the public safety demanded, because the Government has not experienced any trouble with spies coming and going across that border.

Mr. MOORE of Pennsylvania. Section 2 provides that he shall not enter or attempt to depart from the United States unless he bears a valid passport.

Mr. FLOOD. Not at all. The gentleman has not read all the section. I read what the section said. He must have a passport unless the President makes provision to the contrary.

Mr. MOORE of Pennsylvania. The gentleman means that the section leaves it open to the President by proclamation to state who shall or who shall not have a passport?

Mr. FLOOD. It leaves it to the President to make a general proclamation or a proclamation in reference to particular places or particular persons.

Mr. MOORE of Pennsylvania. I suspect that the Canadian question is not causing so much trouble as the question on the Mexican border.

Mr. FLOOD. No.

Mr. MOORE of Pennsylvania. I wanted to know if the gentleman would care to state, if it is not incompatible with the public interest, whether this bill is intended to reach a certain class of persons only, or whether it is intended to embarrass, or would embarrass, every American citizen who crosses the Mexican border or the Canadian border?

Mr. FLOOD. It is not intended to embarrass anyone, except so far as the protection of the public interest would necessitate the embarrassment of some particular locality or individual. The Committee on Foreign Affairs made a very careful investigation of this matter and had a long hearing, and I am satisfied that the departments which would handle this matter—the Department of Justice and the Department of State—would make and enforce the regulations so that there would be the least possible inconvenience to any American who desired to travel. Of course, there is a large class of Americans who are now in the enemy country, and many of them have gone there since war was declared, and there ought to be a provision to prevent them from coming here or going away after they have come here and gained information to take back to the enemy. At present our Government is helpless, and this bill is intended as the remedy.

Mr. MOORE of Pennsylvania. Suppose I wanted to go on the Canadian side of Niagara Falls, or suppose I, as an American citizen, wanted to cross the Mexican border, for sightseeing or for other purposes, as a good many Americans do, would I first have to apply for a passport under this provision?

Mr. FLOOD. I think under this provision and the regulations that would be promulgated under it by the President, if the gentleman wanted to cross the Mexican border he would have to get a passport; if he wanted to cross the Canadian border, I think that the regulations would be such that the gentleman could cross without a passport.

Mr. MOORE of Pennsylvania. Well, then, the matter is left open so that the President has discretion to say who shall or who shall not have passports?

Mr. FLOOD. That is the purpose of the law.

Mr. MOORE of Pennsylvania. The gentleman advances this as a war measure and puts it on that ground?

Mr. FLOOD. Absolutely. It is limited to the duration of the war.

Mr. DILL. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. DILL. I wanted to ask whether the question of travel on trains that run through Canada and pass on their way into the United States was considered by the committee?

Mr. FLOOD. No; it was not.

Mr. DILL. For instance, in my own district we have trains and highways that, in order to get around the mountains, go up through Canada and come back into the United States.

At the present time people go and come without any thought whatever of passports or anything of that kind. Will this law make it necessary for them to have passports in order to travel?

Mr. FLOOD. It will depend, of course, upon the regulations promulgated by the President under this law. The impression that the committee got from the representatives of the State Department, the Department of Justice, the War Department, the Navy Department, and the Department of Labor, all of which departments have been embarrassed by the lack of law on this subject, was that, so far as the Canadian border was concerned, there had been no trouble, and I reached the conclusion that the regulations in reference to the Canadian border would be very liberal.

Mr. CAMPBELL of Kansas. I would like to suggest to the gentleman from Virginia, in reply to the gentleman from Washington [Mr. DILL], that my impression is that there are treaties existing between this country and Canada providing for a very liberal exit and entrance from one country to the other on the border.

Mr. DILL. This law would take preference over such treaties, would it not?

Mr. CAMPBELL of Kansas. I assume that regulations would be made in consonance with those treaties.

Mr. FLOOD. I think so.

Mr. HAMILTON of Michigan. I wanted to ask the gentleman if persons desiring to enter Canada and Mexico have heretofore been obliged to obtain passports?

Mr. FLOOD. Those going to Canada have not. There has been an effort made to require anyone going to Mexico to have a passport.

Mr. HAMILTON of Michigan. I have an impression that they have. For illustration, I had a constituent a very short time ago who desired to enter Mexico, and he was obliged to obtain a passport, and have it viséed. I am quite sure of that being the case; and I have the impression that before we entered the war passports were required for persons entering Canada.

Mr. FLOOD. I think the gentleman is mistaken about Canada. That country does not require the passports to be viséed.

Mr. HAMILTON of Michigan. Not viséed; but I was obliged to obtain a passport for at least one constituent going to Canada.

Mr. FLOOD. If you obtained passports for your constituent, you rendered them a good service, because they may be of great service to them.

The statement was made by the Counselor for the State Department before the committee that they were not required in the case of Canada. They have undertaken to require them in the case of Americans going into Mexico or aliens going into Mexico. But the legal right to do it, it was stated, was very doubtful.

Mr. HAMILTON of Michigan. There is one other question I want to ask the gentleman. In going to my own home—and I think it is so with most of the Michigan Representatives, we frequently go by way of Buffalo and across Canada, buying a ticket here, of course. How will that affect us? How will it affect passengers on the ordinary trains going across Canada from Niagara Falls or from Buffalo to Detroit?

Mr. FLOOD. Just like it would affect a man walking across the bridge.

Mr. HAMILTON of Michigan. Very well. But before I buy a ticket for home have I got to obtain a passport?

Mr. FLOOD. That, as I stated to the gentleman from Pennsylvania [Mr. MOORE] would depend on the regulations promulgated by the President.

Mr. HAMILTON of Michigan. I assumed that that had been developed by the gentleman's committee, so that he would know.

Mr. FLOOD. It was developed to this extent, that we were told that the regulations with reference to travel to Canada would be very liberal and probably there would be no inconvenience as to regulations promulgated under this bill.

Mr. MILLER of Minnesota. In further development of the statement made by the chairman, in order that it may be emphatic, that question was repeatedly asked with reference to Canada and the facility of travel between Canada and the United States.

The committee was assured, as the chairman has stated. I will say that I live on the border of Canada, and therefore I had that situation particularly in mind. The committee was assured many times that the regulations and rules that the President would undoubtedly promulgate would make ample and liberal provision for facilitating traffic back and forth across the country and between the boundaries. It is not the movement back and forth between Canada and the United States that is designed to be covered by this bill.

Mr. HAMILTON of Michigan. I was curious to know about the machinery. I thought perhaps the committee might know something about what sort of machinery would be introduced for the purpose of promoting the convenience of the traveling public.

Mr. MILLER of Minnesota. It is very apparent, assuming that the President should—and I have not the slightest thought

for a moment that he will—say that persons going from the United States to Detroit, for example, by the Grand Trunk line through Buffalo, or by the Michigan Central, would have to have a passport. Of course, the railroad company would not sell a ticket until the person had a passport. That is what is required to be done in Europe. If you go anywhere in Europe where a passport is required, you have to have your passport viséed and viséed and viséed, with your picture put on it, and authenticated before they will ever sell you a ticket. There is not any question but that the President will avoid all that by appropriate rules and regulations.

Mr. FLOOD. If the gentleman from Michigan will give me his attention for a moment in reference to the travel between the United States and Canada, Mr. Flournoy, the Chief of the Bureau of Passports of the State Department, in answer to a question asked by the gentleman from Massachusetts [Mr. ROGERS], stated to us that we require no passports to our citizens going to Canada now, and there is no requirement on the part of the Canadian Government for viséed passports. He said the Canadian situation was not the thing that was giving our Government officials worry or trouble, but it was the suspects who were trying to come into our ports and leave our ports that were giving the trouble. I just wanted to make that statement to the gentleman as bearing on his question.

Mr. GREEN of Iowa. Mr. Speaker, there are some parts of the bill that I do not understand, or else the gentleman from Virginia [Mr. FLOOD] misunderstood to some extent the question asked him by the gentleman from Pennsylvania. Section 1, as I understand it, refers only to aliens or persons, who may be assisting them in some way in some unlawful purpose, while section 2 was intended to exempt the citizens of the United States from the provisions of section 1 and to provide that they should have passports, except in cases provided for by the President.

Mr. FLOOD. I do not think the gentleman understands the bill. Section 1 provides for a method of dealing with aliens.

Mr. GREEN of Iowa. That is what I said.

Mr. FLOOD. And section 2 provides for the methods of dealing with citizens.

Mr. GREEN of Iowa. That is exactly what I said.

Mr. FLOOD. I thought the gentleman said section 2 provided some exemptions to citizens.

Mr. GREEN of Iowa. I think it does. But that may be merely a technical distinction. I do not care to insist upon that. If section 2 had not been inserted there would have been grave question as to whether citizens of this country were not subject to section 1.

Mr. FLOOD. I do not agree with the gentleman about that.

Mr. GREEN of Iowa. However that may be, the gentleman then says section 1 applies only to aliens or persons who assist them in violating some regulation.

Mr. FLOOD. That is right.

Mr. GREEN of Iowa. I would like to be assured about that, because I am not entirely clear but that some provision would be made to apply otherwise. I understand that section 2, which applies to citizens of the United States, requires that they must have passports except in cases where the President may provide otherwise, and in this Canadian matter, where they merely pass through a part of the country, he can make, and is expected to make, regulations to cover cases of that kind.

Mr. OSBORNE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. OSBORNE. I would like to inquire in what respect the present custom is changed in regard to people going into Mexico from this country? I understand that anyone going now across the Mexican border is required to have a passport, and I would like to know whether this bill makes any additional restriction to those that we have now?

Mr. FLOOD. I think our State Department have undertaken to require passports for people going to Mexico now.

Mr. BLAND. Is it not true that just now they are not permitting passports even into Mexico? I had a recent experience to that effect within the last two weeks.

Mr. FLOOD. Of course, the department issues some passports; not all that are asked for. It undertakes to require passports for all people who go into Mexico, but the legal right to do so is very doubtful.

Mr. OSBORNE. The people in my country do a large business with Mexico, and I am called upon nearly every day to get a passport for somebody who desires to visit Mexico.

Mr. FLOOD. This is just making it certain that the Government has the right to require these passports and to punish people who undertake to go without passports.

Mr. HUDDLESTON. Mr. Chairman, reference has been made to assurances given to the committee by representatives of the various departments as to what kind of regulations would be adopted which would obviate the necessity for passports. It seems to me that some of the statements made are quite misleading. In the first place attention should be called to the fact that nobody appeared before us who was authorized to give us any assurance as to what regulations would be adopted. In the next place the gentlemen who spoke on the subject were interrogated by members of the committee as to what these regulations would be, and it was insisted that the regulations ought to be set forth in the bill instead of being left to future decision; but each one of these officers protested his inability to say what the regulations would be, and insisted upon the necessity of making changes in any regulations that might be adopted, to meet what might be considered emergencies. So that in passing upon this bill we can not assume that regulations of one kind or another kind will be adopted. We are completely at sea upon that point, except that we have the right to assume that the President will not approve any regulations which are not reasonable. That is all we have got. I do not think the House should be left under the impression——

Mr. FLOOD. Mr. Speaker, I will say to the gentleman that if he wants to debate the matter, he can get time later.

Mr. HUDDLESTON. I am about through with what I wanted to say. I do not think the House should be left under the impression that we were given any information whatever as to the particular kind of regulations that would be adopted, or that we were given any assurance by any responsible authority as to anything concerning the regulations.

Mr. FLOOD. Mr. Speaker, we had quite a number of gentlemen before the committee. We had the Counsellor of the State Department, who was then the Acting Secretary of State, and he did give it as his opinion that, so far as Canada was concerned, the regulations would be very liberal.

Mr. HUDDLESTON. Can the gentleman tell us what is meant by that?

Mr. FLOOD. What he said was that there would not be very much interference with Canadian travel. He said with reference to Mexico they would be very stringent, and with reference to people going to Cuba they would be very stringent. We also had the representatives of the War Department and of the War-Intelligence Bureau of the War Department, as well as representatives of the Department of Labor and the Navy Department, all of whom complained of the inadequacy of the present law.

Mr. HUDDLESTON. May I call attention to the fact that the representative of the War Department who appeared before us was merely a captain, an officer far down the line, who was authorized to give us no assurances whatever?

Mr. FLOOD. We had the Counsellor of the State Department, who was then acting as Secretary of State.

Mr. HUDDLESTON. We did not have a Cabinet officer before us.

Mr. FLOOD. The Secretary of State was absent from Washington, and the Acting Secretary of State appeared before the committee. All these gentlemen gave us their views about the bill. I think the gentleman from Minnesota [Mr. MILLER] questioned Mr. Polk, the Counsellor of the State Department, as to the policy of the department.

Mr. HUDDLESTON. But we got no definite information.

Mr. FLOOD. Of course, no Cabinet officer and no other officer could give you definite information as to what the regulations are going to be. The President has to promulgate the regulations.

Mr. HUDDLESTON. And they protested that they could not be definite, because they did not know themselves.

Mr. FLOOD. But Mr. Polk told us as to the general policy of the Government.

Mr. MADDEN. No difference what they said, they did not have any power to bind anybody at all.

Mr. FLOOD. No; and I am just giving you my opinion as to what I think would be the result.

Mr. CANNON. I want to ask the gentleman touching section 2, with the amendment. We have 3,500 miles of frontier, substantially from one ocean to the other, where we are adjacent to Canada. I think Canada is quite as patriotic as we are in this war.

Mr. MADDEN. More so.

Mr. CANNON. The gentleman says more so.

Mr. MADDEN. They have made greater sacrifices than we have.

Mr. CANNON. They have made greater sacrifices so far than we have. Now, when it is considered that from one ocean to the other all the roads come in and go out, and under this bill no citizen of this country can step a foot across into Canada with-

out incurring a penalty. The gentleman says, no, the President can make regulations. I believe that regulations for passports between New York and some of the adjacent States would be much more important, if we are to have passports, than it is to have them for those who go back and forth into Canada.

Mr. FLOOD. I did not say make regulations about passports, but make regulations dispensing with passports.

Mr. CANNON. That amounts to the same thing. I do not know that we have any treaties with Canada; but, if so, this would repeal anything contrary to the regulations that the President might make. I suppose that millions of people yearly go back and forth between this country and Canada. It does seem to me that the gentleman might well submit to an amendment excepting Canada. It seems to me there is no necessity of requiring passports through Canada.

Mr. FLOOD. I think we can trust the President to take care of that situation.

Mr. CANNON. The President is receiving the support of Congress such as no President ever asked for or received heretofore. We give it to him because we think we ought to give him large discretion. But here is a penalty, a large penalty of fine and imprisonment, and I would prefer at first blush, if it was in my power, not to require passports back and forth to Canada. I call the gentleman's attention to it, and think it ought to be pretty carefully considered. It seems to me that there ought to be an amendment preferably prepared by some gentleman on the Committee on Foreign Affairs that would except Canada.

Mr. FLOOD. I will say that the committee considered that very carefully, and so much harm has come to this country by the freedom of travel——

Mr. CANNON. Not through Canada.

Mr. FLOOD. Not through Canada.

Mr. CANNON. But this is to be back and forth through Canada. I hope that somebody that has given the matter more attention than I have, preferably some member of the Committee on Foreign Affairs, will offer an amendment to except Canada from the operation of the bill.

Mr. FLOOD. I think it would be unwise to put a hard and fast rule in the law.

Mr. MADDEN. Mr. Speaker, this is a very important question, and I believe that Members ought to have more time to consider it. I did not see the bill until a short time ago, and I make the point of no quorum, so that we may have until to-morrow morning to look at it.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Pending the motion, the Chair lays before the House the following personal request:

LEAVE OF ABSENCE.

Mr. DRANE, by unanimous consent, was given leave of absence for the balance of the day, on account of important business.

HOUSING FACILITIES FOR WAR NEEDS.

The SPEAKER. The gentleman from Tennessee, Mr. AUSTIN, is not in the city, and the Chair appoints in his stead as one of the conferees on the bill (H. R. 10265) providing housing facilities for war needs the gentleman from Kentucky, Mr. LANGLEY.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendment No. 44 to the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. GORE, Mr. SMITH of South Carolina, Mr. SMITH of Georgia, Mr. NORRIS, and Mr. GRONNA be the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 284. Joint resolution making an appropriation for contingent expenses of the House of Representatives.

ADJOURNMENT.

The motion of Mr FLOOD was then agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Saturday, May 4, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill (H. R. 9864) to amend section 3 of the Judicial Code in respect to the western district of Virginia, reported the same with amendment, accompanied by a report (No. 534), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11428) granting an increase of pension to Mary E. Wainright; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11730) granting an increase of pension to Thomas D. O'Shea; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11433) granting a pension to Mae Ringwalt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SANFORD: A bill (H. R. 11894) to establish a congressional Army war service bureau; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 11895) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 11896) to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and to regulate the sale and entry of public lands along the shore of navigable waters in Alaska"; to the Committee on the Public Lands.

By Mr. BRAND: A bill (H. R. 11897) for the erection of a public building at Eatonton, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. KELLY of Pennsylvania: Joint resolution (H. J. Res. 286) to authorize the appointment of a committee of Members of the House of Representatives and Senate to visit Europe for the purpose of investigating and examining into the condition and progress of the war being waged by Germany and her allies against France and other allies of the United States; to the Committee on Rules.

By Mr. JAMES: Joint resolution (H. J. Res. 287) to authorize the appointment of a committee of Members of the House of Representatives and Senate to visit Europe for the purpose of investigating and examining into the conditions and progress of the war being waged by Germany and Austria and their allies against France and other allies of the United States; to the Committee on Rules.

By Mr. HULL of Tennessee: Joint resolution (H. J. Res. 288) authorizing an investigation and report, accompanied by draft of any needed legislation relative to the care, reeducation, training, and refitting of the Nation's soldiers and sailors disabled in the present war; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDWELL: Memorial of the General Assembly of the State of New York, pledging all its resources to the vigorous prosecution of the war, and favoring the entrance by the United States into a league of nations to safeguard peace; to the Committee on Foreign Affairs.

By Mr. O'SHAUNESSY: Memorial by the General Assembly of the State of Rhode Island, urging upon Congress the repeal or suspension of the zone system of postage for second-class mail; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11898) granting an increase of pension to Solomon Sheets; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) granting an increase of pension to John Fish; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 11900) granting an increase of pension to Jesse Halcome; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 11901) granting an increase of pension to James S. Combs; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 11902) granting a pension to Jesse Stewart; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 11903) granting an increase of pension to Christopher Denmark; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 11904) granting an increase of pension to Gustave Bentz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11905) granting an increase of pension to Larkin Kennedy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11906) granting an increase of pension to Charles F. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11907) granting an increase of pension to William S. Huntington; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 11908) granting an increase of pension to Sylvester Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11909) granting an increase of pension to Arthur C. Gregg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11910) granting an increase of pension to Charles T. Wolfe; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 11911) for the relief of George W. Bard; to the Committee on Military Affairs.

Also, a bill (H. R. 11912) for the relief of John H. Smith, alias Henry H. Smith; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11913) granting a pension to May Schwartz; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 11914) granting a pension to James B. Upchurch; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 11915) granting an increase of pension to Thomas J. Kindred; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11916) granting a pension to D. A. Kooker; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11917) granting an increase of pension to Allen Morris; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 11918) granting an increase of pension to Dallas Poston; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 11919) for the relief of Rebecca C. Pepper; to the Committee on the Public Lands.

Also, a bill (H. R. 11920) to carry into effect the findings of the Court of Claims in the case of Lemuel C. Canfield; to the Committee on War Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 11921) to authorize the President to appoint Brig. Gen. James W. Scully, United States Army, retired, to the position and rank of a major general, United States Army, retired; to the Committee on Military Affairs.

Also, a bill (H. R. 11922) granting an increase of pension to Lewis Walker; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 11923) granting an increase of pension to Henry Hunsinger; to the Committee on Invalid Pensions.

By Mr. PARKER of New Jersey: A bill (H. R. 11924) granting a pension to Mary J. Jacobus; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 11925) for the relief of Thomas J. Gardner; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 11926) granting an increase of pension to Joseph Elble; to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 11927) granting an increase of pension to Alexander Conner; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 11928) granting a pension to William F. Epps; to the Committee on Pensions.

By Mr. WALSH: A bill (H. R. 11929) granting an increase of pension to George E. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11930) granting a pension to Susan M. Wilcox; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDWELL: Memorial of Division No. 6, Ancient Order of Hibernians, of Queens County, Long Island, favoring Senate resolution 818, relative to interests of the Irish people; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of New York Typographical Union, No. 6, favoring passage of House bill 8702, relative to increase in pay of compositors in the Government Printing Office; to the Committee on Printing.

By Mr. ELSTON: Resolution passed by Woman's Service Association of San Francisco, Cal., favoring additional power for the Food Administration; to the Committee on Agriculture.

Also, petition of the Berkeley Woman's Christion Temperance Union, for the passage of a bill to prohibit the use of any kind of foodstuffs in the manufacture of vinous or malt liquors during the war and to release the grain and sugar now in the hands of the brewers; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of Food Products' Club of Chicago, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: Affidavits in support of House bill 11888, to increase the pension of Joshua D. Woodworth; to the Committee on Invalid Pensions.

By Mr. McKEOWN: Memorial of legislative board of Brotherhood of Locomotive Engineers, of Oklahoma, against the admission of German citizens to the United States or of German ships flying the German flag to the ports of the United States as long as the present ruling family of Germany control the German Empire; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Minnesota: Memorial of local branch of the Slovenian Republican Alliance of the United States of America, pledging support to the President, etc.; to the Committee on Military Affairs.

By Mr. RAINEY: Memorial of Col. Daniel Moriarity Garrison 101, Army and Navy Union, Chicago, Ill., on Senate bill 3063; to the Committee on Naval Affairs.

By Mr. STEENERSON: Petition of citizens of Lake Park, Becker County, Minn., urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TILSON: Petition of New Haven Trades Council, in favor of repeal of postal zone law; to the Committee on Ways and Means.

SENATE.

SATURDAY, *May 4, 1918.*

(Legislative day of Thursday, May 2, 1918.)

The Senate met at 11 o'clock a. m.

The VICE PRESIDENT resumed the chair.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Ashurst	Johnson, Cal.	Page	Swanson
Bankhead	Jones, Wash.	Pomerene	Thomas
Calder	Kenyon	Saulsbury	Underwood
Chamberlain	King	Sheppard	Vardaman
Curtis	McKellar	Shields	Warren
Dillingham	McLean	Smith, Md.	
Gallinger	New	Smith, S. C.	
Hollis	Overman	Smoot	

The VICE PRESIDENT. Twenty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. MARTIN, Mr. NELSON, Mr. NORRIS, Mr. STERLING, Mr. THOMPSON, Mr. TRAMMELL, and Mr. WILLIAMS answered to their names when called.

Mr. GALLINGER, Mr. SHAFROTH, Mr. GERRY, Mr. COLT, Mr. SIMMONS, Mr. HARDWICK, Mr. GUION, Mr. FRANCE, Mr. LENROOT, Mr. MCNARY, Mr. HARDING, Mr. SUTHERLAND, Mr. TILLMAN, Mr. FALL, Mr. WATSON, Mr. PITTMAN, Mr. HALE, Mr. RANSDELL, and Mr. SHERMAN entered the Chamber and answered to their names.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness.

Mr. PITTMAN. I wish to announce that my colleague [Mr. HENDERSON] is detained on official business of the Senate.

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Illinois [Mr. LEWIS] are absent, taking part in the third liberty loan campaign. I desire also to state that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. SHEPPARD. I wish to announce that the Senator from Nebraska [Mr. HITCHCOCK], the junior Senator from Kentucky [Mr. BECKHAM], the Senator from Missouri [Mr. REED], and

the Senator from Arkansas [Mr. KIRBY] are detained on official business of the Senate.

Mr. JONES of Washington subsequently said: Mr. President, I desire to say that when the roll was called yesterday for a quorum, and also to-day, I overlooked making an announcement in behalf of the junior Senator from Michigan [Mr. TOWNSEND], who was necessarily away yesterday and to-day on account of sickness in his family. I overlooked the announcement because I was busy with committee work.

Mr. OVERMAN. I wish to state that I neglected to announce the absence of the Senator from Idaho [Mr. NUGENT] on account of sickness in his family.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum.

PERSONAL EXPLANATION.

Mr. SHERMAN. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state his question of personal privilege.

Mr. SHERMAN. It is in regard to certain publications concerning an alleged statement I am said to have made in an address on the bill providing for the reorganization of the executive departments of the Government, found in the issue of the CONGRESSIONAL RECORD of April 23, 1918, on page 5484.

Mr. President, I wish to say very briefly that this is the first time that I have ever risen to a question of personal privilege in now nearly 18 years of service in legislative bodies of various kinds, including five years as a Member of this body. As this is the first such occasion in my life it is likely the last. It is not because I am unduly solicitous on what the press says, for if I can not take care of myself with careless editors I shall make no complaint. They are subject to the usual imperfections of all erring mortal humanity; and it is not in addressing myself to that fraternity that I occupy the few moments here, Mr. President. It is out of consideration for the regard which I have for the Government of my country; it is out of that high regard which I have for the Members of the Senate, with whom I am serving the brief time that I shall be a Member in this Chamber.

Mr. President, on the occasion referred to, following the address made by the Senator from Washington [Mr. POINDEXTER] on the Mooney case in California, which many of the Senators here will remember, an address which I considered one of the most timely and powerful that I have heard made in any legislative body in this country, I used the language to which I shall call attention. There was no conference on our part; I never talked with the Senator from Washington at all on this subject previous to his address. His line of thought led him to make the address; and, without communication with him, I selected material on the matter which I had gathered and used it in the comments I made on the bill for the reorganization of the executive departments. So there was no understanding between us, because we had had no communication whatever on the subject; but our addresses proceeded along the line of collective material relating to the same ground. I used the following language in my address, referring to conditions in Russia:

> The bourgeoisie constitutes the whole of the bourgeois, as a class. Against them Mr. Trotzky and his government level relentless warfare. He says they are the agents of tyranny; that they must be destroyed. He thinks more of the government referred to by the Senator from Washington [Mr. POINDEXTER] yesterday as "a hobo government," and properly so, with all due deference to the dignified and well-considered expressions we ought to use in the Senate. There is no other phrase that will so soon reach the conciousness of the American citizen as to call it by its right name. It is the most expressive phrase that could be employed. Mr. Trotzky and his governmental agents would embrace as a long-lost brother everyone connected with the hobo government in this country, but one connected with and founded on the self-supporting, God-fearing, industrial middle-class element of the country, who are neither millionaire nor pauper nor idler nor vagrant—for those he has nothing but words of condemnation. It is the middle class, the bourgeoisie, as he defines it, against whom he levels his fulminations and directs his destructive agencies.

That was the connection in which the expression "hobo government" was used. It did not refer to the Government of the United States at all; but it has been used out of the context. Mr. President, of the paragraph I have quoted, and the statement has been made that I referred to this administration as "a hobo government." There was not a Senator who heard the comments that I made who obtained any such impression from what I said, or from anything that the Senator from Washington said, nor was it in our minds. I would no more use an expression of that kind as applied to the Government of the United States than I would be guilty of opposing the war.

I criticize some things that public officials do and certain public policies, as my Democratic brethren do at times; in fact, I have heard stronger criticisms from some of the majority Members of this Chamber than I have made myself, although some may not think so; but in the ultimate analysis, taking the words and their natural effect and the inference to be drawn, the results of the criticisms of majority Senators are even more caustic than anything I have said. These criticisms of certain policies are intended to be and are of a constructive character; they are of the kind that suggest improvements; to the end that those who are in the field and the camp may be better prepared, sustained, and strengthened by the resources of this country. No criticisms are made with any other object; it was the object of the criticism made by the chairman of the Senate Committee on Military Affairs [Mr. CHAMBERLAIN], a very powerful appeal leading to most helpful results; but no one would question his loyalty. It is equal to that of any citizen of the United States or any other Member of this body. Nor would those who criticize other features and suggest improvements, such as the more rapid conduct of the manufacture and preparation of war material, be guilty of treason; nor could they be accused of invidious remarks concerning the Government. These are all constructive criticisms, and such are the criticisms made on this side of the Chamber, Mr. President.

I made the criticism that the President had about him certain men whose economic vagaries were too much like the Bolsheviki element in Russia, and that he ought, in all conscience, to rid himself of some of them; that he was making a mistake in permitting them to be about where he could be charged with responsibility for their acts. That was my criticism. Other Senators have made criticisms along other lines. That was what I said and all that I said. I used no such expression referring to the Government of this country as claimed in certain press reports and editorials.

I do not care to advertise these newspapers and the conduct of the various editors who make these charges; running from one State to another, one repeats the charge after the other; but I wish to say that there is absolutely no truth in the statement. The editors may have been misled and some may prefer to have it so. I have read the paragraph in which the phrase occurs, and it relates entirely to the Industrial Workers of the World and similar organizations in this country; similar bodies of misguided men are engaged in inciting civil commotion in our country, very like the commotion and the overthrow of all the established rules that protect person and property in Russia. It was under those conditions and with reference to that particular element, against which even this bill which is pending now in the conference report is directed, and which it is intended in large part to suppress, and criticism of that same element, that this comment was made and this phrase was used. Under no conditions was any language of that character used as applying to the Government of the United States. I would be as far from saying that as I would be from an act of overt treason, and I do not think any Senator here would think for an instant that the phrase was used by me with reference to the Government of the United States. It was applied to this quasi-mob government that is attempted to be set up here by the lawless, to the destruction of all human rights protected in civil society.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. 3132) to amend section 2172 of the Revised Statutes of the United States relating to naturalization.

The message also announced that Mr. LANGLEY had been appointed one of the conferees on the part of the House on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, in the place of Mr. AUSTIN.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 284) making an appropriation for contingent expenses of the House of Representatives, and it was thereupon signed by the Vice President.

PETITION.

Mr. OWEN presented a petition of sundry citizens of Oklahoma City, Okla., praying for national prohibition as a war measure, which was ordered to lie on the table.

LEON SPRINGS MILITARY RESERVATION.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2704) for the acquisition of additional land at the Leon Springs Military Reservation, Tex., reported it without amendment and submitted a report (No. 423) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRANCE:

A bill (S. 4483) granting an increase of pension to Thomas C. Helmling; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4484) granting a pension to Mary W. M. Duncan;

A bill (S. 4485) granting a pension to Mary E. Godding;

A bill (S. 4486) granting a pension to Ernestine Hauck;

A bill (S. 4487) granting a pension to Mary J. McKissick;

A bill (S. 4488) granting a pension to Perry L. Smith;

A bill (S. 4489) granting an increase of pension to Charles B. Eggleston;

A bill (S. 4490) granting an increase of pension to Joseph A. Funk;

A bill (S. 4491) granting a pension to Michael Keavy;

A bill (S. 4492) granting an increase of pension to Jacob Miller; and

A bill (S. 4493) granting an increase of pension to Abraham Taff; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4494) to grant half railroad rates to enlisted men in the military or naval service; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 4495) creating a fidelity division in the Treasury Department, providing a bonding system for disbursing officers, and for other purposes connected therewith; to the Committee on Banking and Currency.

A bill (S. 4496) for the relief of the heirs of Israel Folsom, deceased; to the Committee on Indian Affairs.

A bill (S. 4497) to provide for the accumulation and administration by the Treasury Department of the United States, of a perpetual people's pension fund (not dependent upon taxation) yielding to duly participating American citizens "crescent" life annuities (improving, with advancing age, by "tontine" inheritance of the income of decedent fellow-annuitants born in the same calendar year), with accompanying papers; to the Committee on Pensions.

By Mr. SAULSBURY:

A joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia; to the Committee on the District of Columbia.

By Mr. OWEN:

A joint resolution (S. J. Res. 153) requesting the President to invite the entente allies to declare the rules of international law and require the German Government to accept such rules under penalty of progressive international boycott, etc.; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER. I submit an amendment intended to be proposed to the naval appropriation bill, which I ask may be read.

The amendment was read, ordered to be printed, and referred to the Committee on Naval Affairs, as follows:

On page 78, strike out the following:

"That no part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making, or causing to be made with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. CURTIS submitted an amendment proposing to appropriate $5,000 in aid of the National Library for the Blind located in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EXPENDITURES FOR WAR PURPOSES.

Mr. GALLINGER submitted the following resolution (S. Res. 236), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the War Department, or any subcommittee thereof, is hereby authorized and directed, during the Sixty-fifth Congress, to thoroughly inquire into the expenditure of appropriations already made for war purposes. The committee is authorized to send for persons and papers, to administer oaths, and to employ a stenographer, at a cost not to exceed $1 per printed page. Such committee shall make report to the Senate at the earliest practicable day, with such recommendations as the facts may warrant, and in the discharge of its duties the committee may sit during the sessions or recesses of the Senate, the expenses of the investigation to be paid from the contingent fund of the Senate.

LIMITATION OF DEBATE—AMENDMENT OF THE RULES.

Mr. UNDERWOOD. Mr. President, out of order I ask unanimous consent to submit a resolution amending the rules of the Senate. I ask that it be referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 235) was referred to the Committee on Rules, as follows:

Resolved, That during the period of the present war the rules of the Senate be amended by adding thereto, in lieu of the rule adopted by the Senate for the limitation of debate on March 8, 1917, the following:

1. After there has been debate for two calendar days on a pending bill or resolution, a motion for the previous question shall be entertained, which, being ordered by a majority of Senators voting, if a quorum be present, shall have the effect to cut off all debate, except as hereinafter provided, and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the presiding officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. All motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers, if demanded.

3. When a motion for the previous question has been ordered it shall be in order, before final vote is taken, for each Senator to debate the bill or resolution for not over 20 minutes and to speak once on each amendment for not over 10 minutes.

REPORT OF AERONAUTICAL SOCIETY OF AMERICA.

Mr. GALLINGER. Mr. President, I ask unanimous consent that the report of the Aeronautical Society of America, which was printed in the RECORD on Thursday last, be printed as a Senate document.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Senator from New Hampshire asks unanimous consent that the report of the Aeronautical Society, which was printed in the RECORD on Thursday last, be printed as a Senate document.

Mr. THOMAS. Mr. President, I think the chairman of the Committee on Printing should be present when that request is considered. Personally, I have no objection to it, but I think it ought to go to the Committee on Printing.

Mr. GALLINGER. I withdraw the request; I will renew it at some future time.

Mr. OVERMAN. Mr. President, I have just come in, and do not know what the document is.

The PRESIDING OFFICER. The Senator from New Hampshire has withdrawn his request.

Mr. GALLINGER. Mr. President, a moment ago I made a request that the report of the Aeronautical Society of America be printed as a Senate document. The Senator from Colorado [Mr. THOMAS] made the suggestion that the request be referred to the Committee on Printing. I ask unanimous consent to submit a resolution, for reference to the Committee on Printing, in connection with that matter.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 237) was read, as follows:

Resolved, That the report of the Aeronautical Society of America, as printed in the CONGRESSIONAL RECORD of Thursday, May 2, be published as a Senate Document.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

SEDITIOUS ACTS AND UTTERANCES—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Mr. OVERMAN. Mr. President, when the Overman bill was before the Senate the Senator from Ohio [Mr. HARDING] took issue with the statement I made that ex-President Taft was favorable to the Overman bill, and so did the Senator from Pennsylvania [Mr. KNOX]. I argued that the messages he sent to Congress showed him to be in favor of the bill. The Senator from Pennsylvania and the Senator from Ohio took the position that I was wrong and that President Taft did not favor such legislation. I ask leave to put in the RECORD an editorial entitled "The Overman bill means better work for war," by William Howard Taft, in the Philadelphia Public Ledger, showing that my contention was correct.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

OVERMAN BILL MEANS BETTER WORK FOR WAR.

[By William Howard Taft.]

The passage of the Overman bill in the Senate secures its passage in the House because the chief opposition to its terms was manifested in the Senate. It is a bill which puts into Mr. Wilson's hands powers of coordination of various governmental agencies for conduct of the war greater than ever before exercised by any predecessor of his in the Presidency.

For national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective administration of his powers as Commander in Chief, the President may, under this bill, redistribute among executive agencies functions now by law conferred upon any department, commission, bureau, or officer. He is to do this by regulation to be filed with the head of the department affected and to remain in force during the war and for six months thereafter. Then the status quo ante is to be restored by operation of law.

The act specifically limits the exercise of the authority granted to matters relating to the conduct of the war. The President has power to transfer with the functions distributed from one department or bureau the personnel and records. Moneys appropriated now or in the future for any department or bureau are to be expended only for the function for which appropriated by the agency to which the President may assign such function. If the President confers all the functions of a bureau upon some other agency, with the view that such bureau ought to be abolished, he is to report this to Congress.

By an amendment of Senator WADSWORTH, the President is given specific authority to create an agency to have jurisdiction over production of airplanes, airplane engines, and aircraft equipment, and to expend all moneys appropriated heretofore for such production. This is the whole of the bill.

The provision of the bill, as introduced, by which the President was given power to create additional agencies and to vest in them performance of such functions as he might deem appropriate was wisely stricken out. This would have given a latitude of power unprecedented and dangerous. He could have made over the Government and created officers with wide powers and appointed men to fill them in the same decree without limitation. The only new agency he can create is that in which complete control of airplane production may be vested.

The bill will undoubtedly give to the President an elasticity of action which can make greatly for proper coordination. It enlarges his power, so it increases his responsibility for a lack of coordination in the future. There is duplication, indeed quadruplication, of functions that might well be put under one head. Take the matter of secret service—there is now a Secret Service in the State Department, in the Department of Justice, in the Treasury Department, and in the War Department. Clearly it would make for both economy and efficiency to have all the agencies engaged in the highly important work of ferreting out treason and spying in our vast and varied population of 100,000,000 and in 48 different States under one responsible head. Nothing is so vital to success in the Secret Service as the concentration of all the details concerning criminal conspiracies and acts in one office and under one control, where they may be compared, conclusions reached, and action taken. The Government has been criticized for failure to convict spies and traitors. Popular imagination on the subject has doubtless been stirred without facts to justify it. Still it is likely that more spies and traitors could have been caught had there been one Secret Service.

Another great field for improvement is in the matter of production and purchase for war purposes. Another is the matter of transportation. There are others. In some of these fields action has been taken, but its effect has been limited because of the lack of power in the President. The authority conferred by the President on Mr. Baruch it might be hard to sustain as legal until this bill becomes law.

Under this bill the President may not abolish departments. He may not create new offices and fill them. He may take a bureau out of one department and put it in another and then unite it with a bureau or office there. He can not spend money for any function not expressly authorized by Congress. On the passage of this bill, however, nothing will prevent complete correlation and union of functions directed toward one specific end. This should make greatly for a successful conduct of the war.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. JOHNSON of California. Mr. President, I shall take but a brief part of the time of the Senate. The conference report has been fully discussed and the minds of Senators have been fully made up. In addition to what I said, however, on the very day the conference report was presented there are one or two very brief observations that I wish to make.

The remarkable part of the discussion is that those who ask the passage of this sort of legislation do so substantially upon the ground of those who oppose the passage of this kind of legislation.

Mr. President, the design—at least the design expressed on the floor of the Senate—of the proponents of the very drastic legislation proposed is the design which actuates many of us in its opposition. The purpose of the legislation is apparently, on the part of those who speak in its behalf, to strengthen the Nation, to aid in the prosecution of the war, and by legislative enactment behind the lines of those who are fighting the Nation's battles in France to render the aid here of the civic population. The purpose of those of us who oppose this legislation is to prevent, if we can, disunion among our people, discontent among those behind the lines, to unite, if we are able, all our people in a homogeneous entity for the success of the war, and thus render best our aid to the men who are doing the actual fighting across the sea.

Measures such as this are not new to nations facing peril and crisis and engaged in conflict. They ever emanate and they become more drastic in terms when the crisis is nearest and the peril greatest. They are the result, indeed, of a sort of psychological effect which war produces upon human kind, and they are the result of a peculiar sort of mental hysteria that comes when people are forced to face great struggles and great attacks. If, in moments such as this, we can keep our heads and maintain our equilibrium, if we can keep our feet upon the ground and remember that the best service, after all, is the service to all of our people and the service which will best unite them, we will have performed in the highest degree the patriotism that is, of course, the characteristic of all upon this floor.

Measures such as this do not unite a people; they breed discontent; they cause suspicion to stalk all through the land; they make the one man the spy upon the other; they take a great, virile, brave people and make that people timid and fearful. Measures such as this do not unite a great democracy such as ours. No matter how you may repress and suppress by legislation, no matter how apparently there may be union among all your people, with the repression, suppression, and oppression of such measures as this, deep down in the hearts of all will be found distrust of neighbors, insidious suspicion skulking all over the land, and finally the very discontent that every one of us would avoid.

The purpose that actuates me in opposing this bill, and which has actuated me in opposing every effort that has been made from the time that this war began to gag the press or to stifle free speech, is because, in my opinion, deep ingrained, just as strongly as I may express it, is the idea that it is absolutely essential in fighting this war that we maintain the morale at home as well as the morale abroad, and we can maintain that morale at home best by doing those things that bring our people together; bring them together in that attitude which shall make for concert of action—trustful, decent, loyal action—in behalf of those who are abroad.

I can not tell you how I feel about the young men who are beyond the seas. In story and in song we have told and sung the deeds of valor and heroism since men have fought at all. We have told of Thermopylæ, where a brave 300 withstood the myriads of Persians; we have sung through our poets of battles of the past wherever freedom was at stake. The valor at Ivry, the courage of Fontenoy, the stubborn and invincible bravery of Naseby have roused our admiration and fired our imagination. But there never was a charge in all history that equals in bravery or heroism the everyday foray of the men in khaki of ours, who "go over the top," men who have had a scant six months' training, men who go against a lifetime of preparation, men who, coming from the bowels of the earth into an unknown land, go to unseen dangers against implements of destruction of which the world never before dreamed.

Anything that we might do of any character that would aid those boys across the sea is a thing that all of us wish to do; and anything that will detract from the morale at home or spread disunion among our people or discontent or suspicion is the thing we do not want to do, and that we ought not to do, else we shall injure those fighting abroad.

So it is that those of us who oppose such measures as this do it upon the very broadest ground, that by such bills we not only injure our people at home, we not only strike a blow at democracy here, at free speech, and at the liberty of the press, that are necessary in time of war as well as in time of peace, but we strike a blow against those who are fighting our battles in foreign fields.

I have had one or two instances of late that would indicate the possibilities of a measure such as this. You recall that under this measure a man may be subjected to 20 years' imprisonment if he "shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States or the military or naval forces of the United States." Two days ago a young man, who was as a son to me, was killed at Fort Worth, Tex. He was killed there in one of the first flights that he endeavored to make in the Aviation Corps. I can describe to you something of the character of this young man and his enthusiasm when I say to you that he was 32 years old, over the draft age; he enlisted as what he termed a "buck private" in the Aviation Corps, because it was his desire to serve his country and to do his duty in this time of stress. I have his letters written before his death, describing a situation which ought not to exist. I read last night in one of the New York papers the statement of the father of the man who was killed with him, and that statement I will read to you. The young man to whom I refer, who was very dear to me, was Paul Herriott, a graduate of the University of California, a man of ability, a man of standing, who had made his mark in California, and who, in order that he might do his

duty in this time of dire stress, went, as I have said, as a private in the Aviation Corps, passed his examination at San Antonio, and was on his road to become a pilot, because it was only as a pilot that he desired to be in the Aviation Corps at Fort Worth.

His untimely death, of course, has aroused in every one of us a feeling of the utmost grief. Beyond that it has seemed to some of us—though we may do injustice in that regard—that his death was unnecessary and that it might have been prevented. When I read last night in a New York paper a statement of the father of the man who accompanied him and was killed at the same time, I thought what must be the feelings of the parents of these young men whose lives were thus snuffed out before they had even the poor consolation of attaining their ambition of fighting upon the battle line in France. I now read:

Lieut. Ennis, who was killed in Texas, was the son of Dr. James Seferen Ennis, of No. 165 West Seventy-ninth Street. Dr. Ennis received word from the War Department of his son's death yesterday afternoon.

Lieut. Ennis was a graduate of Yale (academic) in 1915. He was a post-graduate student at Toulouse, France, until the United States entered the war, when he came home and volunteered. He was graduated from the ground school of the aviation section on October 20, 1917, with a standing so high that he was one of 20 to receive a supplementary training with the Royal Flying Corps at Camp Borden, in Canada. Since April 1 he has been instructing cadets.

Dr. Ennis said last night:

"There have been a good many deaths at Fort Worth lately. I have nothing to say in the way of blaming anyone, but it does seem to me that the engines at Taliaferro Fields, where my son was killed, should be better inspected.

"I have several letters from my son lately, and he told me of having to make several forced landings because of his engines failing."

I read only what appears in the paper. I impress upon you that, personally, I do not know the gentleman who speaks in the article and know but little of the detail of what he states.

I recognize that with Europe a slaughter pen, with the blood of the white race there being poured forth, and with all the myriads of death "over there," perhaps you may be little concerned with the death of Lieut. Ennis or with the death of one who was as a son to me, Paul Herriott, a dear, a brave, an unselfish, and a patriotic boy; but to those who loved these men there is, of course, a feeling that if such things as are indicated by Dr. Ennis be true, the deaths were wholly unnecessary; and if the anguished hearts of those who loved these men should cry out against the part of the Army that permitted that sort of thing, if it were permitted wrongfully—and I make no accusation at this time—if those who cared for them should in abusive or in other language denounce those who were responsible, or insist, in some sort of language that might be determined "scurrilous or abusive," that there was fault on the part of officers of the United States, those who thus cried out from anguished hearts would be liable to 20 years' imprisonment under this bill!

I will cite another instance occurring this morning. I sat at breakfast with a gentleman who is engaged in very large business ventures. I talked with him of a subject that was uppermost in my mind, the bill now pending before the Committee on Military Affairs, which gives to the President of the United States the absolute power to take all the personal and real property in the United States belonging to any man or to any company or to any corporation. That sounds exaggerative, does it not? But that is exactly what the bill is that is pending now before the Military Affairs Committee, and is exactly what the bill is that great departments of the Government have said to that committee should at this time be passed. When I talked to this gentleman this morning concerning that particular measure, he said: "You can not mean that seriously there is any purpose of passing such a law?" I said, "It is so serious that the departments recommend it, and it is only the Congress of the United States that stands between that bill and its enactment and its possible exercise." "Good God," he said, "if you pass such a law we might just as well be in Prussia." I said, "Keep still, because if we adopt the conference report now before us, and you should make such a remark as that, 20 years will be your portion," and under this bill that would be so. Thus I say to you when examples of this sort occur daily, how can it be possible that you should want to put upon our people any such bill as this?

I have confidence in the Department of Justice; I have confidence, indeed, in most of the departments of this Government. I will yield them a ready acquiescence in nearly everything that they desire in this particular time, but I can not yield, under the specious plea that it is for the war, and that if I do not do it then I am not sufficiently loyal, the things that are dearest to me and that ought to be dearest to you and are dearest, I am sure, to all the American people.

A brave man does not have to boast, and a patriot does not have to protest his loyalty. This bill puts a premium upon hypocrisy; this bill makes the man with the loudest vocal vociferation of his own virtues and his own patriotism the greatest man among us; and the man who thinks, the man who strives, the man who wants to do for his country, the man who wants to render real service with the head that God gave him is unable to render that service, unable to think, unable to act, unable to speak. Nothing better illustrates—and I say this in no invidious fashion—the truth of what I indicate now than the attitude of a part of the press of the Nation to-day, which you observe and upon which privately you comment.

One of the greatest of professions that we have ever had is that of journalism. The newspaper correspondents represent in part the profession of journalism, and all of you have read some of their recent effusions, and some of these consist simply of hypocritical subserviency to power. Already by the repressive measures that you have passed in this country you have taken out of the heads of otherwise brave men the real thing that makes men; you have taken from hearts that beat strong that which made them strong, and their hearts are now timid and they fear. I can not blame them. They fear to say what they think; aye, they even fear to tell the truth.

Take this from the press and you take it as well from the ordinary man. Let disloyalty be punished; let anyone who would seek to prevent being done anything which ought to be done, and let any act against the war or that interferes with its prosecution be punished just as condignly as you want; but do not put fear into a brave man's heart; do not padlock his lips when he is trying to do his best; do not instill into him the distrust and suspicion that this kind of a measure will put into human beings; do not set neighbor to watch neighbor; do not let men who have ulterior motives sneak around dark corners and endeavor to fasten something upon others. Leave us in this time of stress the right to talk from our hearts honestly and loyally, even if it be in abuse of any part of the Government of the United States. Leave unto the ordinary American citizen the right still to be an American citizen, and thus you leave behind the line the morale of a brave and homogeneous people, the morale that is necessary for the preservation of the morale abroad, and which is necessary to lead this democracy finally to victory.

Mr. THOMAS. Mr. President, I sympathize very strongly with the apprehensions expressed by the Senator from California [Mr. JOHNSON] concerning the methods in which the proposed legislation can be utilized for the purpose of punishing or persecuting citizens of the United States for expressions that are not designed to produce ulterior consequences. When the bill to which this measure is an amendment was before the Senate for discussion something like a year ago, I joined with others in opposing legislation so extensive as to suppress the utterance of truth and criticisms of a needful character which otherwise might be made unlawful should the legislation then proposed become effective. I felt then, and I feel now, that legitimate criticism of governmental affairs, telling the truth about them under certain circumstances, is as essential to the successful prosecution of the war as it is to suppress disloyal utterances whenever and wherever they are designed—and they generally are designed—to produce untoward consequences.

If I had my way about this measure, I would attempt to very materially modify the phraseology of the proposed substitute for section 3, while at the same time recognizing the difficulty of drawing a line of demarcation between that which is and that which is not seditious. We can easily, by illustrations, determine whether a given statement or situation is or is not proper, but we can not—and I think the poverty of language is such that no man can—define the limitations, the boundaries, between sedition and truth and honest criticism.

The one saving grace about the proposed amendment is the insertion of the word "willfully" as to all of the things designed to be prohibited. In other words, the intent is carefully safeguarded, or safeguarded as far as the use of a term long since legally defined can make it. That, however, does not protect the citizen from the attempts which may be made to assail his integrity as a citizen by those interested in causing him trouble or in securing his conviction, and therein, to my mind, is the chief objection to the section.

No man of any consequence can carry on his daily affairs and come in contact with his fellow citizens without incurring opposition and enmity; and many of the enemies confronting the individual are not straightforward in their animosity or courageous in their efforts to secure satisfaction. They sneak behind statutes of this sort and become self-constituted emissaries of misinformation, thus setting the machinery of justice in operation and subjecting their opponents and their enemies to unjust and expensive and humiliating prosecution. That, I fear, is the inevitable consequence of this provision if it should be enacted into law.

We are told by the departments that the present statute is inefficient and practically inoperative, and that unless something of this kind is added to the espionage law it will fail to produce the consequences intended. We have had our attention called to the inefficacy of the existing section 3, not only in a general way but by way of specific instance. That statute seemed to me, at the time it was accepted by the Senate, to be sufficient for the purpose. It may be, however, that experience has demonstrated that we were wrong. I do not know. I will read it:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. President, the condition of the country, due in large part to the fact that we are not a homogeneous people, and that one section, or a part of one section, of our population is avowedly disloyal and engaged in active enemy propaganda, is the only possible excuse, in my judgment, for this legislation. We should be sensible of the requirements of our institutions and constantly on guard for their protection in times of war, when, of all times, free institutions need safeguarding. There are, however, exceptions to all general rules, and this may be one of them. I am not prepared to say that it is, but I must recognize the existence of a situation that is both unique and dangerous.

Mr. President, I have had occasion to say at a previous time that the enemy known as pan-Germanism is far more dangerous to the allied forces than the troops of the Kaiser upon the western front. I have had occasion to illustrate that statement by referring to the fate of Russia and to the terrible disaster to the Italian arms last October, and also to the seething mass of dissatisfaction which is being carefully and constantly fomented in all allied countries. Germany, now conceded to have been the aggressor in this war, aims, as Bernhardi declared she should aim back in 1911, at world dominion; and Germany has prepared herself for her attempt at world dominion by nearly a half century of careful, constant, and meticulous preparation. There is nothing of which mankind is capable, no great advance sociologically, economically, industrially, politically, or commercially, which Germany has not long ago drafted into her general scheme of world dominion and military preparation therefor.

Forty years ago pan-Germanism began its pernicious course, with the result that every German, and as far as possible every descendant of every German, in every country in the world, has been utilized or sought to be utilized in the general scheme of Germanic world conquest. The Machiavellian philosophy, so called, has, ever since the time of Frederick the Great, been the accepted scheme of German activity; and it has been improved upon by Bismarck and by the present Kaiser to a degree that would astonish the author of that policy if he could be made aware of that development.

I happened to be in the city of Washington a few years ago when Prince Henry of Prussia, representing his imperial brother, visited the United States. It was my good fortune to sit in yonder gallery when he was ushered into this Hall by a committee of which the then chairman of the Committee on Foreign Relations was the leader, and to listen to his words of amity and good will toward the United States—a speech the earnestness and sincerity of which was at the time never doubted, and which, of course, contributed almost entirely to the cordial reception which he received, both at the hands of public functionaries and at the hands of private citizens everywhere. And yet we now know, we long since have known, that the visit of Prince Henry to this country was not for the purposes ostensibly announced, but for the purpose of clinching and making more effective that American section of pan-Germanism that owes its allegiance first to the Kaiser and second, if any allegiance be left, to the United States of America. We now know why he visited the principal cities of the United States where German population is in the aggregate far greater than in other sections, and why his visit and its purposes have been followed up and stimulated ever since. We did not suspect it then. Indeed, one of the marvels in which posterity will indulge will be the utter indifference with which the people of other countries, without exception, permitted pan-Germanism to continue and to develop, all in the interest of the Fatherland; and that wonder, Mr. President, will be perhaps more complete when the statements, which should have been warnings, made long before the war, were available to all thinking and reading people.

Gen. Bernhardi, in his now famous work, "Germany in the Next War," published in 1911, referring to the Germans beyond the Empire, said:

The further duty of supporting the Germans in foreign countries in their struggle for existence, and of thus keeping them loyal to their nationality, is one from which, in our indirect interests, we can not withdraw. The isolated groups of Germans abroad greatly benefit our trade, since by preference they obtain their goods from Germany; but they may also be useful to us politically, as we discover in America. The American Germans have formed a political alliance with the Irish, and, thus united, constitute a power in the State with which the Government must reckon.

The junior Senator from Utah [Mr. KING] can speak much more intelligently and forcefully than can I regarding the activities of the German-American Alliance in the United States; and we do know that in the interval between the general declaration of war and our entry into it, the activities of certain Irishmen and of certain Germans in the great cities of the country, particularly during the last political campaign, confirm the assertion of Bernhardi almost to the letter.

Of course, Mr. President, I must always be understood as exempting those patriotic and liberty-loving Germans and Irishmen and the descendants of Germans and of Irishmen from the general indictment of pan-Germanism; but after that exception is made there is too much of it, far too much of it, perniciously active at all times.

I was told a day or two ago that between the letting of the first contract for airplanes and the time when Mr. Ryan was placed in charge of that division of the military service 1,100 changes were made in the designs of one plane alone. I do not say that that was due to pan-German activity, but I say that it is an excellent illustration of the way in which these forces are constantly interfering to prevent the United States throwing its whole force into this struggle, and to prevent unity of American citizenship at home. I have not the time to refer to the many incidents, the many terrible events, crowding each upon the heels of the other since the debacle of August, 1914, began; but I do know, and every observing man in America knows, that the poison of quiet and sometimes of vociferous criticism of men and of measures, the dissemination of views regarding the operation of the draft law, the power of the Government to use its military forces outside of the jurisdiction of the United States, the spread of rumors of all sorts regarding the condition of our soldiery, the sanitary situation in their camps, and the thousand and one things which the devilish activities of a great section of our people suggest to others go further in a country like this to diffuse and to weaken our energies than in a country like Great Britain, whose population is largely homogeneous.

In America we have people from every section and every country on the earth, and we have been so indifferent to our own duties of citizenship as to permit them to remain segregated, to use their language and not our language, and to conduct themselves practically as foreign communities within our midst. That is the ripest soil that can be imagined for the dissemination of treasonable and semitreasonable utterances and propaganda.

If I understand the purpose of section 3, as presented by the conference report, it is to meet and if possible overcome that situation as far as the present legislation can overcome it, and therefore this report has been agreed upon.

Mr. President, we do not enact laws against murder and make crimes of larceny in order to interfere with the rights but rather to protect the rights of the law-abiding, tax-paying citizens. Those laws are necessarily general. They must be comprehensive else they would consist of class legislation and be both unjust and ineffective. So with legislation of this character. It must be made sufficiently comprehensive to include everybody—the white, the black, the rich, the poor, the Jew, the Gentile. It will probably bear, it may bear, heavily upon those who with the best of intentions express their opinions concerning government and governmental functions. It may go too far; I am afraid it does; but I sympathize, in view of the experiences of the past year, very strongly with that condition which has prompted the Government to ask legislation of this sort.

However, Mr. President, I rose more for the purpose of referring to a clause of section 3 which was eliminated by the committee of conference and which resulted in the recommittal of the bill when the first conference report was before the Senate.

Mr. KING. Will the Senator yield for just a moment?

Mr. THOMAS. Yes.

Mr. KING. I should like to suggest to the Senator that legislation of this character has been enacted in a number of States. Indeed, the draft of the section which the Senator is now discussing is largely copied from the law of Montana.

Mr. THOMAS. Yes, Mr. President, I am aware of that fact. The senior Senator from Montana——

Mr. GALLINGER. Will the Senator from Utah tell us what other States? He says it has been enacted in a number of States.

Mr. KING. The State of Idaho has a similar law, and I am told two or three other States, although I have not had an opportunity to verify the information which I have received.

Mr. GALLINGER. Scarcely a number.

Mr. THOMAS. The senior Senator from Montana [Mr. MYERS] the other day congratulated himself upon being the author of the Montana statute and upon its acceptance by Congress as the basis of this proposed amendment.

Mr. President, the fact that the States have adopted a similar statute I do not think is an argument in favor of or against this measure. I know there are a great many statutes in my State that had much better be left unenacted, and I am inclined to think that inasmuch as the State has taken the plunge it mighty possibly have been better to have allowed the judiciary of those States to have tried it out before rushing in headlong and adopting it ourselves. I hope it will work all right in Montana and in Idaho and in the other States. I do not for a moment question the patriotism or the good intention of the functionaries of States which have enacted such legislation, and I am aware, from a great deal of personal knowledge, of the necessity of something of the sort in the State of Montana.

Mr. President, when this bill was passed by the Senate section 3 contained the following proviso:

That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

That is an amendment which was presented, if I recollect rightly, by the junior Senator from Maryland [Mr. FRANCE], and it was accepted by the Senator having charge of the bill, in consequence of which I do not think it attracted much attention or much criticism. I remember that I favored it mentally and at the time regarded it as a beneficial addition to the section. But since it has become a pivot of active controversy I have taken occasion to look into the phraseology of it a little more closely, and my conclusion is that it should have been eliminated.

Provided, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true with good motives and for justifiable ends.

Mr. President, intent is essential to the constitution of all crimes, great and small. Motive may be important as determining intent or it may not. The ideas, however, conveyed by the two words are by no means identical. A man with the best of motives may commit a serious crime and his purpose may be, in his opinion, justifiable; that is, he may act from pure motives and justifiable ends. I may be a neighbor of the Senator from South Carolina, and I may imagine that his house contains germs of some very infectious disease which unless removed may subject the members of my family to infection and to disease and death. The Senator, however, is indifferent to my appeals for fumigation and also to the apprehensions which I entertain, and since he will not act I set his house on fire. My motive is to protect my family, and that is a justifiable end; yet who will say that under such circumstances the laws of South Carolina would not reach forth and take possession of my person, imprison and try me, and convict me of the crime of arson?

Old Torquemada, the head of the Spanish Inquisition, apprehended and tried and burned heretics by the thousands with the best of motives and for justifiable ends, yet no student of history can now even indirectly justify the horrible cruelties that were perpetrated upon the people of Spain and of adjoining countries by the Inquisition.

A German-American, or a man who is not a German-American but sympathizing with the Germans, may with the best of motives acquire information regarding the state of our munition factories and publish the facts to the world. His motive is perfectly good. He wants to help the cause with which he sympathizes, and the end justifies the means in his instance. He publishes these facts. Could he be convicted under a statute containing such a proviso? I doubt it very much, Mr. President. It is not necessary to multiply instances because they would occur to any thinking man by the thousand.

This is not a new question. Indeed, it is very difficult to encounter any question which has not directly or indirectly met the criticism of the courts during our one hundred and twenty-five and odd years of national life. In the case of Warner *v.* The Tenth National Bank (29 Fed., 287) the court says:

"Intent" and "motive" are not identical and intent often exists where a motive is wholly wanting. When a man does not act or omits to do an act with knowledge of the consequences he intends the consequences just as truly as he intends to do or to omit the thing done or omitted. (Warner *v.* Tenth National Bank, 29 Fed., 287.)

The Supreme Court of the United States has also expressed itself upon the subject upon two occasions. I read an extract from the opinion in the case of Johnson *v.* The United States (157 U. S., 325):

The defendant's counsel asked an instruction that where the evidence shows that the defendant did not commit the actual killing and when it is uncertain whether he did participate in it then the jury may regard the absence of any proof of motive for the killing in finding their verdict. This instruction the court gave, but added to it the observation that the absence or presence of motive is not a necessary requisite to enable the jury to find the guilt of a party, because it is frequently impossible for the Government to find a motive. In thus qualifying the instruction, the learned judge committed no error. The jury were in effect told that they had right to consider the absence of any proof of motive, but that such proof was not essential to enable them to convict.

A case involving a similar question was decided in Williamson *v.* United States (207 U. S., 425).

The celebrated case of the People against Molineaux involved the question I am now considering. The case was of such importance that it was published in the sixty-second volume of the Lawyers' Reports (Annotated), beginning on page 193, with a most illuminating note covering all the cases involving the entire subject. The court there says:

Motive is the moving power which impels to action for a definite result; intent is the purpose to use a particular means to effect such result. In the popular mind intent and motive are not infrequently regarded as one and the same thing. In law there is a clear distinction between them. When a crime is clearly proven to have been committed by a person charged therewith, the question of motive may be of little or no importance, but criminal intent is always essential to the commission of crime. (People *v.* Molineaux, 61 N. E., 286; 168 N. Y., 264.)

It is my opinion, therefore, Mr. President, that the committee acted wisely in eliminating this amendment from the section, because it would have destroyed the efficacy of the section utterly. The only defense, if defense be made, under such a provision would be to establish his good motives and the end to be accomplished, which, of course, would follow as being justifiable. So far, then, as that part of the report is concerned, I think the Senate should adopt it.

With the substance of section 3 a far more serious question, as I have suggested, is involved.

Mr. STERLING obtained the floor.

Mr. SHERMAN. Will the Senator yield for just a moment?

Mr. STERLING. I yield to the Senator from Illinois.

Mr. SHERMAN. Is the Senator from Colorado of the opinion that any citizen can criticize, supposing it to be based upon facts to be ascertained upon an inquiry in the event he be arrested, under the provisions of this bill the conduct of a military or naval officer or any officer in the executive department or any civil officer who is connected with the activities that relate to the war? Could he criticize his conduct? Could he instigate an investigation or could he criticize in the matter we have had here recently, the condition of the Aviation Service, without being sent to the penitentiary?

Mr. THOMAS. That question involves the crux of the whole subject involved in this section. My own belief is that inasmuch as the proposed amendment prohibits the willful doing of those things an honest criticism, a fair criticism, a criticism upon facts would be protected, and yet I am not absolutely positive about it.

Mr. SHERMAN. May I inquire further whether the person who makes the criticism does not take on himself the character of an insurer of the truth of the charge?

Mr. THOMAS. I think not. I believe that the defendant in every instance would have the benefit of those presumptions which the law always throws around an indicted citizen.

Mr. SHERMAN. So the jury could determine whether he was reasonably justified?

Mr. THOMAS. That is my impression. I do not want the Senator to understand that I am satisfied with this section. I am not, but I think the use of the word "willful," thus requiring the intent to appear, will protect and safeguard the honest man who is trying to help his Government by criticizing it as he ought, if it deserves criticism, and that the presumption of innocence and all the other presumptions which are thrown around every indicted citizen by the laws of the United States will operate to protect him.

Mr. SHERMAN. I thank the Senator.

Mr. STERLING. Mr. President, I hardly expected to take part in any discussion on this conference report, but I can not share in the apprehensions expressed by some Senators in regard to the consequences that may flow from this act. As a

member of the subcommittee of the Judiciary Committee that considered the bill I have given it some attention and have taken considerable interest in legislation of this character. Some days ago the Senate had before it the conference report on Senate bill 383, being the bill to provide for the punishment of those charged with the destruction or injuring of war material and war transportation by the use of fire, explosives, or other violent means, and to forbid the hostile use of property during the war. The conference report upon Senate bill 383, as it will be recalled, contained section 3. It provided—

That nothing herein contained shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with the sole and bona fide purpose of securing better wages or conditions of employment.

There was very strong objection to section 3 of the bill, as shown in the conference report, and it was urged here on the floor of the Senate in the discussion of that conference report that section 3 was altogether gratuitous, that no language of the bill found in other sections could possibly be construed to prevent employees from peaceably stopping work in order to better their conditions as to wages or other conditions of employment.

I remember very well that during the course of that discussion the question was asked as to whether or not, if section 3 remained in the bill, it would not invite that very condition which of all others we desired to avoid; that is, a strike in those industries engaged in the manufacture of war materials.

I am inclined to think, Mr. President, that there came to be a sort of consensus of opinion here in the Senate that section 3 was more than gratuitous, that it was mischievous. It not being required by any of the other provisions of the bill in order that the legitimate rights of laboring men might be safeguarded, it would serve to call the attention of employees to that particular thing, and therefore invite a strike and the consequent crippling of war industries. So that conference report was rejected.

Mr. President, my purpose in alluding to the conference report on Senate bill 383 and to section 3 thereof is to point out what I deem an analogy between that bill and the pending bill and the amendment offered to the pending bill and carried here in the Senate by the Senator from Maryland [Mr. FRANCE]; an amendment which reasserted the law which is recognized as existing in nearly every State in the Union in regard to prosecutions for libel, providing in substance that the truth spoken or written with good motives and for justifiable ends should constitute a defense.

Mr. President, in my judgment that language is just as unnecessary in the pending bill as was the language of section 3 in Senate bill 383, and that a close study of the bill will disclose the fact. I think, that instead of needing these words to guard the rights of the press or to guard the rights of any citizen the language of the bill negatives the idea that the truth spoken with good motives and for justifiable ends could be subject to the provisions of the bill.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator from Maryland.

Mr. FRANCE. I ask the Senator from South Dakota if he will explain a little more in detail what he means by "unnecessary"? Does he mean by the word "unnecessary" that the language was immaterial, or does he mean that this is already covered by the statute? Does he mean that it is immaterial whether the language is there or whether it is not there, or does he mean that it is merely not necessary?

Mr. STERLING. Mr. President, I mean that it is not necessary in order to protect the rights of the publishers or the utterers of words. Now, note the language of the bill:

Whoever, when the United States is at war, shall willfully utter, print, write, or publish—

What?—

any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States or the military or naval forces of the United States or the flag of the United States—

And so forth.

Mr. President, the individual publishing or uttering disloyal, profane, scurrilous, or abusive language in regard to the form of government or the Constitution of the United States is not speaking the truth with good motives and for justifiable ends, and for the simple reason that under the language of the bill the language used must be "disloyal, profane, scurrilous, or abusive."

There has been a good deal of discussion here, Mr. President, about different officials of the Government and different activities of the Government, to which the language of this bill does not apply. It does not prevent any criticism of the War Department, the Navy Department, or of any other department of the Government, for that would not be concerning the form of government itself or concerning the Constitution of the United States. The language must go to the form of government or to the Constitution itself, and it must be disloyal, profane, scurrilous, or abusive language. No criticism made of any governmental activity will come within the scope of this bill or the language used in the bill.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I desire to inquire of the Senator what he thinks of the language contained in a subsequent portion of the section, "intended to bring the form of government of the United States" into disrepute or into contempt? I am only quoting the language from memory. Would it include a criticism of an officer of the executive department or of a military or naval officer or of one connected with the Military or Naval Department? If I made the criticism in good faith, even though it might turn out, if I were indicted and tried, that the facts asserted would not be sustained by the proof—if I in good faith believed at the time I made the charge that it was true and had good reason to believe that what I said was true—would that tend to bring the Government of the United States into disrepute; for instance, if I had criticized in good faith, believing it to be true at the time, that some one connected with the Aviation Service had been faithless in the expenditure of funds for the Aviation Service?

Mr. STERLING. Mr. President, in answer to the question of the Senator from Illinois, I will say no; he surely would not be indicated under the terms of this bill. It does not refer to an officer of the Government; it does not prevent criticism of any officer of the Government; but it does prevent the use of language intended to bring the form of government of the United States or the Constitution of the United States, and so forth, into disrepute. How the Senator from Illinois can construe a criticism of any official of the Government as tending to bring the very form of our government, which is republican, into disrepute, I can not understand.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I do.

Mr. SHERMAN. There is further language, though I have not the section before me, concerning which I desire to make an inquiry in reference to abusive language about the military or naval forces of the United States. "Abusive" is a very flexible and comprehensive term. If I criticize the military forces of the United States by criticizing one or more of their officers or the heads of bureaus or departments—not in the field, but in the departments at Washington—under the conditions I have heretofore named in the former question, would that constitute an offense under this section?

Mr. STERLING. No; I do not think so. I do not think a criticism of an individual military officer of the United States would come within the provisions of this bill. If the Senator will note all of the language of the section and make the proper connection of that language, he will see that it refers to disloyal language, profane language, scurrilous language, or abusive language about the form of government or—omitting some portions of the text—about the military or naval forces of the United States. I do not think, Mr. President, that it would prevent criticism of the individual soldier or the individual officer or the individual company or, perhaps, an individual regiment of soldiers, so far as that is concerned, who were not obedient to military discipline or to the rules provided for their government. That is not a criticism within the meaning of the bill of the Army and Navy forces of the United States.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield to the Senator from California.

Mr. JOHNSON of California. Let me ask the Senator a question. Suppose abusive language was directed not to an individual or to a company, but to a department which constitutes a large part of the military or naval forces of the United States?

Mr. STERLING. Does the Senator mean a department of the military forces or a department of the Government?

Mr. JOHNSON of California. Either one.

Mr. STERLING. I do not think the criticism of a department of the Government is prohibited by this bill. I think the language employed in this bill would fall under the general rule of construction, that the mention of the one or of a series will, by implication, exclude the others; and where it is confined to the form of government or the Constitution of the United States as this language is, so far as it relates to governmental activities, so far as it relates to any particular department of the Government, they are by implication excluded from the operations of this bill under the familiar principle of construction, to which I have referred, that the expression of the one excludes the other.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Montana?

Mr. STERLING. I yield to the Senator.

Mr. WALSH. I understood the Senator to say, in answer to the question addressed to him by the Senator from California, that he did not believe that the bill could be construed to embrace criticisms of any department of the Government. Can the Senator from South Dakota call our attention to any language which might possibly be so construed?

Mr. STERLING. I will say to the Senator from Montana that I can not find in all the bill any language that will bear any such construction as that.

Mr. WALSH. Can the Senator conceive of the particular language the Senator from California might have had in mind?

Mr. STERLING. I can not.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from South Dakota yield to the Senator from California?

Mr. STERLING. I yield.

Mr. JOHNSON of California. Of course, I am delighted to know the interest that is evinced by the Senator from Montana in what may be my peculiar mental processes in addressing the Senator from South Dakota. If the Senator will permit me, I might enlighten him respecting the particular matter, or, perhaps, it will be better for me to do so subsequently.

Mr. WALSH. Mr. President, I looked and did not see the Senator from California in his seat and was unaware that he was in the Chamber. I shall be very glad to address the question to him, if the Senator from South Dakota will yield.

Mr. JOHNSON of California. I will take the opportunity later to suggest certain examples that have escaped the keen scrutiny of the Senator from Montana.

Mr. STERLING. Mr. President, that, in the main, is my construction of that particular portion of the bill which relates to disloyal, profane, scurrilous, or abusive language. I think the insertion of the amendment of the Senator from Maryland would be fraught with great danger, in that it would to a great extent nullify the provisions of this section, as the question then would largely be one of the motive with which the words were published or uttered, and motive, Mr. President, as very well stated by the distinguished Senator from Colorado, can not be a defense.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. SHERMAN. Before the Senator goes to another part of his discussion, if he will permit me, I should like to inquire what his opinion is of the following prohibition—I am reading now from the top of page 2 of the conference report—

> Language intended to bring—
>
> Omitting certain phrases and summarizing it—
>
> intended to bring the military or naval forces of the United States into disrepute.

Would that include a criticism of military or naval officers or heads of departments in relation to their official conduct or possibly their military conduct, or of the Commander in Chief and his military conduct, as it might subsequently develop in the management of our public defense in waging the war? Would criticisms of officers made in good faith and for the bona fide purposes of improving conditions under which the war is conducted be construed to bring the military or naval forces of the United States into disrepute, and so subject the one using such language to indictment?

Mr. STERLING. In answer to the Senator from Illinois, I will say that I think not. I do not think that this bill is aimed at any just criticism of any individual officer, civil or military; the criticism must relate to the Army or Navy of the United States or the military or naval forces of the United States, and must be disloyal, abusive, or scurrilous in regard to them, or couched in language which would bring them as an armed force or organization into disrepute.

Mr. SHERMAN. Mr. President, I have no difference of opinion with any Senator as to language that is scurrilous, or, in ordinary acceptation, abusive, or calculated to incite a spirit of insubordination or civil tumult or to encourage mutiny, or is in the mind of the average man calculated to obstruct enlistments or the procurement of supplies, and so forth, for the military or naval forces; but I wish to make an inquiry concerning a provision five or six lines lower in the bill, covering language willfully uttered, intended to "encourage resistance to the United States." I want to enlarge that. We are thinking of resistance in our own borders, the instigation of domestic discontent. The publication of information about the Aviation Service and the lack of adequate progress made in the last year would have a wider significance than that, because it might well under this provision be construed to encourage resistance of the German Government to the United States, if they found that we have not made more satisfactory progress, and I think it has that signification. I wish to inquire of the Senator if, in his opinion, revelations of that kind, made in good faith, would subject one to prosecution on the ground that it encouraged the German Government in its resistance to the United States?

Mr. STERLING. Oh, Mr. President, I do not think the language will bear any such construction as that. I think it means language which is intended to incite, provoke, or encourage resistance to the United States within the United States, and that the resistance here meant is not the resistance of a government with which we are now at war.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Mexico?

Mr. STERLING. I yield to the Senator.

Mr. FALL. Is it not a fact that the language "resistance to the United States" was a Senate amendment to the committee amendment, placed in the bill here after considerable discussion, and upon motion of the Senator from Pennsylvania [Mr. KNOX]? The original language was perfectly clear before the adoption of the Knox amendment, and to me the former language was much clearer. The language was, "resistance to an act of an officer of the United States enforcing the laws of the United States," and so forth. That was the original language; but one or two cases in the Supreme Court of the United States were cited here by various of our learned members of the legal fraternity. The Senate of the United States then, in its wisdom, decided that this language, "resistance to the United States," following the language used by the Supreme Court in the Terry case, would be better, on the whole, than the language of the original committee amendment, providing a penalty for resisting the legal order of an officer of the United States.

Mr. STERLING. Mr. President, I understand the amendment of the Senator from Pennsylvania and how it came to be enacted. I think it is an improvement upon the original bill, and in itself it serves to do away with a great many of the objections that have been made to the bill, namely, that the criticism of an officer for some of his acts might come within the provisions of the bill. The amendment was offered and adopted with a view of preventing that criticism of the bill.

Mr. SHERMAN. Mr. President, if the Senator will permit a further inquiry——

Mr. STERLING. Yes; I yield to the Senator.

Mr. SHERMAN. I will ask the Senator's opinion of the following language:

> Or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things * * * necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war.

I will ask the Senator whether he thinks that would interfere with a strike in the production of shells or ordnance or fuel, or must it not only be a strike to curtail production, but must the curtailment of production be with the intent on the part of the strikers to cripple the United States? How far would an act have to go, under this language, to stop a strike that is threatened in a munition plant or a coal mine?

Mr. STERLING. Mr. President, I think that language uttered or published with the intent to incite a strike for the purpose of curtailing the production of munitions or other material needed in the prosecution of the war would come within the meaning of this act, and that those who incite or provoke such a strike, with the intent by such curtailment to cripple or hinder the United States, would come within the meaning of the act.

Mr. SHERMAN. Would the mere fact that a strike ensued in pursuance of a common understanding, resulting in curtailing the output of munitions or fuel, be of itself sufficient, or in the prosecution, would it be necessary for the district attorney to aver in the indictment and to prove that the strike not only curtailed the production of a necessary article, but that it was with intent to cripple the United States? They would probably come in, in defense, and say that the strike was to better working conditions, to increase wages, and not to cripple the United States.

Mr. STERLING. In a case of the kind suggested by the Senator from Illinois, I think, from the plain reading of this bill, the specific intent to curtail production would have to be alleged and would have to be proven, and that the mere curtailment of production as a result of a strike made in good faith for the purpose of improving conditions would not come within the provisions of the act.

Mr. SHERMAN. Must it be alleged further, if I may inquire, that it was with intent to cripple the United States?

Mr. STERLING. I think so; and the offense is not complete unless the act is committed, and with that intent, namely, to cripple or hinder the United States.

Mr. SHERMAN. Then, Mr. President, this provision, if enacted into law, will do no more than make confusion worse confounded with existing law. The Senator from Montana [Mr. WALSH] made an inquiry on this subject yesterday, and I did not have the act at hand to quote; but, with the Senator's permission, I will inquire now if this law, already in force and which has been unused in cases of curtailing production up to this time, is not a better one than the law proposed in the latter part of the section we are now considering? It reads as follows——

Mr. STERLING. From what act is the Senator reading?

Mr. SHERMAN. From section 4 of the food and fuel act. I called the attention of the Attorney General of the United States to this provision, as it seems to have escaped his attention since the approval of the act of August 10, 1917. I quote now the language of section 4, omitting certain phrases which do not refer to the case I have in mind, as I believe:

> That it is hereby made unlawful for any person * * * to conspire, combine, agree, or arrange with any other person (a) to limit the facilities for * * * producing * * * any necessaries; (b) to restrict the supply of any necessaries.

Mr. STERLING. Mr. President, if the Senator will permit me right there, the word "necessaries," as used in the food-control act, is confined to certain articles, foodstuffs in the main.

Mr. SHERMAN. It is confined to food and fuel.

Mr. STERLING. Yes.

Mr. SHERMAN. Coal is a necessary ingredient of fuel. Fuel oil is another.

Mr. STERLING. Yes.

Mr. SHERMAN. But the matter I have particularly in mind, and which I earnestly hoped in my communications with the Attorney General he would avail himself of, I think does not require any construction, but is the plain language of the act, which prohibits a conspiracy among two or more persons to limit the production of fuel, coming directly within the food and fuel act; and that is stronger, in my judgment, than the language of the bill now under consideration. Now, very lately, on the 25th of April, 1918—showing, I think, that at last some Federal official somewhere has the right view of this law—at Christopher, Ill., where there are a large number of soft-coal shafts, which have been idle since November 20, 1917, they were reopened after 200 miners were told by Federal officials that they could either resume work or face prosecution under this section of the fuel act.

Now, that is covered, and covered adequately, in my judgment. I think any district attorney could indict and could convict, because all he needs to do is to aver in the indictment and prove that the men conspired to quit the operation of the mine, refused to work and to produce fuel, so as to limit the output of a necessary; and without fuel we can not operate munition plants.

Why does not the Attorney General prosecute under this section, or direct his district attorney in the district concerned so to do, instead of saying that the Congress is at fault for not providing new legislation?

Mr. STERLING. Mr. President, I can not explain why the Attorney General has not resorted to prosecutions in certain cases, prosecutions that would be authorized under existing law; and I think the Senator from Illinois has performed a service by calling the attention of the Senate to this particular provision in the food-control bill. It might be said that with that provision in the food-control bill, and with regard to certain productions, we would have the two acts which would apply. One of them is the food-control bill, and there it would apply to fuel, at least fuel used in the prosecution of the war. Here is an act, however, which provides against inciting or provoking acts which will result in the curtailment of the production of war materials, and so forth, with the purpose of crippling or hindering the United States in the prosecution of the war.

I was about to say a word further in regard to the matter of motive, Mr. President, which is involved in the amendment of the Senator from Maryland.

Mr. SHERMAN. Mr. President, will the Senator have the patience to indulge me again?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to a further question?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. I have only made these inquiries because the Supreme Court and inferior trial courts have frequently had recourse to the RECORD of the Senate and the House in the pendency of bills to ascertain what the legislative purpose was in enacting certain measures. I apologize to the Senator for taking his time; but I have made these inquiries with that in view so that it might be in the RECORD to help interpret this act.

Mr. STERLING. I appreciate the motive of the Senator from Illinois in calling attention to these matters, and I thank him for it.

The Senator from Colorado [Mr. THOMAS], as I stated a while ago, gave a very clear exposition and definition of motive, and distinguished it from intent. I add this quotation from Wharton in regard to motive:

> No matter what other motives, good or bad, cooperated, if the intent to do the particular unlawful act is either proved or implied, the offense, if committed, is complete.
>
> If the law were otherwise, there would be few convictions of crime, for there are few crimes in which extraneous motives are not mixed up with the particular evil motive. * * *
>
> The absence of motive shown for the commission of the crime may be considered by the jury as to the bearing of that fact on whether the defendant committed the crime, and to this point only.

And every lawyer knows how important the matter of motive sometimes is in cases depending upon circumstantial evidence.

Again:

> And the law is that, no matter what may be the motives leading to a particular act, if the act be illegal, it is indictable, notwithstanding that some one or more of these motives may be meritorious.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Maryland?

Mr. STERLING. I yield to the Senator.

Mr. FRANCE. I have a very high opinion of the legal attainments of both the Senator from Colorado and the Senator from South Dakota, but it seems to me that they have both analyzed this particular clause too closely. It seems to me they have disregarded the fact that the question of motive can not be separated from the question of the truth. The clause must be read as a whole; and this amendment, if it is adopted, prevents a man being prosecuted for speaking what is true with good motives. So it seems to me that there is a danger, into which, in my humble opinion, the Senator from Colorado and the Senator from South Dakota have both fallen, of discussing the question of motive by itself, aside from its proper connection with the question of the truth.

Mr. STERLING. Mr. President, in all such cases the question of truth will be a question in dispute, and the defendant will rely for the main part probably on his good motive in publishing the statement or delivering himself of the utterance. Then, further, Mr. President, I may say that in our present situation, considering the peril and the danger and the aid it may give to the enemy, the truth itself, from a military standpoint and from the standpoint of the peril it would occasion us, though stated or published with good motives according to the idea of the defendant himself, should not in some cases be published.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield for a further question to the Senator from Maryland?

Mr. STERLING. I yield.

Mr. FRANCE. The Senator has now reached the logical conclusion of his argument and the argument of all those who are opposed to this amendment. They do not wish the American people to be privileged at this time to speak the truth, with good motives and for justifiable ends. I am not a lawyer; but all of these legal subtleties will not enable those who take a position against this amendment from occupying the position of being opposed to permitting the American people at this time to speak the truth, with good motives and for justifiable ends.

Mr. STERLING. Mr. President, let me ask the Senator a question. Does the Senator think it might be always well that

the position, the situation, the movement of the land and naval forces of the United States should be published, although the truth might be spoken by the publisher or by the person making any oral statement in reference to them?

Mr. NELSON. Will the Senator allow me?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Let me call the attention of the Senator to that part of the bill relating to willfully attempting to obstruct or discourage recruiting or enlistment in the service. A man can do that in various ways by telling the truth. He can go on and tell how the poor soldiers suffer there, how they are shot and riddled with bombs, and how they are badly treated if they are prisoners, and be telling the truth, and yet by telling the truth he will be discouraging enlistments.

Mr. WATSON. But would that be a justifiable end according to the language of the amendment?

Mr. NELSON. That might be a question in morals. A man can tell the truth in various ways by which he can discourage enlistment and incite mutiny and other obstructions to the military forces of the United States. If you inject this provision into it, there is not a man who is disloyal and tries to hamper and hinder the Government but will insist on every occasion, "I am telling the truth."

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield.

Mr. SHERMAN. If the Senator from South Dakota will permit me, I will ask the Senator from Minnesota to state how a man can tell the truth when he discourages enlistments? Can the Senator cite a particular instance?

Mr. NELSON. Certainly. He can hold up the horrors of war to a young fellow, telling him how they are apt to suffer in the trenches, how they have to stand in the mud and water, and how they are liable to be hit by a bomb and be crippled; in other words, depicting all the horrors of war, so as to discourage poor fellows from enlisting by taking the heart and nerve out of them.

Mr. SHERMAN. I do not want to take the time of the Senator from South Dakota, but that does not answer the question at all.

Mr. NELSON. They may be telling the truth all the time, and yet they may be telling it in such a way as to discourage young men from enlisting.

Mr. SHERMAN. The object is not——

The PRESIDING OFFICER. Does the Senator from South Dakota yield further to the Senator from Illinois?

Mr. STERLING. I yield to the Senator from Illinois to make his statement.

Mr. SHERMAN. The object in such a case is not to tell the truth; it is to discourage enlistments.

Mr. NELSON. He is telling the truth for that purpose. What is the effect of it? It is to discourage enlistments. How can you tell his motive?

Mr. SHERMAN. The very fact that he is discouraging enlistments and could have no other object in view is enough to convict him before a jury. He could not escape under this law.

Mr. STERLING. I might suggest to the Senator from Illinois that he might fall back on the question of motive, and make the plea that his motive was a good motive, and yet a crime had been committed.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Florida?

Mr. STERLING. I yield to the Senator.

Mr. FLETCHER. I suggest to the Senator another illustration: Suppose a ship is about to leave the port of New York with 2,000 soldiers for France and it is known that it will sail at a certain hour. Suppose that should become known to some energetic pro-German sympathizer, would he be justified in publishing it, because if he did publish it, it would be true? Perhaps he may state the exact truth, but ought that to be published?

Mr. LODGE. That is giving aid and comfort to the enemy, of course. That is a wholly different thing.

Mr. FLETCHER. On the question whether a man can defend himself on the ground of his telling the truth, that is the position.

Mr. LODGE. As the Senator knows very well, that is a military offense covered by another statute.

Mr. FLETCHER. But you put in here a proviso that this law can not be enforced on people for telling the truth, if what is said is for good motives and a justifiable end.

Mr. STERLING. A man may burn a building and commit the crime of arson and yet say his motive was good, since it was to rid the city in which the building stood of what he determined was a nuisance. He committed the crime of arson nevertheless. I remember an example in my own town of action of that kind, where two young men took it upon themselves to rid the town of several buildings, and in the course of their operations burned three buildings before they were detected. Scientific enthusiasm may lead to the commission of a crime.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. STERLING. In a moment. Take the case of disinterring a corpse. Some vandal violates the cemetery and says he did it in the interest of science, or some man will say, "Here is a bad man in the community and I will resort to violence; I will take the law into my own hands to rid the community of such a man." He does it through a good motive. I yield to the Senator from Georgia.

Mr. HARDWICK. I wish to suggest to the Senator that in all those cases and the case suggested by the Senator from Florida [Mr. FLETCHER] and the case suggested earlier by the Senator from Colorado [Mr. THOMAS], the act now under consideration has not the slightest application, nor would the amendment omitted by the conferees have any application to that character of cases, nor does it propose by its terms to have any application.

Mr. STERLING. It is a question of motives, Mr. President, and the case cited by the Senator from Florida brings in the question of motive.

Mr. HARDWICK. No; if the Senator will pardon me, only as to crimes and offenses specified in the last amendment.

Mr. OVERMAN. Mr. President——

Mr. STERLING. I yield to the Senator from North Carolina.

Mr. OVERMAN. I should like to call attention to the charge of a judge to a jury. This is from a great Vermont judge:

> The Government's evidence tends to show that the defendant intended to cause insubordination, disloyalty, and refusal of duty in the military forces of the United States; the defendant's evidence tends to show that the only intention which he had was to serve God.
>
> You should be careful not to mix motive with intent. Motive is that which leads to the act; intent qualifies it. A crime may be committed with a good motive; it may be committed with an evil motive; or it may be committed with a good and an evil motive. To illustrate: The father of a large family steals bread for his starving children and also to deprive the owner of its value. He has two motives; one is good and one is evil; but he is guilty, notwithstanding he has a good motive as well as an evil motive, for he must not steal at all. So in this case the defendant's intention to serve God does not excuse him if you find that he also intended to cause insubordination, disloyalty, or refusal of duty.

This is a concrete case. At the time of this trial if this amendment had been the law the judge could not have made the charge he did, and the jury could not have convicted, as it did, and the man would have gotten off. That is a concrete case.

Mr. GALLINGER. The man was not released?

Mr. OVERMAN. He was not released, because there was not any amendment like this in the law. He would have been released if this amendment had been the law.

Mr. GALLINGER. The man was convicted and sentenced to 15 years.

Mr. OVERMAN. He was sentenced to 15 years; and the Attorney General says if you had put this amendment in the law he would have been acquitted.

Mr. FRANCE. Mr. President——

Mr. STERLING. I yield to the Senator from Maryland for a question.

Mr. GALLINGER. Will the Senator yield to me to make one further suggestion?

Mr. STERLING. I have already yielded to the Senator from Maryland.

Mr. FRANCE. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I was going to suggest to the Senator from North Carolina, inasmuch as the conviction was made under an existing law, what is the need of this law to meet cases of this kind?

Mr. OVERMAN. Because we are changing the existing law, and you are proposing to give these spies and bolsheviki a cloak which you do not give to any other American citizen.

Mr. GALLINGER. I am not talking about the amendment at all. I am talking about the law.

Mr. OVERMAN. I am talking about the law. I say, if you put this in the law——

Mr. GALLINGER. I say there is no need of a law at all in a case such as the Senator cites.

Mr. OVERMAN. The judge can not go on in other cases and convict and send to the penitentiary.

Mr. GALLINGER. But they did.

Mr. OVERMAN. Under another statute, but not under this sort of a law; and if the law had had this amendment the man would never have been convicted.

Mr. WALSH. Mr. President——

Mr. STERLING. I yield to the Senator from Montana.

Mr. WALSH. I should like to say to the Senator from New Hampshire the law is needed, because all judges would not take the same view of the law expressed by the judge whose opinion has just been read by the Senator from North Carolina. Many of the judges of the country have construed the law quite differently, and therefore we have been obliged to amend it.

Mr. GALLINGER. Then, answering the Senator from Montana, that might be true of the crime of murder, that all judges would not take the same view of a given case.

Mr. WALSH. That is quite true, and accordingly if the judge takes a view of a murder statute which allows some one to escape who ought to be punished, it, of course, becomes the duty of the legislative body to so amend the statute as that the judge will no longer be allowed to do it.

Mr. GALLINGER. Mr. President, I apprehend if we are going to legislate so as to make the judges act uniformly in criminal cases we will have a sorry job on our hands as legislators.

Mr. STERLING. Another illustration of what may be done under the plea of good motives arose in my own State of South Dakota. We have two strange religious sects in that State, one called the Mennonites and the other called the Huttrische Brethren. They are in a way allied to each other. Their doctrines are somewhat similar. Neither sect believes in military service, and they do everything possible to avoid it. Delegation after delegation representing these sects have visited me here in Washington. I have used argument, persuasion, and denunciation, all with a view to having them abandon their notions in regard to military service; a service which they should be willing to render the country which has protected them and by its protection enabled them to grow rich and prosperous, but all to no purpose.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Does not the Senator think it is highly important that we protect these Socialists who affect to have these scruples about joining the Army? For instance, we had four Socialists at St. Paul who had religious scruples about enlistment. They quoted the Bible, and, of course, in quoting that they could not quote anything but the truth, and then they set out the utmost good motive in not being willing to serve. They were finally enrolled in spite of their truthful utterances and in spite of the fact that they had such good motives. They were finally forced into the Army. Then, when they got down into the training camp, they refused to put on the uniform and refused to drill, all with conscientious motives. Does not the Senator think it is very important that we should protect that kind of men and see that nothing happens to that class of people? Ought we not to enact such legislation to meet that class of people?

Mr. STERLING. I think it highly important in the very sense in which the Senator from Minnesota uses the expression. I have here a clipping——

Mr. GALLINGER. Will the Senator permit me?

Mr. STERLING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator cites two religious organizations. Were they not exempted under the original law?

Mr. STERLING. They obtained relief under the original law from combatant service or service which requires them to bear arms, but they do not want to perform any service. In order that they might not avoid the performance of all military service, the Government assigns them to noncombatant service, although it may be in connection with the Army.

Mr. GALLINGER. I thought the exemption was complete. I understood that it did exempt the religious organization known as the Friends—Quakers.

Mr. STERLING. It did not exempt them in terms, but it exempted members of all religious organizations whose creeds were opposed to such service, as I remember the law.

Mr. GALLINGER. That is what puzzles me, that these men were troubling the Senator, because when I voted for that amendment I thought it exempted every religious organization that had conscientious scruples against war.

Mr. STERLING. They are exempted from combatant service, but they may perform military service which is termed noncombatant.

Mr. NELSON. Will the Senator permit me?

Mr. STERLING. I yield.

Mr. NELSON. The bill provides that "whoever shall willfully utter, print, or publish any disloyal, scurrilous, profane language about our form of government." For instance, a man utters profane or scurrilous language about our form of government. Under this proposed amendment he can come in and say "I am speaking the truth. This Government of the United States is not what it ought to be. It is a bad Government. It does not compare favorably with others. It is not such a Government as a Socialist or an anarchist or a Bolshevik ought to have. I am speaking the truth, and I do it with the best of motives, because it is a part of my gospel and my creed, and therefore I ought not to be amenable to the law." Does not the Senator think that we ought to protect those kind of people?

Mr. STERLING. The Senator will remember that the bill provides that the language used must be disloyal, that it must be abusive, that it must be scurrilous language.

Mr. WATSON. In the opinion of the Postmaster General.

Mr. STERLING. Oh, no; in the terms of the bill itself, not in the opinion of the Postmaster General. The Senator from Indiana refers to another provision of the bill, that giving the Postmaster General the power to intercept mail sent out by persons or concerns believed to be sending out disloyal and seditious matter. Let me read a clipping that I have here taken from the Sioux Falls (S. Dak.) Press. It relates to this question of motive and concerns one of the sects of which I spoke a moment ago:

KANSAS CITY, MO., *April 21*.

Charges of having attempted to bribe officers of Camp Funston to release 14 members of their religious sect, the Huttrische Brethren, are pending against—

Then follow the names of the individuals against whom the charges are pending. I will not give the names—

said to be bankers of Alexandria, S. Dak., who were arrested there Monday, according to an announcement by Fred Robertson, United States attorney for Kansas. The three were indicted by a Federal grand jury at Topeka, Kans., April 9.

One is accused of actual payment of $120 to Lieut. C. C. Ray, and another of having written a letter to Lieut. W. P. Jones offering to pay $1,000. The third is charged with having had knowledge of both transactions.

Hence the charge, and hence the indictment against these men. These men will insist, Mr. President, that they are justified in resorting to bribery even because of the end, the escape from military service to which their creed is opposed. It is to such extremes that this doctrine of motive, or good motive, leads in this class of cases.

Mr. President, when I look at a law, especially a penal statute, the question that naturally comes to my mind is whether or not the acts described ought to be forbidden. For example, ought a man to have the right, the United States being now at war, to willfully write, utter, print, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States? Ought he to be allowed to do those things now in time of war? If he should not, we ought to have a law against it, and that is what this law is.

Further, now in a time of peril, when we are drawing upon all the resources of the Nation, when we want to protect the morale of the men who constitute our fighting force, should one be allowed to use scurrilous, abusive, or contemptuous language against the military or naval forces of the United States or the flag of the United States or the uniform of the Army and Navy of the United States? Ought he to do it? If he ought not to do it, we ought to have a law to prevent.

So we may take the other provisions of the bill, that relating to "any utterance, writing, printing, publication, or language spoken which is meant to urge, incite, or advocate any curtailment of production in this country of anything or things, product or products, necessary or essential to the prosecution of a war in which the United States may be engaged. Ought a man to be permitted to go about the country, to the different munitions manufactories, and incite a curtailment of the production of those munitions necessary for our use in this war? If he should not be allowed to do it, then there should be a law against it. So I think, Mr. President, with every provision of this bill.

Mr. NELSON. May I ask the Senator another question?

Mr. STERLING. I yield to the Senator.

Mr. NELSON. Here is a man who speaks scurrilous or contemptuous language about the uniform of the Army or Navy of the United States. He may go on and argue that it is the truth, that that uniform does not compare with the German uniform; that it does not compare with the uniform of the Russians; that it is a very inferior uniform. He may be telling the truth. Then he comes in and says he is not only telling the truth but that it is very good motives; he wants the Government to get a different and a better uniform for the

Army of the United States, and it is a justifiable end. He says that is the end he is seeking; that he wants the Government to give the soldiers a better uniform. Does not the Senator think we ought to protect those kind of men by our legislation? Does he not think we ought to deal tenderly with that class of men?

Mr. STERLING. Notwithstanding the fact, Mr. President, that he may be speaking the truth, if he did it in an abusive, scurrilous, contemptuous way so as to bring the Army and Navy into disrepute, if that is the effect of the language, he ought to be punished.

Mr. President, I think Senators in opposing this amendment and in opposing striking out the amendment of the Senator from Maryland have fears in regard to the operation of the law which are quite groundless. No loyal, patriotic citizen need fear the operation of this law, because he will not utter abusive or scurrilous or contemptuous language about the form of our Government or the Army or Navy of the United States or indulge in any of the other things prohibited by the terms of the bill. No loyal, patriotic editor or publisher of a paper need fear the operations of the bill, because he, as a loyal, patriotic citizen, will not publish abusive, scurrilous, or contemptuous language in regard to the form of Government or the Constitution or the Army or the Navy of the United States.

No more, Mr. President, need such a man or such an editor fear the operation of this law than the average good moral citizen need fear the operation of a law against murder or arson or larceny or embezzlement or any other crime in the calendar of crimes, and that for the simple reason that the law, made necessary for the peace and good order of society, will not affect him. He will not violate the law, and the law is made only for the disloyal, the treasonable, and the seditious.

Mr. NELSON. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. NELSON. The Senator has noticed that there have been in this country frequent manifestations of mob law among the people.

Mr. STERLING. Certainly.

Mr. NELSON. We had a noted case in Illinois the other day of a poor German miner. Now, such mob violence and breach of the peace comes from such unpatriotic and disloyal and scurrilous language. Do we not need this legislation not only for the purpose of suppressing disloyalty but for the purpose of preserving peace and order in this country and to avoid having any lynching? The other day when we had this question up about the aeroplanes there was talk about mob law and lynch law. If there is to be any mob law or lynch law in this country, I pray to God it will be diverted into the channel of the aeroplane board and the men who manipulated that scheme. They are more deserving of mob law than this poor German miner in Illinois.

But I am opposed to mob law, and for our own protection, to maintain peace and order in our country, and to avoid a breach of the peace we need this legislation. We need it for our own protection as much as we need it to repress disloyalty in this country.

Mr. STERLING. I think the Senator is absolutely correct in his statement and conclusions. Treason against the United States is defined as levying war against the United States or adhering to their enemies, giving them aid and comfort, and beyond and outside the constitutional provision in regard to treason and the statutes enacted in pursuance of the constitutional provision come these acts, seditious and disloyal, which can not be prosecuted under a charge of treason because they fall just a little short of treason. And yet they do all the injury which treason itself would do. The loyal people realize this and grow impatient because there is no adequate law. There has come a demand from my own State, from every part of my State, that some such law as this shall be passed to make seditious and disloyal utterances impossible.

Mr. LODGE. Mr. President——

Mr. STERLING. I yield to the Senator.

Mr. LODGE. What I was going to ask the Senator's permission to interrupt him about was in regard to the matter of lynching. I like to see the Senator's confidence in the language of the statute book. We pile up laws, and we do not enforce them. We do not enforce them against people who most need their enforcement.

The other day it was stated in the newspapers—I have nothing but the newspaper account of it—that a man had enlisted in our Army, had deserted because he was suspected of giving information, had enlisted again, had deserted again, and was found to have plans on his person, and in short to be a spy within the military meaning of the word. According to the newspaper account, he twice deserted from the Army, and he was a German, and he has been interned. Now, that is what brings on the lynchings. There was abundant law to punish that man, and he should have been punished. If the facts as I have stated them are correct, there has been abundant law, and he was interned.

Mr. STERLING. But the type or class of cases probably to which the Senator from Massachusetts has alluded——

Mr. LODGE. He was within the military zone.

Mr. STERLING. He was interned when, of course, he ought to have been prosecuted as a spy.

Mr. LODGE. Absolutely; and tried by court-martial.

Mr. STERLING. And hung or shot as the result of his activities.

Mr. LODGE. That is what brings about lynching.

Mr. KING. Mr. President——

Mr. STERLING. I yield to the Senator from Utah.

Mr. KING. In view of the statement just made by the Senator from Massachusetts, I want to state that I have made some inquiry for the purpose of ascertaining whether the reports to which the Senator has referred are false or true. Up to this hour I have not been satisfied that such reports are accurate. If they prove to be true then unquestionably the man was a spy and he ought to be dealt with according to the accepted rule of dealing with spies in time of war.

I feel sure that the War Department will take the necessary steps to punish the person referred to as a spy, if the proof warrants such course. Certainly if it fails in its duty the Senate will by resolution or otherwise see that appropriate action is taken. However, we are not in possession of any facts to justify condemnation of the reported action of the officials of the War Department.

Mr. LODGE. That will not punish him. When you get the laws which are in existence rigidly enforced by an effective prosecution you will accomplish more than by all the laws you may pile on the statute books.

Mr. STERLING. But, Mr. President, here is a class of cases that has been brought to my attention again and again. Some have arisen in my State. There are men who are at heart disloyal, who make certain utterances in derision of the Red Cross work, of subscriptions to the liberty loan, of the cause for which we are fighting, and so forth; they are absolutely disloyal. Now, in an otherwise thoroughly loyal community, what is the disposition with regard to characters of that kind? Seeing that there is no law on the statute books to punish these seditious and disloyal utterances, citizens are tempted, in order that the community may be rid of an evil of that kind, to take the law into their own hands.

Mr. LODGE. Mr. President——

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. That is just the point I want to make. It is not the laws on the statute books——

Mr. STERLING. It is the absence of such laws.

Mr. LODGE. If the Senator will allow me, the fact that there is a law on the statute books is not what prevents lynching. What prevents lynching is the public confidence that the law on the statute books will be enforced. If the law is not enforced, people lose all faith in the courts; they lose all faith in the prosecuting officers, and they take the law into their own hands. This, however, is all part of the general idea that seems to run through this war that we can fight it with language.

Mr. KING. Will the Senator from South Dakota yield to me for just a moment?

Mr. STERLING. I yield to the Senator.

Mr. KING. I desire to say to the Senator from Massachusetts [Mr. LODGE] that in my opinion the Attorney General has been doing all within his power to enforce existing statutes. I know that he has been keenly alive to the situation and has invoked the criminal statutes and all the machinery at his command to deal with disloyalists and those who have violated Federal statutes. Perhaps in some of the States the district attorneys, either through inexperience in dealing with this class of cases or because of their belief that the law was inadequate—and my own opinion is that in many instances it has been inadequate—to deal with existing conditions, have failed to effectively deal with all cases brought to their attention. I am satisfied, as a result of an exhaustive examination of the activities of the I. W. W. and other disloyal organizations and persons, and existing laws under which efforts to reach these organizations and individuals, that additional statutes are needed. Unfortunately there are some enemies in our midst. They work in secret and in every possible way to oppose our Government and to cripple it in the prosecution of the war. The conditions existing call for legislation to supplement present criminal statutes. This legislation, in my opinion, goes a long way toward meeting the situation. It is not perfect, and does not meet my

views in all respects, but it will prove effective and be a necessary and powerful weapon in the hands of the Government to enable it to prosecute individuals who are spreading sedition and trying to undermine the faith of the people in the integrity of our Nation and aid our enemies in this mighty conflict.

Mr. GALLINGER. Will the Senator from South Dakota yield to me for a moment?

Mr. STERLING. I yield to the Senator.

Mr. GALLINGER. The Senator has just stated that in his own State there are men uttering seditious words and committing crimes against the Government along that line. The Senator from North Carolina [Mr. OVERMAN] undertook to illustrate his position and the necessity for the passage of this bill by citing a case in the State of Vermont, where a preacher made seditious utterances from his pulpit; but the laws of the State of Vermont took care of him, and a judge in the State of Vermont took care of him, and he went to prison for at least 15 years—I am not sure whether it was 15 or 20 years. Why can not the officials of the State of South Dakota take care of such men if they are uttering seditious language?

Mr. STERLING. I think we can take care of them in my State in time, but I understand there is no such law on the statute books now. They can enact a statute that would meet, to a great extent, this class of cases. It seems to me, however, since the offense is primarily against the Federal Government—although a State itself might punish one uttering such language as having committed a crime against the State—it is highly appropriate that the Federal Government itself should enact a law for that purpose.

Mr. GALLINGER. But, Mr. President, I feel quite sure that the Vermont prosecution was under a Federal statute.

Mr. STERLING. Yes.

Mr. GALLINGER. It was under an existing Federal statute, and a conviction was reached.

Mr. STERLING. Some two or three States have enacted laws in terms very similar, I understand, to this proposed law. Montana is one such State, and I think Idaho is another. I have heard of one other, but I do not now recall the State.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from South Dakota yield to the Senator from Illinois.

Mr. STERLING. I do.

Mr. SHERMAN. Supplemental to what the Senator from Massachusetts [Mr. LODGE] and the Senator from Utah [Mr. KING] have said, I wish to make an inquiry of the Senator from South Dakota [Mr. STERLING] in regard to this matter. It will interest the Senator from Utah, I know, because he is in charge of the bill to forfeit the charter of the German-American Alliance. I call attention to an article appearing in the Post-Dispatch, of St. Louis, of date April 13, 1918, in which Charles H. Weinsberg, president of Missouri branch of the German-American Alliance, submits to an interview. He is quite loyal and bought a $1,000 liberty bond; but, in my judgment, Postmaster General Burleson ought to have excluded the whole issue of the Post-Dispatch containing that article from the mails of the United States. It is an article that preaches sedition; it is an article that predicts that the Hindenburg drive will break through the lines and go through to the coast, that the allied line will be broken, that Italy will be destroyed by the legions of Germany, and that this country will make the best peace it can, because Germany will have conquered all Europe, and we must get out of it the best way we can; that we are not in it in earnest anyway, except possibly to make as good a showing as we can, but that we shall make peace. This whole article is most seditious, and Mr. Burleson never saw it, and we never heard a word from him.

Mr. LODGE. What are the politics of the paper?

Mr. SHERMAN. It is independent, with Democratic proclivities.

Mr. LODGE. And has a large circulation?

Mr. SHERMAN. And has a large circulation in St. Louis and vicinity.

Mr. LODGE. That is not the sort of sedition they are after.

Mr. KING. Will the Senator from South Dakota yield to me?

Mr. SHERMAN. The face is almost seditious, Mr. President, if it could be transferred into the record.

Mr. GALLINGER. It is suspicious, to say the least.

Mr. SHERMAN. It has a pan-Germanic look.

Mr. KING. I do not think the Senator from Massachusetts intended his last remark other than as playfully humorous, because, certainly, with the effort that has been made in good faith by the Post Office Department to exclude from the mails treasonable and disloyal publications, it can not be charged that it has failed in its duty. Indeed, if we are to believe the eminent Senator from Illinois [Mr. SHERMAN], the Senator from Idaho [Mr. BORAH], the Senator from California [Mr. JOHNSON], the activities of the Post Office Department in its denial of the privileges of the mails to publications have been too rigorous; another criticism has been made by some that the Post Office Department has excluded from the mails publications with which no fault could be found. I know that the greatest caution is exercised by Judge Lamar and the legal advisers of the Postmaster General in Washington as to what shall be excluded from the mails. There can be no legitimate criticism of their actions. Frequently their decisions have been reviewed by the courts; but, as I am informed, the courts have uniformly supported them.

The Postmaster General acts only upon legal advice in excluding from the mails publications, literature, fraud orders, letters, and other objectionable matter, which the law clearly points out. His action is subject to review by the court; and under this bill no different power is conferred upon him than that granted in statutes enacted in years gone by. It would seem that if the newspaper to which the Senator alludes contains the statements referred to, that it ought to have been excluded from the mails. If it is only an interview appearing in a loyal American paper, a different question would arise. But even then the wisdom of publishing such an interview could be seriously questioned. I am informed that Dr. Weinsberg has been prosecuted for this interview. If he entertains and publishes the sentiments credited to him, he should be prosecuted and sent to the penitentiary. I have no doubt but what this newspaper, or any other newspaper, if they publish seditious matter, or anything which brings them within the condemnation of the statute, will be dealt with effectively by the Postmaster General as soon as his attention is called to them.

Mr. SHERMAN. Mr. President, the paper is owned by the same estate, by the same person, as the New York World; it is Mr. Pulitzer's paper, the St. Louis end of it. I am astonished that a paper of that prominence and with a managerial staff of that kind would permit an article of that character to appear. It directly tends to discourage enlistments and to cast doubts upon the justice of our cause by the soldiers that are now in the service. I can not think of a more damaging article that could appear in a camp than an article of that kind.

Mr. KING. Mr. President, I entirely agree with my distinguished friend from Illinois [Mr. SHERMAN] as to the character of this article or interview. I think he and I agree as to the causes which have brought our country into this world conflict, and we agree that we must prosecute this war until Prussian autocracy is brought to its knees. This world of ours, big as it is, is not big enough for American democracy and Prussian autocracy. This war will continue until Prussian autocracy is destroyed. Our Nation is not safe until Prussian militarism is crushed. There can be no peace in the world until the mad ambitions of Germany are destroyed and until she and her people return to reason and submit to the laws of justice and righteousness. Our course is clear. There is only one path to follow, and that we must and will follow to the end, no matter the cost in blood and treasure. All that we have and all that we are we freely dedicate to the cause of liberty and justice. We will never lay down our arms until Germany is defeated and the cause which we represent is triumphant and our country's liberties made secure.

Mr. SHERMAN. Mr. President, if I may trespass further on the good nature of the Senator from South Dakota, when a publication of that character escapes attention, although the vigilant scrutiny of the department gets the smallest and most inconsequential papers that falls under its ban, it creates in my mind a doubt about the wisdom of a law that will permit such a wide stretch of discretion as is contained in certain features of this bill.

Mr. KING. Mr. President, will the Senator from South Dakota permit me a word more?

Mr. STERLING. I yield to the Senator.

Mr. KING. The Senator from Illinois will remember that in the United States to-day there are between 1,500 and 1,600 foreign-language newspapers. In addition, there are hundreds of papers published in the English language. It is impossible, with the limited resources at the command of the Postmaster General, to scrutinize with that care that perhaps the situation demands every issue of every paper as soon as it is deposited in the mails. The Senator will remember that in St. Louis there are a large number of newspapers. The Postmaster General is not there, and obviously there must be devolved upon subordinates the work of examination.

The Senator, therefore, must expect that now and then, indeed frequently, newspapers that ought to be excluded will get into the mails, one issue or perhaps two or three issues.

The Senator, I think, ought to credit to the Post Office Department a desire to do their duty; certainly this should be done until the contrary appears. It is quite likely, as stated, that some issues have been admitted to the mails that should have been excluded. It is better, perhaps, to err in this direction than to be too severe and to exclude publications wrongfully. It is a fact that at the present time very few complaints have been made that exclusions have been made that were improper, and very few complaints have been made, to my knowledge, that papers have been permitted to circulate that ought to have been excluded. I should like to ask the Senator does he know that this paper has not been excluded from the mails?

Mr. SHERMAN. No; it has not been; the daily issues of it are still coming to Washington. I agree with all that the Senator has said, practically; but the Metropolitan Magazine, with which I have no sympathy whatever, because it is largely socialistic, and I have no sympathy with the tenor of its general course, although its circulation is comparatively small, and its influence compared with this newspaper is insignificant, was held up for some time, a whole issue at one time was suspended, as the Senator will remember.

It is not on many features of the pending conference report that I have criticism. As to those matters which relate to the uniform, to the flag, to the Army and the Navy, to the military and naval forces of the United States, to the form of government, and the Constitution of the United States I have no scruples whatever; I would protect them. The provisions of the bill about which I have scruples are those concerning which I have inquired of the Senator from South Dakota, which inquiries he has very candidly, as I think, and conscientiously, displaying his usual acumen, answered so that the purpose of my inquiries has been served, and he has enlightened me as to many things. But I wish to inquire further if the Senator from Utah will, with all due expedition, push his bill for the revocation of the charter of this concern? What I particularly object to is that the editor or the person who passes upon the admission of printed matter into the columns of the paper, knowing that Weinsberg was the president of the Missouri branch of the German-American Alliance, which I regard as a treasonable body in the United States, would permit a thing like that to happen and then be permitted to escape scot-free.

Mr. KING. Mr. President, will the Senator from South Dakota yield further?

Mr. STERLING. I yield.

Mr. KING. As to the inquiry of the Senator from Illinois, I am glad to state that the Judiciary Committee has reported favorably the bill for the revocation of the charter of the German-American National Alliance, and at the earliest possible moment I shall ask the attention of the Senate to the consideration of that bill, with a view to having it passed.

If I may trespass further upon the time of my friend from South Dakota, I should like to say, in connection with the observations just made by the Senator from Illinois, that in a number of States since the German-American Alliance voluntarily attempted to suspend—and of course Senators will realize that it can not do that, because it exists in virtue of a congressional charter, and a mere voluntary meeting of some of the members and agreeing to dissolve would not effectuate a dissolution of the organization; that could only be done by legislative declaration, or possibly by judicial decree, although I doubt that it could be thus dissolved—some of the subordinate organizations, State organizations, and some of the local organizations, have determined to continue their activities. In some few instances, I am told, local societies have changed their names with the idea of proceeding along the same lines under some other name.

In Pennsylvania the name of one of the local organizations was changed to some historical association or an association for the purpose of studying the relation of nations to each other. It would seem that there are a number of members of the parent or affiliated organizations who are determined to preserve the spirit of the old organization under a different form and a different name. I sincerely hope that the States and the loyal Americans of German birth and ancestry will see to it that no organization shall be permitted for the purpose of spreading Pan Germanism or waging a propaganda for the destruction of this Nation and the superimposition upon this country and the world of the policies, the tyranny, and the military despotism which find expression in the rule of the present German Kaiser. The German-American National Alliance should be dissolved. Its work in our Nation was distructive and disintegrating. It stood not for America and American ideals, but represented rather the spirit and kultur of modern Germany.

Mr. STERLING. Mr. President, if I may be allowed to proceed, I sympathize quite thoroughly with the sentiment expressed, and implied, too, in the statement of the Senator from Illinois [Mr. SHERMAN], and also with what has been said by the Senator from Utah [Mr. KING]. I have the honor of being a member of the subcommittee of the Judiciary Committee which has had under investigation the German-American National Alliance. You have but to take the charter and read the glowing purposes for which that association was organized under the terms of the charter, and then compare that with their deeds and their influence, to be convinced that it is an instrument of activities wholly prejudicial to our Government and to our institutions. Not one dollar has ever been spent in the furtherance of any one of the purposes set forth in the charter; that, I think, clearly appears from the testimony; but thousands, running into hundreds of thousands, of dollars have been collected for purposes wholly foreign to the interests of this country, and in many instances adverse to the interests of this country.

Just a word in conclusion, Mr. President. I simply rose in the first place to discuss the first section of this conference report and the connection of the first section with the amendment offered by the Senator from Maryland [Mr. FRANCE]. I think perhaps the portion of the bill relating to the power of the Postmaster General over the mails has been already sufficiently discussed, and I shall not say anything further with regard to that; but, as I said a while ago, these offenses fall short of treason; they are just outside the line; a man guilty of them may not be prosecuted for levying war against the United States or adhering to their enemies and giving them aid and comfort, and yet they are highly prejudicial to the public welfare; as I said a while ago, they are in many instances as much so as overt acts of treason themselves.

The only question is, Shall such acts be permitted? I ask Senators to read the bill and ask themselves whether or not they ought to be permitted. If not, and that is the answer to the inquiry, then we should have the law in about the terms of the bill as it is here written to punish and prevent them.

Mr. President, the great value of the act will probably not lie so much in actual prosecutions under it, although there may be now and then a case, but it will be in the great deterrent effect it will have in preventing the commission of these offenses, thus bringing the Government of the United States in time of war or the Constitution of the United States or the Army and Navy of the United States into disrepute, when, indeed, we should be in our full vigor, with the morale and the physical and, I may say, mental strength of the Army at the maximum rather than to have either injured in any way whatever by utterances and publications such as this bill would prohibit.

Mr. FRANCE. Mr. President, I do not wish to prolong the debate upon this conference report, but I desire to make a very brief statement with reference to it, in order that the RECORD may very clearly show the exact status of this report and the brief history of it since the 9th day of April, when I offered an amendment to this bill, which is now before us as the conference report.

On the 9th day of April, realizing that this was a most drastic measure—far more drastic, as has been shown by the Senator from Missouri [Mr. REED] during the course of the debate, than the old sedition law—realizing that this was a far more drastic measure than that, I desired to see incorporated in the bill language which in a definite and specific way would assure the people of the country that this legislation was not intended to deprive them of those rights which are clearly guaranteed to them under the first amendment to the Constitution. Upon the 9th of April the Senate, after a sufficient discussion, for a prolonged discussion was unnecessary, rejected the amendment under discussion by a vote of 31 to 33. On the following day, however, after the Senate had been given an opportunity to consider the matter further, this amendment, numbered 6, was adopted by the Senate without a dissenting vote. The debate prior to its adoption was very brief, but during the course of that debate—if I may call the very brief discussion of this amendment a debate—the Senator from Montana [Mr. WALSH] said:

> Mr. President, before the vote is taken I think it quite appropriate to say that the language of this amendment is substantially in accord with the provision of the constitutions of many States defining the liberty of speech and of the press. Similar provisions are found in the constitutions of Florida, Kansas, Nevada, South Dakota, West Virginia, Wyoming, Arkansas, California, Illinois, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, South Dakota, Utah, Wisconsin, and Wyoming. It is a principle of the American Constitution that is very generally recognized. I think it is very unfortunate that the Senate should have rejected the amendment as originally proposed.

The bill as amended was sent to a conference committee.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRANCE. Certainly.

Mr. KING. The Senator from Montana [Mr. WALSH] is not in the Chamber. With the permission of the Senator from Maryland, I should like to say, and I think it is only fair to the

Senator from Montana to say, that the Senator from Montana a day or two ago analyzed the provisions of this bill, having in mind the amendment tendered by the Senator from Maryland, and reached the conclusion that that amendment had no application to the provisions of this bill, and after mature consideration he reached the conclusion that it ought not to be a part of this measure.

Mr. FRANCE. I thank the Senator, and in reply I will say that I have no desire to place the Senator from Montana in a false light, and that I had intended to advert to that fact a little later in my very brief remarks.

The bill as amended was sent to the conference committee. Now, it is to be remembered that this bill as it came from the House of Representatives was a much more moderate bill than it was after it had been amended and after it had passed the Senate. In other words, no man reading this bill as it passed the House and comparing the bill as it passed the House with the bill as it passed the Senate could come to any other conclusion than that when this bill was sent to conference the House of Representatives, through its conferees, would naturally insist upon the elimination of some of the more drastic amendments which had been added in the Senate. It was to be presumed that upon a measure of this importance there would be a prolonged conference and that the conferees of the House would insist upon the elimination of some of the amendments added in the Senate. But what happened? Not only did the conferees appointed on the part of the House not insist upon the elimination of some of the drastic amendments added in the Senate, but apparently they insisted upon the elimination of the only moderating amendment which had been added in the Senate.

I wish the RECORD to show that the Senate rejected this amendment; that it then unanimously adopted it; and then, through its conferees, it receded from the amendment, and that now the Senate is about to adopt the conference report with this amendment omitted from it.

The Senator from Montana did say, on the 2d day of May, that he would not vote against this conference report, and he gave his reasons, among which was the reason which has been advanced by a number of others, that this amendment was not at all material to the bill; that it did not affect the bill one way or the other, an opinion, however, which is quite contrary to the opinion of the Department of Justice, and the opinion which was the controlling factor, without doubt, which led to the elimination of this amendment from the bill.

I think it would be very unfortunate, after the adoption of this amendment, whether it was material in the first place or not, if the Senate should now go on record as being against preserving the right of the American people to "speak what is true, with good motives and for justifiable ends." Not only would it be unfortunate if the Senate should be placed in such a position, but I think the effect of such action would be most unfortunate so far as the prosecution of the war is concerned; and in giving my reasons for that I desire to quote what was quoted on April 19 of last year by the distinguished Senator from Idaho [Mr. BORAH] in a masterly address on this subject on the freedom of speech and the freedom of the press. I desire to quote it, because I think it is pertinent in this connection, for it indicates very clearly one reason why I feel that the adoption of this conference report with this amendment eliminated would be most unfortunate as far as the prosecution of the war is concerned:

Sir James McIntosh, in the Peltier case, observed as follows:

"To inform the public on the conduct of those who administer public affairs requires courage and conscious security. It is always an invidious and obnoxious office, but it is often the most necessary of all public duties. If it is not done boldly, it can not be done effectually, and it is not from writers trembling under the uplifted scourge that we are to hope for it."

There seems to be a very great misunderstanding on the part of some of the learned Senators, particularly those learned in the law, as to the meaning of this amendment. They have insisted on discussing the subject of motive apart from the subject of the truth, which, of course, results in a failure to grasp the meaning of this amendment, which, to be properly understood must be taken as a whole. In order that there may be no misunderstanding as to the meaning of this amendment, I desire to quote this language of Chief Justice Story, language which he uses with reference to the first amendment of the Constitution, which explains clearly this amendment, and, indeed, you will note that the language of my amendment was borrowed from this statement of the Chief Justice:

It is plain, then, that the language of this amendment imports no more than that every man shall have a right to speak, write, and print his opinions upon any subject whatsoever, without any prior restraint, so always that he does not injure any other person in his rights, person, property, or reputation; and so always that he does not thereby disturb the public peace, or attempt to subvert the Government. It is neither more nor less than an expansion of the great doctrine recently brought into operation in the law of libel, that every man shall be at liberty to publish what is true, with good motives, and for justifiable ends. And with this reasonable limitation it is not only right in itself, but it is an inestimable privilege in a free government. Without such a limitation it might become the scourge of the Republic, first denouncing the principles of liberty, and then, by rendering the most virtuous patriots odious through the terrors of the press, introducing despotism in its worst form.

Referring, of course, to the freedom-of-speech section of the first amendment to the Constitution.

He goes on to say:

A little attention to the history of other countries in other ages will teach us the vast importance of this right. It is notorious that even to this day in some foreign countries it is a crime to speak on any subject, religious, philosophical, or political, what is contrary to the received opinions of the Government or the institutions of the country, however laudable may be the design and however virtuous may be the motive.

Mr. President, I had not expected to occupy even this much time, but I desire to say just this word further:

We have fallen into the habit of using this sort of logic in the Congress: "We are at war. We all wish to win the war. This measure will help win the war. Therefore we must adopt this measure"; and the corollary: That any man who is not in favor of this measure is against winning the war.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Utah?

Mr. FRANCE. Certainly.

Mr. KING. The Senator has just quoted from Judge Story with respect to the freedom of the press and the freedom of speech. Would it be displeasing to the Senator for me at this point to call his attention to another statement of Judge Story in the second volume of his work on constitutional law?

Mr. FRANCE. Not at all. I shall be pleased to have it added to the RECORD.

Mr. KING. Judge Story uses this language:

There is a good deal of loose reasoning on the subject of the liberty of the press, as if its inviolability were constitutionally such that, like the King of England, it could do no wrong and was free from every inquiry and afforded a perfect sanctuary for every abuse; that, in short, it implied a despotic sovereignty to do every sort of wrong without the slightest accountability to private or public justice. Such a notion is too extravagant to be held by any sound constitutional lawyer—

And, I may say in parenthesis, by any good, loyal American citizen.

Such a notion is too extravagant to be held by any sound constitutional lawyer with regard to the rights and duties belonging to governments generally or to the State governments in particular. If it were admitted to be correct, it might be justly affirmed that the liberty of the press was incompatible with the permanent existence of any free government. * * * In short, is it contended that the liberty of the press is so much more valuable than all other rights in society that the public safety—nay, the existence of the Government itself—is to yield to it? It would be difficult to answer these questions in favor of the liberty of the press without at the same time declaring that such a license belonged, and could only belong, to a despotism, and was utterly incompatible with the principles of a free government.

I thank the Senator for permitting me to put that into the RECORD.

Mr. FRANCE. I thank the Senator from Utah; and I will say in reply that I am familiar with that language, which is merely an extension of what I read. I should have been very glad to have read the more extended quotation, but it was not necessary for my purpose. That was the position occupied by the Chief Justice; and, taking that very position, he also took the position that this right must be preserved—the right of every citizen to "publish or speak what is true, from good motives and for justifiable ends." That is what the Chief Justice insisted upon in connection with the very language quoted by the Senator from Utah.

I shall not go into the subject of the constitutionality of this measure.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Montana?

Mr. FRANCE. With pleasure.

Mr. WALSH. Inasmuch as the Senator from Maryland is the author of this clause that has been so much discussed, I I should like to ask him if he will kindly give the Senate a concrete case in which one who is entitled to do so would be embarrassed in making a just defense with this language not in the act.

Mr. FRANCE. It would give me pleasure to do so. I do not care, however, to do so with any degree of explicitness, for reasons which I need not go into now. I will say, however, that if an editorial which was read the other day from the New York Times—which to my mind clearly indicated possible misconduct on the part of certain officials of this Government, and which closed with the statement to the effect that if these

suspicions were justified these men should be dealt with criminally—if that editorial had gone further, and had mentioned the names of these gentlemen, I do not believe that the writer of it could have claimed exemption from the operation of this law, if under this proposed law he had been subjected to prosecution.

Mr. WALSH. If that is the instance the Senator has in mind, I should like to inquire of him under what particular provision of this bill the editor of the New York Times stands in any peril?

Mr. FRANCE. I did not care to go into this subject any more fully, because specific instances——

Mr. WALSH. Of course, these are very practical questions that we are dealing with.

Mr. FRANCE. This is a very practical question; but the Senator is well aware that I do not care to bring to the bar of the Senate any paper or any official at this time; and, for that reason, it is unfair for me to enter into any extended discussion of any particular case. The Senator from Montana will realize the justice of that.

Mr. WALSH. The Senator referred to the editorial appearing in the New York Times——

Mr. FRANCE. Yes.

Mr. WALSH. A very proper criticism, it seems to me, of some of the officers of the Government connected with the prosecution of the war; but, as I asked a moment ago, under what provision of the bill does the editor of that paper stand in any peril?

Mr. FRANCE. I will read the language to the Senator, eliminating what is not relevant:

> Whoever * * * shall * * * * publish * * * abusive language about the * * * military * * * forces of the United States.

It seems to me that it is somewhat abusive, to say the least, to indicate that certain members of the military forces—if that is a fair interpretation of the editorial—should be subjected to criminal prosecution for their acts.

Mr. WALSH. Why, Mr. President, that idea could be expressed in the most refined and unexceptionable language. There is no fault to be found with the language in which it is charged.

Mr. FRANCE. I am not saying that in my judgment there has been any abusive language.

Mr. WALSH. I was going to say, if it were abusive, it would not be permitted to be read here in the Senate. There was nothing abusive about the language, however severe it may have been.

Mr. FRANCE. I have the very highest regard for the legal opinion of the Senator from Montana and I had not expected to occupy so much time. I realize that opinions may well differ with reference to particular phraseology. I was about to say that I do not care to go into any constitutional discussion of this subject. I think it is very clear, however, that under the Constitution of the United States the States did not delegate to the Federal Government the right to pass laws limiting the freedom of speech and the freedom of the press. Upon this both Hamilton and Jefferson, who rarely agreed, were in complete agreement.

At a time like this, Mr. President, we are in grave danger of forgetting that we are not a sovereign Senate. We are a Senate representing sovereign States and those States are nothing but the creation of a sovereign people. Such legislation as this, to my mind, can only be possible when that great truth has been forgotten. Our sovereigns lie out yonder, and it is their sovereign will, as voiced by them, which we must express in legislation, by such legislation giving direction to executive action. Neither the legislative nor the executive departments of this Government are sovereign, but the sovereigns whose will we are here expressing in legislation are the people of the United States.

I hesitate to pass any legislation by which we would place a rough hand upon that sovereign people and say to them, "Be still. This is the Senate's war; this is the Executive's war. This is a Washington war." Senators, what a fallacy! This proposed legislation arises from a total misconception of the very nature of modern war, a misconception which in my opinion has been responsible for many of the mistakes which have been made.

War is no longer a matter of armies, it is a matter of whole nations, and we can not win this war with one, two, three, or four million men in France. We can only win it by calling into the combat all the great resources of the American people. We can only win it by a great organized and united Nation. I am opposed to this legislation, because I believe it makes not for unity but for disorganization and for disintegration.

I wish to refer briefly to the history of the old sedition law of 1798 and to quote the words of Hamilton, which completely express my views upon the pending legislation. Hamilton no sooner saw the sedition law which had been introduced into Congress than he wrote:

> Let us not establish tyranny. Energy is a very different thing from violence. If we make no false step, we shall be essentially united, but if we push things to extremes we shall then give to faction body and solidity.

Mr. President, I shall not take the time of the Senate to trace all of the disintegrating influences which followed the enactment of the old alien and sedition law; to tell you how it then almost resulted in the dissolution of the Republic and how, because of the enactment of that law, there was born that doctrine of nullification and secession which so many years later almost destroyed the Union. It was the opposition of Thomas Jefferson to that law which led to the first sowing of the seeds of the pernicious doctrine that the States could nullify the action of the Federal Government. It is important, however, to remember that the old sedition law was much less drastic than the law which we are now enacting for Bayard in the House of Representatives proposed an amendment, which was adopted, allowing the truth to be offered in evidence. My dear friend, the Senator from Minnesota [Mr. NELSON], for whose motives I have the highest regard, one of the men who did not hesitate to offer his breast to the enemy when the perpetuity of the Union was threatened, has said that the evil of sedition exists and that we must find a remedy.

Physicians know that there is a remedy for every ill, but they must constantly decide the problem as to whether the application of that remedy will improve the condition of the patient, or whether the remedy will be worse than the disease. This proposed remedy, I believe, Mr. President, would do harm, for it is intended to eliminate certain evils, while it would indeed extirpate, at the same time, the necessary function of free discussion by word of mouth and by the press, which is so indispensable at this time.

In this connection I desire to read a statement of Franklin:

> Freedom of speech is a principal pillar of a free government; when this support is taken away, the constitution of a free society is dissolved and tyranny is erected on its ruins. Republics and limited monarchies derive their strength and vigor from a popular examination into the action of the magistrates; this privilege in all ages has been and always will be abused. The best of men could not escape the censure and envy of the times they lived in. Yet this evil is not so great as it might appear at first sight. A magistrate who sincerely aims at the good of society will always have the inclinations of a great majority on his side, and an impartial posterity will not fail to render him justice. Those abuses of the freedom of speech are the excesses of liberty. They ought to be repressed—

This is the point—these abuses ought to be repressed—

> but to whom dare we commit the care of doing it? An evil magistrate, entrusted with power to punish for words, would be armed with a weapon the most destructive and terrible. Under pretense of pruning off the exuberant branches he would be apt to destroy the tree. (Franklin, Works by Sparks, Vol. II, p. 285.)

Mr. President, on my files dealing with this subject I have a valued quotation from the Senator from Colorado [Mr. THOMAS], for whose opinion I entertain a very high regard. He said on April 18 of last year:

> It is only in time of war that these great constitutional limitations upon despotism are put to the test. It is precisely then that they are useful. They have no particular moment in times of quiet, when the minds of men are diverted to the pursuits of peace, when prosperity and happiness smile over the land. It is only on occasions like this when they become effective and their value is priceless. Consequently it is at such times that we must see to it that they are preserved, lest when peace does return we shall realize that some of the most important safeguards of liberty have been swept away in the torrent of the conflict.

Mr. President, I think the issue is clear. I think it is perfectly clear that he who votes for this measure as altered at the behest and under the direction, as it seems to me, of Mr. John Lord O'Brian, of the Department of Justice, every man who votes for this conference report, in my judgment, votes for it because he has come to the conclusion, after careful deliberation, that at this time of national peril it is not safe to allow the American people to "speak what is true from good motives and for justifiable ends." I do not set my judgment against theirs, but I do desire to say for myself that I do not think that the voice of the people, of the sovereign people of this Republic, should be silenced at this time when the winning of the war depends not upon Congress, not upon the Executive, not upon Washington, but upon the masses of the sovereign people all over the Republic. I am thankful that I do not entertain such an opinion of that sovereign people that I dare in this hour to cast my vote to deprive them of that inalienable right to "speak the truth from good motives and for justifiable ends."

If the great party of Thomas Jefferson desires to place itself upon record as denying the people their inalienable right to

speak "what is true for good motives and for justifiable ends," then they will adopt this conference report.

Mr. OVERMAN. Mr. President, every Senator who votes against this conference report can have the satisfaction of knowing that he has voted for an amendment that will throw a cloak of protection around every spy in this country and every traitor and every Bolshevik and every I. W. W. that is denied to a loyal American citizen.

Mr. WADSWORTH. Mr. President, does the Senator really want to go upon record in that way?

Mr. OVERMAN. What does the Senator mean by that?

Mr. WADSWORTH. I do not need to enlarge upon it. I presume the Senator does not desire to be understood, as he said to the Senate, that every man who votes against the conference report might go to his constituents and say he is proud that he has thrown a cloak of protection around German spies. I will say to the Senator in all friendliness——

Mr. OVERMAN. I will strike out the word "proud," as I mean no disrespect to any Senator or intent to impeach in any way his patriotism. I say any Senator who votes for that will be heard to admit that he has voted for an amendment to a criminal statute that does not appear in any other criminal statute in the world and which gives the defense to a disloyal citizen that we heretofore in all our criminal statutes have never given to a loyal citizen. Does anyone deny that? Is not that the truth?

Mr. FRANCE and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. OVERMAN. I yield to the Senator from Maryland.

Mr. FRANCE. There is no Senator on the floor whose purposes at this time more nearly coincide with mine than the Senator from North Carolina. We are looking at this thing merely from different angles.

Mr. OVERMAN. I am not criticizing any Senator's loyalty, or that any Senator has not as much loyalty as I have myself. I credit that to every Senator on this floor, but I ask the Senator if there is any criminal statute in the world that has ever been enacted containing such an amendment as this? Can he cite me one? Can the Senator cite me, and I will ask the Senator from New York——

Mr. FRANCE. I can cite the Senator to a clause——

Mr. OVERMAN. Can the Senator cite me to any criminal statute of the United States that has this provision?

Mr. FRANCE. I can cite the Senator, of course, to the first amendment to the Constitution of the United States, which, as I said before, has been interpreted by Chief Justice Story as embodying the principles of this amendment.

Mr. OVERMAN. I will not yield to the Senator for a speech.

Mr. FRANCE. It has guaranteed this very thing.

Mr. OVERMAN. I ask again any Senator on this floor to cite me to a single criminal statute that has any such amendment as this. I will ask any Senator here if this is not a fact that this amendment does not give a defense never given in addition to the usual provisions expressed in a statute as to criminal intent?

Mr. FRANCE. I will say in answer to the Senator that I do not believe there has been enacted in any country since the dark ages any criminal statute so framed as to make such an amendment necessary.

Mr. OVERMAN. Mr. President, that may be so in the Senator's opinion, and I am not criticizing him or any other Senator, but I say this, and I repeat it, that there is no criminal statute that was ever passed that has any such provision in it, and it is giving an additional burden to the Government that ought not to be given, and it is requiring proof that is not required in any other criminal statute in the world. Therefore I say the Senator may not be proud to do it, but he will have to admit that I am correct. I take back the word "proud" and say he will have to say that if he voted for such an amendment it gives a cloak to disloyal people never given in any other criminal statute.

What is this statute for? It is a criminal statute. It is a statute that we have been trying to pass here for the benefit of the Army and to preserve our country. We have been trying to pass it for 12 long months, and we have had to fight it out in the Senate for weeks and weeks. It went to the House of Representatives and comes back here and then goes into conference, and here we have the same old fight again. There is delay, delay, delay, and the war is going on and the Kaiser at work in this country with his pernicious propaganda.

Let us look at the history of this amendment. When the Senator introduced it in the Senate it was defeated in the Committee of the Whole by a good majority on a roll call. Then the Senator introduced it in the Senate. I let it go in. It went to conference and was stricken out.

Why do you want to put an additional provision in here to throw additional burdens on the prosecuting officer of the Government and give a new defense to all these men as to motives who are indicted, these German spies, the Bolsheviki, and these I. W. W.'s? Why do you not let us have the same criminal statutes we have for everybody else?

The Senator from Colorado [Mr. THOMAS] has made one of the most lucid arguments that have been made in the Senate on the subject. He showed clearly that nobody has been able to contend against him as to his argument that if this amendment is included in the bill it will work harm. I want to reinforce his argument by an additional letter sent here by the Attorney General. The Senator from Colorado made a great argument, and I want to reinforce that argument by putting in the RECORD the argument of the Attorney General on this subject. He gives concrete cases to show the harm it will work and how difficult it will be to convict these men. This criminal statute is for the purpose of convicting guilty men, not innocent men. No loyal citizen can be convicted under it, and under the amendment it is believed by many that guilty men will escape. Therefore there is no reason for putting such an amendment in the statute.

Mr. KING. Mr. President——

Mr. OVERMAN. I yield to the Senator from Utah.

Mr. KING. The Senator from Maryland [Mr. FRANCE] just now said that outside of the Dark Ages there could not be found such a statute as this. I should like to put into the RECORD, with the permission of the Senator from North Carolina, the statute which was passed in Canada dealing with this question and cognate ones, and the statute in England is very much the same:

Whereas the ultimate constitutional authority the people of Canada have determined that the present war in which Canada with Great Britain and her allies is engaged is a just war and entered upon for just cause and from the highest motives, and on that should be prosecuted without faltering to a conclusion which shall insure the attainment of the purposes for which it was so entered upon; and

Whereas the mind of the entire people should be centered upon the proper carrying out in the most effective manner of that final decision, and that all questioning in the press or otherwise of the causes of that war, the motives of Canada, Great Britain, or the allies in entering upon and carrying on the same, and the policies by them adopted for its prosecution, must necessarily divert attention from the one great object on which it should be so centered, and tend to defeat or impede the effective carrying out of that decision; and

Whereas the day for consideration and discussion has passed, and the day for united action in execution of an unchangeable decision has come, and it is therefore necessary to remove every obstacle and hindrance to such united action; and

Whereas it is desirable to prohibit the publication of secret and confidential information as hereinafter set forth:

Therefore His Excellency the Governor General in Council, on the recommendation of the minister of justice, under and in virtue of the powers conferred upon the governor in council by the war-measures act, 1914, is pleased to order and enact an order and regulation, and the same is hereby ordered and enacted in the terms following, to wit:

ORDER AND REGULATION.

1. It shall be an offense—

(a) To print, publish, or publicly express any adverse or unfavorable statement, report, or opinion concerning the causes of the present war or the motives or purposes for which Canada or the United Kingdom of Great Britain and Ireland or any of the allied nations entered upon or prosecutes the same, which may tend to arouse hostile feeling, create unrest, or unsettle or inflame public opinion.

(b) To print, publish, or publicly express any adverse or unfavorable statement, report, or opinion concerning the action of Canada, the United Kingdom of Great Britain and Ireland, or any allied nation in prosecuting the war.

(c) To print or give public expression or circulation to any false statement or report respecting the work or activities of any department, branch, or officer of the public service or the service or activities of Canada's military or naval forces which may tend to inflame public opinion and thereby hamper the Government of Canada or prejudicially affect its military or naval forces in the prosecution of the war.

(d) To print, publish, or publicly express any statement, report, or opinion which may tend to weaken or in any way detract from the united effort of the people of Canada in the prosecution of the war.

(e) To print, publish, or publicly express any report of or to purport to describe or to refer to the proceedings at any secret session of the House of Commons or Senate held in pursuance of a resolution passed by the said House or Senate, except such report thereof as may be officially communicated through the Director of Public Information.

(f) Without lawful authority, to publish the contents of any confidential document belonging to, or any confidential information obtained from, any Government department or any person in the service of His Majesty.

2. Any person found guilty of an offense hereunder shall, upon summary conviction, be liable to a fine not exceeding $5,000 or to imprisonment for not more than five years, or to both fine and imprisonment.

The Senator will see this goes much further in many respects than the measure which is now under consideration.

Mr. OVERMAN. Of course, Mr. President, much further. I do not impugn the loyalty of any Senator, because I think every Senator on this floor is as loyal and as true to his country as I am. I am saying, as an argument, that if this bill contains the France amendment it will be the only criminal statute in the world that has such a provision in it. I say that without fear of contradiction; and I say you are putting this amendment upon a statute that is intended only to catch spies and I. W. W.'s and disloyal citizens in this country, and if we do not put it on

other criminal statutes referring to our entire citizenship, why should we put it on a statute which applies only to disloyal citizens? That is the argument I make, and I think it is a just argument, because you can not dispute the fact.

Now, as to the other amendment that was agreed to in conference, known as section 4, it is not in disagreement. Of course, Senators may differ about that matter. I want to say to the Senate that we discussed it over and over again on another occasion, not at the time the amendment was adopted, and it was adopted by the Senate by a large majority. Some Senators I know were not present, but that was not my fault. We had a time limit to vote and it was put on the bill.

We have to trust somebody, Senators, to administer the law. There has been too much of a tendency here in the Senate to oppose good measures on account of men. Is not that true? Senators have stood here and fought excellent measures because of the men who had to administer them. We have to trust somebody. That is not the way Senators should consider a great measure which is to be passed for the benefit of the citizens of this entire country.

Mr. SMITH of Georgia. Will the Senator let me ask him this question? Are the amendments on page 2 and page 3 in the same language that the Senate passed, or have they been changed?

Mr. OVERMAN. In what line?

Mr. SMITH of Georgia. On line 18, page 2.

Mr. OVERMAN. The conferees did not change anything material except as to the France amendment.

Mr. SMITH of Georgia. And everything else is in the same language the Senate adopted?

Mr. OVERMAN. Exactly the same language, except that it must be limited to the war. We agreed that this statute should be limited to the war. That is the only material change which was made in conference—striking out the France amendment. All the other amendments are as they were passed by the Senate, except that we left out the word "contemptuous" and we put in the word "willfully"; that not only must it be done with an intent, but it must be willfully done. That was suggested by the Senator from Colorado [Mr. THOMAS]. Those were the only changes in the conference report, except some words which were not material.

Mr. NELSON. If the Senator will allow me, we made one other small change in line 16. We struck out the word "discourage."

Mr. OVERMAN. Yes.

Mr. NELSON. It occurs in two places. We struck out the word "discourage" in both cases, so that it reads "obstruct or willfully attempt to obstruct."

Mr. OVERMAN. I said that there was no material change except limiting it to the time of the war and striking out the France amendment. I said that there had been some changes in language. We left out the word "contemptuous," as the House objected to those words.

Mr. SMITH of Georgia. That lessened, instead of increased, the force of the Senate bill?

Mr. OVERMAN. Yes.

Mr. SMITH of Georgia. And the insertion in section 4, "when the United States is at war," lessened the time of the duration of the proposed statute rather than increased it?

Mr. OVERMAN. Yes; as it passed the Senate the fourth section, giving the Postmaster General this power, was general, and we thought it ought to be confined simply to the war. That was the only material change in it. The Senate had passed it making it absolutely a general power.

Mr. SMITH of Georgia. And the conferees accepted it, provided that it were limited to the duration of the war?

Mr. OVERMAN. Provided it were limited to the war?

Mr. SMITH of Georgia. And the conferees of the House also agreed to strike out the word "discourage," which was put into the bill?

Mr. OVERMAN. Yes.

Mr. SMITH of Georgia. So that the only thing on which the Senate yielded that increased the vigor of the bill is amendment numbered 6 on page 3?

Mr. OVERMAN. That is all.

Mr. SMITH of Georgia. And the question now is whether we are willing to leave out amendment numbered 6, on page 3, as applied really to amendment numbered 5, on pages 2 and 3?

Mr. OVERMAN. That is all. That is the question now as to the adoption of the report.

Mr. President, I understand that some Senator—I think the Senator from Nebraska [Mr. NORRIS]—desires to make a motion to send the report back to conference with instructions to leave out section 4, which I hope will not be done. The whole argument here has ranged around that; that question has been argued here for months. I am not going further into the argument, except to say that I have a mass of literature before me—and if I had more time I should like to put some of it in the RECORD—showing that there is a German propaganda going on in this country through religious societies. I have seen letters in which it is stated they are trying to employ what are called colporteurs to distribute what they term religious tracts and quotations from the Bible among the employees in all our manufacturing institutions, telling them it is wrong to make munitions, and sending out literature of every kind and character. I wish I could put this matter in the RECORD, but there is too much of it, and I am not going to consume any more time of the Senate.

I hope the Senate will vote down the motion, if it is made, to recommit the report with instructions, and I ask for the adoption of the conference report.

Mr. SMITH of Georgia. Mr. President, it would not be in order for us to vote to refer the report back with instructions as to something which we had ourselves adopted?

Mr. OVERMAN. I do not think so, but I am willing to have the Senate act.

Now, Mr. President, I ask that the Secretary read the letter addressed to me from the Department of Justice. I wish I could also have the memorandum attached thereto read, but it is somewhat long, and I will ask that it be put into the RECORD.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Is there objection? The Chair hears none. If the Senator from North Carolina in charge of the bill will allow the Chair to inquire, does the Senator ask to have the letter to which he refers read or merely to be put in the RECORD?

Mr. OVERMAN. I ask that the letter be read, and that the memorandum be inserted into the RECORD.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 26, 1918.

Senator LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OVERMAN: Judging from the debate in the Senate yesterday the purport of the letter addressed to Mr. WEBB on April 16 does not seem to have been clear. This is the situation:

As already pointed out, the greatest danger to the country, internally, to-day is the use of different sorts of seditious propaganda, particularly the false pacifist propaganda. As section 3 now stands, without the proviso as to good motives and justifiable ends, the accused when brought to trial already has surrounding him all the protection afforded by the Constitution of the United States guaranteeing the right of free speech, etc. Further, to secure his conviction the Government must prove that he did willfully the act complained of, and it is also necessary, as the courts have invariably pointed out to the juries, for the jury to be satisfied that the acts were done or the utterances made with intent to obstruct enlistment or to cause insubordination, etc. About 250 defendants have either plead guilty or have been convicted by juries under this section. There has been no general complaint that the law has not been impartially administered or that individual liberties have been improperly interfered with.

It is quite unnecessary to say that the Department of Justice, even in war time, believes that the fullest measure of constitutional protection should be given to every defendant. That is already accomplished without the addition of the proposed proviso. In this connection I respectfully call your attention to the opinion recently expressed by ex-President William H. Taft, who has been recently quoted in the newspapers as stating:

"The statutes should never require proof that the uttering of disloyal sentiment is with the intent to stop the draft or to accomplish some other treasonable purpose. This is often difficult to show, and when it can be shown the crime should be regarded as of a higher order and should have severe punishment. The ground for penalizing such words without regard to the intention of the speaker is that they have one or two pernicious tendencies; they either stir those who hear to violence, and so produce a breach of the peace, or they influence others to share in the sentiment, and thus retard support of the war."

A few days ago one Clarence H. Waldron, convicted at Burlington, Vt., under section 3, was sentenced to serve a term of 15 years for attempts to cause insubordination in the military forces, etc. In his charge to the jury in this case United States District Judge Howe used the following language:

"The Government's evidence tends to show that the defendant intended to cause insubordination, disloyalty, and refusal of duty in the military forces of the United States; the defendant's evidence tends to show that the only intention which he had was to serve God.

"You should be careful not to mix motive with intent. Motive is that which leads to the act; intent qualifies it. A crime may be committed with a good motive, it may be committed with an evil motive, or it may be committed with a good and an evil motive. To illustrate: The father of a large family steals bread for his starving children and also to deprive the owner of its value. He has two motives; one is good and one is evil; but he is guilty, notwithstanding he has a good motive as well as an evil motive, for he must not steal at all. So in this case the defendant's intention to serve God does not excuse him, if you find that he also intended to cause insubordination, disloyalty, or refusal of duty."

This is an accurate statement of the law; but if at the time of this trial the proviso as to good motives, justifiable ends, etc., had been written in at the end of the statute, the court could not properly have made the statement of the law above set forth.

As a lawyer, you will readily understand what a cloud of confusing legal technicalities can be stirred up by introducing collateral questions as to what are justifiable ends, the personal motives of the defendant,

etc., especially in cases where the real issue should be the question whether the defendant has willfully crippled his country in war time.

The position of this department is this: This section is effective only during the period of war. For nearly a year the original section 3 has existed without the proviso, and no wrong has been done under it. There is no necessity now for inserting such a proviso. Without it the defendant will have the full measure of protection guaranteed him by the Constitution, and the Government will be, as now, required to prove beyond a reasonable doubt both intent and willful action. To insert such a proviso in the statute will place an additional and unnecessary burden on the prosecution which will seriously hamper the prosecution of the most dangerous forms of German propaganda. This is not a statement of opinion, but a statement of fact based on the actual experience of the past year.

Respectfully,

JOHN LORD O'BRIAN,
Special Assistant to the Attorney General for War Work
(For the Attorney General).

The memorandum referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 25, 1918.

MEMORANDUM ON PENDING AMENDMENT OF ESPIONAGE ACT.

In the pending bill to amend section 3, Title I of the espionage act, a clause was inserted in the Senate reading:

"*Provided, however,* That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives and for justifiable ends."

At the suggestion of this department said clause was eliminated by the conference committee, and the pending discussion in the Senate relates to that clause.

This clause might be interpreted as governing all cases under section 3, whether arising under the section as originally enacted or as amended by the new act. At the very least it would govern cases brought for attempting to obstruct or discourage the recruiting or enlistment service of the United States, which will be the provision under which most cases against propaganda will be brought.

The said clause relating to motives and justifiable ends will, as a practical matter, make the espionage act either entirely useless or materially decrease its usefulness as a weapon against pro-German or antiwar propaganda.

Most of the amendments inserted in the bill in the Senate do not concern that which may be properly termed "propaganda." They are concerned with disloyal, contemptuous, etc., language about the form of government or the flag or the uniform. These disloyal remarks or outbursts, against which these amendments are mainly directed, have seldom any effectiveness as propaganda. In fact, the debate in the Senate showed that these provisions were treated as police provisions made necessary because the disloyal remarks of the type indicated in the bill, instead of causing disloyalty, tend to cause a passionate loyalty which expresses itself in outrages and disorders. Consequently in dealing with these disloyal remarks which are brought within the scope of the espionage act by these amendments we are not dealing with propaganda; that is, effective propaganda which obstructs the prosecution of the war by obstructing the participation of the citizens in military service or other form of war service.

The dangerous propaganda seldom takes the shape of open and frank abuse of the United States or praise of Germany. It practically never takes the shape of advocacy of the cause of Germany or opposition to the cause of the United States in the war. It is seldom if ever possible to prove a German source of propaganda; that is, to prove that the financing of it or the instigation of it has a German source. On its face the propaganda generally shows a motive other than opposition to the cause of the United States in the war or the promotion of the cause of Germany; and it is seldom if ever possible to prove that there is a concealed motive to promote the cause of Germany. Despite its defects the espionage act has proved a fairly effective weapon against propaganda and if amended as suggested by this department there is every reason to believe that it will prove an exceedingly effective weapon against propaganda. Its effectiveness, however, for this purpose has come and must necessarily come from the principle that the motive prompting the propaganda is irrelevant and that the criminal nature of the propaganda is dependent either upon the intent of it or upon the natural or necessary effects of it. To make the question of motive relevant, as the said clause proposes, would be introducing an element which would enormously increase the difficulty of successful prosecution and enormously decrease the value of the espionage act as a deterrent of propaganda. Let me illustrate this by referring briefly to four or five of the current types of dangerous and effective propaganda.

One of these types may be classed as religious or Christian pacifism; that is, opposition to participation in the war on the ground that such participation is opposed to the tenets of Christianity and the word of God. As we know from authoritative information, it was this type of propaganda which was extensively effective in the weakening of the Italian Army which caused the great Italian retreat. It would, if permitted to spread, tend to weaken the fighting effectiveness of any nation. On its face this type of propaganda has the highest possible motive, namely the purely religious motive, and that is often the real motive. Even where not the real motive, any other motive would be generally impossible to prove. The statements made in this propaganda consist generally of quotations from the Bible and interpretations thereof, so that the statements of fact therein contained are generally true or at least can not be shown to be untrue. Convictions against this type of propaganda are only possible where the motive is irrelevant and the intent of the propaganda or the natural effect of the propaganda is the determining factor. Another class of effective propaganda, by which I mean propaganda which has an effectiveness in diminishing the fighting force of the Nation and contains the dangers of actually disintegrating the fighting force of the Nation, is that which is engaged in promoting the proletariat revolution. Its cardinal principle is that hostility between nations is due to commercial and capitalistic rivalry; that the real hostility is between the proletariat of all nations and the capitalists of all nations. We know that this type of propaganda has had serious results in weakening the fighting effectiveness of Russia. It contains few assertions of facts, at any rate; assertions of facts can easily be avoided without reducing the effectiveness of the propaganda. On its face its motive is not treasonable; that is, on its face its motive is not to assist the enemy. Where a treasonable motive exists, this motive is concealed and seldom discoverable. To introduce the element of motive is to render the statute practically useless against this type of propaganda.

Another type analogous to the previous type is that which promotes the theory that international socialism is opposed in principle to this war. The promotion of international socialism can not, when representing genuine convictions, be attributed to bad motives. It represents one theory as to the best way of promoting human happiness, and the promotion of human happiness is a good motive. Yet this propaganda sometimes takes a shape which might have great effectiveness in obstructing war preparation and the conduct of the war.

Another type is that which is engaged in the promotion of greater equality of treatment of the negro, and proclaims that the requirement of military service on the part of the negro entitles him to be free from lynchings and various social and political discriminations. The statements of fact used in this propaganda are frequently true. The promotion of better conditions for the negro often is and may be based upon good motives; yet this propaganda often shows the intent and more often shows the tendency or natural effect of obstructing the war.

Many other types of dangerous or effective propaganda based on good motives, or at least where proof of disloyal motive is practically never available could be added. In short, the well-known distinction in criminal law between motive and intent is a distinction upon which the effectiveness of the espionage act as a weapon against dangerous antiwar propaganda largely depends.

To make the question of motive relevant in these cases, as would be done if the said clause were retained, would most seriously impair, if not totally destroy, the effectiveness of the espionage act against those types of propaganda which are really the most dangerous or effective types.

The recent trial in the district of Vermont of Clarance H. Waldron may furnish an illustration. The charge of the court in that case has been incorporated in Bulletin No. 79 of the Interpretation of War Statutes, a copy of which is hereto attached. On page 6 it will be noted that the court told the jury to be careful and not mix motive with intent, as a crime may be committed with a good motive. If the proposed clause were inserted in the bill not only would the court have been forced to omit all reference to this well-known distinction between motive and intent, but, on the contrary, would have felt it necessary to inform the jury that it could take the motive of the defendant into account and would have to acquit him if it felt that the utterances made by him had been made with a good motive.

The prevalence in the country of certain kinds of disloyal expressions bearing some analogy to the old types of libel of the Government has quite naturally caused the Senate to insert a clause taken from the history of the law of libel. This clause has no appropriate place, however, in a statute or part of a statute dealing with modern war propaganda. If it is to be retained in the act at all, it should be most carefully limited to those portions of the act which are analogous to the law of libel, as, for instance, those provisions directed against disloyal or abusive language about the form of government of the United States or the Constitution of the United States or the military forces of the United States, etc.

All question of motive should be most carefully excluded from those provisions of the statute under which the more subtle, dangerous, and effective types of antiwar propaganda will have to be fought.

Mr. OVERMAN. I desire also to put in the RECORD another memorandum which has been sent to me by the Attorney General, showing how the France amendment would impose such a burden on him that he doubts whether in many cases he could convict guilty men if the amendment is left in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum referred to is as follows:

MEMORANDUM ON THE PROPOSED AMENDMENT TO SECTION 3, TITLE I, OF THE ESPIONAGE LAW.

The opinion of the Military Intelligence Branch is entirely adverse to the amendment to the espionage law to the effect that section 3, Title I, shall not apply to those who utter, "what is true, with good motives and for justifiable ends."

Experience teaches that such an amendment would to a large degree nullify the value of the law and turn every trial into an academic debate on insoluble riddles as to what is true. Human motives are too complicated to be discussed, and the word "justifiable" is too elastic for practical use.

There could hardly be less harm in a law saying that a soldier shall not be punished for disobedience, provided he bases his refusal to serve on grounds that are true and justifiable, and proves that his motives are pure. Our soldiers temporarily surrender their liberties of thought and speech and action in order that they may save them for the future. The whole Nation must subject itself to discipline until after the war. Otherwise in defending liberties in detail, we may lose liberty altogether.

In every division camp there are so-called "conscientious objectors" who refuse to do any military duty whatsoever. They endeavor to spread their policy throughout the camps. They are stimulated by numerous publishers and orators. The Intelligence Service has in its files great quantities of books, periodicals, circulars, and letters intercepted and confiscated. The truth of these documents depends on the point of view of the reader. The motives alleged are the highest, and yet their unrestricted dissemination could only serve to stir men up to mutiny and tend to disintegrate our entire Army.

One of the most dangerous examples of this sort of propaganda is the book called "The Finished Mystery," a work written in extremely religious language and distributed in enormous numbers. The only effect of it is to lead soldiers to discredit our cause and to inspire a feeling at home of resistance to the draft.

The Kingdom News, of Brooklyn, prints a petition demanding that restrictions on "The Finished Mystery" and similar works should be removed, "so that people may be permitted, without interference or molestation, to buy, sell, have, and read this aid to Bible study." The passage of this amendment would reopen our camps to this poisonous influence.

The International Bible Students' Association pretends to the most religious motives, yet we have found that its headquarters have long been reported as the resort of German agents.

Shakespeare wisely said that "the devil may quote Scripture to his own purposes," and the Germans are peculiarly fond of abusing the religious spirit. The Kaiser appeals for obedience to his every behest on the claim that he is the divine representative and spokesman. The German clergy has been a unit both at home and throughout this country in denouncing all resistance to the Kaiser as impious.

The collapse of the Italian Army last year was largely due to the religious literature printed in Italian and dropped among the troops by Austrian airships. The Germans have recently dropped among the British troops thousands of copies of a sermon by the Rev. John Haynes Holmes with a view to stirring up mutiny. This preacher resides in America and is linked with the Finished Mystery group. His motives are fanatically sincere, and he thinks his ends justifiable, yet it is evident that if his sermons appeal to the Germans as ammunition, they must be dangerous in our country. The amendment proposed would leave such preachers to unrestricted sedition.

The gospel of sabotage is preached by many eminent professors in eloquent terms. Destruction of property, ruination of sawmills, burning of crops, sinking of ships, are all advocated as acts of high principle looking toward the betterment of labor. The result is the hampering of military success and it is the result, not the motive, that must be guarded against. The damage to life, property, and efficiency already done by these doctrines is great, and they threaten greater damage.

The motives of a negro preaching the elevation of his race could hardly be attacked as bad, yet the result may be equivalent to the prevention of reinforcements. G. H. Mason, a negro pastor of Jackson, Miss., preached resistance to the draft, with the result that only 31 out of 63 negro registrants in that country responded to the call.

There is no more dangerous element in this country than that which conscientiously battles for unlimited individual freedom of act and speech at this time. The persons assume the highest ethical and philosophical grounds, but their influences is as paralyzing as that of the fanatics whose motives are so earnest that they will commit arson, murder, or suicide to register their beliefs.

The motives of the Bolsheviki in Russia were good, their ends justifiable in their eyes, and their criticisms of the administrations were true, but they overlooked the military danger of such discussions, with the result that the soldiers shot nobody but their own officers and their fellow citizens, and the Germans are still marching almost unresisted across the prostrate nation in spite of a treaty of peace.

The only ones who have profited by the Russian excess of liberty are the Germans who do not believe in personal freedom except in the countries they wish to conquer.

The passage of this amendment would greatly weaken American efficiency and help none but the enemy. Results, not motives, count in war, therefore the law and its executors should be concerned with procuring desirable and preventing dangerous results, leaving motives to the mercy of the judges or to the perspective of historians.

Mr. FLETCHER obtained the floor.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Montana?

Mr. WALSH. I want to say a word concerning the letter which has just been read, if the Senator from Florida will permit me.

Mr. FLETCHER. I yield for that purpose, Mr. President.

The PRESIDING OFFICER. The Senator from Florida yields, and the Chair recognizes the Senator from Montana for the purpose expressed.

Mr. WALSH. Mr. President, I do not want, even by remaining silent, to have it supposed that I at least accept at all the reasoning either of the Assistant Attorney General or of the district judge whose opinion he quotes. I do not recognize that in the application of the very well-understood clause, "with good motives and for justifiable ends," anybody can excuse himself for a plain violation of law. That is not "a justifiable end" which is a violation of law. So, Mr. President, if one under the statutes has the intent to obstruct enlistment, he can not say that he was actuated by good motives, and there are no justifiable ends. So, in respect to the case cited by the judge of the man who steals bread to save his child from starvation, he can not claim that he is actuated by good motives and for justifiable ends, because the law will not recognize the stealing of bread as excusable, even though it be done for the purpose of saving a child from starvation. That is not a "justifiable end" in the contemplation of the law.

So, Mr. President, with reference to the people who teach the evil of bearing arms and the evil of participation in military activities of the Government, if their teaching is done with the intent to obstruct enlistment or to incite insubordination in the Army, they can not escape responsibility for their act by saying that they were actuated by a desire to serve God.

Mr. President, that was all tried out in the Mormon cases. The Mormons, formerly at least—and I assume that the thing has been abandoned—taught—at least, as it is generally understood—that plural marriage was not only countenanced by Holy Writ but was a highly commendable thing. Doubtless they believed what they taught, and they taught it with the best of motives; but the law forbids plural marriages. They could not say that they were actuated by good motives or for justifiable ends.

Mr. SMITH of Georgia. Both the motives and the ends must be justifiable.

Mr. WALSH. Of course. The end must be one which the law recognizes as justifiable. Therefore, Mr. President, in all of these cases, if the man actually is guilty of the criminal intent contemplated by the statute, if he does really intend to block our armies in any way or to incite insubordination or mutiny among our soldiers, or if he intends in any way to obstruct the draft, he can not escape condemnation under this act as it now stands or as it will be if it goes into force without the France amendment. He can not escape responsibility in that way.

Mr. FLETCHER. Mr. President——

Mr. KING. Will the Senator from Florida yield to me?

Mr. FLETCHER. I yield to the Senator from Utah.

Mr. KING. The other day during the discussion of one phase of this conference report, particularly that to which the Senator from Idaho [Mr. BORAH] addressed himself, attention was called to the fraud statute and to the holdings of the court in respect to that statute. I have received a letter from the Solicitor of the Post Office Department and I should like to have it read at this time as a part of the discussion upon this phase of the conference report.

The PRESIDING OFFICER. The Chair hears no objection, and the letter referred to by the Senator from Utah will be read.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
Washington, May 4, 1918.

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR KING: I read in the RECORD this morning the speeches in the Senate of yesterday and your remarks in the course of the debate.

The language of section 4 under discussion is identical with that of the fraud statute, and it is impossible to make any distinction between the practical operation of the two measures. The fraud statute itself does not provide for a hearing, nor does it provide that a fraud order shall only be issued against persons who have been convicted of the fraud, as one might assume from the remarks of Senators.

The Postmaster General would at the present time have as much power to issue fraud orders against newspapers for political purposes or in order to accomplish any of the purposes suggested by Senators in furtherance of political interests under the existing fraud statute as he would have to issue orders for the return of such mail under section 4 of the bill. The fraud statute itself does not even provide for a hearing. As a matter of practice and in order to administer absolute justice, full hearings are held in fraud cases; that is, where conclusive evidence of the fraud does not appear upon the face of the papers before the department. This practice would undoubtedly be extended to cover seditious cases, but in the latter class much of the illegal matter under the espionage act would appear on the very face of the literature being circulated, which would make a hearing unnecessary in some cases. In fact, the public interests might seriously suffer by permitting the continued use of the mails to one sending literature manifestly in violation of the espionage act pending such hearing.

Nor does the analogy between the fraud statute and the proposed law stop at what has been said. The fraud statute does not provide in terms for a review by the courts, but it is settled law that the equity courts have jurisdiction to restrain orders of the Postmaster General where they are issued contrary to law or where for any reason it appears the Postmaster General has acted in an arbitrary or capricious manner.

This is a war measure and is intended to prevent this great governmental instrumentality—the mails—from being used against the interest of the Government in the prosecution of this war. The equity courts would have the same jurisdiction to restrain improper orders of the Postmaster General under section 4 of this proposed bill that they now have under the fraud statute. If the Postmaster General should attempt to use this power for other purposes, political or otherwise, such as has been suggested in the course of the debate, he would not only violate the law himself, a remedy for which would immediately be available in injunction proceedings, but make himself the object of ridicule and contempt of the American people, with the result that instead of accomplishing any political advantage such action would be a political boomerang.

There is a further analogy between this class of legislation and fraud legislation. Not only has Congress provided for the issuance of fraud orders by the Post Office Department, upon evidence satisfactory to the Postmaster General, but, as in the matter under consideration, there is a companion criminal statute making it a penal offense to use the mails for fraudulent purposes. The delays incident and the technicalities resorted to in criminal proceedings have demonstrated beyond any doubt that the preventive measure employed by the Post Office Department is infinitely more effective in preventing frauds than the criminal provision. The fact is that the action of the Post Office Department in detecting frauds has furnished the information upon which criminal prosecutions have followed.

The recent case of the Masses Publishing Co., where the magazine has been barred from the mails since last July, and where the courts have sustained the action of the department, but where the criminal proceedings are still pending after one mistrial, is an example of the relative efficiency of the two methods in handling seditious matter. The Masses case is merely typical. In many such cases it takes years to bring offenders to trial in fraud cases.

Much of the seditious matter that is now being circulated is distributed by persons or concerns throughout the country in circular form and and is accompanied by urgent solicitations for funds to continue the propaganda work, and hundreds of thousands of dollars are being sent through the mails to the distributors of such literature. The proposed section 4 would enable the Post Office Department to promptly reach and suppress this evil. The propagandists now engaged in this work in most cases are willing to serve prison sentences if they are only permitted to conduct the propaganda. They are largely of a class who have nothing to lose by a prison sentence, and, in fact, such sentence simply brings the martyrdom they seek in the eyes of those whom they endeavor to mislead.

I may add, in conclusion, that the practice in the department in all cases where fraud orders or similar orders of the Postmaster General are made is that a finding of the facts before the department is made up by the solicitor for the department and form a part of the record of the case and are made a part of the order of the Postmaster General, all of which are available to the interested parties for use in the courts or otherwise.

The theory underlying fraud, lottery, and other similar statutes is that the matter prevented from being carried in the mails is against public policy. If the practice of a fraud which only affects a few individuals is against public policy, how much more against public policy is the circulation of matter which in time of war strikes at the very heart of the Republic? And why should not all use of the mails be prohibited to one engaged in such undertaking?

Very truly, yours,

W. H. LAMAR, *Solicitor.*

Mr. FLETCHER. Mr. President, there need be no further argument in respect to the provision in the bill which was inserted here in the Senate; that really is not up for discussion, as I view the matter. Of course, we have a perfect right to discuss it, but it is not involved in the question before the Senate at this time. The sole question is, Shall the Senate agree to this conference report? The conference report has not changed that provision in the bill to which the letter just read is addressed, and to which a good deal of discussion has been directed. It does not change that in any respect whatever, except to insert at the beginning of that clause, section 4, the words "when the United States is at war"; in other words, it limits the application of this post-office provision to the period of the war. That is the only thing the conferees did with respect to that provision of the bill, otherwise it remains precisely as the Senate adopted it, and I have not heard anywhere any objection to the language inserted by the conferees. I take it that all those who were opposed to the original provisions of the bill prefer it with that language, and all those who favored the original provisions certainly have no objection to that language.

Mr. HARDWICK. Mr. President——

Mr. FLETCHER. I yield to the Senator.

Mr. HARDWICK. I agree with the Senator that that is so; but, at the same time, when it comes to the adoption of the conference report in its final form, Senators who are opposed to any part of the bill as originally passed may still oppose the adoption of the conference report.

Mr. FLETCHER. I concede that.

Mr. HARDWICK. That, of course, involves no reflection upon the action of the conferees.

Mr. FLETCHER. I concede that. I say we have the right to thrash this all out again; we have a perfect right to do that and object to the whole bill; and the discussion has for two days and a half very largely been directed against the bill as a whole, rather than against any action by the conferees. We have gone over and over here in the last two days and a half precisely what we undertook to settle when we passed the bill and sent it to conference. We have a right to do that, of course; but I am not going into that field, because I supposed it had been settled and concluded, and, so far as I am concerned, it was settled right. All I propose to deal with is the conference report.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I yield to the Senator.

Mr. GALLINGER. I quite agree with the Senator that the words the conferees placed in the bill, limiting the operation of this proposed statute to the period of the war, improve it. At the same time the conferees openly violated a rule of the Senate, and if any Senator wished to make the point of order that the conferees had inserted matter that neither House had considered, the conference report would go back to conference. I have no disposition, however, to raise that point, and I apprehend that no other Senator will do so.

Mr. FLETCHER. I appreciate what the Senator has said; but at the same time I differ with him as to a violation of any rule of the Senate, because that amendment was in conference as a whole; the House said, "We will agree to it, provided you amend it so and so."

Mr. GALLINGER. Mr. President, the Senator will remember that we amended the rules only two or three weeks ago, and in the new rule it is specifically stated that the conferees shall not insert any matter that has not been agreed upon by either House, nor shall they strike out anything that both Houses have agreed to. I simply call attention to that, without any intention of raising the point at this time.

Mr. FLETCHER. I am very glad to have the Senator mention it. I will try to keep it in mind in any future work of that kind, but I was not under that impression; my judgment is that the Senator is in error about it.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for just a moment?

Mr. FLETCHER. I yield to the Senator.

Mr. SMITH of Georgia. Mr. President, it seems to me the Senator from New Hampshire, usually so accurate on questions regarding the rules, is not right about this matter. The Senate passed this provision with reference to the Postmaster General and made it apply for all time. The House came in and said, "We will not accept that, but we will yield if you make it apply only for a limited time." To yield for a limited time what has been made applicable for all time is a legitimate conference agreement. The question was, Shall it be for all time? The House said, "No; but we will agree to it for a limited time." To say that the provision shall apply for a limited time is to accept part of what the Senate has done. All that the Senate did was in conference, and the House accepted part of what the Senate did. If we can not in conference under our new rule make an agreement of that sort, our new rule has cut us practically out of bringing the two Houses together.

Mr. GALLINGER. I think the Senator probably is familiar with the amendment to the rule.

Mr. SMITH of Georgia. I was on the subcommittee of the Committee on Rules of the Senate when it was prepared.

Mr. GALLINGER. If the Secretary has it at hand, I wish it might be read now. However, I do not wish to prolong the controversy at all, and I will not ask that it be read; it is very explicit.

Mr. FLETCHER. Mr. President, as I was saying, the arguments which have been advanced during the discussion of this whole question as to whether or not we will agree to the conference report have been arguments directed against the entire bill.

There is need of this legislation, Mr. President. It began, if I may be permitted to trace briefly its history, in a very innocent sort of way. It was suggested by the Department of Justice, because we had inadvertently overlooked in the original act, approved June 15, 1917, the language found in section 3 of the pending measure, which applies to "causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty."

In the next portion of that section we use the language—

or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service of the United States—

Omitting the words "or attempt to obstruct."

Cases arose where it was difficult to prove an actual obstruction to the recruiting or enlistment, but there was an effort made to obstruct. Attempts were made. The intention was there. The purpose was there. The motive was there. Everything which the law condemned was there, but it did not actually result in preventing or obstructing the enlistment or the recruiting. Now, we had overlooked the use of those words, "or attempt" to do these things. We used them in the first part of section 3 of the original act, and omitted them in this part of the section. They are absolutely necessary words. So that this measure was proposed in the House in order to cure that defect; and you will find, referring now to section 3, that about all that was added in the original bill was this language in line 15:

Or shall willfully obstruct or willfully attempt to obstruct the recruiting or enlistment service of the United States.

That was primarily the purpose of the bill when it was introduced. It came to the Senate, was referred to the Committee on the Judiciary, and there certain amendments were offered; and the amendment reported by the committee, which is numbered 5, and some others were agreed to in the Senate. There was an added amendment, numbered 6, offered by the Senator from Maryland [Mr. FRANCE] in the Senate.

The House disagreed to these amendments, and asked for a conference. We agreed to the conference, and the conferees then took up the measure. The House conferees were willing to accept the Senate amendment numbered 4, provided we struck out the useless words—I regard them as useless—"or discourage" as they appear in lines 15 and 16, so as to leave the act:

Or shall willfully obstruct or willfully attempt to obstruct the recruiting or enlistment service of the United States.

There is no use in using the words "discourage or attempt to discourage," as we conceived; and we agreed with the House conferees upon that proposition. They agreed to the other amendments proposed and adopted in the Senate, with the addition in line 23 of page 4 of the words I have just mentioned:

When the United States is at war the Postmaster General may—

And so forth. They insisted upon disagreeing to amendment numbered 6, which is the matter offered by the Senator from Maryland, in this language:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

The Senate conferees were obliged to yield on that amendment; and the report comes here practically with that the only

change made in the action of the Senate—the omission of that proviso from the bill—if the conference report is agreed to.

The effect of such a proviso in this measure would be to place upon the Government the burden of proving what? Either one of these offenses mentioned in amendment numbered 5, for instance, that the defendant did—

willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States.

You not only must prove that as a fact beyond a reasonable doubt in order to secure a conviction, but, if the defendant is permitted to set up as a defense that what he said was true, and was said with good motives and for justifiable ends, then the Government must meet that, and carry the burden of proving beyond a reasonable doubt not only that these things were uttered which the language of the law condemns, but that they were not true, that they were not uttered with good motives, nor were they uttered for justifiable ends. Therefore, in order to secure a conviction under this act, the Government would have to establish not only that the defendant did or said the things that are condemned by the act, but, in addition, beyond a reasonable doubt, that those things were not true that he said or did, that they were not said or done with good motives, and that they were not said or done for justifiable ends.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. I do.

Mr. REED. Does not the Senator think that is purely a matter of defense, and that the instruction of the court would be that if the defendant had uttered the words, and if those words had the effect condemned by the bill, they could find him guilty unless the jury further found that the words uttered were true, and that they were uttered for justifiable purposes? Would not that be the instruction?

Mr. FLETCHER. That might possibly be the form of the instruction; it might be put in that form; but I believe that the court would be obliged to instruct the jury, if requested by the defendant—as of course it would be—that the burden was on the Government to establish not only the fact that the defendant uttered this contemptuous, abusive, or profane language regarding the Government or the flag or the military or naval forces of the United States, but that what he said was not true, and was not uttered with good motives or for justifiable ends. I think if you put this provision in the law you will impose upon the Government the additional burden not only of proving the facts denounced in the bill but of proving that they were not true, and that they were not uttered with good motives and for justifiable ends. It hampers the Government. It gives the defendant the opportunity of coming into court with a plea under which he can exploit his views, under which he can read extracts from various authors by way of establishing the truth of what he has said, and by way of undertaking to justify the ends which he aimed to accomplish and the motives which prompted him.

Mr. SHERMAN. Mr. President, may I make an inquiry of the Senator on the matter he has just commented upon?

Mr. FLETCHER. I yield.

Mr. SHERMAN. Do I understand that according to the Senator's view this provision would impose upon the Government the burden of proof to show that the defendant did not make the statement objected to with good motives and for justifiable ends?

Mr. FLETCHER. I think that would be the effect of this provision.

Mr. SHERMAN. I never have seen, in any jurisdiction, or in any State or Federal prosecution for criminal libel or similar offenses, a case where the Government or the State in the first instance assumed the burden of proof, and was obliged to make it out as a part of the case for the prosecution. That is a matter to be set up by the defendant in defense.

Mr. FLETCHER. Precisely; and if this were limited to civil trials the rule to which the Senator refers would undoubtedly hold good. But a different principle controls the proof in civil cases than that which controls in criminal cases. In all criminal cases the case must be made out beyond a reasonable doubt. The burden is on the Government to establish beyond a reasonable doubt the charges laid in the indictment or complaint, and the charge laid in this indictment and complaint must include not only the facts stated in the language of the bill but the averment that the things charged were not true and were not for justifiable ends and with good motives. That must be the charge in the indictment if you insert a provision like this, and the Government must prove beyond a reasonable doubt every one of these charges.

I concede that if the burden is on the plaintiff in a civil suit, it may be shifted to the defendant by his setting up a defense justifying his act. Then the burden is upon him to establish that. But that is not the rule governing the prosecution in criminal cases. The Government must establish the averments set forth in the indictment, and each and every one of them beyond a reasonable doubt. I believe the effect of such a proviso in this bill would be to impose upon the Government the burden of proving the averments in the indictment which would conform to the description of any offense that might be outlined in the language of the act itself, and, in addition to that, overcoming this which is allowed to be set up as a matter of defense.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Illinois?

Mr. FLETCHER. I do.

Mr. SHERMAN. The very terms of the bill itself say that when the statement is made with good motives and for justifiable ends that shall be a complete defense. I think I give the substance of it. That is a matter of defense. In drawing an indictment the district attorney would not make averments negativing the facts that constitute the matter of defense. It is enough for the Government simply to charge that by the utterance or printing of a certain series of words the offense is committed. Then the Government does not go further in the indictment and aver negatively that it was not for these purposes that might be set up in defense.

Mr. FLETCHER. Will not the Senator admit that this would destroy the usual rule that the defendant is presumed to intend the consequences of his act? If he is permitted to set up as a matter of defense that what he said or uttered was true, or that what he said or published was true, then the usual rule, after proving that what he had said or what he had published was in violation of the language of the act, would be overcome merely by the statement that what he said was true or what he published was true.

Mr. SHERMAN. But undoubtedly the district judge of a Federal court, in charging the jury, would instruct them that unless they were satisfied from all of the evidence that the defendant had brought himself within the provisions of the act, they must convict the defendant. That is the general rule, and I do not think this changes it.

Mr. FLETCHER. Very well. Now, without dwelling upon that any longer—because the time is very limited—I conceive that this provision is sound in the law of libel, that it reaches the situation in the case of publications in newspapers and that sort of thing; but this is a criminal statute, which is not directed merely to what may be published in some newspaper. It is not a libel at all. It is a criminal law intended to reach offenses against the United States; and, in my judgment, that provision has no place in a criminal statute.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. I do.

Mr. FALL. May I ask the Senator if it is not his opinion that this entire statute is intended to reach what is really an assault against the United States—an assault by words?

Mr. FLETCHER. Precisely.

Mr. FALL. It is not a libel nor a slander statute——

Mr. FLETCHER. Exactly.

Mr. FALL. But it is a statute designed to cover an assault. This is an assault upon the United States.

Mr. FLETCHER. That is what I claim, Mr. President. That is what I mean to say; and in that view the provision is misconceived as applicable to this kind of a statute. It does not impinge upon the right of free speech and free press, and that sort of thing, to enact provisions such as we propose to enact in this bill. This proviso, as I say, might be perfectly sound if we were enacting a statute on libel or slander; but this statute is not at all of that nature. It is in some respects similar to a statute dealing with criminal libel, but it covers a vast number of other things to which this proviso can not apply at all; and, as I say, it would practically mean that it would be impossible to convict a defendant charged with a violation of what we admit ought to be declared a breach of order or a violation of law. It gives him the opportunity to exploit his doctrines and his beliefs and his contentions in the courthouse, and to get better advertising and publicity, and to do more harm with those views. It imposes upon the Government a burden which it would be impossible for the Government to bear

successfully in the prosecution of many cases that ought to be prosecuted under the law.

I submit that we ought to adopt this conference report, which would, in effect, omit that provision from the bill as it came from the Senate.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Connecticut?

Mr. FLETCHER. I yield.

Mr. BRANDEGEE. I want to speak about two minutes before the vote is taken; and I simply wanted to say to the Senator that I hope he will not take all the time. I have not taken a minute on the bill.

Mr. FLETCHER. I would have been through long ago if Senators had not interrupted me.

Mr. BRANDEGEE. I know.

Mr. FLETCHER. I realize that the time is short.

Mr. BRANDEGEE. I do not want to hurry the Senator, but I want him to fix it so that I can have two minutes.

Mr. FLETCHER. Precisely. I am not going to take longer time, Mr. President. I realize the situation.

I wish to insert in the RECORD a clipping from the Washington Post of May 2, which refers to the case mentioned by the Senator from Massachusetts [Mr. LODGE] this morning. Of course, I do not know what the facts are about that case; but I think there are other things in this editorial which are quite material, and that it ought to go into the RECORD. I think that a provision of this sort would encourage spies and people who are disposed to hamper and interfere with the proper prosecution of the war by the Government.

The VICE PRESIDENT. In the absence of objection, the editorial will be printed in the RECORD.

The matter referred to is as follows:

TENDERNESS TO SPIES.

A somewhat remarkable story is contained in the news dispatches. An individual held at Leavenworth prison acknowledges himself a deserter from the American Army. According to the statement, he was a spy before the entrance of the United States into the war. Working under the direction of one of the attachés of the German Embassy here, he spread German propaganda in various communities. Arrested later, he was released on promising to become an American citizen. He then joined the Army and further aided the German Embassy by forwarding important information. Desertion "by orders" from the same source followed. He is now to be interned for the duration of the war.

This story, if true, should be most encouraging to spies of all classes. Count Luxburg, if he has any sane moments remaining, must feel that Argentina has been unwarrantedly severe in her treatment of one who would merely sink a few boats without a trace instead of plotting against a whole nation. Von Bernstorff and the gallant Boy-Ed will doubtless regret the passing burst of passion which dictated their abrupt departure for other climes. As for the lesser fry among the spies and traitors still in our midst, a marked increase of plotting and crime may be looked for.

They do things better in France. The Teuton in any guise is given very brief time to read his title clear. It behooves him to have credentials close at hand of the most convincing character. Should he fail, French courtesy still stretches to the extent of making a note of future condolences to his widow. So it is in Great Britain and Italy. Russia still embraces the Teuton propagandist in what is left of her once ample bosom, but the spectacle is not attractive, nor is it seemly that the United States should be as idiotic as the Bolsheviki in trusting the perfidious enemy.

Mr. BRANDEGEE. Mr. President, speaking of the spy question and the espionage question and the censorship question, I received this morning a letter signed by Irving Washburn, written upon the official stationery of the Assistant Attorney General at 641 Washington Street, New York City, with this statement upon it:

Address all communications to "The Assistant Attorney General."

Then there is the seal of the Department of Justice, with the American eagle, the symbol of freedom, flying above this notation:

In replying refer to I. W.

Which are the initials of the signer of the letter, Mr. Irving Washburn, whatever he may be.

I send the letter to the desk and ask that the Secretary read it.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Address all communications to "The Assistant Attorney General." (Seal of Department of Justice.) Customs Division. In replying refer to I. W.]

OFFICE OF ASSISTANT ATTORNEY GENERAL,
641 WASHINGTON STREET,
New York, May 3, 1918.

Hon. FRANK B. BRANDEGEE,
Senate Office Building, Washington, D. C.

DEAR SENATOR: In the New York World of yesterday morning you are quoted as saying of some one recently appointed by President Wilson, in substance, as follows:

"I only know that he was appointed by the President, and I take it from that that he has no qualifications."

Remembering you very well personally in connection with my visits to New London years ago in the matter of Anna W. Ferris, in which I was associated with your firm, I am solicitous to know if you are correctly quoted by the World.

I trust that you will look upon this as a desire to test the World rather than yourself, and shall be grateful to you for any reply you may wish to make.

Yours, fa thfully, IRVING WASHBURN.

Mr. BRANDEGEE. Mr. President, we have not passed any test act yet in this country, and I do not propose that that gentleman shall test me. He can test the New York World if he wants to, or any other newspaper, but he can not test me.

On page 5741 of the CONGRESSIONAL RECORD, under date of April 29, 1918, this colloquy ensued between the Senator from California [Mr. PHELAN] and me:

Mr. PHELAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from California?

Mr. BRANDEGEE. I yield to the Senator from California.

Mr. PHELAN. May I address a question to the Senator from Connecticut?

Mr. BRANDEGEE. You may.

Mr. PHELAN. What is the business or profession of Mr. Borglum?

Mr. BRANDEGEE. He is a sculptor.

Mr. PHELAN. An artist?

Mr. BRANDEGEE. He is a great sculptor, like St. Gaudens.

Mr. PHELAN. Has he any qualifications to judge of flying machines?

Mr. BRANDEGEE. I do not know. The President selected him, and, therefore, I think probably he did not have any qualifications. [Laughter.] I do not know. Let the Senator from California go to his President and find out. I can not find out anything.

Now, I get a letter from an Assistant Attorney General, or somebody who has access to his stationery. I do not remember ever having met the gentleman, though he claims that he met me on some official business years ago. I have been informed since I came on the floor that he is connected with the customs department over in New York.

I think that is an outrage, Mr. President. If that is the way espionage and censorship is to be conducted in this country—if you can not say that you do not think the President appoints the right men to office, or that you do not think he is a good judge of men, or that you do not think the men he appoints have the proper qualifications—we may as well disband and set up a kind of a czardom in this country.

I read from the Constitution of the United States:

The Senators and Representatives * * * shall * * * be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same, and for any speech or debate in either House they shall not be questioned in any other place.

And this little "two spot" presumes to question me about whether I made the remark or not, and he says he does not want to test me, but he wants to test the New York World. Well, he is right there in New York. Let him test the New York World; I do not care; but I think it is an outrage, Mr. President.

Mr. SHERMAN. Mr. President, I quite agree with the Senator that it is; but I want to inquire if this is not an anticipation of the beginning of the reign of terror that is proposed under just such legislation as this; that every person who has a seal, or has sense enough to dictate a letter to a good stenographer who can write it out legibly and grammatically, will be addressing inquiries of that kind, especially when Congress adjourns, to every person who differs from these self-constituted despots?

Mr. BRANDEGEE. Why, we will have George Creel at the head of a firing squad here inside of three months if we pass this kind of legislation.

Mr. FLETCHER. Mr. President, is it not also true that Senators ought to be rather careful about making statements in their places on the Senate floor about men and about officials?

Mr. BRANDEGEE. The Senator must be the judge of his own conduct and I will be the judge of mine. I will make just such statements as I think I ought to make in this free democracy, and I will hold myself responsible for them to the full extent of the law.

Mr. FLETCHER. I am not saying this so much with regard to what the Senator from Connecticut has said; but my observation is based upon instances where Senators have stood on this floor and made statements that in my judgment were unfair and unjust to individuals and to officials. I think that is wholly wrong.

Mr. BRANDEGEE. Mr. President, I have the floor, and I say I do not care what any other Senator has said. If any Senator has made statements that were unwarranted, let him be held responsible. I never have made a statement, and I hope I never shall make a statement—I shall not intentionally do so—that I can not back up with the facts. If it has gotten so that a Senator of the United States can not stand on this floor and give utterance to his honest opinion in respectful language, differ as he may politically or in any other way, without being

called down by some Creel bureau or some little, miserable magazine scribbler, all of whom are on the Creel pay roll now—all the muckrakers are there—if it has gotten to that point, why, let us dissolve this Government and set up another boisheviki outfit.

Mr. THOMAS. Mr. President, the Senator says he is responsible for all the statements he makes upon the floor.

Mr. BRANDEGEE. I am.

Mr. THOMAS. I have no doubt that is true; but I wish to ask him what a "two spot" is? [Laughter.]

Mr. BRANDEGEE. The Senator has voted to confirm enough to know. [Laughter.]

Mr. THOMAS. Not enough to know just what that term means.

Mr. SMITH of Georgia. Mr. President, I regret that the conferees have abandoned this amendment numbered 6. I would rather it had been kept in. I do not agree at all with the views of the Assistant Attorney General as to its effect. I agree with the view of the Senator from Montana [Mr. WALSH] on that subject. But, Mr. President, if you will study carefully each one of the paragraphs preceding it, you will find that as to most of them it is necessary that the statements should have been false, and willfully false.

The only one of the paragraphs that I have been worried about is the one that uses the term "Army and Navy." I think there it applies to the entire Army or the entire Navy, and it really means that the language used should have been intended to bring the entire Army or the entire Navy into disrepute; not a fair criticism of an officer, not a criticism of aviation, not a criticism of some fault that is sought to be remedied and corrected whereby the Army as a whole would be brought into additional credit, would be made illegal by the bill.

I really think that the effect of the language is practically the same without amendment numbered 6 as it is with it, and it is very necessary that we should bring the legislation to a close. I voted for amendment numbered six. I am sorry it is not in the bill now, but I do not think the preceding language is dangerous without it.

I do not like section 4, which we put in in the Senate. I voted against it. I am sorry it was put in, but I think it is improved by the provision that it shall only last during the war.

The VICE PRESIDENT. Does anyone desire to occupy two minutes?

Mr. POINDEXTER. Mr. President, I should like to occupy about one. The most important part of the bill, in my opinion, is this part:

> Whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished—

And so forth.

Then there was inserted in the bill, at the instance of the Senator from Maryland [Mr. FRANCE], a proviso to that which I have just read:

> *Provided, however,* That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

The effect of these words was that if a man goes out and says, "I favor the German Empire in this war; I am going to support it. I think that the cause of Germany is a better cause than the cause of the United States. I am not going to buy any liberty bonds, and I am doing this from high idealistic love of the German people, the greatest people in the world, and the people of the United States ought not to stand in their way"——

The VICE PRESIDENT. The hour of 4 o'clock having arrived, in accordance with the unanimous-consent agreement the vote will now be taken. The question is on agreeing to the report of the committee of conference.

Mr. OVERMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KENYON (when Mr. CUMMINS's name was called). I desire to announce the absence of my colleague [Mr. CUMMINS]. He is paired with the Senator from Montana [Mr. WALSH]. If my colleague were present, he would vote "nay."

Mr. GALLINGER (when his name was called). I made an arrangement to pair on this vote with the senior Senator from Virginia [Mr. MARTIN], and I am at liberty to transfer the pair. I transfer it to the Senator from Michigan [Mr. TOWNSEND] and vote "nay."

Mr. MCNARY (when his name was called). I have a pair with the junior Senator from Idaho [Mr. NUGENT]. I transfer that pair to the senior Senator from Wisconsin [Mr. LA FOLLETTE] and vote "nay."

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is unavoidably detained from the Senate. He is paired as has been announced. If my colleague were present, he would vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], but by an arrangement I am permitted to vote upon this question. I vote "yea."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of a death in his family. If he were present, he would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. JONES of Washington (when Mr. TOWNSEND's name was called). The Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family.

Mr. WALSH (when his name was called). I am paired on this vote with the Senator from Iowa [Mr. CUMMINS]. I transfer my pair to the Senator from Wyoming [Mr. KENDRICK] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I transfer that pair to the senior Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "nay."

Mr. WEEKS (when his name was called). I transfer my general pair with the Senator from Kentucky [Mr. JAMES] to the Senator from Michigan [Mr. SMITH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. That Senator being necessarily absent upon business of importance, I transfer my pair to the senior Senator from Arkansas [Mr. ROBINSON]. I vote "yea."

The roll call was concluded.

Mr. KIRBY. I announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN], who is detained on official business.

I also announce the absence of my colleague [Mr. ROBINSON], who is absent in connection with the liberty-loan campaign. If my colleague were present he would vote "yea."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. By an arrangement with the Senator from Massachusetts [Mr. WEEKS], who is also paired, a transfer has been effected so that both of us may vote, the pair being between the Senator from Kentucky [Mr. JAMES] and the Senator from Michigan [Mr. SMITH]. I will therefore vote. I vote "nay."

Mr. BORAH. I desire to announce the unavoidable absence of my colleague [Mr. NUGENT] and to state that he is paired with the senior Senator from Oregon [Mr. MCNARY].

Mr. FALL (after having voted in the affirmative). I neglected to announce that I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK] who is unavoidably absent. I have an understanding with him, however, by which I may vote, and I will allow my vote to stand.

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 48, nays 26, as follows:

YEAS—48.

Ashurst	Hollis	Overman	Smith, Ga.
Bankhead	Jones, N. Mex.	Owen	Smith, Md.
Beckham	Jones, Wash.	Phelan	Smith, S. C.
Chamberlain	King	Pittman	Sterling
Colt	Kirby	Poindexter	Swanson
Culberson	Lenroot	Pomerene	Thompson
Fall	Lewis	Ransdell	Tillman
Fletcher	McCumber	Saulsbury	Trammell
Gerry	McKellar	Shafroth	Underwood
Guion	McLean	Sheppard	Walsh
Henderson	Myers	Shields	Warren
Hitchcock	Nelson	Simmons	Williams

NAYS—26.

Borah	Gronna	Lodge	Smoot
Brandegee	Hale	McNary	Sutherland
Calder	Harding	New	Wadsworth
Curtis	Hardwick	Norris	Watson
Dillingham	Johnson, Cal.	Page	Weeks
France	Kenyon	Reed	
Gallinger	Knox	Sherman	

NOT VOTING—21.

Baird	James	Nugent	Townsend
Cummins	Johnson, S. Dak.	Penrose	Vardaman
Fernald	Kellogg	Robinson	Wolcott
Frelinghuysen	Kendrick	Smith, Ariz.	
Goff	La Follette	Smith, Mich.	
Gore	Martin	Thomas	

So the conference report was agreed to.

Mr. GORE subsequently said: I wish to state that had I been present when the vote was taken on the conference report on the so-called espionage bill, I would have voted "nay."

AMENDMENT OF NATURALIZATION LAWS—CONFERENCE REPORT.

Mr. HARDWICK. I move that the Senate proceed to the consideration of the conference report upon the disagreeing votes of the two Houses on the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

Mr. HITCHCOCK. The Senator will not insist on having the conference report disposed of to-day.

Mr. HARDWICK. I shall not insist on having it disposed of to-day, but I want to make it the unfinished business before the Senate.

Mr. HITCHCOCK. Very well.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

The motion was agreed to.

PARITY OF THE AMERICAN DOLLAR ABROAD.

Mr. OWEN. I offer the following resolution.

The resolution (S. Res. 238) was read, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to advise the Senate of the amount severally of commercial and financial bills payable in terms of the currency of the neutral nations of Europe which have been bought and sold severally by the member banks of the Federal Reserve System and other banks and banking houses dealing in foreign exchange in the city of New York from January 1 to April 1, 1918, and the amount of profit in such transactions; and to advise the Senate what steps have been taken to protect the par value of the American dollar in the neutral countries of Europe and what is the amount of foreign balances held in the United States at this time by such neutral nations.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HARDWICK. I did not understand that a request would be made for the immediate consideration of the resolution.

Mr. OWEN. Yes; I do not think it will require any discussion at all. No one will, I think, object to the information desired.

Mr. HARDWICK. I would not like to have the matter before the Senate as the unfinished business displaced.

Mr. OWEN. Oh, no; I did not intend that.

Mr. HARDWICK. The unfinished business can be laid aside pending the consideration of this resolution.

Mr. OWEN. I supposed it was temporarily laid aside from what the Senator said.

Mr. HARDWICK. I have no objection to the consideration of the resolution if it does not displace the unfinished business.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made, and the resolution will go over.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. SAULSBURY. I ask unanimous consent to submit a report from the Committee on the District of Columbia on the joint resolution (S. J. Res. 152) to prevent rental profiteering in the District of Columbia, for which I propose to ask unanimous consent for immediate consideration.

Mr. SMOOT. Not to-night?

Mr. SAULSBURY. I have been instructed by the committee to ask the Senate for immediate consideration, and I trust that the Senator from Utah will not make an objection under those circumstances. The committee considers it of very great importance. I ask that the joint resolution be read.

The joint resolution was read, as follows:

Resolved, etc., That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law, or that the premises are reasonably required by a landlord for occupation by himself or his family while in the employ of or officially connected with the Government; and where such order has been made but not executed before the passage of this resolution the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution: *Provided*, That any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold is hereby declared to be void while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. I wish to ask the Senator from Delaware what relation this matter has to a general bill dealing with the subject which I think has passed the other House and is now before the committee of which the Senator is a member?

Mr. SAULSBURY. I was going to ask an opportunity to explain very briefly why the joint resolution is pressed in this fashion. The District Committee is now considering a bill which came from the House providing for stopping the rent profiteering which we are satisfied has become prevalent in the District of Columbia.

The District Committee of this body, however, has attempted to deal with the subject in a very different way from that provided for in the House bill. The difference is in principle, and a conference committee will of necessity be appointed to consider it, and the deliberations of that conference committee will doubtless be very long extended.

The object of this joint resolution is to preserve the status of landlord and tenant in the District just as it now exists, so that leases may not be terminated during the time we are endeavoring to pass a bill to provide reasonable justice for the short-term tenants in the District of Columbia.

The committee has been informed, it has testimony to the effect that there are rows and rows of houses upon streets in this city which have been heretofore rented to the same tenants for years, and all those tenants have been given notice under a 30-day clause to quit the premises. The effect of the joint resolution will be to hold the status of those tenants in these houses, which would otherwise be determined within the next 30 days under the terms of the lease, until Congress can have an opportunity of dealing fairly with the question, and both Houses can have an opportunity of determining just what sort of a remedy should be applied. It is the sole object of the joint resolution to preserve the status pending the effort of Congress to enact suitable legislation to meet the conditions now in the District of Columbia.

Mr. GALLINGER. Suppose that the bill the Senator's committee has in charge does not become a law at this session of Congress, what then? Does the joint resolution simply extend to the end of the present session?

Mr. SAULSBURY. It simply operates during the session of Congress and until Congress adjourns.

I will say to the Senator, Mr. President, that the provisions of this joint resolution, of course, require that the tenants shall comply in regard to the payment of rent, care of the property, and all of the ordinary duties of the tenant, or he may be ousted under the terms of the notice which may be given. His rent must be paid; every provision must be lived up to. The only change that this attempts to make is that he can not be ejected until Congress has an opportunity to deal with this matter.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Delaware if the testimony before the committee shows that this so-called profiteering is to any great extent prevailing, or is it in exceptional cases only?

Mr. SAULSBURY. I may say that I think from the testimony we have, that every member of the District Committee is satisfied that there has been so much rent profiteering and so much is threatened in this District that it is very necessary that Congress should deal with this subject at as early a day as possible.

This joint resolution is reported, Mr. President, by the unanimous vote of the District Committee, and they instructed me to see that it had just as early consideration as it was possible to obtain

Mr. GALLINGER. If this joint resolution is passed, it will be a most extraordinary form of legislation, inasmuch as it will interfere with the relation of tenant and landlord.

Mr. SAULSBURY. I agree fully with the Senator from New Hampshire; but this is an extraordinary condition which we feel it our duty to try to meet.

Mr. GALLINGER. I will say nothing further on the matter now, Mr. President.

Mr. SMOOT. Mr. President, I want to ask the Senator from Delaware if I understood the meaning of the joint resolution in one particular. If there is no lease held by the tenant, does it prevent the owner of a house from selling that house if there is a tenant in it and the owner wants it vacated?

Mr. SAULSBURY. It applies to no case where there is not a lease, either verbal or written. It provides, in the case of any sale made during the operation of this joint resolution—just as the committee have agreed in the bill to be reported by them—that during a certain time the property shall be conveyed with due regard to the possession of the tenant; and the provision which we intend to insert and which the committee has agreed upon in the bill before it, I will say to the Senator, is that the tenant may continue so long as he pays a fair rental, based on conditions as they existed on October 1, 1917.

Mr. BORAH. Does the Senator from Delaware think that any considerable injury would be done to anybody by this joint resolution going over until Monday? It involves a very important

matter, and nobody knows what the contents of the joint resolution are except members of the committee. While we have the utmost confidence in the committee, it does seem that there ought to be some consideration of the measure upon the part of this body before it is passed. It will affect every property holder in the city.

Mr. SAULSBURY. I thoroughly agree with the Senator from Idaho that the contents of this joint resolution should be known and understood; and I have tried to make clear just exactly what it contains. I do not know whether or not the Senator was present when I did so.

Mr. BORAH. I was listening to the Senator.

Mr. SAULSBURY. I simply thought this was a favorable opportunity, upon the explanation of the agreement of the members of the committee and what our conclusions were, to get the joint resolution passed. If there is any objection to its consideration, of course it will not now go through. It requires that I shall have unanimous consent for its present consideration.

Mr. LODGE. Mr. President, do I understand that this joint resolution provides that if a man has a house which is rented he has got to continue to rent it to the tenant and that he can not sell it?

Mr. SAULSBURY. Oh, no; but the committee has deemed it necessary to provide that any sales which may occur in this city, for a limited time, shall be subject to the rights of the tenant as construed and as prescribed by the act which we propose to bring in as soon as it can be reported.

Mr. LODGE. Then a man could not change his tenant?

Mr. SAULSBURY. A man could not change his tenant under the terms of the bill which will be reported to the Senate unless that tenant has failed to pay rent or has committed some act which is a nuisance or which affects the property in some injurious fashion.

Mr. LODGE. While I suppose some legislation in reference to this matter may be necessary, it seems to me this is very extraordinary legislation.

Mr. SAULSBURY. It is very unusual legislation. If it is thought necessary to go into all the reasons and the testimony which shows that this legislation is necessary in this District, that would doubtless consume more time than we shall have at our disposal this afternoon.

Mr. LODGE. It is not merely that the right of sale is limited, but the tenant is given a right in a house to which he has no title whatever.

Mr. SAULSBURY. The tenant's possession will be continued, provided he remains a good tenant under the terms of the lease with which he entered into possession, that he pays his rent, and properly conducts himself as a tenant with respect to the property.

Mr. GALLINGER. Mr. President, I understood the Senator from Delaware to say that unanimous consent had been given for the consideration of this joint resolution. I did not so understand.

The VICE PRESIDENT. No; unanimous consent has not been given for the consideration of the joint resolution.

Mr. SAULSBURY. I said that it was necessary for me to obtain unanimous consent in order to have the joint resolution considered.

Mr. GALLINGER. Well, Mr. President, I want to look into this matter, and I object to the present consideration of the joint resolution.

INCREASE OF PENSIONS.

Mr. SMOOT. Mr. President, as the conference report on the immigration bill is the unfinished business, I want to take just a moment of the time of the Senate to make a brief statement. Ever since February 8, 1918, the pension bill has been upon the calendar of the Senate. I secured consideration of that bill for about 50 minutes. Evidently I am not going to again get it up unless the Senate will vote to displace some other legislation. I therefore wish now to give notice to Senators who are in favor of that bill that at the earliest opportunity I intend to move for its consideration, even though it may displace some other matter which may then be the unfinished business. I shall not now object if the Senator from Georgia desires to have the conference report laid aside.

Mr. HARDWICK. I do not want to lay the conference report aside. I should like to go on with it, but the Senate has been pretty steadily engaged to-day, and I presume the general desire will be for an adjournment for the afternoon.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

PRICE OF COTTON.

Mr. GORE. Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of a letter I wrote to Hon. W. L. McKee, relative to the fixing of the price on cotton.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

SHELBY, MISS., *April 20, 1918.*

Hon. W. L. MCKEE,
Memphis, Tenn.:

I mark with interest that you are taking timely steps to resist at its birth any attempt to legislate a price on cotton. As chairman of the Senate Committee on Agriculture, I desire to assure you that I shall at this juncture oppose by all the means known to parliamentary usage any attempt at such legislation. I shall resist any effort to fix a price on cotton with as much determination, and I trust with more success, than I resisted the fixing of a price on wheat. The fact that an injustice was inflicted upon the wheat farmer would not justify a like injustice upon the cotton farmer. Equal injustice is not a thing to be desired. The farmers are unorganized. They therefore can not be profiteers. No man, no set of men, can be stigmatized as profiteers who do not and who can not exact more for their product than the law of supply and demand awards. They are entitled to that price both in peace and in war. Let business prosper. Prosperity is one of our best aids and assets in this terrific struggle. The expenses of this war should be met by the levy of taxes and the sale of bonds and not by forced loans in the form of reduced prices, a polite name for confiscation. Of course the Government can fix prices, but it can not do so without working incalculable mischief and injustice. Price fixing is one of the oldest blunders known among the sons of men. It runs back as far as the reign of Hammurab in Babylon, 2,250 years before Christ. It is one dreary and invariable tale of disappointment and defeat, and ofttimes of disaster. In 1770 the Government of Calcutta fixed too low a price on wheat. The people lived sumptuously every day. They mistook cheapness for plenty. Famine followed fast upon their feasting. Our Government has fixed a price on wheat less than the law of supply and demand would award; that discourages production and encourages consumption. That is the reverse of a sound policy. We should not repeat this blunder as to cotton. I doubt if a law fixing the price of cotton can be passed, although the meeting held in Washington on April 10 between the representatives of the cotton manufacturers and the price-fixing committee of the War Purchasing Board may excite the fear that the price of cotton can be arranged or stabilized, which is the current camouflage synonym for reduction. I do not think that Congress itself will fix the price of cotton, notwithstanding the attitude of certain southern Congressmen toward wheat, and notwithstanding the fact that a portion of the southern press has stigmatized the wheat farmers and their friends as profiteers and has wantonly accused them of an attempt to extort blood money from their suffering countrymen. Such criticism, intemperate, intolerant, untrue, and unprovoked as it is, would not justify an appeal to the law of retaliation, for such an appeal would inevitably sin against the fundamental laws of economics, if not against the principles of justice itself.

T. P. GORE,
United States Senator.

ADJOURNMENT.

Mr. HITCHCOCK. I move that the Senate adjourn.

The motion was agreed to; and at 5 o'clock p. m. (Saturday, May 4, 1918) the Senate adjourned until Monday, May 6, 1918, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Clifford M. Leonard, of Illinois, to be a director of the War Finance Corporation for a term of two years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Angus W. McLean to be a director of the War Finance Corporation.

William P. G. Harding to be a director of the War Finance Corporation.

GOVERNOR OF HAWAII.

Charles J. McCarthy to be governor of Hawaii.

UNITED STATES MARSHALS.

Leroy C. Jones to be United States marshal, district of Idaho.

Daniel F. Hudson to be United States marshal, district of Wyoming.

APPOINTMENT IN THE NATIONAL ARMY.

GENERAL OFFICER.

Lieut. Col. Robert E. Wood to be a brigadier general.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 4 (legislative day of May 2), 1918.

WAR FINANCE CORPORATION.

Allen B. Forbes to be a director of the War Finance Corporation.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Source of light, life, and love, we seek Thee in prayer, that by Thy grace we may be able to resist evil and cleave to that which is good and with persistent energy and untiring zeal go forward with the work Thou hast appointed us to do, without the fear or favor of men; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THIRD LIBERTY LOAN IN ARKANSAS.

Mr. TILLMAN rose.

The SPEAKER. For what purpose does the gentleman rise.

Mr. TILLMAN. Mr. Speaker, my State and district have made such remarkable records in the matter of the third liberty loan that I desire to insert a few figures in respect to it in the RECORD.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD in respect to the liberty loan in Arkansas. Is there objection?

There was no objection.

Mr. TILLMAN. Mr. Speaker, I desire to say in this connection that my State has gone far over the top in the third liberty loan, and the third district, which I have the honor to represent, has likewise far exceeded its quota. My home town and county have exceeded its quota by 50 per cent; every county and practically every township in my district has more than met the requirement as to subscriptions for liberty loans and war-savings stamps. My people are 100 per cent Americans.

I publish a letter on this subject from my home town, and also give a few facts about my State, the best and most progressive State in the Union:

LIBERTY LOAN ORGANIZATION OF WASHINGTON COUNTY,
Fayetteville, Ark., April 29, 1918.

Washington County, Ark., is 50 per cent oversubscribed.

In the first week of the third liberty loan campaign, this county bought its entire quota of bonds, $416,750; at the end of the second week (beginning of the third) our county chairman notified both the State chairman and the district manager that we were then 25 per cent oversubscribed. It is now 50 per cent over, and we have a large enough number to entitle us to an honor flag. The messages mentioned above seem to have been overlooked, and the object of this letter is to correct the misrepresentations being made in Arkansas Legion bulletins.

Respectfully,

BRUCE HOLCOMB, *Chairman.*
W. J. HAMILTON,
Director Publicity.

Quota	$416,750
Already subscribed (still climbing)	$628,000
Number of subscribers (still climbing)	2,500

The State of Arkansas has few millionaires, no poorhouses, possesses the only diamond mines on this continent, the hottest springs in the world, and the greatest pearl fisheries in the country.

A truly remarkable State and a highly prosperous one is Arkansas.

From her bauxite mines is made 90 per cent of the aluminum used in the United States.

From her coal mines comes smokeless coal used by the United States Navy.

In Pike County is the largest Elberta peach orchard in the world—3,500 acres under one management. Benton and Washington Counties have a larger acreage in apple orchards than any other two counties in the United States—10,000,000 trees. In rice production Arkansas ranks third in the country, with a yield of 6,312,000 bushels in 1916—worth $6,110,000 to the farmer and an increase in production over 1915 of 1,470,000 bushels.

Arkansas's cotton crop alone brought $73.54 to every man, woman, and child in the State.

After supplying a good part of the food for its 1,750,000 people, the farmers of Arkansas in 1916 received $272,351,500 from their surplus crops.

Arkansas's farm crop for 1916

	Quantity.	Price.	Total.
Cotton, bales	1,145,000	$0.18	$103,050,000
Cotton seed, tons	570,000	45.00	25,650,000
Corn, bushels	46,800,000	1.20	56,160,000
Wheat, bushels	1,856,000	1.50	2,784,000
Oats, bushels	6,846,000	.75	5,134,500
Hay, tons	429,000	15.00	6,435,000
Rice, bushels	5,115,000	1.00	5,115,000
Peas and beans, bushels	600,000	3.00	1,800,000
Apples, barrels	2,000,000	2.50	5,000,000
Cantaloupes			500,000
Potatoes, Irish, bushels	1,620,000	1.50	2,430,000
Potatoes, sweet, bushels	2,730,000	.75	1,365,000
Peanuts, bushels	1,000,000	.75	750,000
Peaches, crates	4,000,000	1.50	6,000,000
Berries, crates	1,500,000	1.50	2,250,000
Garden vegetables			12,500,000
Dairy products, surplus			5,000,000
Molasses, gallons	1,000,000	.50	500,000

Arkansas's farm crop for 1916—Continued.

	Quantity.	Price.	Total.
Poultry products, surplus			$5,000,000
Honey and beeswax, pounds	1,000,000		112,000
Cattle, head (increase)	336,000		6,720,000
Hogs, head (increase)	1,589,000		10,224,000
Horses and mules, head (increase)	75,000		7,500,000
Sheep, head (increase)	124,000		372,000
Total			272,351,500

Added to this wealth of production was $40,640,000 contributed by the pine and hardwood forests in lumber and building material; $6,603,845 supplied by the mines in coal, lead, clay, zinc, manganese, bauxite, and stone; and $114,897,000 more by its 2,025 factories, mills, and other industries.

"FOR GOD'S SAKE, HURRY UP!"

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for not to exceed 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for not to exceed 10 minutes. Is there objection?

Mr. GILLETT. Mr. Speaker, reserving the right to object, upon what subject?

Mr. POU. Mr. Speaker, I desire to discuss the post-card offensive launched against the membership of this House telling us to hurry up.

The SPEAKER. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, during the last few days Members of this House have been subjected to a post-card offensive bringing to us the last words of a distinguished American statesman and diplomat, "For God's sake, hurry up!" "The tongues of dying men enforce attention like deep harmony," and anything spoken by the eminent Joseph H. Choate will always receive the utmost respect and consideration from the American people.

Now, Mr. Speaker, if this offensive were launched to impress upon us the seriousness of the hour, the danger, the horror of German domination, we submit without protest, just as every patriotic man who is doing all he knows how to do for his country welcomes any suggestion which shows him how he may do a little better. But if this hurry-up offensive is intended to imply that the House of Representatives has failed in a prompt, patriotic, and vigorous performance of its duty to the American people, I for one repudiate such implication utterly. Why should this House of Representatives be told to hurry up? Let any man name one demand which has had the solid backing of the American people which we have put aside. Surely there have been times when it seemed we might have acted with less debate, but it must be remembered we are laboring under responsibilities, larger by far than the wildest dream of any American before this war broke upon the world. Our predecessors in this Chamber were called upon to raise revenues counted in millions. We must provide for the raising of billions. Is it surprising, indeed, is it not natural, that a note of warning is heard as we proceed in the performance of these unprecedented duties?

What does the record show? It shows that this Congress has enacted by far more legislation than any Congress since the Civil War, and yet we are told to "hurry up." [Applause.] The Committee on Rules since we organized have authorized 26 favorable reports. Of course, a few of these reports—perhaps half a dozen—were not presented to the House, but the time consumed in debating all reports which have been presented is not equal to one legislative day [applause], and yet members of the Committee on Rules are told by the signers of these post cards to "hurry up." Oh, no, Mr. Speaker, it is not necessary to urge this House of Representatives to hurry up.

If I may be pardoned for speaking of the committee of which I am a member, I will say here and now that every one of the 12 members of the Committee on Rules is ready every minute to unite in instant and unanimous report to bring before the House any measure necessary to aid in winning the war. We have with the utmost determination and promptness responded to every proper demand. No man need tell us to hurry up, but God bless any man who can tell us how we can make better time.

Mr. Speaker, there were differences among us in the beginning of this war. But there is one proposition about which there is now no division in this Chamber. Germany may as well understand that America will never submit to a peace dictated by Berlin. Oh, it wrings the heart to think of the horrors of a prolonged war. May the good God be moved to look down with pity and put an end to the bloody work. We do not wish to kill; we would not destroy anything needful or useful to our fellow

man. But Americans know now, if they have not realized heretofore, that free America can not survive if Germany wins. And we will not submit to German domination or to any foreign domination. We will not be slaves if the war lasts for a generation and consumes all of our wealth. Our wealth is not worth having if we are not free. I do not believe there is a man in this Chamber who would hesitate to give all he has, if it shall become necessary to give all, in order to win; and I will say something more. It is much easier to talk than to act. When I see these boys getting ready to go to the front, cheerful and smiling, I can not help wondering if I, too, could go cheerful and smiling if I were called upon to do so; but, as God is my judge, I do not believe there is a Member of this body, from the Speaker down, who has a son wearing the khaki who would not, if he could, take the place of his boy if by doing so he could save that boy. I say no man knows for certain what his conduct would be until he is called upon to act; but I am just as firm in the conviction that every father in this Chamber would, if he could, take the place of his boy at the front as I am that I am living here and now.

Mr. Speaker, I do not trespass very often upon the time of the House, but when I see a body of 435 men ready, anxious, eager to do their full duty with a common purpose in view, who up to this good hour have acted promptly and with singular unanimity, I can not help feeling it is strangely out of place for some organization to put in motion a post-card chain addressed to the membership of the House of Representatives telling us, "For God's sake, hurry up!"

Mr. LITTLE. I ask unanimous consent of the House to proceed for another five minutes, in view of the interruptions.

The SPEAKER. The gentleman asks unanimous consent to speak for five minutes. Is there objection?

Mr. FLOOD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. NEELY. Regular order!

Mr. LITTLE. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FLOOD. That is all right, if the gentleman chooses to delay an important bill, such as the passport bill, in order to get five minutes, he can raise that question.

The SPEAKER. This is not debatable. The gentleman from Kansas makes the point of order that there is no quorum present, and evidently there is none.

Mr. KITCHIN. Mr. Speaker, I suggest that the gentleman withdraw his point. I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Bacharach	Flynn	LaGuardia	Rowe
Baer	Focht	Lee, Ga.	Rowland
Barkley	Fordney	Lehlbach	Sanders, La.
Barnhart	Foss	Lever	Sanders, N. Y.
Borland	Fuller, Mass.	Linthicum	Schall
Brodbeck	Gard	Littlepage	Scott, Pa.
Browning	Garland	Lobeck	Scully
Brumbaugh	Godwin, N. C.	Longworth	Shackleford
Burroughs	Goodall	McAndrews	Sherley
Campbell, Pa.	Gould	McFadden	Shouse
Carew	Graham, Pa.	McLaughlin, Pa.	Siegel
Carter, Mass.	Gray, Ala.	McLemore	Slemp
Clark, Pa.	Gray, N. J.	Maher	Smith, T. F.
Cleary	Green, Iowa	Mann	Stafford
Coady	Gregg	Miller, Minn.	Steele
Cooper, Ohio	Griest	Mondell	Stephens, Nebr.
Cooper, W. Va.	Griffin	Moore, Pa.	Sterling, Ill.
Copley	Hamill	Morin	Sterling, Pa.
Costello	Hamilton, N. Y.	Mott	Sullivan
Curry, Cal.	Haskell	Mudd	Sumners
Dale, N. Y.	Hawley	Olney	Sweet
Dale, Vt.	Heaton	O'Shaunessy	Swift
Darrow	Heflin	Overmyer	Tague
Davis	Heintz	Paige	Talbott
Delaney	Holland	Phelan	Temple
Denison	Hood	Platt	Templeton
Dewalt	Howard	Polk	Thompson
Dies	Humphreys	Porter	Tinkham
Dillon	Husted	Powers	Vestal
Donovan	Hutchinson	Price	Voigt
Dooling	Jacoway	Ragsdale	Waldow
Drukker	Johnson, S. Dak.	Ramsey	Walton
Dunn	Jones	Reavis	Ward
Eagan	Kelly, Pa.	Riordan	Watson, Pa.
Estopinal	Kennedy, R. I.	Robbins	Winslow
Fairchild, B. L.	King	Robinson	Woodyard
Fairchild, G. W.	Kraus	Rogers	Zihlman
Farr	Kreider	Rose	

The SPEAKER pro tempore (Mr. CRISP in the chair). Two hundred and seventy-eight Members are present, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

PASSPORT REQUIREMENTS.

The SPEAKER pro tempore. The unfinished business is the bill H. R. 10264. The gentleman from Virginia [Mr. FLOOD] is recognized, and has 25 minutes remaining of his time.

Mr. FLOOD. I understand the gentleman from Wisconsin wanted five minutes. I can yield to him now.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND. As I understand it, I am not required to confine myself to the bill.

The SPEAKER pro tempore. The Chair will state that under the rules of the House when there is a discussion in the House, if the point of order is made the discussion has to be confined to the bill. The Chair is not going to make the point.

Mr. BLAND. I understood there was such an agreement between the two gentlemen.

Mr. FLOOD. No point will be made.

The SPEAKER pro tempore. The Chair is not going to make any.

Mr. COOPER of Wisconsin. Mr. Speaker, the understanding was between the gentleman from Virginia [Mr. FLOOD] and myself that the gentleman from Indiana might speak out of order for five minutes.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for five minutes, the discussion not to be confined to the subject matter of the bill.

Mr. BLAND. Mr. Speaker——

Mr. COOPER of Wisconsin. Mr. Speaker, I would like the attention of the gentleman from Virginia [Mr. FLOOD]. I have received requests aggregating 20 minutes for general debate. That is all I will ask. One gentleman wants three minutes, and the others make the aggregate 20 minutes.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that my time may be extended 30 minutes.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that his time be extended 30 minutes. Is there objection? [After a pause.] The Chair hears none. Does the gentleman yield any of that time?

Mr. FLOOD. I am going to yield, amongst others, 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The Chair has already put the question and has stated that there was no objection.

Mr. HUDDLESTON. Mr. Speaker, I was on my feet.

The SPEAKER pro tempore. The Chair did not see the gentleman, and the gentleman did not address the Chair.

Mr. HUDDLESTON. I think I did, but in such a modest way that the Chair did not hear it.

The SPEAKER pro tempore. The Chair will put the question again. Did the gentleman object?

Mr. HUDDLESTON. I rose to reserve the right to object, and I wanted to inquire if I could not arrange to offer an amendment. I understand the gentleman from Virginia [Mr. FLOOD] intends to move the previous question at the end of his time, and I want to have an agreement that I can offer an amendment during the 15 minutes he gives me.

Mr. FLOOD. I think the gentleman will have that right. I will offer no objection.

The SPEAKER pro tempore. The Chair understands that the gentleman asks unanimous consent that his time be extended 30 minutes, that he proposes to yield 20 minutes of his time to the gentleman from Wisconsin [Mr. COOPER] and 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON], and that the gentleman from Alabama be permitted to offer an amendment and have it pending?

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FESS. May I ask whether the gentleman from Alabama may not offer his amendment in his 15 minutes, whether anybody objects or not?

The SPEAKER pro tempore. Under the rules, when time is yielded to a person for debate he does not have the right to offer an amendment. If he is recognized in his own right, he has the right to offer an amendment.

Mr. GILLETT. Does the gentleman from Virginia mean by that that he does not intend any other amendment shall be offered?

Mr. FLOOD. There are a number of committee amendments. My purpose was, when we got through with the debate, to call for the previous question on the bill and amendments, and I

would suggest to the gentleman that if there are any more amendments to be offered that we arrange that now.

Mr. CANNON. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. CANNON. I would like to see an amendment offered here to except Canada from the operations of this bill.

Mr. FLOOD. I will say to the gentleman I could not offer that amendment. The gentleman made that suggestion yesterday, and I took it up with officials of the State Department this morning, and they are very much opposed to passing a rule excepting anybody. As I stated yesterday, there are no passports required to go to Canada. It is not the expectation that passports will be required, but conditions might develop in the summer or during the recess of Congress or some time during the progress of the war that would make application for passports to Canada just as desirable as to any other country.

Mr. CANNON. Yes; and the moon might turn into green cheese.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object——

Mr. FLOOD. Mr. Speaker, I will have to ask for 40 minutes extension.

The SPEAKER pro tempore. Now, the Chair understands the gentleman from Virginia has 20 minutes. He has yielded to the gentleman from Indiana 5 minutes, leaving him 15 minutes, and he asks that his time be extended 40 minutes.

Mr. FLOOD. Twenty minutes of which time is to be yielded to the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER pro tempore. Twenty minutes of which is to be yielded to the gentleman from Wisconsin and 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON], and during the occupancy of the floor by the gentleman from Alabama he is to be permitted to offer an amendment. Is there objection?

Mr. MILLER of Washington. Mr. Speaker, reserving the right to object, I would like five minutes and would like the privilege of presenting an amendment to the bill.

The SPEAKER pro tempore. Does the gentleman from Virginia modify his request?

Mr. FLOOD. Make it 45 minutes, then, and I will yield 25 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. MILLER of Washington. I wish to offer an amendment.

Mr. LITTLE. Reserving the right to object, Mr. Speaker, I would like to get 10 minutes to speak. I am not sure whether the gentleman from Wisconsin will give me that or not.

Mr. GILLETT. Does the gentleman want to speak on the bill?

Mr. LITTLE. No. We have carte blanche for general debate.

Mr. COOPER of Wisconsin. I ask for that time in part to accommodate the gentleman from Kansas.

The SPEAKER pro tempore. Does the gentleman from Virginia modify his request? The gentleman from Wisconsin has asked that the time be extended and that 10 minutes of the time be given to the gentleman from Kansas [Mr. LITTLE]. Does the gentleman from Virginia modify his request?

Mr. FLOOD. I do not.

Mr. LITTLE. I object, then.

Mr. COOPER of Wisconsin. I was to give the gentleman 10 minutes.

Mr. LITTLE. Then I will withdraw my objection.

The SPEAKER pro tempore. The Chair will state again the request of the gentleman from Virginia. The gentleman from Virginia asks unanimous consent that the general debate be limited to 45 minutes, 30 minutes to be controlled by himself and 15 minutes to be controlled by the gentleman from Wisconsin [Mr. COOPER], to be divided as follows: Five minutes to go to the gentleman from Indiana [Mr. BLAND], 15 minutes to be yielded to the gentleman from Alabama [Mr. HUDDLESTON], 10 minutes to the gentleman from Kansas [Mr. LITTLE] and 5 minutes to the gentleman from Washington [Mr. MILLER]; and the gentleman from Washington and the gentleman from Alabama shall be permitted to offer amendments.

Mr. BLAND. Does that include the time allotted to me?

The SPEAKER pro tempore. Yes. The time has been allotted to the gentleman. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for five minutes.

Mr. BLAND. Mr. Speaker, I would hesitate to discuss the matter, which I want to discuss briefly at this time, were it not for the agreement made here by gentlemen who control the time that I should speak on a matter foreign to the bill.

I want to call attention to the splendid record that is being made by the great State of Indiana in this war. The conduct of the Representatives of that State in this war Congress is pretty well known here and properly reflects, in part, the attitude of our constituents at home. We are thoroughly in this war in Indiana. Our people realize our serious position and are united in a common cause. The Council of National Defense in Indiana was one of the first State councils of defense to have a real organization. Our county councils are, almost without exception, alive and wide awake, and permit me to digress long enough to say that we should extend to them the mail franking privilege. Our councils of defense are characterized by the elimination of politics. The present national chairman of the Republican national committee, Will H. Hays, was the first chairman of the State council, and on that same council was the Hon. Thomas Taggart, the ex-national chairman of the Democratic Party, and they worked hand in hand, and are still working that way, on war matters.

In Indiana we have obliterated party lines. We are foremost in carrying out the rules adopted by the Fuel and Food Administrations, and while at times they have been burdensome to our people, they have submitted with but very little complaint, and I feel justified in calling attention with special pride to the manner in which our people are making numerous sacrifices in this war. In emphasis of the nonpartisan sentiment in my State I would like to have the Clerk read in my time an article recently published in a Washington City newspaper containing an interview by the Hon. Thomas Taggart, who at one time was chairman of the national Democratic committee.

The SPEAKER pro tempore. Without objection, the Clerk will read.

The Clerk read as follows:

"PRESENT NOT THE TIME FOR POLITICS," TAGGART—POSITION ON WAR MAIN THING, SAYS HOOSIER—WISHES BEST MEN ELECTED.

WASHINGTON, *April 13.*

Thomas Taggart, former United States Senator from Indiana, who has been here for several days renewing friendships, prepared the following statement for the Washington Post:

"This is no time for politics. If I had my way, I would nominate and elect the best men to Congress, regardless of their politics. We need in the Congress the best men. There are just as good men in the Republican Party as there are in the Democratic Party; men as patriotic and as able, and there are Democrats who are just as well equipped to serve as any Republicans. I would rather vote for the election of a Republican whom I knew to be all right on the war than to vote for a Democrat whom I knew to be all wrong on the war. There is a time, perhaps, to play politics, but this is not the time. What we need is a Congress that will back up the President and the Government.

"This is war and the people are coming to realize it. Politics should be put aside and only men whose loyalty is undoubted and who are fitted to serve should be elected. That's the view our people out in Indiana are taking. Everybody is for supporting the Government. Of course, there are some Republicans who think they will win in the congressional elections this year and some Democrats who think they will win. For my part, I don't much care.

"What I want is to see the best man elected. Hoosiers—men, women, and money—are behind the war in earnest, with a full realization now, if never before, that it is up to the United States to bear the burden of the struggle."

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired. The gentleman from Wisconsin is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for three minutes.

Mr. TREADWAY. Mr. Speaker, a large number of the Members of the Massachusetts delegation in this House take pride in the fact that they saw service originally in the Massachusetts House of Representatives. There were interesting exercises there day before yesterday, when a service flag for the members who had gone from the house of representatives in Massachusetts was dedicated appropriately. I desire to call the attention of this House to those exercises, and ask that we follow here the very worthy example set by the house in Massachusetts, namely, to dedicate a flag in this body to the Members who have gone from it in the service of their country, one of whom has given the supreme sacrifice of his life. [Applause.]

And in this connection, Mr. Speaker, I also wish to call attention to the fact that the flag back of the Speaker's rostrum is not the official flag of the United States. The stars in that flag are of gilt and should be of plain white. There is no authority for the use of gilt stars in the official flag of this country.

On June 14, 1777, Congress passed an act designating the Stars and Stripes as the national flag of the United States. The Federal law read:

Resolved, That the flag of the United States be 13 stripes, alternate red and white; that the Union be 13 white stars in a blue field, representing a new constellation.

Thus, it is noted, the thirteen original States designated the national colors and commemorated themselves in the 13 stars and 13 stripes. Later an act was passed authorizing the addition of a new star for each State admitted to the Union. The number of stars has grown until to-day there are 48 in the flag

In commemoration of the act of Congress in 1777, June 14 each year is now celebrated as Flag Day throughout the United States.

If there ever was a time when this House ought to sit under the proper Stars and Stripes it is when we are in this great contest across the sea. I therefore most earnestly wish to suggest to those having in charge the ornamentation of this room that a proper and appropriate flag be hung in this body. Gold stars look pretty, but they are not found in the official flag of the United States, and it seems to me that that correction ought to be made.

I ask leave to extend my remarks by inserting the article describing the exercises in the house of representatives in Boston.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Following is the article referred to:

[From the Springfield (Mass.) Union, May 3, 1918.]

HOUSE DEDICATES SERVICE FLAG FOR FORMER MEMBERS.

A service flag with 11 stars, for members of last year's house who have gone into the military service, presented by Mrs. John H. Sherburne, of Brookline, wife of Col. Sherburne, of the One hundred and first Field Artillery, formerly the First Massachusetts Field Artillery, was dedicated this afternoon in the house.

Representative William Foster, of Springfield, was on a committee that escorted Mrs. Sherburne into the chamber. Standing under the flag, she made a brief speech, telling of the entry of the 11 members into the war "for country, civilization, humanity, and Christianity."

Accepting the flag, Speaker Cox said:

"They have gone to service worthily and gloriously in a great cause. We honor them. While they are away this service flag shall remain not merely as a silent reminder of the splendid associations which we have lost for a time, but as a mighty inspiration for us who sit where they served to do nobly the work left undone at home, an inspiration for us to stand ready to do all and make any sacrifice, even as they, for the cause of civilization and liberty."

Chaplain Daniel W. Waldron offered a prayer of dedication, with patriotic reference to the significance of the flag and the circumstances of its presentation.

The men for whom the flag is in honor are: Capt. James Tracy Potter, of North Adams; Col. Sherburne, Daniel W. Casey, Alfred J. Moore, and Daniel J. Young, of Boston; Kenneth P Hill, of Cambridge; Daniel W. Lincoln, of Worcester; Ward M. Parker, of New Bedford; Charles H. Slowey, of Lowell; and Maj. Roger Wolcott, of Milton.

Mr. FLOOD. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. HUDDLESTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. HUDDLESTON. Page 3, line 12, strike out the word "enter."

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Page 3, line 12, strike out the word "enter."

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

Mr. HUDDLESTON. Mr. Speaker, there is a certain aspect of this bill that seems to me to be worthy of very careful consideration on the part of this House, and that is the effect of section 2 as proposed by committee amendment. That section reads as follows:

After such proclamation—

Referring to the President's proclamation—

as is provided for by the preceding section has been made and published, and while said proclamation is in force it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

It will be observed, Mr. Speaker, that the freedom of a citizen is very substantially affected by that section. He can not go out of the United States, and if out of the United States he can not return home except with permission of the President.

The act provides that he must have a passport, or he must obey such other regulations as may be adopted. The regulations, of course, are subject to change at will, and the substance of that provision is that without a passport he can not return without the President's permission.

Now, a passport can not be claimed by a citizen as a matter of right. Passports are granted only at the will of an administrative officer. No court will force that officer to grant a passport. Also, passports have no continuing effect. They may be canceled at any time. Under a statute now in effect passports may be canceled whenever the officer charged with that duty sees proper to cancel them. So that if this section is adopted as written a citizen of the United States going out of this country in possession of a valid passport may have his passport canceled and may be forbidden to come back to this country. And from that order canceling his passport and exiling him from the country in which he was born and to which he may be altogether loyal and devoted there is no appeal. There is no recourse to a court, there is no due process of law, there is no right of trial by jury.

The Constitution of the United States is a very interesting document. It is still in force, although we are at war. I have grave doubts that this section of the bill is constitutional. It may be technically so, but undoubtedly it is violative of the spirit of the Constitution. Under the Constitution no American citizen can be exiled from his country. Under the Constitution no citizen may be deprived of his liberty without due process of law, which includes a hearing in some court. But under this provision of the bill a citizen temporarily and lawfully absent may be deprived of the right to come back to this country. He may be substantially and in effect put into exile, and without a hearing, without due process of law, without any opportunity to present his side.

It will be admitted by everyone that that is a fearful and a tremendous power to lodge in any authority. If the President could be conceived as exercising this power upon his own discretion, his own initiative, it would still be a fearful and a tremendous power. It would still be of more than doubtful Americanism. But, as we know, it is impossible for him to administer this law personally. The President will not deal with these things himself. He will not deal with them through any member of the Cabinet. He will not deal with them through any important officer of the Government. They will be dealt with through some remote subordinate, through some small clerk, through some one whose zeal may far outrun his judgment. That is absolutely necessary. When we pass this bill we should understand once and for all that we are clothing some little subordinate far down the line, who perhaps has never seen the President, with power to bar an American citizen out of his native country upon a mere suspicion and without a syllable of proof against him.

Are we prepared to go to such lengths? I want to win this war. I believe I want to win this war more than anybody wants to win it, because in addition to the reasons and the considerations that move other men I believe that I hate war worse than anybody else. I want to win so that we may have peace. One of the things for which I hate war is that it brings about just such legislation as this that is proposed. Much of such legislation is inevitable, much of it must be passed and must be submitted to. Democracies find it hard to wage efficient war. When war comes we find that the principles that democracies have long cherished and have bled for are given up one by one, little by little, piece by piece, until at last, if those who concern themselves merely with carrying on the war have their complete will, there will be left no democracy, no liberty, but only autocracy, because autocracy can wage the most efficient war.

I realize that we who love liberty must give up many things that we have cherished, and I am willing to give up mine. I give them up gladly, but I give them up with an awful and sickening fear in my soul that perhaps some of them may never come back to me and to my people. But as we give them up let us see that we give up only so much as is necessary to carry on the war. Let us not go beyond what is reasonable, what is fair, what is proper. Oh, of course, I know that if you take a third assistant prosecuting attorney he would require every man charged with crime to prove that he is innocent. He has dealt only with criminals. He feels that everybody is a criminal, and thereafter he wants all to be required to prove their innocence. Sometimes you find a man higher up, charged with the enforcement of the criminal laws, who does not hold these severe and unreasonable views. It is the same thing when we come to a man who is carrying on any enterprise. It is the same with men who are carrying on war. They want everything subordinated to carrying on war, and if a thing squints at all toward helping the war they think of absolutely nothing else. So it is with men who are chasing down disloyal citizens and who have got spies on the brain. They want everybody to be subjected to the most strenuous rules and tests. They want everybody to have to prove his innocence.

But I have not forgotten, Mr. Speaker, that this is still America. I have not forgotten what it takes to constitute Americanism. I have not forgotten that the recognition of man's right to life, liberty, and the pursuit of happiness is what makes this country worth fighting for. I have not forgotten the Constitution, which guarantees to every citizen that he shall not be deprived of life, liberty, or property except by due process of law.

I have given myself to this war. I am fighting, so far as I can, with every nerve and every fiber of my being for America and Americanism. It is for these things and for their preserva-

tion that I am committed to this war and that I voted for it, and I mean to carry it through with every ounce of strength and every thought and every emotion that I can command. But as I carry it through I do not lose sight of the glorious things that make this country what it is and worth fighting for—liberty, democracy, the right to be a free American, to come and go, to live under the institutions for which our ancestors died. These are the things that make us willing to fight. If we are to have Prussianism here, with military courts trying citizens on suspicion, as was proposed by a recent foolish bill which the President condemned as unnecessary and unconstitutional, there will be much less for us to fight for. If we are to have men exiled without a trial; if we are to have men denied their liberty without due process of law; if we are to have native-born American citizens whose ancestors perhaps fought the Revolution, who perhaps have themselves bared their breasts to the bullets of the enemy—if we are to have such men as that, accidentally caught outside the country, prevented by some petty official from returning to their homes on a bare suspicion, without a trial or hearing, it seems to me that there will be something less to fight for than there was before.

I think it is a very serious thing to provide that an American can not go out of this country without somebody's permission, but I would be willing to concede that; but when that American is out of this country I say he ought to have the right to come back. If he has been guilty of improper conduct, punish him; if he has been guilty of treason or disloyalty, hang him. No man would be willing to go further in punishing treason or disloyalty than I would. But give him a trial under the forms of law.

Stand by the Constitution; preserve what our ancestors achieved in their struggle; keep this country as they left it, so that it may be handed down to your children as they handed it down to us. No man's liberty should be taken from him without a hearing, without due process of law. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, I do not share the fears entertained by the gentleman from Alabama [Mr. HUDDLESTON] with reference to the effect of some of our legislation. However, I agree with him in his contention that the amendment which is before you should be adopted. If I did not believe that the same spirit that is causing us to wage war against Germany and Austria will cause us to return to the usual practices of peace after this war is over, I would not vote for these grants of power, and vote for them now only because we have come to conclude they are necessary for the prosecution of this war.

But while I believe with the majority in this House that it is necessary in order to successfully wage the war to vest in the executive departments wide powers in many respects, at the same time I am not willing to vest any greater or wider powers than may be necessary under the circumstances. While I am perfectly willing that citizens in order to leave the United States shall be required to procure passports, I do not believe that a citizen of the United States, who happens to find himself away from home, should be required to appeal, perhaps vainly, to some subordinate in some department for permission to return to his native country.

Now, it was argued in committee that the reason for this provision was that in some instances American citizens were in foreign countries who were suspected of being disloyal and the department did not want to permit such citizens to return to the United States.

Gentlemen of the House, these are the citizens, if disloyal, that I believe we should have within the jurisdiction of the United States and within the jurisdiction of our courts, so that they may punish them for any treasonable conduct on their part or for acts of disloyalty against the United States Government. The reason given by gentlemen from the departments was that they did not want to be bothered with them over in this country; they did not want to be required to watch them and keep track of them in the United States.

I take it, gentlemen of the House, that if there be such a citizen of the United States in Holland or some foreign country, the agents of this Government could do more to prevent him from or detect him in his disloyal activity and treasonable conduct if he were on American soil, where they would have an opportunity to detect any violation of the law on his part, than if he were in a neutral country like Sweden or Holland, where he would be at liberty to ply the activities of an enemy.

Now, for the reason that I do not believe a citizen who is loyal, a citizen who desires to return home and is faithful and true to the country in this time of war, should be required to obtain a passport to come back into the country, because I believe that if disloyal citizens be permitted to come back the United States can here put its hands on them if they have not been true to our country, I believe the words in line 12, "or enter," should be stricken from the bill, and the same words in line 13, page 3, should be stricken from the bill.

As to the provisions in the bill which propose to restrict the movements of aliens to and from the United States I heartily agree, because I take it in this time of war no alien should have the right to come and go freely over the boundaries of the United States. The proper department of the Government should have the right to control his action. But, my friends, the time has certainly not arrived when a loyal American citizen, already away from home, should not be permitted to return home whenever he may see fit to do so.

Mr. SISSON. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. SISSON. Under the terms of section 2 as written, suppose a citizen were in Mexico attending to business at the time the proclamation was made. Would not he be permitted to return under the provisions of the law?

Mr. CONNALLY of Texas. He would not, unless the President under the provisions of section 2 should make a general regulation concerning such a case, or give special permission in his case, or unless he should obtain a passport.

Mr. SISSON. How would it affect a man on official business in South America, out of the United States?

Mr. CONNALLY of Texas. I take it, of course, that if he were there on official business he would have a passport or be given one.

Mr. SISSON. Suppose he is on official business and they should deny him a passport. Suppose, for instance, the official in Brazil, the consul, should deny him a passport?

Mr. FLOOD. It would be pretty good evidence, then, that he ought not to get back.

Mr. CONNALLY of Texas. I will say in reply to the gentleman that, as I understand this bill, it does not mean that he shall have a passport from the Government from which he comes to the United States, but that he shall have a passport or permission from the United States to enter the United States.

Mr. SISSON. Oh, yes. He would not be permitted to take passage on a ship if in a foreign country unless he had a passport. The master of the ship would not take him unless he could land him, and we have provisions that the consuls and various officials of the United States Government at various ports shall issue passports.

Mr. CONNALLY of Texas. I understand that.

Mr. SISSON. If I should happen to be in South Africa, would my right to return be finally determined by some little subordinate?

Mr. CONNALLY of Texas. Under the provisions of this bill, unless the President provided by general regulations permitting the return of such individual, or granted permission in that particular case, he could be refused a passport.

Mr. FLOOD. It would go to the State Department, and not be decided by a subordinate official.

Mr. CONNALLY of Texas. Oh, to be sure, it would go to the State Department.

Mr. SISSON. But I might be delayed in getting home.

Mr. FLOOD. Would it not be better to have the gentleman delayed in getting home than to run the risk of having a lot of traitors, who have left this country and gone to Germany, get the chance to come back here and spy on our military operations?

Mr. SISSON. But if a man is a bona fide citizen of the United States, his citizenship ought not to be treated so lightly. I am in sympathy with the bill, but I do not like to have a mistake made by excluding a man who is a bona fide citizen, born and reared here, and who is loyal to the Government.

Mr. FLOOD. There are hundreds of bona fide American citizens to-day in Germany who are not loyal to this country, and our Government knows they are not loyal to this country, and yet the gentleman's idea would be to permit them to come back here and spy on the operations of our Military Establishment and on the other operations of the Government.

Mr. SISSON. If they are not loyal and are in Germany, I agree literally with the gentleman from Texas, that this is the place where we do want them, so we might try them here in our courts and punish them.

Mr. FLOOD. There are others whose loyalty is suspected, but there is not enough evidence to convict them in a court of justice.

Mr. CONNALLY of Texas. Mr. Speaker, I dislike very much to take issue with the distinguished chairman of our committee, but another objection to this requirement is that a citizen who is in South America or any other distant country would neces-

sarily have difficulty in communicating with the State Department here in Washington and presenting the facts necessary to obtain a passport, and if, as stated by the chairman, there be American citizens in Germany who are disloyal to the Government, and whom the Government knows to be disloyal, then with that proof in an American court, within our jurisdiction, we could place them where there would be no danger of their leaving the country with or without a passport, because we would put them in prison or inflict upon them even more severe punishment. They would be guilty of treason. I am not in favor, in the case of a citizen about whom there is merely a suspicion, when there is no proof whatever, of hurling the ban, as it were, against him and preventing his return to the United States. What is suspicion? Unless suspicion is backed up by proof or by facts it becomes the most unjust and oppressive weapon that can possibly be employed. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Washington [Mr. MILLER] has five minutes.

Mr. MILLER of Washington. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 6, after the word "States," insert the words:
"*Provided*, That the provisions of paragraph (a) of section 1 and sections 2 and 3 of this act shall not apply to citizens of the United States going to and from Canada nor the citizens of Canada going to and from the United States, nor shall it apply to vessels operating between the ports of the United States and the ports of Canada."

Mr. MILLER of Washington. Mr. Speaker, my district is the city of Seattle, and that country and the people are associated intimately with the development of Alaska. Our investments are enormous, the trade is enormous, and any measure which strikes at the freedom of transportation strikes at the very heart of our industrial and commercial life. Thousands travel to and from Alaska, going through British Columbia, Canadian territory. The Government is at present building an immense railroad system in Alaska. We are getting laborers there from various places in British Columbia, from the United States, from every point they can be secured. If these men all have to have passports, and every time a citizen of my town goes into the Yukon Valley—and I may say there are 60 steamers out of my city plying to various points in Alaska—it would be a great inconvenience to them. Seattle is the gateway into Alaska. It always has been and always will be. Our people go and come as between Baltimore and Washington. It is true we can make application for passports to the district court, but it would take, it is safe to say, a month for our people to get passports. I realize, and no one realizes more than I, the necessity for this law as to all countries of Europe, the neutral countries, Mexico and to Cuba.

But as to our ally on the north, Canada, with whom we have so long remained in a friendly intercourse, I can see nothing that would cause us at this time to require our people to have a passport going to Canada. It would be an extraordinary hardship upon the people of Puget Sound and the city of Seattle, being as they are so far away from the Capital of our country. It would take so much time to secure passports, I can conceive of nothing that would tend to dwarf the development of Alaska as to prohibit the free interchange of our people both Canadians into Alaska and Americans into Canada. I was in hopes that the committee would see fit to adopt an amendment of this character. [Applause.]

Mr. FLOOD. Has the gentleman from Wisconsin used all his time?

The SPEAKER pro tempore. The gentleman from Wisconsin has 12 minutes and the gentleman from Virginia 16 minutes.

Mr. COOPER of Wisconsin. I yield three minutes to the gentleman from Iowa [Mr. HULL]. [After a pause.] I notice that the gentleman is not here, and I yield three minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, with the indulgence of the House I desire to say a word or two in regard to the unfortunate sinking of the *St. Paul* in the harbor of New York a few days ago. Reports have been spread that at the time of the sinking the *St. Paul* was under the command of Navy officers and manned by naval crews and that the accident was attributable to this cause. I have taken the trouble to investigate the matter, and I find that the *St. Paul* at the time she went down at her dock had not been repaired at the navy yard, was not officered by Navy officers, was not manned by a naval crew, and was not under naval control or supervision, and that all reports that she was under naval management are erroneous. She had a civilian crew, under civilian officers, and the ship came from a civilian yard after being repaired under civilian supervision.

And I want to say in regard to the president of the American Line, which owns the *St. Paul*, Mr. Franklin, that he is a man of the greatest ability and experience, a man who is now rendering the most efficient service to the Government in connection with the Shipping Board. While this accident was most lamentable, it was not the fault of the Navy in any way, and in justice to the Navy I desire to make this statement. [Applause.]

Mr. COOPER of Wisconsin. I would like to ask the gentleman if he can tell us what caused the accident? How was it brought about?

Mr. HICKS. The reports have not been made public, and I can only tell the gentleman what is surmised to be the cause, but I would prefer to tell my colleague in confidence, if he will allow me to do so.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I am not going to talk about the bill, but I am going to take five minutes to put in the RECORD some patriotic lines written by one of the employees of the House. I was requested to do this, not by the young man himself but by another Member of Congress, to whom he had shown the lines. The first is entitled "Buy a liberty bond," and is as follows:

BUY A LIBERTY BOND.

Will you respond and buy a bond
And help your Uncle Sam?
This appeals to you and appeals to me,
And should appeal to every man.
Remember the boys that are over the sea;
They are fighting for you and fighting for me.
You may not be able to follow them there,
But you can back them up by doing your share;
So get busy to-day with the liberty loan,
And help those brave soldiers and protect your home.
(James J. Kenah.)

Another poem, of a few lines, he denominates "America," and I will read it:

AMERICA.

America is stripped for action,
She's in this great world's war;
And America will win it,
For she's in it to the core.
America is honest;
She wants no gold nor land;
It's justice that she stands for;
Yes; justice she demands.

Fair Liberty has lit the world
And will continue so,
And when she strikes with all her might
She hits a powerful blow;
And when that blow's delivered
The world will safer be;
America, we wait for thee, to spread democracy.
(James J. Kenah.)

As will be seen, these lines were written by James J. Kenah, who is the chief page in the cloakroom, and I wanted to preserve the patriotism of this young man, an employee of this House, in the RECORD, because it breathes the right sort of spirit and expresses sentiments that find response in every heart here. I believe in encouraging boys to write such lines as this. [Applause.]

I yield back the balance of my time.

Mr. FLOOD. Mr. Speaker, this is a very necessary bill, to fill up an unfortunate gap that now exists in our law. We have no law to prevent the travel to and from this country of American citizens of neutral or friendly nations. Our ports are open, so far as the law is concerned, to alien friends, citizens, and neutrals, to come and go at will and pleasure, and that notwithstanding the Government may suspect the conduct and the intention of the individuals who come and go. No other nation engaged in this war has gone so long without enacting a strict law forbidding people going out and coming into the country.

Mr. WALSH. Will the gentleman yield for a question or two?

Mr. FLOOD. Yes.

Mr. WALSH. In reading the bill it appears that some permit or certificate other than a passport is to be given to the persons who desire to travel. That is true, is it not?

Mr. FLOOD. Yes.

Mr. WALSH. So it will be something in addition to a passport, whenever a passport may be necessary?

Mr. FLOOD. Yes; that is true with reference to aliens.

Mr. WALSH. Now, then, will the gentleman state, if he knows, upon what department or official the power to issue permits or certificates will probably be conferred by the President?

Mr. FLOOD. Upon the Department of State, in conjunction with the Department of Justice, as I understand.

Mr. WALSH. It will probably be an official who will represent both those departments?

Mr. FLOOD. Yes; or, rather, officials.

Mr. SULZER. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. SULZER. Will the gentleman state whether this law would apply to travel between the ports of the United States and the Territory of Alaska?

Mr. FLOOD. As I understand, the purpose of the department is that they will require identification of all persons going to Hawaii and Alaska or to any of the other Territorial possession of this country. Passports will not be required, but some identification of the person will be required, so that our officials at those ports may know that the persons traveling are American citizens and not under suspicion.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD. Yes; I yield to the gentleman.

Mr. COOPER of Wisconsin. I am with the gentleman on the general proposition of enforcing strictly a law of this kind; but would the operation of this law be confined to the period of the war?

Mr. FLOOD. Yes. That is on the face of it.

Mr. COOPER of Wisconsin. The President can issue the proclamation when the Nation is at war, but there is nothing in the bill limiting the time of the operation of the act.

Mr. FLOOD. It was understood that the language was intended to convey that idea, and to my mind it does convey that idea.

Mr. SULZER. Mr. Speaker, will the gentleman yield for another question?

Mr. FLOOD. Yes.

Mr. SULZER. Of course, Alaska is noncontiguous territory with the United States, but the travel from the Pacific ports to Alaska is identically on the same basis as travel between the States, is it not?

Mr. FLOOD. The people of Hawaii have stated the same thing. If we are to whittle away the power that we give to the Government to protect itself from spies coming in from any one section in order to prevent inconvenience to the people who go to Alaska or to Hawaii or from Washington to Canada, then we had better not pass the bill. [Applause.]

Mr. MILLER of Washington. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. FLOOD. Yes. What is it?

Mr. MILLER of Washington. Has the department ever heard of a spy coming into this country from Canada?

Mr. FLOOD. I have never heard of it, and——

Mr. MILLER of Washington. And no one else has.

Mr. FLOOD. And the department never required a passport from a person going into Canada, and they do not expect to require a passport from any person going into Canada. There is no reason for injecting this amendment into this bill, because it is not the purpose to require passports. But if a condition should develop in the future whereby the department would consider that the travel to and from Canada was dangerous to the interests of this country in the prosecution of this war, then the power to protect this country from Canadian travelers would be necessary just as it would be in the case of travelers from Mexico or any other country.

Mr. FARR. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FARR. If they could not come in from any other country, they would try very hard to come in from Canada, would they not?

Mr. FLOOD. Yes. I think we should pass this bill and give our Government the power that every other government engaged in this war has had to protect itself from spies and informers who come to create trouble for the country or disaster for its interests, even if it does for a time inconvenience our neutral friends or friendly allies, and even if our own citizens are inconvenienced. The gentleman from Alabama [Mr. HUDDLESTON] would like to exempt American citizens coming into this country. I can not conceive of any department of this Government intrusted with the enforcement of this law which would so far forget its functions and its duties as to subject citizens needlessly to petty annoyances who happen to be out of the country when this law goes into effect. If there are American citizens in foreign lands who are under suspicion, who have gone into Germany since this war was declared, those are people who ought to be now out of this country and kept out until the war ends. If their conduct subjects them to charges of disloyalty or treason they should be properly dealt with. But many of them have conducted themselves so that the charge of disloyalty or treason could not be sustained in a court of justice, and yet our Government knows that they are not loyal and that their presence here would be dangerous to the country. Some are native American citizens and some are naturalized citizens, and the adoption of the Huddleston amendment would permit them to come back here without submitting themselves to any investigation. It would be dangerous to take down the bars for that class of people. It may subject individuals to inconvenience, but——

Mr. MILLER of Washington. I would like to ask if this bill has been laid before the President and has received the President's approval?

Mr. FLOOD. It has not only received the President's approval, but he has telephoned to Members of this House and advocated its immediate passage.

Mr. MILLER of Washington. As a war measure?

Mr. FLOOD. As a war measure.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HUDDLESTON. Was that before the change was made or afterwards?

Mr. FLOOD. The President telephoned to the gentleman from North Carolina [Mr. POU] a few days ago.

Mr. HUDDLESTON. Does the gentleman know whether the President had ever read the bill or not?

Mr. FLOOD. I presume he has read it.

Mr. HUDDLESTON. I understand he wants some bill; but is it this particular bill that he wants?

Mr. FLOOD. It is this bill that he wants passed in the very shape it is in and in the very shape that the gentleman from Alabama opposes.

Mr. HUDDLESTON. The gentleman does not know whether this bill has been specifically brought to his attention?

Mr. FLOOD. I do not know that the President has read every line in the bill, but I do know that representatives of the Department of State know every word in it; and the Department of Justice and the Department of Labor and the War and Navy Departments have all been trying in one way or another to keep these undesirable people out of this country and they have been unable to do so. I know that the representatives of all of these departments know the bill in all of its details and approve it just as it was reported from the committee. We have no law to protect this country, and the only protection we have now is that when people want to go out a clearance will not be given to the ship unless everybody on board has a passport. The only way to prevent these spies from coming in is through the activities and vigilance of the naturalization agents. We have no way at present of punishing the guilty or preventing them from violating or attempting to violate the regulations of the State Department in reference to passports. Those departments of the Government that I have mentioned have been for a year struggling with this question, and now their representatives and the President ask that Congress pass a law with teeth in it. [Applause.]

I hope this House will pass this bill just as it is reported, and vote down the two amendments, the one offered by the gentleman from Washington [Mr. MILLER] and the one offered by the gentleman from Alabama [Mr. HUDDLESTON]. [Applause.]

Mr. MILLER of Washington. My purpose in asking that question was this: The Delegate from Alaska [Mr. SULZER] and myself called at the White House this morning. We failed to see the President personally, but we were advised that so far as they knew the President knew nothing about this measure.

Mr. FLOOD. I do not know who gave the gentleman that information. The President has conveyed to me on two occasions his deep interest in this bill. The Postmaster General has talked to me frequently about it and said the President was very much interested in it, and that was after it was reported from the Committee on Foreign Affairs. Two days ago the President talked to the gentleman from North Carolina [Mr. POU] over the telephone in reference to the passage of this bill, and urged that the District of Columbia appropriation bill, which was then pending, be set aside for the time being, and that this bill be put in its place and passed. He urged it on account of the great importance of this measure.

Mr. FESS. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FESS. I am in entire sympathy with the purpose of the bill. I do not know how long the proclamation will be in force. What is the technical effect of a proclamation made in time of war? Will it cease automatically with the close of the war?

Mr. FLOOD. When the war ends the regulations will end. There is no necessity of any passport in time of peace. Our

law authorizes passports, but they are for the protection of the citizens who get the passports, who ask for them. We are asking for the passage of this law in order to protect the Government and the country.

Mr. Speaker, we have rules and regulations of the Department of State to control the travel to and from the country of American citizens, friendly aliens, and neutrals, but the rules and regulations go beyond the law and if there was a test made of them they could not be upheld.

There is no punishment for the violation of these regulations, and they are only partially enforced by resorting to methods that were not intended to meet a situation that confronts the country at this time and is a very inadequate method of enforcement. Entry into the country can only be controlled through the immigration agencies and departure from the country by denying clearance to vessels unless all of their passengers have passports.

All nations engaged in war have found it necessary to control travel to and from their countries, and when the war began in 1914 all of the belligerent nations adopted a stringent system of regulations in regard to such travel. Germany has from time to time closed her borders entirely.

Our laws are no stronger than they were in times of peace, and it exposes our country to the danger of having military information and other information of a vital character in the conduct of the war conveyed to the enemy through spies and informers, who, under our laws, can come and go without hindrance.

These spies are not only Germans, but in many instances have been neutrals, and in some instances have been renegade American citizens. Our authorities may suspect a man of being a spy, but it is very difficult to prove this fact; especially is this difficult when the man is an American citizen abroad who is desirous of coming home. A broad discretion must be vested in the Government to protect the country against this danger, and it is better to take the chance of keeping out an alien, a neutral, or even an American citizen who is perfectly innocent of any wrongdoing to the country rather than take a chance of having aliens and neutrals who are in the pay of our enemies and renegade citizens coming here and going back and forth to give information to the enemy which might result in having some of our transports sunk and our soldiers murdered, or in having some of our munition plants in this country destroyed, or to insidiously spread German propaganda, or to carry from this country information to the enemy.

The power vested in the President by this bill is broad and comprehensive, but it is essential to meet the situation that the Executive should have wide discretion and wide authority of action. No one can foresee the different means which may be adopted by the German Government and its allies to secure military information or spread propaganda and discontent. It is obviously impracticable to appeal to Congress for legislation for each new emergency. Swift executive action is the only effective remedy for such a situation.

This law is urgently needed and should be passed without delay and without opposition. [Applause.]

Mr. Speaker, I move the previous question on the bill and all amendments.

The SPEAKER pro tempore. The gentleman from Virginia moves the previous question on the bill and all amendments.

The previous question was ordered.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 3, strike out the words "that when" and insert the words "Section 1. When."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "the imposition of" and insert the word "that."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 6, strike out the word "otherwise."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 6, after the word "provided," insert the words "otherwise than by this act be imposed."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 10, after the word "such," insert the word "reasonable."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "person" and insert in lieu thereof the word "alien."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 9 and 10, strike out the words "not having permission to depart or enter, as the case may be" and insert in lieu thereof the words "with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 7, insert a new section, as follows:

"SEC. 2. After such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport."

The SPEAKER pro tempore. To this committee amendment the gentleman from Alabama [Mr. HUDDLESTON] has offered an amendment. The gentleman from Alabama desires to modify his amendment. Without objection, he will be permitted to do so. The gentleman from Alabama will please indicate his amendment

Mr. HUDDLESTON. I wish to modify my amendment so that it will read as follows:

Amend the committee amendment in line 12 and in line 13 by striking out the words "or enter."

The SPEAKER pro tempore. The Clerk will report the gentleman's amendment.

The Clerk read as follows:

Mr. HUDDLESTON moves to amend the amendment by striking out, on page 3, line 12, the words "or enter," and in line 13, by striking out the words "or enter."

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 5, noes 45.

Accordingly, the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question now is on the committee amendment.

The committee amendment was agreed to.

Mr. LITTLE. Mr. Speaker, I ask leave to revise and extend the remarks I made this morning.

The SPEAKER pro tempore. The gentleman from Kansas asks leave to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, the gentleman from Texas [Mr. CONNALLY] calls my attention to the fact that in section 3, on page 3, in line 16, after the word "violate," it would be better to strike out the word "the" and insert the words "any of the." I ask unanimous consent to be permitted to offer that amendment.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to be permitted to offer the amendment which he states. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 16, after the word "violate," strike out the word "the" and insert the words "any of the."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, change the section number from "2" to "3."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 15, strike out the words "that whoever" and insert in lieu thereof the words "any person who."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 16, strike out the words "the foregoing section" and insert in lieu thereof the words "this act."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 24, strike out the word "conveyance" and insert in lieu thereof the word "vehicle."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 3, change the section number from "3" to "4."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, after line 6, insert a new paragraph as follows:

"The word 'person' as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic."

The amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Washington [Mr. MILLER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Washington: Page 4, line 6, after the word "state," insert the words:

"*Provided*, That the provisions of paragraph (a), section 1 and sections 2 and 3 of this act, shall not apply to citizens of the United States going to and from Canada nor to citizens of Canada going to and from the United States, nor shall it apply to vessels operating between the ports of the United States and the ports of Canada."

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MILLER of Washington) there were 16 ayes and 44 noes.

So the amendment was rejected.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes.

The SPEAKER pro tempore. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill.

Mr. DENT. Mr. Speaker, pending that motion, I ask unanimous consent that general debate be dispensed with.

Mr. GILLETT. Reserving the right to object, may I ask for the information of the House if it is expected that after this bill passes any other legislation will be brought up this afternoon?

Mr. KITCHIN. I will say to the gentleman, no; that I will then move to adjourn.

Mr. CANNON. Mr. Speaker, reserving the right to object, I think there ought to be a little general debate.

Mr. DENT. I will say to the gentleman that I have an understanding with my colleagues on the other side on this committee, as the gentleman from California informs me that he has several requests for time, that I shall not object to extending the time under the five-minute rule.

Mr. CANNON. With that understanding, Mr. Speaker, I do not object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

The motion of Mr. DENT was then agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

Mr. DENT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June 30, 1919.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the time has arrived in this country when we must deal severely with spies, dynamiters of munition factories, and profiteers. I believe the profiteer who defrauds his country in this crisis, especially if he has a contract to furnish war materials, is a traitor to his country, should be stood up against the wall, and taken care of by the firing squad. We are asking people to buy bonds, savings stamps, to conserve food, fuel, and other materials necessary to win this war, and asking them to deny themselves that the country might more effectually prosecute the war to a successful conclusion. If we are to ask the people of this country to save, it is our duty to protect in every way possible the expenditure of every dollar so raised.

A man who would defraud his Government during this crisis is guilty of treason. He is disloyal; he is as bad as a spy. He is as bad a man as one who would blow up a munitions factory, and he should pay the awful penalty. The official who assists him is equally guilty and should suffer the same penalty.

The one who knows of such defrauding and does not disclose it to the proper official should not be handled with gloves. Alongside of the alien enemy, the disloyalist, the blower-up of munitions factories, the destroyer of war materials, the food destroyer, the preacher of disloyalty, the plotter against the country, is the profiteer, and they all should be introduced to the firing squad.

Whoever takes advantage of his country's peril in the hour of its greatest crisis is the meanest man in the country. Such a person would betray his country, would sell his family into bondage, would commit any crime known to man. The time is going to come when we will have to treat severely with spies, dynamiters, and profiteers.

If a few of these traitors were occasionally introduced to the firing squad, it would be better for the country. Let the people of this country know that the profiteer and defrauder of his country is to be severely punished and as soon as possible.

Above all, let the profiteer know that he is going to be punished and branded as a traitor and he will not be so handy in defrauding his country. He should be treated as an armed enemy. This is no hour for trifling. [Applause.]

The Clerk read as follows:

For extra pay of officers of the Army on detached service at the Military Academy.

Mr. GREENE of Vermont. Mr. Chairman, I move to strike out the last word. I do this to obtain a parliamentary opportunity to insert in the RECORD information contained in a letter which I have received from The Adjutant General of the Army, written at my request, in which he shows in detail the pay and all the so-called perquisites and emoluments of commissioned officers of the Regular Army. There have been many more or less fantastic ideas in the popular mind that in addition to the statutory pay the commissioned officer is in a position to derive financial benefit from various changes in location of posts or assignments to duty, and that there also inures to him in one way or another some kind of benefit which is hazily and loosely classed as "perquisites and emoluments." Anyone who is familiar with the subject knows that no money is paid out of the Treasury except by authority of law, and that all pay and benefits that go to any officer in the Army are in every detailed item prescribed by law.

It is only fair to say, moreover, that the pay of an officer of the Army is not by any means as substantial compensation as some people probably imagine it to be, taking into consideration the fact that the officer must furnish his own subsistence and buy his own uniforms and equipment, which latter are necessarily expensive and sometimes change in the character and type required by regulations before they are worn out by ordinary use. Besides that, it should be remembered that the Army officer has no permanent home in peace time, but is required to move, with his family, if he has one, every now and then from post to post up and down the country or across the seas, and we all know that "three removes are as bad as a fire."

All in all, his pay as it averages with his years of experience and service is probably not as favorable as the salary generally given to men of corresponding qualifications and responsibilities in civil life. It is small wonder, then, that the average Army officer can not expect to put by much, if anything, for the proverbial "rainy day," as men do in civil occupations, but is compelled, in the very nature of things, to expect that his old age will be supported only by the allowance that he will get by law upon his retirement from active service.

Without taking any further time, I will suggest that it may be to the advantage of some occasional inquirer if he can find in the RECORD a concise, complete, and authoritative statement of the pay and allowances of a commissioned officer of the Army.

Mr. WELLING. I would like to ask the gentleman if the pay of the cadets is in his list.

Mr. GREENE of Vermont. No; they are not officers of the Army.

Mr. WELLING. What is the pay of a cadet?

Mr. GREENE of Vermont. Six hundred dollars a year; but the gentleman will appreciate the fact that he does not get that in money; it is a credit allowance against which certain things are charged to him on his account from time to time. If at the end of his period of instruction there is some part left, that small balance, according to long-established practice, it generally employed toward furnishing him his outfit for the service he is to enter as an officer.

Mr. DYER. How much does a young man have to deposit in the Military Academy when he enters?

Mr. GREENE of Vermont. I am not informed as to the present regulation about that.

Mr. DENT. I did not understand the gentleman's question.

Mr. DYER. How much money does a young man on entering the Military Academy have to deposit?

Mr. DENT. I think $500.

Mr. McKENZIE. I beg the gentleman's pardon. I understand it is $100, for the purpose of buying an outfit, but he gets that back. The purpose is to protect the Government from cadets coming in and only staying a short length of time.

Mr. DYER. Does he get it back after he has been there a certain time or does he have to wait until he graduates?

Mr. McKENZIE. I presume he gets it as soon as he has been there long enough so that the Government is sure that it will not be a loser.

Mr. DYER. According to the present law and practice, I understand that a young man entering the Academy has to deposit sums which run up to $300, and it is not an easy matter for poor boys to get that sum off of poor parents of boys who enter to pay it to start with.

Mr. GREENE of Vermont. I understand that whatever may be the situation now—and these regulations may have been changed in regard to these deposits—it is exacted only as an earnest of good faith. It is the practice and it is the law that a cadet shall have his education and equipment during education furnished free, and in the end it amounts to that. He is supposed to be put to no expense in attending the academy.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent to extend his remarks by printing the document referred to. Is there objection?

There was no objection.

The letter is as follows:

PAY AND ALLOWANCES OF COMMISSIONED OFFICERS.

Pay of officers in active service.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.

Grade.	Pay of grade.	
	Yearly.	Monthly.
General	$10,000.00	$833.33
Lieutenant general	9,000.00	750.00
Major general	8,000.00	666.67
Brigadier general	6,000.00	500.00
Colonel	4,000.00	333.33
Lieutenant colonel	3,500.00	291.67
Major	3,000.00	250.00
Captain	2,400.00	200.00
First lieutenant	2,000.00	166.67
Second lieutenant	1,700.00	141.67

(a) Officers below the rank of brigadier general receive 10 per cent on the yearly pay of the grade for each term of five years' service, not to exceed 40 per cent in all.

(b) The maximum pay of a colonel is $5,000, that of a lieutenant colonel $4,500, and that of a major $4,000.

(c) Ten per cent increase for foreign service of all officers serving outside the United States, except in Canal Zone, Panama, Porto Rico, or Hawaii.

Commutation for quarters when public quarters are not available and for officers who are not serving with troops.

Grade.	Yearly pay of grade.
General	$1,584.00
Lieutenant general	1,440.00
Major general	1,296.00
Brigadier general	1,152.00
Colonel	1,008.00
Lieutenant colonel	864.00
Major	720.00
Captain	576.00
First lieutenant	432.00
Second lieutenant	288.00

Commutations of heat and light when public quarters are not available, depending upon number of rooms actually occupied for certain zones of equal temperature in which the officer is serving.

Number of rooms.	Heat.		Light.	
	Minimum.	Maximum.	Minimum.	Maximum.
10	$6.00	$28.50	$3.24	$5.16
9	6.00	24.30	2.88	4.62
8	6.00	22.40	2.70	4.32
7	5.55	20.65	2.40	3.84
6	5.50	18.60	1.98	3.18
5	5.00	16.50	1.62	2.58
4	5.00	14.40	1.44	2.28
3	5.00	12.00	1.26	2.04
2	4.00	8.90	.90	1.44

Officers traveling by rail under competent authority when not accompanying troops receive $0.07 a mile.

Officers sent abroad for special observation of operations at the front are allowed $6 per day for expenses.

The lieutenant general may select two aids and a military secretary, who shall have the rank of lieutenant colonel while so serving.

An aid to a major general is allowed $200 and an aid to a brigadier general $150 per year in addition to the pay of his rank.

Any officer below the grade of major required to be mounted, whether permanently or temporarily, who provides himself with suitable mounts at his own expense and of his exclusive ownership, shall receive, in addition to his pay, $150 per annum if he provides one mount and $200 per annum if he provides two mounts. An officer claiming additional pay for providing his own mount must personally certify on each account that he was suitably mounted at his own expense and is the actual and exclusive owner of the mount or mounts in question, specifying the place at which maintained. (Act of May 11, 1908.) This addition to his pay is paid to him as a compensation for the purchase price of his mounts and is not credit allowance for the keep of the mount. (A. R. 1273.)

The Government maintains and cares for the private mounts of officers required to be mounted.

Regimental and battalion or squadron staff officers receive the pay of their respective grades on and after May 11, 1908.

While on duty that requires him to participate regularly and frequently in aerial flights, each aviation student receives 25 per cent, each duly qualified junior military aviator 50 per cent, and each duly qualified military aviator 75 per cent in the pay of his grade and length of service under his line commission.

The above covers total pay and allowances due officers of their grade from all sources.

RETIRED OFFICERS.

Retired officers receive 75 per cent of the pay of their grade (salary and increase). (R. S. 1274.) No increase of longevity after retirement unless retired for wounds received in battle. (Act of May 11, 1908.)

Retired officers are not entitled to allowances for quarters, heat, and light.

Retired officers below the grade of lieutenant colonel detailed for active duty are entitled to the full pay and allowances of their grade. Retired colonels and lieutenant colonels detailed for active duty other than at colleges are entitled to the same pay and allowances a retired major would receive under a like assignment; detailed at colleges under the act of November 3, 1893, they are entitled to the same pay a retired major would receive under a like assignment and to the allowances of their grade. (Acts of Apr. 23, 1904, Mar. 2, 1905, June 12, 1906, and Mar. 3, 1909.)

Retired officers may be transferred to the active list of the Army if under 50 years of age and with rank not above that of captain to the place on the active list which he would have had if he had not been placed on the retired list and should be carried as an additional number in the grade to which he is transferred or at any time thereafter promoted. Such officer shall stand a satisfactory medical and professional examination as now provided for by law. (Act approved Mar. 4, 1915.)

In time of war retired officers may be employed on active duty, in the discretion of the President, and when so employed they shall receive the full pay and allowances of their grade. Further, any retired officer who has or shall be detailed on active duty shall receive the rank, pay, and allowances of the grade not above that of major that he would have attained in due course of promotion if he had remained on the active list for a period beyond the date of his retirement equal to the total amount of time during which he has been detailed on active duty since his retirement. (Act approved June 3, 1916.)

The Clerk read as follows:

Four cooks, at $38 each per month (increase $384 submitted), $1,824.

Mr. KAHN. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Ought not the language "(increase $384 submitted)," in lines 19 and 20, be stricken out?

Mr. DENT. They should.

Mr. KAHN. Then, Mr. Chairman, I offer to amend, in lines 19 and 20, page 4, by striking out the language "(increase $384 submitted)."

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, lines 19 and 20, strike out the words "(increase $384 submitted)."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WELLING. Mr. Chairman, I would like to ask the gentleman from California what the figures "$1,824" mean at the end of that line 20?

Mr. KAHN. That is the total for the four cooks for the year.

The Clerk read as follows:

For pay of Engineer detachment: One first sergeant, at $51 per month, $612.

Mr. BLAND. Mr. Chairman, I move to strike out the last word for the purpose of making a few remarks on the pension question. I understand that it is the present plan of the majority to bring up the House general pension bill on next Monday under suspension of the rules. The bill as reported to the House, as gentlemen will understand, provides for a 30 per cent increase, with a minimum of $25. It also has in section 3 two provisions to which there is a great amount of objection by the old soldiers of the country. That section provides that anyone having an income of $1,000, including the pension, shall not be entitled to any of the increase provided for in the bill. It also provides that the inmate of any soldiers' home shall not be entitled to any increase provided for in the bill.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. MAPES. What percentage of the old soldiers will the bill apply to if these exceptions are put in?

Mr. BLAND. A very large percentage, because the majority of them, of course, have not a thousand dollar income, and the majority of them are not in the soldiers' homes.

Mr. CANNON. Mr. Chairman, if the gentleman will permit, my recollection is that 19,000 of the Union soldiers of the Civil War are in the soldiers' homes, and they would not take any benefits by this increase of pension; and if the gentleman will allow me also in his time, and I think the committee will extend the time for five minutes more if the gentleman desires, these 19,000 in the national homes come from all over the country. I would not undertake to speak accurately as to the number of Union soldier survivors who are not in the homes.

Mr. MAPES. Do the 19,000 include the inmates of State homes as well as the national homes?

Mr. CANNON. I think not.

Mr. BLAND. The bill provides "State or National homes."

Mr. CANNON. We contribute $100 a year to these State homes, as the gentleman knows.

Mr. BLAND. Yes; they are partly supported by the Federal Government. If this matter comes up under suspension of the rules, there will be no opportunity for amendment, and very little chance for debate. I think the majority of the House want to amend the bill. I feel that at this time the old soldier is the man who is hit hardest by the high cost of living. His little pittance of $17 or $22.50, as the case may be, does not go very far. I think it is a serious matter to which consideration ought to be given at this time, and a bill should be passed by this Congress that will give them substantial relief. The bill to be acted upon Monday provides for a $25 minimum. I think the majority of this Congress are in favor of at least a $30 minimum, but unless we have the opportunity of amending it and bringing it up as a privileged report or considering it under a special rule we will have no opportunity of voting for a $30 minimum or of voting to strike out section 3.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Yes.

Mr. MAPES. Will not the Committee on Rules bring in a rule making it in order to consider the bill so that we can amend it?

Mr. BLAND. I think they would if the matter were presented to them properly and by the proper parties. A number of that committee have signified their disposition to do so, and it is also a privileged matter. It stands to-day on the Calendar as highly privileged as any other matter before this body, and it should be presented now as a privileged matter. I do not think the matter ought to come up under suspension of the rules so as to avoid the opportunity of amendment, but it seems that it is the deliberate purpose of the majority to do so.

Mr. ANTHONY. Does the gentleman know when it is the intention to bring this before the House?

Mr. BLAND. Next Monday, under suspension of the rules.

Mr. ANTHONY. I agree with the gentleman that it would be unfortunate to have that done.

Mr. BLAND. That is the reason why I am raising the question at this time. I think Members ought to insist that this bill be brought out under special rule or as a privileged matter.

This bill appropriates, as I remember it, and Gen. SHERWOOD will correct me if I am in error, $29,000,000, quite a sum to pass under suspension of the rules without any consideration as to where it shall go and without any opportunity of amendment and very little opportunity for debate.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BLAND. I shall be very glad to do so.

Mr. GARRETT of Tennessee. In answer to the suggestion made by some gentleman a moment ago touching the matter of a special rule, as one member of the Committee on Rules I have this view of the matter, that where the Pension Committee has under the general rules of the House a day every two weeks that no special rule is necessary.

Mr. BLAND. It is my understanding that that day every two weeks is for omnibus private bills and not general bills.

Mr. GARRETT of Tennessee. It is for general pension legislation.

Mr. BLAND. No; I do not think so. I understand that the Committee on Pensions is privileged to make a report the same as the other privileged matters, and I am also informed reliably that there is no other bill on the calendar to which a higher privilege attaches. It may be brought up this afternoon and considered, and I hope amended and passed.

Mr. GILLETT. If the gentleman will permit, in response to what the gentleman from Tennessee said, if it is so that the Committee on Pensions has a right every other week to bring up their bills, would not that be a strong argument against bringing it up on suspension day, because it would show that the only reason for bringing it up was to avoid any amendments?

Mr. BLAND. That seems to me to be self-evident.

Mr. GARRETT of Tennessee. If the gentleman will permit, I am not arguing that question. I am merely saying, as one member of the Committee on Rules, I do not think a special rule is necessary or ought to be expected from that committee for a committee that has the power to legislate every two weeks.

Mr. BLAND. As I understand it, under its privileged standing on the calendar the only thing essential is recognition by the Chair—that is, on days not set apart for unanimous consent, suspension of the rules, or other special matters. If you can get recognition of the Chair, you do not need a special rule; if you can not get recognition of the Chair, you ought to have the special rule.

Mr. TILSON. May I ask the gentleman from Tennessee a question?

Mr. GARRETT of Tennessee. The gentleman from Indiana has the floor.

Mr. BLAND. I will gladly yield to my friend from Connecticut for that purpose.

Mr. TILSON. Do I understand the gentleman from Tennessee to say that on any Friday known as pension day it would be in order for the chairman of the Committee on Invalid Pensions to rise and make a motion that the House go into the Committee of the Whole House on the state of the Union for the consideration of pension bills of a general nature?

Mr. GARRETT of Tennessee. That is the provision of the rule.

Mr. TILSON. That it would have a privileged status the same as an appropriation bill on any other day?

Mr. GARRETT of Tennessee. Why, the general rules of the House provide that general pension legislation is a privileged matter.

Mr. TILSON. The gentleman is correct as to the rule of privileged matters, but not as to its being privileged by reason of the rule as to private pension bills on Friday.

Mr. BLAND. I do not think the chairman of the committee [Mr. SHERWOOD] so understands that, and I know that he has been trying to get this bill up, and I do not think he understood that he had the right to report this bill as a privileged report on pension day, but if it was entitled to be reported at all, it would be as privileged. It could be called up for consideration on pension day; but, if so, it would be because it was privileged under the rules and not because it was pension day.

Mr. SHERWOOD. It is private pension day, not general.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. I ask that the gentleman have an additional five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that the gentleman may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

HOUSE BILL AND MR. BLAND'S REPORT.

Mr. BLAND. The gentleman from Ohio [Mr. SHERWOOD], chairman of the committee, has just stated that he understands Friday is private pension day and not for general bills, and that is the understanding of the committee, I am sure, and we have been working on that theory. I desire to insert as a part of my remarks a copy of the House bill reported by the honored chairman of our Invalid Pensions Committee, Gen. SHERWOOD, and also a copy of that portion of the report which contains my personal views on the subject:

A bill increasing rates of pensions of soldiers and sailors of the Civil War.

Be it enacted, etc., That the rate of pension of any person who served in the military or naval service of the United States during the Civil War and was honorably discharged therefrom, and who is now in receipt of a pension or shall hereafter be granted a pension under the provisions of any general law, or is now pensioned under a special act of Congress, and who is entitled to a pension less than $25 per month, shall be $25 per month.

In case such person has reached the age of 70 years and served 1 year, the rate of pension shall be $26 per month; 1½ years, $28 per month; 2 years, $30 per month; 2½ years, $31 per month; 3 years or over, $32.50 per month.

In case such person has reached the age of 75 years and served 90 days, $27 per month; 6 months, $29 per month; 1 year, $31 per month; 1½ years, $35 per month; 2 years or over, $39 per month.

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, shall be paid the rate of $39 per month, without regard to the length of service or age.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and who was honorably discharged therefrom, and who is now pensioned or shall hereafter be pensioned under any general law, or who is now pensioned under special act of Congress at a rate of $20 per month or more, shall be entitled upon the passage of this act to receive in lieu thereof a rate which shall be fixed by the Secretary of the Interior, in multiples of 50 cents, nearest approximately 30 per cent additional to the present rate: *Provided*, That no rate of pension shall be granted under the provisions of this act in excess of $50 per month: *Provided further*, That no pension heretofore granted shall be reduced by this act.

SEC. 3. That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or national soldiers' home, and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

SEC. 4. That the increased rates of pension provided by this act shall commence from the date of the approval of said act, or in case of original pensions hereafter allowed from the date of commencement of such pensions as provided by existing laws.

SEC. 5. That no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act.

VIEWS OF HON. OSCAR E. BLAND, OF INDIANA.

I fully concur with the views of the Committee on Invalid Pensions as to the provisions of House bill 9959 in so far as it increases fairly and equitably, though insufficiently, the amount of money to be paid to the pensioned soldiers of the Civil War. A minimum should be established, and an increased amount should be given on account of age and service. With these principles in the bill I also concur. And were it not for the extreme age and general deplorable physical disability of the soldiers of that war I would advocate but little change in this bill, but since about 37 per cent of them now on the pension rolls served more than two years, and since practically all of them are over 72 years of age, necessarily feeble and unable to perform manual labor, and since present war conditions have doubled the price of living, the amounts under the provisions of the bill appear to me to be absolutely inadequate. More than 95 per cent of the soldiers of the Union cause now on the pension roll have no income of consequence in addition to their pension.

I maintain that it is the duty of the Government to provide adequate and liberal means to cover the entire cost of supporting the surviving Civil War pensioned soldiers and their dependent families. I therefore favor a $30 minimum for any soldier of the Civil War now on the pension roll or who may hereafter be placed on the pension roll, and I favor the recognition of age and service to a maximum of $40 per month. And if I were convinced of the existence of a reasonable probability of obtaining a $50 maximum I would heartily advocate it.

The following short paragraph, if enacted into law, would, in my judgment, be the fairest and most practicable bill for enactment, considering the expense and all the valuable experiences derived from the trial of past pension legislation:

"A bill to amend an act entitled 'An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico,' approved May 11, 1912.

"*Be it enacted, etc.*, That the general pension act of May 11, 1912, is hereby amended by adding a new section, to read as follows:

"'SEC. 6. That from and after the passage of this amendment the rate of pension for any person who served 90 days or more in the military or naval service in the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than $30 per month, shall be $30 per month.

"'In case such person has reached the age of 72 years and served six months, the rate shall be $32 per month; one year, $36 per month; one and a half years, $38 per month; two years or over, $40 per month: *Provided*, That this amendment shall not be so construed as to reduce any pension under any act, public or private.'"

The Hon. Franklin K. Lane, Secretary of the Interior, concerning these identical figures and this paragraph, under date of February 15, 1918, says:

"The roll carries no class of survivors rated upon attained age of 72 years. It was ascertained by running through several thousand roll cards that about 75 per cent of the survivors pensioned upon the basis of attained age of 70 years were not between the ages of 72 and 75 years. The results of addition of this percentage of the 70-year class of the roll at the close of the last fiscal year to the 75-year class then on the roll by periods of service, and computation of the difference in annual rates at that time and the rates proposed by the bill, are shown in the following tabulation:

Age and length of service.	Number.	Increased cost per year.
Less than 72 years and served 90 days and over, and 72 years and over and served less than 6 months	2,171	$10,670,202
72 years and over and served 6 months and less than 1 year	39,163	5,099,178
72 years and over and served 1 year and less than 1½ years	42,083	6,209,772
72 years and over and served 1½ years and less than 2 years	24,785	4,165,542
72 years and over and served 2 years and over	111,739	15,959,268
Total	299,941	42,104,362

"The average annual increase is about $120. Allowance for death losses and other changes may be accepted to reduce the above total to $40,000,000, as representing the approximate cost of the bill for the first year should it become a law."

It will be observed that the number of soldiers who are less than 72 years of age and served 90 days and those who are over 72 years of age and served less than six months is 2,171, and that the total increased cost of paying this class of men $30 per month instead of what they are now receiving would only be $10,670,202, and that the total increase under this proposal would only be $40,000,000. The provisions of this above proposed bill, while not as much as was hoped for by the Grand Army of the Republic officials, who have stated their wishes to the committees of Congress having general pension legislation under consideration, it is declared to be, under the circumstances, satisfactory to them. After considerable investigation I am convinced that if the above provisions are agreed to by the House of Representatives they will soon be placed on the statute books.

If the above is enacted into law, special bills for increase of pension will be few. It will not, of course, change the number of bills for original pensions. The committee bill having a $25 minimum will not relieve the tremendous demand for special increase bills.

I am opposed to section 3 of the bill. There are very few soldiers receiving pensions who have $1,000 incomes. If we give the soldiers enough to live on, there will only be a few who will want to stay in the soldiers' home.

I fear too exacting proof of these two almost immaterial facts will be exacted by some unfriendly and technical departmental official, which will cause endless delay and general dissatisfaction.

The proposed bill I have offered as a substitute is an exact copy of the Smoot bill, introduced by Senator SMOOT in the Senate, and which has been favorably reported by the Senate Pensions Committee.

There are 16 men on the Invalid Pension Committee and while none of them have joined me in a report recommending a $30 minimum for the old Civil War soldier, I know that many of them feel on this question just as I do about the imperative needs of this class of soldier, and I am not attempting to pose as the only member of the committee who would like to see the soldiers affected by this bill get at least that amount of money, but my individual convictions, as well as my personal and party pledges, make it imperative that I not only strive in committee to do what I conceive to be my full duty to the soldier, but that I at least attempt to have my convictions acted upon by all my colleagues in the House.

In considering this bill, which is to increase the pensions of the soldiers and sailors of the Civil War, there are three things which I regard as fundamental:

First. The age of any survivor of the conflicts of the Civil War of itself is such as to disqualify him in almost every instance from performing manual labor. Some may earn a small wage, but, if so, it is usually from dire necessity and with great pain and misery.

Second. Regardless of what those who oppose pensions generally may say, it is a fact that most men on our pension rolls have depended upon their pensions for their support, to the extent that but few of them have any other source of income, and many of them by reason of war-incurred disabilities have never been physically able to accumulate anything for old age.

Third. The enormous increase in the cost of living, due largely to war conditions, has made the pittance received from the Government inadequate to supply the bare necessities of life for the Civil War soldier and his family.

When we are calling on our young men, the sons and grandsons of these honored heroes, to offer their lives in this the most terrible of wars; it would be a blunder and mistake to turn

a deaf ear to the cry for help from the men who saved this Republic by the offer of their lives.

The second congressional district of Indiana, which I have the honor to represent, is proud of the fact that during the days of the Rebellion it did its full duty and sent its thousands to battle for the life of the Union. It to-day is honored by having as residents within its confines more old veterans of that terrible struggle than the average congressional district. I am not sure as to the cause of this condition; whether it is wholly due to the number who enlisted from my district or whether the old fellows just love to live down there among our hospitable folks, or whether it is due to both reasons. One of my colleagues, in a spirit of jest, the other day suggested that it was because we nearly always had a Member of Congress from that district on the Invalid Pensions Committee, but I know that this can not be true.

One thing is certain; they know their Congressman's address and they know how to write, and if they are too feeble to write they get some friend to write for them, and you may rest assured that, without regard to politics or formality of long acquaintance, they have been telling me what they expect of this Congress in no uncertain terms.

My heart has ached because of the suffering of some of these men to whom we owe so much. I know they are suffering, and if you have taken time to figure out what a dollar will buy to-day you know many of them are suffering. Seventeen dollars a month, or even a dollar a day, does not go far toward providing shelter, food, and clothing for a man and his family in these days. Some of these old friends have written me what they have to eat, what they wear, what kinds of homes they have to live in, and many of them tell of doctor bills and sickness. Should we neglect these men now, who in the twilight of their honored lives look to the Government they saved for us for help, we would be unworthy of the priceless privileges we now enjoy because of their sacrifices.

Some one says, "Let them go to the soldiers' home." Yes; let them go if they have to; but I hope this great Nation, this powerful Nation they saved, will not by its neglect force them in their feebleness or old age to leave their loved ones and their places of hallowed remembrances to go to a soldiers' home, no matter how well it may be managed or however comfortable it may appear.

They are fast passing away; they will not long honor us with their presence. Every 15 minutes one of these gallant men in blue hears the muffled drum and answers his last roll call. To those who object to the $40,000,000 increase I propose, let me say that practically all of it goes to the men over 70 years of age, and they necessarily can not be with us long. If I advocated this $40,000,000 increase solely on the ground of governmental generosity or solely on the ground of the payment of a just debt the Nation owed to its defenders or on the ground of the value of the example to the present-day generation, in either instance I would have an irresistible and unanswerable argument. But, Mr. Chairman and gentlemen, I present it to you to-day not only as a generosity and a payment, but as a positive necessity, the hour of which must not be delayed.

Most of you men when in your districts back home have proclaimed your love for the soldier and have promised your support for "One dollar a day and more if necessary." Your party platforms, State and National, have slobbered all over the soldier; a very large per cent of you have introduced dollar-a-day bills and many of you have introduced them for larger sums. Now is the time to come to the front. You will never have a better opportunity. Since the close of the Civil War there never was a time when the welfare of the American soldier was nearer the hearts of Members of Congress or the American people in general than it is at this moment. But if you consider this bill under suspension of the rules you know you will not get the $30 minimum.

If, when you consider this bill, you adopt my amendment you will get rid of section 3, which I regard not only as unjust and unfair but as impracticable and very harmful to the purposes of the act. If you will give the old soldier enough to live on he won't want to go to a soldiers' home, and the Government will be relieved of his care there, and he will be a happy, contented, and patriotic citizen and an inspiration to the people of his community.

I have opposed the provision in this section which denies the increase provided for in the bill from a soldier whose income, including his pension, is a thousand dollars or more, for several reasons. One of them is sufficient—who is going to determine how much his income is? If it is a thousand dollars this year, how much will it be next year, and the next, and so on? Do you intend to give some unfriendly administrative officer the opportunity to "split hairs" and investigate and delay and worry these old felows until they die with old age? If you want to give them an increase, give it to them; do not dangle it before their eyes and then withhold it.

Gentlemen, I sincerely hope that this House will give us a chance to consider this bill under a special rule or as a privileged matter so that we can amend it and that you will adopt my amendment, providing for a $30 minimum. I will gladly vote for a $50 maximum, and if I thought my amendment would be passed by this House containing that amount as a maximum I would have so drafted it.

Mr. MAPES. Will the gentleman yield so as to get this point of order straightened out?

Mr. BLAND. Yes.

Mr. MAPES. The rules say:

On Friday of each week, after the disposal of such business on the Speaker's table as requires reference only, it shall be in order to entertain a motion for the House to resolve itself into the Committee of the Whole House to consider business on the Private Calendar in the following order—

And so forth.

I understand the bill to which the gentleman refers is on the Union Calendar, and it could not be brought up on Friday.

Mr. BLAND. That is my understanding. It could only be brought up as a privileged report, if you obtained recognition of the Chair, or it could be brought up on a rule from the Committee on Rules. I understand it is on the program to bring it up under suspension of the rules on suspension day next Monday. If that is done, gentlemen, you men who are friends of the soldiers and who feel in this time of war we ought to offer encouragement to the young soldiers by giving what their fathers and grandfathers are entitled to, will be forced into voting for a bill which, it is true, gives an increase, but which is not satisfactory, or you will be forced to vote against the passage of the bill under the suspension of the rules, and then be criticized for your failure to support an increase bill. I am in favor of bringing this matter up this afternoon before we close our labors and thrash this bill out and consider it in Committee of the Whole House on the state of the Union, and arrive at some just measure that will give the old soldiers of the country that to which they are so justly entitled. We have plenty of time this afternoon. Why not do it? [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. BLAND. I will be very glad to yield.

Mr. CANNON. I find on examination that my recollection was correct, that under the rules of the House the business of the Committee on Invalid Pensions is privileged the same as any of the other committees.

"The following-named committees shall have the right to report at any time on matters herein stated," and there are a number of committees, including the Committee on Invalid Pensions with general pension bills, and that has been always construed, and uniformly construed, to make it in order at any time the chairman could be recognized to go into the Committee of the Whole.

Mr. BLAND. But he would have to have recognition of the Chair, would he not?

Mr. CANNON. He would have to have recognition of the Chair at any time in order to do anything.

Mr. BLAND. I do not think I am misstating a fact when I say that I think the Chair would be more inclined to recognize one who has a privileged report than one with a request for the suspension of the rules. I think, however, that there is a determination here to bring this bill up Monday under suspension of the rules to avoid amendment, and I do not think it ought to be permitted. I am glad to call attention to it at this time, so that you men who feel interested in this proposition will see to it that this House is not forced to swallow whole a bill that does not do justice to the old soldiers, and your mouths be closed from debate and you be denied the privilege of offering an amendment that will give substantial relief to the soldiers. I am calling your attention to it for that reason at this time.

Mr. McKENZIE. It takes a two-thirds vote to suspend the rules and pass the bill, does it not?

Mr. BLAND. Yes. This bill provides a 30 per cent increase. Would you vote against it, even though you knew there was some unjust features in the bill?

Mr. McKENZIE. I would not like——

Mr. BLAND. The House ought not to be put in an unfair position. We are in favor of an increase, and under such rules and regulations as will give speedy relief. For instance, if you vote for the present House bill, you will vote for a provision to prevent those who are getting $1,000 income from getting an increase. That provision in the law will entail long investigation and long delay and an army of employees being employed who will harass these men who are entitled to these increases now while they are alive and while prices are so high.

Mr. CAMPBELL of Kansas. Mr. Chairman, first of all, I want to address myself to the rule under which the pension bills are considered on every other Friday; that is, under Rule XXIV, clause 6, which provides for the consideration of bills on the Private Calendar. The business of that day is confined to private pension bills and to the removal of political disabilities, and the chairman of the Committee on Pensions would not have the right on that day to call up general pension legislation such as is contemplated in the bill that has been reported by the committee. The rule reads with reference to pensions:

On the second and fourth Fridays of each month preference shall be given to the consideration of private pension claims and bills removing political disabilities and bills removing the charge of desertion. On every Friday, except the second and fourth Fridays, the House shall give preference to the consideration of bills reported from the Committee on Claims and the Committee on War Claims, alternating between the two committees.

This rule, therefore, does not give the chairman of the Committee on Pensions the right to call up his pension bill, a bill legislating generally on the pension subject, and the committee is confined entirely to bills on the Private Calendar, or what are known as private pension claims. I am sure the gentleman from Tennessee had overlooked the strictness of the rule under which the Pension Committee operates on every other Friday.

Mr. MAPES. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MAPES. Will the gentleman give us his opinion as to whether this bill is a privileged bill and could be called up by the committee at any time without a rule?

Mr. CAMPBELL of Kansas. In my judgment, yes.

Mr. TOWNER. The Committee on Invalid Pensions has the right to report at any time, just the same as the Committee on Rules has the right to report at any time a general bill.

Mr. MAPES. It has to be a privileged bill.

Mr. CAMPBELL of Kansas. The gentleman from Ohio [Mr. SHERWOOD] on any Friday that he has the floor, or on any other day, could move that the House resolve itself into the Committee of the Whole for the purpose of considering this bill.

Mr. TOWNER. If the gentleman will permit me, this has the privileged status with regard to pension bills. If a general pension bill is reported it may be reported by the committee at any time under this provision which puts among the privileged reports such as those from the Committee on Rules, and appropriation bills, and also includes reports from the Invalid Pension Committee on general pension bills, so that they may be called up at any time by the chairman of the committee. Now, when it comes to private pension bills, those can not be called up at any time. They can only be called up on every other Friday under the other rule. So that we have those two privileged conditions regarding pension legislation. Now, this bill being a general pension bill, the chairman of the Committee on Pensions may call it at any time for consideration in the House.

Mr. BLAND. Clause 6 of paragraph 857 says "privileged bills reported under the right to report at any time," which includes reporting a motion for the consideration of a general bill from the Invalid Pension Committee.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Now, upon the necessity for general pension legislation, no one will contend that the amounts now paid to the veterans of the Civil War are sufficient to meet the obligation that rests on Congress to meet the necessities of these veterans.

It is as much our duty to fully provide for their needs now as it was to provide for their needs when they were serving in the field. Mr. Chairman, the conditions have so changed, the prices of everything the veteran buys have increased to such an extent that the amount he receives is not enough to meet the merest necessities. There is no sort of contention that we ought not to keep the pledge that we made with the veterans of the war of the sixties and provide for their necessities in their old days. We are spending billions of dollars for war purposes to-day. We ought, while we are doing this, while we are paying for the war we are now waging, to have some regard for the debt we owe for the greatest war that we ever waged in our history. These men have a claim upon this country. They have a claim upon this Congress. We ought to meet that claim. While we are to-day ready and willing to spend these billions of dollars for waging a war the end of which no one can yet see, we ought at the same time to take a day off and provide for the necessities of the men who made it possible for us to have a country.

A rule is preferable to a motion to suspend the rules to pass a bill if a rule were necessary, but under the privileged character of the bill, as stated by the gentleman from Illinois [Mr. CANNON] and the gentleman from Iowa [Mr. TOWNER], a motion to suspend the rules ought not to be made on this bill.

There ought to be an opportunity to strike out section 3 of the bill that provides that no pension under it can be paid if the veteran has an income of a thousand dollars a year or is in a soldiers' home, and this section could not be stricken out under a motion to pass the bill under suspension. Every one of the claimants would be subjected to an examination with that section in, and, as stated by the gentleman from Indiana [Mr. BLAND], there would be literally hundreds of men in the field investigating every claimant to find out what his income was, whether it was $800 or $900 or $1,000 or $1,500. And if he had no income at all, still his claim would not be allowed until that matter was fully investigated to the satisfaction of the bureau, after an examination by an inspector.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. SHERWOOD. Mr. Chairman and gentlemen, as chairman of the Committee on Invalid Pensions I have perhaps made more of an effort to be recognized to bring up this bill than any Member of this House is aware of. I think I understand the whole situation. I tried to get a rule from the Committee on Rules. I have twice seen the chairman of that committee, and he partly promised to give us a rule.

I am in favor of allowing any amendment that the House wants to offer to this bill, but before I can bring in this bill, notwithstanding its privileged character, I must have recognition, as stated by my distinguished friend from Illinois [Mr. CANNON], from the Speaker, and the Speaker has agreed to give me recognition whenever these important war measures are disposed of.

Now, in looking through the RECORD I find that on the 10th day of January, 1911, Mr. Sulloway, through Mr. FULLER, reported what is known as the Sulloway pension bill under a suspension of the rules. The vote on that bill, as I remember, after debate of 20 minutes on a side, was 212 for the bill and 62 against. There was no record vote by roll call. There were over 200,000 more soldiers alive at that time than there are to-day, and several gentlemen on the floor undertook to offer amendments and Mr. FULLER objected, and no amendments were allowed. As I understand the rules, anything can be done by unanimous consent, and so far as I am concerned individually—and I propose to have charge of the bill—I would be willing to give the House a chance to offer amendments if it can be done under the rule.

I do not think I need to say to the Members present that I am, and have been consistently, in favor of liberal pensions to my old comrades. In 1906 my district was Republican at the previous election by 18,642, and the Democrats wanted me to go on the ticket and run for Congress. I did not care to go back to Congress only as I thought I might be of some service to the comrades with whom I stood elbow to elbow for four years of that terrible war. [Applause.] On a vote of 62,000 I was elected by a plurality of 42. I never asked a soldier to vote for me in my life. I never wrote a letter to a soldier asking him to vote for me. I never wrote a letter to an individual asking him to vote for me. I never accepted a dollar from any private individual or any corporation in any of my campaigns. I never had the support of any Democratic daily newspapers, because we did not have any in our district. [Laughter.] On December 7, 1907, two days after I took my seat in the Sixtieth Congress, I introduced what is known as the Sherwood dollar-a-day pension bill, and I worked for that bill through the Sixtieth Congress, the Sixty-first Congress, and the Sixty-second Congress—in all, over four years—and on the 11th day of May, 1912, after a struggle, I think, of three days on the floor of this House, we passed the bill. It went over to the Senate. The Senate passed what was called the Smoot bill.

I have always believed that a pension should be for service or disability. I believe that the pension roll should be a roll of honor, and I have always felt that way ever since the war, and I feel that way now. Then we had conferees appointed between the Senate and the House. I was chairman of the conferees on the part of the House. Mr. MCCUMBER was chairman on the part of the Senate, and we labored for four months to perfect the bill. As I said before, that bill was adopted on the 11th of May, 1912, and was signed by the President and became a law the next day. It was signed by President Taft and is now the law.

If there is any gentleman here who can tell me what I can do more than I have already done to get this bill up, I would be glad to do it. We have the precedent of the Sulloway bill, which passed under the suspension of the rules, and which carried $75,000,000, and which was based on an entirely new line. No country in the world up to that time, or any representative or parliamentary body up to that time, had ever passed a soldiers' pension bill based solely upon age. In my opinion there is no virtue in being old. If there was, I would be the most virtuous man in this House. [Applause.]

Mr. BLAND. Would the gentleman prefer to have the bill come up as a privileged bill rather than under suspension of the rules?

Mr. SHERWOOD. I would if I could get recognition now, in order to speed its passage into law.

Mr. BLAND. Does not the gentleman think he could get recognition a little later, if he would let the bill go over and not consider it under the suspension of the rules on Monday?

Mr. SHERWOOD. I am receiving so many letters in favor of the bill and urging its passage that I want to get it out of the way. I do not think it makes much difference what kind of a bill we pass in the House, if we can only get it into conference, and I will guarantee that we will give you a satisfactory bill if we ever get the bill into conference.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. SHERWOOD. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Ohio be extended two minutes. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I hope at the expiration of that time we may go on with the reading of the Military Academy appropriation bill.

Mr. CAMPBELL of Kansas. The gentleman from Ohio moves to suspend the rules and include in that motion a proposition to strike out section 3. Would the gentleman be willing to do that?

Mr. SHERWOOD. I will tell you. There are 16 members of the committee. When this bill that is now on the Union Calendar was considered, it was ordered to be reported by the unanimous vote of those present. Twelve members of that committee were present, and I would not take the responsibility of deciding for the other 15 members of the committee what to do, because I am only one member of the committee. I have no more voice than any other member of the committee. As far as I am individually concerned, I would be willing to do it.

Mr. CAMPBELL of Kansas. Probably a meeting of the committee could be held between now and the hour of meeting Monday, and we might arrange that.

Mr. SHERWOOD. Some of the members of the committee may be absent. I want to say further that I am a member of the legislative committee of the Grand Army of the Republic. The Grand Army of the Republic to-day constitutes about 45 per cent of all the surviving soldiers of the Civil War. At the meeting of the national encampment at Boston last year I was not present. They appointed a legislative committee, with full power to designate what pension legislation should be recommended to Congress for enactment. I met with that committee when they met here previous to the preparation of the present bill. I met with them twice, once before the Senate committee. This bill has been prepared in accordance with the recommendations of that committee of which I am a member, except that ex-Representative Gardner, who was chairman of the committee, said that the amount of money appropriated should not be less than $40,000,000.

Mr. BLAND. Will the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. BLAND. I suppose Commander in Chief Somers is a member of that committee?

Mr. SHERWOOD. No; he is not a member.

Mr. BLAND. I want to say for the gentleman's information that the Grand Army of the Republic officers have written to me that they were opposed to this bill, and especially opposed to these two features, and that they indorsed the provision of the Smoot bill that is in the Senate.

Mr. SHERWOOD. Some of them might be opposed to any bill that we might enact. I have received as high as 800 letters a day. I have received the indorsement of posts of the Grand Army of the Republic from Ohio to Oregon, favoring the bill now on the Union Calendar. I have received all told about 75 letters against the bill, in favor of a larger bill. Of course, we are all human. They all want as much money as they can get. You must understand that. I do not blame them. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Does the gentleman desire more time?

Mr. SHERWOOD. No.

Mr. TILSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Connecticut [Mr. TILSON], a member of the committee, is recognized.

Mr. TILSON. Mr. Chairman, the distinguished gentleman from Ohio [Mr. SHERWOOD], the chairman of the Committee on Invalid Pensions, has just told us how solicitous he is that his general pension bill shall be considered, and how much he desires to have it considered under favorable circumstances for amendment, and so forth. It seems to me that this discussion here, if it has done nothing else, has cleared the way and pointed out to him exactly how he may do it. There is no difficulty whatever in the way. All that is necessary is that we may go ahead reading the bill that we are now considering, finish it this afternoon, and before adjournment the gentleman from Ohio [Mr. SHERWOOD] will have time and opportunity to move that we go into Committee of the Whole House on the state of the Union for the consideration of the general pension bill, which his committee has reported out. It will thus become the unfinished business for next week, and we shall not have to invade suspension day to consider it under suspension of the rules. [Applause.] The way is now perfectly clear, and if we are forced to consider this bill under suspension of the rules, it will be because those in control of it shut their eyes to the opportunities that are before them. It will be because they persist in considering it under suspension of the rules, where it can not be amended, instead of under more favorable circumstances.

Mr. GARNER. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Texas.

Mr. GARNER. It was the distinct understanding before we went into the consideration of this bill that this would be the last business considered to-day. The question was asked by the leader on that side of the House [Mr. GILLETT], and it was distinctly stated that we would not do any more business to-day. I think it would be entirely unfair to those Members of the House who are not here to take up other legislation after that positive statement has been made.

Mr. TILSON. Of course, gentlemen's agreements ought to be kept, but I was speaking of the parliamentary situation; and so far as the rules and orders of the House are concerned, I have stated the facts just as they are. Immediately after the completion of the Military Academy bill this afternoon, if those in charge of the pension bill will call it up, we can begin the consideration of it. By so doing it will become the unfinished business. There is no justification for our being forced to consider it under suspension of the rules next Monday.

Mr. BLAND. Under any circumstances it is not necessary for the chairman of the committee to move to suspend the rules on Monday, is it?

Mr. TILSON. Certainly not. The rules are clear that at any time when an appropriation bill is not pending or some other legislation being considered, the gentleman from Ohio [Mr. SHERWOOD] can arise in his place and move that the House go into the Committee of the Whole House on the state of the Union for the consideration of his pension bill. He can do it if the Speaker will recognize him and he has the votes to back him up. I think the gentleman has the votes to back him up on this pension bill at any time he may wish to call it up. So if we go ahead and consider it under unfavorable circumstances it will be simply because those responsible for the bill do not make proper effort to consider it under favorable circumstances. That is the situation, gentlemen. Let the responsibility be placed where it belongs. I shall not take up more time, and hope we may now go on with the consideration of the Military Academy bill. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of one battalion sergeant major, Infantry, $864: *Provided*, That the enlisted man in the headquarters, United States Corps of Cadets, performing that duty has the rank, pay, and allowances of that grade: *And provided further*, That if performing the above duties at time of retirement the said enlisted man shall be retired with the rank, pay, and allowances of a retired sergeant major, Infantry.

By unanimous consent Mr. SHERWOOD and Mr. BLAND were given leave to revise and extend their remarks in the RECORD.

Mr. PRATT. Mr. Chairman——

Mr. HICKS. Mr. Chairman, in view of the fact that my colleague [Mr. PRATT] has seldom asked for time in the House,

I ask unanimous consent that he be allowed to speak for 10 minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. HICKS] that his colleague may continue for 15 minutes?

There was no objection.

Mr. PRATT. Mr. Chairman, it is a little more than a year since the United States entered into war against Germany, and since then our hearts, our hopes, and our resources in men and money have been thrown into the scale with our brave allies overseas, who for almost four years have been contesting the ground inch by inch with a highly organized and efficient military foe. Little did we think the twentieth century would usher in the most gigantic strife of all time. The world a few years ago looked peaceful enough, but we see now what we were unable to discern then, that for many years all the energies of a great people—the Germans—had been bent toward the single object of world dominion. When the time was ripe Germany stripped off her mask and struck her long-planned, long-prepared blow, hoping by the very suddenness and fury of its onset to overcome France, and then to take on England, while Austria-Hungary kept back the hosts of Russia. But little Belgium—God bless her!—whose neutrality had been violated as by a thief in the night, interposed her arm, and with a gallantry unsurpassed stayed the robber legions in gray which swarmed upon her fair land until France had time to rally and stopped the mighty rush of the invaders at the Battle of the Marne. And so the tide of conflict has ebbed and flowed until to-day there are but few neutral nations, and this has indeed become a world war. Never before has so much blood been spilled; never has this world seen such shame and such glory. But the shame has proceeded from our brutal and barbarous foe and the glory from those who are in a life and death struggle with that foe.

It is unnecessary to review the causes that led the United States to become an active participant in this great war, but we went in because Germany would not let us stay out. We made every honorable effort to stay out. We were a peace-loving Nation; we had been taught by our first President to avoid entangling foreign alliances; in our geographical isolation we felt secure from attack by a foreign foe; but slowly and imperceptibly we were drawn against our will into the maelstrom until we have become a part and parcel of the contending forces. America's aims and purposes in this crisis were never more clearly stated than by the President of the United States in his famous war message delivered in this Hall on the evening of April 2, 1917, and his closing sentences have much of the solemn and majestic sweep of Lincoln's second inaugural:

> It is a fearful thing to lead this great, peaceful people into war. But right is more precious than peace, and we shall fight for the things which we have always carried nearest to our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured.

In the past year the American Congress has sought almost unanimously and by every means at its command to frame and put into effect measures that will help to win the war. We on this side of the House, who are proud of our political heritage as members of the great Republican Party, have shown a oneness with those of our friends of another political faith. We have known no North, no South, no East, no West; but we have devoted ourselves in common to the great task of organizing the resources of the United States for victory. After entering the war in April last year the Congress in May passed the selective-service law; in June, pursuant to the President's proclamation, nearly 10,000,000 Americans, the flower of our young manhood, were registered for service; in August the first quotas were ready to report; in September they began to reach the various cantonments; in October training was under way to provide a great National Army.

Remarkable progress has been made in the last year in many departments of governmental activity; if in all of them the most complete success has not been achieved, if in some of them there have been vexatious delays, the fault in large measure has been due probably to the fact that we have been trying in a few months to accomplish the work of years. It took generations of intensive training to make Germany the military power she was in 1914 and is to-day. But our National Army is in the making; it will soon be worthy of American traditions. Many of our soldiers are already on the firing line, and the Kaiser knows he must secure a military decision, if at all, before the American boys in full force can reach the shores of France.

If in the raising and training of our National Army we are once more showing our unity as a Nation, if we are to-day shaking off the clinging garments of apathy and pacifism and unpreparedness which for more than 50 years have been our national habit, we are in other fields of endeavor striving to meet the exigencies that are a part of our war program. From all over the land are heard the sounds of preparation for the struggle we are in. We are building ships, we are making ammunition, we are providing and conserving food, and we are raising billions in money. We must have not only soldiers and ammunition, but we must have food and the ships to carry it across the ocean; and the American farmer, no less than the American artisan and the American business man, is exhibiting his patriotism in this supreme moment in the world's history.

Of such transcendent importance is the question of food supply in our war program that this Congress a few weeks ago passed an act authorizing the Secretary of War to grant furloughs to enlisted men to enable them to engage in agriculture during the present farming season. By reason of this the men who have left the farms for the training camps can go back to the farms for short periods, largely for seeding and harvesting time. Without universal farm productiveness we can gain no victory over Germany.

I have the honor to represent a district where agriculture is largely pursued. The counties of Steuben, Chemung, Schuyler, Tioga, and Tompkins, in the southern tier of New York, are noted for the extent and volume of their agricultural interests. There are no more intelligent and industrious farmers anywhere in the country, and surely none more loyal to the State and the Nation. In every community they are backing up the Government to the extent of their ability, and they will continue to do so. But they must have labor, and the farm-trained labor that will be released as a result of the furlough act passed by this Congress and approved by the President on March 16, 1918, will assist us to win the war.

There has been some talk of conscripting labor for farm production, but I am a believer in free labor. If male labor can not be obtained, women will doubtless come to the rescue. As always, the burden of war falls hardest on women; but they are uncomplaining and unfaltering, vying with men in the effort to be of assistance in this struggle. "Without the aid of women, England could not carry on this war," said Mr. Asquith, former premier. English women, to a large degree, are replacing in the factories and mills, in the public utilities, and on the farms of England the men who have been taken away to fight the Germans. As time goes on and this war takes from America its millions of men, the women of America will demonstrate their adaptability and their readiness to meet the emergency at home; for when have the women of America ever failed to show their patriotism, their heroism, and their self-sacrifice? All that they ask is an open field, an even start, and no favors; and now that in many States they do not lack citizenship and are soon, I trust, to attain citizenship in the Nation at large, they will prove not only the allies but the equals of men.

The boys in the trenches have a clear idea of what they are there for. They know they are fighting not only for democracy and to make the world free but for something very near and dear to them at home. We can almost hear them saying, in the words of a recent war verse:

> "Made safe for democracy" seems mighty fine,
> But high-soundin' politics ain't in our line.
> 'Taint that made us chuck up our jobs and enlist
> For givin' the Kaiser the taste of a fist.
> But this is the notion stowed under our lids:
> We're makin' it safe for the missus and kids.

[Applause.]

The Clerk read as follows:

For pay of one battalion sergeant major, Infantry, $———: *Provided*, That the enlisted man at headquarters, United States Military Academy, performing that duty shall have the rank, pay, and allowance of that grade.

Mr. DENT. Mr. Chairman, in the print of the bill the amount after the dollar mark was unintentionally omitted, and I ask to amend the bill by adding the figures "768" after the dollar mark.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 2, after the dollar mark, insert the figures "768."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Total, current and ordinary expenses, $184,605.

Mr. PLATT. Mr. Chairman, I move to strike out the last word. I simply want to say a few words on this bill itself

and not on any pension legislation or any other extraneous matter whatever.

Mr. FESS. That is peculiar; is not that out of order?

Mr. PLATT. It is peculiar. I do not know whether it is in order to speak on the bill before the House or not, but somebody ought to discuss it a little, and West Point is in my district. This is peculiarly a detailed bill and it runs along with a rapidity in the Clerk's reading that takes your breath away when you attempt to follow it. There are some things about which I would like to ask a question or two. In the report of the committee, for instance, I find that the estimates of the Military Academy officials and the War Department have been very greatly cut down. The total estimates were $5,715,000 and the bill carries an appropriation of $2,320,000, which means, of course, that the construction program recommended to provide for the increased corps of cadets has been entirely or almost entirely cut out. The new buildings which are absolutely necessary for the enlargement of the academy, to provide for the number of cadets which must be obtained for the Army, have been abandoned for the time, and there has merely been an increase in the mess hall so that the cadets who come in the next year, the enlarged new class, will have some place to eat. I regret the cutting down of the construction, but I have no doubt the committee had good reasons for its action.

Now, in connection with that there is submitted here a table showing the number of vacancies in the cadet corps which I think is wholly misleading. May I have the attention of the chairman of the committee? In connection with the explanation of why the building program is cut down there is given a list of vacancies here showing 591 vacancies in the academy. The gentleman does not mean to say that there are 591 actual vacancies in the corps of cadets at West Point at this time, surely?

Mr. DENT. Of course, there are, according to the complete number Congress authorized in 1916, 1,332.

Mr. PLATT. I submit that can hardly be true. This is the same list of vacancies which you will get, I think, if you write The Adjutant General asking for a list of vacancies at West Point, and embraces cadets who will graduate this summer. It includes every district where appointment is made this year, though the actual vacancies will not be there until the end of this academic year. There have been usually in former years 100 or so vacancies only.

Mr. DENT. These figures were given to me by The Adjutant General's office through the superintendent of the Military Academy.

Mr. PLATT. I know, exactly——

Mr. DENT. The gentleman will recognize under the law we passed in 1916 doubling the acedemy that the total number of cadets finally to be authorized is 1,332.

Mr. PLATT. Yes.

Mr. DENT. Now, they had 688 there when the superintendent of the academy appeared before the committee.

Mr. PLATT. Well, but the number of appointments to make that total number of 1,300 cadets has not yet been fully authorized. That number of vacancies, I am practically sure, includes all districts which have appointments this year. It includes two appointments from my district, for instance. The boys are already appointed, have taken their examinations, but will not enter the academy until June.

Mr. DENT. There is no doubt of that.

Mr. PLATT. There are other cadets in their places, or would be normally. As a matter of fact, one of my cadets was dropped. I simply wanted to call the attention of the gentleman to the fact that the figures do not represent the actual vacancies in the academy at the present time.

Mr. DENT. There are vacancies until they go there.

Mr. PLATT. But the vacancies are not there yet. It merely means there are appointments to be made to fill vacancies which will occur when the present first class graduates.

Mr. DENT. That may be misleading. I asked the superintendent of the academy to give these figures, and they were given by him after they had conferred with The Adjutant General.

Mr. PLATT. I have followed the matter of vacancies at West Point in Congress from year to year, and I know they range from 60 to 100 or a little more as the year progresses.

Mr. KAHN. Will the gentleman yield?

Mr. PLATT. I will.

Mr. KAHN. The paragraph of the report just above that statement of figures will show the gentleman there were at the time of the hearings 688 cadets attending the academy and not over 360 more are expected in June, so that the estimates are based upon 1,000 cadets. Now, that was the information that was given us by the superintendent of the academy.

Mr. PLATT. Well, I think the estimates are probably all right, but I do not understand the vacancies. It gives 366 congressional districts that have vacancies there. Now, that means 366 appointments to be made this year. The most of those boys are there. A few of the districts may have vacancies running through the whole year due to failures in examinations, but most of them are simply appointments to be made in place of cadets who will graduate this coming summer.

Mr. McKENZIE. Will the gentleman yield?

Mr. PLATT. I will yield to the gentleman.

Mr. McKENZIE. On page 12 of the hearings there is some information given. There is a statement made there by Col. Tillman, as follows:

Since January 22, 1917, at which time the strength of the Corps of Cadets was about 697, the following changes have occurred to date:

Discharged for physical disability	11
Discharged for deficiency in studies	53
Graduated	290
Resigned	11
Dismissed	8
Dropped	3
Died	2
Discharged for deficiency in conduct	1
	379
Strength January, 1917	697
Separated since	379
	318
Cadets admitted during the year	370
Present strength	688

Now, the committee has estimated that there will be a number to come in, so that we have based our appropriations on 1,000 cadets for the year ending July 1, 1919.

Mr. PLATT. I am not criticizing that fact. I am simply criticizing the statement of vacancies given in the report and as explaining it. It seems to me it does not explain it. I think probably it is true that the number of cadets that will come in will be about as estimated here—360 more. But those 360 that are to come in in June are included, I think, in the 591 here given as vacancies. They are vacancies for the purpose of appointment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PLATT. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, I will say, as to the gentleman's criticism of these figures, that I put in the report which came from the superintendent after conference with The Adjutant General's office, and he will find it to be absolutely correct when he recognizes the fact that we doubled the capacity of the cadets to 1,332. And when you take the 688 who were in the academy at the time the superintendent and the quartermaster appeared before the Committee on Military Affairs and add the 591, you have got 1,279. Now, the vacancies they meant were the total number of vacancies authorized by law.

Now, I want to make this additional statement?

Mr. PLATT. Does the gentleman mean they could all be filled at the present time?

Mr. DENT. I am going to make a statement that, I think, will satisfy the gentleman.

When we passed the bill doubling the capacity of the academy so as to constitute a corps of 1,332 cadets, at first the department made a regulation that that increase should be in four annual increments. There was so much complaint on that subject by the Members of the House and Senators that the regulation was changed, and Gen. McCain informed me that every Member of Congress was given an opportunity to make an appointment, and that the reason that they are not full up, according to the 1,332, as provided by law, is because of the number of failures of the appointees.

Mr. PLATT. That is very surprising to me, because I know this to be the fact: If you write to The Adjutant General asking for a list of vacancies, with the idea of getting a boy appointed, getting somebody to appoint from another district, you will find your own district included in the vacancies, although you have already appointed your boy. I have had that happen to me over and over again.

Mr. TILSON. If the gentleman will yield, I think if the gentleman will take the trouble to verify it, he will find out that the statement in the report was absolutely correct at the time of the hearings, and that there were that many vacancies at the time. If the gentleman will make the multiplication and addition, multiplying the total number of Members of Congress in both Houses, including Delegates, by two, and add the number of presidential appointments and the number from the National Guard, he will find the total strength is approximately 591 more than the total strength given here—688. Therefore I think

there were at the time this report was made 591 actual vacancies and that there were 360 actual congressional district vacancies.

Mr. PLATT. If that is true——

Mr. TILSON. I think it is absolutely true.

Mr. PLATT (continuing). It makes a worse showing in the congressional districts for the boys we appoint than anything that has happened before. It shows the boys of this country have run down tremendously. I do not think it is true. I think it includes vacancies that are to occur when the present class graduates.

Mr. GARRETT of Texas. I want to call the gentleman's attention to this fact, as to the vacancies the gentleman refers to, that we have all made our appointments and this causes vacancies until those men get through and qualify.

Mr. PLATT. It does not, because the man an appointee is to succeed is still there.

Mr. GARRETT of Texas. Not when you take into consideration the increase.

Mr. GREENE of Vermont. I think the gentleman might verify that a little bit when he takes into consideration that this bill is not to provide for existing conditions at West Point, but for the fiscal year beginning with July 1, when the vacancies are to be filled and become operative.

Mr. PLATT. The gentleman states these vacancies were accurate at the time of the hearings. If so, the explanation may be that many of them were created by the graduation of a class last August, a year ahead of time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PLATT. May I ask for two minutes more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PLATT. I want to take the two minutes to present a matter, although I do not criticize it, because I think it may be necessary to postpone it for the present, and that is that the old hotel at West Point should be torn down and rebuilt. It was built nearly 100 years ago, and is a disgrace to the country. They had to pile manure around the water pipes to keep them from freezing last winter, and there were only one or two toilets in the house that they could keep from freezing up. The parents of the cadets have no other place to go than to this hotel, and the men are not allowed to go off the reservation. Something ought to be done about this hotel in the near future. I wanted to call attention to that, because I hope when we get a little bit loose from war indebtedness and can do something, we will build a new hotel at West Point, or let somebody else build it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For installation of automatic stokers under four 440-horsepower boilers in the power plant, $40,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I would like to ask the chairman of the committee what is the meaning of that first line on page 29?

Mr. DENT "For installation of automatic stokers under four 440-horsepower boilers?"

Mr. FESS. That is not a misprint, then?

Mr. DENT. No; it is not a misprint. It was misprinted in the original bill, but it was corrected.

Mr. FESS. Then I will use this as an incident concerning which I want to ask the gentleman a question. Has the printing force in the Government Printing Office been greatly disturbed by the draft act? Have many of our expert men been taken out of the Printing Office because of the operation of the draft?

Mr. DENT. I am sorry to say it, but I am absolutely unable to answer that question. I am not familiar with the situation. I have not heard anything of that kind.

Mr. FESS. I presumed that there had gone into the Printing Office a considerable increase of force on account of the war demands for departmental printing and that there must be a considerable number of inexperienced workmen or printers, typesetters, or compositors in the office. I wish to make this observation, that up to the time the war opened it was a very infrequent thing to find a misprint, a misspelled word, or any error, grammatical or otherwise, especially in the CONGRESSIONAL RECORD. I have looked upon it as one of the most remarkable achievements for perfection of work I had ever seen, that the RECORD came so carefully prepared; no matter how late our sessions ran here at night, we would have the RECORD on our desk the next morning, and it was almost error proof. But I have noticed a good many typographical errors in the last year. In the mineral bill considered recently Members commented upon the great number of errors, and I wondered whether those errors had crept in because some of the expert men had been taken out due to the demands of the war.

Mr. DENT. I have had no complaint submitted to the Military Committee on that line, although I lost the assistant clerk of the committee the other day—which I regret very much—on account of the draft. But I can not help it.

Mr. FESS. I would not at this time offer any criticism, at least until I had the facts concerning the source, as I do not think it would be proper. But I am going to make this observation, since I am on my feet and this feature of the war's affect is before us, that in public places where we have to deal with men interested in public or quasi-public matters we find a wonderfully pronounced indifference among our public servants in their regard for the public needs, an indifference which is very noticeable when compared with what we had prior to the war. Take, for example, the railway depot down here and the men the traveling public have to deal with. It is either because they are overworked, or because they are inexperienced, or else because they are inclined to be ungentlemanly, a characteristic which is developed by a situation in which they know the public can not help itself. Whatever may be the cause, it is quite difficult to receive any sort of courteous treatment in matters in which the public heretofore had been so decently treated. Even were it necessary to overlook the most palpable discourtesies, that does not justify the insolence so frequent in recent months. I think I had to stand for five minutes once in the railway depot waiting for a man who was selling me a ticket to tell me what the rate was to the place I was going. He did not even know where the city was, and he had difficulty to find out. He did not know how to examine the Railway Guide, as it appeared to me. In making some inquiry I found that he was a new man, who had just gone in, and consequently I felt inclined to excuse what would otherwise be positively intolerable treatment of the public, although I did feel in a critical mood. I am of opinion the same thing is true in many of our public offices in many places. In other words, that is one of the great prices we are having to pay for this war—taking away our efficient, aggressive, and faithful young men, upon whom the public has had to rely, and who seemed to enjoy the ability and pleasure of serving the public as a duty for which they were paid by their employers. But to-day others have come in, untutored as to what the public demands and wholly careless of what it must have. They seem to be absolutely irresponsive as to any matters of public interest, for which they are employed, and wanting in common courtesy when you ask them questions that the public has a right to know and they ought to decently answer.

I repeat that I do not think that this is a proper place nor time to air our complaints, but I think that a good many unnecessary injuries are suffered by the public that could and should be avoided. In railroading every man who travels must have noticed the marked indifference to public rights since the Government has taken over the roads. In that degree we are justified in calling attention to the situation. Only this week I took a lady from a hospital and placed her on a train. We had but a few moments in which to exchange a claim check for the necessary check for her trunk. As a precaution I notified the young man that I had but a few moments to assist a sick lady to the train and requested expedition, that she might not be overtaxed. But the young lady by his side was of more interest than my request. In war time, when we can not help ourselves, we must submit, but it ought not to occur where the Government can avoid it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For installation of mechanical soot blowers in six 440-horsepower boilers in the power plant, $3,600.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. HULL of Iowa. This morning a little incident occurred which I think it wise to correct. I do not like to disagree with my good friend from Kansas [Mr. LITTLE], but he quoted me as saying something, and it occurred, as I understand it, wholly through a misunderstanding. It is true that he did stop me in the hall when I was walking down the hall very fast and asked me in regard to something, and I understood him that he asked in regard to a statement that Gen. March had made before the Committee on Military Affairs, which had to do with something altogether different from what he understood it did.

Now, in order that there may be no misunderstanding in regard to the matter, I will take the liberty of putting into the RECORD and reading to you just exactly what Gen. March did say. I think this is fair to the House and fair to everyone else.

The CHAIRMAN. May I ask the gentleman if that was a statement before the committee?

Mr. HULL of Iowa. Yes.

Mr. DENT. It is subject to the rule, but I do not think there is any objection that will be made. The statement has not been printed yet.

Mr. DYER. Mr. Chairman, I ask unanimous consent that the statement may be read.

The CHAIRMAN. It is not a matter of particular concern to the Chair, but it seems that under the rule, as the Chair now remembers it, the Chair should even take the initiative, if necessary, to prevent any statement of what occurred in committee being made. That is the position of the Chair.

Mr. KAHN. Mr. Chairman, this matter, as I remember, is not very material, and I do not think any harm will be done if the gentleman from Iowa is permitted to quote from the hearings.

Mr. DENT. Mr. Chairman, I ask unanimous consent that that may be done.

The CHAIRMAN. The Chair has no special interest in the matter. The gentleman from Alabama asks unanimous consent that the statement be read. Is there objection?

Mr. SMITH of Michigan. Reserving the right to object, Mr. Chairman, I want to make a parliamentary inquiry. I would like to inquire whether it is not perfectly proper for the gentleman to read from the printed hearings?

Mr. DENT. The hearings have not been printed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. LITTLE. Will the gentleman yield for a moment? I may say in that connection that the gentleman from Kansas [Mr. ANTHONY] suggested to me, since I spoke this morning, that the remarks which Gen. March made to him were not a part of the record but were made informally. That is how the misunderstanding between the gentleman and myself arose. He thought I was referring to the record, and so did I, but I found that Mr. ANTHONY indicated that it was a sort of informal conversation, evidently during a lull in the proceedings. That explains how the statements were made. I do not want to interrupt the gentleman, except to make that statement.

Mr. HULL of Iowa. With that statement it is hardly necessary for me to read what I was going to read.

Mr. LITTLE. I wish the gentleman would.

Mr. HULL of Iowa. But I think it will set Gen. March right, and I will read into the RECORD just what he said, in answer to an inquiry by the gentleman from Vermont [Mr. GREENE]. Gen. March said:

Gen. MARCH. Exactly that.
Mr. GREENE. It will be a continuous and steady flow?
Gen. MARCH. Yes. We are finding it is not necessary to keep them in the camps on this side as long as we anticipated, but that they can be quickly sent to the other side and complete their training over there.

That is exactly my understanding of what was said.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For material and labor for repair of Field Artillery target range, clearing grounds for targets and firing positions for batteries, constructing roads and trails to firing positions and target range; and for miscellaneous expenses connected with the indoor instruction of cadets in field artillery during the winter season, $500.

Mr. DENT. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 33, line 11, after the figures "$500," insert "for Quartermaster's Corps garage, $10,000."

The amendment was agreed to.

The Clerk read as follows:

For enlarging the Military Academy to accommodate the authorized number of cadets: Construction of cadet barracks and headquarters, to be located at the south of the area of the old or south barracks, $444,000.

Mr. SNYDER. Mr. Chairman, I move to strike out the last word. It is a great source of satisfaction to me to see the repairs and improvements being made at that beautiful spot on the west side of the Hudson River known as West Point. I have had the pleasure of being there to see several young men in whom I was deeply interested graduate. The improvements which have been going on there for the last few years have been very marked and have beautified the place wonderfully, adding materially to the facilities for the work accomplished there. I am very pleased also to see that these facilities are introduced in the work of that school, to simplify and lessen labor, such as the installation of automatic stokers for boilers and modern methods for removing soot. But this is not what I rose to speak particularly about.

A short time ago the Government took over the 1,000-ton barge canal recently completed in the great State of New York for the purpose of facilitating the movement of freight and the conservation of transportation. I want to say to the membership of the House that, in my judgment, unless some arrangement is made for proper facilities at the terminals in the different towns, villages, and cities through which this canal runs it will do very little in the way of adding to transportation facilities. Not more than 15 or 20 years ago practically all the coal for the State of New York, both for manufacturing and domestic use, was delivered by way of the old Erie Canal. In the past few years that method has become obsolete, due to the fact that it is impossible to get labor to unload the boats in the manner in which it was formerly done.

The State has spent $156,000,000 in the completion of this canal for the benefit of private users. As I say, the Government has recently taken it over for its own use. The suggestion I desire to make is that the terminals along the line of this waterway, and which have been built by the State, should be so arranged that coal can be removed from the barges which it is proposed to build, so that the State of New York, New England, and all other sections of the country in that locality may be supplied with coal through the canal.

It can be done by arrangement such as is made for removing ore from the lake boats at terminal points. These facilities could be established at each terminal to handle coal from barges by practically the same system that is now used in taking the coal from coal cars and elevating it into coal bins for the purpose of shooting it down into trucks for delivery.

This is a subject in which I think every Member here is interested. I am making these remarks for the purpose of bringing the matter to the attention of the Director General of Railroads and his department, and to give the membership of this House the benefit of the knowledge of the fact that the canal facilities are there, and that if the Government takes advantage of them it will do more to loosen up the congestion throughout the entire country, caused by the lack of railroad facilities, than any other one thing of which I know of to-day. [Applause.]

The Clerk read as follows:

Hereafter printing, binding, and blank books required for the use of the United States Military Academy may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriation or appropriations made for the Military Academy.

Mr. FOSTER. Mr. Chairman, I want to reserve a point of order on that paragraph, beginning with the word "hereafter."

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. DENT. This has been carried heretofore.

Mr. FOSTER. This makes it permanent law.

Mr. DENT. I have no objection to striking out the word "hereafter." It has been carried before.

Mr. FOSTER. If the word "hereafter" has been carried heretofore it is already permanent law.

Mr. KAHN. It has been carried.

Mr. FOSTER. Then it is permanent law anyhow, so I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

Total, buildings and grounds, $776,693.30.
Total, Military Academy, $2,277,294.25.

Mr. DENT. I ask unanimous consent that the Clerk may correct the totals to conform to the amendments which have been agreed to.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the Clerk may correct the totals of the bill. Is there objection?

There was no objection.

Mr. DENT. I move to strike out lines 10 and 11, on page 34. They are unnecessary.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 34, strike out lines 10 and 11.

The amendment was agreed to.

Mr. DENT. I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FESS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. DENT was agreed to.

Accordingly the committee rose; and Mr. RUSSELL having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11185) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. LITTLE, by unanimous consent, was given leave of absence indefinitely, on account of the illness of his father, who is 88 years of age.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until Monday, May 6, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting letter from the Chief of Engineers, United States Army, together with report of Col. W. H. Heuer, United States Army, retired, on preliminary examination of Berkeley Harbor, Cal. (H. Doc. No. 1076); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of Commerce, transmitting a summary of reports transmitted by collectors of customs and brief statement of the action of the department in respect to accidents sustained or caused by barges while in tow through the open sea during the fiscal year 1917 (H. Doc. No. 1077); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EMERSON: A bill (H. R. 11931) to punish profiteers, spies, and dynamiters; to the Committee on the Judiciary.

By Mr. RANDALL: A bill (H. R. 11932) to provide further for the national security and common defense, and to conserve foodstuffs, fuel, and transportation facilities by prohibiting importation, exportation, or interstate shipments of certain articles; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: A bill (H. R. 11933) providing for the appointment of members of the Capitol police force in accordance with the civil-service law; to the Committee on Accounts.

By Mr. KETTNER: A bill (H. R. 11934) to authorize the establishment of a fisheries experiment station on the coast of California; to the Committee on the Merchant Marine and Fisheries.

By Mr. PETERS: A bill (H. R. 11935) to establish the Mount Desert National Park in the State of Maine; to the Committee on the Public Lands.

By Mr. SHALLENBERGER: Joint resolution (H. J. Res. 289) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. GRIFFIN: Resolution (H. Res. 337) requesting the Secretary of the Navy to transmit to the Speaker of the House of Representatives information as to the persons employed by the Navy Department or the bureaus thereunder at a salary of $1 per year; the name, address, and trade, industry, or business of the concerns loaning such employees, and the pay or emolument received by such employee from said concerns; whether such have any contracts with the Navy Department or any of the bureaus thereunder, and, if so, the detailed number, kind of material, amount of contract, what part is complete and what remains to be completed, and the amount of money paid, and what is still owing; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11936) granting a pension to James Clinger; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 11937) granting an increase of pension to Duffy Duquette; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 11938) granting an increase of pension to Henry S. Robert; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 11939) granting an increase of pension to Adam E. Robbins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11940) granting a pension to Samuel M. Vawter; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 11941) granting an increase of pension to John Wesley Green; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 11942) to reimburse E. T. Thing and S. A. Thing for losses and damages sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture; to the Committee on Claims.

By Mr. WINGO: A bill (H. R. 11943) granting a pension to Mary Scott; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 11944) granting an increase of pension to John H. Crabb; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers accompanying a bill granting a pension to Henry S. Roberts; to the Committee on Pensions.

By Mr. CARY: Petition of Periodical Publishers' Association, against increase in second-class postal rates; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of the Crockery Board of Trade of New York, protesting against the repeal of the zone postage rates for periodicals; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the State of New York, urging adequate punishment of spies and enemy agents; to the Committee on the Judiciary.

By Mr. ESCH: Papers in support of House bill 11885, granting an increase of pension to William D. Jones; to the Committee on Invalid Pensions.

By Mr. FOCHT: Evidence in support of H. R. 10675; to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of citizens of Iuka, Ill., protesting against the increase of postage on second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of 24 members of the Young Women's Christian Association and of 60 students of the Northern Illinois State Normal School, at De Kalb, Ill., asking for the repeal of the increased postage on periodicals; also a petition of Hibbard, Spencer, Bartlett & Co., of Chicago, opposing the repeal of the zone rates of postage on advertising matter in periodicals; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of members of Lancaster (Pa.) Medical Society, urging passage of House bill 9563, relative to rank of commissioned Army Medical Reserve Corps; to the Committee on Military Affairs.

Also, memorial of Presbytery of Westminster (Lancaster, Pa.), urging legislation to amend the Constitution relative to polygamy; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of Greenfield (Monterey County, Cal.) Grange, No. 357, Patrons of Husbandry, against the zone postal-rate system; to the Committee on Ways and Means.

Also, memorial of California State Conference of Social Agencies, Santa Barbara, Cal., favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of John V. Barker and 19 others, all citizens of the State of Colorado, praying for prohibition for the period of the war; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Resolutions of the Board of Trustees Tacoma (Wash.) Public Library, and of the Tacoma

Central Labor Council, favoring the repeal of the zone postal system for periodicals; to the Committee on Ways and Means.

By Mr. MAHER: Petition of Local Union No. 69, International Brotherhood of Stationary Firemen, Millinsocket, Me., protesting against the Senate amendment to H. R. 10358; to the Committee on Appropriations.

Also, memorial of Chamber of Commerce of the State of New York, relative to the treatment of spies and enemy agents; to the Committee on the Judiciary.

By Mr. PETERS: Petition of Eastport Woman's Club, of Eastport, Me., for repeal of zone-rate system on second-class mail matter; to the Committee on Ways and Means.

By Mr. RAKER: Resolution adopted by the Associated Chambers of Commerce of the Pacific Coast, in regard to the development of foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the California State Medical Society, in regard to the rehabilitation of injured persons; to the Committee on Education.

Also, telegram by Howard Robertson, president board of public service commissioners, Los Angeles, Cal., indorsing bills relating to water supply of city of Los Angeles, Cal.; to the Committee on Public Lands.

By Mr. SMITH of Idaho: Papers to accompany House bill 11429; to the Committee on Claims.

Also, resolutions adopted by the Idaho Association for the Study and Prevention of Tuberculosis, urging the enactment of House bill 9563 providing for increased rank in the Medical Service of the Army; to the Committee on Military Affairs.

SENATE.

MONDAY, *May 6, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, we praise Thee for Thy boundless mercy. In all the past Thou hast dealt with us most graciously. Thou hast favored our land from the very beginning, when we built an altar unto the Lord. Thou hast given us great prosperity and our commerce has blessed the world. But alas, in the enjoyment of our abundance, we have too often forgotten Thee and gone after other gods. We have forgotten the source whence cometh our help, and now Thou art reminding us of our folly, and the thought of Thy goodness is leading us to repentance. Thou art calling us back to Thyself. Thou art calling us into service for the benefit of mankind and for the preservation of the principles that pertain to Thy kingdom.

O God, may we heartily respond to the call of Thy providence. May we be glad to turn our vast treasures back to Thee and to lay all we have upon the altar of sacrifice. Our thought, our money, our skill, our prayers, ourselves—may we give all to Thee for service in the cause of righteousness and for the restoration of peace to a long-distracted world. We ask it for the sake of Jesus, the Prince of Peace. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, May 2, 1918, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10264. An act to prevent in time of war departure from or entry into the United States contrary to the public safety; and

H. R. 11185. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. STERLING. Mr. President, I think Senators will agree that the pride one has in the good achievements of his own State is quite pardonable. I hold in my hand a clipping showing what my State has done in the matter of liberty-loan subscriptions. I think it worthy a place in the RECORD. It reflects not only the spirit of South Dakota but the spirit of the West generally. I ask unanimous consent that the statement may be read from the desk.

The Secretary read as follows:

[From the Sioux City Journal.]

A NEIGHBOR'S GRACIOUS COMPLIMENT.

All you have to do for South Dakota is to give her a mark to shoot at. In the first liberty-loan campaign the organizers of the drive in the ninth reserve district, having an opinion of South Dakota resources and of her will to use them that must look sort of funny now, asked the State to subscribe a million and a half. The State did, plus enough to bring the total up to almost $4,000,000. In the second liberty-loan effort South Dakota was asked to produce ten millions. The figure actually reached was close to $13,000,000. Along came the third bond issue, and the gentlemen at the Minneapolis headquarters, gulping noticeably, suggested that $22,000,000 would be about right.

South Dakotans, including those particular South Dakotans on whom responsibility for scraping up the $22,000,000 of loose change chiefly devolved, gulped, too, and asked Minneapolis what was the matter. As soon as explanations were made, however, the drive began. And, lo, just as the first $1,500,000 allotment was raised and bettered, just as the second $10,000,000 quota was bettered, too, so the third sum, being $22,000,000, was produced without turning a coyote's hair. It is expected that something like $28,000,000 will be South Dakota's bit in this effort, as South Dakota herself perceives it.

Now hymns of praise are being sung in the citadel. A. B. Rogers, ninth district campaign director, is acting in a way as choirmaster. The sense of the song is something like "South Dakota Ueber Alles," though of course nobody would think of expressing it in just that fashion. Among the things that the State has done, it appears, are these:

She was the first State in the district to report officially to the Federal reserve bank an oversubscription of the allotment.

She obtained probably the highest percentage of distribution, population considered, in the district.

She subscribed more generously than any other State of the district, resources considered.

She exceeded her subscription to the second loan by a greater percentage than any other State in the Nation, the increase being more than 100 per cent.

Perhaps conflicting claims will be offered by other States with regard to these points of superiority. That will not make any essential difference. South Dakota assuredly has seen her duty and has done it. Not that there was any real question about that. Indeed, there was none. There is no need to call attention to the performance of Iowa along the same line. And Sioux City can not bear any longer to mention her own humble achievements. But it's a pretty comfortable corner of God's country out here. The New York press may be expected to throw another surprise and happy fit to discover that the West is still, with both feet, in the war. We shan't. With us it's a commonplace.

Bring on your loans.

Mr. GALLINGER. In connection with the article just read, Mr. President, I want to say that the little State of New Hampshire has also oversubscribed the loan and is ready for another.

Mr. President, I have had a great many telegrams in reference to a provision in the naval appropriation bill, to which I offered an amendment, which is now in print and before the committee, proposing to strike out a provision known, I think, as the Taylor efficiency system, which has been placed in bills heretofore, and which it is proposed to place in the naval appropriation bill. I have simply taken from my desk four or five telegrams from business concerns, mostly in my own State, and I ask that they may be inserted in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MANCHESTER, N. H., *April 30, 1918.*

Senator JACOB GALLINGER,
Washington, D. C.:

We strenuously condemn antiefficiency rider penalizing bonus and premium payments and time studies in naval appropriation bill just passed. Trust you will use your every influence against similar rider in Senate bill.

LEWIS DEXLER.

—

DOVER, N. H., *April 30, 1918.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

We note the naval appropriation bill with antiefficiency rider attached has been passed by the House. In view of the absolute necessity of speeding up operations, we most earnestly protest against passage of bill with this rider by the Senate. Sincerely hope it will have your active opposition.

B. WILLIAMS & SONS.

—

NEWPORT, N. H., *April 30, 1918.*

Senator JACOB H. GALLINGER,
Washington, D. C.:

We enter our protest against the antiefficiency rider in naval appropriation bill. We feel that at this time every effort should be used to increase rather than diminish the country's producing capacity.

EMERSON PAPER CO.

—

MILFORD, N. H., *May 3, 1918.*

JACOB H. GALLINGER,
Washington, D. C.:

The antiefficiency rider penalizing premium and bonus payments was surely made in Germany. Our boys across the water are crying, "Speed up." Can't you hear them? We look to our Senators to protect them and us from such vicious legislation.

FRENCH & HEALD CO.

Mr. SHIELDS. Mr. President, concerning the allotment of liberty bonds and subscriptions therefor in the several States, to which Senators have been referring, I could have made an announcement of this kind on the second day of the loan, which I will now do. In one of the counties of Tennessee, that of Unicoi, on the first day, before 9 o'clock in the morning, double the quota of the county was subscribed, and I have no doubt that exceeds the record of any other county in the United States. There are no more loyal people in the Union than those of Tennessee, and the prompt action of Unicoi County fairly represents the spirit prevailing all over our State.

Mr. PAGE. Mr. President, I have felt modest about claiming good things for the Green Mountain State, but I feel that it is

in order this morning to state that of all the New England States Vermont was the first to go over the top in regard to the third liberty loan. May I say also that barring the State of Delaware, Vermont was the first of all the New England and the Atlantic States to overgo her allotment.

Mr. RANSDELL. I present resolutions unanimously adopted at the State Teachers' Association, Baton Rouge, La., April 6, petitioning Congress to support the Federal amendment giving suffrage to women. I ask that it be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions unanimously adopted at the State Teachers' Association at Baton Rouge, La., on April 6, 1918.

Whereas we are faced with new problems and new issues, and the Nation is realizing its dependency on women as never before: Therefore be it

Resolved, That they can serve still more efficiently when they shall have received a full measure of citizenship. Be it further

Resolved, That the time has come when the enfranchisement of women by means of amendments to the Federal or State constitutions is an act necessary to do justice to all the people of our Nation.

Mr. RANSDELL. I also present a telegram from the president of the Eighth District, Federation of Women's Clubs, of Natchitoches, La., urging Congress to adopt the suffrage amendment, and expressing the hope that Senator GUION will vote for it. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NATCHITOCHES, LA., *April 30, 1918.*

Senator JOSEPH E. RANSDELL,
Washington, D. C.:

The Eighth District Federation of Women's Clubs, in convention assembled, urge the United States Senate to pass the suffrage amendment to the National Constitution and it be read into the RECORD. We earnestly express the hope that Senator WALTER GUION will vote for it.

Mrs. C. V. PORTER,
President Eighth District Federation of Women's Clubs.

Mr. RANSDELL. I wish to present a telegram from Mr. McMahon showing the subscriptions of the New Orleans Great Northern Railroad to the third liberty loan. With a great deal of pleasure he announces 100 per cent subscription, amounting to $55,000—733 officers and employees, 300 of whom are colored. I ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW ORLEANS, LA., *April 30, 1918.*

Hon. JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.:

As chairman New Orleans Great Northern Railroad, third liberty loan campaign, it is with great deal of pleasure I announce 100 per cent subscription, amounting to $55,000—733 officers and employees, 300 of whom are colored.

M. J. MCMAHON.

Mr. SMITH of Georgia. I present a resolution adopted by the citizens of Columbus, Ga., urging that the influence of the Representatives and Senators from Georgia be used in behalf of war-time prohibition, and also a somewhat similar communication from the Georgia Woman's Christian Temperance Union, which contains among other things a request for the immediate enactment by Congress of war prohibition measures.

I wish to call their attention and the attention of the public to the fact that Congress has already passed legislation prohibiting the manufacture of spirituous liquors and has left to the President the authority to limit the manufacture of beer and vinous liquors.

Congress has acted, and while I gladly present the resolution, what has been done by Congress should be known:

Resolved by the citizens of Columbus, Ga., in mass meeting assembled, That the food, fuel, and transportation administrator be, and is hereby, urged to use his influence in behalf of war-time prohibition.

Resolved, second, That the chairman of this meeting write to the United States Senators from Georgia and to our Representative in Congress, Hon. WILLIAM C. WRIGHT, and urge them to do all in their power to bring about war-time prohibition.

Resolved, third, That a copy of these resolutions be sent to the Food Administrator, Senators, and Representative.

GEORGIA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Macon, Ga., April 27, 1918.

Hon. HOKE SMITH,
United States Senator of Georgia,
Washington, D. C.

DEAR SIR: In behalf of the conservation of food, fuel, and man power, the promotion of civic righteousness, morals, and the spread of Christianity we, the Woman's Missionary Society of Centenary Methodist Church, of Macon, Ga., urge that you use your influence and vote—

First, for the immediate enactment by Congress of war prohibition measure.

Second, for the bill for prohibition in Hawaii during the period of the war.

Mrs. J. M. BASS, *President.*
Mrs. A. J. BARNES, *Secretary.*

Mr. SMOOT. There has been sent to me a copy of a resolution adopted at a meeting of the Utah Branch of the National Woman's Party with the request that I have it placed in the CONGRESSIONAL RECORD. I ask that that be done.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution adopted at a meeting of the Utah Branch of the National Woman's Party, held at the Hotel Utah, Salt Lake City, Utah, on April 20, 1918.

Whereas the Federal suffrage amendment has passed the House of Representatives and is before the Senate for consideration;

Whereas President Wilson has given the measure his support in the House of Representatives and all political parties, either in their platforms or by action of their national committees, have indorsed the amendment;

Whereas the foreign diplomatic policy of the administration is demanding the establishment of representative governments in all countries;

Whereas our allies are enfranchising women in war time by national action, and "we can not afford to lag behind our allies on this democratic issue":

Resolved, That we, members of the Utah Branch of the National Woman's Party, at a meeting held in the Hotel Utah on April 20, 1918, ask the President to give the measure his active support in the Senate by urging its speedy passage; further be it

Resolved, That all administration leaders be urged to use their influence to secure the speedy passage of the measure, and that Senator SMOOT and Senator KING, of Utah, be urged to give the amendment their strong support; finally be it

Resolved, That a copy of this resolution be sent to all administration leaders and to the Senators from Utah with the request that it be read into the CONGRESSIONAL RECORD.

LOUISE M. GARNETT,
Chairman of Meeting.

Mr. PHELAN presented a petition of the Butte County Medical Society, of Chico, Cal., praying for advanced rank for officers of the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Fowler, Cal., praying for national prohibition as a war measure, which was ordered to lie on the table.

Mr. LEWIS presented a resolution adopted by the Illinois Equal Suffrage Association, of Chicago, Ill., pledging their allegiance to the United States in the prosecution of the war and their support to the Constitution of the United States, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, reported it with an amendment.

He also, from the Committee on Privileges and Elections, to which was referred the bill (S. 3438) to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress, reported it with amendments and submitted a report (No. 426) thereon.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 3261) to remove the charge of desertion from the military record of Alonzo W. Livingston, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WALSH, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 10850. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 427); and

H. R. 10924. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 424).

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 11245) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917, reported it without amendment and submitted a report (No. 429) thereon.

ARMY CHAPLAINS.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 4409) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, one for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers: *Provided further*, That the persons appointed under this act shall be duly accredited by some religious denomination or organization and of good standing therein, under such regulations as may be prescribed by the Secretary of War: *And provided further*, That no person shall be appointed chaplain in the Army who on the date of appointment is more than 45 years of age."

Mr. CHAMBERLAIN. I will state that a similar bill passed the House and Senate and was signed by both the President of the Senate and the Speaker of the House, but was vetoed by the President, because he thought the last provision in the bill was susceptible of a wrong construction. He therefore suggested an amendment, which we have inserted in the bill now and report it back favorably.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUND OF DUTIES ON MATERIALS DESTROYED.

Mr. THOMAS. Mr. President, on the 30th of April, by direction of the Committee on Finance, I reported back favorably the bill (S. 2496) for the refund of duties paid on materials destroyed by fire. It is Calendar No. 372. Since then I have had a conference with one of the Assistant Secretaries of the Treasury, who calls my attention to certain features of the claim to which our attention had not been before directed, at least mine was not, and which make a material difference concerning the equities of the measure. I therefore ask that the bill be taken from the calendar and referred back to the Committee on Finance.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be recommitted to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 4498) to amend section 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. HENDERSON:

A bill (S. 4499) for the relief of Thurman A. Poe; to the Committee on Claims.

By Mr. KENDRICK:

A bill (S. 4500) to amend paragraph 4, chapter 362, of the Revised Statutes of the United States, being an act to make appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes; and

A bill (S. 4501) to amend section 2240 of the Revised Statutes of the United States, fixing the salaries of registers and receivers of the United States Land offices; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 4502) authorizing the Yakima Indians, of Washington, to file suit in the Court of Claims; to the Committee on Indian Affairs.

By Mr. FALL:

A bill (S. 4503) to reimburse Ben D. Haines, postmaster at Hill, N. Mex., for loss of postal funds and postage stamps; to the Committee on Post Offices and Post Roads.

By Mr. LEWIS:

A bill (S. 4504) granting an increase of pension to William L. Butler; to the Committee on Pensions.

ESTIMATED REVENUES FOR 1917.

Mr. POMERENE submitted the following resolution (S. Res. 239), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to furnish the Senate with a statement of the revenues estimated for the calendar year of 1917, derived from existing revenue laws, stating particularly the amounts collectible under each title of said several laws.

SALE OF MILITARY SUPPLIES.

Mr. HITCHCOCK. I submit a conference report on the disagreeing votes of the two Houses on Senate bill 3803, and ask unanimous consent for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.
S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of the conference report?

The motion was agreed to.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE BILLS REFERRED.

H. R. 10264. An act to prevent, in time of war, departure from or entry into the United States contrary to the public safety, was read twice by its title, and, on motion of Mr. KING, referred to the Committee on the Judiciary.

H. R. 11185. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

PUNISHMENT OF UNLAWFUL ASSOCIATIONS.

Mr. WALSH. From the Committee on the Judiciary, I report back favorably without amendment the bill (S. 4471) to declare unlawful associations purposing by force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States, and prescribing punishment for persons engaged in the activities of such associations, and for other purposes. The bill comes from the Committee on the Judiciary with a unanimous report, and as I do not conceive that there will be any objection to the bill, I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I ask that the bill may be read, though I do not think I have any objection to it.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, of force, violence, or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises, or defends the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, to accomplish such change or for any other purpose, and which, during any war in which the United States is engaged, shall by any means prosecute or pursue such purpose or professed purpose, or shall so teach, advocate, advise, or defend, is hereby declared to be an unlawful association.

SEC. 2. That any person who, while the United States is engaged in war, shall act or profess to act as an officer of any such unlawful association, or who shall speak, write, or publish, as the representative or professed representative of any such unlawful association, or become or continue to be a member thereof, or who shall contribute anything as dues or otherwise to it or to anyone for it, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or by both such fine and imprisonment.

SEC. 3. That any person who, while the United States is engaged in war, knowingly prints, publishes, edits, issues, circulates, sells, or offers for sale, or distributes any book, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind in which is taught, advocated, advised, or defended, or who shall in any manner teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change, or otherwise, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or by both such fine and imprisonment.

SEC. 4. That any owner, agent, or superintendent of any building, room, premises, or place who knowingly permits therein any meeting of any such unlawful association, or of any subsidiary or branch thereof, or, during any war in which the United States may be engaged, any assemblage of persons who teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person

or property, or threats of such injury, shall be punished by imprisonment for not more than one year or by a fine of not more than $500, or by both such fine and imprisonment.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GRONNA. Mr. President, I do not think I have any objection to the bill, but it is a very drastic measure, and I wish that the Senator from Montana would give some explanation of it. I have only heard it read hurriedly, but I can see that there are certain provisions of the bill which are really very drastic.

Mr. WALSH. Mr. President, the purpose of the bill is very clearly disclosed in its language. It is intended to outlaw any organization or association which teaches, advises, advocates, or defends the use of force or violence or physical injury to person or property for the accomplishment of any changes in the United States economically, industrially, or politically. I did not conceive that there would be any objection whatever to the enactment of a statute of this character at this time. The occasion which gives rise to it, of course, is known to all of the Senators present.

Mr. GRONNA. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH I will.

Mr. GRONNA. Of course I have no objection to any legislation which will reach only organizations or persons which advocate doing anything that is unlawful or something that should not be done or something that will hamper the prosecution of the war; but in the reading of the bill I observe that it includes any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, and so forth. Of course I am willing that any organization which is not a legitimate or lawful organization should be forbidden; I do not think that any such association as that should exist; but, I say to the Senator from Montana in all seriousness, I have not had time even to read the bill, and that is why I asked for an explanation of it.

I agree with the Senator from Montana that something should be done to stop and to punish any association, organization, or person that will commit any unlawful act or do anything that will hamper the war in any particular. I am in perfect accord with the Senator in that respect. I do not think, however, that legislation should be hastily passed that will do an injustice to any person, association, or organization having for their or its purpose to do what is lawful and what will result in good to humanity.

Mr. WALSH. The Senator from North Dakota will perceive from reading the bill that it reaches only such associations as teach, advocate, advise, or defend the use of force or violence, or injury to person or property for the accomplishment of its ends. If an association does not teach that, it will not fall within the condemnation of the bill. No association, no matter what its character, if it does not teach that kind of heresy—I might properly say "treason"—is included within the condemnation of the bill at all. The bill also makes membership in an organization of that character, or acting as the representative of it or talking for it a crime. The idea is to outlaw any organization that professes purposes of that character.

Mr. GRONNA. I thank the Senator from Montana for his courtesy in explaining the bill, and I will say to him that I have no objection to its passage, if it reaches only such persons, associations, or organizations as he has mentioned.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Montana whether, in his opinion, this bill, if passed, would give the United States courts jurisdiction over those engaged in lynchings or those who should defend lynchings?

Mr. WALSH. I should think probably it would.

Mr. HITCHCOCK. I do not know that I am opposed to the bill, but it opens rather a new field for the giving jurisdiction to courts of the United States.

Mr. BORAH. May I ask the Senator from Nebraska to repeat his question? I should like to understand the Senator's question.

Mr. HITCHCOCK. I inquired of the Senator from Montana [Mr. WALSH], in charge of the bill, whether, in his opinion, the bill if passed would give to Federal courts jurisdiction over all cases against men charged with lynching or cases against men who defended lynching, and the Senator has replied that, in his opinion, it would, whatever the cause of the lynching might be.

Mr. BORAH. The Senator from Montana has given more consideration to the matter than have I, and I have great respect for his judgment; but, in my opinion, the proposed law does not go that far. However, in that I may be in error.

Mr. WALSH. Mr. President, if the Senator from Idaho will pardon me for just a moment, I should like to amplify my statement by saying that the bill is aimed primarily at organizations and associations the purpose of which is to bring about these results, and an organization to bring about such results by lynching would undoubtedly fall within the condemnation of the bill.

Mr. HARDWICK. If the Senator from Montana will yield for a question, does not the Senator think, however, that the third section of the bill goes a good deal further than that?

Mr. WALSH. The third section of the bill is intended to reach individuals who do not belong to associations, but who teach exactly the same doctrines that we seek to condemn when urged by associations.

Mr. HARDWICK. Suppose an individual were to advocate lynching, or suppose some man should go out and say "Let us lynch these pro-Germans or spies," or whatever they may be?

Mr. WALSH. Exactly; he would fall within the condemnation of this bill.

Mr. HARDWICK. That is why I think the Senator is right on account of the third section of the bill.

Mr. BORAH. Mr. President, I am familiar with section 3, and I have no doubt at all that it would not reach such a case. The whole bill has another object in view, and it will have to be construed as a whole. I have no objection to reaching that particular individual, if the bill will reach him; but if the Senator from Nebraska and the Senator from Georgia want to reach that individual, in my opinion, they had better offer an amendment to the bill.

Mr. President, I only desire to say in regard to this measure, that I supported it in the committee and I support it now as a war measure. I am perfectly willing in these times and in this supreme exigency to deal with this situation through the strong arm of the Government; but I would not want, Mr. President, by my support of the bill to be committed to the idea that the problem of the Industrial Workers of the World or any other labor problem can finally and ultimately be settled through the strong arm of the Government or through force. I think that the remedy will have to be a different remedy than that which might be incorporated in a measure of this kind. At the present juncture of affairs, and in this exigency, I know of no other way to deal with it immediately and effectively than in this particular way; but the time will come when we will have to choose our methods and our remedy with more patience and after greater investigation and with greater wisdom than the mere passing of a criminal statute. As I have said, while I am perfectly willing to support the bill as a war measure, and for the purpose of dealing with the evil in this crisis, it by no means commits me to the policy of dealing with the situation as a permanent proposition in this way. The disease must have a broader, more humane, and patient treatment. We must remove some of the causes before we expect the trouble to disappear.

Mr. KING. Mr. President, if the Senator from Montana will permit an inquiry, does not the Senator from Montana think that there ought to be some provision in this bill that would make nonmailable the publications referred to in section 3 of the measure? The Senator will remember that there is a bill pending before the Judiciary Committee which I introduced some time ago, relating to the use of the mails by organizations of the character contemplated by this bill. It was referred to a subcommittee consisting of the Senator from Montana [Mr. WALSH], the Senator from Washington [Mr. POINDEXTER], and myself. The present bill was reported by the subcommittee. In the subcommittee the question was considered whether any provision should be incorporated in the measure which was being prepared that would deny the use of the mail to publications emanating from the criminal organizations denounced in this bill. The members of the subcommittee concluded not to attempt any legislation of such a character as a part of this measure, but I reserved the right to offer an amendment to cover this point when the bill was being considered in the Senate. It seems to me that there ought to be some provision here that would deny the use of the mails to the poisonous, disloyal, and treasonable matter referred to in section 3; and, if it will not prevent the immediate passage of the bill or impede it in any way, I should be glad to offer an amendment having for its object the exclusion from the mails of all publications and printed matter to which reference is made in section 3.

Mr. WALSH. Mr. President, the Senator from Utah knows that I am not at all averse to the idea which he expresses, that there ought to be a provision which would make matter of this kind unmailable, and authorize its exclusion from the mails.

I voted for such a provision when the espionage bill was under consideration recently; but I am satisfied, and the Senator from Utah can not be unaware, that there is a very decided difference of opinion in this body on that subject, and I very much fear that the precipitation of that question would delay very much, if not defeat, the passage of the bill. I hope, therefore, that we may have that question reserved for consideration as an independent measure.

Mr. KING. Mr. President, I do not want to do anything, of course, that would interfere with the speedy passage of this bill. I believe, however, that an amendment such as I am about to read will not be objectionable, will not provoke discussion, and will be accepted by every Senator. What I suggest is as follows:

SEC. 5. Every publication and paper referred to in section 3 of this act is hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Mr. BORAH. Mr. President, if the espionage act as amended does not cover every conceivable phase of the discussion of this war from every conceivable standpoint, I do not know how it can be covered.

Mr. President, I am anxious to see this bill pass; but if there is going to be any adding to the dictatorial power of the Postmaster General in this situation, it can not pass to-day.

Mr. GALLINGER. Nor to-morrow.

Mr. KING. Mr. President, the statement made by the Senator from Idaho, in my opinion, is entirely unwarranted. There have been no dictatorial powers conferred in the espionage act upon the Postmaster General, and the proposed amendment would not confer any dictatorial powers upon the Post Office Department, and the Senator from Idaho must know it.

Mr. BORAH. The Senator from Idaho is perfectly aware of what he said, and he has no modification whatever to make. He knows precisely the language that was used in that bill, and he has to say that nothing additional will be added to this bill to-day.

Mr. KING. Mr. President, of course the Senator from Idaho can pursue such course as he may desire, and he may, if he desires, prevent—because I do not want to impede the passage of the bill by the tendering of this amendment—but obviously this amendment ought to be accepted by everyone who desires to see a needed law properly enforced and manifest evils corrected. It is not sufficient to punish criminally those who violate the law, but the Government ought not to be required to convey through the mails their treasonable and incendiary publications. If the Senator from Idaho objects to the criminal, disloyal, and seditious publications referred to in section 3 being excluded from the mails, he must reconcile his course with his own conscience. I shall not offer the amendment at the present time.

Mr. BORAH. I have no difficulty at all in dealing with my own conscience. I simply desire to say that I have no desire to see such material go through the mails of the United States; but I have a desire that the question as to whether or not it is that kind of material shall be determined in accordance with the established principles of Anglo-Saxon jurisprudence and justice. That is the position which I take in regard to it. I do not want these things to be determined through wholly ex parte arbitrary methods.

Mr. GALLINGER. Mr. President, if I may ask the Senator from Montana a question, in lines 6 and 7 the words "without authority of law" are inserted. Can it be possible that we have a law that would authorize the use of force, violence, or physical injury in a case of this kind? Are not those words unnecessary, and do they not at least suggest that there might be a law that would justify the use of force or violence for the purposes here forbidden?

Mr. WALSH. Mr. President, I will say to the Senator from New Hampshire that the language he speaks of was the subject of some consideration both by the subcommittee of the Judiciary Committee and by the full committee. It was proposed by the Senator from Washington [Mr. POINDEXTER], a member of the subcommittee, who suggested that under certain circumstances the life of a citizen may be taken legally, or property may be destroyed legally. For instance, under many prohibition statutes liquor, being contraband, is seized and destroyed, and thus property is injured. He was apprehensive that without some language of this kind it would be contended that some of those statutes would be abrogated and that it would be made a crime to injure property or person, even though some other statute authorized it to be done, and out of abundance of caution this language was inserted.

Mr. GALLINGER. Mr. President, I do not apprehend that the words will do any harm, and yet it strikes me that it is strange phraseology to say—

Any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, of force, violence, or physical injury.

I am not a lawyer, and, of course, can not undertake to discuss the legal meaning of that language; but, in reading it, it struck me as a suggestion that we might enact a law that would permit these things, which, of course, I think is not at all probable to say the least. However, I will not insist upon the suggestion.

Mr. WALSH. I feel at liberty to say to the Senator from New Hampshire that my own ideas coincided very much with his.

Mr. GALLINGER. It can do no harm, Mr. President, and yet I felt like calling attention to it.

Mr. THOMAS. Mr. President, primarily this bill is designed to prevent associations advocating change by force and lawlessness from carrying out their purposes and avowed objects during times of war. The bill limits its operation to the continuance of the war. I very much regret that it is so limited, in so far as it affects these associations. I have long been apprehensive regarding the effect upon society and the safety of person and property of a certain criminal organization which has been permitted by the nonaction of the States to assume somewhat formidable proportions and which has become one of the most effective agencies of the enemies of the United States not only in the dissemination of propaganda, but in the use of what members of the society are very fond of calling "direct action" against many of our industrial units. It violates the law both of God and of man in the attempted execution of its purposes to set aside all social conventions and to create anarchy wherever it is possible. They have in some instances obtained possession of local official positions designed for the safeguarding of society, for keeping the peace, and for the enforcement of law and order, and these they have used for wholly contrary ends. They have intimidated whole districts and sections of the country and have at times made it very difficult, through fear of personal injury afterwards inflicted, to secure convictions at the hands of honest men in their capacity as jurors, whose oath of office requires them to convict where the evidence justifies it.

I believe that the strong hand of the United States Government is essential to wipe this society from the face of the earth, and this is a step in the right direction. Of course, it is quite as necessary to prohibit the advocacy of the so-called principles of such organizations by their members as to prohibit their acting in an associated capacity and in the holding of meetings to consider better methods of carrying out and making effective their infernal propaganda.

I was told some days ago that one of the organizers of the I. W. W. appeared before the commission appointed by the President to inquire into the facts concerning the now notorious Mooney case. He was asked whether he believed in and advocated murder. He said, "Yes; because the end justified the means." He was asked whether he advocated the destruction of property, and he answered, "Yes; because the end justified the means." He was then asked, Mr. President, whether he advocated the overthrow of social conditions by any means whatever. He answered, "Yes; because the end justified the means." Yet that man was permitted to walk out a free man from the doors of that commission. He went there, as I understand, to protest that Mr. Mooney had not been convicted according to the forms of the Constitution and the law!

Mr. President, I have here a copy of a so-called hymn, furnished me by a gentleman who vouches for its genuineness, which is sung by the I. W. W. to the tune of "Onward, Christian Soldiers," and which appears in the I. W. W. songbook. It gives a graphic idea and mental picture of the infernal activities and criminal characteristics of the members of this association. I shall therefore inflict it upon the Senate:

"CHRISTIANS AT WAR."

(The following "hymn," sung by the I. W. W.'s to the tune of "Onward, Christian Soldiers," and written by John F. Kendrick, is reprinted from the I. W. W. songbook.)

Onward, Christian soldiers! Duty's way is plain;
Slay your Christian neighbors, or by them be slain.
Pulpiteers are spouting effervescent swill,
God above is calling you to rob and rape and kill,
All your acts are sanctified by the Lamb on high;
If you love the Holy Ghost, go murder, pray, and die.

Onward, Christian soldiers! Rip and tear and smite!
Let the gentle Jesus bless your dynamite.
Splinter skulls with shrapnel, fertilize the sod;
Folk who do not speak your tongue deserve the curse of God.
Smash the doors of every home, pretty maidens seize;
Use your might and sacred right to treat them as you please.

Onward, Christian soldiers! Eat and drink your fill;
Rob with bloody fingers. Christ O. K.'s the bill.
Steal the farmer's savings, take their grain and meat;
Even though the children starve, the Savior's bums must eat.
Burn the peasants' cottages, orphans leave bereft;
In Jehovah's holy name, wreak ruin right and left.

Onward, Christian soldiers! Drench the land with gore;
Mercy is a weakness all the gods abhor.
Bayonet the babies, jab the mothers, too;
Hoist the cross of Calvary to hallow all you do.
File your bullets' noses flat, poison every well;
God decrees your enemies must all go plumb to hell.

Onward, Christian soldiers! Blighting all you meet,
Trampling human freedom under pious feet.
Praise the Lord whose dollar sign dupes His favored race!
Make the foreign trash respect your bullion brand of grace,
Trust in mock salvation, serve as pirates' tools;
History will say of you: "That pack of G—— d—— fools."

These people may call this a travesty or satire upon existing conditions. I am credibly informed that it is a part of the literature of this infamous organization.

I hope this bill will pass, Mr. President, and that it will be enforced wherever the occasion requires as summarily and completely as may be necessary to wipe out of existence this foul nest of thieves and murderers, the toleration of whose existence in this country as an association is a libel upon our character and our integrity as a law-abiding people.

Mr. HARDWICK. Mr. President, I have no objection to any measure which seeks to curb these I. W. W. activities, but I am afraid that section 3 of this bill unwittingly goes a great deal further than that and may possibly accomplish a great many other things besides that, and things that were not even dreamed of by the proponents of the bill when they drew it.

I quite agree with the Senator from Montana [Mr. WALSH] and quite disagree with the Senator from Idaho [Mr. BORAH] that the question of the Senator from Nebraska [Mr. HITCHCOCK] was properly answered by the Senator from Montana. Under this bill anybody who advocated or threatened lynching under any circumstances, upon any occasion, or for any purpose could be prosecuted in the Federal courts. Of course, the several States ought to be left to deal with matters of this kind.

Let me call the attention of the Senate, and particularly of the Senator from Montana and the Senator from Idaho, to the reason why I think that. The third section deals with individuals. Of course, what I have said does not apply at all to these sections which deal with associations or organizations, but the third section of the bill deals with individuals and provides:

That any person who, while the United States is engaged in war, knowingly prints, publishes, edits, issues, circulates, sells, or offers for sale or distributes any book, pamphlet, picture, paper, circular, card, letter, writing, print, publication, or document of any kind in which is taught, advocated, advised, or defended—

That is complete there now—

or who shall in any manner teach, advocate, advise, or defend the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, as a means of accomplishing any governmental, social, industrial, or economic change, or otherwise, shall be punished by imprisonment for not more than 10 years or by a fine of not more than $5,000, or by both such fine and imprisonment.

That is, this measure applies to any person who shall either advise or defend the use of these means or the threat of such injury either for the purpose of accomplishing any governmental, social, industrial, or economic change, or for any other purpose whatever. That broadens it to an extent that I do not believe the framers of the bill had in mind, and I hope the Senator in charge of the bill will be willing to strike out those two words "or otherwise." I think if he will do that, probably he will have accomplished all that he is seeking to accomplish without using language so general that it may be construed to cover almost everything; and that is especially true when not only the injury itself is provided against, but even the threat of the injury, which is very drastic. If we go that far and apply this bill to whoever shall advocate these things or even threaten them, I think we had better define exactly what we have in mind. I hope the Senate will agree with me. I suggest that amendment, anyhow.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WALSH. Mr. President, it was an inadvertence, I am sure, that the word "such" does not appear in the bill on line 3, page 2, after the word "any," so that it will read "shall by any such means prosecute or pursue."

The SECRETARY. On page 2, line 3, before the word "means," it is proposed to insert the word "such."

Mr. HARDWICK. Mr. President, if the Senator will yield to me for just a minute, I want to ask the Secretary to state the amendment I suggested informally just a moment ago—to strike out the words "or otherwise" on page 3, line 2.

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia will be stated.

The SECRETARY. On page 3, line 2, it is proposed to strike out the words "or otherwise" and the comma.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. FALL. Mr. President, I shall vote for the motion to strike out. I think the words "or otherwise" are subject to such a construction, or at least may be the cause of such confusion, as probably to work injury. Certainly if the construction suggested by the Senator from Georgia is the correct one, that language would reach any possible offense of any kind or character. I must admit that I do not understand whether that is the correct meaning or not, but I think the use of the words "or otherwise" simply tends to confuse. I hope the Senator will agree with me and that the words "or otherwise" may be stricken out.

Mr. WALSH. Mr. President, I feel disposed to accept the suggestion made to eliminate those two words from the bill, my own reason being that many petty offenses and petty offenders would thus be brought within the scope of the bill that might very well be left for disposition by the local authorities. The Federal Government ought not to be charged with the responsibility of prosecuting anybody, for instance, who commits malicious mischief or who advises the commission of malicious mischief, and that would fall within the terms of this provision as it stands.

Mr. FALL. Mr. President, if the Senator will yield for a moment, I could give, in concrete form, my reasons for objecting to these words from my experience, or from matters which have come under my observation with reference to what is commonly known as the Ku Klux statute as it has been enforced in some of the public-land States, where parties have been tried under the United States law for purely a local offense—for an assault and battery or something of that kind. Some one who desired their prosecution had them prosecuted before a United States court for attempting to prevent people from locating upon the public domain when there was no proof that there was any such purpose upon the part of either party, either the man assaulted or the man who assaulted him, when there was no evidence that the party assaulted was even attempting or intending or even had a right to settle upon the public domain. I recall very vividly one case where, as a matter of fact, it was shown that the party had used every right he had upon the public domain and could not possibly have been precluded by any assault from his right to settle upon the public domain. Still the man who was charged with the assault was tried before a United States court, after being acquitted by the State court of assault with a deadly weapon with intent to kill.

Mr. REED. Mr. President, I do not care how far we go to reach organizations like the I. W. W., provided, of course, that before we declare the guilt of any man he shall have a trial according to the laws of the land and shall have been proven guilty.

I have had heretofore something to say on the floor of the Senate about strikes, especially where the strikes are in industries which are furnishing war material.

Mr. WALSH. Did the Senator address me?

Mr. REED. Not for the moment. I intend to address an interrogatory to the Senator.

I think I have gone quite as far as any other Member of the Senate in saying that I believe a strike brought on in an industry that is making ammunition or armament is almost as bad a thing to do as a direct interference with soldiers upon the line of battle.

Yet, Mr. President, I want to ask the author of the bill if he intends to draw within it every labor organization or every labor society that may advocate a strike, provided some of its members may advocate the use of force or a threat of force?

Mr. WALSH. Mr. President, I should be very sorry, indeed, if anyone should get the impression even that there was any purpose in this bill to prohibit what is known as a peaceful strike; that is to say, an organized abandonment of work. I am a friend of organized labor and have been for many years. I believe that organizations of men engaged as wageworkers are absolutely essential in our present situation of affairs for the purpose of securing not only the industrial but the political freedom of the wageworkers.

But, Mr. President, the legitimate organizations of this country do not undertake to accomplish their ends by the use of force or violence or by the destruction of property or injury to persons, nor by threats of such. They proclaim and have pro-

claimed again and again that they do not have any such purpose and do not exist for any such purpose.

If any injudicious member of such an organization goes out and advocates the use of force or violence or injury to person or property to accomplish their end, he falls within the condemnation of this act. He is the greatest enemy there is of organized labor. He is the peril of every strike that is conducted upon legitimate lines.

I can not believe, Mr. President, that any labor organization will seek protection for a man who advocates that method of securing such an end as they seek to obtain.

Mr. REED. I desire to state with all emphasis that disloyal organizations like the I. W. W., which are going about at a time like this seeking to stir up dissension in the land and which commits acts of sabotage and other criminal offenses, get no sympathy from me. Upon the other hand, I am willing to go almost to any extent to work their extermination.

But I want to call the attention of the Senator to just what is within the four corners of this bill as I see it. My examination has been a little hasty, having just been made here on the floor of the Senate. While I am a member of the Judiciary Committee, I did not happen to be there the day this particular bill came up.

I am seeking to elicit the earnest attention of the Senator who is the author of the bill in order, if possible, to convince him there is some necessity of amendment. Observe now as I scan the bill: That any organization, "one of whose purposes or professed purposes is to bring about any social or economic change within the United States by the use of force, violence, or physical injury to person or property, or by threat of such injury, or which teaches, advocates, advises, or defends the use of force that is within the terms of the bill."

"Any organization which seeks to bring about any social or economic change by the use of force." What kind of force? It does not mean physical force, because that is afterwards specifically enumerated. It says any kind of force.

I raise the question, therefore, whether under this bill an organization that proposed merely to boycott a man in order to bring about an economic change, to wit, a change in wages or a change in prices or a change in the economic life of a community, would be guilty of the employment of force within the meaning of this statute, for it does not mean physical force, because the word "force" is followed by the words "violence or physical injury."

Now, let us go a step further in the analysis of the bill. It is proposed that any person who shall contribute any dues to any such organization shall be punished by a fine of not more than $5,000 and imprisonment for not more than 10 years in the penitentiary. It is true, as the Senator has stated, that the best protestations of labor organizations always are that they do not propose to employ physical violence or to destroy property, yet they have employed force in the nature of boycott for many years. A boycott certainly involves the employment of force.

But I waive that for the moment. Here is a local labor organization. It gets into a strike, and it finally comes to a point where fisticuffs are employed.

Mr. HARDWICK. Where picketing is indulged in.

Mr. REED. I prefer the illustration where fisticuffs are employed. Here is a man who has paid his dues to that organization. He may even be protesting against that method, yet I would be very much afraid he might be drawn in under the terms of the bill.

I do not make this observation in an antagonistic spirit; I make it by way of the most kindly suggestion.

Mr. WALSH. Mr. President, if I may be permitted, I feel very thankful to the Senator for the suggestion he has made. Of course, if the word "force" could be given any significance in the statute except physical force there would be some basis for the contention. In other words, I believe we sometimes talk about moral force, and if the force here would be considered as moral force the statute would, of course, be objectionable. But I do not think it is possible to give that construction to the statue.

Let me remark in the first place, Mr. President, that neither boycotting nor picketing contemplates the use of force. Not only that, if it did contemplate the use of force it would be subject to an injunction, and it never is.

You do not use any force when you boycott a man. Everybody agree they will not, with that method. Where does the force come in? There is not any such thing as force in boycotting. Indeed that was the purpose, in the first place, when it was originally utilized in Ireland. The use of force would have subjected the Irishman who was objecting to conditions prevelant in his country at that time to arrest and conviction. So he devised a method of securing the end by means that did not apply to force. Boycott was the name of a very objectionable landlord or agent of some landlord, and there was a general agreement that they would not trade with him, they would not talk to him, they would not recognize his family socially; he was simply isolated. That is the origin of the word "boycott." It is the antithesis of force.

So, Mr. President, with reference to picketing, what is picketing? I shall submit in the RECORD a little later extracts from the authorized publications of the I. W. W. They advocate for the purpose of securing their ends the establishment of pickets who shall prevent men from coming in the neighborhood of the works that are picketed.

That contemplates clearly the use of force to accomplish their end, but picketing as ordinarily employed in a strike does not contemplate force at all. The purpose of pickets is that a record may be kept of everyone who goes to work, and if he is a nonunion man he will be recognized and a report is made, and they will govern themselves accordingly.

Those of us who have had something to do with strike litigation recognize these distinctions very clearly, and it is recognized in the law. It is recognized in the Clayton Act. The Clayton Act does not attempt to justify the use of force either in connection with picketing or in connection with a boycott, but it clearly authorizes the use of both those means for the purpose of conducting a successful strike.

That is my answer to the Senator.

Mr. FALL. Will the Senator yield to me just a moment for a suggestion? The Senator from Montana says that he has the declaration of the constitution and by-laws of the I. W. W. which he proposes to put in the RECORD. For the purpose of the argument at this time in this discussion, in connection with the line the Senator from Missouri is now taking in the discussion of the word "force" and what it means, if the Senator will allow me to do so I will read into the RECORD or have read from the desk from the general articles, by-laws, and constitution, and so forth, of the I. W. W. their tactics or methods as they have adopted them officially, which I think will throw a good deal of light on the discussion which has now taken place. If the Senator will allow me to introduce it now in his time, as I do not care to discuss this question at all, I will simply read it.

Mr. REED. I have no objection to reading it, although the demonstration that the I. W. W. are a bad lot is quite unnecessary to me.

Mr. FALL. I understand that, but they define "force."

Mr. REED. But they can not define force for the courts.

Mr. FALL. My impression is that this bill was drawn by someone who understood very well the tactics the I. W. W. propose.

Mr. REED. I have no doubt of it and I have no doubt it hits the I. W. W. I want them hit.

Mr. FALL. I understand the Senator does.

Mr. REED. I want them struck as hard a blow as possible, but I do not want, in trying to get at that miserable and infamous organization, to strike organizations we are not looking for at all.

Mr. FALL. I understand.

Mr. REED. I yield to the Senator to read it.

Mr. FALL. With the Senator's permission, I read as follows:

I. W. W. TACTICS OR METHODS.

As a revolutionary organization, the Industrial Workers of the World aim to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of "right" and "wrong" does not concern us.

No terms made with an employer are final. All peace, so long as the wage system lasts, is but an armed truce. At any favorable opportunity the struggle for more control of industry is renewed.

The Industrial Workers realize that the day of successful long strikes is past. Under all ordinary circumstances a strike that is not won in four to six weeks can not be won by remaining out longer. In trustified industry the employer can better afford to fight one strike that lasts six months than he can six strikes that take place in that period.

The organization does not allow any party to enter into time contracts with the employers. It aims where strikes are used to paralyze all branches of the industry involved when the employers can least afford a cessation of work—during the busy season and when there are rush orders to be filled.

The Industrial Workers of the World maintain that nothing will be conceded by the employers except that which we have the power to take and hold by the strength of our organization. Therefore we seek no agreements with the employers.

Failing to force concessions from the employers by the strike, work is resumed and "sabotage" is used to force the employers to concede the demands of the workers.

The great progress made in machine production results in an ever-increasing army of unemployed. To counteract this the Industrial Workers of the World aim to establish the shorter workday and to slow up the working pace, thus compelling the employment of more and more workers.

To facilitate the work of organization, large initiation fees and dues are prohibited by the Industrial Workers of the World as an organization.

During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from strike-bound shops. All shipments are refused or missent, delayed, and lost, if possible. Strike breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expense to the taxpayers, which is but another name for the employing class.

In short, the Industrial Workers of the World advocate the use of militant "direct-action" tactics to the full extent of our power to make good.

This is from their official document, offered and accepted in evidence in the United States court at Los Angeles, Cal., in the trial of certain parties who were accused of violating the neutrality laws of the United States, and whom the evidence showed were being supported, both financially and otherwise, by the I. W. W. organization.

Mr. REED. Mr. President, I intend to take but a very few minutes. I would think I had not done my duty if I did not call attention to the language of this proposed act. I presume we shall repeat the old experience—that is, because some outrageous thing has been attempted or some outrageous organization has come into existence, we at once proceed to pass laws so broad and sweeping that scores of objects we do not want to penalize will nevertheless be declared felonies.

Mr. President, I can not agree with my distinguished friend, the author of this bill, in regard to the construction of the word "force."

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I yield.

Mr. WALSH. I can give the Senator from Missouri a little further enlightenment upon that. I have sent for the volume of Words and Phrases containing the word "force," and I find, in the case of "burglary":

The "force" required to constitute burglary under Pennsylvania Code, article 842, may be by lifting the latch of a closed door, by raising a window, by entry at a chimney, or other unusual place, the introduction of a hand or any instrument to draw out the property through the opening made by the burglar for that purpose.

Of course, it would not be moral force.

"Force," as applied to a forced marriage, implies physical constraint of the will.

Mr. REED. Well, I will now call the Senator's attention to some definitions. I happened by mere accident——

Mr. WALSH. Pardon me one moment. In construing the forcible-entry statute it is said:

The word "force" carries with it necessarily the idea of violence exercised, and it may include a putting in fear by threats, but it can not include a mere entry by the ordinary means of entrance without any breaking and without any threat of violence to the person.

Mr. REED. The employment of the phrase is sufficient. I do not think there is much question about the fact that "force" does not necessarily have to be physical force, physical violence. For instance, we will take the question of the boycott. I happen to have on my desk Black's Law Dictionary; I read the definition of boycott.

Boycott. In criminal law. A conspiracy formed and intended, directly or indirectly, to prevent the carrying on of any lawful business or to injure the business of anyone by wrongfully preventing those who would be customers from buying anything from or employing the representatives of said business by threat, intimidation, or other forcible means.

I think that the word "force" would cover a boycott. A man, we will say, is running a grocery store and he is informed by an organization, the membership of which largely patronizes that store, that if he does not do a certain thing he will be boycotted. That means that nobody will trade with him; it may mean that nobody will speak to him; it may mean that as he passes along the street he will be subject to the silent contempt, or even the manifested contempt, of the community. It is one of the most terrible instrumentalities that can be employed. I observe that that method is referred to by Black. The phrase "threats, intimidation, or other forcible means," that being a part of the boycott.

Again—and the remarks which I am now making are without preparation—the word "force" as defined by Black is:

Power, dynamically considered, that is in motion or in action; constraining power; compulsion; strength directed to an end. Usually the word occurs in such connections as to show that unlawful or wrongful action is meant.

Unlawful violence—

That is also force—

In Scotch law. Coercion or duress—

Are treated under the head of "force."

Mr. WALSH. Mr. President, will the Senator from Missouri pardon a further interruption?

Mr. REED. Yes, sir.

Mr. WALSH. I have sent for Cogley on Strikes and Lockouts, and I find here a definition of "boycotting" and "picketing" that I should like to give to the Senator for such aid as it may afford.

Mr. REED. Very well.

Mr. WALSH. Here is the definition:

PICKETING.

Employees early learned that a strike would be futile if they could not by some means prevent others filling the places they had voluntarily surrendered. Picketing, therefore, was one of the means adopted for that purpose. The system appears in the earliest cases on strikes. According to the modern doctrine, "picketing" by members of a trade-union on strike, consists in posting members at all the approaches to the works struck against for the purpose of observing and reporting the workmen going to or coming from the works and of using such influence as may be in their power to prevent the workmen from accepting work there.

Then it says:

Ordinarily picketing is a part of boycotting. Some of the cases, with good reason, held that picketing was itself intimidation. But Parliament in England and the legislatures of some of the States of this country have so far yielded to the encroachments of mobs as to legalize acts and conduct that at first were crimes. It may now be stated as to the rule both in England and the United States that if picketing is peacefully conducted and the acts of the pickets confined to watching, observation, and persuasion, it is not a criminal offense. But if violence to person or property is resorted to or workmen are so persistently followed as to inspire fear, or if their tools are hid so they can not work, or their houses or places of business are watched or beset, or the approaches thereto, then the acts of the pickets become unlawful.

So you will see that picketing does not imply the use of force or violence at all.

Mr. REED. It does not necessarily imply it.

Mr. WALSH. It does not necessarily imply it; certainly not. But just as soon as you apply force or violence, then this proposed statute would step in.

Mr. REED. Ah, but the decision on that authority goes no further, as I gather it from hearing it read, than to say that the court and Parliament have finally yielded to the idea that mob law may proceed that far; that being practically the phrase of the book.

Mr. WALSH. The expression——

Mr. REED. But when we come to define the word "force" here, while I think that the authority read would be of persuasive influence, I should not regard it as conclusive. I should be glad to hear the other authorities referred to by the Senator.

Mr. WALSH. The remark I was going to make was that the authority holds that peaceful picketing is not a crime and does not imply force or violence; but when force or violence are used in connection with it, it then becomes criminal. I read further:

BOYCOTTS.

A boycott is one of the most serious forms of intimidation resorted to during strikes. It may be and frequently is accompanied by violence to person or property, or it may be a complete social or business ostracism, or both, of the parties boycotted.

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Anderson's Law Dictionary defines boycotting as "a combination between persons to suspend or discontinue dealings or patronage with another person or persons because of refusal to comply with a request of him or them."

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I yield.

Mr. HOLLIS. It seems to me very clear that the Senator from Missouri [Mr. REED] and the Senator from Montana [Mr. WALSH] wish to reach the same offense. It is merely a matter of accurate definition. Now, would it not satisfy the Senator from Montana to strike out the word "force" and to leave the word "violence"? There can be no doubt about the meaning of "violence"; and if the Senator wishes to reach only questions of violence that will do it. Then the question which the Senator from Missouri [Mr. REED] very properly raised will be cut out of consideration.

Mr. WALSH. I may be able to make a suggestion that will reach the case. I would not like to make the substitution proposed by the Senator from New Hampshire, because "violence" there contemplates the application of force in intensity; but I have not the slightest objection in the world to inserting the word "physical" before the word "force," so that it shall read "physical force."

Mr. REED. Mr. President, that will reach that point. Now, I call the Senator's attention to this language. It is proposed to make it a criminal offense, punishable by a heavy fine and long imprisonment, for anyone to contribute dues to any such unlawful organization; that is, such an organization as has been defined in the first section. I think that some phrase ought to be introduced so that the person contributing the dues must have understood the purpose of the organization.

I have this in mind: Here is a man who belongs to a labor lodge; a strike is started and finally the lodge itself resolves upon the employment of such a degree of force as would bring it within the terms of this proposed statute. Members contribute dues; there is no statement here that they shall do it knowingly; that is, that they shall do it knowing the purpose of the organization. So I think the language is too loose and general at that point.

I call the Senator's attention to that. Then I call attention to another fact. We are liable to reach, under this bill, a class of organizations which are organized for the employment of force, but which it has never been intended to put within the control of the Federal Government. There are States in this country where there are organizations to promote social purity and good morals by the occasional application of force. There are societies organized for the purpose of capturing horse thieves, and similar societies that have taken immoral women and immoral men out and chastised them and given them time to leave the community. I do not justify that way of treating crime; but it seems to me that there is no intention on the part of the author of this legislation to incorporate that class of organizations within the purview of this bill and to make them amenable to the Federal statute.

I wish to suggest to the very distinguished author of this bill, since this discussion has taken place, that if he will take the bill and go over it now he will perhaps want to make a few changes in it. That could be done, and the bill be brought up again to-morrow morning. I do not want to delay its passage. If, however, he does not want to do that; I shall not any further resist the passage of the bill; indeed, I do not want to be understood now as resisting its passage. I am only seeking to bring about its amendment.

Mr. BECKHAM. Mr. President, I do not wish to delay the bill beyond to-day, for I heartily approve its purposes and shall very cheerfully vote for it. I believe it ought to be passed and enacted into law as soon as possible.

I have but one objection to it, and I am going to offer an amendment to meet that objection. If this bill is a good thing in time of war, I can see no reason why it would not be good in time of peace. If the organization which has been referred to here, or any other organization with similar purposes——

Mr. HARDWICK. Will the Senator yield to me for a moment?

Mr. BECKHAM. I will not yield just now—if any such organization is prohibited in time of war from accomplishing what are defined in this bill as unlawful purposes, it certainly should not be allowed to do so in time of peace. I therefore move to strike out in line——

The PRESIDING OFFICER. The Chair will inform the Senator from Kentucky that his amendment at this time is not in order. There is an amendment pending, the pending amendment being that offered by the Senator from Georgia [Mr. HARDWICK].

Mr. SHEPPARD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. SHEPPARD. What became of the amendment offered by the Senator from Montana [Mr. WALSH] with reference to the insertion of the word "such"?

The PRESIDING OFFICER. It has not been disposed of; it was not formally tendered. Before the Senate was permitted to act upon the amendment of the Senator from Montana he yielded to the Senator from Georgia, and the parliamentary status is that the amendment of the Senator from Georgia is now pending.

Mr. HARDWICK. I did not want to displace the amendment of the Senator from Montana. I think the amendment proposed by the Senator from Montana ought to be acted upon.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Montana will be considered before the Senate. The Secretary will state the amendment.

The SECRETARY. On page 2, line 3, before the word "means," it is proposed to insert the word "such."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection.

Mr. HARDWICK. Mr. President, the question I wished to ask the Senator from Kentucky is this: What power would the Federal Government have to do this in time of peace? This proposed act rests on the war power; and Congress has not, in my judgment, any right to make acts of this sort in the several States crimes in times of peace.

Mr. WALSH. Mr. President, I should like to say to the Senator from Kentucky that that was the view taken by the Judiciary Committee, that the only power the Federal Government has in the premises is under the war power.

Mr. BECKHAM. That may be the view of the committee, but I wish to offer my amendment. Do I understand, Mr. President, that another amendment is now pending before the Senate?

The PRESIDING OFFICER. The amendment offered by the Senator from Georgia [Mr. HARDWICK] is now before the Senate; so that the amendment of the Senator from Kentucky is not now in order.

Mr. BECKHAM. Well, my amendment would be to strike out in line 2, page 2, the words "during any war in which the United States is engaged"; in line 7, section 2, to strike out "while the United States is engaged in war"; in line 17, page 2, to strike out the words "while the United States is engaged in war"; and on page 3, line 8, to strike out the words "during any war in which the United States may be engaged." I do not believe that the inclusion in the bill of these words which I propose to strike out is necessary to make it constitutional.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georga. [Putting the question.] The "ayes" have it, and the amendment is agreed to.

Mr. REED. I ask for the yeas and nays on that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, line 2, it is proposed to strike out the words "or otherwise" and the comma.

Mr. REED. One moment. I was engaged in conversation. I may be in error. I thought the amendment of the Senator from Kentucky was being voted on.

The PRESIDING OFFICER. The amendment of the Senator from Georgia is the amendment that has just been voted on.

Mr. REED. Very well, I withdraw my demand for the yeas and nays.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Georgia is agreed to. The question now is on the amendment offered by the Senator from Kentucky [Mr. BECKHAM], which the Secretary will state.

The SECRETARY. On page 2, lines 2 and 3, it is proposed to strike out the words "during any war in which the United States is engaged" and the comma.

On lines 7 and 8 of the same page it is proposed to strike out the words "while the United States is engaged in war" and the comma.

On lines 17 and 18 of page 2 it is proposed to strike out the words "while the United States is engaged in war" and the comma.

Also, on page 3, lines 8 and 9, it is proposed to strike out the words "during any war in which the United States may be engaged" and the comma.

Mr. BORAH. Mr. President, I want to suggest to the Senator from Kentucky that if this amendment should be adopted it might render the whole bill unconstitutional. I can not discuss the amendment at this time; but I think in all probability it would be held unconstitutional, for the reason that we have no power to pass such a law except the war power.

Mr. WALSH. Mr. President, I share the apprehension expressed by the Senator from Idaho. I feel very fearful that the whole act would fall if that amendment should prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

The amendment was rejected.

Mr. HOLLIS. Mr. President, in view of the statement made by the Senator from Montana, I think I will offer an amendment to insert the word "physical" before the word "force" in four places—on page 1, line 7; on page 1, line 10; on page 2, line 24; and on page 3, line 11.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

Mr. WALSH. Mr. President, I simply desire to say that I am in favor of the amendment. It merely expresses the view that was entertained concerning the significance of the bill by everyone who had anything to do with the preparation of it.

Mr. McCUMBER. Mr. President, I did not quite catch what the amendment is. Is it to strike out the word "force"?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. Before the word "force," where it occurs in the bill four times—on page 1, line 7; on page 1, line 10; on page 2, line 24; and on page 3, line 11—it is proposed to insert the word "physical," so that it will read "of physical force, violence, or physical injury to person or property."

Mr. FALL. Mr. President, I do not care to take time to debate this matter, but I shall vote against the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

On a division the amendment was agreed to.

Mr. HARDWICK. Mr. President, on page 2, lines 1 and 2, I move to strike out the words "or for any other purpose."

Before the Secretary states the amendment I want to say that I think that is practically the same proposition that was involved in the other general language. The first section of the bill reads in this way:

That any association, organization, society, or corporation, one of whose purposes or professed purposes is to bring about any governmental, social, industrial, or economic change within the United States by the use, without authority of law, of force, violence, or physical injury to person or property, or by threats of such injury, or which teaches, advocates, advises, or defends the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury, to accomplish such change or for any other purpose——

Mr. WALSH. Mr. President, there is a little difference there, and I trust the Senator will not press the amendment. This section refers only to associations; and if an association exists and teaches, for the purpose of accomplishing any end, the use of force or violence or the destruction of property, I think we may very well endeavor to suppress the organization during the war.

Mr. HARDWICK. I quite admit that there is that difference, although I think the same proposition is involved, and I will tell the Senator why. Now, you see, you even put in the threat to use violence.

Mr. WALSH. Yes; but it is only addressed to an organization.

Mr. HARDWICK. I know; but when you are dealing with the war power, and enacting legislation under it, it strikes me that you ought to confine it to things that are strictly connected with the war. I think the Senator is right as a matter of public policy, that this would be a perfectly sound proposition for any State legislature or for all State legislatures; but surely you do not want to broaden it beyond the express purposes that you have outlined in the bill, every one of which is immediately and directly connected with the adequate prosecution of the war. The trouble is that this language would broaden it so that if any organization, for any reason, used language that some people might say threatened violence to person or property, although it had no relation to the war, although it did not seek to change the policies of the country, nor did it come within any of these definitions sought by the Senator, the Senator's committee, and the Senator's bill, it would come within the provisions of the law as written. In other words, the bill would apply to language that did not seek to bring about any governmental, social, industrial, or economic change within the United States—if it was for any other reason except that.

That is the reason why I think this language ought to go out. While I hope the amendment will be adopted, I admit that it is not nearly as important as the other amendment I offered, which the Senate adopted; but I think it is going a long way to say that in the exercise of the war power you will undertake to do anything, even with organizations, where the thing penalized is not tolerably well connected with the conduct of the war.

Mr. McCUMBER. Mr. President, I understand that the Senator desires to strike out "or for any other purpose." Is that correct?

Mr. HARDWICK. Yes, sir; that was the idea I had.

Mr. McCUMBER. Can the Senator give us an instance which he may have in his mind in which it would be perfectly proper for a person to use force or violence or physical injury toward another person? Will the Senator tell us for what lawful purpose it could be used?

Mr. HARDWICK. The Senator from Georgia does not think he has to sustain that sort of a burden in order to establish the correctness of his proposal. If it was a purpose that was purely domestic, that was not in any way connected with the efficiency of the country in the war, then, as I view questions of this sort, the Federal Government would have no power whatever to enact a rule of civil conduct on that question; or suppose it was some purely local thing, like night riding in Kentucky or Georgia, or any other State, or these local disturbances that at times we have had, during which we have heard of some threats being used. The local courts and local laws are perfectly competent to handle those things; and, as I understood it, that was not what you were striking at at all.

Mr. McCUMBER. As the purpose is always one of intent, it would be quite simple and easy for any offender to show that his intent was for some purpose other than that connected in any way with the prosecution of the war.

Mr. HARDWICK. Not at all. If the Senator will pardon me, the question of intent is not involved at all.

Mr. McCUMBER. Well, "purpose" must mean "intent" as used in this provision.

Mr. HARDWICK. But let me explain to the Senator why I think the question of intent is not really at stake here. "Purpose" is not used as an equivalent of "intent" in this draft:

Which teaches, advocates, advises, or defends the use, without authority of law, of force, violence, or physical injury to person or property, or threats of such injury——

Now, for what purpose? For what object? I will use that word to show the Senator what I mean——

to accomplish such change——

That is, the change referred to in the previous part of the section—governmental, social, industrial, or economic changes within the United States. Now, how could you say "any other purpose" when you have already specified exactly what you mean? I can not see why those words should be used.

Mr. McCUMBER. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. McCUMBER. I understood that one of the reasons was so that a person who committed an unlawful act, which under any construction would be against all moral law as well as the established doctrine, could not excuse himself by saying that he intended some other purpose.

Mr. HARDWICK. If the Senator will pardon me, I should agree with him perfectly if we were in a State legislature enacting a rule of civil conduct; but when we exercise the war power with respect to this particular matter we ought to confine it to the objects that are really within the purview of that power. It might be that the Senator's moral proposition would be a perfectly unanswerable one in every State legislature, in all of the 48 States; but surely, even in time of war, there is a certain field for exclusive action on local questions and domestic matters left to the lawmaking bodies of the different States in the Union. That is the reason why I think it is a good amendment; and ought to be agreed to by the Senate.

Mr. McCUMBER. Mr. President, I do not think a change so important as this ought to be voted on with only 15 Senators present, and therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The SECRETARY called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Martin	Shields
Beckham	Hardwick	New	Smith, S. C.
Borah	Henderson	Nugent	Smoot
Calder	Hollis	Page	Sutherland
Chamberlain	Johnson, Cal.	Phelan	Thompson
Colt	Jones, N. Mex.	Pittman	Tillman
Culberson	Jones, Wash.	Poindexter	Trammell
Curtis	Kendrick	Pomerene	Walsh
Dillingham	Kenyon	Reed	Warren
Fall	King	Robinson	Watson
Fletcher	Lewis	Saulsbury	Weeks
France	McCumber	Shafroth	Williams
Gallinger	McKellar	Sheppard	
Gerry	McNary	Sherman	

Mr. TRAMMELL. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is absent on account of illness.

I wish also to announce that the Senator from Mississippi [Mr. VARDAMAN] is detained on official business.

Mr. SUTHERLAND. I announce the absence of my colleague [Mr. GOFF] on account of illness.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. President, after some conference with the Senator who reports this bill, while I believe the amendment is right and that probably it would be safer to adopt it, I am not disposed to press it now; and if no one objects, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator from Georgia withdraws his amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. GRONNA. Mr. President, I should like to have the amendments stated.

The PRESIDING OFFICER. The Secretary will state the amendments.

The SECRETARY. Before the word "force," where it appears in the bill in four places, the word "physical" has been inserted, so as to read "of physical force, violence, or physical injury."

Mr. FALL. Mr. President, I shall not undertake to delay this matter in any way. I want it understood, however, and in the RECORD, that I object to the insertion of the word "physical."

Mr. KING. Mr. President, this bill is being considered during the morning hour, and unless it is passed within a very few minutes it will go over, unless by unanimous consent or by motion its consideration may be continued. I had intended making some observations concerning this measure, its objects, and purposes, and the situation which it was designed to meet, but

not wishing to delay its passage, I will refrain from carrying out my design. In a word or two, however, I may add that there is a criminal and treasonable organization in our midst that is a menace to the peace and tranquillity of the people. This bill will not impinge upon the rights of any labor organization or affect any law-abiding person. It strikes at such organizations as the I. W. W.—organizations that seek the overthrow of our Government, our social and industrial institutions, and the principles of justice which obtain among civilized peoples. I regret that the States have not dealt with these organizations and their members and passed criminal statutes to adequately punish them. This measure I would not support except as a war measure. It is the duty of the States to enact all proper police regulations and such criminal laws as may be necessary to protect life and property. However, I believe that under the war powers of the Federal Government the provisions of this bill can be supported and that the disloyal, wicked, and treasonable activities of the organization referred to and many of its members are sufficient warrant for legislation of this character. Several months ago I gave an interview concerning the I. W. W. organization which was published in a metropolitan newspaper. It expresses some of my views concerning this organization, and, because of the lack of time and opportunity upon this occasion to discuss this measure and to present some of my views concerning organizations whose teachings are destructive of law and order and our Government, I desire to submit this interview and ask that it be printed in the RECORD. Of course, this interview does not consider the legal questions in legislation of this character nor cover the various phases of a subject so vital and far reaching.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

It is gratifying to know that the overwhelming majority of the people of this country are loyal to its institutions and devoted to the great principles of liberty for which this Republic stands and with grim and earnest determination are supporting the administration in this stupendous war between the forces of democracy and liberty upon the one hand and of autocracy and tyranny upon the other hand.

There are, however, within the borders of our land a few traitors, a number of Prussianized Americans who came to this country to secure political liberty and to enjoy the material blessings of a free Republic and whose allegiance is still given to the enemy that is seeking the destruction of this Republic; a number of sentimental pacifists, whose misguided teachings are poisonous and graze the edge of treason. Then there are the members of that criminal, disloyal, and brazenly atheistic organization known as the Industrial Workers of the World. Perhaps there is no greater menace to the internal peace and domestic tranquillity of our country than this criminal association.

It is difficult, in view of our standards of civilization and the Christian ideals and ethical concepts of the American people to comprehend how such a malignant growth as this organization is could fasten itself upon our industrial system. However, we find in nature the strange paradox that extremes sometimes meet; and so in society and in government the ethereal, righteous, and progressive forces are opposed by dark and destructive elements.

Numerically the Industrial Workers of the World organization is not strong. I do not think its membership exceeds 200,000, and yet its name has become a source of terror and fear for the same reason that a mad dog in the crowded thoroughfare or a murderous maniac at large might terrorize a large community.

It is not only an organization destructive of society, but it is a treasonable organization. This is not overstating it, because it is giving aid and comfort to the enemies of this Republic. Its leaders and members defiantly announce that they will commit deeds of violence and assail the very foundations of the Government and of society. They attack in subtle and in open manner the industrial life of the Nation to bring about the result that there will be no resources for military organization or preparedness, so that this country may be prevented from giving any aid or support to the forces of the great nations with which we are united in an effort to defend liberty and defeat Prussian militarism.

The members of this organization have no interest in this Government or in any government. Indeed they disclaim any nationality. They know no flag except the flag of revolution, and no emblem except that which stands for murder and the most savage depravity. They refuse allegiance to any country, deny the authority of any governmental agency, and desire the destruction of every form of authority or government, national and municipal. They regard this nation-wide war with satisfaction and would rejoice if it culminated in the destruction of our Government and the overthrow of all authority in the world. Having no flag and no country and wishing the overthrow of this great Republic, they are doing everything within their power to prevent the Nation and the people from mobilizing their resources, developing their industries, raising armies and building navies, and taking effective steps to vigorously prosecute the war.

If German troops were upon our shores, they would furnish information that would aid in their efforts to subjugate our people. If they could communicate any information to our enemies that would aid them in their efforts against us, they would willingly impart it. Indeed, their plan is to do everything possible to hinder and prevent the prosecution of the war, to sow the seeds of internal revolution, to spread sedition, to inflame the passions of the ignorant, and to demoralize and disorganize all of the forces that make for law and order.

The members of this criminal specie find their way into the industrial circles and among all the laboring classes. Their purpose is to compel, by threats, criminal violence, or otherwise, all persons who labor to strike in order to arrest all of the forces necessary to the life of the Nation. They attempt to close every mine, shut down every factory and manufacturing plant, stop every train, prevent the planting of all crops, or the reaping of the harvest. They declare that they are a revolutionary organization, and that the question of right and wrong does not concern them or affect their methods or their aims. They boldly declare, as a part of their creed, that the interference of the Government will be opposed by open violation of the Government's orders, and they advocate the use of militant and "direct action," by which they mean the use of force and violence, the employment of every weapon to destroy government, paralyze industry, demoralize society.

They see in this world war an opportunity, as they believe, to bring about their plan of destroying all government and capital and of seizing whatever there is corporeal or physical in this world. In pursuance of this nefarious design they destroy property by the use of dynamite and in an incendiary way. They blow up manufacturing plants and seek particularly the destruction of those agencies employed by private individuals or the Government in providing munitions, clothing, and the multitude of articles required in the prosecution of the war.

In the West they are particularly active and have found a fruitful field for their propaganda. They have been especially active in their efforts to shut down the copper and lead producing mines of the West. They appreciate the imperative necessity of our Government, not only for its own uses but for the use of the nations with whom we are allied in this war, procuring immense quantities of copper and lead. Accordingly they invaded peaceable mining camps where high wages were paid and general prosperity existed, and by violence, intimidation, seditious utterances, and poisonous, treasonable efforts they caused thousands of miners to leave their employment, as a result of which mines have been shut down and a chaotic condition produced.

In many of the districts into which they penetrated there were found a large number of aliens. Some were Austrians, and in some of the Arizona mining camps a large number of them were Mexicans. Every means was employed to inflame the minds of these people against this Government and against all persons who owned any property, and particularly those who owned or operated mines and mills and plants and employed labor. Exaggerated statements were made as to the profits of employers, and impassioned appeals made to the employees that they should cease to operate the mines and manufacturing plants and all of the industrial activities of the country. Particular effort was made to provoke strikes in those works that were producing articles for the allies and for our Government. Many of these appeals were adroitly phrased and cunningly presented under the pretext of effecting a world-wide internationalism of the workingmen. But the prime purpose was to destroy production, the social organism, and the Nation.

The agricultural districts were invaded and the torch was applied where unsuccessful efforts were made to prevent the harvesting of crops. The bridges and tunnels of our land, and particularly in the West, have to be guarded by armed soldiers against the treacheries of this criminal class who would destroy them and thus prevent the operation of the trains and halt the transportation forces of our country. They would, if they had the power, destroy all bridges, railroads, and ships.

They terrorize the honest wage earner, and do not hesitate to assassinate him if they can not secure his allegiance by other means. Life has no sacredness to them, and it does not stand in the way of the accomplishment of their designs. They openly teach murder, and they brutally and defiantly advocate the destruction of property and the overthrow of government.

Their organization under any and all circumstances, is a menace to organized society and government, but it is particularly deadly in a crisis such as confronts our Nation to-day. In order to carry on the war successfully our fields and farms must be productive, our factories must be operated to their full capacity, and every resource of the people must be employed in the most efficient way. We must produce and produce still more. This means organization, union, cooperation, domestic tranquillity, and contented, patriotic, enthusiastic people in all the broad land. There must be complete integration of all of our activities.

The political, industrial, and social mechanisms must be coordinated and operated without friction.

"Sabotage" is a word employed by them, and they urge sabotage in all its forms as applied to our vast industrial machine. As they employ the word it means intimidation, coercion, and any means necessary to gain an end; it means the throwing into the delicate machinery of the industrial and economic organization any "foreign substance" that will destroy the machine. This "foreign substance" is generally force, physical violence, and murder.

They declare that by revolution and violence "capitalism" must be destroyed and all of the industries of the world surrendered to them. They proclaim that there is a guerrilla warfare as well as a battle; that the battle is between two opposing forces and must culminate in the destruction of human government, organized society, the ownership of property, and of our civilization. It is not higher wages or improved conditions for the laboring man for which this organization is striving. It is admitted that whatever demands are conceded by employers to-day, other shall be made to-morrow; that whatever agreements may be entered into, they should be violated; that instead of orderly development and harmonious relation between employer and employee, there should be revolution and no amity or friendly cooperation.

Some people entertain the view that the I. W. W. organization is seeking the amelioration of the condition of the laboring man, and there has been some sympathy in certain sections for members of this organization. As stated, such is not its object. The people might as well know exactly the character of this association. It as bitterly assails the laboring man who believes in labor unions, in government, in law and order, in the Christian civilization of the day, as it does the man who employs labor.

If 50,000 men should meet together in some public square in the city of New York and there openly and cynically deny the existence of a God, of all moral restraints, of all standards of ethics or righteousness, and should proclaim opposition to the sanctity of marriage, and the building of homes, and the assumption of the obligations entailed by the rearing of a family, and to all forms of government, either municipal, State, or national, and if they should further declare that they intended to shut down every factory, close every store, prevent the operation of street cars, take possession of the city, deprive owners of their property, whether large or small, and if following these declarations they did attempt to carry them into effect and did close factories and plants and turn men out of employment and cause violence, strikes, murders, arson, and the wanton destruction of life and property; and if they further attempted to take possession of the Government and made war upon those who were engaged in preserving peace and order, and finally they succeeded in reducing everything to welter, chaos, and ruin, then some idea might be obtained of the plans and purposes and methods of operation of this hideous, malevolent association known as the I. W. W.

So far as I can learn, the overwhelming majority of the membership are aliens. It was stated in some of the newspapers that of those recently deported from Bisbee, Ariz., one-half were Mexicans and a considerable number were Austrians, and that only a small proportion were native-born American citizens. They are nomadic, houseless, and homeless. They have no family ties, no habits of thrift or sobriety, and in every sense of the word are utterly at war with our institutions, our form of society, and our industrial and governmental life. They resent those habits of industry and thrift which are regarded as virtues among all decent and civilized communities.

A thrifty man inevitably acquires some property; the amount may be small, but it gives him a feeling of security and an interest in the Government and in the social organization of which he forms a part. He feels that he is a part of society and of the Government. In this way he becomes more stable, more conservative, and more interested in the form of local or municipal government, in the State, and in the Nation. He feels that he is a cog—although, perhaps, a small one—in the machinery of life and industry of the world. It makes for better thinking, for manhood, and for a spirit of home building. He marries, rears a family, and is interested in that family and in its happiness and welfare. He desires good government, one that is safe and progressive, one that will afford protection to the property which he acquires as well as to his person and the lives of his family.

He sees that there is an ethical principle, a standard of justice, that obtains in and applies to all human conduct, and that virtue and righteousness exalt the individual as well as the Nation. He sees that religion is a concomitant of a progressive civilization, and he learns to appreciate the fact that there is a Supreme and Omnipotent Power presiding over the destiny of men and nations. These views inspire him to better work, to greater service, for his family, his community and State. He seeks to excel in the business or trade which he follows, in order that he may be more useful, not only to himself but to his family and to the community. He sees that anarchy and chaos inevitably result from no government and when the moral restraints imposed by true religion and a high standard of ethics are not observed. All these virtues, views, and principles are sneered at and despised by the Industrial Workers of the World. To them there is no God, nothing infinite, immortal, or eternal. We are in a blind world of chance, without design and without purpose.

Order, union, law, government, wholesome restraint, religion—all of these words are meaningless to them, and the forms, influences, and powers behind them and accompanying them are the objects of their hatred and implacable fury. Of course, such a creed will attract to it the godless, the wicked, the corrupt, the criminal, and all those whose brutish instincts rebel at decency and right thinking and right living; and so most of the Industrial Workers of the World are vagabonds and tramps, the flotsam and jetsam on the tumultuous sea of life. Many go from the penitentiary to the Industrial Workers of the World organization, and many go from the Industrial Workers of the World organization to the penitentiary, and more should go there.

I might add that the evidence seems to be very strong, though more or less circumstantial, that members of this organization are in the employ of Germany. Certain it is that many of them are supplied with an abundance of gold, and denounce this country and speak approvingly of Germany. In some sections where Austrians were employed the I. W. W.'s urged them to strike, using as an argument, among others, that they were producing materials which would be used by the allies and by this country against their countrymen; that is, the Austrians and Germans. In several instances, these appeals were effective and resulted in serious strikes and disorders. I feel sure that the Department of Justice, which has been diligent in protecting the interests of our country and our people, has a mass of evidence supporting this view; and upon the trial of some of these I. W. W.'s indubitable evidence will be produced connecting members of this organization with German intrigues.

It is singular, but we find as bitter opposition to trade-unions as to the capitalists, so called. The result, of course, must be that the members of the labor unions can not be and are not in sympathy with the I. W. W. Trade labor unionism fosters, as the I. W. W. says, industry, and the belief that there is a common interest between the employers and the employees. Trade-unionism brings stability among the laboring people and seeks to have industry, peace, and order, and proper development. The true laboring man is anxious for the perpetuity of society and the maintenance of good government and the proper growth and development in all of the activities of trade and commerce. The I. W. W. proclaims the abolition of the wage system, and declares that capitalism must be destroyed. One of their principal teachers says that the question of right and wrong "does not concern us." All opposition, so long as the wage system lasts, is but an armed truce. At any favorable opportunity the struggle for more control of industry is renewed.

"Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expenses to the taxpayers * * *. In short, the I. W. W. advocates the use of militant 'direct-action' tactics to the full extent of our power to make good. * * * Sabotage is to this class struggle what the guerrilla warfare is to the battle. The strike is the open battle of the class struggle. Sabotage is the guerrilla warfare between two opposing classes. The I. W. W. is fast approaching the stage where it can accomplish its mission. This mission is revolutionary in character. We are not satisfied with a fair day's wage for a fair day's work. Such a thing is impossible. Labor is entitled to all wealth. We are going to do away with capitalization by taking possession of the land and the machinery or production. We do not intend to buy them, either. * * * Organized with the working class we will have the power. * * *

"Property—either material or in the form of specialized skill—has ceased to exist for the proletariat * * *. And following the loss of the property idea comes a complete revolution in the mental attitude of the worker. * * * His whole attitude is one of opposition; opposition to the property of the master class—an attitude utterly subversive of all modern ethics, morals, religions, and laws—an utterly revolutionary attitude. * * * Craft unionism can not survive. Any economic system built upon the rights of property is a conflagratory system."

This writer, speaking for the organization, states that the proletariat is the subject class and that the special function of the State is to keep the proletariat in subjection; therefore, he argues, "All the activities of the proletariat furthering its program for a new society must necessarily be revolutionary and be beyond the law. Therefore, the Socialist politicians' 'legal revolution' idea is regarded as absurd."

Elizabeth Gurley Flynn, one of the I. W. W. agitators, urges intimidation, coercion, and any means necessary to gain the end.

It is obvious that such an organization is an outlaw. It can not exist in a country where property rights are respected; where law, order, schools, religion, industry, business, progress, and civilization are found.

It is difficult to deal with this menace, but the situation to-day calls for vigorous, repressive measures. Already the Government is moving to repress the activities of its leaders and to prevent its treasonable and lawless course.

The secretary of the organization, Mr. Roan, was recently arrested, and doubtless others will soon be brought before the power of justice. I think it should be said that perhaps some of the followers of this revolutionary movement do not quite appreciate the inherent viciousness of the system and the ultimate end of its preachments. Of course, the person cast from society, one whose crimes had isolated him from society, would naturally gravitate to an organization which aimed at the destruction of society. A man without conscience—the cold-blooded murderer—would seek comrades among an organization teaching such abhorrent doctrines.

A few years ago a number of the members of this association came to the State of Utah. One of their number, named Hillstrom, with one of his associates committed a foul murder. After a fair trial he was convicted and executed. The courageous governor of the State, William Spry, refused commutation of his sentence, and members of the organization attempted to assassinate the governor. The executed criminal became an idol of these outlaws and a number of them followed his ashes as they were carried through the streets of Chicago and glorified his death and the wicked cause with which he was identified.

A number of measures supplementing existing law are now pending in Congress that perhaps may aid in dealing with some of the activities of this criminal body.

I hope a broad and comprehensive law will be enacted that will more effectively aid the Government in its efforts to protect industry and labor and to punish and overthrow, if possible, an organization the objects of which are so grave a menace to the foundations of society and Government.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The SECRETARY. On page 2, line 3, before the word "means," the word "such" was inserted

The amendment was concurred in.

The SECRETARY. On page 3, line 2, the words "or otherwise" and the comma were stricken from the bill.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to declare unlawful associations purposing by physical force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States, and prescribing punishment for persons engaged in the activities of such associations, and for other purposes."

Mr. WALSH. Mr. President, I deem it rather unwise to condemn any association in advance under this bill; but I submit for the RECORD excerpts which I have had prepared from literature issued by the Industrial Workers of the World, indicating the purpose of that organization to use force and violence to accomplish its ends.

The PRESIDING OFFICER. The same will be printed, without objection.

The matter referred to is as follows:

INDUSTRIAL WORKERS OF THE WORLD.

I. HISTORY.

Digested from The I. W. W.: Its History, Structure, and Methods. I. W. W. Publishing Bureau, Cleveland, Ohio, 1913.

In the fall of 1904 six active workers in the revolutionary labor movement held a conference. There they decided to issue a call for a larger gathering. Invitations were sent out to 36 additional individuals who were active in the radical labor organizations and the socialist political movement of the United States, inviting them to meet in secret conference in Chicago, Ill., January 2, 1905. The conference met at the appointed time, with 30 present, and drew up the Industrial Union manifesto calling for a convention to be held in Chicago June 27, 1905, for the purpose of launching an organization in accord with the principles set forth in the manifesto. On the date set the convention assembled, with 186 delegates present from 34 State, district, national, and local organizations, representing about 90,000 members. The convention lasted 12 days, adopted a constitution, and elected officers.

II. OFFICIAL PROGRAM.

Quoted from I. W. W. Preamble. I. W. W. Publishing Bureau, Cleveland, Ohio:

"The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things of life.

"Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system.

"We find that the centering of the management of industries into fewer and fewer hands makes the trade-unions unable to cope with the ever-growing power of the employing class. The trade-unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat one another in wage wars. Moreover, the trade-unions aid the employing class to mislead the workers into the belief that the working class have interests in common with their employers.

"These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries, if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all."

"Instead of the conservative motto, 'A fair day's wages for a fair day's work,' we must inscribe on our banner the revolutionary watchword, 'Abolition of the wage system.'

"It is the historic mission of the working class to do away with capitalism. The army of production must be organized not only for the everyday struggle with the capitalists but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old."

Quoted from The I. W. W.: Its History, Structure, and Methods. I. W. W. Publishing Co., page 11:

"In its basic principle the I. W. W. calls forth that spirit of revolt and resistance that is so necessary a part of the equipment of any organization of the workers in their struggle for economic independence. In a word, its basic principle makes the I. W. W. a fighting organization. It commits the union to an unceasing struggle against the private ownership and control of industry.

"There is but one bargain that the I. W. W. will make with the employing class—complete surrender of all control of industry to the organized workers."

Quoted from How to Overcome the High Cost of Living. I. W. W. Publishing Bureau, pages 14–15:

"The progressive program of the I. W. W., by which it will build the framework of the new society within the shell of the old, while at the same time getting ready to take possession of all the industries, will be put into effect as fast as possible, whenever and wherever the workers generate the power so to do.

"The workers take a shorter workday. They work slowly; this makes it necessary to employ more workers, thereby decreasing the number of unemployed; the workers then force the employers to pay higher wages. This strengthens the workers and weakens the capitalists; there will be more paid and less unpaid labor; the workers control more of the wealth their applied labor power produces. Industry becomes more centralized, forcing the little labor skinners into the ranks of the workers. The workers, because of their increased wages, are enabled to consume better food, clothing, and shelter. The workers continually reduce the workday, curtail production, decrease the army of the unemployed, increase wages. The stronger the workers become the weaker grow the capitalists. The workers elect their own foremen, superintendents, and managers; they dominate the direction and control of industry; the workers impose their will upon society. Industry is more and more centralized; the capitalists have no retainers left to think and fight for them. The workers, ever stronger, more dominant, shorten the workday, curtail production to the point where unpaid labor disappears—this abolishes the wage system, production for profit ceases. Production for use is now the order; all physically and mentally capable members of society become useful workers. Economic classes are abolished. Industrial administration and industrial democracy, based on free association of workers, comes into being. Every member of human society has security in the means of life, with full and equal opportunity to develop the best that is in each for the benefit of all."

III. TACTICS OR METHODS.

Quoted from The I. W. W. History; Structure and Methods. I. W. W. Publishing Bureau, Cleveland, Ohio, 1913, pages 17–18:

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us.

"No terms made with an employer are final. All peace so long as the wage system lasts is but an armed truce. At any favorable opportunity the struggle for more control of industry is renewed. * * *

"No part of the organization is allowed to enter into time contracts with the employers. Where strikes are used, it aims to paralyze all branches of the industry involved, when the employers can least afford a cessation of work—during the busy season and when there are rush orders to be filled.

"The Industrial Workers of the World maintains that nothing will be conceded by the employers except that which we have the power to take and hold by the strength of our organization. Therefore we seek no agreements with the employers.

"Failing to force concession from the employers by the strike, work is resumed and 'sabotage' is used to force the employers to concede the demands of the workers.

"The great progress made in machine production results in an ever-increasing army of unemployed. To counteract this the Industrial Workers of the World aims to establish the shorter workday and to slow up the working pace, thus compelling the employment of more and more workers. * * *

"During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from the strike-bound shop. All shipments are refused or missent, delayed, and lost, if possible. Strike breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expense to the taxpayers, which is but another name for the employing class.

"In short, the I. W. W. advocates the use of militant 'direct-action' tactics to the full extent of our power to make good."

Quoted from How to Overcome the High Cost of Living. I. W. W. Publishing Bureau, page 13:

"The Industrial Workers of the World, the revolutionary working class industrial union, is a strictly nonpolitical organization, declaring that the workers must organize their industrial power and use it directly at the point of production, sign no contracts with employers, but take advantage of every opportunity to shorten the workday, curtail production, and increase wages. Do away as much as possible with the outside strike where workers leave the boss in possession of the job and give him the opportunity to put scabs at work. Striking on the job and compelling the boss to pay strike benefits is better than long-drawn-out starvation strikes. The only time the workers should leave the job is when the employer locks them out, and the revolutionary workers will develop the means to checkmate that. Direct action, sabotage, passive resistance, and irritation strikes are some of the tactics of the revolutionary Industrial Workers of the World."

Quoted from Eight-Hour Workday; What It Will Mean and How to Get It. I. W. W. Publishing Bureau:

"How are we to gain the eight-hour day? is another question.

"By simply taking it!

"The first thing to do is to educate your fellow workers in the shop * * * Second, agitate * * *. Then comes organization * * * and when you see that your industrial union is strong enough, take the eight-hour day. Go to work in the shop, and when your eight hours are up go home; come back the next day and do the same thing.

"The boss will not like it at first; he may lock you out; he may try to send away for scabs to take your place. If you think you are going to get licked, go back as though willing to submit. A little later on, when the boss least expects it, repeat the dose, and when he sees that you mean business he will give in."

Quoted from Union Scabs and Others. I. W. W. Publishing Bureau:

"When a strike is declared it becomes the chief duty of the organization to effect a complete shutdown of the plant. For that purpose warnings are mailed, or wired, to other places, to prevent workingmen from moving on the afflicted city.

"Pickets are stationed around the plant, or factory, or harbor, to stop workers from taking the places of the strikers. Amateur scabs are coaxed, persuaded, or bullied away from the seat of the strike. Persuasion having no effect on the professional strike breaker, he is sometimes treated to a brickbat shower. Shut down the plant; shut it down completely is the watchword of the strike."

Quoted from Getting Recognition. I. W. W. Publishing Bureau:

"The way to get recognition from the employers is the same as the way to get any other concessions from them—compel it. Take it by the strong hand. * * *

"The way to get recognition for the union is to get a union that the bosses can not help recognizing. * * * one that ties up the whole plant when there is a strike." * * *

Quoted from Appeal to Wageworkers, Men and Women. I. W. W. Publishing Bureau:

"All members of the I. W. W. must at all times act in concert. For example, in case of strike in one factory, every worker must go out, and leave the factory deserted entirely. And all workers in all industries throughout the jurisdiction of the I. W. W. must act as one against the factory.

"2. All workers of all industrial unions and departments may be called out on strike if need be.

"3. The hours may be decreased without strike. For example, work eight hours and no longer, and ignore the wishes of the boss.

"4. 'Passive strike'; that is, to obey the rules to the letter, and thereby force the employer to come to terms. This method has proven successful on railroad systems in Austria and Italy.

"5. Intermittent strike; that is, go on strike one day, go back to work the next, and so on, if deemed necessary to win the point in question.

"6. Opportune strike; that is, go on strike when the capitalist has orders that must be filled immediately or when similar conditions give promise of victory.

"7. If demands are not granted, turn out poor work, or work slow, so that to decrease profits until the employer will be made to understand that he will gain most by granting the demands.

"8. In case of a capitalist injunction against strikes, violate it, disobey it; let the strikers and others go to jail if necessary. That would cost so much that the injunction would be dispensed with.

"9. Final universal strike; that is, to remain within the industrial institutions, lock the employers out for good as owners and parasites, and give them a chance to become useful toilers."

Editorial quoted from Industrial Worker, May 5, 1917:

"To the master class the I. W. W. makes no apologies and gives no excuse. Workers organized in the I. W. W. say to the master: 'We have the power to gain certain concessions, and we are going to take them because we have the power. When we have attained more power we will take more of the good things of life till all labor has produced is the property of labor.'"

Editorial quoted from Industrial Worker, September 1, 1917:

"The I. W. W. recognizes that the workers suffer from industrial evils, an industrial autocracy. * * * Direct action as used by the I. W. W. means that the I. W. W. stands for the cure of the evils on the job through direct industrial action on the job."

Editorial quoted from Industrial Worker, Seattle, Wash., November 3, 1917:

"The character of the I. W. W. is so international that any attack upon it is bound to have an effect elsewhere in the world of capitalism. The syndicalists of the European countries are bound to the industrial unionists of this country with ties that not even the greatest war in history can break. Industrial labor will answer American terrorism!"

Quoted from Solidarity, Chicago, Ill., March 24, 1917, page 2:

"Preparedness.

"The question of 'preparedness' is also being considered—what preparations have been made or are necessary to pursue a war to a successful conclusion? To the profit gluttons of big business it means battleships, cannons, shrapnel, and machine guns and other things which are essential to the slaughtering of slaves. But to the worker—to you—preparedness means something entirely different. It means things that are necessary in order to successfully battle with the speed-up system on one hand and the high cost of living on the other. And it means more than this. Have you ever asked yourself what 'preparedness' means to you?

"Are you prepared to fight the every-day battle with the boss for shorter hours, more wages, and better conditions with a fair chance of winning?

"Are you prepared to defend your class, as well as yourself, from the rapacity of the murderous thieves of big business?

"Are you prepared to defend your fellow workers now held as prisoners of war in the clutches of the enemy?

"Are you prepared to defend your press—the press of the I. W. W.—and the right of the workers to free speech, no matter what happens? Don't forget that the powers that be would like to do away with the papers that show up the real facts of the class war, so that the dastardly work of jailing and hanging fighting members of the working class in different parts of the country can go on unprotected and unmolested while the prostitutes of the capitalist press divert the minds of all with a sickening mess of pale fripperies, black lies, and jingoism.

"And to you who are not members of the one big union as yet will the union you now belong to permit you to strike any time occasion demands? or to participate in a general strike, if necessary, to meet a sudden contingency of the unknown future? We are living in critical times; are you tied down by contracts or divided by crafts, or are you dominated by a bunch of grafting officials and tied hand and foot by what they say and do?

"Are you prepared with forcible weapons to successfully fight your battles on the industrial field? Do you know what sabotage means and how and when to apply it in order to block the desires of the modern shylocks from taking more than the 'pound of flesh' that each slave is forced to yield up these days in exchange for bread?

"Do you know what direct action means? Are you afraid to use it against the parasites who would speed you up to a killing pace, and who, when they have squeezed you dry, would throw you onto the industrial scrap heap, or who would take you from your work and your family and drain the last drop of your blood on their stupid battle fields? And then do the same thing to your children when you are no more! Do you still respect the robbers who gouge you every day of your life? Do you respect the chains they rivet on your wrists or the laws that sanction the hideous game of exploitation? Are you ready to use direct action to better your condition and to free yourself from wage slavery?

"Do you know what the general strike would mean to you and your class? Are you prepared to take your place and do your bit to help frustrate the gigantic conspiracies now being hatched by the enemies of labor? Do you know what organization—real labor organization means? How much do you know about that union known as the Industrial Workers of the World.

"The I. W. W. is organizing all the workers of all industries into one big union. The I. W. W. is showing the workers how to use all the weapons that modern industrial development has placed in the hands of the producing class. And the I. W. W. is the only organization that is out not only to win the everyday battles with the boss chap, but to do away with exploitation, ignorance, and slavery by abolishing the wage system and establishing industrial freedom, where each worker will receive the full product of his labor, where there will be no place for the social parasite, and where health and happiness will be the lot of every human being. Preparedness means organization and industrial unionism. The I. W. W. is the only form of organization that meets the requirements of the ever changing industrial development of to-day. Before long a man who isn't a union man in the full sense of the word will be considered a scab.

"If you are seeking preparedness, join the I. W. W. You will never have a better chance than now. Take your place with your fellow workers in the trenches of the industrial war—your war—and show that you are made of the stuff that men are made of."

IV. ATTITUDE TOWARD WAR.

(a) *Military service.*

Quoted from War and the Workers. I. W. W. Publishing Bureau:

"Young man, when you are asked to enlist in the Army or Navy, to be used as food for cannon, be sure you look before you leap.

"Remember the Spanish-American War, with its vile and unspeakable record of embalmed beef, shoddy uniforms, bum-fitting brogans, leaky tents, rotten ships, and a rottener bureaucracy, blow-hole Armor plate a la Carnegie, insufficient and inedible food, venereal diseases, and malarial fever.

"Remember that the Sugar and Tobacco Trusts got the goods and the workers got the malarial fever.

"Remember that the officers got the honor and the glory, and the men got shot at.

"Remember that the officers got three squares each day, while the rank and file were starving on three moldy hardtacks.

"Remember that these arrogant and overbearing officers were commissioned because they hadn't energy enough to work, brains enough to beg, or courage enough to steal.

"Remember that the American workers had no quarrel with the Spanish workers, anyway.

"Remember that the acquisition of Cuba and the Philippines never raised your wages, shortened your hours, or otherwise bettered your conditions.

"Remember the pensions the men didn't get.

"Remember those who were maimed, mutilated, and disfigured for life.

"Remember the boys who never came back.

"Think of the widows, think of the orphans, think of yourself.

"Let those who own the country do the fighting!

"Put the wealthiest in the front ranks; the middle class next; follow these with judges, lawyers, preachers, and politicians. Let the workers remain at home and enjoy what they produce. Follow a declaration of war with an immediate call for a general strike. Make the slogan 'Rebellion sooner than war.' Don't make yourself a target in order to fatten Rockefeller, Morgan, Carnegie, the Rothschilds, Guggenheim, and the other industrial pirates

"American capitalists want war in order to seize rich lands; gain railway, mining, and other concessions; unload their surplus stock of shoddy goods upon the Government; secure investment for their money in interest-bearing bonds; and to kill off the surplus of unemployed workers who are threatening to overthrow the capitalist system.

"Workers of the world, unite!

"Don't become hired murderers.

"Don't join the Army or Navy."

Quoted from the Industrial Worker, April 14, 1917, editorial:

"To members of the I. W. W.: We would suggest that they literally follow the demands of the capitalist press and stand behind the President. It is only by getting in front of politicians and capitalists that workers court destruction. The I. W. W. will not permit the movement to be switched away from the industrial organization, which alone can be effectively and constructively antimilitaristic, because it is anti-capitalistic."

Quoted from the Industrial Worker, May 1, 1917, editorial:

"We are confined to no country, no flag. Our songs herald your overthrow. This is our day. We are the forgers of revolution, the destroyers of the old and the outgrown. We are the nemesis of idlers, the doom of masters, the emancipation of slaves. We are revolt. We are progress, we are revolution."

(b) *Liberty loan.*

Quoted from the Industrial Worker, June 2, 1917, editorial:

"If the United States Government must issue bonds, they should at least be issued under such conditions as would leave the workers the liberty to buy them only when they desire to do so, instead of making them a weapon of involuntary industrial servitude."

(c) *The Red Cross.*

Quoted from the Industrial Worker, May 1, 1917, editorial:

"The Red Cross pledge has as its purpose to double-cross the agricultural workers' organization of the I. W. W. * * * We have nothing against the Red Cross, except that as it is the evident purpose of our present civilization to injure and destroy as many workers' lives as possible, its function is at least doubtful."

V. CRITICISM OF THE UNITED STATES GOVERNMENT.

Quoted from the Industrial Worker, November 10, 1917, editorial:

"It is the contention of the I. W. W. that the political form of government is only a mask. * * * There are apparently Senators and Representatives from the various States of the Union, and, indeed, they are elected from those arbitrary divisions. But upon observing the activities of the various so-called Representatives we find that one represents the allied railway interests, another the oil interests, another the mining industry, still another the lumber interests, and all of them represent the money interests. * * * We do not desire the government of men in the way that requires a body to govern and a body to be governed, a ruler and a subject class. What we want is an administration of things."

Quoted from Solidarity, Chicago, Ill., March 17, 1917, page 2:

"And besides the private armies of the rich and the scab-herding blue coat or yellow leg of the municipal, State, or Federal forces, and the paid preacher of contentment at all costs, the legislator is loosened upon us. The big thieves with bloody hands have raised their raucous voices screaming to heaven and hell for the upholding of 'law and order.' And it so happens that we have laws against picketing, laws against unionism, laws against strikes, and, now, laws against sabotage. In their blindness and stupidity the masters of bread are trying to legislate the weapons out of our hands. Unlike the workers, they are impotent to use industrial power to gain their ends, and so they are trying to stem the great, onrushing human tide of working-class organization with a handful of dusty law books! As long as the master class is parasitical, any 'laws' they make are invalid. The parasite has no business on the back of the worker. The working class is a law unto itself. 'It is the historic mission of the working class to do away with capitalism.' Let them legislate against history if they can!

"The workers have been stripped of everything but their labor power. They have nothing more to lose and everything to gain. They are awakening to a realization of what can be done with the mighty power that modern industry has placed in their hands. They are learning the value of organization and direct action. They are discarding antiquated weapons and are going forth into the wilderness of capitalism to conquer it and make it blossom forth with the new civilization. The battle waxes fiercer each day, but the goal is in sight. The old order is crumbling and the industrial unions of the awakened workers are already organizing the slaves 'to carry on production when capitalism shall have been overthrown.' What matters, then, the virulent vaporings of a few labor-hating lawmakers who have 'filled their bellies with the east wind'?

"And until the slaves of this country wrest the reins of power from the boss class and put a stop to the present bloody carnival of greed—until they organize in one big union to gain industrial freedom for themselves—liberty will be a lie, America will be a slave pen, and her people will be peons."

Quoted from Solidarity, Chicago, Ill., March 31, 1917, page 2:

"In response to the declaration of amnesty for all offenses against the old autocracy, exiles are beginning to return from Siberia and abroad. To all appearances Russia is breaking the chains of autocracy just at the time these chains are being forced upon the 'sovereign American citizen'; 'the land of the free' is taking the place of 'darkest Russia' as the world's chief champion of oppression. And with union men in America being persecuted, jailed, hung, shot, and deported the term 'Americanized' bids fair to replace 'Russian' as a term designating arbitrary and despotic repression. And in place of Russian refugees seeking shelter in the United States from tyranny at home will it be persecuted Americans who will be driven to Russia for a haven of refuge from the iron heel of American plutocracy?"

Quoted from Solidarity, March 17, 1917. Editorial:

"'THE LAND OF THE FREE.'

"A story is told of a young East Indian, who, upon first seeing the big 'lady with the torch' in New York Harbor, asked a fellow passenger 'To whom was that statue built?' 'That,' was the reply, 'is the Statue of Liberty.' 'Ah,' came the startling comment, 'we, in India, erect statues to our dead just as you do in America.'

"Those persons of the middle and upper classes who are living in smug comfort and uneventful security, and whose predatory propensities are protected by the 'law' and sanctioned by custom and the prevailing code of robber ethics—labor drivers and labor exploiters—clean of conscience and respectable of appearance; all such, are loud in proclaiming that we are living in the 'land of the free.' And from their point of view they are right; there is freedom in America—for them.

"* * * * * * * *

"Amongst the unawakened, chloroformed slaves—the 'scissorbills' who are determined to be contented at all costs—the old 'My country, 'tis of thee' idea still prevails; but the workers who have been awakened by harsh experience have found out that their only 'freedom' is their freedom to work—or starve.

"* * * * * * * *

"Comparative freedom at one time did exist in this country. The Pilgrims of New England and the early settlers of the South found it here. And they prized it highly and kept it for themselves. The young capitalist class that thrived so vigorously during the stormy days of the birth of the Republic wanted freedom, freedom from the domination and dictation of British capitalists. And they got their freedom and kept it for themselves. The words of men like Paine and Jefferson show that freedom—and freedom in a broad sense—was the aim and object of their lives. But how could they have had at that time the prophetic eyes to see what tremendous changes industrial development would make in the course of events? How could they have seen in their day, that a time would come when the political governments of the world would be mere puppets in the hands of a grasping and brutal plutocracy?

"* * * * * * *

"And this is the way in which the unbroken thread of 'freedom' is woven into the history of these States: In the early days, when we were a small people living in a great land, there was 'freedom' enough to go around. The land was rich, the stakes were high, and the game was open for all. One man had as much chance as another to get a clutch on the vast resources of the country and squeeze from them the golden prize. At one time it was an impossibility to get a man to work for wages in the Eastern States. Why should one man work for another when he could go West and find independence and 'freedom'? Always a little farther west—free land, growing towns, and the virgin sod waiting to be turned over, settlements spreading like prairie fires, offering rich rewards for the thrifty and industrious. The freedom of the frontier, of the cattle trails, and the range. The freedom that produced the wild, rugged bearded types of Americans that are now extinct, replaced by the sallow faced, sullen, many-tongued race of slaves who depend upon a 'job' for their bread and who love their unions far more than they do their master's government and who band together against the boss and his henchmen, just as the frontiersmen banded together against the Indians."

WOMAN SUFFRAGE.

Mr. JONES of New Mexico. Mr. President, during the month of September last the National Woman Suffrage Association concluded to ascertain the sentiment of the country as far as it might be expressed by representative people of the country concerning the woman-suffrage amendment.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The conference report on the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

Mr. HARDWICK. Will the Senator from New Mexico yield to me for a moment?

Mr. JONES of New Mexico. I yield.

Mr. HARDWICK. I, of course, do not want to interfere with the Senator's speech under any circumstances.

Mr. JONES of New Mexico. I will state to the Senator that I do not expect to make a speech, and I shall occupy only a few moments.

Mr. HARDWICK. Would the Senator be willing to let us dispose of the conference report first?

Mr. JONES of New Mexico. I think the matter which I have to present will be disposed of in 5 or 10 minutes.

Mr. HARDWICK. Very well; I beg the Senator's pardon.

Mr. JONES of New Mexico. From various representative people of the country, such as governors, judges, members of legislatures, mayors, a vast number of petitions were obtained, and these petitions have been placed in my possession by the association referred to. They occupy several volumes, and out of order I desire to present them to the Senate at this time.

The PRESIDING OFFICER. Without objection, the petitions will be received. The Chair hears no objection.

Mr. JONES of New Mexico. I will state further that this morning I received a telegram from Hot Springs, Ark., from the president of the General Federation of Woman Suffrage Clubs in which the following request of the Senate is made. The telegram is addressed to the Senate in my care:

HOT SPRINGS, ARK., *May 3, 1918.*

THE UNITED STATES SENATE,
Care Senator A. A. JONES,
Chairman Woman's Suffrage Committee,
Washington, D. C.:

The fourteenth biennial convention of General Federation of Women's Clubs, assembled at Hot Springs, Ark., representing two and a half million women of the United States, earnestly request your honorable body to take immediate action favorable on the pending resolution to submit a Federal suffrage amendment to the several State legislatures that democracy in the United States may be completed.

IONE V. P. COWLES.
President General Federation of Women's Clubs.

Mr. GALLINGER. Mr. President——

Mr. JONES of New Mexico. I yield to the Senator.

Mr. GALLINGER. Mr. President, for the past two weeks I have been literally bombarded with letters and telegrams urging action on the constitutional amendment. I have been compelled to answer that I did not know when it would come up. If it is proper for me to do so, I would like to ask the Senator from New Mexico, who is in charge of the joint resolution, what his purpose is, if any, looking to a vote on the proposed constitutional amendment.

Mr. JONES of New Mexico. Anticipating that some such request might be made of me when the petitions were presented, I will state that this morning there was a meeting of the Committee on Woman Suffrage, called for the express purpose of considering a time to bring the joint resolution to a vote.

I desire at this time, in order to straighten out the parliamentary situation of the joint resolution, to ask that House joint resolution No. 200, which is at present before the Senate, as I understand it, and has not been referred to the committee, and which is identical with the joint resolution heretofore reported to this body by the committee, be placed upon the calendar for action without reference to the committee.

Mr. GALLINGER. Taking the place of the Senate joint resolution.

Mr. JONES of New Mexico. Taking the place of the joint resolution which has been reported by the committee and which is now on the calendar.

The PRESIDING OFFICER. Does the Senator submit that request?

Mr. JONES of New Mexico. I do.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. KING. May I ask the Senator, before final action on the request, what is the intention as to calling up the joint resolution for consideration by the Senate?

Mr. JONES of New Mexico. I will state that as soon as the consent asked for is granted, if it be granted, I shall make a request in regard to fixing a time for a vote upon it.

Mr. KING. If it would mean a vote this week, I shall object, but if it means a vote not earlier than next week——

Mr. HARDWICK. The unfinished business is before the Senate. The Senator can only get the floor for the purpose of making a speech. He can not make a request to fix a time for a vote.

Mr. JONES of New Mexico. I agree that everything which is done here must be done by unanimous consent. I do not understand the Senator from Utah [Mr. KING] to object to the substitution of the House joint resolution for the Senate joint resolution upon the calendar.

Mr. KING. I will not do so if the Senator will assure me he does not intend to press it for consideration within the next few days.

Mr. JONES of New Mexico. I will state to the Senator that the committee this morning decided to request the Senate for an agreement to vote upon the joint resolution some time during the latter part of this week, either Thursday, Friday, or Saturday.

Mr. KING. I shall not object to the motion of the Senator for substitution, but if the Senator should ask for a vote this week I would object.

The PRESIDING OFFICER. Out of order the Senator from New Mexico asks unanimous consent that the House joint resolution be substituted for the Senate joint resolution and states that they are identical. Is there objection. The Chair hears none, and it is so ordered.

Mr. JONES of New Mexico. Mr. President, I am directed by the committee to make this further request. I am sorry to have the objection of the Senator from Utah in advance, but in carrying out the mandate of the committee I will make the request that on the calendar day of Thursday we proceed to vote upon the joint resolution. I will state in advance that it is not the purpose of myself to discuss the question. I do not believe that any vote in this body will be changed by the discussion of the question. It is one which has been a very live subject for many years, and it seems to me that in view of the other business pressing before the Senate we might now simply fix a time for a vote; but, of course, if any Senator desires to discuss the joint resolution before that time doubtless the Senator would be glad to hear him. However, acting for the committee, I have not concluded to take up any of the time of the Senate in its discussion.

I therefore ask unanimous consent that on Thursday, at the hour of 4 o'clock in the afternoon, the Senate will proceed to vote upon the joint resolution.

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARDWICK. Under the rules of the Senate can the Senator from New Mexico submit a request like that without a roll call?

The PRESIDING OFFICER. The Chair will state that before consent can be given it will be necessary to call the roll.

Mr. HARDWICK. Would not that have the effect of displacing the unfinished business?

The PRESIDING OFFICER. The Chair thinks not.

Mr. HARDWICK. I understand the conference report is now before the Senate.

Mr. SMOOT. Is it possible to make a request to vote upon a certain bill unless that bill is before the Senate? I understand the conference report is before the Senate.

The PRESIDING OFFICER. The Chair thinks it is competent to submit a request for unanimous consent to fix a time to vote upon a bill, but that the objection of any Senator would prevent it.

Mr. SMITH of South Carolina. I object.

The PRESIDING OFFICER. Objection is made.

Mr. GALLINGER. I am going to make a suggestion to the Senator from New Mexico, if he will permit me.

Mr. JONES of New Mexico. I will be delighted.

Mr. GALLINGER. It is that he ask unanimous consent that the joint resolution be made a special order for a certain day. That request is in order.

Mr. SMOOT. That is in order.

Mr. GALLINGER. Then, we would have that day to discuss it, and during that time the Senator could make a request for unanimous consent to vote on it if it could not be disposed of during that day.

Mr. JONES of New Mexico. In view of the statement of the Senator from Utah [Mr. KING], which I know was made for some very good reason, I will change the request for the one just suggested by the Senator from New Hampshire.

Mr. GALLINGER. To be made a special order.

Mr. JONES of New Mexico. I make the request that the joint resolution be made the special order for next Thursday at the hour of 2 o'clock.

Mr. SMITH of South Carolina. I object.

The PRESIDING OFFICER. Objection is made.

Mr. GALLINGER. The Senator can move it, but he had better make it Friday.

Mr. JONES of New Mexico. I understand that a motion to make it a special order will not be in order at this time, but I give notice that during the morning hour to-morrow I shall make such a motion.

The PRESIDING OFFICER. The unfinished business is before the Senate.

Mr. SHAFROTH. If the Senator from Georgia will yield for the purpose of letting me make that motion, it will be perfectly in order.

Mr. HARDWICK. I hope the Senator will not interfere with the conference report. We have 123,000 soldiers who ought to be naturalized before we send them to Europe. They are aliens, and they ought to be naturalized.

Mr. SHAFROTH. It will not take——

Mr. HARDWICK. I think it more important to get soldiers to the battle line than it is to get women to the polls. I hope the Senator will let me get through with the conference report; it will not take long; and then this matter can be brought up again.

AMENDMENT OF NATURALIZATION LAWS—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

Mr. HARDWICK. Several of the countries of Europe—Italy, France, I believe, but certainly Germany——

Mr. NORRIS. And Russia.

Mr. HARDWICK. And Russia—I thank the Senator from Nebraska for the suggestion; Russia was the one I was trying to think of—have always contended that they do not release their citizens or subjects from the obligation of citizenship to those countries because they became naturalized here. We have been unable to secure satisfactory treaty arrangements with any one of the countries I have mentioned, and possibly with others on that subject.

Mr. GRONNA. Mr. President——

Mr. HARDWICK. If the Senator will permit me to finish this sentence, then I will yield to him. But Germany is the only country, so far as I know or have been able to discover, that has ever passed a law which expressly authorized the subjects of Germany to immigrate to a foreign country to become naturalized in that country and still to retain their citizenship in Germany merely by filing some sort of a notice with any German consul to whom they can get.

Mr. KENYON. Was that law passed in 1913?

Mr. HARDWICK. No; that law was passed, I think, exactly on the 1st day of January, 1914. It was evidently, as the Senator from Massachusetts has said, preparatory to this war; it was a part of their proposition, although it was not different from the policy that that country and several other countries had consistently maintained on this subject for quite a while.

Now, I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, the Senator from Georgia made reference to certain countries having double citizenship. Of course, it is very important to know exactly the countries who have that sort of law, but I do not think France has such a law, I will say to the Senator, though I may be mistaken.

Mr. HARDWICK. I did not say positively France had such a law. I said there were certain countries who had such a statute. If I did say that France had such a law I expressed myself very unhappily.

Mr. GRONNA. The Senator, I thought, included France.

Mr. HARDWICK. I may be in error about that; indeed I believe I am. Let us see. Those countries are Russia and Italy, but I am not sure about France; I will not say certainly that France has such a law, but I did not say that any of those countries recognized double citizenship. I said those countries had always claimed, and they still claim, so far as I know, that their citizens or subjects who came to this country or who went to any other foreign country did not thereby get rid of their obligations to them, and that we had not been able to get satisfactory treaties on that subject with those countries. The Senator from North Dakota may be right, and France may not be among such countries. Russia is, I know; Italy is, I know; and Germany also is. I know that in Germany the movement has gone further than it has anywhere else. There it has taken the form of law passed by their parliamentary body, the Reichstag, which provides minutely and in detail how German citizens who migrate to America or Canada or Australia or anywhere else can naturalize under the laws of those countries and still at the same time retain their German citizenship. Of course nobody favors that. We ought not to have in this country naturalized by law any citizen of the United States who does not hold a single and undivided allegiance to this country, and who does not renounce with all his heart and soul and with all sincerity all allegiance to any and every foreign power, prince, and potentate.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. I yield.

Mr. GRONNA. I think the Senator from Georgia states that a little broadly. I do not think that they retain their full citizenship; but in Germany I know they will not release them from military duty. That is true as to the country of Russia, and it may be true with reference to Italy. I do not think, however, that such citizens have double citizenship in those countries, but they are subject to military duty.

Mr. HARDWICK. If the Senator please, I shall be glad to have him look that up. If I can get time to do so, and I presume I can, I shall put the German law into the RECORD. The German law expressly provides that German subjects shall retain their full citizenship, provided they go to a German consul and file notice that they intend to do so. That is, of course, encouraging double dealing.

Mr. NORRIS. Mr. President, I hope the Senator from Georgia will put that law into the RECORD. I think it would be very interesting.

Mr. HARDWICK. The act was passed January 1, 1914. I have forgotten the name of the act, but it was named after one of the German Reichstag members.

Mr. THOMAS. Delbruch.

Mr. HARDWICK. Yes; the Delbruch law. I thank the Senator from Colorado. That is the name. It was evidently a part of the parliamentary preparation of Germany for this war.

The Senator from Massachusetts [Mr. LODGE] offered an amendment, which we accepted, providing hereafter, except as is provided in section 11 for those people who had already come, we would not permit people who resided in any country which country had a law providing for double citizenship and for them retaining citizenship at home at the same time that they obtained citizenship here, that we would not have them naturalized at all. It was a pretty serious proposition, but the Senate accepted the amendment; I accepted it, so far as I was concerned, as I said to the Senator from Massachusetts, with some doubt. I was inclined to think it went too far, and I will tell you why. Suppose a man is leaving a foreign country, renouncing his allegiance to it in all sincerity—opposed to its laws and to its institutions—and coming here, intending to live here permanently and to give this country his undivided allegiance for the balance of his life; he can not help what sort of a law they have passed back there. The fact that they will pass such laws as that might be one of the very reasons which induce him to come here and make him a good American citizen when he gets here. It looks very harsh to penalize a man of that class, from whatever country he may come, because the Government that he is renouncing has done something which he

can not help. That was the reason why I said at the beginning that I doubted the wisdom of the policy announced by the Senator from Massachusetts.

But the conferees—and especially our brethren on the part of the other House who are acting with us in this matter—insisted on this: They said, substantially, there is no country on earth that has a law like this, except Germany, and under the law and under present conditions German immigrants can not come here, anyway, during the war. When we enact a law on this subject, so far as it relates to Germany, we may find ourselves, if peace ever comes between the countries, bound by the stipulation of some treaty agreement. We do not know what may be provided in the treaty that the Governments of the two countries may make on this subject, if they ever are again at peace. So, since none of them can come here, anyway, during the war, and Germany is the only country that has such a law, and there can be no occasion for any German coming here during the war as an immigrant, we had better not cross that bridge until we get to it; we had better wait until the war is over and then deal with this question, especially since the Bureau of Naturalization did not think well of the amendment. They say that they have already under existing Federal law authority to cancel naturalization proceedings where it can be shown that any such double dealing as that has taken place. For that reason the House conferees urged that this amendment——

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. HARDWICK. I yield to the Senator.

Mr. McCUMBER. I desire to ask the Senator whether in his consideration of this subject he has found any great number of cases where such double citizenship has been indulged in as a practice?

Mr. HARDWICK. I can only say to the Senator that the Assistant Commissioner of Naturalization told the conference committee that there were several such cases. I did not ask him how many. I do not myself know. I do not know to what extent it has been practiced. Of course, the difficulty about it is in getting the evidence. That was why the Senator from Massachusetts insisted that we ought to just exclude them all arbitrarily by law. They may go to a consul's office, but we can never find it out. I think, however, I may say to the Senator from North Dakota, on the assurance of the Naturalization Bureau, that there have been cases where that has been done.

Mr. McCUMBER. Such cases are extremely few compared to the vast number who have come here from Germany?

Mr. HARDWICK. I do not know. I imagine, however, compared to the total number of emigrants from Germany, such cases must be extremely few, and I reckon that the Senator has not stated it too strongly. I do not suppose there could be a great number, but Germany can send no more emigrants here during the war, and there is no immediate necessity for disposing of this question. The bureau did not think it was best to dispose of it now, and, of course, the Senator from Massachusetts presented rather an extreme proposition.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator from Georgia has fully dealt with that particular branch of the subject, I want to ask him about the other nations which do not recognize the naturalization of their people—Russia, for instance. Of course, it is beyond our power to reach the question, but Russia and the other countries the Senator has mentioned, particularly Russia——

Mr. HARDWICK. And Italy; we have had a great deal of diplomatic correspondence with Italy about it.

Mr. NORRIS. Russia and other countries—and I have come in contact with the question a good many times myself—refuse to——

Mr. HARDWICK. To recognize expatriation.

Mr. NORRIS. To recognize the naturalization by our laws of anyone who has emigrated from those countries. I know that the State Department for a great many years has been careful to avoid issuing passports to former citizens of those countries, because they feared difficulty might arise if one of those naturalized citizens should go back, and, for instance, be drafted into the army or something of that kind. In such event very serious international complications might arise. I wonder if in the investigation the Senator has made he discovered any adjudication that has ever been made on the subject? Has there been any decision of that question by the departments of our Government and by those other governments? Has the question ever been decided by any tribunal that would make it final and binding upon the nations?

Mr. HARDWICK. It is, of course, as the Senator realizes, a question of international law. There are numerous instances in which this Government has asserted to the fullest extent and in the most vigorous manner its own claims with respect to this matter—that naturalized citizens were expatriated from whatever country they had come—and that the United States would protect those naturalized citizens in their rights as fully as they would protect American-born citizens; that has been done; but I can say also to the Senator that has been a subject of very extensive diplomatic controversy. We have been for years trying to get the Governments of Italy and of Russia, and I think of Germany—we did for a while, I know, negotiate with Germany—to enter into some agreement, which should be mutual and reciprocal, upon the question of expatriation from one country to another, and vice versa. So far we have not succeeded with those three countries, at least, and those are the principal countries we have trouble with on this question; but it is a most important question for the Government in the future to succeed in getting treaties that will fully cover this question and will fully safeguard and protect the rights of these people and fully establish the national rights of this country with regard to this matter.

Mr. NORRIS. Mr. President, I should like to ask the Senator another question. As he says, it is a question of international law. Has he investigated to ascertain what the authorities on international law hold on the subject? Suppose the question arose between our Government and Russia, for instance——

Mr. HARDWICK. It has arisen.

Mr. NORRIS. Where a naturalized Russian had gone back to Russia and they had refused to admit that he had become an American citizen, and that question had to be passed on as a legal proposition, without regard to any treaty between the two Nations—of course, if there were a treaty that would be the law that would govern—what would govern the determination of that question?

Mr. HARDWICK. I think there have been instances where military service has been exacted of naturalized American citizens. Although I have not made any recent investigation of the matter, I am pretty sure that has been done.

Mr. NORRIS. I think there are a good many cases where military service has been exacted, but that has been decided by one government.

Mr. HARDWICK. Exactly; that is the difficulty about it; there is no court to decide it but the Russian court; there is no international court; our courts would hold one way and the Russian courts the other way.

Mr. NORRIS. What do the writers of international law hold?

Mr. HARDWICK. Well, I think the soundest view and the most general view—although you find some authorities in those countries dissenting with regard to that—is that when a citizen emigrates from one country and becomes naturalized in another he expatriates himself from the country from which he emigrates. That is undoubtedly the sound view, and that must be the policy of this Government. I regard it as a matter of the utmost importance that as soon as may be this Government shall negotiate treaties of that character with every important country on the face of the earth; and I am almost prepared to say that, even if it may work hardships in some individual cases, if we can not finally secure treaties covering the matter, I am willing to exclude emigrants from countries of that kind and character, because it makes too much trouble. It is a harsh thing to do—I gave you the argument on the other side of it a moment ago—it is a very harsh remedy, and I do not think that we ought to do it now, when there is nothing to be served by it. Therefore the conferees on the part of the Senate receded from the Senate amendment on this question.

Mr. President, I think that covers the substance of the conference report. The bill is not really substantially different from the form in which it left the Senate, except that the Lodge amendment is no longer in the bill. I hope that the conference report may be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

WOMAN SUFFRAGE.

Mr. JONES of New Mexico. I move that the joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, which is now on the calendar, be made the special order of business for 1 o'clock on Thursday next.

Mr. GRONNA. Mr. President, would the Senator just as soon make that Friday? I offer that suggestion because Senators may be absent who would like to be present, and it would be

difficult for them to get here before Friday. I am in favor of the Senator's motion, and shall vote with him, but Friday would give every Senator who may now be away an opportunity to be present.

Mr. JONES of New Mexico. I am willing to change the date to Friday.

Mr. DILLINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Vermont suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hollis	Nugent	Sutherland
Calder	Johnson, Cal.	Page	Thomas
Chamberlain	Jones, N. Mex.	Phelan	Thompson
Culberson	Jones, Wash.	Poindexter	Tillman
Curtis	Kenyon	Pomerene	Trammell
Dillingham	King	Ransdell	Underwood
Fall	Kirby	Reed	Vardaman
Fletcher	Knox	Robinson	Walsh
France	Lewis	Saulsbury	Warren
Gallinger	McCumber	Sheppard	Watson
Gerry	McKellar	Simmons	Williams
Gronna	McLean	Smith, S. C.	
Hardwick	McNary	Smoot	
Henderson	Norris	Sterling	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from New Mexico [Mr. JONES] that House joint resolution No. 200 be made the special order for Friday next at 1 o'clock. As many as favor agreeing to the motion of the Senator from New Mexico will vote "aye," those opposed "no." The ayes——

Mr. SMOOT. I ask for a division. I think there ought to be a division, anyhow.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. SMOOT. I think there ought to be a division, as it requires a two-thirds vote to adopt the motion.

Mr. SMITH of South Carolina. Let us have a roll call, Mr. President.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. I do not see him in his seat, and therefore I withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK]. I think he is in the city now, but I do not see him present, and I therefore withhold my vote.

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is unavoidably absent from the Senate. If he were present, he would vote "nay."

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). Mr. colleague [Mr. SMITH of Arizona] is absent from the Senate by reason of a death in his family. If he were present, he would vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who is absent from the Chamber. Therefore I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. If I were permitted to vote, I should vote "nay."

Mr. JONES of Washington (when Mr. TOWNSEND's name was called). The Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. I understand that if he were present, he would vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I am advised that, if present, he would vote as I intend to vote, and accordingly I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the Senator from Wisconsin [Mr. LA FOLLETTE] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. On this question he would vote as I propose to vote. Therefore I feel at liberty to vote, and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being unable to secure a transfer of that pair, I am unable to vote; but I desire to be counted as present for a quorum.

The roll call was concluded.

Mr. DILLINGHAM. I have announced my pair with the senior Senator from Maryland [Mr. SMITH]. I have since been informed that if the Senator from Maryland were present he would vote against this motion. As I would vote the same way, I feel at liberty to vote, and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. LENROOT. I have a pair with the junior Senator from Louisiana [Mr. GUION]. I transfer that pair to the senior Senator from Michigan [Mr. SMITH] and vote "yea."

Mr. SIMMONS (after having voted in the negative). I wish to inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator which I transfer to the Senator from Oklahoma [Mr. GORE] and will let my vote stand.

Mr. REED. Under the announcement just made by the Senator from Wisconsin [Mr. LENROOT] as to the transfer of his pair to the Senator from Michigan [Mr. SMITH], with whom I have a general pair, I am at liberty to vote and vote "nay."

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness in his family. My information is that if present he would vote "yea."

Mr. WILLIAMS. I find that I can transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Kentucky [Mr. JAMES]. I therefore make the transfer and vote "nay."

Mr. LEWIS. I desire to announce the absence of the Senator from Montana [Mr. MYERS] because of official necessity, and to say that, were he present, I am advised that he would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. SUTHERLAND. I desire to say that my colleague [Mr. GOFF] is unavoidably absent on account of illness. If he were present he would vote "yea."

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH], but as he would vote as I have voted, I will let my vote stand.

The result was announced—yeas 40, nays 21, as follows:

YEAS—40.

Ashurst	Gronna	McKellar	Shafroth
Beckham	Henderson	New	Sheppard
Calder	Hollis	Norris	Sherman
Chamberlain	Johnson, Cal.	Nugent	Smoot
Colt	Jones, N. Mex.	Page	Sterling
Culberson	Jones, Wash.	Phelan	Sutherland
Curtis	Kenyon	Pittman	Thompson
France	Kirby	Poindexter	Walsh
Gallinger	Lenroot	Ransdell	Warren
Gerry	Lewis	Robinson	Watson

NAYS—21.

Bankhead	McLean	Simmons	Vardaman
Dillingham	Martin	Smith, S. C.	Weeks
Fletcher	Pomerene	Swanson	Williams
Hardwick	Reed	Tillman	
Knox	Saulsbury	Trammell	
Lodge	Shields	Underwood	

NOT VOTING—34.

Baird	Guion	La Follette	Smith, Ga.
Borah	Hale	McCumber	Smith, Md.
Brandegee	Harding	McNary	Smith, Mich.
Cummins	Hitchcock	Myers	Thomas
Fall	James	Nelson	Townsend
Fernald	Johnson, S. Dak.	Overman	Wadsworth
Frelinghuysen	Kellogg	Owen	Wolcott
Goff	Kendrick	Penrose	
Gore	King	Smith, Ariz.	

The VICE PRESIDENT. Not having the necessary two-thirds, the motion of the Senator from New Mexico is lost.

Mr. JONES of New Mexico. Mr. President, I desire to announce that on Friday, May 10, 1918, at the conclusion of the routine morning business, I shall move to take up for consideration House joint resolution 200, known as the woman-suffrage amendment. I make this announcement so that Senators may be advised and may be present.

POSTAGE RATES ON AIRPLANE MAIL.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of Senate bill 4208, authorizing postage rates on airplane mail.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4208) authorizing postage rates on airplane mail.

Mr. SHEPPARD. Mr. President, on May 15 aerial mail service will be inaugurated between New York, Philadelphia, and Washington. No authority has been given to the Postmaster General to fix the rate for this service. It is necessary to the proper inauguration of the service that the rate be fixed and the object of the bill is to clothe the Postmaster General with the requisite authority. I ask that the bill be read. It is short.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Postmaster General, in his discretion, may require the payment of postage on mail carried by airplane at not exceeding 24 cents per ounce or fraction thereof.

The bill was reported to the Senate without amendment.

Mr. GALLINGER. Mr. President, I will ask the Senator from Texas if it is practically understood that the rate of postage will be 24 cents?

Mr. SHEPPARD. That is to be the maximum rate, Mr. President, although I am not advised as to what is the exact intention of the Postmaster General.

Mr. GALLINGER. Mr. President, if we are to establish a postal route on which it will cost 24 cents an ounce to transmit a letter, I think we might as well abandon the scheme at one time as another. It may amuse somebody for two or three days, but my impression is that it never will become a reality. However, perhaps it is well enough to try the experiment. It will be about a two-days' wonder, not a seven-days' wonder; there is no question about that.

Mr. SHEPPARD. Mr. President, while I was a Member of the House of Representatives, on June 14, 1910, I introduced in the House a bill to investigate the advisability of establishing an aerial mail route, which I think was the first bill ever introduced in Congress on the subject. I desire to have that bill incorporated in the RECORD in this connection, as well as the humorous and somewhat skeptical comments of the New York Telegraph on the bill at that time.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

[H. R. 26833, 61st Cong., 2d sess. In the House of Representatives, June 14, 1910. Mr. SHEPPARD introduced the following bill, which was referred to the Committee on the Post Office and Post Roads and ordered to be printed:]

A bill for an investigation to determine the practicability and cost of an aeroplane or airship mail route.

Be it enacted, etc., That the Postmaster General is hereby authorized and directed to investigate the practicability and cost of an aeroplane or airship mail route between the city of Washington and some other suitable point or points for the experiment and report the results of said investigation to Congress at the opening of the short session in December next, in order that it may be definitely determined whether aerial navigation may be utilized for the safe and more rapid transmission of the mails.

—

[From the New York Telegraph, June 19, 1910.]

AEROPLANE MAIL COLLECTORS AND CHUTES TO SHOOT UPWARD—REPRESENTATIVE SHEPPARD URGES POSTMASTER GENERAL TO INVESTIGATE FEASIBILITY OF SCHEME TO QUICKEN LOCAL TRANSPORTATION OF LETTERS.

And when the mail chutes go up and not down, where will we go to post our letters? Will we take elevators or tip the janitors to carry them to the slot?

In these times it is well to give the subject a little forethought. Forethought is the only word that can be correctly used in facing aeroplane possibilities. If there is to be an aeroplane mail service, as the Texas Representative thinks, now is the time to prepare for it.

A modern apartment will be thus equipped with its aerial mail box, and the postman will flit in the air once every hour.

Representative SHEPPARD'S resolution authorizes and directs the Postmaster General to investigate the practicability and cost of an aeroplane or airship mail route between the city of Washington and some other point or points suitable for experiment. "The aim is to find out if aerial navigation may be utilized for safe and more rapid transmission of mails."

But it is doubtful if aerial legislation will be reached at this session in Washington. By this is meant that we are given time to prepare.

If a propeller breaks in a Jersey swamp or a rudder gets anchored in a Rocky Mountain peak, don't fuss because your mail is delayed. Hasn't a blizzard or a washout held letters up before?

By a series of signals you may let the postman navigator know the sort of letters you are expecting. This will aid him in his work and assist in accurate delivery.

Love letters will be carried in a rose-pink aeroplane, steered by Cupid's wings and operated by perfumed gasoline. If you are awaiting a love letter, stand with one foot on the edge of your roof and place the right hand over your heart. This ship's name is *Dearie*.

If you owe money, lock yourself in your flat and refuse to believe in signs. Bills and missives from collecting agencies will be a special cargo of a dull-gray ship charged to carry 13,000,000 pounds of first-class dunning matter.

This aeroplane will descend with a roar and will emit fumes of gasoline at the chute. When it soars away it will send an echo that can be heard for 33 miles. Name this ship *What's the Use*.

Letters from mine promoters and from the Optimist Society will carry a brass band in the bow, will be painted yellow, and will be named *Cheer Up*.

Postmen will wear wired coat tails and on their feet will be wings.

A postman's feet will hereafter be a study for ornamentation. Decorative designs will be used in profusion, as, naturally, feet will be quite unnecessary things in postal delivery.

This is the day for one-legged and no-legged men. Civil-service examinations will consist of questions hitherto unknown.

"What is your reach?" will be the question by which the examining board will test a man's endurance.

There will be another ship which must be reckoned with—conveying letters from reformers, those who are mad for social uplift. It will be called *Hot Air*, and will be operated by many of our best known and most highly respected muckrakers.

No man can apply for a job on this unless he has eaten a bad piece of meat, choked on diluted milk, or intimately knows of white slavery.

The Government will have no jurisdiction over the management of this ship, but will be held responsible for any jolts received and given, for any accidents due to bad judgment or caused by a hasty preparation for the flight. The ship will be bright red, and the engine will run to the strain of "Marseillaise." It will be called *Liberty*. Julius Hopp is writing a poem for its dedication.

That's about all for the present.

Mr. GALLINGER. Mr. President, I will ask the Senator if it is in contemplation for the Government to go into the business of manufacturing or purchasing airplanes to carry out this enterprise?

Mr. SHEPPARD. My understanding is that the Post Office Department will use such planes as the War Department may let them have.

Mr. GALLINGER. Mr. President, to my mind it is about as absurd an enterprise as ever was thought of without more complete investigation and the development of more accurate facts, but, as I said a moment ago, it may serve to amuse somebody. It will be about a two days' wonder, and in my judgment that will be the end of it.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INCREASE OF PENSIONS.

Mr. SMOOT. I move that the Senate proceed to the consideration of Senate bill 3783, to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Is that motion debatable?

The VICE PRESIDENT. The Chair thinks it is, after the morning hour.

Mr. SMOOT. Yes, Mr. President.

Mr. THOMAS. Mr. President I have had occasion during the investigation of the so-called aviation program——

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Delaware?

Mr. THOMAS. I yield.

Mr. SAULSBURY. I desire to inquire of the Senator who made the motion to take up this bill and of the Senator who now has the floor if they would object to allowing me an opportunity to try to pass the rent-profiteering joint resolution respecting the District of Columbia? I fancy it will take only a very few minutes.

Mr. THOMAS. I am perfectly willing to yield for that purpose.

Mr. SAULSBURY. If the Senator who made the motion and the Senator who has the floor will agree to do that, I think it will delay the matter only a very few minutes.

Mr. SMOOT. Mr. President, if I can be assured that I will be recognized to take up this bill after the completion of the consideration of the joint resolution, I have no objection at all to the Senate taking up the joint resolution at this time.

Mr. SAULSBURY. I should, of course, be very glad to recognize the Senator under those circumstances if I were in the chair; but I can not undertake to say——

The VICE PRESIDENT. If there is no objection, at the conclusion of the consideration of the joint resolution referred to by the Senator from Delaware if the present occupant of the chair is here he will recognize the Senator from Utah, and if he leaves the chair he will instruct his successor to that effect.

Mr. THOMAS. I shall not object to the making of the motion.

The VICE PRESIDENT. That is what the Chair means—that the Senator from Utah will be recognized to make the motion.

Mr. SMOOT. I will say to the Senator from Colorado that if he will consent to the taking up of the bill, I will ask that it be temporarily laid aside until the Senator from Delaware can proceed with his joint resolution.

Mr. THOMAS. I will not consent to that.

Mr. SMOOT. I thought the Senator would not, but I wanted to be perfectly fair to all Senators concerned; and in order to show the Senator from Colorado that I have no desire whatever to make him talk for any great length of time, I am going to say to the Senator that with the statement made by the Chair I am perfectly willing that we shall proceed now with the consideration of the rent measure, if it does not lead to too long discussion.

Mr. SAULSBURY. I fancy that it will not.

Mr. THOMAS. Mr. President, let me say that it is not necessary for the Senator to try to make me talk. I think perhaps he would serve the country better by doing something that would make me keep still. [Laughter.]

Mr. SMOOT. I withdraw the motion, Mr. President.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. SAULSBURY. I move that the Senate proceed to the consideration of Senate joint resolution 152, to prevent rent profiteering in the District of Columbia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate, now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law, or that the premises are reasonably required by a landlord for occupation by himself or his family while in the employ of or officially connected with the Government; and where such order has been made, but not executed before the passage of this resolution, the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order, rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution: *Provided*, That any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold is hereby declared to be void while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

Mr. SAULSBURY. Mr. President, the joint resolution now before the Senate was up for discussion when we adjourned on Saturday, or shortly before that time. I do not care to add very much to what I have said; but upon further considering the joint resolution, and upon conferring with my colleagues on the District of Columbia Committee who have been particularly interested in this matter, I think that an amendment should be made to the joint resolution, which I will now purpose.

I move that the joint resolution be amended by inserting after the word "lease," on line 6 of the first page, the words "for one month or any longer period." The effect of that amendment is to make the joint resolution apply only to cases where the tenure is for a month or longer, and not to apply to daily or weekly tenures, which is manifestly an improvement.

I move the adoption of that amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Delaware.

Mr. FRANCE. Mr. President, I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 1, line 6, after the word "lease," it is proposed to insert the words "for one month or any longer period," so that if amended it will read:

now or hereafter held or acquired by oral or written lease for one month or any longer period, or for the ejection or dispossession—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Delaware.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Delaware what we are to understand by an oral lease?

Mr. SAULSBURY. Merely a lease where a tenant enters into possession under a verbal agreement.

Mr. GALLINGER. It is not a lease, then.

Mr. SAULSBURY. Not in writing.

Mr. GALLINGER. It is an agreement; it is not a lease.

Mr. SAULSBURY. Anything which provides for the possession of real estate by a tenant would be technically a lease, I think.

Mr. GALLINGER. I should not think so; but I will not put my lack of legal knowledge against the Senator's fullness of legal knowledge.

Mr. SAULSBURY. I do not profess any such knowledge, but I think I am clear on that point.

Mr. GALLINGER. It seems to me that where there was a so-called oral lease the tenant might claim that the owner said he might occupy the property a certain length of time, and the owner might say, "I did not make any such agreement," and there you are. I think, if the word "oral" is to remain in the joint resolution, that it ought to be "oral agreement," and let them fight it out as to whether they have an agreement or not.

Mr. SAULSBURY. Mr. President, may I say to the Senator that that would be the case anyway; it would be purely a question of evidence as between the landlord and the tenant. That would be the case in any event.

Mr. GALLINGER. I am going to venture to move that the word "agreement" be placed in the joint resolution after the word "oral," at the end of line 5, page 1, and also in line 11, page 2, so that it will read "oral agreement or written lease."

Mr. SAULSBURY. I have no objection at all, if the Senator desires that amendment to be made.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. GALLINGER. Mr. President, when this joint resolution was before the Senate on Saturday I asked that it should go over, because I wanted to look into it. I have not had much time to do that; in fact, I have hardly had time to read it from that time to the present, having much official business on my hands. I then said that it was extraordinary legislation, most unusual legislation, which the Senator from Delaware admitted was the fact.

I am not satisfied as to the wisdom of passing a joint resolution of this kind. The House has passed some kind of a so-called rent-profiteering bill. I have not had time to examine that bill. It is now before the Committee on the District of Columbia, and I presume will soon be presented to this body for consideration. I am not informed, and I do not know that I could by any possibility set in operation an inquiry that would inform me, as to how extended this grievance is, as to how much advantage is being taken of the occupants of buildings or apartments by the owners in the matter of increased rentals.

I can see some objections to this joint resolution. A man owns a little home here. It is leased, and he wants to sell it. The lease is about to expire, or there is an oral agreement that the party occupying it shall occupy it for a month; but he is not permitted to sell it. I think the suggestion has been made here that the bill that will be presented here contains practically the same provision as this; and thus the man who desires to dispose of his property is denied that right by law, although there may be very urgent reasons why he wants to dispose of it. That is a thing that never was dreamed of before, I apprehend, in the history of this country. He is compelled to allow the occupant to remain there, because the law says that he can not eject him under any circumstances.

I know of one case—it is a very exceptional case—where a gentleman owns a house in Washington, not a very high-priced one, and he wants to change the tenant so as to accommodate a man in his employ to whom he is planning to rent the house at a lower rate than he is getting now, $10 a month less; but he will not be allowed to do it under this provision. Of course, that is only one case; I imagine that it is almost sui generis, but it exists. Poor men have come into my committee room—two of them to-day—to tell me that they have worked hard to acquire little homes, and they have rented their homes, and now they want to occupy them themselves, but under a law of this kind they can not do it.

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Vermont?

Mr. GALLINGER. Certainly.

Mr. DILLINGHAM. I should like to say to the Senator from New Hampshire that under the bill which has been reported to the Senate to-day by the Committee on the District of Columbia both of the cases which he mentions are fully provided for. Any person who wants to occupy the property himself or to have it occupied by his family or by his servants is fully provided for.

Mr. GALLINGER. I am very glad to know that, Mr. President. For that reason I think we ought to take up that bill and pass it, in place of passing this joint resolution, which does not provide against the matters of which I have complained.

Mr. SAULSBURY. Mr. President, if the Senator will pardon me for interrupting him, there is no inhibition against the owner of the property selling his property. He can sell his property just in the same way that he always could sell his property, but the tenants of properties in the District are given the right to remain on at the rent which they now pay, provided their tenure is for more than a month, from month to month, and the only hardship on a man who wants to sell his property is that

he can not deliver possession to the person to whom he sells it. If the owner of any property is engaged in any governmental work, he can obtain his property and move into it at any time. The object is—I do not care to interrupt the Senator if he objects, of course.

Mr. GALLINGER. Oh, no; not at all. I am delighted to have the explanation of the Senator.

Mr. SAULSBURY. I shall be very glad to explain the matter. The object of the joint resolution is to provide in every way possible to get places where the people who are engaged in the Government service may sleep and may live in this District.

If I may explain to the Senator, there are about 50,000 employees of the Government under the civil service who have been brought to Washington during the last year. It is anticipated that 35,000 more of them will be brought in between now and the fall. They have all got to be attended to. There are not enough houses here to house everybody, and where a man had actually rented his property it did not seem to the committee to be any hardship to keep him out of it while the Government employees actually needed it. That is the theory of that portion of the joint resolution.

I will speak later as to the great amount of profiteering. I do not want to interrupt the Senator too long.

Mr. GALLINGER. I understand that a man not in the Government employ could be dispossessed to give place to a man or a woman who is in the Government employ.

The Senator says that 50,000 Government employees have been brought in during the last year and that 35,000 more are to follow. I do think that, instead of passing a bill of this kind, we might well halt and make an inquiry as to the necessity for the inundation of boys and girls and men and women into the District of Columbia. If anybody knows what on earth they are doing, I confess it is beyond my ability to comprehend.

Mr. President, I am not going to make any factious opposition to this joint resolution. The committee, composed of men in whom I have much confidence, seem to be unanimously in favor of it. But I do want to voice a suggestion, at least—it might be called, possibly, a warning—that in these days of lax economy, in these days, if not of misappropriation of public funds, at least of the reckless use of them, we might well pause and make inquiry as to whether we are not having thousands and tens of thousands of employees, so called—many of whom are doing nothing to earn their salaries, as I happen to know—come into the District of Columbia to dispossess the citizens of their property because it is argued that there is no place for them to sleep.

Mr. President, I have here what I consider a very interesting contribution to this question, in the form of a clipping from a newspaper printed in Augusta, Wis.—the Augusta Eagle. This happened to be sent to me a week ago, and I put it in my desk. I have seen somewhat similar mention made in other papers of the great straits the Government is in for more employees, and the fact is being advertised all over the country that all a boy or a girl has to do to get a job is to come to Washington. I think all of those who come here are getting jobs.

I ask that this article from the Augusta (Wis.) Eagle may be read. To me it is a very interesting article.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested:

The Secretary read as follows:

[From the Augusta (Wis.) Eagle, Apr. 26, 1918.]

THOUSANDS NEEDED AT GOOD SALARIES—20,000 SPECIALISTS WANTED IN ARMY AND NAVY CIVILIAN BRANCHES.

Charging armies and thundering battleships are easy to visualize but not so easy to accomplish. There can be no going "over the top," no paralyzing broadsides, unless to sustain the blow there is material in abundance to back up the human effort.

Right now the civilian branches of the Army and Navy are in urgent need of thousands of highly trained workers, and before this year passes these branches must be increased by at least 20,000. The Ordnance Department of the Army needs great numbers of men who are trained as mechanical engineers, mechanical and other kinds of draftsmen, chemists, metallurgists, and the like. Literally thousands of inspectors are also wanted for the work of passing upon the quality of everything conceivable in the way of ordnance, ammunition, and other munitions. For office work the Ordnance Department wants a great many statisticians, accountants, experts and assistants in business administration, and clerks trained in special lines, such as clerks qualified in business administration, index and catalogue clerks, and clerks qualified in statistics or accounting. The Quartermaster Corps of the Army is in need of several thousand examiners and inspectors of everything that enters into the personal and camp equipment of the soldier. Passenger and freight rate clerks are also wanted in this branch. The Signal Corps of the Army is short of aeronautical mechanical draftsmen. The Navy has an unlimited number of places for draftsmen of various kinds and for a long list of technical workers. Practically all branches of the service are in need of stenographers, typists, bookkeepers, statistical clerks, multigraph operators, and calculating-machine operators.

The United States Civil Service Commission, whose duty it is to fill these civilian positions, urges as a patriotic duty that qualified persons offer their services for this work—work vital to pushing the war. Good salaries are offered, and the work is all in the United States. With the exception of a few of the clerical positions, applicants will not be assembled for written examinations, but will be rated upon their education, training, and experience, as shown in their applications, supplemented by corroborative evidence. Representatives of the Civil Service Commission at the post offices in all cities are prepared to furnish definite information and application blanks.

Mr. GALLINGER. That is illuminating. I do not know who is responsible for this. It is apparently placed upon the Civil Service Commission. I doubt very much whether the Civil Service Commission is responsible for it.

Mr. KENYON. Is it an advertisement?

Mr. GALLINGER. It is not; it is a news item, apparently. I do not know where it originated. The suggestion is there made that they are not even to be required by the Civil Service Commission to take written examinations; that they are to be rated according to some plan that will be devised in the department, upon educational experience or something else.

Now, how is this going to end? If it is necessary to bring in 35,000 more, as the Senator from Delaware suggested, I would be the last man in the world to oppose it; but as I have passed through certain bureaus in the last month and witnessed the apparent incompetence of those who are being employed, and of their negligence, so far as their duties are concerned, and have had some of them tell me they had been there a week and have had nothing to do, I have wondered whether after all it was not a duty devolving upon Congress to ascertain whether or not it is wise to turn the city of Washington upside down, dispossess the owners of property, men who have toiled during a lifetime to obtain a home, to make a place for this inundation, because it is nothing less than that, of Federal employees. If it is necessary let it go on, but it seems to me there ought to be some inquiry concerning it.

Mr. President, I have felt that way, and I feel that way now. I am not going to oppose the joint resolution. If the committee thinks it wise to do this thing let it be done, but I think it would be wiser to take the bill the committee has reported. We could pass that, I judge, as soon as we can pass this joint resolution. Then let it go to conference and let us have legislation on the subject and settle it once for all.

Mr. KENYON. Mr. President——

Mr. GALLINGER. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator concerning the resolution which I saw by the papers he introduced. Was it in reference to an investigation as to the new clerks in Washington?

Mr. GALLINGER. No; I offered a resolution on Saturday asking the Committee on Expenditures of the War Department to make an investigation as to the manner in which appropriations for that department had been expended; that is all.

Mr. KENYON. I wish the Senator would introduce a resolution for an investigation of the new clerks. I was told not later than this noon by a gentleman connected with one of these bureaus that there are 2,000 of these clerks to do the work that 600 have been doing, and that 600 could do. I agree with the Senator that there ought to be some kind of an investigation.

Mr. GALLINGER. I feel that way about it, but unless some other Senator agrees with me, or unless the Senate thinks it is necessary to inquire into this matter, I, of course, have no more concern about it than any other Senator; but I really feel that there has been the utmost degree of recklessness employed by the heads of bureaus, if not of departments, in making demands for clerical and other help. As I suggested the other day, I read in the newspapers that a certain official, not the head of a department but a subordinate, said he could use 1,200 stenographers; that he could give them employment. That is too ridiculous for a moment's consideration.

Yet I presume that gentleman would like to have 1,200 good-looking girls or cigarette-smoking young men under his control. But the question is whether we want to do it. If the finances of the Government are in such splendid shape—and I think they are in about as bad a shape as they can be—that we can go on appropriating money without hindrance, adding to the clerical expenses in Washington until we get so many here that they will have to sleep in the park, as they do in Hyde Park in London, perhaps it is wisdom, but it does not appeal to me.

I have on my desk a bill introduced in the other House which, to my mind, has a good deal of sense. I presume we could not get it through either branch of Congress, but it strikes me that it is worthy of consideration. It is a bill to distribute these activities; to let the Shipping Board go to Philadelphia, for instance; to let the Food Administration—I do not think it makes much difference where it goes; to let the Coal Administrator go to some other region than the city of Washington.

Mr. THOMAS. Will the Senator suggest where?

Mr. DILLINGHAM. If the Senator will look at the bill which has been reported from the committee he will find that that is provided for.

Mr. GALLINGER. The Senator from Vermont interrupts me to say that if I look at the bill that has been reported, even those things have been provided for. All the more reason why we should take that bill up and consider it.

Mr. JONES of Washington. Mr. President, I merely wish to suggest to the Senator that one reason why the committee thought it might be wise to pass the joint resolution now—it may be that the Senator in charge of the joint resolution has already stated it—is because the bill we have reported is very radically different from the bill that passed the House. We anticipate that there will be very considerable delay in conference, and that it will probably be a month or two before we can get the legislation through. The situation seems to be so pressing, from the information that came to the committee, that we thought it wise to report the joint resolution for passage.

Mr. POMERENE. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. POMERENE. If the Senator will allow me, along the same line as the statement just made by the Senator from Washington, there were a great many impelling reasons for the presentation of this joint resolution. One was the vast number of notices which came to our knowledge that had been served upon tenants requiring them either to immediately sign up leases for the ensuing year or to vacate. I have here a copy of one of the notices served by the landlord on a tenant in a large apartment house in which there are probably 40 or 50 or more tenants. I have been told that the same notice was served upon each of the tenants, advising them of an increase in rent of 33⅓ per cent for the ensuing year, and requiring them to call at the office and sign the new lease on or before May 10. That is just four days hence, and these 40 or more tenants are threatened with dispossession unless they will immediately sign the leases at this increased rental.

Mr. GALLINGER. Those 40 or more tenants have a lease already which will not expire until the 1st day of October.

Mr. POMERENE. That is true.

Mr. GALLINGER. They need not go to the captain's office unless they wish to do so.

Mr. POMERENE. But the Senator overlooks the fact that the apartments will be let to other tenants, so that they will be dispossessed on October 1 unless they sign up for the increased rents. That is the difficulty about it.

Mr. GALLINGER. Mr. President, I apprehend there are cases—and they may be more numerous than I think—where this is going on; but, after all, we are face to face with the fact that 33⅓ per cent—and I doubt whether that would be exacted in many cases—does not exceed what we are paying in increased prices for everything on earth that we use. I saw two pieces of goods on Saturday, one purchased a few months ago for 35 cents, and exactly the same kind of goods, except it was not as good a quality, a woman paid 85 cents for on Saturday. That is about what we are up against, not only in the city of Washington but everywhere else. I saw a piece of goods that came from New York a few days ago identical with that which was purchased less than one year ago and at exactly double the price it was a year ago.

So I say, I think there is a good deal of feeling engendered against even the owners of apartment houses that may not be quite just. I happen to have a little apartment in an apartment house. I have not been notified of any increase of rent, but I would not be surprised if I would be, and if this increased cost of everything goes on I do not know but what it would be justifiable. I am not advising the owner of the property to increase my rent, but I am not so sure that it would not be a just thing for the owner of the property to do under the circumstances.

Mr. SAULSBURY. May I interrupt the Senator for a moment?

Mr. GALLINGER. Certainly.

Mr. SAULSBURY. The Senator is expressing some doubt as to the general serving of these notices. While the Senator from Ohio [Mr. POMERENE] was speaking I looked at the notices he had in his hand which had been sent to him. I have one sent to me identical in every way, printed with the same type, but the names of the apartment houses are different; the names of the people to whom they are addressed are different; the rent is different. The 33⅓ per cent is precisely the same and the date—May 10—is precisely the same—the time when the tenants are to come to the captain's office. It is a peculiar thing that these notices should be printed and used by different apartment-house owners with those identical characteristics and printed with the same type. It seems to me that that carries out precisely what the committee has been informed—that it is such a general thing in the city that people are willing to take advantage of the necessities of the tenant that it has come to a point where we are convinced it must be attended to.

I will say to the Senator that he will be surprised at the extent of this thing. I have on my desk here a letter from a gentleman almost as well known in this country as Theodore Roosevelt, a man who is looked to as one of the great leaders of progressive thought and conservation. He is a large property owner in the city of Washington, and yet he tells his tenant that if she does not give up possession to him willingly, he will sell that property under the terms of the lease—which provides that in case of sale the tenure may be avoided, and the new landlord may rent it—he will sell that property, to which the tenant is entitled for a year longer, to his own wife for cash, and in that way obtain possession of the property, so that he may get money out of his property to contribute to war relief.

Mr. REED. Does the Senator think a sale of that kind would operate to avoid a lease?

Mr. SAULSBURY. No.

Mr. GALLINGER. Of course it would not.

Mr. SAULSBURY. No; and the gentleman who made the threat discovered that it would not. Of course, it would be very interesting——

Mr. FLETCHER. May I make an inquiry, with the permission of the Senator from New Hampshire?

Mr. GALLINGER. Certainly.

Mr. FLETCHER. What is expected to be accomplished by this provision? Where would you get any relief against those notices, unless you expect Congress to be in session until the 1st of October? The 1st of October I understand the purpose is to oblige the landlords to rent to the tenant or some other tenant at the same price; but if Congress is not in session as late as the 1st of October, the joint resolution does not operate, and you do not afford any relief to those who have received the notices.

Mr. SAULSBURY. With the permission of the Senator from New Hampshire——

Mr. GALLINGER. I have only a word more to say, but I will yield.

Mr. THOMAS. I should like to ask the Senator a question.

Mr. GALLINGER. I yield to the Senator from Delaware first.

Mr. THOMAS. The Senator has called attention to the somewhat unusual exactions, or contemplated exactions, of a gentleman who he says is almost as prominent in the progressive field as Theodore Roosevelt. Is this gentleman also a distinguished advocate of extreme conservation?

Mr. SAULSBURY. He is a great conservationist. That is his chief characteristic in the public eye.

Mr. THOMAS. With a French name?

Mr. SAULSBURY. His first name, I will say, is Gifford.

Mr. REED. And the Senator objects to letting him conserve his own interests?

Mr. SAULSBURY. I am not going to let him conserve his own interests at the expense of the Government or at the expense of anybody else, if I can help it by law.

Mr. GALLINGER. Mr. President, I have only a few more words to say. I called attention to what I called an inundation of clerks to the city of Washington. I believe it ought to be stopped, or at least it ought to be investigated before it becomes a peril to other property owners in Washington, if they are to be given a preference in the matter of lodging.

There is one other evil that has come to the city of Washington and to the property owners in the city of Washington, and that is a less inundation of rich men in the city of Washington who are working for a dollar a year. I have in mind a house, I do not know how much it cost but I should think $100,000 would be a very large amount, more likely it cost from $50,000 to $75,000. I know a certain gentleman who on coming to the city offered to pay $35,000 a year rent for that house. That is not an isolated case. The result is that houses are being vacated in that way, and the former occupants have to find a lodging somewhere. If we have got to give up our homes absolutely to the clerical force of the Government and to the specialists of the Government and the draftsmen of the Government named in that bill—I suppose any girl or boy who can draw a crooked line is a draftsman just as any man who can saw a board, whether he saws it crooked or not, is a carpenter and gets six or seven dollars a day or more—if people who have acquired a home by hard work are to give up their homes for that class of people, there is going to be a turmoil in the city of Washington, and if it is extended to other cities of the Union there will be a trouble that will be very serious, in my judgment.

But, as I said, I have great confidence in this committee. I have no doubt they have worked diligently on this matter, and think this is a necessity, but I would very much prefer taking up the bill they have reported and discussing it and passing it, if it is a wise measure, and I would not be alarmed, as the Senator from Washington is, lest it might be in conference for a long time. We had a bill here the other day which we discussed for several days and the Senator in charge of it prophesied that unless we passed it quickly it would be of no particular use. It went to the House, and the House accepted every amendment we put on, and I suppose we put on 25. If there is any need of this legislation, both Houses of Congress are wise enough and sensible enough to pass a salutary bill, and I think we ought to pass quickly the bill, which I understand has been reported to the Senate in a different draft from that passed by the House, and let it go to conference; but I yield to the combined judgment of the Committee on the District of Columbia.

Mr. BORAH. Mr. President, I presume that a measure of this kind is necessary to deal with the situation which we have here. I wish to ask the Senator in charge of the measure if there is any provision under the joint resolution by which a bona fide purchaser of property, for instance, would get possession for his own use?

Mr. SAULSBURY. I think the only provision that is made here on that point is that any person who is the owner, or any purchaser if he is in Government employ, could obtain that property for his own use.

Mr. BORAH. Some people who have been paying rent here in apartment houses, and so forth, have come to the conclusion that if they are to stay here they must buy property. I wonder if the Senator feels that it would weaken the force of the joint resolution if we inserted on page 2, line 2, after the word "landlord," the words "or bona fide purchaser."

Mr. SAULSBURY. I think I can answer the Senator that it would probably very greatly interfere with the effect of the joint resolution, and for this reason: As described before the committee, and possibly before the Senate by the Senator from Vermont [Mr. DILLINGHAM], there is one location of which he happens to know personally—and many such were brought to our attention—where tenants have been given notice in numbers, and an attempt is being made to compel the tenants to buy the property, under threat of a sale to somebody else. If a sale is made to somebody else, they could oust these tenants, even under the guise of coming in as owners, and it would work a hardship which we are seeking to avoid by the joint resolution, because all the tenants might be ousted, and certainly they would be put to the trouble of proving a colorable sale.

Mr. BORAH. It seems to me a large latitude ought to be given for legitimate transactions.

Mr. SAULSBURY. I will say to the Senator I would not object very much to a provision of that kind, where the person who bought was moving into the property.

Mr. BORAH. This might accommodate the class of people whom you are seeking to protect by this measure, because it would be a bona fide sale, and it must be for the party's occupation.

Mr. SAULSBURY. If the Senator will suggest such an amendment as that, I shall not object to it.

Mr. BORAH. Is an amendment in order now?

The VICE PRESIDENT. It is in order.

Mr. BORAH. On page 2, line 2, after the word "landlord," I move to insert the words "or bona fide purchaser," so as to read:

> Or that the premises are reasonably required by a landlord or bona fide purchaser for occupation by himself or his family while in the employ of or officially connected with the Government.

Mr. SAULSBURY. For his own occupation.

Mr. BORAH. It says that.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I wish to ask the author of the joint resolution how many cases he knows of where the outrages he has depicted are being perpetrated?

Mr. SAULSBURY. Through the testimony given before the committee and through the statement of letters which members of the committee have received, I suppose some hundreds.

Mr. REED. How many hundred?

Mr. POMERENE. I can give the Senator a little information on that subject.

Mr. SAULSBURY. I shall be very glad to have the Senator from Ohio do so. He is chairman of the subcommittee.

Mr. POMERENE. I have another letter from one of the tenants in another apartment house in which there are over 40, and they have all been served with notices. An officer connected with the War Department who has been at times assigned to the special duty of looking after the people who are about to be dispossessed and to try to find living quarters for others connected with that department said to me the other day that in one week he had over a thousand of these notices come to him for his investigation, and that they were constantly coming. It has become so extensive——

Mr. REED. A raise of 33⅓ per cent?

Mr. POMERENE. I should not say that they were general raises in the rent. I could not say as to the amount of the raises. I may say to the Senator, further, that many of the real estate men who came before our committee stated they believed that something would have to be done in order to protect these people. In other words, there are many real estate brokers and agents very high-class men who feel the necessity of being protected against the outrages which are being perpetrated upon the people by other agents who are engaged in business here in the city.

Mr. REED. Does the Senator know how many thousand tenants there are in Washington, approximately?

Mr. POMERENE. No; I do not think I can tell the Senator the number. This will give a side light on the question which the Senator has asked. It was stated that there were over 200 apartment houses in the city that are being rented. Of course, the Senator is aware that in many of them there are a great many tenants and in others the number is small.

Mr. REED. I suppose in a city of 350,000, like Washington, largely made up of transients, it would not be unsafe to say that 275,000 of them live in rented quarters—perhaps 300,000—and if there are 300,000 and you have complaints from two or three hundred, it is very far from giving any kind of accurate information as to general conditions.

Mr. President, I think that a man who will take advantage of the present situation to grossly increase his rent is a swinish sort of fellow who ought to be consigned to the contempt of every decent man. But that there should be some increase in rent, assuming now that the rents in the past have been reasonable, is absolutely to be expected. The upkeep of a house has enormously increased. If the heat is to be furnished, the coal costs more to the landlord. The janitor service costs a great deal more, and every other element that enters into the upkeep of the building has been increased. The values of property have likewise increased, and it is only natural under those conditions that there should be some reasonable increase in rent. As was suggested by the Senator from Florida, repairs, plumbing bills, and everything of that kind which I think I had previously embraced in my expression "upkeep" should be included. I had my house painted the other day, and I paid twice as much as I would have had to pay when I came here six years ago. The men who own these properties, some of them, may be acting very badly, but let us be careful of two things, that we do not punish the innocent with the guilty, and let us be careful also that we do not too closely imitate the soviet that is just now distinguishing Russia.

I confess to such a feeling of disgust for men who are at a time like this trying to profiteer that I hesitate to say anything in favor even of the property owner who is only exercising the right of a citizen.

But, Mr. President, as is usual with remedies of the kind proposed, they largely defeat themselves. We had notice served upon us a few months ago that building operations must cease in this country. The motive back of that was excellent. It had its effect in the city of Washington, as it did in every other part of the country—the building operations largely ceased. But babies continued to be born, population continued to increase, and to-day the Government of the United States is appropriating $10,000,000 to build houses in the city of Washington, a large part of which might have been built by private enterprise if it had not been discouraged by governmental interference; and yet it will take as much lumber and just as much steel for the Government to build a lot of claptraps that will ultimately be torn down as it would to have built good buildings to start with. So having discouraged building, we now propose to pass a joint resolution, that is notice duly served upon every man who may dream of building a structure in the city of Washington, that he is not to be secure for one single moment in his rights to own that property, to use that property, and to realize an income from that property.

This joint resolution is the absolute and final stoppage of any building operations in the city of Washington.

No man but an imbecile would ever think of borrowing money, as most of them do who build these great structures, and erecting a great apartment building in the city of Washington, with the knowledge that a joint resolution can be rushed through

Congress any hot afternoon that will deprive him of the use of his property and of the ability to make enough money to pay the interest upon his investment.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. As a case in point, Mr. President, I desire to say that I own quite a large building in the city here, and for several weeks one of the leading hotel men in the country has been trying to get me to join with him to put up a large building, not so large as a big hotel, but a very high-class restaurant, with 60 rooms, several stories of rooms, which would be of some little relief to the people who are walking the streets here and who can not get lodging and food to eat; but now we are halted. I would not dare to put any money into the transaction now, and certainly no lessee on a 5 or 10 year lease, after he had contributed part toward the improvement, would dare to take that chance, because the next day any department head might come around and take the property at their own price. That is just an instance in point.

Mr. REED. But, more than that, if the Senator from Connecticut wanted to borrow money, how much money does he think he could borrow on that kind of property—I mean money with which to build?

Mr. BRANDEGEE. We probably could not borrow the money anyway, Mr. President, because the banks decline now to lend on real estate. I sold a building in my home town the other day, and took half the purchase price as a first mortgage, which is as good as gold, and which ordinarily every savings bank and every insurance company in the State would have jumped at; and yet I can not do anything with that mortgage; none of them will take it, and I have got to hold it. You can not get a dollar west of the Allegheny Mountains for anything except to put into active business connected with the war. I am not saying that it is wrong; I am not criticizing it; I am only stating the financial situation.

Mr. REED. The Senator does know, I think, that, if there is any money to be loaned upon real estate, it is not very likely to be loaned upon real estate where Congress exercises the right to confiscate the property or to destroy its use.

Mr. BRANDEGEE. Of course, no business institution, as a trustee for other people's funds, could properly loan a dollar with the threat hanging over it of condemnation at the Government's own price, without a gross betrayal of their duty as such trustee.

Mr. REED. Mr. President, I think there is a way by which these excessive rents can be reached and the Constitution not be raped or the right of contract abrogated. I have not any doubt of the power of Congress within the District of Columbia to lay an excess-profit tax and to lay it in such a way that it would not be profitable for a man to charge these enormous rents, because when he went above a certain point the tax would take away his profits. That, however, is not this joint resolution.

Now, I want to see if I can not challenge the attention of Congress to this matter. I am not going to be very long about it. I do not know whether or not it will do a bit of good. There are many people who think they can cure everything by simply passing a resolution. They think that over in Russia. But I say that when the Congress of the United States shows its disregard for the Constitution and the laws of the land they sow the dragon's teeth, from which spring up the Industrial Workers of the World organization, the anarchists, and that class of socialists who disregard law and constitutions and property rights.

When in high places we snap our fingers in the face of the law of this land, how can we expect otherwise than that the soap-box orator, the ignorant, and the depraved will likewise snap their fingers in the face of authority?

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I yield.

Mr. KENYON. While I agree with the Senator that what he suggests does make socialists, does not the profiteering which is going on in this country and the profiteering that is going on in this District, that would make Capt. Kidd turn green with envy, also create socialists just as fast as anything else can do it in this country?

Mr. REED. I do not think so.

Mr. KENYON. I think it does.

Mr. REED. But I have already suggested that there is a constitutional way by which the greater part of it can be reached. What is this joint resolution? It is a bald, naked, unblushing abrogation of the rights of property; it is a bald, naked, unblushing attempt to violate the obligations of contract. It does not bring forth even the shadow of a pretense behind which it can conceal its ugly visage.

Mr. KENYON. This joint resolution is to continue only during the session of Congress, in order that a remedy may be worked out; it is merely a moratorium.

Mr. REED. But a resolution to set aside the Constitution of the United States for 15 minutes is just as vicious in principle as one would be to set it aside for 15 years. The Senate of the United States ought to guard the Constitution that its Members have sworn they will guard. When we undertake by a simple joint resolution to set aside the Constitution which has been adopted by the people of the United States I say we do as bad and as vicious a thing as an anarchist society when it meets and resolves that it will disregard the Constitution. Let us read this joint resolution. It provides:

That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate, now or hereafter held acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate—

It not only abrogates the terms of written contracts, but it proposes to make a new contract. You propose by this resolution to extend the terms of a contract, even though the parties themselves do not want it extended. You proceed to make a contract between private citizens by a joint resolution of the Congress of the United States. You undertake to sanction that under the rule of necessity. It was old Milton who said, when speaking of Satan, that he justified his course under the doctrine of necessity.

What are you going to do with the fifth amendment to the Constitution, which reads:

No person shall be deprived of life, liberty, or property without due process of law.

What are you going to do with the provision that no State shall pass any law abrogating the terms of a contract, a doctrine which in principle applies to the Federal Government? What are you undertaking when you declare:

Provided, That any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold is hereby declared to be void while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution—

Except to impair, annul, avoid, and cancel the terms of a contract?

What are you doing but simply sitting here in the Senate of the United States and resolving to violate the Constitution adopted by a sovereign people? For shame! For shame! Of course, Mr. President, there is no use in reading the old authors. The other day a bill was brought in here which proposed to try everybody in the United States by a court-martial. Many Senators had been talking to the effect that the Constitution was gone; that it was dead, or temporarily had been sealed up in the catacombs, along with other defunct things, and that it would there remain, only to be resurrected by the trumpets of restored peace when they once more reverberate in the capitals of the world. The President of the United States gave you a rude jolt when he called attention to the fact that the Constitution still lives and must be obeyed. Let me read a little from an old story——

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. REED. Certainly.

Mr. GALLINGER. Does not the Senator from Missouri think that the advocates of that measure received a rude jolt when they ascertained that the Senate would never pass such a bill?

Mr. REED. Well, I am glad if it be true that the Senate would not have passed it.

Mr. GALLINGER. That was pretty well demonstrated.

Mr. REED. I have a number of times seen the Senate line up with great gallantry on things it was "not going to do," and afterwards have seen it do them. The other day I found myself the only man on this side of the Chamber who "voted as he had talked."

I wish to call the attention of the Senate especially to this language of Judge Story:

The remaining clause, as to impairing the obligation of contracts, will require a more full and deliberate examination. The Federalist treats this subject in the following brief and general manner: "Bills of attainder, ex post facto laws, and laws impairing the obligation of contracts are contrary to the first principles—

Let me call the attention of all the Members of the Senate to what old Story says:

Bills of attainder, ex post facto laws, and laws impairing the obligation of contracts, are contrary to the first principles of the social compact, and to every principle of sound legislation.

"Contrary to the first principles of the social compact!" Of course, that is true. They are learning that over in Russia now; they found it out over there when they began to disregard the rights of property, and ascertained speedily that they were starving; that their armies were dissolving like mist before the sun; that their land was beneath the feet of the conqueror; and that the proud nation of Russia was prostrate and enslaved. "Contrary to the first principles of the social compact!"

The two former—

That is, bills of attainder and ex post facto laws—

Are expressly prohibited by the declarations prefixed to some of the State constitutions, and all of them are prohibited by the spirit and scope of their fundamental character. Our own experience has taught us, nevertheless, that additional fences against these dangers ought not to be omitted. Very properly, therefore, have the convention added this constitutional bulwark in favor of personal security and private rights, etc. The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen, with regret and indignation, that sudden changes and legislative interferences in cases affecting personal rights became jobs in the hands of enterprising and influential speculators and snares to the more industrious and less informed part of the community. They have seen, too, that one legislative interference—

Now, notice this—

They have seen, too, that one legislative interference is but the first link in a long chain of repetitions, every subsequent interference being naturally provoked by the effects of the preceding. They very rightly infer, therefore, that some thorough reform is wanting which will banish speculations on public measures, inspire a general prudence and industry, and give a regular course to business and society.

Such was the language of the Federalist at the time these great provisions of the Constitution were under consideration.

The fathers of the Republic knew that unless life, liberty, and property were secure, and that unless legislative interference with these great fundamental rights was prohibited, this Constitution and this Government would speedily disintegrate, and that the liberties of the people would ultimately fall beneath the assault of the foes of freedom; and so they ordained these safeguards. This afternoon we resolve to wipe them out.

Mr. KENYON. May I ask the Senator a question?

Mr. REED. Certainly.

Mr. KENYON. Does the Senator regard the law which we have passed, providing a moratorium for soldiers in case of debt, as in violation of the Constitution?

Mr. REED. Mr. President, I went over that bill and discussed it at the time it was under consideration.

Mr. KENYON. I have forgotten what position the Senator took.

Mr. REED. The position I took at that time was that the proposed law, as we had prepared it, was unconstitutional. I insisted in the committee and insisted on the floor of the Senate that we had a perfect right to protect the person of the soldier but that we did not have the right to stop the mere collection of a debt, and particularly the machinery of a State court. I contended for that as stoutly as I was able to contend.

But, Mr. President, that measure had some relation to the service of soldiers. It could be claimed, and probably will be claimed when the cases come to final arbitrament in the courts, that an interference even with the property of a soldier affects his utility as a soldier and, therefore, there is a direct connection, it may be argued, between the effect of this law upon a soldier and the conduct of the war; but this joint resolution does not even secrete itself behind any such pretense as that.

Mr. KENYON. Of course, anyone reading this joint resolution and thinking about it, is rather startled with its drastic provisions. I voted for it in the committee on a theory which I felt was analogous to that underlying the moratorium bill for soldiers; not that we are taking property, but we are merely suspending a remedy in behalf of persons who are engaged in governmental work and who consequently must not be disturbed. Now, I realize that it does go a trifle further than that, but that is the theory of the joint resolution.

Mr. REED. "A trifle further?" It goes the entire length. I beg my very good friend's pardon, but you can base the joint resolution on no such theory as that. The joint resolution applies to every man, woman, and child in the city of Washington who owns any property and rents it, and to every man, woman, and child in the city of Washington who rents any property.

Mr. KENYON. The bill itself covers only those connected with the Government; but I think that it is true that the joint resolution does go further than that.

Mr. REED. I am speaking of the joint resolution; I am not speaking of the bill. The joint resolution covers everything; nor is the joint resolution limited to the remedy. However, I remark that if we absolutely deny a man a remedy it is the denial of property. You can postpone a remedy for a reasonable time, but you can not deny a remedy. I read again from Story:

Although there is a distinction between the obligation of a contract and a remedy upon it, yet, if there are certain remedies existing at the time when it is made, all of which are afterwards wholly extinguished by new laws, so that there remain no means of enforcing its obligation and no redress, such an abolition of all remedies operating in præsenti is also an impairing of the obligation of such contract.

And this operates in presenti. This joint resolution goes further than that. It undertakes to authorize a court to annul its solemn judgment even after the term of the court has expired in which the judgment was rendered and when the judgment was no longer within the bosom of the court.

Let me read:

That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate, now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, * * * and where such order has been made, but not executed before the passage of this resolution, the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order, rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution.

What an appalling doctrine. Let us see. A year ago a court made an order terminating a lease and ordering the ouster of the tenant, to take place on to-morrow. The court's judgment has been duly recorded, has not been excepted to, and the term of court has expired. The order is about to be executed on to-morrow, whereupon the Congress of the United States, the tribunal that is appointed to guard the Constitution, passes a resolution under which the court can reconsider that case, set aside that solemn judgment, and render any judgment it sees fit.

I want to deal with all due respect with the committee, but I say that the bolshevists in Russia have never adopted a resolution so utterly violative of every principle of civilized government as that. You can not point to such a resolution.

Mr. KENYON. Mr. President, I should like to ask the Senator if this joint resolution were limited to those who are connected with the Government, would he not feel then that the principle was the same as that involved in the soldiers' moratorium legislation, although I know he does not believe that is constitutional and that is a fair matter for dispute?

Mr. REED. The Senator asks me, while I am on my feet, a question that anyone would naturally like to reflect upon for a moment before answering; but, answering in the off-hand way I am required to do, it strikes me that if this were limited to the right to occupy property by those who are actually in the Government service connected with the war, we might, in some measure, approximate the moratorium bill.

But the moratorium bill was defended by its sponsors upon an additional ground; they claimed that it only temporarily affected the remedy, and that even that affectation of the remedy was a matter discretionary with the judge; that is to say, they provided for a short stay of legal proceedings, during which time the defendant was to be notified and was to be represented in a certain way in court; and thereupon the judge had within his discretion the postponement of the proceedings or the postponement of execution. So an additional claim was made for the moratorium bill that it had about it those limitations to which I have referred.

Profiteering can be stopped without this sort of measure; at least it can be greatly limited. I have suggested a means which is not original with me. An excess-profits tax could be levied, and the excess profits could be determined by comparing the present rental with the rental of six months or a year ago, and the tax could be made so great as to take all the landlords unjustly extort.

I have spoken of this resolution rather harshly. Perhaps I ought not to do that; in these times we ought to be prepared for almost everything. New wrongs are springing up and men seek to remedy them, and I have no doubt the committee is acting in the best of faith; but I do beg Senators to remember that it is better even to endure temporary evils than it is to impair the respect for the Constitution. Only the other day we passed a law making it a criminal offense for a man to speak disrespectfully of the Constitution. To-day we propose to pass a resolution to ignore its more sacred terms. No nation ever won a great fight if its leaders lost their heads. These are times for calmness and deliberation, for coolness of action; we should not be precipitated into things.

Let me illustrate that. Some very enthusiastic gentlemen undertook to create by magic, overnight, a fleet of airplanes.

They told all the country how quickly they would have them, and they plunged into the work of constructing those airplanes before they understood the problem. The result is that to-day, in some parts of the airplane program, we are months behind where we would have been if a little time for calm deliberation had been taken and if plans had been made based upon facts and not upon enthusiasm.

Some gentlemen started in in the same way to get certain types of guns. They found a new gun which was going to revolutionize everything, and without sitting down in cold blood and analyzing the proposition and passing upon it on its merits they rushed into the making of contracts for a new type of gun; and yet the heavy gun of that type, which we were told we would have on hand at this time in the thousands, has progressed so little that we have not yet a single gun—not one—not even one to look at. The chart of production shows an interesting and a very sad column of zeros. It would have been better to have taken a little time and to have known what we were doing.

We started rushing soldiers into camps. I speak of this not in harshness; but we got a great many of them in camps before they could be uniformed and before they had guns. It would have been better to have been a little more deliberate and a little more careful. Perhaps two and one-half hours' careful study by one man would have saved the lives of hundreds of these boys.

We have constantly arising before us new difficulties in the legislative field. Most aggravating things occur. A lot of very cheap profiteers see a chance to graft by excessive rents and they start raising rents, and everybody gets mad, and we plunge into a so-called remedy, and yet you will find that you have no remedy. There is not a respectable court in the United States that would not spit upon this joint resolution.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. KING. I am very much in sympathy with the legal argument that is being made by the distinguished Senator from Missouri. I want to call his attention, though, to this situation, which doubtless he has thought of, and to which our attention has been called by other Senators:

We have here a city, as the Senator stated a few moments ago, of approximately 350,000 inhabitants. The overwhelming number of those who are residing here have come from other parts of the Union. Many of them are young girls and young boys.

Mr. REED. Most of whom ought to be sent home.

Mr. KING. I am inclined to think that the Senator is right. Many of the young boys ought to be in the Army instead of being here seeking a Government job. However, they are here. They are dependent for their support upon the salaries which they receive from the Government. After paying the enormous prices required for food and for current expenses, a very small sum is left for them, out of which they have to pay their room rent. I have had at least 200 or 250 clerks speak to me within the past three or four weeks, complaining of the exorbitant rents that are being charged by the building owners of Washington; and quite a number of the young men and young women who have spoken to me have complained that after they had paid one month's rent or two month's rent, as the case may be, the rent was raised.

Only Saturday four spoke to me and said that the landlords demanded $5 a month additional rent; starting with the 1st of next month, and would not consent to rent longer than 30 days, and they anticipated at the expiration of that month an additional raise, and so on; and two of the young men stated that they would leave their positions and return home, because they could not afford to pay these increased rents.

Mr. REED. Five dollars a month?

Mr. KING. That was for one room for one young man. That meant considerable to him. I do not mean to say that the $5 a month was all the rent that he paid; it was an increase that was demanded, and he expected that an additional increase would be demanded for the next month, and so on indefinitely, because his landlord would make no promise as to when there would be a cessation in the demands.

Now, we have that problem here to meet. It is a serious one. This work in which the Government is interested must be done. Many of the young men and women who are here are necessary because of the needs of the Government. Senators have clerks and other employees here. They have to remain. They are necessary to the work which the Senators have to perform. Now, what can be done? What ought to be done? What have we the power to do in order to relieve this situation, because there is no question in the world that there are men renting houses in this District who are selfish, who practice profiteering, and who would exact the last pound of flesh that they possibly could out of the poor people who are compelled to rent?

Mr. REED. Mr. President, if the Senator had been in the Chamber he would have heard me early in my remarks answer the question. I say, first, that this joint resolution is not limited to Government employees, much less limited to those employed in occupations that have to do with the war. The joint resolution applies to every man, woman, and child in the District of Columbia who is a property holder and to every tenant. The joint resolution applies not only to the profiteer who has been doing the things to which the Senator refers, but it applies to the individual who has not raised his rent one penny, and who made, in good faith, a lease under which a tenant was to get out at a certain time; and you deprive him of the chance to use his property as he intended to use it, possibly to transform it into a different kind of building, possibly to have it as a home for a friend or a member of his family who is coming to the city. This joint resolution applies to all of them.

Second, as to the remedy: I have not the slightest doubt that the Congress of the United States, being the supreme legislative body within the District of Columbia, has the power to levy an excess-profits tax and so to phrase that tax law that any man who has raised his rents above what they were at this period last year shall begin to pay an excess-profits tax; and you can make it advance as rapidly as you please, and you can speedily bring it to point where, if the rents are raised very much, the entire excess will be taken over by the Government.

Mr. POMERENE. Mr. President, if I may ask the Senator a question, of course that plan can be adopted; but I am quite sure the Senator would agree with the members of the committee, if he had been present at the hearings, in their conclusion that there has been generally a very exorbitant increase in the rents charged to lessees in the District of Columbia. Now, what relief is it going to be to these tenants to have this excess-profits tax against the landlords or lessors? The purpose of this is twofold.

Mr. REED. I do not understand the Senator's question.

Mr. POMERENE. I tried to point out that there has been a very general and a very excessive increase of rents in the District of Columbia.

Mr. REED. Yes.

Mr. POMERENE. The Senator from Missouri seeks to meet that by an excess-profits tax.

Mr. REED. Yes.

Mr. POMERENE. Now, that would grant some relief to the extent that it might discourage excessive rates; but with that exception it would grant no relief whatsoever to the tenant who has been overcharged.

Mr. REED. My answer to that is this: In the first place, I am inclined to think that some increase in some of the rents is justifiable.

Mr. POMERENE. There is no doubt about that.

Mr. REED. Secondly, I say this, and the figures I use now are purely for illustration: If the Government took half of the excess if a man went to 15 per cent, and if the Government took all of the excess if he went above that, there would be mighty little inducement for a landlord to charge above 15 per cent.

Of course, the figures I have usesd are purely illustrative. I do not mean to say that those are the correct places at which to put the limitation, but I am trying to suggest a legal means by which a result can be reached.

Mr. SAULSBURY. Mr. President, will the Senator permit me to ask him a further question?

Mr. REED. Certainly.

Mr. SAULSBURY. Is it possible that the Government might be deprived of all of its employees in the District and, to a large extent, the functions of the Government here cease while you were trying experiments with the taxing power on landlords to make them give Government employees an opportunity to live in the District of Columbia?

Mr. REED. Oh, Mr. President, I do not think that question reaches the matter. If the Government were about to be deprived of all of its employees, there is a way in which even that could be reached, and that is by taking over the property for a public use, by commandeering and taking the property and paying for it. That would be a legal method; but you do not answer an insuperable constitutional objection by referring to the difficulties that may be in our way.

I know that it would be utterly useless to make the argument I have just made to a crowd upon the street corner, but it ought not to be useless here. I assert without the slightest fear of

being found to be a false prophet that if you pass this sort of joint resolution, the building that will take place in this town during the rest of this war will be Government building, and we will have to take the money out of the taxes of the people to build the houses, because no man in his senses will build once you assert the right of Congress to come in and fix the rent and the terms of the lease, because no man will know whether Congress will fix them on the basis of a reasonable return or not.

Whenever we allow ourselves to go before the world as having torn up all the old anchors and having destroyed the Constitution, as having, simply because we are incensed at the outrages and wrongs of some individual men, been willing to batter down the bulwarks of liberty which were painfully erected by the hands of the fathers which have been baptized with the blood and tears of thousands and which we have hoped and prayed may endure forever—whenever we go before the world with that sort of doctrine, money will go into hiding, and no man will invest it. But if you pass a law here that you have a right to pass, even though you may too much limit the profits according to the opinion of some gentlemen who may be interested, nevertheless you have recognized the rights of property and the security of property.

These things are not so bad as they are pictured. We read a few articles in the paper and we get one or two letters, and we grow excited.

Mr. POMERENE. Mr. President——

Mr. REED. Just let me finish this sentence.

Now, where is the exodus of clerks from Washington? Where are these people who can not get homes? They are coming, coming, coming—as my friend, the Senator from Utah [Mr. KING] suggests—a hundred thousand strong. They are getting off the trains with their grips. If the recruits for the Army were coming as rapidly as the recruits for the departments there would not be any necessity for the new draft, for they would volunteer faster than we could build ships to take them over. It is utter nonsense to stand here and say that the Federal Government is to be paralyzed by these rent raisers. My friends ought not to make that argument, because it is not a sound argument. It is not an argument based on facts. Moreover, I venture the assertion that there are many thousands of landlords in this city who have not raised their rents a penny, and do not intend to.

I talked to a landlord who has a very fine apartment building not far from where my distinguished friend from Ohio [Mr. POMERENE] lives, or where he recently lived. He said to me that he had not raised his rents a penny; but he declared: "I have found that a considerable number of my tenants have sublet their premises at an advance of two and three and four hundred per cent. Some of them have gone out of the town to reside, and they are living off the profit; but," he said, "that will all terminate on the 1st day of October. I am writing in every new lease I make a clause that there shall be no subletting, and I am doing it for the first time in my life, because of the abuse of these subtenants."

I have no doubt that if the leading landlords of this city were called into a room by a committee of the Senate, or by a commission appointed by the President of the United States, and it were put up to them as a patriotic duty to keep their rents where they were a year ago, with perhaps a slight advance to make up for the additional cost of maintenance and keeping up property, the principal landlords of this city would sign an agreement of that kind to-morrow. The people of the country have shown that disposition most magnificently. The coal men of the United States got together and agreed on the price of coal. Somebody said it was too high and kicked it all over, and we have been producing less coal every day since they kicked it over, and we are paying substantially the prices now that were agreed upon then. There are ways to handle these matters without losing our heads over them.

I go back to what I said a while ago. I put it upon the conscience of Senators. We passed a law the other day—nearly everybody voted for it—that if any man spoke disrespectfully of the Constitution of the United States he could be sent to the penitentiary; and in this body, by solemn resolution, we propose to disregard its most sacred precepts. If we do that in this body, if we disregard the Constitution here, if we undertake to set ourselves up as above the Constitution, higher than the great fundamental law adopted by the people, if we run counter to these principles, which the writers of the Federalist said were a part of the social compact and could never be set aside, because they existed before constitutions were written and would exist when constitutions were dead and forgotten—if we do that here, what will you expect from the Industrial Worker of the World, steeped in ignorance and whisky? If we disregard the Constitution, what do you expect him to do? If we disregard the rights of property, what do you expect of the fellow who is urged to drive a steel wedge into the end of a log to destroy a saw that is to cut it into timber? If we here in this Chamber set the example of a disregard of law and of Constitution, what can you expect from the base-born, the base-raised, the low of intellects, the ignorant, who follow on and on where shrewd criminals lead?

I know, as I stand and make these remarks, that somebody is likely to say that I am in favor of profiteers in Washington. I wish that every man in Washington who has played the hog could have his name printed where all men could read it for all time. I wish he could be branded as a man who speculated upon his country's necessities, who took advantage of the war in order that he might coin money out of the war. I should like to put his picture in contrast with that of the boy going over the trench and giving his life while this fellow grabs dollars from somebody at home. I hold such a man in a contempt that is inexpressible; but I hold this old Constitution in a respect that is unutterable, because it is the palladium of our rights, because when it is destroyed the night of anarchy will have settled upon this earth and civilization will have been lost within its shadows.

Mr. WILLIAMS. Mr. President, I have listened with a good deal of edification to the remarks of the Senator from Missouri, and especially to his constantly repeated inquiry: "What are we to expect of the I. W. W.'s if we try to curb them?" My answer will be in asking another question: "What are we to expect from the I. W. W.'s if we do not expect to curb them?" And as a mere commentary upon the two questions I would suggest that the ordinary I. W. W. had better thank God that he is not shot; and I can not see why anybody should be tender about his so-called rights. I do not see that he has any. I never did conceive that either a murderer or a horse thief had any rights after you had convicted him of murder or of horse theft. These people have got to be convicted before they are punished.

I did not rise for that purpose, however, Mr. President, I rose for another purpose.

Mr. REED. Mr. President, will the Senator yield?

Mr. WILLIAMS. Yes; of course.

Mr. REED. Did the Senator think I was talking about the I. W. W.'s and defending them? I was talking about a rent bill.

Mr. WILLIAMS. Oh, but the Senator went on to say: "We are going to do this; we are going to violate the Constitution; we are going back upon the original federalistic principles that existed before the Constitution was adopted—the eternal principles, and so on; now, what will the I. W. W.'s do?

Mr. REED. I understand the Senator's logic now.

Mr. WILLIAMS. My answer is that the I. W. W.'s would do just as much if we did not pass the legislation as they will if we do, and that they would do a good deal more.

But, Mr. President, I did not rise for that purpose.

The VICE PRESIDENT. What is the request of the Senator from Mississippi?

BUREAU OF WAR-RISK INSURANCE.

Mr. WILLIAMS. I submit a report from the Finance Committee favorable to the passage of the bill (S. 4482) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended, and I submit a report (No. 428) thereon. I request the publication of the report and of the appendix accompanying it, which consists of the hearings before the subcommittee of the Finance Committee that considered the two House bills of which Senate bill 4482 is a consolidation. I also ask that there be published the usual number of the hearings of the subcommittee, whatever it is, that is printed for the use of the Senate.

I ask that the report of the committee be published, and that the bill go to the calendar, and that a sufficient number of copies of the hearings before the subcommittee be published for the use of the Senate.

Mr. SMOOT. Mr. President, I understood the Senator to say that the hearings before the subcommittee were to be printed as a part of the committee report. Am I correct? There is no necessity of having a further number printed, is there?

Mr. WILLIAMS. Well, I do not know. How many copies of the report will be published under the usual order? I only want printed enough copies of the hearings for the use of the Senate.

Mr. SMOOT. There will be about 200.

Mr. WILLIAMS. Oh, well, that is sufficient. Then I withdraw the request for a special publication of the hearings before the subcommittee, and just ask that the usual number of copies of the report, which contains the hearings, may be published.

The VICE PRESIDENT. Without objection, the report will be printed, and the bill will be placed on the calendar.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Mr. CALDER. Mr. President, I move to strike out the amendment adopted just a moment ago on the motion of the Senator from Idaho [Mr. BORAH], and to insert in its place the matter which I send to the desk.

The VICE PRESIDENT. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. In lieu of the amendment proposed by the Senator from Idaho [Mr. BORAH], on page 2, line 2, after the word "landlord," where the words "or bona fide purchaser" were inserted, on page 2, line 4, after the word "Government," it is proposed to insert:

Or where the property has been disposed of to a bona fide purchaser for his own occupancy.

Mr. CALDER. Mr. President, this is substantially the same amendment, but it permits property to be sold to a person other than a Government employee. It might be that an individual owning property in the District of Columbia would find it necessary to sell his property to protect some interest, or perhaps in a case where a mortgage was being called, and he could not find a purchaser who was a Government employee, but he could find one who was not. It seems to me it would be very unfair if he was prevented from selling it and giving possession to a man who was not a Government employee.

Mr. SAULSBURY. Mr. President, I do not think there is any special objection to that amendment, except that it enlarges the cases of possible hardship. I ask that the amendment be again reported, so that I may be sure of the wording of it. I think it is all right, and I am perfectly willing to have the amendment accepted.

The Secretary again read the amendment.

Mr. SAULSBURY. I am perfectly willing that the amendment shall be adopted. I ask for its adoption.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The joint resolution is as in Committee of the Whole and open to further amendment. If there be no further amendment, the joint resolution will be reported to the Senate.

Mr. REED. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Calder	Hollis	Saulsbury	Thomas
Chamberlain	Kenyon	Sheppard	Thompson
Curtis	McCumber	Sherman	Tillman
Dillingham	New	Simmons	Trammell
France	Norris	Smith, Ga.	Underwood
Gallinger	Page	Smoot	
Gronna	Pomerene	Sutherland	
Henderson	Reed	Swanson	

The VICE PRESIDENT. Twenty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KING, Mr. MCNARY, Mr. MARTIN, Mr. POINDEXTER, and Mr. SMITH of South Carolina answered to their names when called.

Mr. BANKHEAD, Mr. GERRY, Mr. BORAH, Mr. KENDRICK, Mr. KIRBY, Mr. FLETCHER, Mr. RANSDELL, and Mr. NELSON entered the Chamber and answered to their names.

Mr. RANSDELL. I wish to announce the absence of my colleague [Mr. GUION] on very important business, which necessarily called him away.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. SHAFROTH entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is no quorum present.

Mr. SAULSBURY. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 7, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 6, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God of the ages, Infinite Spirit, whose brooding love is over all, in us all, through us all; unheralded, yet pronounced; unseen, yet known; unheard, yet felt; the inspiration of all that is purest, noblest, best in man. It binds us together into families, where all the sweetest and purest affections have their sway; unites men into nations; makes patriots, statesmen, and loyal citizens; builds churches the centers from which radiate charity, philanthropy, schools, and colleges; makes the whole world akin; promises the final brotherhood of all peoples; and now abideth faith, hope, love, these three; but the greatest of these is love, the crown of all humanity.

No one is so accursed by fate,
No one so utterly desolate,
But some heart, though unknown,
Responds unto his own.
Responds, as if with unseen wings,
An angel touched its quivering strings;
And whispers, in its song,
"Where hast thou stayed so long!"

Hasten the day when love shall have its sway; wars cease; hate, revenge, jealousies, and unholy strife give way to its warm and penetrating rays; through Him who revealeth its power in an heroic sacrifice for all mankind. Amen.

The Journal of the proceedings of Saturday, May 4, 1918, was read and approved.

EXTENSION OF REMARKS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD a speech made in my district, at Jacksontown, Mo., on Liberty Loan Day by Hon. XENOPHON P. WILFLEY, who since that time has been appointed by the governor of Missouri to the United States Senate. At that time it was not known by him or anyone else that three days later he would be appointed to the Senate, but this address did him great credit as a private citizen, and equally so now as a United States Senator.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by inserting therein a speech made by Senator WILFLEY, of Missouri. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, and I shall not object, I will inquire of the gentleman from Missouri whether Mr. WILFLEY has yet taken the oath of office as Senator?

Mr. RUSSELL. He has not taken the oath as yet, but he is expected to take it to-day. He is expected to be here at 1 o'clock.

Mr. DYER. I have no objection to the insertion of the speech, and I would be glad to see it in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered by our distinguished colleague, Dr. FESS, at Hartford, Conn., on Sunday, March 17, 1918, on the subject of the war.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

FOOD PRODUCTION.

Mr. CANDLER of Mississippi. Mr. Speaker, by direction of the Committee on Agriculture, I report herewith the war-emergency appropriation bill (H. R. 11945, H. Rept. No. 535), making appropriations to carry on the work required by the food-production act for the fiscal year 1919.

Mr. STAFFORD. Mr. Speaker, I reserve——

The SPEAKER. The gentleman from Wisconsin reserves all points of order.

Mr. STAFFORD. I withdraw the reservation.

Mr. GARNER. I renew the reservation.

The SPEAKER. The bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3,

title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On April 29, 1918:

S. 3476. An act to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army.

On May 6, 1918:

H. R. 10613. An act to provide for the collection and disposal of garbage and miscellaneous refuse of the District of Columbia.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take up for consideration at this time the bill H. R. 9959, increasing rates of pensions of soldiers and sailors of the Civil War.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take up for present consideration the bill H. R. 9959, a pension bill. Is there objection?

Mr. STAFFORD. Mr. Speaker, I think we ought to have the bill reported first.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the rate of pension of any person who served in the military or naval service of the United States during the Civil War and was honorably discharged therefrom, and who is now in receipt of a pension or shall hereafter be granted a pension under the provisions of any general law, or is now pensioned under a special act of Congress, and who is entitled to a pension less than $25 per month, shall be $25 per month.

In case such person has reached the age of 70 years and served one year, the rate of pension shall be $26 per month; one and one-half years, $28 per month; two years, $30 per month; two and one-half years, $31 per month; three years or over, $32.50 per month.

In case such person has reached the age of 75 years and served 90 days, $27 per month; six months, $29 per month; one year, $31 per month; one and one-half years, $35 per month; two years or over, $39 per month.

That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, shall be paid the rate of $39 per month, without regard to the length of service or age.

SEC. 2. That any person who served in the military or naval service of the United States during the Civil War and who was honorably discharged therefrom, and who is now pensioned or shall hereafter be pensioned under any general law, or who is now pensioned under special act of Congress at a rate of $20 per month or more, shall be entitled upon the passage of this act to receive in lieu thereof a rate which shall be fixed by the Secretary of the Interior, in multiples of 50 cents, nearest approximating 30 per cent additional to the present rate: *Provided*, That no rate of pension shall be granted under the provisions of this act in excess of $50 per month: *Provided further*, That no pension heretofore granted shall be reduced by this act.

SEC. 3. That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or national soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

SEC. 4. That the increased rates of pension provided by this act shall commence from the date of the approval of said act, or, in case of original pensions hereafter allowed, from the date of commencement of such pensions as provided by existing laws.

SEC. 5. That no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is this bill on the Unanimous Consent Calendar?

The SPEAKER. It is not on the Unanimous Consent Calendar.

Mr. GARRETT of Tennessee. Then I object.

Mr. GILLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. Although it would not be in order to-day, yet to-morrow, it being a privileged bill, if the Speaker should recognize the gentleman from Ohio he could bring it up by motion, could he not?

The SPEAKER. Yes. There are several ways to bring it up.

Mr. GARNER. Mr. Speaker, this being also suspension day, if the gentleman from Ohio should move to suspend the rules and pass the bill and two-thirds should vote for it it would pass, would it not?

The SPEAKER. It would, undoubtedly.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Is the motion to take it up as a privileged matter now in order?

Mr. GARRETT of Tennessee. This is unanimous-consent day.

Mr. LANGLEY. But it is a privileged bill?

The SPEAKER. That does not prevent it being considered by unanimous consent.

Mr. LANGLEY. I know; but unanimous consent has been objected to, and my inquiry is whether or not the gentleman from Ohio could not make the motion to take it up now.

The SPEAKER. It has already been objected to.

Mr. GILLETT. Mr. Speaker, I desire to submit a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. If it should be brought up by unanimous consent, it would not be subject to amendment, but if it was brought up to-morrow in the regular order, it would be subject to amendment, would it not?

The SPEAKER. If it is brought up by unanimous consent it is subject to amendment.

Mr. GILLETT. If it is brought up by motion to-morrow, it would be subject to amendment?

The SPEAKER. Yes, it would; and it would if unanimous consent were given to consider it now.

Mr. GILLETT. But if brought up under suspension of the rules it would not?

The SPEAKER. No.

Mr. CANNON. Mr. Speaker, I would like to ask the gentleman from Ohio if he will not ask for unanimous consent to consider this bill to-morrow immediately after the reading of the Journal in the House as in Committee of the Whole House on the state of the Union?

Mr. SHERWOOD. Mr. Speaker——

Mr. CANNON. And if unanimous consent is given, why the bill could be speedily disposed of.

Mr. SHERWOOD. I will say to the gentleman from Illinois I am instructed by the committee of which I am chairman to ask unanimous consent for this bill. I shall have to consult with the committee. As far as I am individually concerned, I would be willing to make that motion. This bill has been on the calendar since the 27th of February, over two months, and in the meantime 6,250 have died. I am anxious to get this bill up for consideration at the earliest possible moment.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. CANNON. Mr. Speaker, I will ask unanimous consent——

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the gentleman from Ohio should move now to suspend the rules and two-thirds should vote to suspend the rules and pass the bill, it would pass the House, would it not?

The SPEAKER. If it got two-thirds, it would.

Mr. GARNER. Why will not the gentleman move to suspend the rules?

Mr. SHERWOOD. Mr. Speaker, I will move to suspend the rules and pass this bill.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. If the House should follow the suggestion of the gentleman from Texas and pass the bill under suspension of the rules, there would not be any opportunity to amend the bill, would there?

The SPEAKER. The Chair just stated that. The matter voted on when a motion is made to suspend the rules is what is read from the Clerk's desk, and you could not amend it except by unanimous consent.

Mr. DYER. Mr. Speaker, I hope under those circumstances——

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the request of the gentleman from Ohio to suspend the rules and pass this bill.

Mr. LANGLEY. I desire to ask the gentleman from Ohio if he will yield to me for a question?

SEVERAL MEMBERS. Regular order!

The SPEAKER. Regular order is that the gentleman from Ohio [Mr. SHERWOOD] moves to suspend the rules and pass this bill. Is a second demanded?

Mr. GILLETT. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] demands a second.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Would it be in order now to ask unanimous consent to have an hour's debate on a side, on account of the importance of this bill?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

Mr. LANGLEY. I have a right to ask the question.

The SPEAKER. Does the gentleman from Massachusetts agree that the second be considered as ordered?

Mr. GILLETT. Yes.

The SPEAKER. The gentleman from Ohio has 20 minutes and the gentleman on the other side——

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. The gentleman from Ohio moves to suspend the rules and pass the bill?

The SPEAKER. Yes.

Mr. RUSSELL. The gentleman from Massachusetts [Mr. GILLETT] demanded a second?

The SPEAKER. Yes.

Mr. RUSSELL. The gentleman from Ohio asked unanimous consent that a second be considered as ordered. Now, was that done?

The SPEAKER. The gentleman from Massachusetts agreed to it.

Mr. RUSSELL. But the whole House has a say about it.

Mr. LANGLEY. There was no objection.

The SPEAKER. There is no question as to what the House thinks about. The gentleman from Massachusetts agreed that a second be considered as ordered, and the gentleman from Ohio has 20 minutes and the gentleman from Massachusetts 20 minutes.

Mr. GILLETT. Mr. Speaker, I yield the control of that time to the gentleman from Kentucky [Mr. LANGLEY], the ranking minority member on the committee.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RUCKER. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. I desire to know if after the 40 minutes' time has been consumed there will be any opportunity to discuss this bill?

The SPEAKER. There will not, unless the House gives unanimous consent.

Mr. SHERWOOD. Mr. Speaker, I shall not occupy very much time on this bill. This bill has been very carefully considered by the Committee on Invalid Pensions, and this is a unanimous report of that committee. The whole question of pensions has been thoroughly discussed for about half a century. Latterly, since the act known as the Sherwood dollar-a-day pension bill was enacted, on the 11th day of May, 1912, the question of system and the basic construction of pensions has been thoroughly settled. This bill disturbs no existing order. It places pensions upon the basis which was adopted on the 11th of May, 1912. The Grand Army of the Republic, which represents about 45 per cent of all of the surviving soldiers of this war, at an encampment which met at Boston last year appointed a legislative committee to have charge of all pension legislation demanded by the Grand Army of the Republic. I was not present at that encampment, but the soldiers of that encampment made me a member of that legislative committee. The legislative committee met in the city of Washington recently before this bill was prepared, and I met with that committee, and this bill was prepared in harmony with recommendations of that committee. This bill carries at present, according to the best estimates—or will carry, if enacted into law by the 1st of July, 1918—just about $21,000,000. Now, there are so many Members who have asked for time on this question, and it is so well understood, that I will not occupy any more of the time of the House.

Mr. DYER. Will the gentleman yield for one question?

Mr. SHERWOOD. Certainly.

Mr. DYER. Did I understand the gentleman to say that this bill now before the House meets with the approval of the Grand Army of the Republic?

Mr. SHERWOOD. Well, I have had about 800 letters on the bill, and I have received resolutions adopted by the Grand Army of the Republic in favor of the bill from Ohio to Oregon. Two of these were from the largest Grand Army posts in Ohio—one the Forsyth, of Toledo, and the other an indorsing letter from McKinley Post, of Canton. Here is the resolution that was adopted unanimously after full debate by the Forsyth Post, of Toledo, Ohio. And I want to say further, that I never sent a letter to a soldier, and no propaganda has been carried on in favor of this bill. Whatever has been done has been voluntary. Let me read the resolution of Forsyth Post, Grand Army of the Republic. It is as follows:

TOLEDO, OHIO, *February 25, 1918.*

HON. ISAAC R. SHERWOOD,
House of Representatives, Washington, D. C.

DEAR SIR: A copy of your recent pension bill was presented to the post at our stated meeting on February 19, 1918, by Comrade Willard Van Wormer, and by verbal resolution the post heartily indorsed its provisions and trust that it may receive the support that it merits and become a law. Thanking you for your past and continued efforts in behalf of the old soldier of 1861 to 1865.

I was instructed by the post to convey to you the above information.

Yours, in F., C., and L.,

J. W. BROWNSBERGER,
Adjutant of Forsyth Post, No. 15,
Grand Army of the Republic, Department of Ohio.

Mr. DYER. Do I understand the legislative committee which represents the encampment of the Grand Army of the Republic approves of the bill? That is what I wanted to know.

Mr. SHERWOOD. It is my understanding that a majority of the committee approves it.

Mr. DYER. The commander in chief also?

Mr. SHERWOOD. The chairman of the committee, Mr. Washington Gardner, said we ought to put in a resolution asking for $40,000,000 as a sort of something to aim at, and I agreed to it.

Mr. CANNON. Will the gentleman from Ohio yield to a question?

Mr. SHERWOOD. Yes, sir.

Mr. CANNON. As I understand it, whoever of these soldiers has $1,000 a year income does not get the advantage of the provisions of this bill?

Mr. SHERWOOD. No, sir; he does not.

Mr. CANNON. Then, as I understand, all the 19,000 people who are in the soldiers' homes are excluded?

Mr. SHERWOOD. Twenty-three thousand.

Mr. CANNON. I do not believe there are that many. There are 19,000, I think, of the Union soldiers in them.

Mr. SHERWOOD. It is 23,000, according to the report of the Secretary of the Interior.

Mr. CANNON. Well, whether it is 19,000 or 23,000, they do not get the advantage of this bill while they are in the soldiers' homes?

Mr. SHERWOOD. No, sir; they do not; and I will tell you the reason why. This is an emergency measure. They are all drawing liberal pensions now. Formerly, when a similar bill passed, it cost the Government $240 a year for every soldier in the soldiers' homes, and now it costs $400, and if you include these soldiers you will give the inmates of the soldiers' homes $400 more in pensions and support than those outside.

Mr. CANNON. Will the gentleman allow me a single remark in his time? I am going to vote for this bill under suspension of the rules. It is better than no bill a good deal, but I think it does an injustice to the men who are receiving $1,000 income and to the men in the soldiers' homes, and I think the bill ought to be amended. That is all I want to say. [Applause.]

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, I want to know if it would be in order to ask unanimous consent to double the time on each side?

The SPEAKER. Yes.

Mr. RUCKER. Let me say that this is an important matter, and many of us want to talk on it. Therefore I ask unanimous consent that the time may be extended so that each side will have 40 minutes of debate.

Mr. SHERWOOD. That is perfectly agreeable to me.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that the time be extended 20 minutes a side, so that instead of having 20 minutes on a side each side will have 40 minutes. Is there objection?

Mr. ASWELL. Mr. Speaker, I object.

Mr. RUCKER. Will it be in order to move——

Mr. LANGLEY. I yield three minutes to the gentleman from Indiana [Mr. BLAND].

Mr. ASWELL. Mr. Speaker, I withdraw my objection.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] withdraws his objection. Is there objection to the length of time for this debate being doubled, on the request of the gentleman from Missouri [Mr. RUCKER]? [After a pause.] The Chair hears none.

Mr. BLAND. Now, I think I had three minutes, granted to me by the gentleman from Kentucky [Mr. LANGLEY], and I would like to ask him if he would make it six minutes now?

Mr. LANGLEY. Yes.

Mr. BLAND. Mr. Speaker, I do not think there are a half dozen men in this House that would say that this measure meets with their approval, and it seems strange to me that the House finds itself in a position where it can not have the opportunity of amending the bill it is now considering so as to meet the approval of the House. Most of you gentlemen have slobbered over the old soldier in your districts at home; have told him how anxious you were to vote for a dollar-a-day pension. Why, indeed, some six years ago I was running for Congress against a Member who sat on that side of the House, and he rose at a soldiers' reunion and said, "Let me read from the CONGRESSIONAL RECORD. When I was in Congress, not long ago, the CONGRESSIONAL RECORD shows that I rose in my seat and the Speaker said, 'For what purpose does the gentleman rise?' and I said, 'I rise to amend the appropriation bill by adding on a dollar a day for the old soldiers.' And," he said, "Gentlemen, what do you think JOE CANNON said to me—your Representative. Why, JOE CANNON said, 'You are out of order,' and I had to sit down."

You do not have to be out of order if you gentlemen are sincere on that side of the House about getting the proper kind of a pension bill reported here. The able gentleman from Connecticut [Mr. TILSON] last Saturday during the discussion we had on pension matters pointed out clearly and unmistakably how this bill could be considered. We adjourned at 4 o'clock last Saturday afternoon, when it would have been clearly in order for the chairman of the Invalid Pensions Committee to have obtained recognition for the purpose of moving consideration of this bill as privileged. The gentleman from Connecticut put it squarely up to that side of the House then and you adjourned. And I want to say to you that the fact that you are bringing it up this morning on suspension day shows you are not in sympathy with giving the soldier that to which he is entitled. I do not think the Speaker would deny the right of bringing this bill up here as a privileged matter. It has as high privilege as any bill has before this House to-day, and, under the rules of the House, if the chairman of this committee should on any other day except when higher privileged matters are being considered rise and ask that the bill be considered it could be considered, and then you gentlemen would have the opportunity of offering an amendment to give the dollar a day that you have been promising the old soldier all the time. I am looking into the faces of men on this side of the Chamber who have bills introduced for "dollar-a-day" pensions, and yet you sit still and permit this kind of an affair to be pulled off and bring this bill up under the suspension of the rules and run it over us fellows and make us swallow whole a bill that does not answer the requirements of a pension bill at this time. Of course I will vote for it, for it is all you are going to give us and it provides for an increase, which will help some.

Now, gentlemen, what does this bill contain? It provides for a $25 minimum, the same amount the widows are getting to-day. It provides for a 30 per cent increase, a mere bagatelle, where a man is old and is totally incapable of performing manual labor. It also provides for no increase for a soldier with an income of $1,000 including his pension, and if he is in a soldiers' home he can not get the increase.

As I remember, the chairman of the committee stated that the legislative committee of the Grand Army of the Republic was in favor of this bill. I have in my possession, and I will insert in the RECORD here, if you ask it, letters from the National Grand Army of the Republic officers, which will show that they positively oppose this bill and are for the provisions which are contained in my separate report, which is a copy of the Smoot bill in the Senate.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. LANGLEY. Mr. Chairman, I yield to the gentleman one minute more.

The SPEAKER. The gentleman from Indiana is recognized for one minute more.

Mr. BLAND. The amendment I proposed to offer to the bill includes the provision of the Smoot bill, which provides for a $30 minimum and a $40 maximum, graduated between these amounts in accordance with age and service, and not affecting pensions of soldiers who get more than $40 per month. That is the kind of bill you would get if you permitted that amendment, and that is why you are bringing this bill up under suspension of the rules. That shows the insincerity of that side of the House on the pension question. Some of you are gritting your teeth about it, and some Members of this House on your side do not like the way this bill has come up. Some of you are in favor of giving the soldier more money than the bill provides for. You ought to have the nerve to get up in your places and say so.

Mr. SHERWOOD. Mr. Speaker, will the gentleman give me some resolution passed by some Grand Army post against the bill?

Mr. BLAND. I will give you plenty of letters in favor of the Smoot bill and my proposed bill, and I will give you strong letters against this bill, which I think you admit yourself is not satisfactory.

Mr. SHERWOOD. Can the gentleman give me any resolution passed by any Grand Army post against this bill? That is the question. Has the gentleman any such resolution?

Mr. BLAND. I have such resolutions in favor of the other bill—the Smoot bill. I have a communication from the National Commander of the Grand Army saying that they are for the Smoot bill, and that is what this House would have passed if the gallant chairman of the committee had been granted permission to call this bill up as privileged when he asked for that privilege.

Mr. SHERWOOD. He is not a member of the legislative committee.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. LANGLEY. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER. The gentleman from Illinois is recognized for four minutes.

Mr. CANNON. Mr. Speaker, I shall vote for this bill, as I indicated when the gentleman from Ohio [Mr. SHERWOOD] was kind enough to yield to me to ask him a question. I believe that a bill of this kind ought to have been considered in the House with opportunity for amendment. If so, I believe it would have been amended in at least two particulars. I believe the $1,000 proposition would have been cut out, and I believe that the men in the soldiers' homes—19,000 or 23,000 of them, as the case may be—would be entitled to the benefits of the bill.

The men in the Army that preserved the Union received all the way from $13 to $15 a month. The men—privates—in the present great world's contest receive $30 a month, and one-half, or $15 more, for the dependent wife and from $5 to $8 more to the children. In addition to that, they get insurance at the rate of $8 per thousand. Now, then, I am glad of it. We all voted for it. But let us recollect one thing, that there are less than, say, 300,000 men now surviving of that Grand Army of 2,200,000 men that saved this Union. It was their force. They are now in their old age. We are spending money by the many billions. Dying, as they are, by multiplied thousands, it seems to me that it is good politics for all the people, Democrats and Republicans, men in the Army and in the Navy in this great war, from the sentimental standpoint as well as the just standpoint, that these people should not be cut out of this pension bill, and it ought to be amended. That is all I want to say. [Applause.]

Mr. LANGLEY. Mr. Speaker, does the gentleman yield back any time?

The SPEAKER. The gentleman yields back one minute.

Mr. ASHBROOK. Mr. Speaker, I have been asked by my colleague from Ohio in charge of the time to yield time on this side. I yield 10 minutes to the gentleman from Missouri [Mr. RUCKER].

The SPEAKER. The gentleman from Missouri is recognized for 10 minutes.

Mr. RUCKER. Mr. Speaker, I am heartily in accord with the sentiments expressed by the distinguished gentleman from Illinois [Mr. CANNON], who has just taken his seat. He presents humane reasons, just reasons, for increasing the pension of the soldiers.

I can not agree with the views expressed by the distinguished gentleman from Indiana [Mr. BLAND]. Indeed, I think the gentleman has betrayed his ignorance—and I do not use the word offensively—his want of knowledge, of pension legislation. The gentleman stands here in the presence of a distinguished and gallant old Federal soldier, the chairman of the Committee on Invalid Pensions, as true a friend as those composing the Grand Army ever had [applause], and challenges the good faith of that gentleman because he asks for the passage of this bill under suspension of the rules. He alleges insincerity on the part of Members on this side of the House.

Does the gentleman recall that the Sulloway bill, which provided the highest rates of pension that any bill ever had provided up to that time, was passed in this body by Democratic votes, was sent to a Republican Senate, and there met its death in the arms of its supposed friends—the Senate, with a big Republican majority? Why did not the Senate pass the Sulloway bill? Let the gentleman from Indiana answer. Then following the defeat of the Sulloway bill by a Republican Senate

does not the gentleman recall the fact that soon after Democrats came into power in the House this old chieftain, who gallantly and bravely followed the flag for four years, Gen. SHERWOOD, brought in the Sherwood pension bill, under which to-day millions of homes are made happy, because that Democratic pension bill—the Sherwood bill—provides the highest rates of pension ever paid to soldiers in America? Again, does not the gentleman from Indiana [Mr. BLAND] know that the Sulloway bill was passed in the House on a motion, made by a Republican, to suspend rules, just as the gentleman from Ohio [Mr. SHERWOOD] is seeking to do now?

Mr. LANGLEY. Mr. Speaker, will the gentleman yield for a question?

Mr. RUCKER. Yes. But make your question short. I have not the time nor inclination to submit to cross-examination.

Mr. LANGLEY. The gentleman made a statement which I think it is incumbent upon me to qualify. It is true that that bill—the Sulloway bill—went to the Senate, but it is also true that it was objected to by Democratic Members of the Senate.

Mr. RUCKER. The gentleman's party was in power in the Senate and had the votes to pass the bill regardless of Democratic opposition if it had so desired. Let me say in regard to the widows of old soldiers, the mothers of the boys who are to-day fighting on the firing line in France, that they were taken care of not by Republican action, but by Democratic action, and it remained for my Democratic friend from Ohio, Mr. ASHBROOK, to bring in the best, because the most liberal, bill ever passed granting pensions to widows.

Mr. BLAND. Who does the gentleman think should be entitled to the most credit for the last widows' increase?

Mr. RUCKER. I do not think the amendment the gentleman refers to should have passed in the form it did. It is discriminatory and unfair, as most all things are which are done by Republicans. Nobody should get credit for it. Everybody responsible for it should be blamed. If it had included other meritorious classes of widows I would gladly give it my approval. Let us get rid of this rubbish.

The gentleman from Indiana ought to revise his knowledge of pension legislation before he assaults on the floor of this House one of the best friends the soldier ever had, Mr. SHERWOOD, or the Democratic Party, which has done more for the veterans of our wars than the Republican Party ever did. But I am not advocating the passage of this bill under suspension of rules. The bill ought to be amended, and as it can not be amended under this motion to suspend the rules I am going to vote against it. If the pending motion is voted down, the bill can again be called up, as it is privileged, and then we will have opportunity to at least consider amendments. Unlike my friend from Indiana, I am not seeking votes. I am seeking only to discharge my duty as I see it. I will not vote for the motion to pass, under suspension, this bill in its present form, and I will tell you why. No one will seriously question my fidelity to the soldier, his widow or dependents. I do not object to increasing the pensions of soldiers where an increase is justified or merited, but I do object to passing this measure without the privilege of offering amendments, because there are some things in the bill that are radically wrong. [Applause.]

When I tell you the provisions I object to my Republican friends probably will not applaud, because I think the gentleman who applauded never applauds anything which is really right. [Laughter.] I object to the pending bill for this reason: Under it and as it is written about $1,000,000 will be taken in the form of taxation from the people of the United States, in addition to all the great burdens that have already been placed upon them, and will be sent to foreign lands to pay increase of pensions to men who have not gazed on the Stars and Stripes, many of them, in 25 years—probably not in 50 years.

Not only that, but some five or six hundred men living in Germany and Austria-Hungary, where our boys are to-day being slain on the battle line, will draw increased pensions if this bill passes. Those who prefer to live in a country which has insulted the dignity of our flag, murdered our citizens, destroyed our commerce, and challenged the sovereignty of this great Republic would be beneficiaries under this act. I, for one, speaking for myself alone, will never vote to tax an American citizen to pay more money into the coffers of people who have turned their backs upon America and who prefer to live in Germany or Austria-Hungary. I will not vote for this bill for these reasons, and I give notice now that when the general pension appropriation bill comes before the House I will offer amendments which, if agreed to, will cut every foreigner off our pension rolls. I have stopped voting to tax American citizens to pay pensions to foreigners.

Let me say to my Republican friends, who always profess love for the soldier, when you had opportunity and power to really prove your friendship for the soldier you never brought in such a bill as this. Why, when my distinguished friend from Illinois [Mr. CANNON] was Speaker of this House—and everybody knows his will was the supreme law, and it, perhaps, ought to have been, because he is the best man among you and knows more than all of you, and I speak with great respect for him—you did not do then what we have done since. It was not until there was a Democrat in the Speaker's chair and a Democratic majority in the House that the initiative was taken, the one long step which brought joy and relief to the soldiers of our land. I repeat, nobody questions my friendship for the soldier. I have done as much work for the worthy old soldiers in my district as the gentleman from Indiana [Mr. BLAND] has done for those in his district. I have visited every home in my entire district where affliction abides, where poverty dwells, where pain is felt. I have gone into the homes of these old soldiers and I have come back to Washington impressed with a sense of my duty, and I have enjoyed the pleasure of casting a little sunshine across the threshold of many a soldier's home, and I am proud to boast of it. But before I vote for this bill I claim the right to amend it, or at least to take the judgment of this House as to whether we shall tax our people to-day, in addition to the many billions we are now putting upon them, to send money into Germany to pay people who are more enamored of German kultur than they are of the glorious liberty guaranteed to all by that flag and the blessing of world democracy for which our boys are at this moment making the supreme sacrifice.

Mr. GALLIVAN, Mr. DYER, and Mr. BLAND rose.

The SPEAKER. Does the gentleman yield; and if so, to whom?

Mr. RUCKER. I yield first to the gentleman from Massachusetts [Mr. GALLIVAN], and then I will yield to the others.

Mr. GALLIVAN. Does the gentleman think any money is going to any pensioner in Germany at this time?

Mr. RUCKER. Oh, no; its transmission is suspended temporarily, but you enact this bill into law, and as soon as we lick the devil out of the Kaiser American money will go to Germany again, and you know it, and I, for one, am not in favor of its going now or hereafter.

Mr. DYER. Mr. Speaker, I want to ask my colleague what his judgment is with reference to sections 3 and 4 of the bill—whether he thinks they are good legislation?

Mr. RUCKER. Section 3 is the one I am talking about.

Mr. DYER. Section 3 is the section which provides that no pensioner shall receive any benefits under this act if his net income from all sources, including his pension, is $1,000 or more per annum.

Mr. RUCKER. I have an amendment which I hoped to offer and put into this bill which provides for a minimum income of $1,200 instead of $1,000, as written in the bill. I think $1,200 is low enough.

Mr. DYER. The gentleman knows he can not amend this bill.

Mr. GALLIVAN. You can by unanimous consent.

Mr. RUCKER. But the gentleman from Massachusetts [Mr. GALLIVAN] knows we can not get unanimous consent.

Mr. BLAND. Is the gentleman going to vote not to give the old soldiers in his district whom he has visited the benefit of this increase simply because he can not get what he wants?

Mr. RUCKER. No; the gentleman knows that is not my attitude.

Mr. BLAND. That will be the result, will it not?

Mr. RUCKER. The gentleman knows that I will exercise my right as a Member of the House to introduce a bill and have it referred to the committee of which this gallant old warrier [Gen. SHERWOOD] is chairman, and that committee will report it out if found to be meritorious. I will introduce bills for every meritorious soldier or widow in my district, and that committee will report those bills to the House and they will pass. I will take care of the old soldiers in my district.

Mr. BLAND. Then the gentleman relies upon special bills to take care of those in his district?

Mr. RUCKER. I want to take care of every one who needs taking care of, because that is right; but it seems the gentleman wants to take care of those who vote, because he may need votes. I do not care a fig whether they vote or not. I am for all soldiers and widows who need help, whether they vote or do not vote.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. RUCKER. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I am sure the gentleman does not want to leave the impression that this bill carries any new legislation that would provide for the payment of pensions to those who are citizens of a country which is now at enmity with us.

Mr. RUCKER. I do not want to create the impression that the pending bill carries any new law in that respect, but I do want to leave the impression that it increases the rates of pension allowed to them under existing law. Is there any question about that?

Mr. GARRETT of Tennessee. It increases the rate of pension which they are drawing under present law.

Mr. RUCKER. Yes; it proposes to increase the pensions which foreigners are drawing under present law, and that is what I am opposed to. I am opposed to increasing the pensions of foreigners one penny. If I had my way about it I would never again take one single dollar out of the Federal Treasury to pay pension to any man who has established his home in a foreign land. [Applause.] Gentlemen can make what they please out of that. Our people who continue to rally around the flag have to pay the taxes, and those who have lost their love for this country, its sublime privileges, its matchless blessings, and its glory, should learn to depend upon the bounty of that Government they find most congenial to them.

If this bill was being considered under the ordinary rules of the House, I would offer the following as a substitute for section 3:

SEC. 3. That no pensioner shall be paid the increase of pension herein authorized for any period during which he shall be an inmate of a State or National home for soldiers, nor shall the provisions of this act apply to any pensioner whose net annual income, including the pension he now receives, is $1,200 or more, nor to any pensioner not engaged in the service of the United States who has for five consecutive years last past resided beyond the limits of the United States and its possessions.

Mr. REED rose.

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from West Virginia?

Mr. RUCKER. I had yielded to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. The gentleman's time is rather limited, so I will give way in favor of the gentleman from West Virginia.

Mr. REED. What percentage of our pension money goes to nonresidents of the United States?

Mr. RUCKER. Roughly speaking I would say about $1,000,000 out of about $140,000,000.

Mr. BLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. At the conclusion of the discussion on this bill I want to ask if under the rules of the House it would be proper to move to recommit with instructions to amend?

The SPEAKER. The motion to suspend the rules is a very peculiar one. There are half a dozen motions which do not apply to it, and the motion to recommit is one of them.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that at the end of the debate I be allowed to make a motion to strike out section 3.

The SPEAKER. Of course, by unanimous consent anything can be done.

Mr. MAPES. I submit that request for unanimous consent.

The SPEAKER. The gentleman from Michigan asks unanimous consent that he be permitted at the end of the discussion to make a motion to strike out section 3. Is there objection?

Mr. GARRETT of Tennessee. I object.

Mr. DOWELL. Mr. Speaker, I ask unanimous consent that at the proper time I may make a motion to recommit the bill.

Mr. GARRETT of Tennessee. I object, Mr. Speaker, and I demand the regular order.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I move to strike out the last word.

The SPEAKER. Debate has not yet expired.

Mr. COOPER of Wisconsin. I ask for recognition.

The SPEAKER. The gentleman from Kentucky and the gentleman from Ohio control the time.

Mr. COOPER of Wisconsin. I ask unanimous consent to ask two questions of somebody who knows something about the matter.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to propound two questions to somebody who knows something about the bill.

Mr. GARRETT of Tennessee. I object.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. FULLER].

Mr. FULLER of Illinois. Mr. Speaker, this is a committee bill, and it has been reported unanimously from the committee, except that the gentleman from Indiana [Mr. BLAND] presents minority views. The bill does not represent the wishes of some members of the committee. It was passed by a majority vote of the committee and has been reported here now, and the only question is whether we are going to do anything for the relief of the old soldiers by way of increasing pensions on account of the greatly increased cost of living. That is what this bill is for. To-day we are either going to pass this bill or nothing will pass the House.

Of course the bill must go to the Senate. After the Senate has acted on it it will undoubtedly go to a conference committee, and the bill that finally becomes a law, if any, will be the bill reported from the conference committee. I am myself opposed to section 3, putting a limitation on the increase going to those who have an income of a thousand dollars and those who may have been compelled to seek refuge in a soldiers' home. I would like to see those two provisions eliminated from the bill before it becomes a law.

I am also in favor of the dollar-a-day pension for every old soldier who served his term of enlistment and received an honorable discharge. I think the minimum ought to be $30, and when the bill comes back from the Senate and from the conference committee I hope that the minimum will be placed at $30 and that section 3 will be eliminated from the bill. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, of course, as this bill now comes up under motion to suspend the rules, it is impossible to have any amendments considered at this time. I am therefore decidedly in favor of passing the bill now, as it is, and leave the question of amendment to the Senate. If it were in order I would offer or support an amendment to make the minimum pension $30 per month and to strike out the provision denying the increase to those who may happen to have an income of $1,000 and to those who may be any part of the time in a soldiers' home, and this for the reason that such provision would require proof to be made in every case, and thus cause delay and hardship to every old soldier who would be entitled to the increase. In my opinion the extra work entailed on the Pension Bureau and the extra cost would far exceed the amount saved to the Government by reason of those provisions. Even a more serious objection is the delay that would be caused in adjudicating the many cases that would be presented to the bureau. Most of the old soldiers need this increase, and need it now. The law should operate immediately and automatically, without the necessity of making any new proofs, so that the increase granted would be received in the lifetime of the beneficiaries. Under this bill as it is presented here thousands otherwise entitled will have passed away before the new proofs required could be completed and their claims passed upon by the pension officials. So I hope that when the bill comes back from the Senate it will not contain the provisions to which most of us are opposed. What relief we give to the old heroes of the Civil War should be given now, with no strings attached. In these days of stress and trial it is fitting that we should deal justly and generously with the still surviving soldiers of a former generation, who gave or offered all they had for their and our country. We are now engaged in another great war, the greatest and most fearful of all time. As we deal with the country's defenders of the past, so may the young heroes of to-day know that they will ever be held in grateful remembrance by a free and liberty-loving people, who will back them, if need be, with the last dollar while they are fighting the battles of humanity, and for all time in the future.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I regret that there is any appearance, even, of partisanship in the determination of this question. I think I have the right to say, as the gentleman from Missouri has said, that it is a matter to be regretted that this bill comes before us under such circumstances as prevent its amendment. It could have easily been presented so that it would receive full consideration of the House and give the Members an opportunity to express their real views in regard to the matter. I believe personally that the amounts contained in the bill are too small. I think there are two or three provisions in the bill that are unfair and unjust.

I concur in the criticism of the gentleman from Missouri [Mr. RUCKER] on this bill. I think there are other criticisms, but I am certainly so strongly in favor of increase in pensions and so anxious that it shall be brought about as quickly as possible that I can not take the responsibility of voting against the bill. I shall vote for it, regretting the fact that it does not more nearly express the real ideas and views of the membership of this House. I regret that it comes before us under the circumstances that will prevent amendments being offered.

Mr. KEY of Ohio. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. KEY of Ohio. Is it not a fact that your party caucused on this bill?

Mr. TOWNER. Yes.

Mr. KEY of Ohio. Does not the gentleman think that that would have something to do in creating the bitterness and feeling along that line?

Mr. TOWNER. I will say that it might. I am not now voicing any reproaches as to anybody regarding anything that has been done. I am expressing my personal regret at the circumstances under which this bill is presented. I can not believe that the gentleman from Ohio would, for the purpose of recrimination, do an unjust act in this body by putting the bill through without an opportunity for amendment. I do not believe it fair or just that the bill should be put through under suspension of the rules so as to prevent amendment and allow an opportunity for the House to express its real sentiments.

The SPEAKER. The time of the gentleman has expired.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to ask the gentleman from Ohio [Mr. KEY] a question.

The SPEAKER. The gentleman from Indiana asks unanimous consent to ask the gentleman from Ohio a question. Is there objection?

Mr. GARNER. Mr. Speaker, the time has been equally divided between the gentleman from Ohio and the gentleman from Kentucky. Let the gentleman from Indiana get his time from one of those gentlemen. I object and will continue to object to any such request.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I have asked for these three minutes primarily for the purpose of putting a question to the gentleman from Ohio [Mr. ASHBROOK], in charge of the time on the Democratic side. Would this bill, if enacted into law, result in the payment of increased pensions to any citizen of Bulgaria, Germany, Austria-Hungary, or Turkey?

Mr. ASHBROOK. I think without doubt it would increase the pensions of all soldiers alike, but their pensions are held up pending this war. At the conclusion of the war I presume they would be entitled to receive the increase.

Mr. COOPER of Wisconsin. But if we do not pass this bill the Union soldiers who are now residents of Ireland or England or France would also have their increases held up?

Mr. COX. Oh, no; they are getting their pensions right along to-day.

Mr. COOPER of Wisconsin. But their increases would be held up?

Mr. COX. No.

Mr. ASHBROOK. No.

Mr. COOPER of Wisconsin. Gentlemen can see why I have asked the question. There seems to be a difference of opinion as to what the defeat of the bill would mean.

Mr. COX. Mr. Saltzgaber before the committee said that all foreign soldiers were getting pensions except those living in Germany and Austria.

Mr. COOPER of Wisconsin. Yes; but this bill provides, in effect, for increases for all of them except those living in enemy countries, and therefore if the bill should be defeated the Union veterans now living in England, France, or Ireland——

Mr. ASHBROOK. Or the United States.

Mr. COOPER of Wisconsin. Or the United States, would not receive increased pensions.

Mr. ASHBROOK. That is true.

Mr. COOPER of Wisconsin. Therefore, I am going to vote for the bill, because, in my judgment, any man not now an enemy of the United States or living in an enemy country, who in the awful years of 1861 to 1865 risked his life to help save this Republic is entitled to everything that can possibly be given him, in justice, from the Treasury of the United States. [Applause.] But the gentleman from Missouri, Judge RUCKER, in criticizing the bill, declared that he is not willing to pay pensions to men now living in other countries, men who, as he said, "do not live under that flag." And yet I presume that in the dark days of 1861 to 1865 the gentleman was entirely willing that those soldiers should go out under that flag to protect him and to save from destruction the country of which he is now a citizen. He did not, at that time, say to those brave men, "Before you go forth to fight we want to know whether you are always going to live here, because if you are not always going to live here when we come to pension the saviors of the Nation we will omit you."

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I shall vote for the bill.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, in the years to come I am sure I will look back upon my service in this House and rejoice over the fact that I have never lost an opportunity to favor by speech and vote every measure in the interest of the Union soldiers and the widows of those who have passed away. It has always been a labor of love with me to aid by legislation the brave men who preserved this great Republic, the envy and admiration of all the rest of the world. While our new soldiers are now on the soil of our sister Republic of France, fighting to make the world safe from German military conquest and misrule it is well for us here in Congress to pause long enough to honor and do justice to those in our midst who fought and suffered on the battle fields that the American Union should not perish and that the blessings of liberty, justice, and equality should be handed down to us and our posterity. This is the richest and most prosperous country in all the world; its resources and wealth unequaled. This has been made a reality by the courage, sacrifices, and lives of the Union soldiers led to victory by Grant, Sherman, and Thomas on land and by our naval commanders, Farragut and Porter. This Nation has never paid in full and can not its great debt to those who followed the Stars and Stripes from sixty-one to sixty-five. The bill we are now considering, entitled "Increasing rates of pensions of soldiers and sailors of the Civil War," seeks to do justice, but it does not go far enough, and the rules of this House do not permit an amendment except by unanimous consent, and this has been refused.

Mr. Speaker, when this bill returns from the Senate, in my judgment, it will carry an amendment providing a minimum pension of $30 and a maximum pension of $40, an increase of 50 per cent. Such action on the part of the Senate will place the Members of this House in the attitude of originally opposing these figures, and in the end we will agree to the Senate amendments. Therefore I think it is unfair, under the parliamentary procedure of the House, that we can not do in the beginning that which we will in the end be forced to do, if we have any legislation on the subject, and the credit for a just pension increase will redound to another body of Congress. None of the pensioners under the provisions of this bill are less than 70 years of age, and when we consider the high cost of the necessities of life, the increased rates in this bill, in the judgment of every just, impartial man, are not sufficient. In normal times, prior to the present war, the Grand Army of the Republic favored a minimum pension of $30—$1 a day—and I have no doubt that Members on both sides, in and out of Congress, approved and indorsed that just proposition, and not only favored it but would have so voted had the opportunity presented itself. If it was just and reasonable in times of peace to have a minimum pension of $30, how can we escape an approval of the proposition that in these extraordinary times, when everything entering into the living of an ex-soldier, now beyond the period of earning capacity, is tremendously higher—higher than ever before—the man over 70 years of age should receive an increase and should have more than the minimum pension—$25—now paid to the widow of a soldier.

This may be the last general pension bill the American Congress will pass for the fast-disappearing members of the Grand Army of the Republic, and this should be an additional and convincing reason why the measure should be absolutely just, free from criticism, and a well-deserved tribute to the valor, the courage, the heroic work, and the invaluable services of the brave American soldiers who saved and preserved the Republic and who will remain with us but a very brief time.

Not only should a 50 per cent increase be provided for existing pensions, as advocated by the Ed. Maynard and the McKinley Grand Army of the Republic Posts, of Knoxville, Tenn., and thousands of similar organizations throughout the country, but the objectionable section 3 in the pending bill should be stricken out. I am confident we can rely upon the Senate to perform this meritorious act, even if we are not permitted to do so here under the parliamentary rules governing this body without defeating the bill.

Mr. Speaker, in conclusion I will say that, while the pending bill does not go far enough in the way of increases, it means legislation for the interest and benefit of the survivors of the Union Army, and with all their other friends I will cheerfully vote for its passage, confident the Senate will return it, and that in the end it will meet the full expectations of the soldiers and their friends in and out of Congress.

The action of the Committee on Invalid Pensions in reporting and pressing this bill should be an inspiration to the Committee on Pensions to get busy and redeem the promises made to the soldiers who served in our War with Spain. Justice and fair play demands that they be given their day in court, and the reasonable legislation they have requested at the hands of the

American Congress be passed before the final adjournment. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I desire to take just one minute of the time in my control for the purpose of stating that I am advised by friends on the other side of the House that my answer to the gentleman from Wisconsin [Mr. COOPER] as to whether or not the benefits of this bill would apply to soldiers residing in all foreign countries alike had been misunderstood. I thought I made myself clear that this bill does apply to all soldiers alike, and, of course, those who reside in countries at war with this country will not now receive the increase under this bill, but neither do they receive the pensions due them under existing law, but at the conclusion of the war they doubtless will be entitled to the pension due them under existing law and the benefits of this bill, if it becomes a law, as I hope that it will.

The SPEAKER. The time of the gentleman has expired.

Mr. ASHBROOK. Then I desire to use one minute more. I want to say that for some time past that I have been giving a good share of my attention to the widows of old soldiers, and have a bill on the calendar to amend the widows' pension law, and hope to secure its passage to-day, but I am just as much in favor of good liberal pensions for the old soldiers as their widows. I am strongly in favor of this bill, because I believe it is the best bill we can hope to pass at this time, but I would vote for larger pensions if I thought it would not endanger the passage of the bill.

Mr. Speaker, I think the old soldiers do not need any reassurance from me that I am their friend and am in favor of liberal pensions. During my 11 years of service in this House I have availed myself of every opportunity to do all that I could to help cheer and brighten the homes of the old veterans and their dependents. I feel that it is as little as I can do to do all that I can for those who risked their lives to preserve the Union of States. These old veterans were paid a pittance in cheap money for hardships and sufferings the younger generation, I fear, too often fail to appreciate. And now in their last days, when they are dropping off at the rate of more than 3,000 per month, with their energies spent, practically all helpless and dependent, I would feel that I was not a good loyal American citizen should I fail to champion their rights justly due them from this great Government which they preserved. I am in favor of paying the boys who are engaged in the present great struggle for liberty and humanity liberally and to provide every comfort possible as a slight recompense for their sacrifices, but we must not, even during this great emergency, forget the old boys of sixty-one to sixty-five, who are sitting helpless and dependent waiting for the final roll call, which is near at hand for all of them. But, Mr. Speaker, I will not be a party to any camouflage that will likely defeat a pension bill at this session of Congress by voting for a big pension which I know will have little chance to become a law. I have done everything I could as a member of the Committee on Invalid Pensions to hasten this legislation. I believe this is a very good bill, and I am therefore glad to support it. When the bill comes from conference I will cheerfully vote for any bill the conferees agree upon. I am in favor of liberal pensions, but I am for a half loaf rather than no loaf at all.

I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, I regret very much that the charge of lack of fairness against the veteran of this House, the gentleman from Ohio, Gen. SHERWOOD, should have come from my own State of Indiana, if I understood it right. I believe when my colleague considers the matter, he will change his remarks in that respect and give credit to our colleague, this old veteran——

Mr. BLAND. Will the gentleman yield?

Mr. BARNHART. I have not the time.

Mr. BLAND. The gentleman does not want to be unfair.

Mr. BARNHART. I can not yield with only two minutes.

Mr. BLAND. The gentleman does not want to put that statement in the RECORD, does he?

The SPEAKER. The gentleman can not interrupt the gentleman without his consent.

Mr. BARNHART. The provisions of this bill are a great improvement over the pension law now existing. I understand that it carries an increase of practically 30 per cent in the pension rating. I wish it might be amended in one respect, and that would be by striking out the bar of pensioners with incomes of $1,000 or more. I have never been in favor of penalizing thrift. It has always seemed to me that when you find a man who has so conducted his affairs as to provide a little security for the proverbial rainy day of old age, he ought not to be denied the same reward as his fellow comrade and that the increase in rate should be given only to those who have not been quite so frugal or so careful about the future. I trust this provision of the bill may be amended. The other feature which bars from the provisions of this bill the residents of soldiers' homes appeals to me as fair and right. A man who takes refuge in a soldiers' home, I understand, is given about $400 a year in subsistence by his Government.

Mr. ASHBROOK. It costs the Government that much.

Mr. BARNHART. It costs the Government $400 a year to support him in the soldiers' home. Now, the man who remains at home and supports himself certainly ought to have a higher rate of pension than the one who depends upon the Government for his living. [Applause.] Justice between man and man fixes that clearly as this bill does if I know justice when I see it.

I wish this increase might be larger, but the committee feels that this bill probably takes as much from the Treasury as Congress and the country would approve at this time of so much need for money, and when everybody is being asked to deny themselves by helping their Government to win the war which now besets us.

But, Mr. Speaker, I want to register my protest against this seeming effort to play politics against the Democratic Congress, which has given the old veterans and their widows large increases in their pensions. It always seems to me sacreligious to attempt to play politics with religion and unpatriotic to play politics with the interests of the veterans who fought to save our country. The inferential charge here by some of my colleagues from Indiana that the Democratic administration is unfriendly to old soldiers is unwarranted, and I believe that every fair-minded old soldier in our country will so regard it.

Let us give these deserving old veterans all we can possibly afford, but let us do it with patriotic gratitude rather than with political design. Gen. SHERWOOD, who won his way to a generalship from the rank of private, may be depended upon to treat his comrades liberally and fairly, and I believe he is doing it in this bill.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, it is quite a lot of nerve for the Democrats to claim credit for pension legislation when their action in this matter, as well as in others, is so apparent. There are individual Democrats of this House as good friends of the veterans as are the Republicans, but the Democratic Party has not been, and its record is against the veterans and pensions. I cite facts and the CONGRESSIONAL RECORD to prove this. The Sherwood bill—the act of May 11, 1912—has been referred to in this debate, and the Democrats claim credit for it in toto. Let us see what are the facts as to this: The answer is that, on the passage of the Sherwood bill in a House in which the Democrats had a majority of 69, only 97 Democrats out of a total membership of 225 voted for the bill, while 130 Republicans voted for it, and of the 93 votes cast against the bill 90 were Democrats. This was in the Sixty-second Congress. The Senate was in control of Republicans. There, on the passage of the bill, 40 Republicans voted for it and only 11 Democrats. All of the votes cast against the bill—16—were cast by Democrats.

On the conference report the vote in the House is equally significant. The conference report was agreed to—yeas 176, nays 57. Of the 176 votes for the report, 99 were Republicans and 77 were Democrats. All but one of the 57 votes against the report were cast by Democrats; the other negative vote was cast by Mr. KENT, an Independent. There was no record vote in the Senate on the conference report. If anybody doubts the accuracy of these figures, let him examine and analyze the votes for himself. They may be found on pages 284, 285, 4015, and 6242 of the CONGRESSIONAL RECORD for the second session of the Sixty-second Congress.

The bill was approved by a Republican President—Taft—on May 11, 1912.

Mr. Speaker, upon the single fact that Gen. SHERWOOD, a Democrat, reported the age-service pension act from the Committee on Invalid Pensions, every Republican member of which supported it enthusiastically, rests the entire claim of the Democratic Party to the credit of passing that law. Whereas if it had not been for Republicans, who have always consistently been the real friends of the soldiers, the law would not have been passed. Even with the name of the distinguished Gen. SHERWOOD attached to it, there would have been no hope of its passage without Republican support. As an individual I give Gen. SHERWOOD all due praise, and I commend the Democrats who followed him. But the action of these individual Democrats is an exception that proves the rule. The historical atti-

tude of the Democratic Party as a party has been and is opposed to a liberal pension system, as shown by the votes of a majority of Democrats in Congress whenever the matter has been put to the test. Because certain individual Democrats have voted now and then for more liberal pensions that does not reflect the true position of their party. Certain individual Democrats may justly be proud of their own votes on pension legislation, but they can not point with pride to the record of the Democratic Party as a whole. For that record, covering over 50 years' time, will not sustain their claim. On the contrary, it is not a record of which any Democratic friend of the soldier—even Gen. SHERWOOD himself—can boast or to which he can point with pride.

I am for increasing the pensions of the old soldiers to the extent that not a single one of them or their dependents shall be in want. But I am opposed to section 3, which withholds the benefit of this increase from the veterans who have an income of $1,000 a year or are living in soldiers' homes. This will work a hardship on many, as some of them have wives and other dependents that they are bound to support. The House voted against a similar provision in a pension-increase bill several years ago after due consideration. We want to do the best we can for these old heroes. Politics should not enter into discussion of this bill, and I have regretted to see politics even hinted at by my colleague, Judge RUCKER, and the gentleman from Indiana, Mr. BARNHART. Both of these gentlemen are friends of the old soldiers. No one doubts that. So are those on the Republican side friends of the veterans. Watch the vote to-day and see where the votes come from that oppose this increase. You will not find a single one on the Republican side, but there will be some on the Democratic side.

I regret, Mr. Speaker, that we must consider this bill in the present manner, but every effort has been made not only by the distinguished chairman of this committee, Gen. SHERWOOD, whom every man in this House loves and respects, but every effort was made by gentlemen of the committee on this side—Mr. LANGLEY and Mr. BLAND—to have this matter considered in the House in such a way that amendments might be offered and considered and voted upon, but the Democratic leaders upon the other side did not want this bill considered that way. They are men who generally have always voted against pension legislation of every kind for the old soldiers. They have taken the whip hand and refuse us the permission to do that.

Now, Mr. Speaker, I want to refer to the so-called Sulloway bill of the Sixty-first Congress, which passed the House and failed in the Senate. That bill was an age-and-service bill; it required a minimum service of 90 days and allowed very liberal rates of increase. The bill passed the Republican House without a record vote. It has been contended by Democrats that the Republican Party was responsible for its failure in the Senate. This is untrue, and, in support of what I say, I refer to the remarks of the gentleman from Kentucky [Mr. LANGLEY], who is as familiar with the facts as he is with pension legislation, having had long experience in such matters both in the Pension Bureau and in Congress.

Mr. LANGLEY, on May 18, 1914, said:

> The CONGRESSIONAL RECORD shows repeated efforts of Republican Senators to get the bill considered and passed and that these efforts were blocked by Democratic Senators. I ask you to look at page 2883 of the RECORD of February 18, 1911. Senator Scott, of West Virginia, a Republican, asked unanimous consent to take up the bill, and Senator OVERMAN, a Democrat, from North Carolina, objected. Thereupon Senator Scott moved to take up the bill notwithstanding the objection. There were 49 votes in favor of this motion, and 46 of them were Republicans; there were 35 votes against the motion, and 28 of them were cast by Democrats. The RECORD also shows that the action of the Democratic Senators prevented a final vote on the passage of the bill at that time. Again, on the 4th of March following (see pp. 4320–4321 of the RECORD), the last day of the session and the last chance the bill had to become a law in that Congress, a Republican Senator, Mr. CURTIS, of Kansas, asked unanimous consent to take up the bill, and objection was made by Mr. GORE, a Democrat, from Oklahoma. A Republican Senator then moved to take it up notwithstanding this objection, and the vote on that motion showed practically the same political alignment as it did on the other occasion referred to, on February 18. I wish that every soldier in the country and their relatives and friends knew the exact truth about the entire procedure in connection with that bill.

Mr. Speaker, actions speak louder than words. Belated declarations of latter-day Democrats can not change the record. Our splendid pension system, which has no precedent in the world's history, and no peer in justice and generosity among the nations of the earth, is a distinctively Republican institution.

> Words are but leaves;
> Deeds are fruits.
> Words are easy, like the wind,
> Faithful friends are hard to find.

The Republican Party points to its deeds in behalf of the Nation's defenders and their widows as a guaranty that it still holds to the sentiment which on a great banner met the gaze of the soldiers and sailors of the Union Army and Navy who marched down Pennsylvania Avenue, in this city, May 27, 1865:

> There is one debt this Nation owes which it can never pay; that is the debt it owes to its soldiers and sailors.

[Applause.]

Mr. ASHBROOK. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. LANGLEY. How much have I?

The SPEAKER. Twenty-two minutes.

Mr. GARNER. Mr. Speaker, how many minutes were there to each side.

The SPEAKER. Forty.

Mr. LANGLEY. I will yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. ASHBROOK. Mr. Speaker, I am glad to have that time, but I am afraid a mistake has been made in the calculation of time. My understanding was that we had 40 minutes on a side.

The SPEAKER. You did have; the gentleman has more time than he thought.

Mr. KINKAID. Mr. Speaker, I intend to vote for the pending bill. However, it is not satisfactory to me in some respects. I regret that no opportunity will be afforded under the rules to offer an amendment to strike out section 3. I regret no opportunity will be afforded to propose an amendment to increase the minimum to $30 a month.

Ever since I have been a Member of this body I have contended that what was going to be done for soldiers of the Civil War, what was going to be given them to lessen their burdens in their declining years, should be accorded without delay, in view of the fact that, very naturally, the mortality rate was increasing each succeeding year. I have believed all the time that proper increases should be provided for by an amendment of the general law rather than to leave it to the uncertainty and delay of providing for manifestly meritorious cases by separate bills introduced for the relief of a single veteran. Even in such cases as these it has been the observation of Members who have enjoyed considerable service that the great majority of those so provided for have lived but a short time to receive the benefits. I have all the time regarded as fallacious and cold-blooded and very unjust that justice to the soldiers of the Civil War in the form of pensions should be deferred for the reason merely that the aggregate of appropriations for all purposes for the particular session of Congress would be too large to permit of it, when a humane consideration would commend granting to these patriots their just meed, though it be required that bonds be issued for that purpose, which would not have been required.

Mr. Speaker, I am going to vote for this bill just as it is, containing the features objectionable to me, because the parliamentary situation will not permit of an amendment, and that there will be no other opportunity afforded during the present session to take up and pass it under a rules situation more favorable than that which now exists. But I shall vote for it in contemplation or expectation that the Smoot bill will be passed in the Senate, and that a conference will result on the two bills whereby the better provisions of each will be adopted with the objectionable features eliminated. I hope this may result in the adoption of the minimum of $30 contained in the Smoot bill and at the same time the preservation of the maximum of $50 contained in the Sherwood bill. I am opposed also to the restriction contained in section 3 of the Sherwood bill denying the benefit of the act to the pensioner whose net annual income is more than $1,000, one of the principal reasons being the incumbrance which would thereby be added to the administration of the law by the investigations to be made of the amount of net incomes of all pensioners covered by the act, with the consequence of great expense and delay in granting the benefits to those found entitled thereto.

Mr. Speaker, in my judgment an increase of the rates of pensions of soldiers of the Civil War is very desirable, not only so but highly expedient, and I favor passing the Sherwood bill now. [Applause.]

Mr. LANGLEY. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, there is more demand in my section of the United States for a reasonable increase of pensions to the old soldiers than any other one piece of legislation except actual war legislation. The purchasing power of a dollar has decreased to less than 60 cents on a dollar, and yet we have not increased the pensions of the old soldiers to keep up with that decrease. They are dying at the rate of 33,232 per year, which was the death rate during 1917. If we do not do something for them now we might as well abandon all intention to do anything

for them, because they will soon all be gone. Here we have this pension bill in a position to-day so that we can not amend it or properly consider it. Forty minutes to consider a pension bill when there are 62,133 veterans in Pennsylvania demanding consideration of this bill and favorable action thereon.

It is simply a parliamentary outrage that this bill is to be put through to-day under suspension of the rules, which forbids amendment, instead of having it taken up to-morrow under a rule for that purpose, when we could amend it. It ought to be amended to increase it to $30 a month as a minimum rate for every soldier, no matter what his service may have been or the duration of such service, provided he had an honorable discharge.

Let us now briefly review the provisions of this proposed act.

This pension act is designated as H. R. 9959, entitled "A bill increasing the rates of pensions of all sailors and soldiers of the Civil War."

The bill is confined to and deals only with the soldiers and sailors of the Civil War and increases the pensions of these as follows:

Section 1 provides that any person who served in the naval or military service of the United States during the Civil War and was honorably discharged and who is now in receipt of a pension or who shall hereafter be granted a pension, under the provisions of any general or special law, and is entitled to a pension of less than $25, shall hereafter be $25 per month. This provision will, of course, grant the minimum sum of $25 a month to all honorably discharged soldiers and sailors of the Civil War who served 90 days.

Paragraph 2 of section 1 provides that in case such person attain the age of 70 years and had served one year his rate shall be $26 per month; for one and one-half years, $28 per month; two years, $30 per month; two and one-half years, $31 per month; three years or over, $32.50 per month. This, of course, pensions all soldiers and sailors who have attained the age of 70 years according to the amounts given.

Paragraph 3 of section 1 provides that all who have attained the age of 75 years and served 90 days shall be pensioned at $27 per month; those who served six months, $29 per month; one year's service, $31 per month; one and one-half years, $35 per month; two years and over, $39 per month. This applies to all the veterans of said war who are over 75 years of age and served as above stated.

Paragraph 4 of section 1 provides that any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, shall be paid at the rate of $39 per month, without regard to length of service or age.

This is a very important provision and is intended to cover all who served in the Civil War and were honorably discharged, and who from *wounds* or *disease* resulting in disability which rendered them unable to perform manual labor shall receive $39 per month regardless of length of service or age. This is a provision intended to take care of the *disabled veterans* of the Civil War and is in the direction of what is just and fair. The only criticism I have to make of this provision is that it is not sufficient. It ought to, taking into consideration the purchasing power of money, be at least $50 per month. The purchasing ability of the dollar is now reduced to 60 cents, measuring by the necessaries it will buy, hence this pension instead of being $39 per month is, in truth and in fact, only $26 per month, deducting the one-third as the depreciation of the dollar in its purchasing ability. Hence this is not sufficient to support in comfort the veterans who are disabled. This item should be increased to $50 per month in all fairness.

Section 2 of this bill states a mathematical problem as to the method of increasing pensions, and provides that all honorably discharged soldiers of the Army and Navy of the Civil War, and who are now pensioned at the rate of $20 per month, shall receive in lieu thereof a rate to be fixed by the Secretary of the Interior in multiples of 50 cents nearest approximating 30 per cent additional, and provides that the increase shall not exceed $50 and that no pension heretofore granted shall be reduced. The method of stating this increase is rather obscure. The purpose of this section is to give 30 per cent increase of all pensions over $20 per month nearest the multiple of 50 cents. That is, if the pension is $20 per month, the rate will be $26; if it is $22 per month, it will be instead of $6.60, $6.50, or $28.50 per month; if the pension is $27 per month, instead of the increase being $8.10 it will be $8, or $35 per month.

Section 3 of the bill is a limitation providing that no pensioner shall receive the benefit of this act for any period while he is an inmate of any State or National soldiers' home, and that no pensioner who has a net annual income from all sources of $1,000 per year shall receive the benefit of this act. This section is wrong and should be stricken out entirely.

Section 4 provides that the increase shall begin from the date of the approval of this act, and in cases of original pensions hereafter allowed from the date of commencement of such pensions.

Section 5 provides that no attorney shall be recognized and no attorney fees shall be paid for the presentation or prosecution of any claim under the provisions of this act.

This detailed analysis of the bill makes clear its several provisions and purposes.

A brief application of its provisions to the facts will enable those interested to determine whether this is the best possible act that could be devised for the relief of the soldiers and sailors of the Civil War. It is not. It falls far short of meeting the needs of our veterans.

The report of the Commissioner of Pensions for the year ending June 30, 1917, shows that there are now on the pension roll 673,111 pensioners of all classes, and that during the fiscal year 1917 the loss by death amounted to 33,232, or a decrease of 9.2 per cent, and that this rate of losses is slightly less than the annual loss for each fiscal year back as far as 1910, the death rate varying from 33,000 to 36,000 per year in round numbers. Hence the number of pensioners is rapidly decreasing, and with their advancing years their wants are naturally becoming more pressing, and the high cost of living and the depreciation in the purchase power of money has caused their wants to become more acute and the suffering of these old veterans to be keener each year. For them to procure the necessaries of life in many instances is becoming a serious task.

It is very important, therefore, that when we come to the question of legislation for their relief as a class that the relief proposed should be adequate and sufficient.

By the act of October 6, 1917, all soldiers' widows who married prior to June 27, 1905, were granted a pension of $25 per month, which in many instances is more than the soldiers themselves receive. I am not criticizing this; it is right. Congress, however, did not intend to act unfairly with the old sailors and soldiers of the Civil War. It is therefore obligatory now that this apparent inequality be promptly cured by increasing the soldiers' pensions.

The application of this bill to the veterans would be as follows:

Increase to $25 per month (72,619 men)	$6,556,077
Increase on account of age and length of service (223,209 men)	20,159,970
General law and special acts increased 30 per cent (30,519 men)	2,999,520
Total (326,347 men)	29,715,567

By this increase the veterans who would have an income of over $1,000 a year would be stricken from the pension roll, and those who have died since June 3, 1917—probably 25,000—would also reduce the aggregate amount of the pensions, so that if it is a question of what it will cost to put this act in force it would entail an increase in pension appropriations of only about $22,000,000 the first year, which amount would decrease rapidly with each passing year.

This certainly is not very much money to appropriate for the soldiers and sailors of the War of the Rebellion, who preserved this Nation, when we are appropriating billions of dollars at this time, and increasing the pay rolls of Government employees because of the high cost of living. I submit that the pensions of Civil War veterans should be figured on a basis of the minimum of $30 per month, or a dollar a day for each soldier. I shall vote for any amendment that will bring about such increase in this bill; that is, I believe the basis upon which these pensions should be figured because of the high cost of living and the low purchasing power of money at this time.

Our debt to the soldiers of the Civil War can never be repaid, no matter how much we proclaim our gratitude or how much money we give them. The average age of the Civil War veterans is now 73 years.

If Congress intends to help them in their declining years, now is the time. Every dollar in the Treasury of the United States is there because the soldiers of the War of the Rebellion fought and suffered and died to put it there. We have our country because our soldiers made it possible for us to have it. I am going to vote for this bill because it is better than the present law and for the further reason that I believe that the Senate will amend it and in some measure do justice to our heroes of the Civil War. We have been liberal with our soldiers who are now fighting in this righteous war. Now let us be but just, for we can never be too liberal with our honored veterans of the Civil War.

Mr. LANGLEY. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker and gentlemen of the House, I have a rather extensive acquaintance among the members of the Grand Army of the Republic in the United States. I have attended their national conventions a great many years. There have been some criticisms which I feel I am in position to say are unfounded, and one of them is that there is any lack of appreciation of the distinguished services of the gentleman from Ohio, Gen. SHERWOOD, in the matter of pensions. He is regarded as a tried and true friend of the soldiers and his comrades of the Civil War. There is also a very kind feeling toward the gentleman from Ohio [Mr. ASHBROOK], the author of the widows' pension bill. Those two measures have been of immense service.

This bill will, even if it is finally agreed to in its present form, be a great improvement on the present law, and it seems to be about the only thing that we are in a position to get at this time. I am greatly in hopes that it will come back from the Senate in such a way that we can get rid of this section 3, which reads as follows:

SEC. 3. That no pensioner shall be entitled to receive any benefits under the provisions of this act for any period during which he shall be an inmate of any State or national soldiers' home; and the provisions of this act shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more.

The gentleman from Indiana [Mr. BARNHART] spoke about the righteousness of cutting out the members of the soldiers' homes. The gentleman should take into account that the members of the soldiers' homes very often have families, their faithful old wives, who are dependent upon them and who live outside.

Old soldiers do not become members of the soldiers' homes except as a matter of extremity. When they do, if they have aged wives living, they are compelled to break up their own homes, and the wives go to some relative or take a little cottage near the soldiers' home of which the husband is a member. The soldier's pension then becomes the reliance for a frugal living for the wife, and it is difficult to conceive a more worthy employment for it.

There are now a few more than 300,000 Civil War pensioners on the rolls, and they are passing away at the average rate of about 100 per day, 3,000 per month, or 36,000 per year. Their average age is above 73 years. These honored men, in their youth the brave defenders of our country, will not long be with us. Let us honor ourselves as we honor them by making the evening of their lives as serene and free from care as it is possible to do with a fairly liberal pension. I would, if it rested with me, make the minimum pension $30 per month, running up to $50, in accordance with length of service and physical disability. I would cut out both the provisions of section 3, which deprive members of soldiers' homes and men with an annual income of $1,000 or more of pension.

The SPEAKER. The time of the gentleman from California has expired.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Mr. Speaker, I yield to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I am heartily in favor of this bill to increase the pensions of soldiers. It is certainly no more than justice to do so. We have increased the salaries of the Government officials, all upon the theory that it is impossible for them to live as formerly on account of the increased cost of living. The cost of living has increased within the last few years on an average of 40 per cent, and this pension bill only makes a general increase of 30 per cent.

The old soldiers are now very few indeed. They are all aged and many of them require attention as well as food and nourishment. It is quite impossible for them to maintain themselves in the way we want them upon the old pension basis since the high cost of living has become so great in this country.

These men, who were willing to go to the front and protect the Stars and Stripes, are entitled to every consideration on the part of a great and beneficent Government. We are now engaged in one of the greatest conflicts the world has ever known. We are engaged in this conflict as a mighty Nation, extending from north to south and east to west. Through this great union of all of our people we are able to wage this war as perhaps no other nation as young as ours could have done. It is largely through the efforts of those who fought in the Civil War and thereby maintained the Union that we are able to bring together this great mass of people and enter them into the conflict as a solid and united Nation.

There should be no politics whatever in this controversy. It should be the desire of each and every Member of this House, as I am sure it is the will of the citizens of this great country, that these men be treated absolutely fair and just; that they shall not want for anything in their old age in the way of attention, nor food, or anything that is necessary. I shall, therefore, vote for this bill with a great deal of satisfaction, feeling that we should take care of those who at such a critical time in the history of our Nation helped maintain and preserve it as one great people, able to-day to stand for the freedom of the people and democracy throughout the world. It was through these veterans and those who have gone to their long home that we were maintained a great Nation. Nothing is too good for them, and I am proud that God has so prospered us that we can do them justice.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended one minute in order that I may ask him a question.

The SPEAKER. The gentleman from Indiana [Mr. BLAND] asks unanimous consent that the time of his colleague be extended one minute, not to be charged against the time so far granted, so that he can ask him a question. Is there objection?

Mr. KINCHELOE. I object, Mr. Speaker.

Mr. DYER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri [Mr. DYER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LANGLEY. I yield two minutes to the gentleman from Nebraska [Mr. SLOAN].

The SPEAKER. The gentleman from Nebraska is recognized for two minutes.

Mr. SLOAN. Mr. Speaker, I regret that this is the one bill at this session of general interest affecting the interests of so many thousands that has been put in a parliamentary straitjacket, to be run through so that deliberation can not be had on it, and no amendment can be made except by unanimous consent. I desire to amend this bill. I shall present an amendment, and hope that there will be no objection to its consideration; if given consideration, I am confident that it will prevail.

There are many thousand young men who served from 30 to 90 days in the Union Army toward the close of the Civil War. In fact there was an army, coming from every State in the North, whose addition to the Union forces became so impressive to the leaders of the South—Davis, Lee, and Johnston—that they helped to bring the war to an early conclusion. I shall move to amend, giving $25 per month to all who served not less than 30 days nor more than 90 in the Union Army and were honorably discharged.

I am opposed to two features of this bill, but I expect to vote for this bill, as it is the best we can get at this time. I expect further to vote for a better bill after this has passed here, has gone to the Senate, and come back through conference. If we do our duty by the members of the Grand Army now we in effect will say to the boys abroad, "We propose to treat you right; we show you definite evidence of it when we treat generously the members of the Grand Army of the Republic." Twenty years hence Congress will be treating right the members of the supreme Army of the Republic when victory has been achieved and they shall come home. [Applause.]

The Smoot-Bland bill should be considered here and substituted for this one. Every soldier who served 90 days should receive a dollar a day pension. We can stand it; it will not be long. Forty-minute debate on a side. During that time the lives of five Union defenders will have passed away. Five "white robes will have been exchanged for faded coats of blue."

The Smoot-Bland bill provides a graduated scale of from $30 to $40 per month. This would amount to an increase per annum over present law of $40,000,000. We saved that much the other day by our cutting down the wild-cat mineral bill that amount.

There are two highly objectionable features in this bill which if it was being considered in the regular way would be cut out by a majority vote of this House. But, of course, we know that to save these provisions is the reason for this bill coming in an unamendable form. The first of these features is the clause which denies the veteran the benefit of this act while he is an inmate of a State or National soldiers' home. That is another way of branding as charity what should be considered the just and generous recognition for age attained and service rendered. I resent it. What business of ours is it if the State of Nebraska or other State sees fit to provide a comfortable home for its resident Civil War veterans? Moreover, if this increase be given to those who stay part of the time in a soldiers' home it

would enable them to take longer furloughs to visit with their friends, and so enjoy more fully their sunset walk of life. Are these State soldiers' homes of such a character that the inmates should under this bill in effect be penalized from $10 to $15 a month for being found in one of them? The reason given seems to be, "For your lack of thrift evidenced by your being sent to a soldiers' home you are penalized."

The second feature which should be taken from this bill is that which denies the soldier its benefits if his net annual income, including his pension, exceeds $1,000. The blind soldier, who has walked in darkness since the close of the war and whose pension is $72 per month, would take nothing under this bill on account of one of its limitations.

Of course I do not believe or charge that this bill was put into this inflexible parliamentary groove to beat the blind, but it could have that effect. We can not remove the limitation. It forcibly illustrates why the bill should have been thrown open to amendment. So would its favoring provisions be denied any soldier who by thrift could accumulate enough money to buy a liberty bond, contribute to the Red Cross, or become subject to the Government income tax.

Contrast for a moment these two features. In each case the Civil War veteran is penalized. In the first, penalized for his lack of thrift; in the second, punished because of his thrift.

It reminds us of the old doctrine:

If you can, you can't;
If you will, you won't;
You'll be damned if you do,
You'll be damned if you don't.

The logic of this bill and these two ill-sorted provisions would start a grin in a Griffin and draw a smile from a satyr. Such logic would overturn the multiplication table, revoke the rule of three, and repudiate Euclid.

Why mar this act intended to be just and generous with these two unjust and ungenerous provisions? They can be considered by the recipients as a "fly in the ointment" and a "hole in the doughnut."

They can work out only as the means of vexatious delays in considering, proving, and determining the case of each beneficiary. As you present this rose of beauty and fragrance to a grateful recipient, why insist upon including this malignant and exotic thorn?

I trust that when this bill returns it will have shed these two malignant features, that the minimum for soldiers of 90 days' service or more shall be $30, with generous maximum, and that those young soldiers who came into service near the close of the war and who heretofore have had no recognition shall be given a pensionable status, because it was not their fault, but to some extent their credit, that the war closed so soon and their terms were so short. If this be all done a generous people will approve and the grateful veterans will rise up and "call you blessed." [Applause.]

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. ASHBROOK. Mr. Speaker, I yield two minutes to the gentleman from Colorado [Mr. KEATING].

The SPEAKER. The gentleman from Colorado is recognized for two minutes.

Mr. KEATING. Mr. Speaker, I feel like apologizing for taking the time of the House. I will vote for this bill. I have always supported generous pension legislation and expect to continue to do so. It seems to me, however, that modesty would suggest that when such unscarred veterans as the gentleman from Indiana [Mr. BLAND] and myself discuss pension legislation on the floor of this House we should hesitate to question the good faith of men who actually served on the field of battle, as did our distinguished colleague from Ohio, Gen. SHERWOOD. [Applause.] I have followed the general's lead on pension legislation and many other questions, because I have always felt that he was one Member of this House whose Americanism could not be questioned. [Applause.] I feel that when he comes here and presents a pension bill that vitally affects the men who fought with him on the field of battle we are justified in believing it is the very best legislation that can be obtained under the circumstances. I therefore do not apologize for voting for this measure under suspension of the rules. [Applause.]

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. ASHBROOK. Mr. Speaker, I yield one minute to the gentleman from Nebraska [Mr. LOBECK].

The SPEAKER. The gentleman from Nebraska is recognized for one minute.

Mr. LOBECK. Mr. Speaker, I came to this Congress and voted for the Sherwood bill in the Sixty-second Congress. As a small boy I remember many of the men who went to the front during the years of 1861 to 1865. I am probably one of few men here that do. But I know what those men did, and therefore I have been in favor ever since coming here, on every occasion, of doing whatever I can for them.

This bill is better than the law which we now have on the statute books, and I shall vote for it. I had been in hopes that the minimum rate on this bill would have been $30, and if another body shall amend it, it will give me pleasure to sustain the conference committee if they will agree to it.

I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. MAPES].

The SPEAKER. The gentleman from Michigan is recognized for two minutes.

Mr. MAPES. Mr. Speaker, I shall vote for the motion to suspend the rules and pass this bill, although I think it ought to be amended in two important particulars. It is unfortunate that the parliamentary situation under which the bill is brought before the House is such as to prevent offering amendments. Section 3, which exempts inmates of soldiers' homes and any soldier having an income of $1,000 per year from receiving the benefits of the bill, ought to be stricken out and the minimum amount of pension that any soldier who served in the Civil War shall receive ought to be increased.

There is no doubt in my mind but what a majority of the Members of the House favor a substantial increase in the pensions of the old soldiers, and if given the opportunity they would increase the minimum fixed in the bill and strike out the whole of section 3. It is unfortunate that the bill is presented to the House under such circumstances as to make it impossible for the Members to express themselves on these two important questions. It may be that this is the best that the friends of the old soldiers on the Committee on Invalid Pensions could do for them. It is quite possible that they could get no other opportunity to bring the bill up, but the fact is to be regretted just the same.

However, there is nothing for the individual Member who is in favor of increasing the pensions of old soldiers to do but to vote for the bill. It is better than the present law, and for that reason I shall vote for it although it is not as good as it ought to be. I would like an opportunity to amend it, and I regret that my request for unanimous consent to make a motion to strike out section 3 was objected to. Nevertheless the bill is here and must be voted up or voted down as it is. Every Member must accept the situation and do what is best under the circumstances. Once the bill is through the House there is a well-grounded belief that the Senate will raise the minimum and strike out the restrictions in section 3. If that is done, those who are in favor of that action will have a chance to express themselves when the bill is sent to conference. I shall vote for the bill with this in view, because it is better than the present law and with the hope that before the legislation is finally enacted into law the bill will be changed in the manner I have suggested. [Applause.]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MAPES. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

The SPEAKER. The gentleman from Indiana is recognized for three minutes.

Mr. WOOD of Indiana. Mr. Speaker, I do not believe that this measure as it is drawn is satisfactory to a dozen men in this House. Therefore I think it is very unfortunate that opportunity is not given to amend it to make it more satisfactory.

There is no one here who has a higher regard for our distingushed friend and patriot from Ohio, Gen. SHERWOOD, than I. I know that for years and years throughout this whole country he has been acclaimed as the friend of the old soldier. I know that they believe that he has been and is still continuing to do his utmost to better their condition. They have looked upon him as being the one man before all others who would eventually bring them a dollar a day. I regret more than I can express that the friend of the old soldier who has been looked to all this time can not now see fit to stand as the sponsor of that for which he has been given credit throughout all these years and give them now a dollar a day.

The old soldier is passing very rapidly. More than 6,000 of them have crossed the line since this bill was introduced. One of them has been dying each 18 minutes since we have been in session here this morning. The State of Indiana enlisted 224,000 men in that Grand Army of the Republic. Of that number but 18,000 remain, so that they are going very fast, and what relief is to be afforded them must not be very long delayed.

The private during the Civil War who served four years received for his entire service but $624. If we were simply equalizing the pay to-day, the amount of $1 per day would be a mere pittance in comparison with the payment that the soldier boys are now receiving, and we are all in favor of their receiving what they are getting. I believe on reflection that none of us would be willing to vote against an equalization, if that were possible to make. I know that this bill will be a disappointment to every Grand Army post in the United States. I know it will be a disappointment to the commander in chief of the Grand Army, who lives in my State. I was talking to him a few days ago in New Hampshire, when he said that the boys throughout the United States were looking to this Congress to pass what is known as the Smoot bill. With that the old veterans will be content, that is what they are expecting, and that is the least they should have. [Applause.]

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. LANGLEY. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. SWITZER].

The SPEAKER. The gentleman from Ohio is recognized for two minutes.

Mr. SWITZER. Mr. Speaker, on the first day of this Congress I introduced a bill to increase generally the pensions of Civil War veterans; those drawing less than $30 per month would be increased by a sum equal to 40 per cent of the pension now received; those drawing $30 or more and less than $40 per month would be increased by a sum equal to 33⅓ per cent of the pension now received, and those drawing $40 or more and less than $55 would be increased by a sum equal to 20 per cent of the pension now received, with a minimum pension of $30 per month.

On January 11 last I made a speech expressing my position relative to this matter, and I think I have placed a copy of that speech in the hands of every Member of this House. So my position is well known. I desire to call the attention of the House at this time to the fact that while we increased the pensions of the Civil War veterans substantially in the Sherwood bill, yet when you look at the increased cost of living since 1890, when the dependent pension bill was passed, the Sherwood bill only kept pace with the increased cost of living up to 1912, regardless of the increased age of the Civil War veterans. The cost of living continues to mount skyward, and we must give greater consideration to their increased age, as they are practically all now 72 and upward. The passage of this legislation, or the passage of a bill at this time generally increasing the pensions of the Civil War veterans, will likely be the last time that the Congress will ever have an opportunity of expressing its gratitude in the shape of pension legislation for any considerable number of the old Civil War veterans, as the next decade will find only a negligible number remaining.

Mr. ASHBROOK. Mr. Speaker, I yield three minutes to the chairman of the committee, Gen. SHERWOOD. [Applause.]

Mr. SHERWOOD. Mr. Speaker, I want to say to the gentlemen who have been criticizing the action of the chairman of the committee, that this morning by the unanimous action of my committee I was authorized to ask unanimous consent to have this bill considered in Committee of the Whole House on the state of the Union, and if not given that unanimous consent I was ordered by my committee to move the suspension of the rules. No member of that committee will deny that fact, so I am acting under instructions of the committee. The Speaker will verify my statement that I tried to get this bill up in such a way that it could be amended, but was not successful. The bill has been on the calendar for over two months, during which time 6,250 old soldiers have died. I want to get this bill over to the Senate. It was said by the gentleman from Pennsylvania that this was a parliamentary outrage. I did not commit the first parliamentary outrage. That was committed on the 10th of January, 1911, when the Sulloway bill was reported out under suspension of the rules, carrying $75,000,000, and my distinguished friend from Illinois [Mr. FULLER] was in charge of that bill, and he refused on the floor of the House to accept any amendment whatever. Now, gentlemen, when this bill comes back from conference you will all have a chance to discuss the report of the conferees. In 1912 we passed a bill here after three days' debate and sent it over to the Senate, and when that bill got through the conferees there was not a Member of the House who could recognize the bill. [Laughter.] I have worked for this thing for four years, as my Republican friends know, and I never made a political speech on pension legislation on the floor of the House. I regret that my friend from Indiana [Mr. BLAND], a member of the committee, should have reflected upon the chairman of this committee, but I can take care of myself among the old soldiers all right. [Applause.]

Mr. BLAND. Will the gentleman yield there just for a question right on this point?

Mr. SHERWOOD. I do not yield. I have only three minutes.

Mr. BLAND. I should like to ask that the gentleman's time be extended.

The SPEAKER. The gentleman declines to yield.

Mr. BLAND. I ask unanimous consent that the gentleman's time be extended two minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent that Gen. SHERWOOD's time be extended two minutes, not to be charged up. Is there objection?

Mr. KINCHELOE. I object.

Mr. SHERWOOD. Now, if you want to know how the old soldiers stand on this bill, I can give you some indication. When the gentleman from Indiana stated that the old soldiers were opposed to this bill, he could not produce the record of a single Grand Army post in the United States that was opposed to this bill, not one. That shows how the old soldiers stand on it, and I think, probably, I know nearly as much about the sentiments of old soldiers as does the gentleman from Indiana [Mr. BLAND]. [Applause.] I do not claim that the pending bill is adequate to meet the high cost of living at this time, but it will help. It will give hope and cheer to many an old veteran now staggering to a near-by grave. He will know by this legislation that the Congress of the United States appreciates the heroic sacrifice in the great war of over a half century ago, and that there is a spirit in this Congress to alleviate the woes and hardships under which he is now laboring in his old age. It is a patriotic measure, and a grateful offering to every one of my old comrades with whom I touched elbows in the four years of that terrible war, to know we do not propose that the gallant men, who from 1861 to 1865, fought in nearly 2,000 battles shall be turned out to frost-bitten grass and cold neglect like a worn-out dray horse.

Mr. LANGLEY. I yield to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I would have preferred the Smoot bill to this bill, and for that reason I regret that there is no opportunity of amending the bill under the parliamentary status. If that opportunity were afforded, there would be amendments offered, because my good friend and distinguished colleague, Gen. SHERWOOD, just now suggested that he is not satisfied with the bill as written. But I am now convinced that this is all we can get. It is a good deal better than what we already have, and I shall join the General in supporting the measure. However, I wish we might have the opportunity to amend it, so as to make the minimum at least $30, and the maximum at least $50. I would also strike out the provision which forbids a pensioner receiving any pension should he become an inmate of a soldiers' home. I would also omit that part of the bill that refuses a pension to a person whose annual income is $1,000 from all sources.

Mr. Speaker, we should regard this roll of men not as a charity. That feature I know appears in the Government's gratuities, but a debt is due these veterans, and simply because one has been more successful than another in this world's affairs is not conclusive against his being placed on this roll. Such legislation in its discrimination makes the pensioner take on the character of a suppliant, and has the tendency to set him apart as an object of governmental charity. This is unfair to those who receive it, and it is also unfair to those who are denied it. These are among the reasons I regret a situation has been forced upon us which forbids amendment.

Mr. LANGLEY. I yield to the gentleman from Indiana [Mr. VESTAL].

Mr. VESTAL. Mr. Speaker, this bill in its present form is a disappointment to me, and in my judgment will be a disappointment to the Grand Army of the Republic. I do not believe it meets with the approval of the majority of the House. Yet, on account of the parliamentary situation it can not be amended, and no amendment can be even offered, except by unanimous consent, which has already been refused.

We are therefore put in the position of having to support the bill in its present form or not at all. I shall support the measure, hoping that it will be revised by the Senate and in conference so as to more nearly meet the present needs of the soldiers.

Early in the session I introduced a general pension bill providing for $50 per month for all Union soldiers of the Civil War who had served 30 days or more and who had received an honorable discharge. The bill I introduced read as follows:

[H. R. 6973, 65th Cong., 2d sess. In the House of Representatives, Dec. 5, 1917. Mr. VESTAL introduced the following bill, which was referred to the Committee on Invalid Pensions and ordered to be printed.]

A bill fixing rate of pension for soldiers of the Civil War.

Be it enacted, etc., That any officer of the Army, including Regulars, Volunteers, and militia, or any officer in the Navy or Marine Corps of the United States, or any enlisted man, however employed in the military or naval service of the United States or in its Marine Corps, whether regularly mustered or not, and who served for a period of 30 days or more in said Army, Navy, or Marine Corps during the Civil War, and who has received or may hereafter receive an honorable discharge, shall, from and after the passage of this act, be entitled to receive a pension at the rate of $50 per month upon proof of the fact of his service in said Army for the time hereinbefore indicated: *Provided*, That any person who is now on the pension rolls of the United States for services rendered in said Army shall be entitled to the pension herein provided for without any additional proof.

SEC. 2. That this act shall in no wise reduce the amount of the pension now being received by any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War where said pension is in excess of the amount provided for herein.

This bill was indorsed by practically every Grand Army post in my district and by numerous posts over the country, and I received scores of letters from old veterans in favor of the measure. I understand, of course, that such a bill has objectionable features, but no general pension bill that we could frame would be absolutely free from criticism; and it does seem to me that if we ever intend to do justice to the defenders of the Union that still survive now is the time to do it. [Applause.]

Mr. Speaker, I was not particularly wedded to my bill. I am for any measure that will substantially increase the soldiers' pensions. I am not averse to a pension bill based upon service, but I do not believe such a bill should cut out certain classes of men, as this bill proposes to do.

At the close of the session we passed a bill increasing the pensions of the widows of old soldiers to $25 per month. I voted for that measure because it was right, but there are scores of old veterans under the present pension law that are drawing less than $25 per month.

Mr. Speaker, it is admitted by everyone that the purchasing price of a dollar to-day is only about half what it was in normal times. Admitting that the soldiers were properly cared for by the present pension laws in normal times, we should at least increase their pensions to the extent of the difference in the cost of living now and under normal conditions.

This bill does not do that. It fails to provide any increase of pension at all for two classes of soldiers, and the increases it does provide are not, in my judgment, sufficient to meet present conditions.

If amendments could be offered to this bill and voted upon, I am sure the House would pass a bill giving substantial relief.

If permitted, I would offer an amendment striking out section 3 of the bill and also fixing the minimum pension at $30 per month, and increase this amount on the basis of service to a maximum of $50 per month. I want to express my appreciation of the old veterans of the Civil War in dollars and cents and not in mere words of praise for their heroic deeds. [Applause.]

Mr. Speaker, for a number of years I have attended Memorial Day exercises and have heard men tell of the heroic deeds of the men from '61 to '65; how they went forth to sacrifice their lives, if need be, to save the Union. Probably not a single Member of this body but what has spoken to the old soldiers of his district, praising their valor and patriotism, all of which is just and proper; but the old soldiers can not live on fine phrases or beautiful rhetoric; it takes something more substantial, and, so far as I am concerned, I would like to show my appreciation of the sacrifices of these men by giving them a substantial increase in their pensions, so that in their last days at least they would feel that the Government for which they fought and sacrificed had kept its faith with them.

Mr. Speaker, section 3 of this bill ought to be stricken out. Thousands of soldiers have gone to soldiers' homes because the meager pensions they receive would not keep them. If they were given substantial pensions, many of them would leave the homes at once and feel that they were not wards of charity. I do not believe that any soldier goes to a soldiers' home from choice. They are compelled to go because of the small pensions they receive.

The $1,000 clause should, in my judgment, be stricken out. Why should a soldier who has given, say, two and one-half years of his life to the cause of the Union be refused an increase in pension because he has been thrifty and has an annual income of more than $1,000? Is a man's income, or lack of income, to be the determining factor as to his service?

The bill proposed here carries an increase of about $29,000,000. If section 3 should be stricken from the bill and the bill amended to make the minimum $30 per month, with a maximum of $50 per month, based upon the length of service, it would carry an increase of probably $60,000,000 to $70,000,000. But should we refuse, or even hesitate, to take from the Treasury, which these men sacrificed to save, a sufficient amount to help them in their declining days?

Mr. Speaker, I have great love for the South. I have great admiration for the men who suffered and died, many of them, for a cause which they believed to be just. But, nevertheless, it is these men for whom we are legislating to-day, with thousands of their comrades who have passed to the great beyond, who made it possible for us, in this great crisis, to have a united country. More than 50 years have passed since that struggle, and I thank God to-day that no semblance of bitterness or strife exists. We have long since learned that there is no geography in American manhood and that there are no sections in American patriotism.

On this very day, in many a vine-clad cottage in fair New England and in old plantation homes in North Carolina and Tennessee, may be seen hanging over the mantelpiece, bound together in love and honor, two crossed swords, carried to battle, respectively, by one who wore the blue and one who wore the gray.

Only a few years ago the sons of the northern soldiers contested in friendly rivalry with the sons of the gray on the fire-swept steeps of El Caney. We have seen the sons of the gray carrying the Stars and Stripes over the Spanish intrenchments in Cuba, Porto Rico, and the far-away Philippines. We have seen the day when the sons of the blue and the sons of the gray bivouacked together on the hills overlooking Santiago, and have seen their blood mingled in a common cause in the trenches around that stricken city.

And to-day thousands of men from the North, the South, the East, and the West, knowing but one country and one flag, are offering their lives on the sunny plains of France that military autocracy shall forever be destroyed and that the peoples of all nations, great and small, shall have individual political freedom. They are offering their lives for the life and existence of our Nation, the same Nation for whose existence these veterans of the Civil War offered their lives.

We have justly appropriated billions of dollars to care for the present defenders of our country in a war waged not alone for self-defense and self-preservation, but for humanity. Shall we longer delay just pensions to the defenders of the Union and the flag we love?

The Nation owes a debt of gratitude to these men that it can never repay, no matter how great the pensions.

I shall support this bill, sincerely hoping that section 3 will be stricken out and a more liberal increase granted by the Senate. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I am in favor of liberal pensions for all of the soldiers of the Civil War who have an honorable service and have been honorably discharged. And while the Sherwood bill now under discussion by the House does not in all respects come up to my idea of what a liberal pension is, I am going to vote for it, as it is more liberal than the law now in force.

It is unfortunate, indeed, that this bill had to come up under suspension of the rules, so that it is, as has been well said in this debate, in "a parliamentary strait-jacket," not subject to or open for amendment, and we have to vote for it or against it as it stands. I would like to see the bill amended to give the soldier a dollar a day as a minimum pension and to strike out that section of the bill that excludes the soldiers in soldiers' homes and those who have an income of $1,000 per year, for the reason that it will take so much time to adjudicate and determine the amount of the various soldiers' incomes that many of these deserving veterans will have passed to their reward before the Pension Bureau will have been able to settle upon the amounts of their various incomes.

We can never as a Nation repay the soldiers of the Civil War for the many hardships and privations which they had to undergo during that terrible struggle, and now that they are old and many of them are helpless I feel that we should give to them that which is justly their due without having any unnecessary strings tied to it.

Mr. LANGLEY. I yield to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I shall vote for this bill because it is the best we can get at this time. The gentleman from Indiana [Mr. BLAND] has been attacked by

Democrats because they say he has talked politics in connection with the bill. Well, his forceful remarks in behalf of the old soldiers may not be pleasing to Democrats, but everyone here knows that he has done more than all the rest put together to bring this bill before the House in the proper way. [Applause.] His brief but splendid speech last Saturday aroused the House to the danger threatening the bill and paved the way for bringing the bill early and properly before the House, and his effort, continued to-day, would have been successful but for the determined opposition of the Democratic leaders, whose course was approved on that side of the House. I object to the feature of this bill which excludes from its benefits soldiers who are in soldiers' homes. Everyone knows that soldiers in homes are there on account of extreme poverty, and they of all others should have the benefit of the increase of pensions. I object to the feature which withholds the benefits of this law from those who are enjoying incomes of $1,000 a year or more. I have time to speak of only one objection to this feature, and that is the difficulty in determining the amount of a soldier's income whether or not he is entitled to the increase. I have had some experience in pension matters, and those which have given most trouble are those requiring investigation to determine whether or not a widow was entitled to a pension; whether or not she was enjoying an income of $250 a year. I think that ought to be stricken out. It ought to be eliminated.

I object further because this bill is not automatic; because, if it becomes a law, soldiers will be required to furnish proof as to age and length of service, and thus suffer long delay and much inconvenience. The law ought to be so drafted that the increases will be allowed without further proof and without application by the soldiers. But in spite of these defects I shall vote for the bill, hoping that the Senate will pass the Smoot bill, and that the House will later have sense enough to accept the Senate bill.

Mr. LANGLEY. Mr. Speaker, I yield to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Speaker, I shall support this bill. I very much hoped that we would have an opportunity to offer some amendments, or at least that I should have an opportunity to support some amendments to its features. I regret exceedingly the parliamentary situation in which we find ourselves this morning, which makes this impossible. I believe that there should be a minimum of $30 per month. I believe this country is too big and too grand not to offer this small compensation to the soldiers who protected that flag. I would like also to see the maximum amount raised to $50 a month.

I extend my remarks by printing in the RECORD a letter with resolutions adopted by a Grand Army post in Colorado, favoring, in preference to this bill, the provisions of the Senate "Smoot bill," which provisions I had hoped to have opportunity to support to-day rather than the bill before us. The letter is as follows:

GEORGE H. THOMAS POST, NO. 7,
GRAND ARMY OF THE REPUBLIC,
DEPARTMENT OF COLORADO AND WYOMING,
Fort Collins, Colo., April 30, 1918.

To Hon. J. F. SHAFROTH and C. S. THOMAS, Senators, and to the Hon. B. C. HILLIARD, C. B. TIMBERLAKE, EDWARD KEATING, and EDWARD T. TAYLOR, Representatives.

GENTLEMEN: At a regular meeting of the George H. Thomas Post, No. 7, the Department of Colorado and Wyoming, Grand Army of the Republic, the matter of pensions for the survivors of the Civil War being under consideration, a committee was appointed to draw up a suitable appeal to our Senators and Representatives in Congress to assist and advance the interests of the veterans in the matter of increasing their pensions. In accordance with this action may we not submit the following premises: At the outbreak of the "War of the Rebellion" the loyal sons of the North responded to the call of President Lincoln with a firm and resolute determination to preserve the Union of States. For more than four years the conflict was waged with varying success, and the success of the Union Army justifies the assertion that the cause was just. Our Government has rendered tardy justice to these men who saved the Union. Now, after a lapse of more than a half of a century, and in their declining years, they are unable to maintain themselves by their individual efforts, and many of them are wholly dependent upon the insufficient bounty now bestowed upon them by our Government to meet the ever increasing cost of their daily sustenance.

In view of these facts they hereby most earnestly appeal to you and to this great Nation to grant them an increased pension sufficient for their support during the few years remaining to them, and we most earnestly request your hearty support and earnest endeavors to enact into law the "Smoot bill" now before Congress, that being, as we believe, a just increase in their behalf.

Most respectfully submitted.

R. Q. TENNEY.
H. I. GARBUTT.

Mr. LANGLEY. Mr. Speaker, I yield to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. Mr. Speaker, I intend to vote for this bill, because it is the best we can get at this time. I regret that the bill can not be amended and enlarged. I am sure if the House had an opportunity it would amend the bill and increase these pensions.

Mr. LANGLEY. Mr. Speaker, I yield to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Speaker, I am exceedingly glad that the House is finally able to take up the question of the passage of a bill to increase the pensions of the soldiers of the Civil War. I expect to cast my vote in favor of this measure, which grants an increase in pensions of approximately 30 per cent. The bill provides for a minimum of $25 and a maximum of $50.

The bill is, of course, in charge of the majority party, and since it is up under a suspension of the rules, no amendment can be offered without unanimous consent, which has already been refused. It seems to me that this legislation was of sufficient importance to justify the bringing of the measure before the House in the usual way, so amendments might have been offered and considered. The minimum should have been raised to $30, and I had intended, if the bill had been so brought before the House as to be subject to amendment, to offer an amendment to increase the minimum to $30. I think the section should be stricken out that deprives the man with an income of $1,000 from the benefits of the bill and which deprives the soldier who has been unfortunate enough to go to the old soldiers' home of its benefits. Why should either class be omitted? They both served the country well and faithfully. The wages of skilled employees have been greatly increased; the scale of wages for unskilled labor has been advanced, and increases have been given to Government employees.

The reason for this was on account of the increase in the cost of living. When the cost of living was not so high the amount of pension received by the soldiers under the former laws went a long way toward furnishing them with the necessaries of life; but the cost of living, of food, clothing, fuel, and all of the necessaries of life, has advanced by such leaps and bounds that the amount paid the soldier becomes a mere pittance and is soon gone. The amount of the increase ought at least to have been sufficient to have met the difference in the cost of living now and in normal times.

This Congress has appropriated billions of dollars for the purpose of carrying on the present war, and no word of criticism is heard against these vast and unprecedented appropriations. Every American wants his country preserved, the rights of its citizens protected, and its flag saved from dishonor. Our hearts swell with just pride as the youth of to-day go forth to battle for our common country. During the past year no honor has been too great to heap upon the young soldier—God bless him—who leaves his peaceful and happy pursuits to go forth in battle array for his country. How proud we are of his gallant bravery; but while our eyes are turned toward these new patriots these old battle-scarred heroes of the past must not be neglected or forgotten.

There was a time, over a half century ago, when these men for whom this legislation is being passed stepped with light step and stood erect—the flower of the youth of that generation. My father, James Sanders, volunteered in Company F of the Thirty-first Indiana Infantry before he was 16 years of age, and served for four and one-half years—and until the country was united by the victory of the Union Army. He and many of his comrades have passed away; they no longer answer the roll call here, but must respond to the roll call over yonder. Soon they will all be gone. In this grave crisis, when we are assembling our might to fight the new battle, America must not forget that it is because of the victories achieved by the men of '61 and '65 that we enter this mighty struggle a united people with the united resources and wealth and power of these United States.

I have heartily supported and advocated the passage of legislation to care for the new soldier in khaki, to protect those dependent upon him, and to lighten the burden of those at home who are bereft of his kindly care. Let us also care for these old comrades in blue, whom the Almighty has spared these many years; their presence and counsel has been a source of profound inspiration to us when we of the present generation have been called upon to pay the cost for a secure and respected Nation. Let us cheer them in their declining days and keep them here as long as we can. When the American soldiers abroad shall have fought their last battle on the bloody fields of France, crushed the foe of civilization, and come back at last to their native land these old patriots will join the heroes upon their triumphant return, and in a grand review they shall march together, these noble heroes of two wars, all equally honored and praised and loved by the peoples of this Republic which they have preserved and defended. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I yield to the gentleman from Ohio [Mr. SNOOK].

Mr. SNOOK. Mr. Speaker, I believe there are two reasons why the pensions of the soldiers of the Civil War should be increased at this time. The first reason is that nearly all the soldiers have reached the period of life where they are unable to longer do any work or to help themselves. The next reason is that when we passed the war-risk insurance bill we so generously provided for the soldiers engaged in the present war and for the widows of the Civil War veterans, then it becomes the duty of Congress to now look after the veterans of the war of 1861.

It is estimated that there are now only 300,000 soldiers of the Civil War left on the pension roll of the Government. The average age of these pensioners is estimated at 73 years.

This body of men are all that are left of those who carried on that great war for the preservation of the Union. They are becoming feeble and are now wholly unable to work and are therefore entitled to just and generous treatment.

In discussing what kind of pension legislation should be adopted at this session of Congress, I have often expressed the opinion that the minimum rate should be $30 per month with an increase as to age and length of service in the war on a basis similar to that in existing law.

However, the pending bill was favorably reported to the House by the Committee on Invalid Pensions and has been brought up to-day for consideration by a motion made by the chairman of that committee to suspend the rules. Therefore, under the rules of the House, having been brought up in this way, it can not be amended. It, however, carries a substantial increase of pension to the soldiers of the Civil War.

It affords the only opportunity I have had to help these soldiers to secure any increase in the rate of their pensions and I shall therefore gladly take the opportunity of voting for its passage.

I do not favor the provisions of section 3, providing that the law shall not apply to any pensioner whose net annual income from all sources, including his pension, is $1,000 or more. If this provision is adopted, it will require the pensioner to offer proof upon this subject and the question will be left to the decision and interpretation of some officer in the Pension Department.

My experience with similar provisions, heretofore carried in the pension laws, is that they have led to great delay and sometimes to injustice.

The men who receive the benefit of this law, as I have already said, are now quite old and will not live long to enjoy the pension it provides for. If they are to receive help at all, it must be given at once.

In my judgment it is wrong to adopt a policy that will lead to delay. What is needed most of all is a law that requires just as little proof as possible and requires no interpretation.

It has been stated several times in the course of this debate that this bill will be amended in the Senate. I wish to express the hope that it may be amended in the two particulars to which I have called attention, the elimination of the provision in section 3 and the raising of the minimum rate to $30 per month.

I wish to close these brief remarks as I began, that I am supporting this bill not because I think it is the best that could be adopted, or all that the soldiers ought to have in the way of a pension at this time, but because it is far better than the existing law and grants a substantial increase of pension to men who deserve it.

Mr. ASHBROOK. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. LANGLEY. How much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. ASHBROOK. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. BESHLIN].

Mr. BESHLIN. Mr. Speaker, the Committee on Invalid Pensions has submitted the pending bill to the House for its consideration and favors its early enactment into law. Every Member has had in mind doing full justice to the old soldiers who served in the Union Army during the Civil War. Those who survive are fast disappearing. I understand that there are less than 300,000 now living and that they are passing away at the rate of one every 18 minutes.

Mr. SHERWOOD. There are 306,000 now living.

Mr. BESHLIN. So before long this great army responsible for the preservation of the Union will have entirely passed away. The committee, under the leadership of its chairman, the gallant gentleman from Ohio, Gen. SHERWOOD, recognizing not only the service of these men to their country in its hour of trial but also their advanced years and infirmities of age, desires to provide a substantial increase in the pensions allowed under the existing law. The estimated cost under the prepared bill the first year is over $22,000,000. The maximum amount per month payable under this bill is $39 and the minimum amount $25. On account of the increased cost of all necessaries of life, the advanced age of all survivors of the Civil War and their consequent disability, I favor a minimum of $30 a month and would gladly vote for it. I am aware that the minimum of $25 per month increases the pension of short-term soldiers about 50 per cent, while the long-term soldiers will get an increase of only about 30 per cent. All men who enlisted and served their country during the Civil War were paid only about $13 or $14 per month, while those now serving in the armies of our country are receiving a minimum of $30 per month and $15 more for a dependent wife and $5 to $8 for dependent children. The Government in addition provides insurance at the rate of $8 per thousand. The amount now paid is little enough for the services required. Surely the Government, in view of this statement, should provide liberally for these old soldiers and thereby relieve them from anxiety in their declining years.

Mr. NORTON. Did the gentleman say that this was the unanimous report of the committee?

Mr. BESHLIN. I understand so.

Mr. NORTON. The gentleman has apparently not read the report.

The SPEAKER. The time of the gentleman has expired.

Mr. LANGLEY. Mr. Speaker, I yield to the gentleman from Maine [Mr. WHITE].

Mr. WHITE of Maine. Mr. Speaker, in my portion of the very limited time allowed for the consideration of this bill it is impossible to analyze it and to point out and emphasize what seem to me to be its inadequacies. I resent that the majority should force upon us a parliamentary situation which prevents full and free discussion and forbids offering amendments to increase the rates provided or to eliminate objectionable features from the bill.

The provisions of the bill, the number of persons affected, and the increased appropriation called for by its terms may be summarized as follows:

Section 1 of the bill proposes a minimum rate of $25 per month to survivors of the Civil War deriving title under any general law or special act and higher monthly rates on the basis of attained ages and lengths of service, as follows:

70 years and service of—	
1 year	$26.00
1½ years	28.00
2 years	30.00
2½ years	31.00
3 years or over	32.50
75 years and service of—	
90 days	27.00
6 months	29.00
1 year	31.00
1½ years	35.00
2 years or over	39.00

The latter rate is extended to cases of unfitness for or inability to perform manual labor due to disability of service origin, without regard to length of service or age.

Section 2 proposes increase in general law and special act rates of $20 per month or more, by multiples of 50 cents, to amounts nearest approximating 30 per cent additional, but with the proviso that no rate shall exceed $50 per month.

Section 3 withholds the proposed benefits from inmates of State or National soldiers' homes and pensioners whose net annual income from all sources, including pension, is $1,000 or more.

Application of the terms of sections 1 and 2 of the bill to Civil War survivors on the roll at the close of the last fiscal year at rates of less than $50 per month affords results as to numbers affected and annual increase in cost as follows:

	Number.	Annual increase.
Increase to $25 per month	73,619	$6,556,077
Increased on account of age and length of service	221,209	20,159,973
General law and special acts increased 30 per cent	30,519	2,999,523
Total	326,347	29,715,567

By the act of October 6, 1917, all widows of soldiers who drew Civil War pensions or had a pensionable status and who married the soldiers prior to June 27, 1905, were granted a pension of $25 per month. This is not too much, but it is manifestly inequitable that tens of thousands of soldiers still living, many of whom are burdened with dependents, should receive no more than the widows of other soldiers. Our veterans have lived to see and to feel the burden of abnormal prices in all the necessities of life. It is said that the purchasing power of the dollar to-day as compared with May, 1912, is no more than 40 cents on the dollar. It is estimated that this bill will increase the purchasing power of the soldier's pension to about 72 per cent of its purchasing power in 1912. It leaves the pensioners worse off than they were in 1912 with the prices and the pensions then

prevailing. More than 95 per cent of the veterans receiving pensions have little or no income in addition to their pensions. Practically all of them are over 72 years of age. They are passing away at the rate of more than 3,000 each month, and soon all will have answered to the last call. In recognition of this fact and of these changed conditions, this bill should carry a minimum of at least $30 per month and a maximum based on age and service of not less than $50 per month. To do less than this is to fail signally in our duty.

Section 3 of the bill, providing that the increases should not be available to those having an income of $1,000, should be stricken out. Less than 5 per cent of the pensioners have such an income. The retention of this provision in the bill means long delays and vexatious inquiries in every case. I prefer that the small percentage of pensioners having already a living income should enjoy the benefits of this bill than that all our old soldiers should be subjected to the annoyances incident to the administration of such a provision. I am likewise opposed to excluding those in soldiers' homes from the benefits of the law. I do not feel that the veterans who are so unfortunate as to have no homes of their own or who are without those able to care for them should be penalized by exclusion from the benefits of this bill because they have sought entrance to the one refuge open to them.

In spite of the fact that the bill falls far short of my hopes I shall support it, for it will bring some relief to the men whom we owe so much.

"And they came to the gate within the wall, where Peter holds the keys.
'Stand up, stand up, now, Tomlinson, and answer loud and high,
The good that ye did for the sake of men or ever ye came to die—
The good that ye did for the sake of men in little earth so lone!'
And the naked soul of Tomlinson grew white as a rain-washed bone.

"This I have read in a book," he said, "and that was told to me,
And this I have thought that another man thought of a prince in Muscovy"—
And Peter twirled the jangling keys in weariness and wrath.
"Ye have read, ye have heard, ye have thought," he said, "and the tale is yet to run;
By the worth of the body once ye had, give answer—what ha' ye done?"

To such a challenge what answer can we give for the veterans of the Union Army. In our hour of stress as young men they gave up opportunities, careers, homes, and all that men hold dear. They suffered and sacrificed for human rights and the preservation of our Union. All that America is to-day is due to them, and on America hang the hopes of the world.

Mr. RAMSEYER. Mr. Speaker, during the last Congress I had the honor of serving on the Committee on Invalid Pensions of which the distinguished gentleman from Ohio [Mr. SHERWOOD] is the chairman, and who now has charge of this bill before the House. While I served on that committee I made a special study of pension legislation and of the needs of the veterans of the Mexican and Civil Wars. I introduced and got through the committee and Congress a great many special bills for the relief of the old soldiers and the widows and orphans of old soldiers. No service that I have performed here has given me more pleasure than to procure for them this needed and well-merited relief.

In studying the needs of these veterans I came to the conclusion that a general increase in pensions should be granted. Since the Sherwood bill was passed granting a maximum of $1 per day, conditions have changed. Not only has the dollar lost about half of its purchasing power, but the veterans have grown older, more helpless, and require more to minister to their needs and comfort. The bill before the House grants an increase of 30 per cent. That helps, but it is not enough. December 5 last I introduced a bill (H. R. 6981) granting an increase of $15 per month over the rates in the Sherwood law of 1912. Since introducing this bill I have received many letters from old soldiers in the district I have the honor to represent and from at least a dozen different Northern States indorsing my bill.

I regret that under the rules under which this bill is being considered no amendments can be offered. If I had an opportunity to do so, I should offer my bill as a substitute. As the bill now before the House is the only one that can be considered and offers a considerable increase, though not enough, I shall take pleasure in voting for it with the hope that the Senate will grant additional increases. [Applause.]

Mr. Speaker, under leave to extend my remarks, I ask to have printed H. R. 6981, the bill introduced by me December 5, 1917, and which is as follows:

A bill (H. R. 6981) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912, so as to increase certain pensions $15 per month.

Be it enacted, etc., That the first and second paragraphs of the act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912, is hereby amended to read as follows:

"That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years and served 90 days, $28 per month; six months, $28.50 per month; one year, $29 per month; one and a half years, $29.50 per month; two years, $30 per month; two and a half years, $30.50 per month; three years or over, $31 per month. In case such person has reached the age of 66 years and served 90 days, $30 per month; six months, $30.50 per month; one year, $31 per month; one and a half years, $31.50 per month; two years, $32 per month; two and a half years, $33 per month; three years or over, $34 per month. In case such person has reached the age of 70 years and served 90 days, $33 per month; six months, $34 per month; one year, $35 per month; one and a half years, $36.50 per month; two years, $38 per month; two and a half years, $39 per month; three years or over, $40 per month. In case such person has reached the age of 75 years and served 90 days, $36 per month; six months, $37.50 per month; one year, $39 per month; one and a half years, $42 per month; two years or over, $45 per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability, is now unable to perform manual labor, shall be paid the maximum pension under this act, to wit, $45 per month, without regard to length of service or age.

"That any person who has served 60 days or more in the military or naval service of the United States in the War with Mexico, and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of $45 per month."

Mr. LANGLEY. Mr. Speaker, I yield one-half minute to the gentleman from New Jersey [Mr. BROWNING].

Mr. BROWNING. Mr. Speaker, I shall vote for this pension measure because it is the best we can get at this time. In both the last Congress and early in this session I introduced a bill providing for $30 per month flat, regardless of length of service or age. I would rather now vote for that bill, and if I had the opportunity would offer it as an amendment. However, under the circumstances I will support this bill.

By unanimous consent, leave was granted Mr. BROWNING to extend his remarks in the RECORD.

Mr. LANGLEY. Mr. Speaker, I yield one-half minute to the gentleman from Pennsylvania [Mr. KIESS].

Mr. KIESS of Pennsylvania. Mr. Speaker, a little more than a year has now passed since that fateful April day when the Congress of the United States declared that a state of war exists between the United States of America and the Imperial German Government. Never in the world's history has a more stupendous task come upon a people; never has the spirit of a free people been aroused so signally, nor has the spirit of a free people ever manifested itself so significantly in terms of such a high-born ideal. During the months that have passed the courage, the ardor, the initiative, and the generous devotion of the people to a sacred cause have found nobler expression than has ever been recorded in the history of nations. Looking about one can not help but be impressed with what the American people have felt, and how they have translated their feelings into action. When war was first declared there were those who doubted the response that would be made, but those who questioned the propriety of entering upon this great war or doubted the wisdom of the step were not long in being convinced that the American people were not only determined that German insolence would no longer be tolerated but that America would take a stop forward and declare for world democracy. Never, perhaps, has there been such an exhibition of a people's generous attitude as has been shown in the subscription for billions of liberty bonds, in the indorsement of the project of a selective draft which enrolled 10,000,000 men, and in sanctioning the appropriation of billions of dollars for the support of the Army and Navy and other war-emergency activities.

Within a comparatively short period more than a million men have been assigned to cantonments scattered throughout the length and breadth of the land. These men have been clothed, armed, and equipped, and are being transported to the seat of war as rapidly as circumstances permit. The voluntary agencies which asked for support from the American people met with a response that thrilled the heart and cheered the spirit of every American citizen. Millions of dollars for the Red Cross, for the Young Men's Christian Association, for the Knights of Columbus, and for other organizations were contributed with generous hand.

It is a fine tribute to the spirit of democracy which is unalterably opposed to the doctrine of militarism that it should be able to rally its social and economic forces in so short a time with so little confusion and with such practical unanimity. The spirit of sacrifice has found expression on every hand—whether in the crowded city, with its teeming thousands, or in the thinly populated country places—everywhere the American people have given ready response. Mothers and fathers have dedicated their sons, and wives, with tear-stained eyes, have not counted

the cost too great to submit to long and perhaps timeless separation. From farm and fireside, from store and factory, from city and hamlet, from all the marts of trade, industry, and commerce the legions have come, willing and glad to pay, if necessary, the price of life for the cause of eternal liberty.

And while the men and boys have been massing for active participation, the women of the land have given examples of unparalleled devotion in ministering to the physical needs and comforts of Army and Navy. The future historian will write as one of the significant pages in history that which describes the heroism of the women of the land, who not only gave their sons and husbands and brothers but organized aid, comfort, and relief on a scale such as never has been paralleled in the annals of time. All that has been done, all that will be done, and all that can be done is but the latent spirit of a free people expressed for the purpose of perpetuating the doctrine of individual liberty. It will ever be the crowning glory of America that in the year 1776 she began the work of putting kings out of commission. Since that time the business of being a king by Divine right has had a precarious existence, and when the final blow of the struggle in which we are now engaged is struck the autocratic king business will be dead and damned beyond the hope of a political or civil resurrection. The one clear dominating note above the "tumult and the shouting" is that which proclaims the right of every nation to say how it will be governed and the right of every human being to be a participant in the government that holds its protecting flag over him. Such is the purpose of America in the war, and in the attainment of that purpose we shall not falter or fail while the American spirit so manifest now renders tribute to its ideals and traditions.

But while we contemplate with satisfaction the splendid spirit of America's millions of patriotic and self-sacrificing men and women, we must not close our eyes to the fact that within our borders there exists an element not openly and avowedly disloyal, but secretly intent on undermining the principles upon which the superstructure of our cause rests. By a most insidious propaganda that element sows the seeds of sedition, encourages proselyting, disseminates false news, disuades people from subscribing to loans, lays plots to destroy our munition plants, and in a hundred devious ways give aid and comfort to the enemy The Government in its treatment of this disaffected element has exercised a leniency that has reached its limits. There is now no middle ground. Every inhabitant of the United States is either for or against the Government. The people have spoken and they demand that those who in secret traduce the Government by plot and intrigue shall be treated as enemies of the State and be summarily dealt with. It is the blindest of follies to tolerate any form of treasonable conduct within our household at any time. Much greater is the folly when the masses of the people in a nation are staking their lifeblood and treasure in a crisis that imperils human freedom. A neutral citizen in the United States to-day is an anachronism. Life, liberty, and the pursuit of happiness are vouchsafed to him who stands by the flag and what it represents. Patriotism can have no dual personality; treason alone is the hydraheaded monster. The cause is too sacred, the issue too momentous to tolerate longer in any community those who by insidious arts and schemes would prey upon the vitals of the country. And if I sense aright the spirit of the people, they demand that the severest penalties should be imposed upon those who would jeopardize the success of our Army and Navy. To suffer enemy plotters in this country to poison liberty at its very fountain head is to trifle with the tolerant and patient spirit of the people To impose mild Federal imprisonment or internment may well accord with judicial sanction in time of peace, but treason in time of war demands a sterner retribution. To strike a swift and sure blow now will serve to show that the traitor and his treasonable conduct can have no abiding place in this Republic.

I have been profoundly impressed with the fine ardor and splendid spirit manifested among the people whom I represent. Everywhere I have found them loyal, hopeful, considerate. From every roof tree flies the service flag. The daughters of the communities are in the Red Cross organizations, the mothers helpful in the clubs and at the firesides, the sons in the trenches, the fathers on the farms and in the factories, each doing not merely his "bit," but his very best. What is being done among my own people I have a feeling is being done in varied and varying degrees in every congressional district throughout this broad land. Who can escape the sense of pride when he contemplates his country, 100,000,000 strong, definitely pledged to break the tyranny of autocracy and committed to enthrone the ideal of free government in the hearts and consciences of humanity. The cause is a sacred one, and the American people will justify themselves in their splendid support of all measures that tend to eliminate distinctions and strengthen the bonds of universal brotherhood.

Mr. LANGLEY. Mr. Speaker, I have yielded to other gentlemen practically all of the time I happen to have control of because I wanted to emphasize the view I have always entertained, that where a gentleman by reason of his committee status or otherwise happens to be fortunate enough to control some of the time for debate he ought to realize that it belongs to his colleagues, and that he ought not try to hog it himself. I shall utilize the little time I have left for the purpose of saying one or two things that I shall elaborate on at a later date under the leave which I have obtained heretofore to extend my remarks in the RECORD on this question. In common with a number of my colleagues on this side of the House who have spoken on this bill, I wish to state that I would be glad to have the opportunity of voting for an amendment to the bill fixing the minimum pension at $30 a month. The RECORD will show that ever since I became a Member of this body I have contended for such a law. We have talked for all these years about a dollar-a-day pension bill and many soldiers were led to believe that they had it, only to discover later that they had been misled. I am not going to indulge in any criticism of the majority that is not just and fair, but it is no answer to the argument that we ought to have a chance to vote for amendments to liberalize this bill, to say that in times past and under entirely different conditions the Republican Party brought up pension bills under a suspenson of the rules, as has been done to-day. I might add in this connection that the amendments that gentlemen desired to offer to the Sulloway bill, which has been referred to frequently in this debate, were not designed to liberalize the bill, as we are seeking to do to-day, so that the fact that the Republicans, when they controlled the House, invoked a suspension of the rules does not show any unfriendliness to the old soldier, as the proceedings of the majority here to-day do show.

As I recall it, the Grand Army of the Republic and the soldiers of the country were satisfied with the Sulloway bill, and did not want it amended, while according to the best information I can get as to their attitude on this bill they do want it amended in some particulars. I have not the remotest doubt that if we could get the privilege of offering an amendment providing a minimum of $30 a month this House would adopt it with an overwhelming vote. The old soldiers of the country and their friends will not fail to note that with complete unanimity the Republicans of this body have to-day sought in every parliamentary way to get a chance to liberalize this bill, and that these efforts have been uniformly blocked by gentlemen on the Democratic side of the House. My genial friend from Ohio [Mr. KEY] suggested a while ago that the action of the recent conference of the Republican Members of the House approving the Smoot bill is responsible for the partisanship and acrimony which has developed in this debate. Of course I take it that the Democrats of the House have never been guilty of similar action. I am unable to understand how the decision of the Republican Members of the House, that they favored the Smoot bill, which is a more liberal bill than this one, stirred up our Democratic friends and invoked partisan discussion, if it be true, as some of them contend, that the Democratic Party is friendlier to the old soldiers than the Republican Party. Of course, everyone who is at all familiar with the history of pension legislation knows that such a contention is absurd.

My distinguished friend from Missouri, Judge RUCKER, who is always eloquent and usually fair in debate, referred to the Sherwood Act of May 11, 1912, as an evidence of the friendliness of the Democratic Party to the veterans of the Civil War. I have not the time to go into an analysis of the vote on that bill, but I beg to remind the House that with 225 Democratic Members of this body at that time, only 97 Democratic votes were cast for the bill, while practically the entire Republican vote was cast for it.

An analysis of the vote shows that but for the loyal and unwavering support which it received at the hands of the Republican membership the bill would have been overwhelmingly defeated in the House of its alleged friends. The vote in the Senate was of a similar character, and the vote in both Houses on that bill shows unmistakably and unanswerably, as I have heretofore said in this body, that the Republican Party as an organization has been the constant advocate and loyal supporter of liberal pensions for those who fought under the Stars and Stripes in every conflict in which our flag has been carried, and that the Democratic Party as an organization, with here and there an exception, has been, particularly since the Civil War, against liberal pension legislation. And mark this prediction, gentlemen, and I am willing to renounce all claims to the gift of prophecy if I miss it: I predict that there will be a lot

of Democratic votes against this bill, which vote would be considerably larger but for the political exigencies involved, and that there will not be a single Republican vote cast against it.

Before closing, Mr. Speaker, I desire to say that I do not believe my colleague from Indiana, Mr. BLAND, intended to question the loyalty to the old soldiers of Ohio's grand old man, Gen. SHERWOOD, and I think the language that the gentleman used was in the heat of debate, more or less perverted for one purpose or another. I have served for many years on the Invalid Pensions Committee with Gen. SHERWOOD, and I am glad to say that I do not think the soldiers of the country have a more faithful or a more loyal friend in this body than he. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that all gentlemen who speak or who have spoken on this bill be granted leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all gentlemen who have spoken upon this bill or who may speak upon it be permitted to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a great many gentlemen have not had the opportunity of speaking on this bill who would like to, and I ask unanimous consent that all gentlemen have five legislative days within which to extend their remarks on this bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent that all gentlemen may have five legislative days within which to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I yield one-half minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I want to thank you and the House for the short time allowed me to express my approval of pensions for our veteran soldiers.

May I be permitted to say at the outset, if there ever was a policy to which the United States was fully committed it is the policy of liberal pensions for our veteran soldiers?

Abraham Lincoln had their welfare at heart, and it was he who stated that this country should devote itself to binding up the wounds of the afflicted and caring for the widows and orphans of our veteran soldiers. Schuyler Colfax was likewise a sincere friend to the veteran soldiers and favored pensions as a war policy. And, Mr. Speaker, I am pleased to state that as a reward for valuable services this Nation owes a debt to its veteran soldiers which can not be paid alone in gratuity, but in rewarding them in part for the sacrifices they endured and the services they performed.

Indeed we would have no united Nation to-day if it had not been for the veteran soldier. Probably the lesson of their sacrifices in enlisting is brought home closer to us to-day than it was before the present European world war started.

Now, we see young men not only leaving home and everything dear to them, but also leaving behind opportunities of making a success in business pursuits, just as the soldiers of the Civil War did. Many of them give up their hope of education, quit their studies, close the college door, and exchange their books of learning for a knapsack and rifle to learn the art of war.

We are at war. There is no use of evading that fact. Every man who formerly was for peace should now be for war. The very life of our country and its institutions are at stake, as well as the safety of our homes and the welfare of our families.

We may learn a lesson from heroic, patriotic, and noble Belgium. Its people made the supreme sacrifice. Few Belgians are now living in that desolated country. Those who are able to work were driven by the Hun hordes into bondage, to make munitions, to raise food, and some of them to serve under penalty of death in the German military establishment. What a scene! What a sacrifice Belgium made! Are we now less patriotic or strong in heart?

It is a long way from peace to a war basis; but we must devote ourselves wholly to war until victory comes. Our sons and young men have gone to war. The morale of our people and the fighting disposition of our people must support them. We must do everything we can here at home in this country to encourage and support them. Spies must be hung, traitors must be shot, sedition must be quelled. Unity of purpose and unity of action there must be. We are fighting a terrible war—one-half of the world against the other half—but with righteousness and justice upon our side, surely as the sun shines in the sky, we will be victorious in the end.

May I further say that I have always favored a dollar-a-day pension for the veteran soldiers? I think that is little enough. In my first campaign I spoke in favor of the Sherwood dollar-a-day pension bill and voted for it here in the House. That bill passed the House, but was amended by the McCumber amendment in the Senate to a double standard age and service bill, allowing pensions according to the time of service and age of the veteran. I think the time has now come when every veteran who served in the Army of the United States and offered his life for his country should be put on the pension roll. I likewise believe that every veteran soldier who is in humble circumstances and not able to earn a livelihood and needing frequent and periodic attention ought to receive a pension sufficient to support him and furnish him medical care and attendance in order that he might not be reduced to want and have the thought of poverty haunting him or on his mind in his last days.

I am pleased that this bill makes a horizontal increase of 30 per cent over the amount of the pension now received by the soldier. The increased cost of living makes an increase of the pension absolutely necessary; and while 30 per cent increase in his pension will not meet half the increase now in the cost of living, it will help some and be a recognition for the valuable services performed by him in the dark and perilous hours of our Nation.

When the boys enlisted—for they were mere boys—they were told that they and their dependents would be cared for by the Nation, and I am pleased to see this promise being kept. I think the provision of the bill stating that any soldier who has an income of $1,000 a year should not be entitled to an increase should be stricken from the bill. And if the lowest pension granted to any soldier was $1 a day I would be more pleased in giving my support to it. But it is the best we can do. The bill comes under a rule curtailing debate and allowing no amendments, so that in the House all we can do is to pass it as it is.

It is stated on the floor of the House by Gen. SHERWOOD, chairman of the Invalid Pension Committee, that this bill has the favor, support, and recommendation of many posts of the Grand Army of the Republic of the United States. He presents many letters in support of this contention. I have no doubt but that this bill carries the indorsement of a large majority of the Grand Army of the Republic of our Nation, although I wish they had made the minimum pension $30 instead of $25.

Mr. Speaker, let me voice my appreciation of the manner of providing for our present soldiers fighting in the great European war by giving them an insurance policy of $10,000 at the low rate of practically $7 per month. In case of death this amount is paid to their dependents. In case of injury they draw an amount approximating $60 per month. This takes care of the pension situation for our present Army. Those not injured contribute to those who are injured, and under it ample provision is made for our soldiers against want and privation.

Our glorious country is now passing through the shadow of the greatest war of our history. Let every man who remains at home do his duty as well as the boys at the front are doing theirs, and our flag will continue to wave over the land of the free; our Nation, with its many opportunities, and our homes, with their pleasing hearthstones, will be forever secure and safe in the years to come against any tyrant and all barbarians. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I yield the remainder of my time to the ranking member of the committee, the gentleman from Missouri [Mr. RUSSELL].

The SPEAKER. The gentleman from Missouri is recognized for six minutes.

Mr. RUSSELL. Mr. Speaker, I yield to no man in this House in friendship for the old soldier. I have sometimes said that it would be a disgrace to this Government to permit any of the old veterans of the Civil War to go to the poorhouse or suffer for the necessaries of life. I feel so now. This bill provides for a 30 per cent increase of all pensions now paid to Union soldiers of the Civil War, which is necessary and justified by the present high cost of living, and I hope it will be promptly passed.

I am sorry to see that there is some disposition on the part of some of the gentlemen in this House to inject politics into this discussion to-day. I served in this House while the Republicans were in power, and during that time two general pension laws were passed. We are assailed here to-day because this bill comes up under suspension of the rules. Of the two pension bills that were passed by the Republican Party while they were in power, during the time that I served in this House, one of them was the increase of the widow's pension from $8 to $12 per month. That was passed on February 3, 1908. It was taken up and passed under suspension of the rules, just as this bill is to be passed to-day.

Efforts were made to amend it without avail. It was a privileged bill, as this is. You had in the chair at that time the distinguished gentleman from Illinois [Mr. CANNON], whom we all respect, and I know him to be a friend of the soldier and of the soldiers' widows at all times. You were asked to-day why we did not call this bill up as a privileged bill and pass it in that way? Why did not the Republicans call up the widows' bill as a privileged bill and pass it? Because they wanted it passed as it was brought into the House by the committee and did not want to throw it open to amendment. Another bill was passed while the Republicans were in power, while I was a Member. That was the Sulloway bill. It was passed on January 10, 1911. The same conditions exactly obtained at that time. It was brought up under suspension of the rules. It was a privileged bill. You had a friend in the chair, but you did not call it up as a privileged bill. You brought it up under suspension of the rules, as we have done with this bill to-day. An effort was made by no less distinguished a man than the Senator from Massachusetts, Mr. WEEKS, then a Member of the House, to amend it, but the gentleman from Illinois [Mr. FULLER], who had charge of the bill, objected, and no amendment was permitted at that time. Why do you censure us to-day for doing what the Republicans did all the time while they were in power? I call attention to the fact that the Sulloway bill, the purpose of which was to pay pensions to all soldiers of the Civil War, although passed in this House, was defeated in the Senate, and never while the Republican Party was in power did you give the old soldiers of this country any relief, but it was the Democratic Congress that first passed the Sherwood bill. [Applause on the Democratic side.] This was the first general pension bill that provided pensions for all the soldiers of the Civil War who fought for the preservation of the Union. I do not deny that you Republicans are now friendly to the old soldiers, but the fact remains that after long years of political power you failed to give them relief, but the Democratic Party promptly did so by the passage of the Sherwood bill.

Mr. LANGLEY. Will the gentleman yield?

Mr. RUSSELL. I have not the time. After that bill was passed by a Democratic House it was cut down in amount by a Republican Senate, and now they tell us that the Senate will have to improve this bill by giving us the Smoot bill. The Senate never did improve a pension bill that was sent to it by this House. [Laughter and applause.] The Sulloway bill was defeated entirely, and the Sherwood bill was largely reduced. Is not that true?

Mr. LANGLEY. Will not the gentleman yield for a question?

Mr. RUSSELL. Yes; for a short question.

Mr. LANGLEY. All right. Is it not a fact that there were 225 Democrats in the House when the Sherwood bill was passed, and they only gave 97 votes, and that every Republican in the House who voted was recorded for that bill? I have reference to the record.

Mr. RUSSELL. My friend from Kentucky is mistaken. When the Sherwood bill was passed such distinguished Republicans as Payne of New York and Hill of Connecticut and Gardner and McCall of Massachusetts all voted against it, and when the Sulloway bill was passed by the House the Republican leader on the floor, Mr. Payne, made a speech against it; and the present Republican leader, the gentleman from Massachusetts [Mr. GILLETT], Senator WEEKS, of Massachusetts, and the gentleman from Ohio [Mr. LONGWORTH] all spoke against it.

Mr. LANGLEY. Is not the gentleman talking about the Sulloway bill? I am speaking from recollection. I know nearly all of them voted for it, and I thought they all did.

Mr. RUSSELL. I do not know how many Republicans voted for it. I know it is quite a habit of Republicans to make speeches against bills and then vote for them. [Laughter and applause on the Democratic side.] They may have done it in this case. [Laughter and applause on the Democratic side.]

Mr. GARNER. Is it not probable that a great many regrets have been expressed here to-day while entertaining the hope that the bill will pass as it is?

Mr. RUSSELL. Absolutely. There is no Republican in this House to-day who will vote against this bill. I am satisfied of that. They know it is a good bill, and yet they have undertaken to try to criticize the bill and chastise us for trying to suspend the rules so as to get it through promptly.

I was surprised when my friend from Michigan [Mr. MCLAUGHLIN] said that all the credit of getting this bill up in the House to-day is due to the tireless efforts of the gentleman from Indiana [Mr. BLAND] because he agitated the question on the floor last Saturday. Why, God bless you, my friends, the gentlemen from Ohio [Mr. SHERWOOD and Mr. ASHBROOK] and myself had already before that time gone to the Speaker of this House, who is a friend of the old soldier, and he had promised us before last Saturday that he would recognize Gen. SHERWOOD to-day to do just what we have done. [Applause.]

The SPEAKER. The time of the gentleman has expired; all time has expired. The question is on suspending the rules and passing the bill.

Mr. SLOAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. SLOAN. Mr. Speaker, to submit a unanimous-consent request. I have an amendment on the Clerk's desk, and I ask to have it read and acted upon, providing for the reduction of the time of service from 90 days to 30 days.

The SPEAKER. The gentleman from Nebraska [Mr. SLOAN] asks unanimous consent that he be permitted to offer an amendment——

Mr. GARNER. Mr. Speaker, I regret not to accommodate the gentleman from Nebraska, but I think we had better vote on this bill.

The SPEAKER. The gentleman from Texas objects. The question is on suspending the rules and passing the bill.

The question was taken.

Mr. ASWELL. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Louisiana makes the point of order there is no quorum present, and the Chair will count. [After counting.] A hundred and fifty-six gentlemen, not a quorum, are present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Will the vote be now upon the passage of the bill?

The SPEAKER. The question is on suspension of the rules and the passage of the bill. Those in favor will vote "aye" and those opposed will vote "no."

The question was taken; and there were—yeas 242, nays 46, answered "present" 2, not voting 140, as follows:

YEAS—242.

Alexander	Esch	Linthicum	Sanford
Anderson	Evans	Littlepage	Scott, Iowa
Anthony	Fairchild, B. L.	Lobeck	Scott, Mich.
Ashbrook	Ferris	London	Scully
Austin	Fess	Lonergan	Sears
Ayres	Fisher	Lufkin	Sells
Baer	Flood	Lundeen	Shallenberger
Barkley	Focht	Lunn	Sherwood
Barnhart	Foster	McAndrews	Shouse
Beakes	Francis	McArthur	Sims
Beshlin	Frear	McClintic	Sinnott
Black	Freeman	McFadden	Sloan
Bland	French	McKenzie	Small
Booher	Fuller, Ill.	McKeown	Smith, Idaho
Britten	Fuller, Mass.	McLaughlin, Mich.	Smith, Mich.
Browne	Gallivan	McLemore	Smith, C. B.
Browning	Gandy	Madden	Snell
Brumbaugh	Garner	Magee	Snook
Burnett	Garrett, Tenn.	Mapes	Snyder
Butler	Gillett	Mason	Stafford
Caldwell	Glynn	Mays	Stedman
Campbell, Kans.	Godwin, N. C.	Merritt	Steenerson
Cannon	Graham, Ill.	Miller, Minn.	Stephens, Nebr.
Caraway	Graham, Pa.	Miller, Wash.	Sterling, Ill.
Carter, Okla.	Green, Iowa	Moon	Sterling, Pa.
Cary	Greene, Mass.	Moores, Ind.	Stevenson
Chandler, N. Y.	Greene, Vt.	Morgan	Stiness
Chandler, Okla.	Hadley	Neely	Strong
Clark, Fla.	Hamilton, Mich.	Nelson	Switzer
Classon	Hamlin	Nichols, Mich.	Talbott
Claypool	Hardy	Norton	Taylor, Colo.
Coady	Hastings	Oldfield	Thomas
Cooper, Ohio	Hawley	Olney	Tillman
Cooper, W. Va.	Hayden	Osborne	Tilson
Cooper, Wis.	Hayes	O'Shaunessy	Timberlake
Copley	Heaton	Overmyer	Towner
Cox	Helvering	Padgett	Treadway
Crago	Hensley	Parker, N. J.	Van Dyke
Cramton	Hersey	Parker, N. Y.	Vestal
Crisp	Hicks	Peters	Voigt
Crosser	Hilliard	Platt	Volstead
Dallinger	Holland	Polk	Walsh
Davidson	Huddleston	Pou	Walton
Decker	Hull, Iowa	Pratt	Ward
Delaney	Igoe	Price	Wason
Dempsey	Ireland	Purnell	Watkins
Denton	James	Rainey, H. T.	Watson, Va.
Dickinson	Johnson, Ky.	Rainey, J. W.	Webb
Dill	Johnson, Wash.	Raker	Welty
Dixon	Kearns	Ramseyer	Wheeler
Doolittle	Keating	Randall	White, Me.
Doremus	Kehoe	Reed	White, Ohio
Doughton	Kennedy, Iowa	Robbins	Williams
Dowell	Key, Ohio	Roberts	Wilson, Ill.
Drane	Kiess, Pa.	Rodenberg	Winslow
Dyer	Kinkaid	Rogers	Wood, Ind.
Eagan	Kitchin	Romjue	Woods, Iowa
Elliott	Knutson	Rubey	Woodyard
Ellsworth	Kraus	Russell	Young, N. Dak.
Elston	La Follette	Sabath	
Emerson	Langley	Sanders, Ind.	

NAYS—46.

Almon	Dominick	Oliver, Ala.	Sumners
Aswell	Dupré	Overstreet	Taylor, Ark.
Bankhead	Eagle	Park	Venable
Bell	Garrett, Tex.	Quin	Vinson
Blackmon	Goodwin, Ark.	Rayburn	Walker
Blanton	Gordon	Rouse	Weaver
Brand	Heflin	Rucker	Whaley
Buchanan	Helm	Sherley	Wise
Byrnes, S. C.	Houston	Sisson	Wright
Candler, Miss.	Kincheloe	Slayden	Young, Tex.
Collier	Larsen	Steagall	
Connally, Tex.	Mansfield	Stephens, Miss.	

ANSWERED "PRESENT"—2.

Byrns, Tenn. Wilson, Tex.

NOT VOTING—140.

Bacharach	Fields	Kelley, Mich.	Powers
Borland	Flynn	Kelly, Pa.	Ragsdale
Bowers	Fordney	Kennedy, R. I.	Ramsey
Brodbeck	Foss	Kettner	Rankin
Burroughs	Gallagher	King	Reavis
Campbell, Pa.	Gard	Kreider	Riordan
Cantrill	Garland	LaGuardia	Robinson
Carew	Glass	Lazaro	Rose
Carlin	Good	Lea, Cal.	Rowe
Carter, Mass.	Goodall	Lee, Ga	Rowland
Church	Gould	Lehlbach	Sanders, La.
Clark, Pa.	Gray, Ala.	Lesher	Sanders, N. Y.
Cleary	Gray, N. J.	Lever	Saunders, Va.
Connelly, Kans.	Gregg	Little	Schall
Costello	Griest	Longworth	Scott, Pa.
Currie, Mich.	Griffin	McCormick	Shackleford
Curry, Cal.	Hamill	McCulloch	Siegel
Dale, N. Y.	Hamilton, N. Y.	McKinley	Siemp
Dale, Vt.	Harrison, Miss.	McLaughlin, Pa.	Smith, T. F.
Darrow	Harrison, Va.	Maher	Steele
Davis	Haskell	Mann	Sullivan
Denison	Haugen	Martin	Sweet
Dent	Heintz	Meeker	Swift
Dewalt	Hollingsworth	Mondell	Tague
Dies	Hood	Montague	Temple
Dillon	Howard	Moore, Pa.	Templeton
Donovan	Hull, Tenn.	Morin	Thompson
Dooling	Humphreys	Mott	Tinkham
Drukker	Husted	Mudd	Vare
Dunn	Hutchinson	Nicholls, S. C.	Waldow
Edmonds	Jacoway	Nolan	Watson, Pa.
Estopinal	Johnson, S. Dak.	Oliver, N. Y.	Welling
Fairchild, G. W.	Jones	Paige	Wilson, La.
Fairfield	Juul	Phelan	Wingo
Farr	Kahn	Porter	Zihlman

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. NICHOLLS of South Carolina with Mr. REAVIS.
Mr. DALE of New York with Mr. HASKELL.
Mr. STEELE with Mr. HAMILTON of New York.
Mr. THOMAS F. SMITH with Mr. GRAY of New Jersey.
Mr. MAHER with Mr. GOODALL.
Mr. SANDERS of Louisiana with Mr. WALDOW.
Mr. BYRNS of Tennessee with Mr. BURROUGHS.
Mr. FIELDS with Mr. KENNEDY of Rhode Island.
Mr. DENT with Mr. KAHN.
Mr. HOWARD with Mr. BACHARACH.
Mr. DOOLING with Mr. CURRY of California.
Mr. CAMPBELL of Pennsylvania with Mr. ZIHLMAN.
Mr. ESTOPINAL with Mr. BOWERS.
Mr. CANTRILL with Mr. DAVIS.
Mr. BORLAND with Mr. DARROW.
Mr. DONOVAN with Mr. CLARK of Pennsylvania.
Mr. CLEARY with Mr. GEORGE W. FAIRCHILD.
Mr. BRODBECK with Mr. DENISON.
Mr. DEWALT with Mr. WATSON of Pennsylvania.
Mr. CAREW with Mr. FAIRFIELD.
Mr. CONNELLY of Kansas with Mr. EDMONDS.
Mr. CARLIN with Mr. COSTELLO.
Mr. DIES with Mr. DUNN.
Mr. CHURCH with Mr. CURRIE of Michigan.
Mr. RIORDAN with Mr. MUDD.
Mr. HAMILL with Mr. FARR.
Mr. LAZARO with Mr. KING.
Mr. OLIVER of New York with Mr. MEEKER.
Mr. GALLAGHER with Mr. FOSS.
Mr. PHELAN with Mr. KREIDER.
Mr. HARRISON of Virginia with Mr. GARLAND.
Mr. GARD with Mr. LONGWORTH.
Mr. KELLY of Pennsylvania with Mr. GOOD.
Mr. JACOWAY with Mr. HAUGEN.
Mr. LEE of Georgia with Mr. MCCULLOCH.
Mr. HARRISON of Mississippi with Mr. JUUL.
Mr. JONES with Mr. TINKHAM.
Mr. GLASS with Mr. GOULD.
Mr. LEA of California with Mr. MORIN.
Mr. HULL of Tennessee with Mr. LEHLBACH.
Mr. LESHER with Mr. GRIEST.
Mr. HUMPHREYS with Mr. LITTLE.
Mr. GRAY of Alabama with Mr. HUTCHINSON.
Mr. MONTAGUE with Mr. MCKINLEY.
Mr. LEVER with Mr. SIEGEL.
Mr. HOOD with Mr. MCLAUGHLIN of Pennsylvania.
Mr. GREGG with Mr. MOORE of Pennsylvania.
Mr. RAGSDALE with Mr. HUSTED.
Mr. GRIFFIN with Mr. MONDELL.
Mr. MARTIN with Mr. TEMPLE.
Mr. ROBINSON with Mr. PAIGE.
Mr. SHACKLEFORD with Mr. PORTER.
Mr. SULLIVAN with Mr. RAMSEY.
Mr. SAUNDERS of Virginia with Miss RANKIN.
Mr. TAGUE with Mr. ROSE.
Mr. THOMPSON with Mr. SANDERS of New York.
Mr. WELLING with Mr. SWIFT.
Mr. WILSON of Louisiana with Mr. ROWE.
Mr. WINGO with Mr. SWEET.
Mr. FLYNN with Mr. ROWLAND.
Mr. SCHALL with Mr. SELLS.

Mr. OSBORNE. Mr. Speaker, my colleague, Mr. NOLAN, is unavoidably absent. If he were present, he would vote "yea."

Mr. GREENE of Vermont. Mr. Speaker, my colleague, Mr. DALE of Vermont, is absent, making patriotic speeches. If he were present, he would vote "yea."

Mr. JAMES. Mr. Speaker, Mr. KELLY of Pennsylvania is absent. If he were present, I am authorized to say, he would vote "yea."

Mr. GANDY. Mr. Speaker, my colleague, Mr. DILLON, is unavoidably detained at home. If he were here, he would vote "yea."

Mr SMITH of Michigan. Mr. Speaker, my colleague, Mr. FORDNEY, is necessarily and unavoidably absent, and I am authorized to say that if he were present, he would vote "yea."

Mr. SCOTT of Michigan. Mr. Speaker, my colleague, Mr. KELLEY of Michigan, is unavoidably absent. If he were present, he would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

LEAVE OF ABSENCE.

Leave of absence was granted as follows:

To Mr. CONNELLY of Kansas, for 10 days, on account of important business; and

To Mr. FAIRFIELD (at the request of Mr. VESTAL), for 10 days, to attend the funeral of his mother.

AGE OF CANDIDATES FOR NAVAL ACADEMY.

The SPEAKER. The Clerk will call the first bill on the Calendar for Unanimous Consent.

The first business on the Calendar for Unanimous Consent was the bill (S. 3402), to fix the age limit for candidates for admission to the United States Naval Academy.

The title was read.

The SPEAKER pro tempore (Mr. FOSTER). Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I understood the gentleman withdrew it the other day for the purpose of offering an amendment. I would like to inquire if the gentleman from Tennessee [Mr. PADGETT] has any amendment which he wishes to offer?

Mr. PADGETT. Yes, sir. I wanted to offer an amendment, in lines 4 and 5, to strike out the words "between the ages of 16 and 20 years on July," and ask unanimous consent in lieu thereof to insert "not less than 16 years of age nor more than 20 years of age on April," so that it will read:

That hereafter all candidates for admission to the Naval Academy must be not less than 16 years of age nor more than 20 years of age on April 1 of the calendar year in which they enter the academy.

Mr. GILLETT. How does that change it from the present law?

Mr. PADGETT. I was going to state it. At present we have two laws on the subject of nominees made by Senators and Members of the House, and they provide that they must not be less than 16 nor more than 20 at the date of the examination.

Now, they hold two examinations every year and sometimes three. The examinations are usually held in February and April. The law with reference to admission from the service provides for another date for entering the academy, so that there are varying dates. This is simply to leave the age limit the same and to fix April 1 as the date of determining the age. I selected April 1 because at present the practice is to hold examinations in February and in April. They hold them sometimes, I think, about the first or second Tuesday in April.

Mr. STAFFORD. Always the third Tuesday of February and the third Tuesday of April.

Mr. PADGETT. So that this is a fair mean between those two examination dates.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SMITH of Michigan. I understand the present age limit is 22 years. Why the discrimination? Why limit it to 20 years?

Mr. PADGETT. The question has been before the committee a number of times, and all the naval people have advocated reducing the age to 18, making it 15 to 18, claiming that the younger ones adapt themselves to the service far better than the older ones. But we have kept the age the same and are proposing to have the 1st of April fixed as the definite date for the entry.

Mr. CANNON. It does not apply to this year?

Mr. PADGETT. No, sir.

Mr. KEARNS. The maximum is 20 years?

Mr. PADGETT. Yes; the maximum is 20 years. This does not affect that now.

Mr. KEARNS. You say there is a movement on foot to reduce it to 15 years?

Mr. PADGETT. I say it has been advocated before the committee for several years, but the committee has never recommended reducing the age.

Mr. KEARNS. I understand in the last examination scarcely any of the boys who were high-school boys passed the examination. I am speaking of the April examination.

Mr. PADGETT. I have not heard anything about the April examination. That was not the case with respect to the February examination.

Mr. KEARNS. I was told that the April examination was the most difficult one they have had in years. If a boy 18 years old could not pass it, I do not know how a boy 15 years old could.

Mr. PADGETT. We have not advocated placing the age at 15. Mr. Speaker, I offer an amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter all candidates for admission to the Naval Academy must be between the ages of 16 and 20 years on July 1 of the calendar year in which they enter the academy: *Provided*, That the foregoing shall not apply to candidates for midshipmen designated for entrance to the academy in 1918.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment offered by Mr. PADGETT: Page 1, lines 4 and 5, after the word "be," in line 4, strike out "between the ages of 16 and 20 years on July," and insert "not less than 16 years of age or more than 20 years of age on April," so that the bill as amended will read:

"That hereafter all candidates for admission to the Naval Academy must be not less than 16 years of age or more than 20 years of age on April 1 of the calendar year in which they enter the academy," etc.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry. What is the proposition? What age limit is being fixed?

Mr. PADGETT. It is not changing the age limit. This fixes a definite date to determine the age.

Mr. MADDEN. They must be from 16 to 20 now when they make an application. This is for the examination?

Mr. PADGETT. Yes. This is when the examination is held. One is held in April and one in February, and sometimes they hold them in June. In another law as to those who come in from the service it is the date of entering the academy. This is to determine a uniform time for entry.

Mr. MADDEN. So that if a young man were appointed, for example, in March for examination in April, and he was 20 years of age on the 1st of May he would not be admitted?

Mr. PADGETT. He would be admitted. He would have to be 20 years of age prior to the 1st day of April.

Mr. MADDEN. Suppose a young man became 20 years of age on the 1st of April, and I was not able to appoint him for the April examination and wanted to appoint him for the June examination?

Mr. PADGETT. We do not regularly have June examinations. They are very rare. We have had only one June examination in a number of years past.

Mr. MADDEN. They examine them specially in June. I have had it done.

Mr. PADGETT. They may be special examinations.

Mr. MADDEN. I do not say regular examinations. What would happen to a boy in that case?

Mr. PADGETT. If he were over 20 years of age on the 1st day of April he could not enter, and if he were under that he would enter. It only fixes a definite date, whereas now we have a fluctuating, varying date, according to the examination and then under two different laws.

Mr. MADDEN. What advantage is there in the new scheme?

Mr. PADGETT. The department says it will save an immense amount of misunderstanding and confusion all over the country, and will save them a vast amount of correspondence explaining the situation from time to time.

Mr. MADDEN. What misunderstanding could they have, for example, if I were going to nominate a young man for examination to the Naval Academy? I would ascertain all the facts in the case and would know whether the young man was within the prescribed age, and I would not nominate him if he were not. How would that affect the department?

Mr. PADGETT. It affects the department by people writing to the department from all over the country as to when a young man can enter.

Mr. MADDEN. But the people have nothing to do with the appointment.

Mr. PADGETT. I know; but the people have an interest in knowing about it, and they write to the department asking as to eligibility and age, and the department writes replies and tells them it is between the ages of 16 and 20, and then they want to know when that 16 and 20 is to be determined.

Mr. MADDEN. That would determine itself, would it not.

Mr. PADGETT. It would determine itself if you had reference to a time fixed to determine it. For instance, if a young man is more than 20 years of age in February, he would be too old.

Mr. MADDEN. Of course, nobody would appoint him.

Mr. PADGETT. But if he came to take the examination in April he would not be too old if he attempted to take it in February, but he would be young enough to take it in April if he were 20 years of age a day or two after the examination.

Mr. MADDEN. Will the enactment of this law prevent people from writing to the department?

Mr. PADGETT. I do not know. It just gives a definite date and leaves a great deal more to be explained.

Mr. MADDEN. I do not think it will make a bit of difference about the annoyance to the department, if they consider it an annoyance when the people in the country ask them questions. Of course, you can not account for what military and naval people think is an annoyance. Ordinarily people in the public service, like Members of Congress and others in the civil branches of the Government, do not consider it any annoyance to have people ask questions; but as a rule naval officers and those in the military branch of the service, whenever you ask a question, say, "What are you interfering in this thing for?" They really seem to think they are omnipotent and that we are here by sufferance, and that we are just necessary nuisances with whom they have to put up during the period of the congressional session. Of course, if they feel that way about a Member of Congress, I do not wonder that they feel annoyed when a citizen asks them a question.

Mr. PLATT. Mr. Speaker, I want to move an amendment to the amendment by changing April 1 to July 1. That is practically the time of admission to the academy, and I do not see why it is not the better date.

Mr. PADGETT. The department recommended July 1, and I had it July 1 in the original bill.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York [Mr. PLATT].

The Clerk read as follows:

Mr. PLATT moves to amend the amendment by striking out the word "April" and inserting in lieu thereof the word "July."

Mr. PADGETT. That was in the original bill, but when it was discussed here the other day you will remember it appeared that the effect will be to shorten the term instead of to lengthen it. I think we had better leave it April.

Mr. PLATT. What is the reason for making it April?

Mr. PADGETT. It simply extends the benefit of the time from July to April.

Mr. HICKS. Mr. Speaker, will not a vote in favor of the Platt amendment be the same as a vote against the Padgett amendment?

Mr. PADGETT. Just exactly.

Mr. PLATT. I understand this is to make uniform the different dates of admission—to make the law uniform?

Mr. PADGETT. The department submitted July, and the committee reported July, but when we had the discussion here the other day it appeared that it would be more accommodating to have it April; and as a result of the discussion here, to adapt it to the trend of opinion at that time, I have suggested April.

Mr. PLATT. That is to give three months longer to each applicant.

Mr. PADGETT. No; the effect of it is that if you put it in July you shorten the time.

Mr. PLATT. I understand that.

Mr. PADGETT. You shorten the age limit within which a man may enter.

Mr. PLATT. That is what the Navy Department want to do.

Mr. PADGETT. I know; they suggested July, but we thought we ought not to reduce the 20 years. So we are making it April, which leaves it practically 20 years, as the law now exists.

Mr. STAFFORD. Will the gentleman from Tennessee yield three minutes to me?

Mr. PADGETT. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Speaker, this matter was considered at some length on the last Unanimous Consent Calendar day. The chairman of the committee withdrew the bill for the purpose of providing for the hiatus which the amendment of the gentleman from New York [Mr. PLATT] would create and for this reason: There are some instances where boys have been selected for next year's appointments who become 20 years of age after the third Tuesday in April. Now, the amendment of the gentleman from New York would absolutely preclude those boys from taking the examination, because on July 1 they would be more than 20 years of age, but they would not be 20 years of age on April 1. There are some cases where boys have been preparing, mayhap for years, to take this examination, and to pass this bill with the proposed amendment of the gentleman from New York [Mr. PLATT] would absolutely preclude them, because while under existing law they are now privileged to take the examination if they are not 20 on the third Tuesday in April, if they become 20 between the third Tuesday in April and the 1st of July, as proposed by the amendment of the gentleman from New York, they would be excluded. Certainly the gentleman does not intend that.

Mr. PLATT. But the law at present provides that.

Mr. PADGETT. I hope the amendment to the amendment will not be agreed to, but that the date, April 1, will be adopted.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from New York [Mr. PLATT] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The amendment to the amendment of Mr. PLATT was rejected.

Mr. PADGETT. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, it does not seem to me that there is any sense in the passage of such a law as this, not a bit. It does not do any good, and it may do a lot of harm. Every Member of Congress who has the power to nominate a boy for admission to the Naval Academy knows that under the law the boy is not eligible unless he is between the ages of 16 and 20, anyhow. Now, why fix a definite date when he must have reached the age limit? We might select a man for admission to the Naval Academy for examination in June. We might select him for an examination in January, or in February, or for examination in April, or at any time, but we all know that when we do select him he must be within the age limit. The fixing of a definite date when he must have reached the age limit will work a great hardship in many cases. Men may by the passage of this law be excluded from the possibility of getting into the Naval Academy at all; and if the only purpose of the enactment of the law is to prevent an annoyance to those who are paid by the Government of the United States to answer the questions of the citizens of the United States, it ought not to be enacted. They are in office for the purpose of transacting the public business, and they ought to consider it a pleasure and a privilege to answer questions asked by citizens of the United States. I know of no person so humble, anywhere in America, that I would not be glad to answer if they appealed to me for information, if I had the information. I do not want ever to consider myself so important that I will become annoyed by being asked a question.

Mr. RAKER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. RAKER. Under the law as it is now, the Member nominates a candidate for midshipman and the boy becomes 16 years of age before admission, he can be admitted?

Mr. MADDEN. Any time he is nominated, if within the age limit.

Mr. RAKER. Before he enters the academy?

Mr. MADDEN. Any person who has sense enough to nominate the boy for admission to the Naval Academy certainly has sense enough to know whether he is within the age limit. What I want to impress upon the gentleman and others is the fact that Members of Congress are supposed to have enough sense to know when a man is within the age limit, and not to nominate him unless he is within that limit. I have no patience with men who sit in these swivel chairs in the Navy Department who are annoyed because somebody asks them questions for information. You do not very often get information when you do ask for it, anyhow. Most of the time they send you back one of those old-time printed slips, with somebody's name at the bottom of it, giving you information generations old instead of answering the question you asked. And then you do not always get that. Sometimes it is two or three weeks after you have written your letter. I got a letter the other day in reply to one I sent on the 26th of March. I got my answer on the 4th of May. It did not give me any information then. When I called up to find out why it took six weeks to write a letter that did not give the information, they said they were trying to find out what the reply should be, and they did not succeed in that. So I say that legislation of this kind ought not to be brought up in the House for consideration. Leave it to the good judgment of the Member of Congress who is authorized to nominate and let him decide when the boy is eligible and when he is not, and not leave it to some man in the Navy Department to say whether the Member of Congress has properly performed his duties. I am opposed to any such legislation. [Applause.]

Mr. PADGETT. Mr. Speaker, I have stated heretofore the purpose of this bill. We have conflicting legislation, and this is simply to give uniform time so that everybody can act upon it. The gentleman's own statement answers the question. Under the law as it is now, if Members of Congress nominate, the law says the candidate must be between the ages of 18 and 20 at the date of examination. Now, in one year that is one day and in another year it is a different day. It varies. If a man goes in from the service, it says that he must be between the ages of 16 and 20 at the time he enters the academy.

All that this does is to say that he must be between the ages of 16 and 20 on the 1st day of April of the year in which he enters the academy. Examinations have been held in February and in April, and if the 1st day of April is fixed, it is a fair date with reference to nominations by a Member of Congress. It does not change the age limit at all, but the change is from July to April for the reason that it would give the benefit of the difference between April and July in the age limit in favor of the boy entering.

Mr. KINKAID. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. KINKAID. Does the bill as worded apply to candidates entering next year?

Mr. PADGETT. It says that it does not apply to the present year.

Mr. FREEMAN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FREEMAN. Why not fix it on the third Tuesday of April, because the candidate for next year may become 20 between April 1 and the third Tuesday of April?

Mr. PADGETT. We have to have some date. We had it July at first, and then we fixed it the 1st of April, because we thought it would give a better chance for the boys.

Mr. FREEMAN. A Member may have a candidate in view to appoint next year who will become 20 between the 1st day of April and the third Tuesday of April.

Mr. HASTINGS. He would be eligible under this act. If he was under that age on April 1 of next year, it would not exclude him.

Mr. PLATT. Would not exclude those who become 20 between April 1 and the third Tuesday.

Mr. HASTINGS. On April 1, if he is under 20, he would go into the academy.

Mr. HICKS. I want to ask the gentleman from Tennessee a question, not exactly pertinent to this subject but one in which I think the House would be interested. Why the distinction between the age limit in the Military Academy and in the Naval Academy?

Mr. PADGETT. It originated many years ago. In the Army the retiring age is 64 years and in the Navy 62 years, and it was on the theory of 40 years' service before retiring.

Mr. HICKS. Oh, it started from the end of the race and worked backward?

Mr. PADGETT. Yes.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 54, noes 4.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read a third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. The question is on the passage of the bill.

The question was taken; and there were—yeas 261, nays 2, not voting 167, as follows:

YEAS—261.

Alexander	Emerson	Larsen	Sears
Almon	Esch	Lea, Cal.	Sells
Anderson	Evans	Lever	Shallenberger
Anthony	Fairchild, B. L.	Linthicum	Sherwood
Ashbrook	Fess	Littlepage	Shouse
Aswell	Fields	Lobeck	Sims
Ayres	Flood	London	Sinnott
Bankhead	Focht	Lonergan	Sisson
Barnhart,	Foster	Lufkin	Slayden
Beakes	Francis	Lundeen	Sloan
Beshlin	Frear	Lunn	Smith, Idaho
Black	Freeman	McAndrews	Smith, Mich.
Blackmon	French	McArthur	Smith, C. B.
Bland	Fuller, Ill.	McClintic	Snell
Blanton	Fuller, Mass.	McCulloch	Snook
Booher	Gallivan	McFadden	Snyder
Bowers	Gandy	McKenzie	Stafford
Brand	Garner	McKeown	Steagall
Browne	Garrett, Tenn.	McLaughlin, Mich.	Stedman
Browning	Garrett, Tex.	McLemore	Steenerson
Brumbaugh	Gillett	Magee	Stephens, Miss.
Buchanan	Glynn	Mansfield	Stephens, Nebr.
Butler	Goodwin, Ark.	Mapes	Sterling, Ill.
Byrnes, S. C.	Gordon	Martin	Stevenson
Byrns, Tenn.	Graham, Ill.	Mays	Stiness
Caldwell	Gray, N. J.	Miller, Wash.	Strong
Campbell, Kans.	Green, Iowa	Montague	Sumners
Candler, Miss.	Greene, Mass.	Moon	Switzer
Cannon	Greene, Vt.	Moores, Ind.	Talbott
Caraway	Hadley	Morgan	Taylor, Ark.
Carter, Okla.	Hamilton, Mich.	Neely	Thomas
Cary	Hamlin	Nelson	Tillman
Chandler, Okla.	Hardy	Nicholls, S. C.	Tilson
Claypool	Harrison, Va.	Oldfield	Timberlake
Coady	Hastings	Oliver, N. Y.	Towner
Collier	Haugen	Olney	Van Dyke
Connally, Tex.	Hawley	O'Shaunessy	Venable
Cooper, Ohio	Hayden	Overmyer	Vestal
Cooper, W. Va.	Heflin	Overstreet	Vinson
Cooper, Wis.	Helm	Padgett	Volstead
Copley	Hensley	Park	Walker
Cox	Hersey	Parker, N. J.	Walsh
Crago	Hicks	Parker, N. Y.	Walton
Cramton	Hilliard	Peters	Ward
Crisp	Holland	Platt	Wason
Crosser	Houston	Pou	Watkins
Dallinger	Huddleston	Pratt	Watson, Va.
Davidson	Hull, Tenn.	Purnell	Weaver
Decker	Igoe	Quin	Webb
Delaney	Ireland	Rainey, H. T.	Welty
Dempsey	James	Rainey, J. W.	Whaley
Dent	Johnson, Ky.	Raker	Wheeler
Dickinson	Johnson, Wash.	Randall	White, Me.
Dill	Juul	Rayburn	White, Ohio
Dixon	Kahn	Reed	Williams
Dominick	Keating	Robbins	Wilson, Tex.
Doolittle	Kehoe	Rogers	Wise
Dowell	Kennedy, Iowa	Romjue	Wood, Ind.
Drane	Kettner	Rouse	Woodyard
Dupré	Key, Ohio	Rubey	Wright
Dyer	Kiess, Pa.	Russell	Young, N. Dak.
Eagan	Kincheloe	Sabath	Young, Tex.
Eagle	Kinkaid	Sanders, Ind.	Zihlman
Elliott	Kitchin	Scott, Iowa	
Ellsworth	Knutson	Scott, Mich.	
Elston	Langley	Scully	

NAYS—2.

Graham, Pa.	Madden

NOT VOTING—167.

Austin	Denison	Gray, Ala.	La Follette
Bacharach	Denton	Gregg	LaGuardia
Baer	Dewalt	Griest	Lazaro
Barkley	Dies	Griffin	Lee, Ga.
Bell	Dillon	Hamill	Lehlbach
Borland	Donovan	Hamilton, N. Y.	Lesher
Britten	Dooling	Harrison, Miss.	Little
Brodbeck	Doremus	Haskell	Longworth
Burnett	Doughton	Hayes	McCormick
Burroughs	Drukker	Heaton	McKinley
Campbell, Pa.	Dunn	Heintz	McLaughlin, Pa.
Cantrill	Edmonds	Helvering	Maher
Carew	Estopinal	Hollingsworth	Mann
Carlin	Fairchild, G. W.	Hood	Mason
Carter, Mass.	Fairfield	Howard	Meeker
Chandler, N. Y.	Farr	Hull, Iowa	Merritt
Church	Ferris	Humphreys	Miller, Minn.
Clark, Fla.	Fisher	Husted	Mondell
Clark, Pa.	Flynn	Hutchinson	Moore, Pa.
Classon	Fordney	Jacoway	Morin
Cleary	Foss	Johnson, S. Dak.	Mott
Connelly, Kans.	Gallagher	Jones	Mudd
Costello	Gard	Kearns	Nichols, Mich.
Currie, Mich.	Garland	Kelley, Mich.	Nolan
Curry, Cal.	Glass	Kelly, Pa.	Norton
Dale, N. Y.	Godwin, N. C.	Kennedy, R. I.	Oliver, Ala.
Dale, Vt.	Good	King	Osborne
Darrow	Goodall	Kraus	Paige
Davis	Gould	Kreider	Phelan
Polk	Rose	Slemp	Tinkham
Porter	Rowe	Small	Treadway
Powers	Rowland	Smith, T. F.	Vare
Price	Rucker	Steele	Voigt
Ragsdale	Sanders, La.	Sterling, Pa.	Waldow
Ramsey	Sanders, N. Y.	Sullivan	Watson, Pa.
Ramseyer	Sanford	Sweet	Welling
Rankin	Saunders, Va.	Swift	Wilson, Ill.
Reavis	Schall	Tague	Wilson, La.
Riordan	Scott, Pa.	Taylor, Colo.	Wingo
Roberts	Shackleford	Temple	Winslow
Robinson	Sherley	Templeton	Woods, Iowa
Rodenberg	Siegel	Thompson	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. THOMAS F. SMITH with Mr. REAVIS.

Mr. CAMPBELL of Pennsylvania with Mr. BURROUGHS.

Mr. ESTOPINAL with Mr. KENNEDY of Rhode Island.

Mr. JACOWAY with Mr. MEEKER.

Mr. LEE of Georgia with Mr. GARLAND.

Mr. SCHALL with Mr. NOLAN.

Mr. BARKLEY with Mr. WALDOW.

Mr. BARNHART with Mr. LEHLBACH.

Mr. BELL with Mr. MCKINLEY.

Mr. BURNETT with Mr. SIEGEL.

Mr. CLARK of Florida with Mr. TEMPLE.

Mr. DENTON with Mr. AUSTIN.

Mr. DOREMUS with Mr. BRITTEN.

Mr. DOUGHTON with Mr. CHANDLER of New York.

Mr. HELVERING with Mr. NICHOLS of Michigan.

Mr. FISHER with Mr. DALE of Vermont.

Mr. FERRIS with Mr. DILLON.

Mr. GODWIN of North Carolina with Mr. HAYES.

Mr. SHERLEY with Mr. FORDNEY.

Mr. OLIVER of Alabama with Mr. HEATON.

Mr. PRICE with Mr. MERRITT.

Mr. RUCKER with Mr. KEARNS.

Mr. SMALL with Mr. KELLEY of Michigan.

Mr. TAYLOR of Colorado with Mr. MILLER of Minnesota.

Mr. POLK with Mr. MASON.

Mr. BAER. Mr. Speaker, the bells did not ring in the House Office Building for this roll call, and so I have come in too late to vote. If I had been present, I would have voted "yea."

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will unlock the doors.

On a motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill on the Unanimous Consent Calendar.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the committee of conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with, or incidental to, the prosecution of the war.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 284. Joint resolution making an appropriation for contingent expenses of the House of Representatives.

MUNICIPAL WATER SUPPLY FOR SAN DIEGO, CAL.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 10587) granting, to the city of San Diego certain lands in the Cleveland National Forest and the Capitan Grande Indian Reservation for dam and reservoir purposes for the conservation of water, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. CRAMTON. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill retain its place on the calendar.

Mr. WALSH. Let it go to the foot of the calendar.

Mr. MADDEN. I object. No; let it go off the calendar.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. RAKER. Mr. Speaker, would it be in order to move to suspend the rules?

The SPEAKER pro tempore. It will not. The Clerk will report the next bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

MANNING OF VESSELS SUBJECT TO INSPECTION LAWS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 1545) to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas just what this bill proposes to do.

Mr. HARDY. Mr. Speaker, this is a Senate bill that came to the House and was referred to the Committee on the Merchant Marine and Fisheries. It only does one simple thing. It adds to existing law four words. The officering and manning statute required a certain number of watch officers on board vessels of a thousand tons, a certain number on those of 200 and less than a thousand, and a certain number on those of 100 and less than 200. It included in vessels requiring those watch officers wrecking vessels, and it excepted from its watch-officer requirements certain vessels by the following words:

Provided, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June 9, 1910.

Now, what this bill here does is to add to the proviso these words "or to wrecking vessels." It is to cure a manifest oversight. If it had been thought of when the original law was passed, it would have been known that wrecking vessels do not need alternate watches because they are chiefly stationed about some vessel being salved.

Mr. MADDEN. Mr. Speaker, I think it too important a bill to be taken up under unanimous consent, and I ask the gentleman if he will not allow it to remain on the calendar.

Mr. HARDY. If the gentleman will permit me to say this, that the department recommended and every interest involved asks for it. It has lain over since the last Unanimous Consent Calendar day. There is to the bill absolutely no objection, and the committee reporting it is unanimous after a full investigation.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. HARDY. I will.

Mr. SCOTT of Michigan. I am positive if the gentleman from Illinois understood the situation he would not object. Now, if the gentleman will allow me. Heretofore the law compelled all ships of whatever character to carry a certain number of employees for the safety and welfare of the men on ship, as well as the property. It was found that wrecking vessels were laid up alongside of a ship for days, and it was really a great hardship to compel that character of boats to carry extra employees, and that it was entirely unnecessary to have such employees aboard. That is what this bill does, it simply relieves them of that necessity.

Mr. MADDEN. Is this to make an exception of that kind; is that the only object in the law?

Mr. HARDY. Absolutely the only object. It simply adds these words "or to wrecking vessels." I will read it to the gentleman.

Mr. RAKER. Regular order!

Mr. MADDEN. I shall not object.

The SPEAKER pro tempore. The regular order is, Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 4463 of the Revised Statutes of the United States be, and it is hereby, amended to read as follows:

"SEC. 4463. No vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall be navigated unless she shall have in her service and on board such complement of licensed officers and crew, including certificated lifeboat men, separately stated, as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, including certificated lifeboat men, separately stated, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce, to the supervising inspector and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any number of the crew, including certificated lifeboat men, separately stated, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain, in writing, the cause of such deficiency in the crew, including certificated lifeboat men, separately stated, to the local inspectors within 12 hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of $100, or in case of an insufficient number of licensed officers to a penalty of $500."

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That no such vessel shall be navigated unless she shall have on board and in her service one duly licensed master.

That every such vessel of 1,000 gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than 400 miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of 200 gross tons and less than 1,000 gross tons, propelled by machinery, shall have two licensed mates.

That every such vessel of 100 gross tons and under 200 gross tons, propelled by machinery, shall have on board and in her service one licensed mate, but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds 24 hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States, if, in their judgment, such vessel is not sufficiently manned for her safe navigation: *Provided*, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats as defined in the act of June 9, 1910, or to wrecking vessels.

SEC. 3. That it shall be unlawful for the master, owner, agent, or other person having authority to permit an officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had at least 6 hours off duty within the 12 hours immediately preceding the time of sailing, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed 9 hours of any 24 while in port, including the date of arrival, or more than 12 hours of any 24 at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of $100.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. HARDY. I will.

Mr. WALSH. Did I understand the gentleman from Texas to say that this exception only applies to wrecking vessels when they were laid alongside of crafts?

Mr. HARDY. The idea is that it does not apply to wrecking vessels at all. They are not involved i.. carrying passengers, and it was a hardship upon them, being mainly engaged in still work to require them, if they happened to be a large vessel, to have three watches. The parties in interest, every shipbuilding interest, consulted about it say that it is unnecessary to have these employees on these vessels.

Mr. WALSH. One further question. Is there a section of law in which the term "wrecking vessels" is defined so as to apply only to a certain kind of craft? Of course, very many times ordinary towboats, tugboats, go on wrecking expeditions, and I wondered if it applied to steam lighters or just vessels which are engaged exclusively in wrecking work.

Mr. HARDY. My idea is that the term "wrecking vessel" has a definite and popular meaning.

Mr. WALSH. I thought that might be the case.

Mr. HARDY. I do not think it is defined by law. I am sure it is not; but I do not think any vessel would be exempted from having the officers required by present law, through the passage of this bill, except a vessel that was being used as a wrecking vessel.

Mr. ROBBINS. Is this bill intended to apply to boats that run on the rivers of the interior of the country not connected with salt water?

Mr. HARDY. The original act, if the gentleman will permit, was passed in 1913. Section 2 of that act deals wholly with ocean-going or seagoing vessels. It is not an inland measure. The bill we are asking to pass copies existing law and adds to it the four words I have mentioned.

Mr. ROBBINS. That is on page 4, line 12?

Mr. HARDY. On page 4, line 12.

Mr. ROBBINS. The four words "or to wrecking vessels"?

Mr. HARDY. Yes.

Mr. ROBBINS. Then it does not apply to inland streams, like the Ohio and the Monongahela Rivers?

Mr. HARDY. If you will look at the existing law, it says:

That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise seagoing merchant vessel of the United States—

And so forth. And the law continues, stating how many officers they are required to have. Then there is a proviso exempting certain kinds of vessels from its requirements:

Provided, That this section shall not apply to fishing or whaling vessels, yachts, or motor boats.

We simply add "or to wrecking vessels" to the proviso.

Mr. ROBBINS. I do not believe it applies to inland streams.

Mr. HARDY. No. The original act did not apply to anything except ocean-going vessels. And this exempts wrecking vessels from the provisions of the act.

Mr. SMITH of Michigan. Does it not apply to the Great Lakes?

Mr. HARDY. The gentleman will bear in mind that this bill is not enacting any new legislation. This was the original officering and manning act, which applies to the ocean-going vessels. I do not think the original act, or section 2 of it, applied to anything but ocean-going vessels. Part of the original act applies to all vessels of the United States. It is section 4463 of the Revised Statutes, but section 2 of section 4463 applies only to seagoing vessels and it is the proviso to this section 2 which we are amending. The whole thing is to relieve wrecking vessels from being required to keep a useless and burdensome number of officers or employees.

When this bill was before the Senate, it was referred to the Department of Commerce, and was approved by this letter from the Secretary to Senator FLETCHER:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, April 18, 1917.

MY DEAR SENATOR: I am in receipt of yours of the 14th instant, inclosing S. 1545, "To amend the act of March 3, 1913, entitled 'An act to regulate the officering and manning of vessels subject to the inspection laws of the United States.'"

Section 4463, of which the proposed bill is an amendment, provides the number of licensed mates vessels are required to carry under certain conditions. Excepted from the provisions are fishing or whaling vessels, yachts, and motor boats. The proposed bill adds to this list of exceptions wrecking vessels, as no good reason is perceived why they should be included within the provisions of the section. This bill has the approval of the department and I recommend that it be enacted into law.

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER resumed the chair.

READMISSION OF CERTAIN ALIENS.

Mr. SLAYDEN. Mr. Speaker, I move to suspend the rules and pass House joint resolution 255.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 255) authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces.

Resolved, etc., That, notwithstanding the provisions of section 3 of the immigration act of February 5, 1917, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident in the United States when heretofore or hereafter enlisted or conscripted for the military service of the United States; and aliens lawfully resident in the United States who, prior to April 6, 1917, declared their intention to become citizens of the United States, and who have enlisted for service with Czecko-Slovak, Polish, or other independent forces attached to the United States Army or to the army of any one of the cobelligerents of the United States in the present war, who may, within one year after the termination of the war, apply for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military authorities, or after being rejected on final examination in connection with their enlistment or conscription, shall be readmitted; and that any alien of either of the two foregoing descriptions who would otherwise be excluded under said section of the immigration act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within one year after the termination of the war; and that the head tax provided in the immigration act of February 5, 1917, shall not be collected from aliens readmitted into the United States under the provisions of this resolution: *Provided*, That if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge the expense of maintenance and care shall be paid out of the Treasury of the United States.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Texas [Mr. SLAYDEN] has 20 minutes and the gentleman from Wisconsin [Mr. STAFFORD] has 20 minutes.

Mr. SLAYDEN. Mr. Speaker, this resolution measures up to the much-abused standard of a "war measure." It is a resolution that has been urged on the attention of the Committee on Immigration and Naturalization—and it is an immigration measure, by the way—by the Department of State and by the Secretary of Labor through the Commissioner of Immigration. I have here, and I shall print it in the RECORD as a part of my remarks, with the consent of the House, a letter from the Solicitor of the State Department, Mr. Polk, who complains that the bill does not go quite far enough. Originally it was the idea, I believe, of my friend, the chairman, as it was the desire of the Department of State, that these lawfully resident aliens who had gone from this country and engaged in war against our enemies in Europe should be permitted to return, whether they had declared their intention to become citizens or not. Now, we have not gone quite that far. Our bill merely proposes to grant men who were aliens and who have enlisted, or may be hereafter enlisted, or have been conscripted or may be hereafter conscripted into our service, permission to come back into the United States without regard to the ordinary immigration restrictions, basing this right upon the fact that they were here lawfully before and that they have joined us by going to Europe to help fight our enemies.

It also proposes that aliens lawfully resident in the United States prior to the declaration of war and who had declared their intention to become citizens, who have joined the Czecko-Slovak, Polish, or other independent forces cooperating with us in the war against Germany or Austria-Hungary, to come back to the United States without regard to the usual immigration restrictions.

Mr. Speaker, this resolution is reported to the House with a unanimous recommendation that it be agreed to as a simple act of justice to certain persons who were lawfully residing in the United States prior to the declaration of war against the central powers on April 6, 1917.

It is quite the custom now to support every proposed act, from the local and trivial to the most important, with the statement that it is a war measure. For that reason I hesitate to use a phrase so much abused, although this is in fact a real war measure. It is evident on its face that it is. The Department of State, in letters to Chairman BURNETT, of the Committee on Immigration and Naturalization, and to me, ask its passage as such. Letters approving it have also come from the Department of Labor and the subordinate Bureau of Naturalization.

The committee did not accept it because administrative officers indorsed the central thought of the bill. They did not, in fact, accept it as those officials wanted it. It is not as liberal as some of them would like to have it. The aim of the committee has been to do justice to the classes whom it seeks to relieve from certain embarrassments and hardships that grow out of the war and to restrict its concessions in such a way that it will be acceptable to the Congress. I believe that we have succeeded in doing so.

When the war began there were a number of aliens lawfully residing in the United States who were not citizens, who are not citizens now, although many of them had declared their in-

tention to become citizens. Among these resident aliens were many immigrants from Polish territory under the control of Germany, Austria, and Russia, as well as the Czechs, or Bohemians. They are virile, aggressive, aspiring representatives of the great Slavic family, and instinctively and racially hostile to the Governments of Germany and Austria-Hungary. Only a negligible number of these people are loyally attached to the countries to which they owe a nominal allegiance. In the countries of their birth and in the lands of adoption they nurse hostility to their traditional enemies—the Germans and Austrians—and are eager to fight them when there is the faintest hope of success.

Some of them had declared their intention to become citizens before the 6th of April, 1917, and some had neglected to do so, although all probably meant to do so ultimately.

When the call to arms came in 1914 many Poles, Czechs, and other Slavs went to Europe and joined the forces of Serbia, Britain, France, and Russia to fight the Governments they had been taught to regard as the oppressors of their people. It seemed to be a way to correct the injustice done to Poland when her sovereignty was killed and her territory divided in 1795, and to settle old scores with ancient enemies. Bohemians believed that the time had come when their national aspirations might be gratified.

For all that we only owed them sympathy and admiration. Americans have always admired and sympathized with struggling people who aspire to independence. But that was the affair of their kinsmen across the sea and of themselves, so far as they cared to make it so. However, for those who have gone or may go into our Army since their enemies have become ours the situation is altogether different.

Important armies have been formed out of these brave and patriotic people who voluntarily abandoned comfort and security in the United States and in other countries to go back to Europe and fight against governments who are our enemies as well as theirs. France has given official recognition to one such army. By a decree of the French Republic, dated December 16, 1917, the Czecko-Slovak Army, which, I am told, has more than a hundred thousand men in it, is made a part of the military forces under French command, although autonomous and fighting under its own flag.

Remember these people have thrown off forever all allegiance to the Government of the countries of their birth. They need adoption by some country in the struggle for democracy. Otherwise their hazard is double. They may be killed in battle and if captured they are certain to be shot as traitors. It is our duty, as it is our interest, to give those who were in this country all the protection the law can afford. Even in this resolution we do not go as far as we should. Although we fall short of our full duty what we propose here should be done, and done as quickly as possible.

Among those who will benefit by this resolution, if it shall become law, there are, in addition to Czecko-Slovaks, large numbers of Jews, Armenians, and Syrians who were residing in the United States a year ago, who are now in Europe or Asia fighting for liberty and democracy.

This resolution provides that aliens who were here before we declared war on the central powers and who have heretofore been conscripted for service with the Army of the United States, or who have volunteered, or who may hereafter go into it voluntarily or by draft, may be readmitted to the United States if they apply for readmission within one year after the close of the war. This class of aliens will be permitted to return notwithstanding the fact that they have not declared their purpose to become citizens.

The resolution also authorizes the return to the United States, within one year after the termination of the war, of aliens who were residing here prior to April 6, 1917, who had declared their intention to become citizens and who have enlisted for military service with any one of the cobelligerents of the United States in the present war, or with Czecko-Slovak, Polish, or other independent forces attached to the United States Army, or to that of any one of the cobelligerents of the United States, after being honorably discharged or furloughed abroad by proper military authority.

In a word, the resolution only proposes to give these aliens the status and rights they had as lawful residents of the United States prior to April 6, 1917, but in recognition of their service in a cause in which Americans are sacrificing blood and treasure it proposes to waive the immigrant head tax that would otherwise be collected when they return.

The Committee on Immigration and Naturalization was unanimous in its vote directing that this resolution be favorably reported. It does not go quite as far in the way of relief as the gentleman from Illinois, Mr. SABATH, the author of a similar measure, or the Department of Labor thought desirable, but it will do an act of justice to people whose services are valuable and who by associating themselves with us, or with the allied powers in Europe, incur unusual peril.

Here is what the Department of Labor has to say about this resolution:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, February 28, 1918.

Hon. JAMES L. SLAYDEN,
House of Representatives, Washington, D. C.

MY DEAR MR. SLAYDEN: The commissioner general has advised me that the Committee on Immigration and Naturalization of the House, at its meeting of this morning, directed you to report favorably the joint resolution introduced by you on February 19 "authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces."

While this resolution does not go as far as this department had hoped Congress might be disposed to go in granting exemption to alien residents of the United States who enter the Army of this country or the army of one of the countries associated with the United States in the conduct of the war, it will aid materially in the handling of cases that will surely confront the Immigration Service during the continuance of the war and for some months after its close. I wish, therefore, to express to you the hope of the department that the resolution may be adopted by the House at a very early date.

Respectfully, yours,
LOUIS F. POST,
Assistant Secretary.

Mr. Speaker, no American should forget that to some of these people we owe a peculiar debt of gratitude. In our days of trial, when we were few and weak, when we were struggling to establish our independence, two gallant Poles came to America and associated themselves with George Washington. They became an indelible and glorious part of the history of the United States.

Thaddeus Kosciusko, with a letter from Benjamin Franklin, joined Washington, and our great chief made him a staff officer at once, and in recognition of his worth and high talents assigned to him important duty as an engineer. He remained to the end, and Congress, in 1783, made him a brigadier general "for long, faithful, and honorable service in the American Army."

Pulaski, who began fighting for liberty as a youth and continued it to his heroic death, was a firm believer in the doctrine of "self-determination," or, as we phrase the same thought, the right to government by the consent of the governed. He also came to our country with letters from the great and learned Dr. Benjamin Franklin and joined the American Army in 1777. He distinguished himself at Brandywine, defended Charleston in 1779, and was killed at Savannah in the same year, greatly admired and beloved by his commander in chief, Washington.

Remembering these things, can we refuse to grant this act of justice to his countrymen of to-day, who are fighting shoulder to shoulder with Americans?

THE SOLICITOR FOR THE DEPARTMENT OF STATE,
Washington, March 8, 1918.

Hon JAMES L. SLAYDEN,
House of Representatives.

DEAR MR. SLAYDEN: I notice in the CONGRESSIONAL RECORD that House joint resolution 255 was recently been called up in the House, and I desire to call to your attention one point which occurs to me in respect to it.

Our cobelligerents have informally interested themselves in the question of return to this country of their citizens or subjects who leave the United States to serve in their armies and by reason of some incapacity received in such service are prohibited from returning to the United States under the present immigration laws, even though they have lived for many years in the United States and have established their families, residences, and businesses here. Our cobelligerents have been anxious, therefore, to have some leniency shown in respect to the return of such persons into the United States after the completion of service abroad.

As I read House joint resolution 255, it applies to aliens who enter the military service of the United States, or aliens who have declared their intention to become citizens of the United States, but does not cover the class of aliens who have not declared their intention to become citizens of the United States and have gone abroad to enter the military service of their own country or one of the cobelligerents. I presume there are not many aliens of this class, but would it not be possible to show consideration to our cobelligerents in this small matter by making House joint resolution 255 applicable to citizens or subjects of our cobelligerents who have gone or shall go abroad to serve their own country or one of the allies in the same cause in which we are so earnestly and deeply engaged?

House joint resolution 212, introduced in the House by Mr. BURNETT January 10, 1918, had the approval of the State Department as well as the Department of Labor and appeared to be broad enough to cover the class of aliens which I have mentioned.

Yours, sincerely,
FRANK L. POLK.

Mr. STAFFORD. Mr. Speaker, the vital objection to this bill is not the authorization feature granting to those aliens who have declared their intention to become citizens and who have joined independent organizations to fight in behalf of the allies in foreign fields the right, notwithstanding physical defects that they may have acquired or other objections that would be sufficient to exclude them under the existing naturalization law, to be readmitted to this country, but that provision contained in the proviso of this resolution which levies upon the National Government the support of all these aliens regardless

of whether their injuries have been the result of war or not, whether abroad or whether in this country. I direct the attention of the Members of the House to the wording of that proviso, and I wish to advise the House that that was no part of the original resolution when it was presented to the attention of the Department of Labor and the Department of State, but was incorporated in the committee. The language is as follows:

Provided, That if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge the expense of maintenance and care shall be paid out of the Treasury of the United States.

There is no objection to this resolution without that proviso. We are placing in an unfortunate position those who wish to safeguard the Treasury, especially in these times when we need every dollar, but wish to oppose this resolution because of this proviso, which seeks to establish for all time the policy that, regardless of how these aliens become pauperized, regardless of the way in which they may have acquired the injury from which they are suffering, are to become a public charge at the expense of the National Treasury.

The gentleman from Texas [Mr. SLAYDEN] has well known the opposition of some members of the Committee on Appropriations to this bill solely because of that proviso, namely, because it was establishing this precedent, never before recognized by the National Government. This bill could have been passed a month ago under unanimous consent if that proviso had been eliminated. Instead of the respective localities taking care of the burdens of these persons who may become public charges, by this proviso, it is intended to levy that exclusively upon the National Government.

And I call your attention to the fact that that is regardless of the question as to whether the injuries have been received in war or not. They are not part of the National Army. They are fighting our cause, it is true, in connection with the allies, but they may come back here strong and able-bodied, and later they may suffer some accident in connection with industrial employment, or they may become addicted to some vices that may make them paupers, and under such circumstances the burden of maintaining them under our laws has always been on the State and local community. Now you intend, regardless of the character of the injury they receive, to throw that burden on the National Government.

No opportunity is given, if you pass this bill under the suspension of the rules, to amend it and strike out that proviso. If this bill had been brought up in the regular course, a motion to strike out that proviso would have been in order, and this House, by a large majority, might have voted that proviso out, and the main proposal to allow those people to be admitted would have been adopted. But as it is, those who are seeking to protect the Treasury are obliged now to vote against this resolution, because we have no opportunity whatever to amend it by striking out the obnoxious proviso.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. TOWNER. We have provided in the law for certain allowances to be made to soldiers who may be injured, and we expect to provide for further allowances. As I understand the gentleman from Wisconsin, this legislation will create a privileged class, and we will not only allow to them what is allowed in the general law for the benefit of soldiers, but we will absolutely take care of them throughout their natural lives?

Mr. STAFFORD. I do not believe the war-insurance act would extend to one class of soldiers who are provided for under this resolution—these persons who are declarants for citizenship and who have joined these Polish and Czech and Slovak organizations, filled with the ambition to do what they can for the support of their different, separate countries abroad. I do not think they would come within the purview of the war-insurance act, because they are not members of the National Army. They are separate and distinct organizations, identified as separate units with the allied forces.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. JOHNSON of Washington. The gentleman will note that on lines 3, 4, and 5 of page 2, lawfully resident aliens who have been enlisted or conscripted can come back here, however, without being taken care of under the soldier's allowance.

Mr. STAFFORD. The gentleman is correct in that particular. For the one reason that this resolution adopts a policy for caring for these declarants who have enlisted for foreign service when they shall have become paupers, whatever may have been the cause of their injury, at the expense of the National Government. I think this motion to suspend the rules should be defeated.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Texas.

Mr. SLAYDEN. I wanted to say to the gentleman that I do not think he is quite accurate in stating what he did in reference to the soldiers being cared for by the United States. We have I do not know how many places where we send these unfortunates. We send them to St. Elizabeths, across the river—civilians, soldiers, unfortunates, lunatics, who are taken care of by the Federal Government.

Mr. STAFFORD. Such instances are incident to the government of the District of Columbia, but it has never been the policy, as the gentleman will admit, for the National Government to take care of foreigners coming to this country, suffering from injuries that are not related at all to the national service, as this bill proposes.

Mr. CHARLES B. SMITH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHARLES B. SMITH. But there is not any precedent for this situation, is there?

Mr. STAFFORD. No. That is why I am opposing this proviso. I wish to say to the Members of the House that we can not to-day forecast the burdens that will be thrown upon our Government by this war, and we should not at this moment establish a policy which will come to plague us in the future. This bill should be rejected under suspension of the rules, and then, if the gentleman wishes, under unanimous consent he can offer the bill without this proviso in it, and in that case I do not think there will be one objection. Under those circumstances those who would vote against this resolution under a suspension of the rules would not have their purposes misconstrued, because their purposes will be plain, of voting against this policy that has never been followed heretofore.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. JOHNSON of Washington. If this proviso is adopted, attempting to take care of these aliens who come back here injured or disabled from any cause, it will put a premium upon men who are slightly disabled undertaking to come back to this country and make themselves permanent public charges.

Mr. STAFFORD. There may be many abuses. One class of them would belong to the class indicated by the suggestion of the gentleman from Washington.

I yield five minutes to the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I have no further objection to offer beyond that so ably stated by the gentleman from Wisconsin [Mr. STAFFORD]—the objection to undertaking to provide now, far in advance, for the care of men who may return to the United States who are in most cases only first-paper citizens, and in some cases not even first-paper citizens. I hope the gentleman in charge of this resolution will be willing to strike out that proviso from the resolution.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Certainly if through misfortune some of these aliens after their return are so unfortunate as to become public charges somebody ought to bear the expense of their maintenance, inasmuch as they have gone over there to fight side by side with our own troops.

Mr. JOHNSON of Washington. It is agreed that they must be cared for, and in plenty of time proper plans will undoubtedly be made.

Mr. WALSH. Who does the gentleman think should be the proper authority to bear the expense?

Mr. MADDEN. I think, Mr. Speaker, in view of the provision in the last part of this resolution, which places the support of these people who are not able to take care of themselves on the Treasury of the United States, we ought to have a quorum present. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. Evidently there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Aswell	Byrnes, S. C.	Chandler, N. Y.	Connelly, Kans.
Bacharach	Campbell, Pa.	Clark, Fla.	Cooper, Ohio
Borland	Cantrill	Clark, Pa.	Copley
Brodbeck	Carew	Classon	Costello
Brumbaugh	Carlin	Cleary	Currie, Mich.
Burroughs	Carter, Mass.	Collier	Curry, Cal.

Dale, N. Y.	Hamilton, N. Y.	McKinley	Sanders, La.
Dale, Vt.	Hamlin	McLaughlin, Pa.	Sanders, N. Y.
Darrow	Harrison, Miss.	Maher	Sanford
Davidson	Haskell	Mann	Saunders, Va.
Davis	Haugen	Mason	Schall
Denison	Hawley	Meeker	Scott, Pa.
Dent	Heaton	Merritt	Sells
Dewalt	Heintz	Miller, Minn.	Shackleford
Dies	Hollingsworth	Mondell	Sherley
Dillon	Hood	Montague	Shouse
Donovan	Howard	Moore, Pa.	Siegel
Dooling	Hull, Iowa	Morin	Sims
Drukker	Hull, Tenn.	Mott	Slemp
Dunn	Humphreys	Mudd	Small
Edmonds	Husted	Nelson	Smith, T. F.
Estopinal	Hutchinson	Nolan	Snyder
Fairchild, G. W.	Jacoway	Olney	Steele
Fairfield	James	Padgett	Sullivan
Farr	Johnson, S. Dak.	Paige	Sweet
Ferris	Jones	Peters	Swift
Flynn	Kahn	Polk	Tague
Focht	Kearns	Porter	Talbott
Fordney	Kelley, Mich.	Pou	Temple
Foss	Kelly, Pa.	Powers	Templeton
Frear	Kennedy, R. I.	Pratt	Thompson
Freeman	King	Ragsdale	Tinkham
Gallagher	Knutson	Ramsey	Treadway
Gard	Kreider	Ramseyer	Van Dyke
Garland	LaGuardia	Rankin	Vare
Glass	Lazaro	Reavis	Waldow
Good	Lee, Ga.	Riordan	Watson, Pa.
Goodall	Lehlbach	Roberts	Welling
Gould	Lesher	Robinson	Wilson, Ill.
Gray, Ala.	Lever	Rodenberg	Wilson, La.
Greene, Vt.	Little	Rose	Wingo
Gregg	Longworth	Rowe	Winslow
Griest	McArthur	Rowland	Woodyard
Griffin	McCormick	Rucker	
Hamill	McKenzie	Sanders, Ind.	

During the roll call Mr. LONDON took the chair as Speaker pro tempore.

The SPEAKER resumed the chair.

The SPEAKER. On this call 252 Members, a quorum, have answered to their names.

Mr. SLAYDEN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

Mr. JOHNSON of Washington. Mr. Speaker, I believe I have four minutes remaining. I was undertaking when the point of no quorum was made to restate the objections to the provision found on page 3, lines 9 to 13, which is the only part of this bill subject to much objection. The purpose of the bill is to permit first-paper aliens who have gone to war as part of our armies, and certain other aliens, namely the Czecko-Slovaks, to come back to the United States in case they become insane, break down, lose their legs, or are otherwise injured in the service. But there is attached to this bill, you will notice, a provision—

that if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge, the expense of maintenance and care shall be paid out of the Treasury of the United States.

I understand that there is no serious objection to that proviso going out of the bill, and at some point during this debate, which is, of course, limited, I shall ask unanimous consent to strike that provision from the bill. I hope consent will be granted; because if these men return, and it is then discovered that they must be cared for, and if it is found that they should be cared for by the United States, then will be the time for Congress to make provision for them, including the hospitals, and provision as to the disposition of the allotments and allowances of the pay of those soldiers who have become crippled or insane, and are not citizens of the United States. By this provision we are taking several steps too far ahead, and might provide legislation that would be an incentive for first-paper aliens now in armies to remain as such rather than complete their naturalization as provided in a bill which this House passed only three days ago.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman from Indiana.

Mr. COX. I want to call the gentleman's attention to the language at the bottom of page 2. I should like to get the gentleman's version of it and should also like to hear some one in favor of this bill discuss that. I refer to the provision—

and that any alien of either of the two foregoing descriptions who would otherwise be excluded under said section of the immigration act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within one year after the termination of the war.

My inquiry is this: What does the gentleman think about the propriety or impropriety of admitting men who are idiotic, imbecile, feeble-minded, and whether or not such a state of mind can come to a man while he is in the Army? I always understood that those were diseases attaching at birth.

Mr. JOHNSON of Washington. I agree with the gentleman, by and large, but these words follow the phraseology of section 3 of the immigration law, which names classes of aliens to whom admission to the United States is denied. We follow the wording, leaving out only the words "chronic alcoholism," because we thought alien soldiers could hardly acquire that in the line of service, and if they did they should be barred from returning to the United States. But time for debate is limited, and what I want to discuss is the provision that the United States is to pay for all time the care of these afflicted persons. The clause should come out of the bill.

Mr. COX. I am with the gentleman. I think the bill ought to be defeated with that in it.

Mr. FESS. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. In the hearings on the rehabilitation of wounded soldiers cases were cited where persons suffered from shell shock.

Mr. JOHNSON of Washington. Yes; that is a fearful thing, but I do not want to get into a discussion of that. Mr. Speaker, I ask unanimous consent for the consideration of an amendment to strike out the words beginning on line 9, page 3, which amendment I offer.

Mr. BURNETT. Mr. Speaker, I would like to have the gentleman ask that at the end of the debate.

Mr. JOHNSON of Washington. I withdraw it for the present.

Mr. SLAYDEN. Mr. Speaker, I yield eight minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, the purpose of this bill is apparent. Under the present immigration law if an alien formerly residing here joins our Army or joins the Czecho-Slovak forces that are fighting against the central powers, should be shot to pieces and become disabled, and should be granted a discharge while in those countries and afterwards seeks readmission here, no matter how gallant and courageous he may have been, he would be excluded. That is the purpose of the bill. The objection seems to settle around the proviso. I want to state, gentlemen, that the proviso is no pet of mine or of the gentleman who introduced and reported this bill [Mr. SLAYDEN]. It would be perfectly agreeable and satisfactory, so far as I am concerned, to strike it out.

But gentlemen from States where these people will concentrate when they return felt that it would be an injustice to those States to be compelled to support these men who had fought in our Army—and you notice that those who fight with the Czecho-Slovaks have to be declarants, while those who join our Army do not have to be declarants if they should become public charges. Those who join the Czecho-Slovaks and fight the central powers must have been residents in this country, and also they must have taken out first papers before they can be admitted under this bill. There is a distinction there. The first part of it applies to the conditions of illiteracy, and so forth, and the second embraces those who have become idiotic, imbecile, feeble-minded, epileptic, and insane, and so forth, provided that the disability was acquired while the alien was serving in the military forces of the United States or in the independent forces referred to in the bill.

Mr. LANGLEY. Will the gentleman yield for a question for information? In regard to this disability of constitutional psychopathic inferiority, that could not be contracted in the line of duty in the service. I do not know what it is. [Laughter.]

Mr. BURNETT. How does the gentleman know it could not be contracted in the service if he does not know what it is? I want to say that is in the immigration bill, and was put in this bill at the suggestion of the Bureau of Immigration and Department of Labor. This is a Department of Labor bill, as stated by my colleague on the committee [Mr. SLAYDEN], and the State Department indorses it and says it is very anxious for the passage of the bill, because the Secretary of State feels that it is only a matter of justice to these people. I do not care about that question of idiocy, and I do not care about the question of constitutional psychopathic inferiority.

Mr. SLAYDEN. They are features of the law from which we are exempting these people.

Mr. BURNETT. Yes; and if no idiocy and constitutional psychopathic inferiority is incurred, we can not hurt anybody by including them, and therefore they are inoccuous.

Mr. JOHNSON of Washington. If the gentleman will pardon me, I understand he has no objection to striking out this proviso at the end of the bill?

Mr. BURNETT. I have not, but I want to tell the House why it was put in there. Some members of the committee from States where most of these people would land or would come after landing felt that it would be unjust to them to have to take care of these people if they afterwards became public charges. That is why it was put in. It struck me with a good deal of force that if aliens who had gone into the Army and made gallant soldiers and incurred disabilities there and were readmitted should become charges in the States of New York or New Jersey or Massachusetts, or any other State, that the Government itself, for which they had been fighting, ought to pay the expenses of their care, and not the States to which they happen to go or in which they happen to be.

Mr. JOHNSON of Washington. We passed a bill here the other day, and I thought a very important one, to permit first-paper aliens to finish up their citizenship as they go into the Army.

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. He does not have to do that, and this would put a premium upon his staying a first-paper alien and have the future possibility of care forever by the United States.

Mr. BURNETT. So far as I am concerned, I am not going to object to striking it out. It is not my baby, but I felt it was perhaps a matter of justice to States where they would congregate. My colleague on the committee, Mr. SMITH of New York, has an amendment which I believe will meet all of the objections and make it perfectly fair, and that is to insert after the words "public charge" the words "by reason of disability incurred in service and in line of duty"; and I can not see, if they incurred these disabilities in the service and in line of duty, how there can be any objection. He will ask unanimous consent to have that inserted.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. SLAYDEN. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, one year and one month ago to-day when the Congress of these United States declared war against the Imperial Government of Germany hundreds of thousands of Bohemians, Poles, and Slovaks in this country, anxious to show their appreciation of the blessings of freedom and liberty which they had enjoyed under the protection of our great Republic and eager to bestow upon all oppressed nations the blessings of liberty and democracy and to maintain it against the unscrupulous foe that threatens it, organized groups, companies, regiments, and, where the number permitted, whole divisions. Assisted by the Czecho-Slovak, Jugo-Slovak, and Polish organizations they crossed the ocean, joining the allied forces in all the different countries; some in France, some in Great Britain, and some in Italy, so that they could, without delay, immediately engage in the battle for liberty and democracy. [Applause.] They are there to-day, struggling, fighting, sacrificing their lives for our country and for our cause. [Great applause.]

A great majority of these men were still technically subjects of Austria-Hungary, and, in addition to all the hazards and dangers of war, fully realized that if captured they would not be treated as prisoners of war but would be considered traitors to Austria-Hungary and, as such, immediately executed. Notwithstanding this added danger during these 13 months these former residents of these United States have demonstrated to the allies and to the whole world their fearlessness, their determination, their devotion, and their loyalty to the cause to which we have consecrated our all. Reenforced by the thousands of their kinsmen who were able to escape from the Austro-Hungarian armies, they are to-day fighting under their Czecho-Slovak, Jugo-Slovak, and Polish flags, side by side with the gallant French, with the heroic British, and the loyal Italian armies, and, as long as it was possible, fought to death with the tottering Russian armies. Thousands upon thousands of these former residents of our country, fighting under their own banners, have not called for or received any aid or assistance from our Government.

Within the last three months whenever we heard from these men we at all times found them fighting to the bitter end with their slogan, "It is better to die for liberty a soldier than to be executed as a traitor." [Applause.] Mr. Speaker, I am proud of their deeds and of their heroism, and when the history of this great war for freedom of the sens, rights of people, independence of all nations and nationalities and civilization is written the names of these brave men, who are sacrificing their lives, will form a large roll of honor. [Applause.] Would to God that they could all come back, but that we know is impossible. Some will have to make the supreme sacrifice, but we do know that some will come back to receive the plaudits and thanks of a Nation who will turn out to receive the saviors of liberty and democracy—true it is, some will come in full possession of their health, others will return minus limbs, minus hearing, or minus vision, but return they will, and when they do we, for whose liberty and safety they fought and bled and suffered, shall by this legislation—the least appreciation we can show—give them the privilege to come back to the country which they left for the purpose of defending its rights, its honor, its safety, and its heritage. [Applause.] With open arms should we receive them, with throbbing hearts and fast-beating pulsations as our eyes fill with happiness at the return of these brave men, and not a single obstruction nor a single restriction shall we place in their way.

Mr. Speaker, I know that our own boys will demonstrate, and have already demonstrated, their courage and their worth; but permit me, if you please, to make this distinction: They are fighting for a country of which they are citizens and a country which is leaving nothing undone to provide for their comfort and for the comfort of those they leave behind; but the men that this resolution is to assist are not our citizens, even though many have declared their intention to become such, and have not received, and as yet are not entitled to receive, the protection of our country and the provisions it makes for the comfort of its own citizens. Our soldiers receive a fair and reasonable compensation and are taken care of by way of our war-risk insurance law and other similar legislation; but those for whom I am pleading to-day receive no compensation whatsoever except the compensation of fighting and dying for a great and noble cause. For them there is no provision made for their dependents nor for pensions, and all that is asked to-day is that when, through their efforts combined with our gallant allies, this war shall have come to a victorious end for the allied forces and the cause of liberty, humanity, democracy, and civilization has triumphed—that when this time comes all these men, those who remain and desire to come back, if maimed or blind or deaf, shall be received and shall not be penalized because in defense of those principles perhaps the sacrifice they made disqualifies them from passing the physical or educational test. [Applause.]

The technical points raised against the resolution are so frivolous they are not entitled to any consideration. As to the last provision in the resolution, I care not whether it is stricken out or not, because I feel satisfied that very few of those who come back will ever become a charge upon our Government, and I know and pledge you my word that very few who are fighting in the Czecho-Slovak or Polish armies will ever become public charges. I know that they will be taken care of by the American-Czecho-Slovak, the American-Polish, and the American-Jugo-Slovak Alliance, who were instrumental in aiding them to have the distinction and honor to fight against the Hohenzollern and Hapsburg tyrannies. [Applause.]

Mr. Speaker, I have only feebly expressed my sentiments in this matter and I have only partially explained the provisions of this resolution. I hoped that my first resolution, introduced on February 6, 1918, would receive the favorable consideration of the committee. In this I have been disappointed, but nevertheless I am heartily in favor of the modified resolution and thankful for it. My joint resolution reads as follows:

[Feb. 6, 1918. Mr. SABATH introduced the following joint resolution; which was referred to the Committee on Foreign Affairs and ordered to be printed.]

Resolved, etc., That, notwithstanding the provisions of section 3 of the immigration act of February 5, 1917, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor, printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident within the United States at the time of enlistment or conscription who have enlisted or been conscripted, or hereafter shall be enlisted or conscripted, for the military service of the United States or any one of the cobelligerents of the United States in the present war, or who have enlisted and joined the Czecho-Slovak or Polish Army waging war against any of the central powers, who may, within two years after the termination of the war, apply for readmission to this country, after being honorably discharged or granted furlough abroad in connection with their enlistment or conscription, shall be readmitted; and any such lawfully resident aliens of the United States who would otherwise be excluded under said section of the immigration act on the ground that they are idiotic, imbecile, feeble-minded, epileptic, insane, or have had one or more attacks of insanity, or on ground that they are afflicted with constitutionally psychopathic inferiority, chronic alcoholism, tuberculosis, a loathsome or dangerous contagious disease, or a mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or of any one of the nations

cobelligerents of the United States, or who have enlisted and joined the Czecho-Slovak and Polish Army waging war against any one of the central powers in the present war, and if such aliens return to a port of the United States within one year after the termination of the war; and the head tax assessed by section 2 of the said immigration act shall not be collected, or, if collected, shall be refunded in the cases of aliens readmitted to the United States in pursuance of the terms hereof; nor shall the absence abroad of aliens readmitted in pursuance of the provisions hereof be construed to interrupt the continuity of their residence in the United States within the meaning of section 4 of the naturalization act approved June 29, 1906, if the commanding officer of the military organization or branch thereof in which such alien has rendered military service certifies, in support of his petition for naturalization, that he has personal knowledge that such alien is a person of good moral character and is in every way qualified, in such officer's opinion, to be admitted as a citizen of the United States, and if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge, the expense of his maintenance and care in the public institution to which he may be committed shall be paid from the appropriation for the enforcement of the immigration act.

Permit me to say at this time, Mr. Speaker, that in view of the splendid services these people are rendering our cause I feel that it is our duty to follow the action of France and in official and proper manner recognize the cause of their brethren across the sea, and give official recognition to the Czecho-Slovak, Jugo-Slovak, and Polish armies as well as the Czecho-Slovak, Jugo-Slovak, and Polish independence. The French Republic on December 16, 1917, issued the following decree, recognizing the cause for which I am now pleading:

DECREES.

Article I. Czecho-Slovaks organized in an autonomous army and recognizing from the military standpoint the supreme authority of the French high command will fight under their own flag against the Central Empires.

Article II. This national army is placed from the political standpoint under the direction of the National Council for Czech and Slovak Lands, with headquarters in Paris.

Article III. The equipment of the Czecho-Slovak Army, as well as its further maintenance, is assured by the French Government.

Article IV. Provisions governing the French Army as regards organization, military ranks, administration, and discipline are applicable to the Czecho-Slovak Army.

Article V. The autonomous Czecho-Slovak Army is recruited:

1. From Czecho-Slovaks actually serving in the French Army;

2. From Czecho-Slovaks of other jurisdictons who may be permitted to transfer to the Czecho-Slovak Army or who may volunteer for service in this army for the duration of the war.

Article VI. Further ministerial instructions will govern the application of this decree.

Article VII The premier, the minister of war, and the minister of foreign affairs are charged, each in his own department, with the execution of this decree, which shall be published in the Journal Officiel of the French Republic and inserted in the Bulletin des Lois.

Done at Paris, the 16th day of December, 1917.

By the President of the Republic,

POINCARE.
PICHON,
Minister of Foreign Affairs.
CLEMENCEAU,
Premier and Minister of War.

Permit me also to insert, under the leave given me, the following solemn declaration of the General Assembly of the Bohemian Lands, held in Prague, January 6, 1918, which needs no explanation on my part:

[Solemn declaration of the General Assembly of the Bohemian Lands, held in Prague, January 6, 1918.]

In the fourth year of the terrible war which has already cost such immense sacrifices of the wealth and blood of nations, the first tentative peace parleys are going on. We Czech members of the parliament, that parliament which has been by judgments of illegal military courts deprived of many of its Slav deputies; further, we Czech deputies to the dissolved and not renewed Diet of the Kingdom of Bohemia, together with deputies of the Diet of the Margravate of Moravia which has not been convened during the war, and of last Diet of the Duchy of Silesia, ratify the declarations of the Czech deputies in the parliament and we deem it our duty to declare emphatically on behalf of the Czech Nation and of her Slovak branch held down by Hungary our attitude toward the reconstruction of international relations.

When the Czech deputies of our then recently revived nation during the Franco-German War made a declaration with reference to the European international questions, they used in their resolutions of December 8, 1870, the following solemn words:

"All nations, the small as well as the great, have an equal right to self-determination, and their equality in this regard should be respected. Only by recognizing this equality and respecting the right of every nation to shape its own destiny can mankind establish true equality and brotherhood, general peace, and genuine humanity."

We, the deputies of the Bohemian Nation, faithful to these principles of our predecessors, greet with joy the fact that now all the States built on the principles of democracy, whether belligerent or neutral, agree with us in looking upon the right of nations to free self-determination as the guaranty of a general and lasting peace.

The new Russia also in her attempt for a general peace adopted the principle of the right of nations to self-determination as one of the fundamental conditions of peace; she urged that nations should freely choose their own mode of life and determine whether they will construct their own independent state or form one common state with other nations.

As against that the representative of Austria-Hungary on behalf of the four allies declared that the question of the self-determination of nations that have not at present an independent position in any existing state should be solved by constitutional means. We deem it our duty to declare on behalf of the Czech Nation that the attitude of the Austro-Hungarian representative is not our attitude. On the contrary we have opposed it in all our declarations and motions, because from our innumerable bitter experiences we see in it the total negation of the principle of the self-determination of nations. We charge indignantly that our nation was robbed of her own independent state and of the right to determine her destinies and was placed by artfully contrived electoral schemes at the mercy of the German minority and made subject to the rule of German centralizing bureaucracy.

Our Slovak branch became a victim of Magyar brutality and unspeakable violence in a State which, in spite of its seemingly constitutional régime, has remained the darkest corner of Europe, and in which non-Magyar nations forming a majority, are oppressed and exterminated by the ruling minority, robbed of their children, without representation in parliament and administrative posts, without public schools, and deprived even of their private schools.

The constitution to which the Austro-Hungarian delegate appeals tampered even with the fairness of the universal manhood franchise by increasing artificially the representation of the German minority in parliament. Its absolute worthlessness, as far as the rights of the peoples are concerned, was demonstrated in an infamous manner by the brutal military absolutism during the war. Every reference to this constitution means in reality a denial of the right of self-determination of the non-German races of Austria, leaving them at the mercy of the Germans, and it means especially a coarse insult to the non-Magyar races of Hungary, where the constitution is merely the means by which the shameless oligarchy of a few high-born Magyar families maintains its rule, as has been once more proved by the last electoral-reform bill.

Our nation, like every other democracy of the world, desires a general and lasting peace. But it is fully conscious that only that peace will be lasting which will put an end to ancient wrongs, brutal force, and supremacy of cannon, as well as the rule of states and nations over other nations; that peace only will be lasting which will guarantee free development to nations great and small, and which will especially liberate those nations that are still subject to foreign dominion. It is therefore necessary that the right to a free national existence and self-determination of nations, great and small, of whatever State they may now be a part shall be the foundation of future international law, the guaranty of peace and friendly relations of nations, as well as the great ideal possession which will free humanity from the horrors of general war.

We, the representatives of the Bohemian Nation, declare that a peace which would not bring liberty to our nation could not and would not be for us peace, but only the beginning of a new, mighty, and thoroughgoing fight for political independence, in which our nation would employ to the utmost all its material and moral strength; and in this relentless struggle it would not pause until it reached its goal. Our nation reclaims this independence relying upon its historical State right. It is pervaded by an ardent desire that it shall, in its own sovereign, equal, democratic, and socially just State, erected on the principle of equality of all the citizens and within the historical limits of its territories, together with its Slovak branch, contribute to the new growth of mankind, in free competition with other free nations, on the foundation of liberty and brotherhood, granting freely in this national State full and equal rights to racial minorities.

Guided by these principles, we protest solemnly against the rejection of the right of nations to self-determination at the peace conference. We demand that in accordance with this principle all nations, including our own, shall be guaranteed participation at the peace congress and full liberty to defend their rights.

I also desire to insert an article appearing in the Chicago Daily News which, no doubt, will be very interesting to many who are not familiar with the aims and aspirations of Bohemia:

CZECH AND SLOVAK FIGHT FOR VICTORY—PROF. EDWARD BENES TELLS OF THEIR ACHIEVEMENTS AND ASPIRATIONS.

[By John F. Bass, special correspondent of the Evening Star and the Chicago Daily News.]

PARIS, FRANCE, *April 5.*

Edward Benes, former professor of the University of Prague, Bohemia, and secretary general of the National Council of the Czechs on the international position of Bohemia in the Europe of the future, has prepared a statement on the aims of his nation and their relation to the war.

In reading the statement of Prof. Benes one should not be influenced by the present military situation to conclude that the article is the dream of a deluded idealist and patriot. The forces of national life are far more permanent than those of war. Even now Italy is moving toward a revolution in her policy of 40 years. In Rome there has just been held a convention of the national committees of Austrian Slavs with committees of leading Italians, French, and English. They favor a confederation of Slav States out of Austria-Hungary and an alliance of these with Italy. In 1848 the unity of the Italian nation was as far if not farther from realization than is that of this Slav federation.

Prof. Benes's statement is as follows:

WANT CZECHO-SLOVAK STATE.

"The Czechs and Slovaks have always been hostile to Austria and Germany, and now hope to free themselves by the present war. There are 12,000,000 of them, and they occupy about 40,000 square kilometers. The creation of an independent Czecho-Slovak State would create an insurmountable obstacle to the imperialistic program of the Germans and Magyars (Hungarians).

"This new State would be supported by the Polish State on the north and by the Jugo-Slav State on the south. With the support of Italy this confederation would form a strong barrier against German expansion in the east and south.

"The problem of central Europe would thus be solved in a favorable manner for the allies and a just balance of power would be established. The disappearance of the present Austria-Hungary—and the application of the principles of national independence leads to that logically—means the incalculable weakening of Germany, the abolition of an odious régime, and the end of continual disorder. But in order to erect the barrier it would be necessary to work out in central Europe a new political system which would replace the old Austria-Hungary now allied to Germany. In this system Bohemia would occupy an exceptional position. That position we are about to examine, taking into consideration the part that Italy will play in the Europe of the future.

BOHEMIA WOULD BE CENTER.

"The international position of Bohemia, because of her geographical situation, would be of primary importance for all European politics. Bohemia would be the center around which a certain number of States would group themselves. Their political needs would lead them toward a close union with the Czecho-Slovak State.

"To create an economic Czecho-Polish block means to erect an insurmountable obstacle to 'Mittel Europa.' The Czechs are sufficiently strong economically to defend themselves against Germany. They have at their disposal the vast economic territory of Poland, where they could find an outlet for their industries. They would, on the one hand, grow stronger, and, on the other hand, they would give Poland means of resistance against Germany's economic policy, and at the same time help Poland to create a national industry. This would give Bohemia a port for her use. Dantzig, once in Polish hands, would connect the economic life of Bohemia with the sea, and would associate Bohemia still more closely with Poland, which would be of mutual advantage to both. The political, economic, and moral interests of Poland and Bohemia being the same, there is no danger that Polish and Czech policies could ever be at variance.

"The Czecho-Polish combination would render absolutely impossible a new danger for western Europe—that is to say, the creating of a new triple alliance of Germany, Austria-Hungary, and Poland—a danger which would be real if Poland were left all alone at the side of Germany.

"A defensive political and economic alliance against Germany would inevitably be concluded also between the Czechs and Slovaks and the Jugo-Slavs, when the latter are once free. An analogous policy would be put into effect with the Magyars in order to put them into a situation where they could do no more harm.

THEIR RELATIONS TO ITALY.

"In the question of the Adriatic and the relations between the Italians and the Jugo-Slavs, the Czechs and Slovaks are directly interested, and are formulating their ideas on both subjects in a very definite manner. This is how the question looks to them:

"The Czechs and Slovaks consider as one of the essential articles of their own political program the unification of all the Jugo-Slavs without exception.

"The best proof of premeditation on the part of Austria-Hungary is the way in which she has muzzled the non-German peoples, who have never participated in the plans of Berlin or Vienna, in order to assure the domination of the German race. Austria foresaw resistance and prepared for it in advance. Among the people from whom she had most to fear she counted the Czechs.

"Finally the Czech soldiers refused to fight for Austria. During the campaigns of Serbia and Galicia they succeeded in discouraging and demoralizing the Austro-Hungarian Army. To estimate properly the damage that they have done to the Austro-German cause it would be necessary to follow the conduct of the Czech soldiers in minute detail. This conduct of the Czech population and their soldiers led to savage reprisals on the part of the Austrian Government.

"All political life was suspended. The opposition parties were dissolved. All the principal leaders who had not succeeded in getting out of the country were put into prison. Everybody who was considered dangerous—professors, journalists, and publicists—was imprisoned or sent into terrible concentration camps, where life was worse than death.

REPRESENTED IN UNITED STATES.

"In America, Russia, Italy, and elsewhere there are sections of the council. It is above all due to the efforts of the Czechs of the United States that the movement has done so well. Over 1,500,000 Czechs and Slovaks are living in the United States, and at the beginning of the war they set themselves two tasks: First, to raise the necessary money from the Czech movement abroad, and, second, to work against German plans in the United States. In the first they have been successful, though enormous sums have been required. As for the second, the results of their efforts against Bernstorff, Boy-Ed, and other German spies are only beginning to be known.

"The crowning success of all this toil was the constitution of the national Czech and Slovak Army in France on December 16, 1917."

I also wish to insert extracts from a resolution of the Bohemian Socialistic Party of America appealing to the Socialistic Party of America, asking for the repeal of the resolution adopted at the St. Louis convention and declaring in favor of war against the central powers and for the crushing of German militarism and Austrian oppression, showing thereby the proper spirit, patriotism, and loyalty to our country, which appeal should by right be favorably considered by the Socialistic Party, and that without delay:

To the Socialist Party of America:

The Bohemian Federation of the Socialist Party of America considers it its socialist duty to raise its voice at this time to the Socialist Party of America in an urgent appeal that she change her attitude toward the present war in this trying hour of struggle for democratic principles, and that she take a stand, after the example of labor parties in the allied nations, on the side of its own country. The Bohemian Federation of the Socialist Party and the organized Bohemian Workers in America generally felt from the very beginning of the war warm sympathies with the workers of the allied countries and approved their attitude toward the war. The Bohemian Federation of Socialist Party of America welcomed the grave voice of this country when she, after the outbreak of the Russian revolution, as if conscious of the trying moments that were to overtake the Russian people, arose to stand by the side of the young Russian democracy and thus to secure the victory of the Russian people.

The Bohemian Federation opposed, by a great majority of its votes, the well-known resolution of the St. Louis convention and thus testified unmistakably to its fundamentally different view of the present war.

The Bohemian Federation of the Socialist Party of America demands that the standpoint taken in the above referred to resolution be abandoned, for the development of affairs in Russia demonstrated beyond a shadow of doubt its untenability, and particularly the ideas expressed in the following declarations: "It is not a war against the militarist régime of the central powers." "It is not a war to advance the cause of democracy in Europe." "In all modern history there has been no war more unjustifiable than the war in which we are about to engage."

* * * * * * *

We consider it our duty as socialists to urge most earnestly the Socialist Party in the United States to take, now, at least, in the interest of Russia, which is being strangled, an attitude of utmost seriousness, fully appreciative of the demands of this critical moment of history. Shall the great revolution that is marching through the world pass by without the proletariat of this country entering it as an active, progressive force?

* * * * * * *

We demand, with the full weight of our Socialist vote, that the Socialist Party of America declare in favor of the war against the central powers; that it offer this Republic all its loyal assistance and support against the outer and inner enemy everywhere, where the social and democratic interests of this country suffer in any way whatsoever.

Bohemian socialist workers always did and always will stand firmly upon this principle. In the war of nations, which was transformed into the greatest revolution of the suffering masses of humanity, we march on with our American Nation toward the great goal of a better future.

German militarism must be crushed, because "the world must be made safe for socialism and democracy."

Signed: Jos. Martinek (editor), Chas. Teringer, Chas. Pintner, Belac (member of executive committee of Bohemian Federation), Josef Novak (editor in chief Daily Spravedlnost), Chas. Glaser, M. Martinkova, Fr. Hlavacek (editor), Jos. Jenik, Vojta Benes (author), L. Cimler (editor), Fr. V. Stuchal, K. Srettr, Fr. H. Gruener (editor of Daily Spravedlnost), Jan Juppa, A. V. Vesely (member executive committee Bohemian Federation), Tony Novotny (secretary of Bohemian Federation of the Socialist Party), Stephen Skala (business agent Amalgamated Garment Workers of America), J. Novotna, Ant. Svoboda, E. Horak, Fr. Horn, Fr. Brosta, Fr. Zivny (member of executive committee of Bohemian Federation).

CHICAGO, ILL., *February 25, 1919.*

Mr. Speaker, to demonstrate to the world that we stand by the President and that the entire country is united in this battle for freedom, democracy, and the independence of all nations, and calling attention to the memorable words of our President to the Congress of the United States on the eve of our entrance in this great conflict, wherein he said:

We shall fight for the things which we have carried nearest our hearts—for democracy, for the rights of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all peoples and make the world itself at last free.

I feel that it is our duty not only to adopt unanimously this resolution, but to also adopt a resolution giving assurance to the oppressed and dominated nations, who have suffered and are suffering to-day for the cause. That we recognize their aims and aspirations and that their cause is our cause and that we stand ready and willing to give them any and all assistance, the same as we are giving the allied forces, and will insist that all these nations shall have their deserved independence for which they have suffered and bled, sacrificed their lives and all. To that end, Mr. Speaker, I shall introduce a resolution providing for the recognition of their independence and assuring them of our loyal, undivided support. [Applause.]

Mr. SLAYDEN. Mr. Speaker, I will ask the gentleman from Wisconsin to use some of his time now.

Mr. STAFFORD. May I inquire whether there will be more than one speech on the gentleman's side?

Mr. SLAYDEN. I am going to yield one minute to my colleague, Mr. SMITH, to make a request, and then I shall use the three minutes remaining.

Mr. STAFFORD. Does the gentleman wish me to yield one minute of my time?

Mr. SLAYDEN. I would be very much obliged for it.

Mr. STAFFORD. Mr. Speaker, of the five minutes remaining, which I have in my control, I yield one of them to the gentleman from Texas for his use.

The SPEAKER. The gentleman from Wisconsin is recognized for four minutes.

Mr. STAFFORD. Mr. Speaker, this bill applies to two different classes, one aliens who have enlisted or been conscripted and the other those of certain nationalities who have joined separate organizations and are not a part of our National Army. The effect of this proviso as to the first class, as has been pointed out here, will be that you will be giving the aliens who have voluntarily enlisted in our National Army or who have been conscripted not only the compensation which is provided by the War Risk Insurance Bureau, which gives compensation to every enlisted man in the National Army, but you give him the additional advantage of maintenance and care on the part of the National Government. That shows the impracticability of legislating at this time on this great question as how the National Government should, if ever, take care of those who have received injuries in service abroad.

Further, under this proviso here the States could go to any extent in maintaining and caring for those individuals regardless, as I pointed out in my opening statement, as to the origin of the injury, and the National Government immediately will be obliged to pay every cent for their maintenance and care. We are not in a position to consider and we should not be considering at the present time the adoption of a policy by the National Government of maintaining and caring for aliens who have voluntarily enlisted or been conscripted, or for those declarants who have joined separate units apart from our Army who are fighting on the battle front. What should be done here is to vote down this motion to suspend the rules and then there will be no objection whatever to the consideration of this bill

without the proviso. I believe it will go through under unanimous consent, certainly under suspension of the rules. This idea of having the National Government for the first time bear the expenses of their care and maintenance, not if disabled in battle for any subsequent cause, should be gone over thoroughly by a committee so that we can provide for that situation, if at all, deliberately.

Is there anyone here who maintains that this is an opportune moment that the National Government should bear every item of the expense for maintenance and care of those persons who return to this country within one year after the outbreak of war? That shows beyond question that this proviso should be stricken out and then left to a subsequent committee to report on this separate provision. This proviso has nothing whatever to do with this bill. We all agree that these persons should have the right to be returned to this country regardless of the naturalization law. Why should this extraneous matter be brought in here by somebody, perhaps representing some seaport, who has not given full consideration to the subject? Let us vote down the motion to suspend the rule, and then this bill will go through with the proviso left out.

Mr. SABATH. Will the gentleman yield?

Mr. STAFFORD. I will now yield to the gentleman from Illinois, if I have any time remaining.

Mr. SABATH. I am not greatly interested in the proviso——

Mr. STAFFORD. Then I will ask unanimous consent——

Mr. SABATH. But I wish to state this, that before these men go over they are examined by three different physicians; they are subject to a full examination, and none but healthy men capable of service are taken abroad.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the motion to suspend the rules be modified to the extent of suspending the rules and passing House joint resolution 255 with the proviso left out.

Mr. RAKER Mr. Speaker, reserving the right to object—I will have to object to that unanimous-consent request.

The SPEAKER. Is there objection?

Mr. RAKER. I object.

The SPEAKER. The gentleman from California objects.

Mr. SLAYDEN. Mr. Speaker, I yield to the gentleman from New York [Mr. CHARLES B. SMITH] for a minute.

Mr. CHARLES B. SMITH. Mr. Speaker, I desire to ask unanimous consent to offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from New York asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 12, after the word "charge," insert the words "by reason of disability incurred in said service."

Mr. STAFFORD. Mr. Speaker, this proviso should be amended in many particulars, and for that reason I object.

Mr. CHARLES B. SMITH. Mr. Speaker, I do not wish to imperil the passage of the bill by insisting that the proviso remain. So far as I am concerned, therefore, I am willing to consent to have it stricken out in its entirety. I feel, however, that with the amendment which I have suggested the proviso ought to be inserted. There is no reason why local communities should have to bear the expense of maintaining men who have been fighting the enemies of the United States. And that is the reason why the provision was originally inserted in the measure.

Mr. CRAMTON. Many of the aliens covered by the proposed bill are serving in our own armies and are receiving the same pay as our own citizens serving beside them and are assured the same benefits accruing under our war-risk insurance act. If our own citizens are incapacitated for self-support by their military service the Federal Government assumes no responsibility for their support when they return home other than the aid given under the war-risk insurance act. Anything needed beyond that the local communities will have to supply. Why should the Federal Government extend to these aliens relief greater than it provides for our own citizens?

Mr. STAFFORD. These men are foreigners who, whether they volunteer or are conscripted, will, under the war-risk act, have a pensionable status.

The SPEAKER. The time of the gentleman from New York [Mr. CHARLES B. SMITH] has expired.

Mr. RAKER. Mr. Speaker, if the gentleman will yield to me. I wish to withdraw my objection to the application of the gentleman from Wisconsin [Mr. STAFFORD]. I was opposed to this in the committee, and after it was reported out I thought I ought to maintain my position here on the floor. But I withdraw my objection.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] renews his request for unanimous consent to offer an amendment to strike out the proviso. Is there objection? [After a pause.] The Chair hears none. The question is on the striking out of the proviso.

The question was taken, and the amendment was agreed to.

Mr. SLAYDEN. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the Senate joint resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the joint resolution was passed.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

WIDOWS' PENSIONS—AMENDING CHAPTER 470, STATUTES AT LARGE.

Mr. ASHBROOK. Mr. Speaker, I move to suspend the rules for the purpose of passing the bill H. R. 9093.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9093) to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions.

Mr. MADDEN. Mr. Speaker, I demand a second.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 9093) to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions.

Be it enacted, etc., That section 2 of the act of Congress approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, be amended to read as follows:

"SEC. 2. That any widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War whose name was placed or shall hereafter be placed on the pension roll, under any existing law, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law under which she was formerly pensioned, and the law or laws amendatory thereof, unless she be entitled to a greater rate of pension under the provisions of section 1 of this act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this act: *Provided, however*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of 16 years, she shall not be entitled to renewal under this act unless said helpless or idiotic child, or child or children under 16 years of age, be then a member or members of her family and cared for by her, and upon the renewal of pension to said widow payment of pension to said child or children shall cease: *And provided further*, That the provisions of this act shall be extended to those widows, otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under the act of March 3, 1865, because of their failure to draw any pension by reason of their remarriage, and to any person who was lawfully married to an officer or enlisted man, who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is again a widow, or has been divorced from her last husband upon her own application without fault on her part and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under any existing law, or was barred by reason of her having married the soldier subsequent to June 27, 1890.

"This section shall apply to cases where there has been one, or more than one, marriage after the death of the soldier, if it be shown that such successive marriage was dissolved by the death of the husband or by divorce upon the application of the wife and without fault on her part; and this section shall apply to claims filed subsequent to September 8, 1916."

REAPPOINTMENT OF CONFEREE.

The SPEAKER. Before the gentleman from Ohio begins, the other day the Chair was informed that the gentleman from Tennessee [Mr. AUSTIN], who was one of the conferees on a House bill, was away and probably would not be back, and he appointed the gentleman from Kentucky [Mr. LANGLEY]. It turns out that Mr. AUSTIN got back here on Saturday and actually signed the conference report, and therefore the Chair revokes the appointment of the gentleman from Kentucky [Mr. LANGLEY] and reappoints the gentleman from Tennessee [Mr. AUSTIN].

Mr. LANGLEY. Which is perfectly satisfactory to the "gentleman from Kentucky."

WIDOWS' PENSIONS—AMENDING CHAPTER 470, STATUTES AT LARGE.

Mr. ASHBROOK. Mr. Speaker, this bill seeks only to clear up and carry out the original intent of Congress when it passed the widows' pension bill. The widows' bill was passed by the House on June 17, 1916, by the Senate on September 7, and signed by the

President and became a law on September 8, 1916. I might state that it was the last bill signed by the President before the adjournment of that session of Congress. I believe that I am qualified to speak with some little knowledge and authority when I say it was the intent and understanding of the Congress to do the things this bill now before you will accomplish. I make this statement because I prepared and introduced the bill. I was a member of the Committee on Invalid Pensions which considered the bill and reported it to the House. I appeared before the Senate Pension Committee and explained the provisions of the bill to the Senate committee. The report of the Senate committee was almost a verbatim report of the House report, so that it is evident that both the House and Senate had a like understanding of the intent and purposes of the bill. This bill before you to-day, therefore, really contains no new legislation and ought not be long debated or receive a single negative vote. I will therefore be as brief as possible in explaining as best I can the bill now under consideration.

The act of September 8, 1916, undertook to pension four classes of Civil War widows. Only two, however, are under consideration at this time, as the other two provisions of the original bill were satisfactorily construed by the Pension Department. It was clearly intended to pension remarried widows, but the Commissioner of Pensions held, after a large number of cases had been favorably considered and placed upon the pension roll, that a widow who contracted more than one marriage was not entitled to a pension under the Ashbrook law.

If you will refer to the letter from the Commissioner of Pensions, printed in the report accompanying this bill, you will observe that the ruling of the Pension Department was not sustained by the Interior Department until March 27, 1917, and before that decision was announced a large number of claims of widows who had contracted more than one marriage had been allowed and are now on the pension rolls and receiving a pension. Possibly 1,500 or more widows whose claims were not allowed before the decision was made are therefore denied a pension, although their cases are just as meritorious and deserving as those who were fortunate enough to have their claims allowed. This is an injustice that I am sure you will desire to rectify.

I regret that it has been so long delayed. One thousand eight hundred and ninety-nine soldiers' widows died during March last, and, like the old veterans, they are dying very rapidly. I have been striving ever since the adverse ruling was made to have this measure brought before the House, but during the extra session last summer, as you all know, it was impossible to bring any legislation before the House except war legislation. I have been striving ever since December to get this bill up, as the Speaker will corroborate, but, like many other important bills, it had to give way to war measures and bills considered more important. However, I am glad at this late hour to have the opportunity to bring this bill to the attention of the Congress, and I am sure that it will be passed without objection. I am sure that you all appreciate how much these poor women need the pension justly due them in these days of high prices when we can hardly make ends meet on our own salaries. Nearly all are old and unable to properly support themselves. We have to-day given the old soldiers a substantial increase in their pensions by the passage of the Sherwood bill, and now before this good day is ended let us correct the injustice that has been done these faithful old widows who have not benefited by the law which I am proud to have bear my name. There is no dispute on the part of anyone here that it was the intention of Congress that all Civil War widows who were married previous to June 27, 1905, to an honorably discharged soldier who had served 90 days should be pensioned regardless of the number of times she had married.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield to me?

Mr. ASHBROOK. I will.

Mr. LANGLEY. I think—and I base my opinion upon a careful reading of that decision—that technically the commissioner's ruling was probably correct. But I think it was too rigid a construction of the act. If you will make a careful analysis of the language of your original act, I believe that, as a lawyer, you will agree that as a purely legal proposition the ruling was correct, although it was not the intention of the committee or of Congress, of course, that the bill should be so construed.

Mr. ASHBROOK. I think that everybody who gave this bill any consideration knows that it was not the intention of the Congress to bar widows who had contracted more than one marriage. But the unfortunate thing about the bill was that it was written in the singular and not in the plural. If it had read "more than one marriage" or "person or persons," the plural and not the singular, the Commissioner of Pensions advised me that this adverse ruling would not have been made.

Mr. SNOOK. Mr. Speaker, will the gentleman yield for a question?

Mr. ASHBROOK. I do.

Mr. SNOOK. Has my colleague any information as to how many widows this will affect? Has he any figures on the subject?

Mr. ASHBROOK. If I am not mistaken, the Commissioner of Pensions told me there are about 1,500 widows who have been denied a pension because they had contracted more than one marriage.

Mr. SNOOK. A small number.

Mr. ASHBROOK. Yes; a very small number.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. ASHBROOK. Yes.

Mr. ROBBINS. What amount of money will the Treasury be required to pay out to make good the proposed pensions intended to be allowed by this bill?

Mr. ASHBROOK. I am unable to tell the gentleman just how much money it will cost, but the amount will be insignificant. It was clearly the intention of Congress to give these widows a pension, and whether it will cost $100,000 or $1,000,000 or more, I do not think Congress ought to hesitate to put the correct interpretation upon this law.

Mr. ROBBINS. It is a matter of having the construction placed on the law that was the original intention of Congress when the bill was passed.

Mr. ASHBROOK. There is no doubt but it was the original intention of Congress to include remarried widows or widows who contracted more than one marriage.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. RUSSELL. The Commissioner of Pensions estimates that there will be about 1,500 benefited. They are now drawing $20 under the Ashbrook bill.

Mr. ASHBROOK. The gentleman is mistaken; some may be drawing $12 under the old law, but the majority are not now on the pension roll.

Mr. RUSSELL. It will be an increase of $8 per month. You can multiply that by 1,500.

Mr. ASHBROOK. It will certainly include many widows who are not now on the pension rolls.

Mr. ROBBINS. These widows that you propose to pension now are not on the pension roll at all. Is not that the fact?

Mr. ASHBROOK. The great majority are not on the pension roll at all.

Mr. ROBBINS. They go on the roll at $25?

Mr. ASHBROOK. They go on at $25.

Mr. LANGLEY. A good many may have been at some time on the roll and forfeited the pension by remarriage. Then they remarried again, without having been restored to the rolls, as they could not under existing law. It was, of course, our intention to include these, and that is what the pending bill does.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. HICKS. The intention of this bill is to correct a technical error in the former bill?

Mr. ASHBROOK. Yes. That is all.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. CRAMTON. I do not quite agree with the gentleman from Kentucky [Mr. LANGLEY] in his statement. To my mind, had the Bureau of Pensions given the former legislation just an ordinarily liberal construction this bill would not be necessary. Their decision was based upon the word "widow" up in the beginning of the section; but there was language in the bill that would fully describe just the people whom the gentleman from Ohio [Mr. ASHBROOK] is now trying to reach; such language as this—

> That any person who was lawfully married to an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is again a widow.

There is no limitation as to the number of remarriages; and if there is any virtue in the matter of being remarried, then these widows who remarry twice after the death of the soldier ought to be more sure of a pension than the others. It was only on the strictest policy of construction imaginable that the department made its ruling. I have been in sympathy with the gentleman's efforts. I know how carefully he has worked to right this injustice, and I hope he may succeed with his measure to-day.

Mr. ASHBROOK. I thank the gentleman from Michigan [Mr. CRAMTON] for what he has had to say, and I wish to inform the House that the gentleman from Michigan appeared with me before the Assistant Secretary of the Interior to argue this very case, and I know that he has also made every effort that he could to have the correct interpretation placed upon this law.

Mr. LANGLEY. If the gentleman will permit me, I desire to indorse the gentleman's statement, as to the activity of both the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. And I am also glad to include the gentleman from Kentucky [Mr. LANGLEY] and any other gentleman who desires to join with me in helping these needy old women who tenderly and faithfully looked after the comfort and welfare of some old soldier who gallantly responded to his country's call in those dark days of more than a half century ago.

Mr. LANGLEY. I thank the gentleman; but what I wished to say, Mr. Speaker, was that the statement of the gentleman from Michigan does not in fact conflict with what I said, which was, that while I thought it was too strict a construction, technically the commissioners' ruling was correct, and the fact that it had been sustained by the law officers of the Interior Department sustains what I am saying. I served with some of them for several years, and I know they have some excellent legal talent. The gentleman from Michigan [Mr. CRAMTON] is a very able, level-headed man, but I believe he is not a lawyer. I agree with him that the broad, common-sense, liberal view that should be taken of these pension statutes would have warranted the opposite construction, but technically the construction was correct, following the rule of strict construction, which ought not to obtain in cases like this.

Mr. ASHBROOK. I want the House to understand that the Commissioner of Pensions, before this ruling was made, allowed a large number of claims of widows who had contracted more than one marriage, and those widows are now on the pension roll and receiving pensions. After this adverse ruling was made, widows who had contracted more than one marriage were denied a pension. I do not criticize the Commissioner of Pensions, who is an old soldier himself, and I know is friendly to pensions and pension legislation, but must, of course, execute the laws with justice and impartiality. Mr. Saltzgaber has cordially cooperated with me to have the Ashbrook law amended, as is evidenced by the following letter:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, December 12, 1917.

Hon. WILLIAM A. ASHBROOK,
House of Representatives, Washington, D. C.

MY DEAR MR. ASHBROOK: Knowing how you felt about the exclusion of some widows of soldiers who had, after the soldier's death, contracted more than one marriage, I am sending you herewith a provision which contains pertinent language, prepared by one of the most competent persons in the Pension Bureau, to effect the purpose of putting all of those widows upon the roll and to give them the benefit of the pension laws.

This proviso could be inserted as an amendment to the end of section 2 of the act of September 6, 1916, of which you were the author, or it could be added as a clause in the pension appropriation bill.

The decision of the Secretary overruling the Lamb decision occurred March 27, 1917. Before that, under the former practice of the Pension Bureau, there had been placed on the roll a large number of widows who had been married twice or more subsequent to the death of the soldier husband. They were allowed to remain on the pension roll under the well-known rule that decisions arrived at under a former interpretation of the law would not be disturbed. Now we have the anomalous situation of perhaps five or six hundred women, under those circumstances, being upon the roll and receiving the benefit of the said act of September 8, 1916, while there are many hundreds of other women under like circumstances who are excluded.

It will please me very much if you are able to remedy this situation and allow them all to go upon the pension roll.

Cordially, yours,

G. M. SALTZGABER, *Commissioner.*

Mr. STAFFORD. Will the gentleman yield in that connection?

Mr. ASHBROOK. I am glad to yield to the gentleman from Wisconsin.

Mr. STAFFORD. Under what construction of law does the Commissioner of Pensions deny applicants who have married more than once and yet retain on the pension roll several hundred others having the same status who have been awarded pensions? If there is no authority of law for granting pensions to the applicants, why is there authority of law to pay out money to those who have been granted pensions under an erroneous construction of the law?

Mr. DEMPSEY. Under what the commissioner claims to be an erroneous construction of the law.

Mr. STAFFORD. Under what the commissioner claims to be an erroneous construction of the law.

Mr. ASHBROOK. I will say to the gentleman from Wisconsin that it is the policy of the Pension Department that when a claim has been allowed if some other construction of the law is later made the claims that have been allowed will not be disturbed.

Mr. STAFFORD. How many are now on the pension rolls who are receiving pensions under former constructions of the law where subsequent constructions would not entitle them to pensions?

Mr. ASHBROOK. I have no doubt that there are a great many. In this particular instance I believe there are more who are now receiving pensions under the first construction of the widows' law than will be benefited by the passage of this bill.

Mr. STAFFORD. This is a very peculiar administration of the pension law, that when a department head construes the law to mean that there is no warrant for a certain payment of money they will continue to pay the money out to persons in an identical status, but will decline to pay to those who apply subsequently.

Mr. ASHBROOK. I will say further to the gentleman that I have here a letter from the Commissioner of Pensions, dated December 12, 1917, from which I quote:

The decision of the Secretary, overruling the Lamb decision, occurred March 27, 1917. Before that, under the former practice of the Pension Bureau, there had been placed on the roll a large number of widows who had been married twice or more, subsequent to the death of the soldier husband. They were allowed to remain on the pension roll under the well-known rule that decisions arrived at under a former interpretation of the laws would not be disturbed.

Mr. BURNETT. Has that been the uniform rule?

Mr. ASHBROOK. Yes; I believe it has.

Mr. BURNETT. I know a number of Confederate soldiers who were taken out at Rock Island and sent to fight on the frontier, and the commissioner first held that they were entitled to a pension. HOKE SMITH decided that they were not, and they were taken off the roll. Another commissioner decided that they were, and they were put back onto the roll; another commissioner decided differently, and they were stricken off the roll; and then another decided another way, and they were put on and are still there.

Mr. ASHBROOK. Possibly, the gentleman is right. I know of one or two instances where the soldiers were on the roll, but were stricken off and are not now receiving a pension.

Mr. LANGLEY. I want to say that those cases are of an entirely different character. There was involved in those cases questions that are not in any sense on all fours with this case.

Mr. BURNETT. There is one further question I desire to ask. Is this bill retroactive? Under a correct interpretation of the law, would it give those widows pensions who would have been entitled to a pension?

Mr. ASHBROOK. The original act says that the pension shall begin from the filing of the application. My opinion is that if this interpretation which we seek to put upon the act becomes a law they will receive a pension from the time they file their application.

Mr. FIELDS. If there is any question about the construction, ought it not be remedied in the bill?

Mr. LANGLEY. There can be no question of construction about it, as I understand it. The author of the bill and the Pension Office officials have agreed upon the phraseology that will accomplish the objects we have in view.

Mr. ASHBROOK. The original law says from the date of the application. Of course, widows who have not filed an application would not receive a pension until they did file the application.

Mr. FIELDS. Why should it not say following their application under the law of 1916? Many of them had filed applications but they were rejected for the reason that they were married twice.

Mr. ASHBROOK. Those who have filed their applications will hardly be required to file another application.

Mr. FIELDS. That is what I wanted to be sure of.

Mr. BLACK. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. BLACK. Does not the gentleman think that the bill ought to read that such pensions shall commence from the date of filing the application in the Bureau of Pensions after the passage of this act as herein amended? Because Congress has not passed a law authorizing this, or it would not be passing it now.

Mr. LANGLEY. This is a bill to construe the other act.

Mr. BLACK. Will not the gentleman ask unanimous consent to modify the bill so that the claims will date from the passage of the act as herein amended?

Mr. ALEXANDER. I should object to that. The effect of that would be to keep out all of those widows who remarried from the time of the adverse ruling up to this time. All those claims are now pending, and it would be absolutely unjust.

Why should they be kept out; why discriminate in favor of some and not others?

Mr. LANGLEY. I do not understand that that would be the effect of it. If it is, I am against it, of course.

Mr ASHBROOK. As I understand, the gentleman's object is to do the very thing that the bill will do.

Mr. ALEXANDER. The gentleman from Texas says "after the passage of the amended act." That would cut out all those who had contracted marriage in the meantime.

Mr. FIELDS. You might say "after the passage of the act of 1916." Was it not the gentleman's opinion that the widows would be pensioned under the other act?

Mr. ASHBROOK. Yes; but I will admit that, in the light of my past experiences, I am not much of a prophet on the construction the legal department of the Pension Office may take on this or any other pension bill.

Mr. FIELDS. Can the gentleman tell how the Pension Bureau will construe it?

Mr. ASHBROOK. I will say to the gentleman that I first introduced a bill and submitted it to the Commissioner of Pensions. He reviewed it, made suggestions relative to the things I sought to do, and I then acted upon his suggestions and reintroduced the bill, and it has the approval of the Commissioner of Pensions.

Mr. WALSH. Will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. WALSH. I call the gentleman's attention to the suggestion made by the gentleman from Texas. If he desires to accomplish what he seeks by his suggestion, he must do it by adding another section to the bill. He could not jump it into the middle of the bill in the manner he seeks to do without affecting the interpretation of the entire measure in other particulars.

Mr. ASHBROOK. Mr. Speaker, before I reserve the balance of my time I wish to submit a parliamentary inquiry. The bill as reprinted after it was reported to the House contains an error. On page 3, line 16, the word "each" occurs, when it should read "such"; and, if necessary to offer an amendment, I wish to now offer it.

The SPEAKER. The gentleman from Ohio asks unanimous consent to correct the wording of the bill, which the Clerk will report. The Clerk says that in the print that he has there is no word "each" in line 16.

Mr. SMITH of Michigan. That is, line 21.

Mr. ASHBROOK. Evidently I have a different print.

Mr. LANGLEY. The gentleman thinks the word "each" ought to be substituted for the word "such"?

Mr. ASHBROOK. Mr. Speaker, the confusion is due to the fact that the bill was first placed on the House calendar and was stricken from that calendar and placed on the Union Calendar, which changed the lines.

The SPEAKER. Which bill is it that the gentleman has?

Mr. ASHBROOK. I did have the bill which was on the House Calendar, and the amendment should properly come in line 21 of the bill on the Union Calendar.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. How much time for debate is there on each side of this question?

The SPEAKER. Twenty minutes. The gentleman from Ohio has used up his time, but the Chair thought he would put this motion if he could find out where it is.

Mr. ASHBROOK. Mr. Speaker, in the bill on the Union Calendar No. 8, report No. 254, on page 3, line 21, the word "such" should be "each."

Mr. CRAMTON. Does not the gentleman think the language should be "each such successive marriage," using both words?

Mr. ASHBROOK. I am quite willing to take the advice and suggestion of the Commissioner of Pensions. He called my attention to this error in the reprint of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 21, strike out the word "such" and insert the word "each."

The SPEAKER. Is that the way the gentleman wants it?

Mr. ASHBROOK. That is it.

Mr. CANNON. Does this take care of the widow who has married the third time?

Mr. ASHBROOK. Yes; or the fourth.

The SPEAKER. Is there objection to offering this amendment?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is recognized for 20 minutes.

Mr. MADDEN. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLACK], who desires to make a unanimous-consent request.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that the motion which has been made to suspend the rules and pass this bill be modified so as to provide for an amendment on line 17, page 2, after the word "this," by adding the word "amended," so that it will read "after the passage of this amended act."

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. BLACK. Yes.

Mr. STAFFORD. The gentleman is aware that we are amending section 2 of the act passed on September 8, 1916.

Mr. BLACK. Yes.

Mr. STAFFORD. There might be applications pending under other classes to which the amendment of the committee has no relevancy whatever, and at the present time have not been adjudicated, and yet with the gentleman's amendment they would be denied a pension until this amended act was passed. The gentleman will realize the injustice that would be done under that condition.

Mr. BLACK. What I am trying to do is to prevent an injustice that will be done to the Treasury if the amended act we are about to pass is made a retroactive act, and these pensions that have been disallowed are dated back to the time of filing the claim in the Pension Bureau after the passage of the original act. I do not think that should be done, but that all such classes of claims should date from the passage of this amended act.

Mr. LANGLEY. Where would the injustice come in?

Mr. BLACK. Because Congress has never passed any law of that kind, and it takes this law to give them that status. The very fact that the Committee on Invalid Pensions has reported this bill is sufficient proof within itself that the classes of claims which it is intended to cover now have no pensionable status.

Mr. ASHBROOK. Mr. Speaker, I shall object.

The SPEAKER. The gentleman from Ohio objects.

Mr. MADDEN. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker, It seems clear to me that this bill, if it is passed, ought to deal fairly as between all persons who are entitled to pensions; that the widows who have applied heretofore and have been denied pensions under what was clearly an unwise construction, because it was a construction contrary to the intention of this House, should not be discriminated against, while others who applied at an earlier date have been carried on the pension rolls despite this ruling. I suggest that we amend the bill by adding section 3, as follows:

SEC. 3. Pensions granted under this act shall be payable and paid from the date of the filing of the application therefor heretofore or hereafter.

That makes the act take effect from the time of the filing of the application, and it puts all applicants on the same basis. Of course they should not have a pension until they have applied for it. They should be reasonably diligent, but, on the other hand, the bureau should not be continually giving unwise or unjust or unfair rulings—rulings contrary to the intention of this House.

Mr. WALSH. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. WALSH. Of course it could not be section 3, because the original bill has section 3. The gentleman will have to add another paragraph to this bill or else make it section 2 of this bill. He could not have section 3, because there is a section 3.

Mr. DEMPSEY. What would the gentleman suggest?

Mr. WALSH. Simply add another paragraph.

Mr. DEMPSEY. Add as a paragraph, striking out section 3?

Mr. WALSH. Yes.

Mr. DEMPSEY. It seems to me that the amendment suggested would make the bill fair, just, and reasonable as between the various applicants. It would carry out the intention of this House. We ought to insist with the department when we pass a law that we are going to have it construed according to its purpose, according to a fair interpretation of the language, according to what the House intended to do, and in passing this amendment we are simply insisting upon a construction of that kind.

Mr. SMITH of Michigan. Would the gentleman change the present bill?

Mr. DEMPSEY. I do not know whether the amendment changes it or not, but it does make it plain.

Mr. SMITH of Michigan. Under the present bill they get it from the time of the application, whether before or after.

Mr. DEMPSEY. You might get it and you might not; this is to make the meaning plain and beyond question.

Mr. FIELDS. According to the gentleman's amendment they would get it from the time the application is filed.

Mr. DEMPSEY. Yes.

Mr. LOBECK. According to the language in lines 15 and 16, page 2——

Mr. DEMPSEY. This is to avoid any question as to construction. My experience with the bureau has been that it gives the most narrow and the most illiberal construction it can, and if we give them this language it seems to me we will not have any doubt about it.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. I yield three minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I misunderstood the purpose of the gentleman from Texas when I indicated my concurrence in the amendment he suggested a while ago. Now that I understand the purport of it, I am opposed to it, and I am in favor of the amendment suggested by the gentleman from New York [Mr. DEMPSEY], because there is no question but what it would be a rank injustice to permit this misconstruction of what was the clear purpose of the committee and of the Congress in passing the act of 1916, to deprive those who were the victims of the commissioner's ruling of what we intended them to have and what many other remarried widows have in fact received, whose cases are exactly the same.

Mr. DEMPSEY. Will the gentleman yield?

Mr. LANGLEY. In a moment. To deprive some widows of part of the benefits of this act of September 8, 1916, while others are not so discriminated against, would be unjust and indefensible. Now I yield to the gentleman from New York.

Mr. DEMPSEY. I will give the gentleman an illustration of the kind of construction that we get in the Pension Department. A man was discharged from the service and his discharge certificate stated his age. The day he was born of course affects his pensionable status, the amount to be paid depending upon his age, and the Pension Department refuses to accept that certificate of discharge which gives his age at the time when there was no object at all in stating it falsely by an officer charged with that duty, and they substitute for it and instead of it the census age which they say was taken at a certain time in that locality.

Mr. LANGLEY. I agree with the gentleman, Mr. Speaker, in his statement that the department is too rigid in construing the pension laws sometimes, and the case the gentleman gives is one illustration of it, and its construction of the Ashbrook Act is another. I thought the gentleman from Ohio had consulted the bureau, and had so framed the bill that there could be no question about the retroactive effect of the bill, so as to give a pension to all remarried widows, regardless of the number of remarriages, as we really intended by the act of 1916, and date the pension back so as to put them all on the same footing, and if there is any doubt about that as the bill is now phrased, I think the amendment suggested by the gentleman from New York ought to be adopted.

Mr. MADDEN. Mr. Speaker, I yield half a minute to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Speaker, I just wish to make this statement to the House. After further reading and considering this bill, I am of the opinion that the pension will begin from the date of the filing of the application under this amended law, because, if you read lines 15 and 17, the language states:

Such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this act.

Mr. LANGLEY. That was not the intention of the author of the bill.

Mr. ASHBROOK. That was not the intention, and I think it should be amended so that the pension will begin from the filing of the application under the old law.

Mr. BLACK. Mr. Speaker, I object.

Mr. ASHBROOK. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

ADJOURNMENT.

Mr. HICKS. Mr. Speaker, I make the point that there is no quorum present.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

Mr. NEELY. Mr. Speaker, I move that the House adjourn.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 7, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a deficiency estimate of appropriation required by the Public Health Service in the treatment of patients for the fiscal year 1918 (H. Doc. No. 1078); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a deficiency estimate of appropriation required by the Department of State for printing and binding for the Pan American Union, fiscal year 1918 (H. Doc. 1079); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a deficiency estimate of appropriation required by the Department of State for contingent expense, foreign missions, fiscal year 1918 (H. Doc. No. 1080); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Labor submitting a proposed paragraph of legislation extending for the fiscal year 1919 the appropriation made in the act of March 28, 1918, for advancing transportation to wage earners (H. Doc. No. 1081); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a proposed clause of legislation authorizing the accounting officers of the Treasury Department to allow and credit in the accounts of Capt. (now Lieut. Col., National Army) Arthur P. Watts, United States Army the sum of $66.11, disallowed against him on the books of the Treasury (H. Doc. No. 1082); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the Engineer Department of the Army for the protection of the reservation at Sandy Hook, N. J., fiscal year 1918 (H. Doc. No. 1083); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on Woman Suffrage, to which was referred the bill (S. 2380) granting to the Legislature of the Territory of Hawaii additional powers relative to elections and qualifications of electors, reported the same without amendment, accompanied by a report (No. 536), which said bill and report were referred to the House Calendar.

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11552) granting the consent of Congress to Marion and Horry Counties to construct a bridge across Little Peedee River, reported the same without amendment, accompanied by a report (No. 538), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (H. R. 4818) requiring the Secretary of War to issue an honorable discharge to Benjamin R. Buffington, reported the same without amendment, accompanied by a report (No. 537), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANDLER of Mississippi: A bill (H. R. 11945) to enable the Secretary of Agriculture to carry out, during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products"; to the Committee of the Whole House on the state of the Union.

By Mr. BLANTON: A bill (H. R. 11946) to limit mileage to actual expenses; to the Committee on the Judiciary.

Also, a bill (H. R. 11947) requiring all pensioners to reside within the territorial limits of the United States; to the Committee on Invalid Pensions.

By Mr. SANDERS of Louisiana: A bill (H. R. 11948) granting the consent of Congress to the Great Southern Lumber Co., a corporation of the State of Pennsylvania, doing business in the State of Mississippi, to construct a bridge across Pearl River, at or near the north line of section 22, township 8 north, range 21 west, west of the basis meridian, in the land district east of Pearl River, in the State of Mississippi; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11949) granting the consent of Congress to the county of Pearl River, Mississippi, and the fourth ward of the parish of Washington, La., to construct a bridge across Pearl River, between Pearl River County, Miss., and Washington Parish, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 11950) to change the names of certain municipalities, counties, townships, streets, and highways, and for other purposes; to the Committee on the Judiciary.

By Mr. KEATING: A bill (H. R. 11951) to add certain lands to the national forests in the State of Colorado; to the Committee on the Public Lands.

By Mr. McFADDEN: A bill (H. R. 11952) to grant free transportation to enlisted men in the military or naval service; to the Committee on Interstate and Foreign Commerce.

By Mr. LEA of California: A bill (H. R. 11953) granting a pension to widows of soldiers, sailors, or marines who served in the War with Mexico; to the Committee on Pensions.

By Mr. TREADWAY: Resolution (H. Res. 338) authorizing the Committee on Accounts to expend a sum sufficient to procure a flag designed in accordance with the act of April 4, 1818; to the Committee on Accounts.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 290) extending the provisions of act approved December 20, 1917, entitled "An act to authorize absence by homestead settlers and entrymen, and for other purposes"; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 11954) granting an increase of pension to William A. Pullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11955) granting a pension to Margaret J. Miller; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 11956) granting a pension to John M. Hedrick; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 11957) for the relief of Dorothea V. Stillman; to the Committee on the Public Lands.

By Mr. KEATING: A bill (H. R. 11958) granting a pension to John G. Williams; to the Committee on Pensions.

Also, a bill (H. R. 11959) granting a pension to James T. Breen; to the Committee on Pensions.

By Mr. KRAUS: A bill (H. R. 11960) granting a pension to Gertrude Ballou; to the Committee on Pensions.

By Mr. MANSFIELD: A bill (H. R. 11961) granting a pension to Mary A. McBride; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 11962) granting a pension to Mary Jane Chamberlain; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11963) granting a pension to Hugh McGuckian; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 11964) for the relief of the P. J. Carlin Construction Co.; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 11965) granting an increase of pension to Charles N. Bacon; to the Committee on Invalid Pensions

By Mr. STRONG: A bill (H. R. 11966) granting an increase of pension to Robert W. Shaffer; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11967) granting a pension to Fanny Weill; to the Committee on Pensions.

By Mr. SWITZER: A bill (H. R. 11968) for the relief of James Cahoon; to the Committee on War Claims.

By Mr. TINKHAM: A bill (H. R. 11969) for the relief of the owner of the steamship *Matoa;* to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Resolutions of the Milwaukee Clearing House Association, protesting against the passage of Senate bill 4426 to require Government guaranty of bank deposits; to the Committee on Banking and Currency.

Also, petition of the warden, Michigan State prison, protesting against the passage of House bill 9683, relating to the use of prison labor; to the Committee on Labor.

Mr. DALE of Vermont: Petition of Maple Valley Council, No. 4, Sons and Daughters of Liberty, of Glover, Vt., favoring the passage of House bill 10846, fixing a one-third fare rate to enlisted men on furlough; to the Committee on Military Affairs.

Also, petition of State Mountain Grange, No. 297, Patrons of Husbandry, Bellows Falls, Vt., for the repeal of the postal zone law relating to second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Resolutions of the 26 clubs of the Berrien County (Mich.) Federation, protesting against the grazing of sheep in the national parks; to the Committee on the Public Lands.

By Mr. HAWLEY: Petition of citizens of the first congressional district of Oregon in connection with House bill 8625; to the Committee on the Public Lands.

By Mr. OSBORNE: Memorial of the City Council, Los Angeles, Cal., adopted at its meeting April 29, 1918, in favor of legislation which will make impossible separate organizations of citizens of Germany and Austria in the United States during the period of the war; to the Committee on the Judiciary.

By Mr. RAKER: Pledge cards of the Food Administration signed by three women of Red Bluff, Cal.; to the Committee on Agriculture.

Also, resolution adopted by the California State Conference of Social Agencies urging prohibition as a war measure; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 7, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, we desire to approach Thee in deep humility of soul. Thou art the great God who inhabiteth eternity. Thou art the creator of all worlds, the preserver of all things, and the judge of all men. Thou hast a right, therefore, to demand our service. May we render unto Thee the glory which is due unto Thy name. Day by day may we walk under the shadow of the Almighty.

Bless Thy servants as they enter upon the task of this day. Give them wisdom and grace to meet the great responsibilities under which they rest. In this awful time, when the eye of the world is upon our Congress, help Thy servants to act well their part; and may the glad day be near when the angels shall sing again their triumphant song, Glory to God in the highest, and on earth peace, good will toward men; and Thy name shall be praised, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM MISSOURI.

Mr. REED. Mr. President, I have the honor to present the credentials of Hon. XENOPHON P. WILFLEY, recently appointed a Senator from the State of Missouri to succeed the late Senator WILLIAM J. STONE. I send the credentials to the desk and ask that they be read.

The VICE PRESIDENT. The Secretary will read.

The credentials were read and ordered to be filed, as follows:

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Missouri, I, Frederick D. Gardner, governor of said State, do hereby appoint XENOPHON P. WILFLEY a Senator of the United States until the vacancy therein, caused by the death of WILLIAM JOEL STONE, is filled by election as provided by law.

In testimony whereof I hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the city of Jefferson, this 30th day of April, A. D. 1918.

By the governor:

FREDERICK D. GARDNER.

[SEAL.] JOHN L. SULLIVAN, *Secretary of State.*

The VICE PRESIDENT. If there be no objection the newly appointed Senator will present himself at the desk and take the oath of office.

Mr. WILFLEY was escorted to the Vice President's desk by Mr. REED, and the oath prescribed by law having been administered to him he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States"; and

S. 4208. An act authorizing postage rates on aeroplane mail.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9959. An act increasing rates of pensions of soldiers and sailors of the Civil War; and

H. J. Res. 255. Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces.

The message further announced that Mr. AUSTIN had been appointed as one of the managers of the conference on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, instead of Mr. LANGLEY.

The message also announced that the House had passed the bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3803. An act authorizing the President during the existing emergency to sell supplies, materials, equipment, or other property, heretofore or hereafter purchased, acquired, or manufactured by the United States, in connection with or incidental to the prosecution of the war; and

H. R. 3132. An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

PETITIONS.

Mr. CURTIS presented a petition of the National Association for the Advancement of Colored People, of Kansas City, Kans., praying that the report of the investigation of the East St. Louis riots be printed in the RECORD, which was referred to the Committee on Printing.

Mr. PHELAN presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the establishment of free ports in the United States, which was referred to the Committee on Commerce.

AIRCRAFT PRODUCTION—GUTZON BORGLUM.

Mr. THOMAS. Mr. President, I send to the desk and ask the Secretary to read the following letter from the President to myself.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, May 6, 1918.

MY DEAR SENATOR: You were kind enough to consult me the other day about the wholesale charges in regard to the production of aircraft which have been lodged by Mr. Gutzon Borglum. I take the liberty of writing you this letter in order to say more formally what I said to you then informally, namely, that every instrumentality at the disposal of the Department of Justice will be used to investigate and pursue charges of dishonesty or malversation of any kind, if the allegations made by Mr. Borglum are considered worthy of serious consideration, and I sincerely hope that the matter will be treated as one for searching official investigation by the constituted authorities of the Government. Only in this way can the reputations of those whose actions have been perfectly regular and blameless be protected and the guilt, if there is any, definitely lodged where it should be lodged.

Sincerely, yours,

WOODROW WILSON.

Hon. CHARLES S. THOMAS,
United States Senate.

Mr. THOMAS. Mr. President, the letter just read was the result of a conference I had with the President on Friday afternoon last and which in turn was due to the discussion in the Senate upon Thursday and Friday, in which certain sensational statements of Mr. Gutzon Borglum, coupled with reports of the Aeronautical Society of America, were referred to and both placed in the RECORD of those respective dates.

I should perhaps add, in view of the publicity given to those discussions and that report, that since my conference with the President I have been favored with an inspection of the documents and statements relating to the association of Mr. Borglum with a certain manufacturing concern for the production of airplanes, but which was never consummated.

Let me say further, Mr. President, before taking my seat, that regardless of the truth or falsity of the general charges of Mr. Borglum, the documents to which I have referred reveal a line of conduct not at all to the credit of Mr. Borglum, and, if true, they seriously and justly reflect upon the importance and the credibility of his statements.

DEATH OF LIEUT. DINSMORE ELY.

Mr. SHERMAN. Mr. President, I send to the Secretary's desk an extract from the Washington Star of recent date entitled "United States Aviator Ely killed while fighting in France." I wish the Secretary, if no objection is made, to read the extract inclosed with the pencil marks. I think it indicates a spirit of devotion to the public defense which is equal to anything since the days of the Revolutionary War or the war for the preservation of the Union.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

UNITED STATES AVIATOR ELY KILLED WHILE FIGHTING IN FRANCE.

CHICAGO, *May 5.*

Lieut. Dinsmore Ely, United States Army, of Winnetka, a north shore suburb, was killed in France in Aviation Service on April 21. A few days before his death he wrote a letter to his father, Dr. James O. Ely, which was received yesterday. The letter closes thus:

"And I want to say in closing, if anything should happen to me let's have no mourning in spirit or in dress. Like a liberty bond, it is an investment, not a loss, when a man dies for his country. It is an honor to a family, and is that the time for weeping? I would rather leave my family rich in pleasant memories of my life than numbed in sorrow at my death."

CHARLES H. WEINSBERG AND THE ST. LOUIS POST-DISPATCH.

Mr. SHERMAN. Mr. President, several days ago during a current discussion I had occasion to offer an extract clipped from the Post-Dispatch of St. Louis. It referred to Charles H. Weinsberg, the president of the Missouri branch of the German-American Alliance. It was an interview which I regarded as very detrimental to the public interest. I was surprised, to say the mildest of it, at such a news item appearing.

I am very happy, Mr. President, now to present from Joseph Pulitzer, jr., of the St. Louis Post-Dispatch, an explanation of the entire transaction.

If the Senate will bear with me a couple of minutes, in a telegram to me he says that he sent two reporters to interview Mr. Weinsberg. He delivered himself of this interview, which was published; and in the clipping that I gave and made known to the Senate they followed it with an editorial the next day in very severe criticism of Weinsberg, and suggested that he ought to be arrested. They furnished the evidence from the office of the Post-Dispatch which led to Mr. Weinsberg's arrest under the laws of the country for the interview, the substance of which appeared in the paper. The Post-Dispatch, both its editorial and the entire staff of reporters connected with the matter, secured the evidence and presented it to the Federal authorities, which led to Mr. Weinsberg's arrest, and I believe will lead to his conviction.

This telegram from Joseph Pulitzer, jr., is addressed to me, and I ask that it be printed at length in the RECORD, because it explains the transaction and shows the Post-Dispatch in a very creditable light; and I am very glad to add this to complete the account of the transaction.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ST. LOUIS, MO., *May 6, 1918.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

We believe your statements in the Senate Saturday regarding the Post-Dispatch publication of an interview with Dr. Weinsberg, head of the Missouri branch of the German-American Alliance, were made without full knowledge of the facts and under a misapprehension of our purpose in publishing the interview. Our purpose is set forth in the following excerpt from a Post-Dispatch editorial published Sunday: "The Post-Dispatch sent two reporters to obtain the interview, which was published in order to expose the disloyalty of Dr. Weinsberg and to give further convincing reasons for the abolition of the German-American Alliance, which was then on trial in the Senate. Two reporters were sent to obtain two witnesses to the accuracy of the interview, with the definite expectation that Dr. Weinsberg would be arrested for his utterances. Similar statements had been made previously to one Post-Dispatch reporter. A warrant for Dr. Weinsberg's arrest was issued within an hour of the appearance of the publication, and the testimony upon which he was subsequently indicted was supplied by the

Post-Dispatch reporters who interviewed him. The attitude of the Post-Dispatch with regard to the publication of the interview was clearly indicated in the following editorial, which appeared the next day:

"What about Dr. Weinsberg? In the light of Dr. Charles H. Weinsberg's statement in the Post-Dispatch that Germany will win the war in six months and impose a German peace on America and our allies, the disbanding of the Missouri State branch of the German-American Alliance, of which he is president, is a timely act. There is not a spark of the American in the man who holds and announces his opinion not only that Germany will crush France and destroy the allied cause in Europe but that America, with Britain, when this happens, will surrender and cravenly accept the autocratic peace terms of the Kaiser; in short, that America will shamefully lay down her arms, beg peace from the Kaiser, and consent to his mastership of the world. Dr. Weinsberg is giving all the aid and comfort of which he is capable to the enemy and is throwing whatever influence he possesses against America putting another man or another dollar into the war. Dr. Weinsberg's German-American Alliance ought to go at once, but what of Dr. Weinsberg? We know where he stands in the war, but his arrest and trial will demonstrate where he and others of his kind stand under the law. In publishing this interview calling the attention of the district attorney and the public to Dr. Weinsberg's attitude, the Post-Dispatch did what it conceived to be and still holds to have been its clear duty. We regard it as a public service."

We have requested our Washington correspondent, Mr. H. B. Swope, to lay all the facts before you, and trust you will correct the erroneous impression created by your remarks of Saturday.

ST. LOUIS POST-DISPATCH,
JOSEPH PULITZER, Jr.

PLATFORM OF ILLINOIS STATE SOCIALIST PARTY.

Mr. SHERMAN. Mr. President, I should like to have printed in the CONGRESSIONAL RECORD without reading the platform of the Illinois State Socialist Party, which on Saturday last held a convention in Chicago adopting a platform. I call particular attention to the latter plank of the platform demanding that the American Government shall immediately recognize the "socialist Russian Government"—the bolsheviki.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SOCIALISTS OPPOSE WAR—ILLINOIS CONVENTION ASKS RECALL OF ARMY AND PEACE EFFORT.

CHICAGO, *May 4.*

Illinois Socialists, assembled in State convention in Chicago to-day, declared for constant opposition to the war, for immediate recall of American soldiers from France, and asked that President Wilson demand at once a conference of delegates from all warring nations—selected by the various peoples, not the Governments—to execute a peace for the world and democracy.

The convention demanded, too, that the American Government immediately recognize the "socialist Russian Government"—the bolsheviki.

DELAYED TRANSPORTATION OF FLORIDA PRODUCTS.

Mr. FLETCHER. Mr. President, I have a communication from the Manatee County Growers' Association, of Florida, which is illustrative of conditions in other portions of the State in the transportation of fruit products. I want to have it read—it is not very long—because it bears on a very important subject, on which I am trying to get light and relief as far as possible. I hope it will come to the attention of those who can offer some remedy for the situation. I ask to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

MANATEE COUNTY GROWERS' ASSOCIATION,
Brandentown, Fla., May 3, 1918.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: Realizing that the United States is engaged in a conflict more serious than ever before in history, necessitating a revision of conditions, whereby the most expedient and proficient methods may be utilized to their fullest capacity, we, as true and loyal citizens of the United States, are anxious to be of service to the fullest extent of our ability.

In the past we have been growers of perishable commodities for distant markets and have produced as many as 6,000 cars a season from Manatee County alone, and have enjoyed prosperity in common with other American citizens up to and beginning with the season of 1917–18. We, then, realizing that a new era was dawning, made inquiries from officials of the Government and railroads as to the advisability of continuing our industries to capacity and were assured that we would be given every consideration suitable to our needs.

Furthermore, we were urged to plant heavily, as a war measure, to furnish an abundance of food. We responded cheerfully, disregarding the 50 per cent increase in cost of labor, fertilizer, containers, and other materials.

As the shipping season approached there were rumors of embargoes, delayed transportation, etc., which later became realities, and breakages occurred, caused by rough and careless handling at receiving stations, to the extent that we suffered severe reverses that have depleted our finances to an alarming extent. Delayed transportation caused such decay that thousands of packages were a total loss to the producers and of no value to the consumers. The railroads and supply houses have made the only profits, at the expense of the producers and at the loss of foodstuffs to the Nation.

We now approach a new season, beginning July 1, 1918, and we fear that national conditions do not warrant any improvement of prospects over the conditions of one year ago. Materials are scarcer and higher, labor shortage is more acute, and we as growers of perishables can not stand further financial losses from destruction and consequent low prices of our products.

We are therefore at a loss to know how to proceed in order that we may serve our country, to promote the general welfare, protect ourselves, and secure our families the necessities of existence. We respectfully submit the foregoing facts for your consideration, and ask you to instruct and advise us as to the prospects for any betterment in conditions and further need for our produce.

Very truly, yours,

MANATEE COUNTY GROWERS' ASSOCIATION,
———— ————, *Secretary.*

THE AERONAUTICAL SOCIETY OF AMERICA.

Mr. BRANDEGEE. Mr. President, the other day the Senator from Colorado [Mr. THOMAS] asked me a question concerning the Aeronautical Society of America and I answered as best I could from the information I then had. I send to the desk a letter which I received yesterday from the president of the society which I should like to have the Secretary read.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

THE AERONAUTICAL SOCIETY OF AMERICA,
New York, N. Y., May 4, 1918.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

DEAR SENATOR BRANDEGEE: The editorial attempt in the Tribune to-day to discredit the qualifications of the Aeronautical Society of America for the purpose of minimizing the value of the report rendered by our investigating committee is thought not worthy of public answer, but I think it proper to furnish you with some facts concerning the caliber of the men who prepared that report.

Mr. Leon Cammen, chairman of the committee, is an engineer of deep learning and known ability as an inventor and profound student of aeronautics. He has many patents and inventions in aviation, including proven means for regulating the temperature of the cooling system for motors, means for silencing the exhaust of airplane motors without affecting the power, output, etc. Mr. Cammen has written and lectured extensively on aeronautics and has always expressed sound and incontrovertible views respecting the power plants as well as the aerodynamics of aircraft. For five years Mr. Cammen has been one of the two editors of the mechanical engineering department of the American Year Book, compiled by the leading authorities in each art. Mr. Cammen is associate editor of the Journal of the American Society of Mechanical Engineers. He is also a member of the New York Academy of Science, the Society of Automotive Engineers, and is vice president and director of the Aeronautical Society of America.

Mr. Charles W. Howell is manager of a factory engaged in precision work of a high order. Privately for many years he has devoted himself to the scientific development of airplane propellers and has labored most earnestly and consistently as an inventor and engineer in the development of the aeronautical art. Both Mr. Thomas A. Hill and myself are patent attorneys whose professional work has been very largely devoted to aeronautical inventions for many years past, by which means we have gained an intimate knowledge of every phase of the art, so that our services to the society have been largely of a critical nature where developments have been discussed.

Our membership includes aircraft and motor manufacturers, aircraft and motor engineers, mechanics engaged in production work, and in general the society comprehends an earnest body of men devoted to progress in aeronautics.

We hold meetings every Tuesday evening, when matters of aeronautical interest are thoroughly discussed, and we may logically claim that the society is the center in America for searching consideration of existing types of aircraft and pending improvements.

Since the creation of the society in 1908 a great many technical and scientific papers have been read and discussed at its general meetings, which are open to the public.

Very truly, yours,

THE AERONAUTICAL SOCIETY OF AMERICA (INC.),
F. W. BARKER, *President.*

Mr. BRANDEGEE. Mr. President, since I asked to have that letter read I have been informed by a colleague that the Senator from Colorado [Mr. THOMAS] had put some letter from the same gentleman into the RECORD this morning before I got on the floor. If I have duplicated that letter, I apologize.

Mr. THOMAS. No; the letter which I asked to have read, and which was read, was from the President to myself, and it appeared in yesterday afternoon's newspapers. It was evidently given to the public before I received it; but I thought, in view of the fact that it related to a subject of present importance to the Senate, it should be put into the RECORD.

Mr. BRANDEGEE. I think it is quite proper that it should be.

Mr. President, I want the Senate to understand and I want the country to understand that when I brought this matter to the attention of the Senate I did so because I saw it in what I thought was a reliable newspaper—the New York Times. I simply read into the RECORD their editorials and their statements. I know nothing about the subject myself. I do not want to incriminate anybody or to asperse the reputation of an innocent man. That would be the furthest thing from my thought. I have never made a charge against anyone that I did not have the facts to substantiate, and I never shall.

I know nothing about this matter. I simply know that, in this terrible emergency that the world is now facing, to have charges and insinuations and statements published by responsible newspapers and sent broadcast through the land, such as that which was published in the New York Times, impairs public confidence, and the men who make the charges either ought to prove up or shut up—one of the two. I thought it was best to have this thing aired and investigated. All I ask is the truth. I know absolutely nothing whatever about the situation. I know nothing about airplanes or aeronautics or motors, or anything of that kind. All I know is when I see in a great metro-

politan newspaper articles such as were published in the New York Times I do not think it behooves us to sit silent and let such things go along. Confidence and integrity and trust in ourselves and in our Government are what will win this war, if we win it; and if anybody is abusing that confidence or trying to destroy it, if anybody is making false charges, he ought to be pilloried before this Nation and punished. If, however, there is any truth in the charges or intimations that have been made, then somebody else is guilty and ought to be punished.

I think it is the duty of the United States Government, as the President of the United States evidently thinks it is his duty, to ascertain the truth of this situation and to expose it to the world. That is all I ask, and that is all I have to say about it.

Mr. CHAMBERLAIN. Mr. President, I feel impelled to make a few observations, in view of the letter from the President to the Senator from Colorado [Mr. THOMAS]. I have never seen the Borglum report referred to therein. I have never had any conversation with Mr. Borglum, although I saw him a little while yesterday in the committee room in company with a few other members of the committee.

I infer, in a general way, from the statements which have been published with reference to the Borglum report, that it had reference more particularly to dishonest transactions or transactions of a pro-German character affecting the general work of the Aircraft Board. Whether that be true or not, I do not know. I should like to see that report at some time, and I shall make an effort to read it, as well as the other reports bearing upon the same situation.

The Committee on Military Affairs some time ago made a report dealing in a general way with airplane production, without going into detail as to the expenditure of particular sums of money by the Aircraft Board or by any of those associated with it in airplane construction. The committee felt at that time that their work would be well done if they could reach a general conclusion as to aircraft production and what was necessary to be done in order that it might be speeded up. That report is now a part of the records of the Senate.

It is only necessary to say that the conclusions of the committee were the same conclusions as those which were reached by the Marshall committee, which investigated the whole subject at the request of the President of the United States. I am advised that in their report they made the same recommendations that the Committee on Military Affairs made, and the same conclusions they reached were also reached by Mr. Borglum in his report; in other words, that there ought to be a change in the method of aircraft production; that there ought to be centralization of effort; and the President of the United States has now undertaken to carry out these suggestions made in all of these reports by centralizing the work under the direction of Mr. Ryan. I hope to see better results follow from this centralization of power, authority, and effort, placing the whole aircraft program in the hands of a man who has been accustomed to do things well, as shown by his own history and by his own life, and who, having been successful in his own affairs, is likely to be successful for the Government of the United States.

The President has referred the Borglum report, according to his letter, to the Department of Justice, with instructions that every instrumentality at the disposal of the Department of Justice be used to investigate and pursue charges of dishonesty and malversation of any kind. As I said a while ago, the Borglum report, as I understand from the press reports, deals with the expenditure of moneys only, or largely with the expenditure of moneys, so that if any of these sums have been diverted or if any of them have been misappropriated the Department of Justice will have ample opportunity to investigate that aspect of the report under instructions from the President.

May I say here, Mr. President, that the Department of Justice is practically the only department which can investigate a particular case into which the criminal element enters. It has men on the ground everywhere in the United States who can investigate charges of dishonesty and investigate any charges that might be made against any members of this particular board or any agent of the Government in connection with aircraft production.

But let me say to the Senate now that it is not the purpose of this committee to abandon its efforts to ascertain the truth with reference to aircraft construction. There has been something radically wrong in the whole program, Mr. President. I have not been able to put my hand on the expenditure of the moneys, and I do not think there is any member of the committee who can account for the expenditure of anything like $640,000,000, or probably $840,000,000. The committee, if I can have its consent and the consent of the Senate, is going to pursue this thing and ascertain, if it be possible to do so, where these moneys have been expended and where the delay has been occasioned.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CHAMBERLAIN. Yes, sir.

Mr. NELSON. Should not the committee, independent of the criminal question, investigate and ascertain to whom this money has been paid and for what purposes it has been paid?

Mr. CHAMBERLAIN. I was just undertaking to say that the committee is going to pursue its efforts to try to find out the truth of the whole situation. I am very glad, indeed, to know from the President's letter that he approves of a searching official investigation by the constituted authorities of the Government. The Military Affairs Committee of the Senate is a constituted authority of the Government, and the Military Affairs Committee, without fear or favor, Mr. President, intends to do whatever is necessary to get at the bottom of this whole matter. I am sure that is what the President wants, and I am glad, indeed, to know that this course has his approval in advance. Only this morning a few of the members of the committee got together for the purpose of discussing this very situation.

This aircraft construction is not the development of a day, Mr. President; the investigation itself is not the development of a day. We make our investigations and think we have closed them on one day, and the very next day the mail will bring to members of our committee—to most, if not to all of them—charges of a sensational kind, made in many instances by reputable citizens of this country who are interested only in the winning of this war. Then it becomes a question as to whether these particular charges in every particular instance ought to be investigated and gone into by the committee. These charges must be segregated and the motives of the complainants analyzed. Charges are coming to me every day; new information is coming to me every day, and it is coming to members of this committee—charges, for instance, such as are made in the Borglum report, which this committee never saw; and other charges are coming to the committee from various quarters. It becomes a question, then, in each instance as to whether or not the committee ought to investigate further. But, Mr. President, this committee is determined to do whatever is necessary to win this war, and if there is responsibility for a lack of speeding up this committee hopes to put its finger on the man or men who are responsible for it. It proposes to do that without fear. It does not propose to protect the reputations of any individuals who have been connected with any dishonest transactions, from the highest to the lowest. It is the purpose of the committee to find out and to point out to the country the men who are responsible, if such there be, and it does not propose to engage in any whitewashing process, either.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. CHAMBERLAIN. Certainly.

Mr. VARDAMAN. Does the Senator know—and I apprehend the information is obtainable—the amount of the $840,000,000 that has been spent for building aeroplanes and airships?

Mr. CHAMBERLAIN. I only know in a general way that the amount appropriated was $640,000,000, and I understand that there is to be a deficiency appropriation of $200,000,000 more, in regard to which I presume a report will be made in due time.

Mr. VARDAMAN. Can the Senator tell the number of airplanes that have been built out of that fund and that are now in use?

Mr. CHAMBERLAIN. Mr. President, that is a difficult proposition; that brings up again the discussion of a matter that has been discussed here from various angles at various times, and no conclusion has ever been reached.

Mr. VARDAMAN. There is no difficulty about finding the number of planes constructed, I apprehend.

Mr. CHAMBERLAIN. There has been so much of misrepresentation about this whole business that it is pretty difficult to learn the truth about it. America has not put any planes upon the battle front of France, unless it has been done within the last two or three weeks. I mean battle planes constructed and built in America and shipped abroad for the use of the American troops. There have been planes built in France, Mr. President, at the expense of America, and these have been put on the battle front. If the Senator calls them American battle planes, then some have been built. How many, just now I do not know; but some have been built and have been placed upon the battle front.

In addition to that America has sent over to Europe—to Great Britain and to France—materials out of which airplanes are to be made, and is continuing to do that. There has never been any effort upon the part of our committee to differentiate between the actual construction of planes in France and the actual

cost of planes built in France out of raw material America has sent over to be utilized in the construction of planes there.

It seems to me, Mr. President, and I think I am safe in saying it has seemed to the majority of the members of the Military Affairs Committee, that our people ought to be informed of the truth of the situation, and they never have been because those who ought to know the truth do not tell it all. I am not blaming anybody for it; possibly it is impossible for anybody to know what the truth is. I do know this, however, that it was testified to before the committee that the flower of American youth to the number of about 1,500 were sent abroad to be trained in France in the use of battle and other planes on the front; and yet at this very day some of those men have not had the advantage of training in American-built or in any planes whatsoever; and it has become the purpose of the Chief Signal Officer, as he testified before the committee, that these young men would be returned to America and trained here after having been kept over there nearly a year with nothing to do. Some of them will not have an opportunity to train there; they must be brought back to America to train. If America has all the planes that she needs, why has she not placed them in the hands of these young men to be utilized on the battle front of France? There is not any question about that. The Chief Signal Officer himself says that the young men can not be trained over there, and I might say some——

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. WALSH. I have always thought the story that the Senator is now telling us a most extraordinary one. I assume that those 1,500 men must have been sent over to France by the head of the Signal Corps?

Mr. CHAMBERLAIN. They were.

Mr. WALSH. And that same head of the Signal Corps now tells us he thinks about bringing them back?

Mr. CHAMBERLAIN. He does.

Mr. WALSH. Is not that a confession in itself?

Mr. CHAMBERLAIN. Some of them; not all of them.

Mr. WALSH. Yes. Did he explain how it was that his expectation that those 1,500 men would receive training in France were defeated?

Mr. CHAMBERLAIN. I may say to the Senator from Montana that it was the extreme optimism of the Chief Signal Officer and the men associated with him in airplane production that caused these young men to be sent over there. They thought, in perfect good faith, I have no doubt, that they would have the planes there for the use of these young men.

Mr. WALSH. Did he indicate to the committee the basis of his expectation that they would get training there?

Mr. CHAMBERLAIN. Oh, Mr. President, if the Senator had been watching the newspapers and watching the testimony as it was adduced before the committee, he would know that they have been disappointed in nearly every expectation they have had. If the Senator will come into my committee room some day, I will give him a confidential statement that shows the situation and that he can almost read at a glance. There were some things said before the committee that it did not deem wise to print. In answer to the question of the Senator from Mississippi [Mr. VARDAMAN] I simply state that as a fact to show that we have not had in France the planes that we needed there.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Massachusetts?

Mr. CHAMBERLAIN. Certainly.

Mr. LODGE. Is it not true that there were young men sent over there who were partly trained, ready to go on with flying, who have not had their feet off the ground since they have been there?

Mr. CHAMBERLAIN. I could not state that positively.

Mr. LODGE. I can only state it in a general way; but they have not had an opportunity to fly.

Mr. CHAMBERLAIN. I will say to the Senator that I have a letter in my possession from a young man who went over to France who claimed that the morale of these 1,500 young men was almost destroyed by months of weary waiting. They went over there, I may say, expecting to become the aces of America. They were the young college men from the different colleges in the United States who were sent there because it was deemed that they were the most efficient and likely to be the best fighters that America could send over for battle-craft use. Since they have gone over, selected as they were as the best young men in the country, others have gone over outranking them in commissions; and an effort is now being made to try to arrange the order in which the commissions shall be issued to protect these young men, as far as it is possible to protect them, against the optimism of the Aircraft Board.

Mr. LODGE. I know personally of just such cases as that.

Mr. CHAMBERLAIN. There is not any question of that.

Mr. LODGE. Men who were good fliers left this country and have never been able to get a machine since they have been over there.

Mr. FLETCHER. Mr. President——

Mr. LODGE. One more question, and then I will yield to the Senator from Florida. We are about to be asked, as I understand, to appropriate a billion dollars more for the Aviation Service. I understand the Senator to say that we have spent $640,000,000 and probably two hundred millions more for a deficit, $840,000,000; and the Senator has described sufficiently what returns we have had. I was very glad to hear the Senator say that it was the intention of the committee to investigate that expenditure. I confess that I have a curiosity—it may be a morbid curiosity, but I have a curiosity—to know what has been done with $840,000,000, with these results.

Mr. CHAMBERLAIN. I hope we may be able to enlighten the Senator. If we are not able to do it, I am sure that the Appropriations Committee will be able to do so, because the Appropriations Committee will have charge of the bill for the deficiency.

Mr. POINDEXTER. Mr. President, they bought an airplane with it, did they not?

Mr. CHAMBERLAIN. Oh, we got an airplane.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. Mr. President, will the Senator permit me to make a statement just here?

Mr. CHAMBERLAIN. Certainly.

Mr. THOMAS. I think, Mr. President, that about two hundred millions of the sum just mentioned has been actually expended. The remainder of it is represented by contracts, which will absorb it when the contracts are performed; and of course a good part of the amount expended has been expended in the construction of aviation fields, and in the training of men, and in matters of that sort. I think, too, that while I am on my feet I ought to say, if the Senator will permit me, in justice to Gen. Squier, that when these young men were sent over to France he had assurances that they could and would be trained in the French schools; but those schools, for some reason, have proved inadequate for the total number of men we forwarded under that understanding.

Mr. LODGE. They had no machines to give us, did they?

Mr. THOMAS. They had training machines.

Mr. LODGE. But not enough?

Mr. THOMAS. But not enough. That was one reason; and another was, I suppose—this is mere conjecture, however—the pressure of the numbers of French aviators that the schools had to provide for.

Mr. FLETCHER. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Florida.

Mr. FLETCHER. I just rose to suggest to the Senator, inasmuch as the matter has been mentioned in a rather critical way, not by the Senator from Oregon, but by others, that these young men who were sent to France and to England, according to the testimony, as I recall it—the Senator will correct me if I am wrong about that—were sent there at the request of the French and the British officers. I think that is the truth in connection with that matter. In other words, it was not a gross mistake or error on the part of our people in sending those young men over there to be trained; but it was at the suggestion, anyhow, and I think at the request of the French and British officers, that we send that number of our best material over there to be trained. If I am wrong about that I should like to be corrected; but that is my understanding of the testimony.

Mr. LODGE. May I ask the Senator another question, if the Senator from Oregon will permit me? Do I understand him to say that the men in the Aviation Service, who are enlisted men or commissioned officers of the Army, are being paid out of the funds appropriated for aircraft construction?

Mr. THOMAS. Does the Senator mean their salaries?

Mr. LODGE. No; I mean their regular pay as soldiers.

Mr. THOMAS. Oh, no; I think not. I think their regular pay comes out of another fund.

Mr. LODGE. The Senator referred to the expense of training these young men. I supposed their expenses were paid like the expenses of all other soldiers, out of the general appropriation.

Mr. THOMAS. I think the Senator is correct about that. I did not mean to include the pay of the men in the Aviation Service as coming from the fund under discussion.

Mr. CHAMBERLAIN. I think the Senator will find, in addition to that, that even conceding that his statement of the

facts is correct, Gen. Squier testified that we were to furnish planes to train them.

Mr. FLETCHER. That may have been the understanding also.

Mr. CHAMBERLAIN. That is the point I have been trying to make; and I am not criticizing that particularly, except in answer to the charge that is being made all the time that America has got all the planes she needs in France.

Mr. FLETCHER. I do not make this suggestion by way of raising the slightest objection to what the Senator is saying, or indicating in any way that I am opposed to this investigation. I think we should go to the very bottom of it. I think we should hue to the line and let the chips fall where they will. My position about the reports, and the reason why I did not sign either report of the committee, was that I felt that we had not gotten to the bottom of it, and I felt that the reports were premature. I favored submitting those facts to the President, in order that we might draw out all the facts, all that we had, the Borglum report, and the report of his own committee, and that the committee might pursue the matter further to reach a definite fixing of responsibility, and determine where the responsibility lies. I am heartily in accord with the position the Senator takes with regard to his purpose in that connection.

Mr. WALSH and Mr. McCUMBER addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Montana?

Mr. CHAMBERLAIN. I do.

Mr. WALSH. Referring again to the matter that was the subject of colloquy a few moments ago, it had occurred to me that either the chief of the Signal Corps sent those men over to France without any kind of assurance whatever that they could be accommodated in the schools there, or else that he had assurances sufficient to justify him in the belief that they would be accommodated in the schools over there. I was hoping that the Senator from Oregon, who is so familiar with this matter, would give us his understanding as to what the testimony is, as to whether it was a wild, thoughtless, heedless act on the part of the head of the Signal Corps here, or whether the expectation that he justly indulged failed by reason of the fact that the French Government were unable to accommodate the men as they had promised to do at their schools.

Mr. CHAMBERLAIN. I hope the Senator will not conclude, from anything I have said, that I question the sincerity or the motives of Gen. Squier. Nobody holds him in any higher esteem than I do as an officer of the Army. I honestly believe that Gen. Squier had assurances that airplanes in sufficient quantities would be delivered there for the purpose of training these young men; but he was a nonexpert in airplane construction, who was depending upon the Aircraft Board or somebody who had the production of these aircraft and airplanes in charge; and, basing his action upon the estimates that they had given him, he acted in perfect good faith.

Mr. WALSH. Then I understand the Senator to say that they were unable to get training in France because the American Government did not send over planes as apparently they had agreed to?

Mr. CHAMBERLAIN. They did not.

Mr. WALSH. That is the trouble, then; that the planes were not forthcoming?

Mr. CHAMBERLAIN. The planes were not forthcoming, either from America or manufactured in France.

Mr. WALSH. Then, Mr. President, I ask the Senator how it is that the American schools and the American aviation fields were abundantly supplied, as I understand the case, with training planes, and the French schools were not?

Mr. CHAMBERLAIN. Mr. President, that leads up to another question. This whole business has been camouflaged and misrepresented to the American people. It has only been recently that the American aviation fields have been supplied with proper planes for the training of these young men; and yet the statement is constantly being made that there were sufficient airplanes for the training of the American boys here and abroad.

Mr. REED. Mr. President——

Mr. McCUMBER. Mr. President, will the Senator yield to me for a question for information? I should like to ask the Senator what the program was as to the number of airplanes we were to have. I think the people ought to know what we had in view.

Mr. CHAMBERLAIN. I do not recall just exactly what the number was that we were to have in Europe by the 1st of July; I think something like 2,500 or 3,000, with a possibility of increased production.

Mr. NEW. Mr. President——

Mr. McCUMBER. Do we propose to have fifty or eighty thousand there finally?

Mr. CHAMBERLAIN. We will not.

Mr. McCUMBER. Mr. President, I should like to ask another question right there. Will the Senator state how much the planes were to cost apiece? There must have been an estimate of what each plane ought to cost us.

Mr. CHAMBERLAIN. I presume that testimony is before the committee, but I do not recall the amount just now.

Mr. SMOOT. Mr. President——

Mr. McCUMBER. Let me say to the Senator, then, that from the investigations I have made those machines ought to be produced at a big profit at $3,000 apiece; but even allowing $10,000 apiece, with a billion dollars we could place at our own disposal 100,000 planes costing $10,000 apiece.

Mr. REED. Mr. President——

Mr. McCUMBER. Now, it seems to me that inasmuch as we have spent nearly a billion dollars and have not got anything, we ought to find out what has become of it.

Mr. CHAMBERLAIN. Mr. President, when I rose to address the Senate this morning it was only in reference to the pending investigation, and I had not gotten together the testimony on any particular proposition. I can only state these things in a general way. That testimony is before the committee, but I do not recall it now, because there are very many different kinds of planes.

Mr. REED. Mr. President, I do not think the statement ought to go out to the country that planes suitable for the fighting service can be produced for $3,000 apiece.

Mr. CHAMBERLAIN. Oh, no.

Mr. REED. Or for three times $3,000. The British and French pay largely in excess of that. The Senator from North Dakota does not want a statement to go out to the country that is wrong. The Handley-Page machine, the testimony shows, costs Great Britain $47,000. A battle plane is not a simple little device consisting of some sticks and some canvas and a tin can for an engine. It demands the highest type of engine that the genius of man has ever produced; it demands the highest class of machinery that the genius of man can conceive; it demands guns that cost money, and some of them are so contrived that they shoot between the rapidly revolving blades of the propeller without striking the propeller. That takes some time and some ability to arrange. It is not a matter that is done overnight.

Mr. McCUMBER. It requires ability to get the type; that is all.

Mr. REED. You can not have it done by an ordinary plumber. These machines require a photographic apparatus, one that will take accurate pictures of trenches when the machine is 20,000 feet in the air. They require gas tanks to supply oxygen to the aviator when he has reached an altitude where breathing is impossible. The modern machine has an electrical appliance by which the hands and feet of the operator are kept warm. These are a few of the difficulties that have to be met, and no statement ought to be made to go to the country that machines of this kind can be made for $3,000.

Mr. THOMAS. Mr. President, may I remind the Senator that the plans for an airplane are so intricate that they involve as many parts as there are to the architectural design of a battleship?

Mr. REED. That is another valuable statement. Now, since the Senator who has the floor has been so kind as to permit this long interruption, he will perhaps permit me to say this in addition: That the aeroplane is changing almost with the rapidity of light. The machine that was a good fighting machine six months ago is now obsolete, or partially obsolete. If we had the most perfect machine in the world to-day, the probabilities are that it would be necessary to be making changes in it next week. All these problems have come forward to involve in difficulty the great work of production. At the same time, so that I may not be misunderstood, I have no doubt that there has been blundering of the most colossal character.

Mr. LODGE. Mr. President, before the Senator takes his seat, if the Senator from Oregon will allow me, I think we are all aware of those constant changes and improvements; and yet England and France and Germany have managed to keep great numbers of fighting machines on both fronts in constant use.

Mr. REED. That is true. We made the primary colossal blunder of undertaking to build an engine and to fit almost every airplane in the world to that one engine, whereas skilled mechanics and men who understand the business say that in every instance the engine must be built to fit the plane; and the so-called Liberty motor is only adaptable to two or three types

of planes, and among those types is not included the battle plane proper.

Mr. McCUMBER. Mr. President, will the Senator allow me to make one suggestion in response to the statement of the Senator from Missouri?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. McCUMBER. The Senator's argument is based upon securing an original machine. I am assuming in my statement that you have agreed upon a standardized machine. Now, it may take $10,000, it may take $100,000, to perfect the engine of the first machine; but after you have standardized it and have standardized your tools for making it, it is then practically all made by machinery, and it ought not to cost more than $3,000 per machine.

Mr. REED. The Senator is in error. My statement is not based upon the cost of the original machine. It is based upon the latest cost we have from England on the latest machines which they are now producing, not the original machine, not original experiments, but the machines that they are now producing after three and a half years of actual work upon the battle front.

If the Senator can perform the miracle he has just described of producing the machines for $3,000 apiece, he is of more value to the United States and to the allies than any man living, including the commanders of the Army and Navy. I say that with all respect and with all kindness, but no man can produce these planes for $3,000. It is an absolute impossibility.

Mr. McCUMBER. Let me say finally if that board had said to Mr. Ford or to the Packard Co. we want 50,000 standardized machines of this size, and if it had employed them to produce the best French machine out of that number of standardized machines, they would have produced the machine. I am not talking of the gun and the cost of the gun, because that is not paid out of this fund whatever.

Mr. REED. Since the Senator has brought that up, they did get Mr. Coffin. Mr. Coffin was a great automobile producer, producing as many machines I think as are produced by the Packard Co., and it is under the supervision of Mr. Coffin that this lamentable failure has occurred, because Mr. Coffin thought he could standardize an engine that would fit any machine on earth, and he has found out that up to date the problem has been a very illusive and impossible one.

Mr. SMOOT. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I want to say to the Senator from North Dakota that the program mapped out when the $640,000,000 appropriation was asked for was as follows: There were to be built 22,000 aeroplanes. The $640,000,000 was to pay for the completion of 22,000 planes. It came before the subcommittee of the Committee on Appropriations, and when the appropriation was asked for that committee went into the details as to the cost, and there was no question at that time but that the $640,000,000 would complete 22,000 aeroplanes. The question as to when they should be finished was also discussed, and it was stated to the committee that all haste possible was to be made, and the hastening of the making of the planes would entail an extra cost of nt least 10 per cent. I agreed that it would not only cost 10 per cent extra but that it would cost 20 per cent; and yet with the 20 per cent allowance for increase of cost for forced work the $640,000,000 covered the building of 22,000 planes.

Mr. McCUMBER. The Senator does not mean to be understood as saying that the appropriation of $640,000,000 was to pay for planes alone? It was to pay for your schools and your grounds and everything else.

Mr. SMOOT. I have the wording of the law, if the Senator wants me to read it.

Mr. SWANSON. Will the Senator yield to me to submit a conference report, that it may be printed?

Mr. SMOOT. Perhaps it is too long to take of the time of the Senator from Oregon. I will call the attention of the Senate to it in my own time.

Mr. CHAMBERLAIN. I am obliged to the Senator. I will say to the Senator from Virginia I merely wish to make one statement in conclusion.

When I rose to this subject it was only to state that it was the purpose of the Committee on Military Affairs to continue its investigation, not only with reference to aircraft production but with reference to every other branch of the service that needs investigation so far as the war is concerned.

Mr. NORRIS. I wish to ask the Senator a question before he yields the floor. I am not particular about doing so now, but can ask it later.

Mr. CHAMBERLAIN. I will yield in just a moment. The committee is going to do that without any fear. The charge, Mr. President, that has been made from time to time in various sections of the press and sometimes on the floor of Congress that those who want to arrive at the truth in reference to the expenditure of the money which belongs to the people of this country are pro-German in tendency and in character and that their course may possibly serve our enemies rather than America will not deter the individual members of this committee from the performance of their duty as they see fit. That charge, so far as I am concerned, may be made from now until the end of this war, but it shall not swerve me one iota from the track I have marked out for myself in the discharge of my duty, and that is to bring the truth home to the American people.

I have no doubt that those who are serving the Government faithlessly and dishonestly will be brought to task and to justice promptly by the American people. All that is needed to speed up this war is to let the people know the truth, and knowing it they dare perform whatever is necessary to be performed to win this war against the most efficient and most cruel military nations on the face of the earth.

Mr. THOMPSON. Will the Senator yield to me?

Mr. NORRIS. Before the Senator takes his seat——

Mr. CHAMBERLAIN. I yield to the Senator from Nebraska first.

Mr. NORRIS. I wish to ask the Senator from Oregon if he can give the Senate information on the proposition as to whether the Governments of England and France or either of them had contracted with us for a large number of Liberty motors? The question was discussed here in the Senate the other day, and I noticed, I think, last night—I have sent out for the paper—one of the afternoon papers here gave a glowing account of the very large number of Liberty motors that England had purchased.

Mr. CHAMBERLAIN. England did contract for a large number of Liberty motors with America.

Mr. NORRIS. Have they been delivered?

Mr. CHAMBERLAIN. I deem it best not to say what the result of that contract was, but if the Senator will go into my office I promise to read him a confidential report that is now before the committee. That will tell just exactly what happened.

Mr. NORRIS. On one side of the proposition that goes out to the country, and I have heard it disputed upon the floor. I am anxious to know what the truth is. Last night or night before last an evening paper here gave an account of all this transaction, in which it was stated, I think, that only two or three had been delivered, and they were to be delivered on acceptance. Some Senators said they had not been accepted. they had been rejected, and that as a matter of fact none had ever been delivered. But in the face of that I see the statement made in the public press that it is a great success, and that we are manufacturing them now and sending them across to England, and she is buying them. I think the statement said that England had already bought a thousand of us. I should like to know what the truth is.

Mr. CHAMBERLAIN. I think it is proper to say that I believe the British Government found the Liberty motor an excellent motor. They are going to use it. They have contracted for some, but I say they have not received all or any large part of those that were contracted for. Whether they will be delivered finally or not I do not know.

Mr. NORRIS. Can the Senator state how many have been shipped to England?

Mr. CHAMBERLAIN. I could not state that to-day, because it varies. It is fair to say in this connection that we are all the time reaching a point where quantity production is most possible, and we are in better shape to-day to do it than we were a month ago, and in better shape than we were two months ago.

Mr. NORRIS. Can the Senator say a thousand Liberty motors have been sent to England?

Mr. CHAMBERLAIN. I prefer not to state the number.

Mr. HITCHCOCK. I think it fair to say that the number actually shipped is merely nominal.

Mr. NORRIS. Can the Senator state how many?

Mr. HITCHCOCK. I know how many, but I do not think it is proper to state it. It is a merely nominal number. The number contracted for is considerable, because both Great Britain and France are anxious to have motors. They are not able to make what they need, but the number we have been able to supply is merely nominal, because we are not able to supply ourselves as yet.

Mr. NORRIS. Are they in operation there? Are they using them?

Mr. HITCHCOCK. They are not.

Mr. THOMPSON. Will the Senator yield to me?

Mr. CHAMBERLAIN. I yield to the Senator from Kansas.

Mr. THOMPSON. I simply wish to ask the Senator a question for the information of the committee of which I am chair-

man. We would like to know whether the Committee on Military Affairs is investigating the expenditures made in the war?

Mr. CHAMBERLAIN. No; the committee is not making that investigation now.

Mr. BRANDEGEE. Mr. President, I wish to take only about two or three minutes of the time of the Senate. The Senator from Oregon [Mr. CHAMBERLAIN] has nominally held the floor for three-quarters of an hour, but he has been compelled to yield to other Members most of the time.

I wish to say that I am exceedingly glad to learn from him that the Committee on Military Affairs intend to keep a vigilant eye upon this whole question of our military preparedness, not only the airship program but the whole military situation.

I read in the papers that the President has ordered the Department of Justice to conduct an investigation of the aircraft program and of all the circumstances surrounding it. Mr. President, the Department of Justice is the prosecuting branch of the Government. If there is any crime connected with the airship production the Department of Justice has got to conduct the prosecution. But the Department of Justice, the Attorney General and his deputy attorney generals are not the gentlemen who determine upon the public policies of this country by a long shot. They are appointed by the President just as the Secretary of War is appointed by the President. They are a part of the executive branch of the Government; they are the agents of the President. Nobody knows what this whole airship program is, which is generally admitted up to date, if not to have fallen flat, at least, to have been very disappointing. Nobody knows what the situation is. There have been several investigations by gentlemen who have had letters from the President to investigate it and by committees appointed by him, and now the President is going to have another investigation by his own appointee. To whom is the Attorney General going to report after he makes his investigation? Is he going to report to Congress? No; he will report to the man who appointed him, the President. The President has already two reports which he has not made public. The Lord only knows whether he will make the other report public if there is anything bad in it; I do not know.

I am glad to hear the courageous and able Senator from Oregon, the chairman of the great Military Affairs Committee, announce here publicly this morning that he does not propose to abandon his functions, and he does not propose that a great coordinate department of the Government, the legislative branch of the Government, comprising 96 Senators from sovereign States and three or four hundred Members of the House of Representatives, shall abdicate their functions and be squelched. I am glad to know that he takes the view that in this gory struggle, in this titanic contest between despotism and democracy the world over, the Congress of the United States proposes to have a hand in determining the policies of this Government, and proposes to understand what is going on, and when some little fellow comes over here and demands billions and billions of dollars to be appropriated, and taxes to be laid upon the backs of the American people to an extent unheard of in history, we have not yet become so subservient, so craven, as that we do not want to know what has been done with the money which we have wrung from the taxpayers of the country. The people want to know. They are entitled to know. The press wants to know. It is entitled to know. We want to know. We are entitled to know.

This war can not be won, Mr. President, in this attitude of seeing things through a glass darkly. It can not be won in privacy and secrecy and mystery. The public are giving their sons and fathers and brothers to a bloody death in the trenches. They are up against poisonous gas and shot and shell and exploding bombs, and they will not submit to be deprived of their property at home and their lives abroad and have it all done behind a glass darkly.

If there is any virtue in coordination, let us coordinate. We have three coordinate departments of the Government. Now, let us coordinate. This war is not going to be won by Col. House. It is not going to be won by any pet or favorite of the President. It is only going to be won by the people of the whole country having confidence in their Government, and if the Government warrants the confidence which the public places in it.

Mr. President, I have no partisanship in this war. They can take my property; they can take my life. They are taking the lives of the fellows they draft into the Army, and they can have my life. I have only one life to live, and I have only one death to die, and I know of no better cause in which to sacrifice my life than in standing against this German brute who is trampling over civilization.

But, my God, Mr. President, I am a free man. I am not a partisan. No word that I have said on this floor has any partisan tinge to it. To be sure, when the President presumes, as I think at times, to be a superman and to think his judgment is better than that of the whole hundred million people of the country, I make some jokes about it and some sarcastic references to it. There is no ill nature about that, and I am not doing it for politics; I am doing it in the hope that at last he will one day realize that there are other people in this country besides him who have some brains and some loyalty and some patriotism.

Mr. President, my grandfather was a Democrat. My father joined the Republican Party because he did not believe in human slavery, and I was born a Republican. I would not hesitate to get out of the Republican Party and join the Democratic Party or any other party the minute the Republican Party abandoned the principles that I believe in. We are Americans now, Mr. President, and we ought to act like Americans.

I would rather see the whole American Continent sunk 20 leagues under the sea than to see the Kaiser stalking around here in his tall boots, with his spurs on, bossing the American people.

You can not win this war by talking about woman suffrage and prohibition. We won every war we ever were in without woman suffrage and prohibition. We won the Wars of 1776 and 1812 and the Mexican War and the War of 1860 and the Spanish-American War, and there were no pink-tea parties talking about putting pink chemises on the men and Plymouth Rock pants on the women. The women do not propose to go over in the trenches abroad and do the fighting. It is the men who have got to do that. Instead of bleating around here about their saving democracy by forcing their way into caucuses and conventions, they had better go home and knit bandages and pick lint and get ready to take care of their brothers and sons and fathers who are going to be shot to pieces in the trenches abroad.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. BRANDEGEE. Certainly.

Mr. GALLINGER. The women are doing that very thing to an extent that they ought to be congratulated upon.

Mr. BRANDEGEE. I do congratulate them to the extent they are doing it; but if they would get out of this lobby and go back and do more of it I should be better pleased with them.

Now, Mr. President, they talk about prohibition——

Mr. THOMPSON. Mr. President——

Mr. BRANDEGEE. I do not yield to the Senator just at present. I want to finish the thought that I have in mind, and then I will yield.

Mr. THOMPSON. I want to give the Senator the thought I had in my mind.

Mr. BRANDEGEE. I am not so anxious about the Senator's thought. [Laughter.]

Mr. President, take the boy in the trenches "over there," standing all night in 2 feet of ice water, with orders in his pocket to "go over the top" in the cold, gray dawn in a chilly fog, to put his unprotected body up against shot and shrapnel and machine guns and poisonous gas, in addition to frozen feet, and they say they are going to fill his belly full of ice water before he starts as a moral stimulus to him. It is perfectly absurd. Every army abroad gives its men a drink of something to expand the cockles of the heart before they go up against the cold, blue steel, and it may be the last one the poor devils will ever get. Yet you would think that this war is going to be won by such fads and fancies and frills as that.

Now, let us "get down to brass tacks" and win this war. Let us find out the facts and let us investigate all these irregularities in a nonpartisan way and report to the representatives of the people, and then let the people pronounce the verdict.

Mr. POINDEXTER. Mr. President, there has been a great deal of confusion, apparently, in the minds of some of the public and of some Senators, and to such an extent that it has created some confusion in my own mind as to the amount of money that has been appropriated for the production and use of aeroplanes. In view of that uncertainty that seems to be in the atmosphere on the subject, and the subject itself being capable of being made certain by the official records, I want to cite the appropriations that have been made for that purpose.

Mr. President, on the 24th day of July, 1917, Congress appropriated in one act probably the largest amount of money that was ever provided for the purchase and production of aeroplanes and for the Aviation Service—$640,000,000. In addition to that, the urgent deficiency bill, which was passed June 15, 1917, contained an appropriation of $43,450,000 for the same program of aeroplanes and aviation. The Army appro-

priation bill for the fiscal year 1918 contained an appropriation of $10,800,000 for the same purpose. In addition to the items to which I have already called attention, there were smaller items for the regular Aviation Service of $500,000, appropriated in October, 1918, for the Panama Canal region, and of $1,200,000 in the fortifications act of 1918 for the Philippines and Hawaii. That makes a total, Mr. President, of $695,950,000.

In addition to that amount of money which has been appropriated—and adding to that the further sums of money for which the Government has been obligated—there is in the report of the Secretary of the Treasury addressed to the President of the Senate on March 12, 1918, a request for a deficiency appropriation of $200,000,000 as another item. As to the $200,000,000 asked by the Secretary of the Treasury upon the request of the Acting Secretary of War, Maj. Gen. George O. Squier, Chief Signal Officer of the Army, says in his letter, which is addressed to the Secretary of War and upon which the entire recommendation is based, this:

> This amounts to $200,000,000, and covers deficiencies already existing.

I want to emphasize that statement. In addition to all that, Mr. President, in this same report to the Senate made by the Secretary of the Treasury, he uses this language:

> In addition to the appropriation of $200,000,000 requested, the estimate also provides for contract authorizations not to exceed $250,000,000.

As to that item of $250,000,000 for contract authorizations, Gen. Squier, Chief of the Signal Service, in the same letter to the Secretary of War, upon which the Secretary of the Treasury requests appropriations and authorizations of $450,000,000 additional, states as follows:

> In addition, it is estimated that an amount totaling $250,000,000 will be needed before the end of the present fiscal year for the same purposes.

"Will be needed before the end of the present fiscal year" which is June 30, 1918. So, Mr. President, adding the two items which will be needed and a portion of which has already been expended—covering deficiencies, Gen. Squier says already existing—the $200,000,000 and the $250,000,000, and the $695,950,000 heretofore appropriated for this program, we have a total sum of $1,145,950,000.

Mr. SHAFROTH and Mr. JONES of Washington addressed the Chair.

The PRESIDING OFFICER (Mr. KIRBY in the chair). The Senator from Colorado.

Mr. SHAFROTH. I ask unanimous consent for the present consideration of the bill (S. 3895) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation.

Mr. SMOOT. Mr. President, I should like to have the morning business concluded. We have not yet had an opportunity to do so.

Mr. SHAFROTH. I have been waiting here and the Senator from Oklahoma [Mr. OWEN] has also been waiting for weeks, trying to get bills of this character passed. They are bills which have been unanimously reported by the Committee on Banking and Currency.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. SMOOT. Yes; Mr. President, there is. I want to have the morning business concluded.

The PRESIDING OFFICER. There is objection. The further presentation of petitions and memorials is in order.

Mr. JONES of Washington. Mr. President, I am not going to discuss the matter that has been discussed all the morning, except to say that if the Committee on Military Affairs wants to find out how money has been wasted in connection with aeroplane work, if they will go out to the western country and get some men who know how to get out material for such construction and also know the methods which have been pursued by those who have had charge of the work, the committee will find out not only how money has been wasted but how the supply of spruce for airplane production is really being very seriously endangered. It may be that the committee has gone into the matter along those lines. If they have, well and good.

Mr. THOMAS. They have not.

Mr. JONES of Washington. If they have not, I suggest that they follow that course, and they will find where a great part of the money has gone and why it is that this program has not come up to expectations.

PRICE OF FOOD PRODUCTS.

Mr. JONES of Washington. Mr. President, I present a petition adopted by the board of trustees of the Washington Retail Grocers & Merchants' Association (Inc.), at a meeting held in Seattle April 20, calling attention to the price of wheat flour, and then to the prices for substitutes for wheat. I wish to say that this petition along with many others that I am getting—and I have no doubt other Senators are getting similar communications—together with letters show that there is a feeling developing throughout the country that is likely to result in a very serious state of affairs. The people are beginning to wonder why it is when they go to buy flour they must buy an equal amount of substitutes, and when they get the prices of these substitutes they find that they are much higher than the wheat flour which they have to purchase. It is going to cause a whole lot of dissatisfaction.

They call attention in this petition to the fact, as they understand it, that the Food Administration, under the licensing provision of the food law, has fixed the price of wheat products, and they do not understand why it is that under the same provision the Food Administration can not fix the price of the substitutes. I am not going to ask that the petition be printed in the RECORD, but I wish to present it and ask that it be appropriately referred.

The PRESIDING OFFICER. Does the Senator desire the petition read?

Mr. JONES of Washington. No; I do not care to have it read. I have made a statement about it.

The PRESIDING OFFICER. The petition will be received and referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I also present a petition of Shipyard Laborers, Riggers, and Fasteners Local Union 38-A-2, International Longshoremen's Association, of Seattle, indorsed by the Metal Trades Council, and also by the Central Labor Council of Seattle, relating to the same subject. They call attention to some interesting facts to which I desire briefly to direct the attention of the Senate. They say that according to the report of the Department of Agriculture for 1918, the following prices of food grains were given, as of the date of October 1, 1917. Wheat represented by 200.6; corn, 175.1; oats, 62.3; barley, 113.9; rye, 169.8.

Then they call attention to the requirements of the Food Administration with reference to wheat and substitutes for wheat, and call attention to the retail prices of the substitutes on April 15, 1918, and state that they "range from 15 to 35 per cent higher on the local markets than do the products of wheat, namely, wheat flour, $6 per 100; rye flour, $8 per 100; barley flour, $7.50 per 100; corn flour, $8 per 100; and oat flakes, $7.70 per 100." Therefore, be it resolved that Congress or the administration, or some authority, get to work and regulate the price of these substitutes.

Mr. POMERENE and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I will yield in just a moment. I have received a great many letters along the same line. I think something ought to be done, either by Congress or through the Food Administration. I am at a loss to understand, if they can fix the price under the licensing clause of one class of manufactured food products, why they can not fix the price of other manufactured food products. I present the petition for reference.

I think the Senator from Ohio [Mr. POMERENE] rose first, and I yield to him.

Mr. POMERENE. Mr. President, I simply rose to say that I indorse what the Senator from Washington [Mr. JONES] has said with respect to the wisdom of fixing the price of all substitutes for flour. It has been my observation that the very moment the Food Administration has suggested any substitute for flour, immediately the price of that substitute is raised. That has been true of corn meal; it has been true of rye flour; and, while I am not so certain about it, I believe it to be true of barley flour. I do not think that the Food Commission should delay for a single hour the fixing of the prices of these substitutes. There never was at this time of the year more corn in the markets of the United States than there is to-day, and yet its price is going skyward.

Mr. GRONNA. Mr. President, I can not help but reply briefly to the Senator from Ohio [Mr. POMERENE]. The Senator from Ohio needs no defense; as a rule he is able to defend himself; but I do question the advisability of taking his advice in regard to the fixing of the prices of food products. Certainly, Mr. President, he will not be indorsed by what has happened in the past, for every historian knows that the fixing of prices by any government has caused ruination. There is not a Senator on this floor who does not know that wherever price fixing on food products has been put in force or wherever it has been practiced it has caused ruination to the people.

The Senator from Washington [Mr. JONES] asked the question why the prices of the other articles of food mentioned are higher? I think it is not difficult to answer that question. The

legitimate laws of supply and demand regulate the price of corn, of oats, of rye, and of barley; and I will say to the Senator from Washington they are not too high.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. GRONNA. Not just now.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. JONES of Washington. Of course, the Senator does not want to put me in a wrong attitude. I did not ask anything about why the prices were high.

Mr. GRONNA. I thought the Senator did.

Mr. JONES of Washington. Oh, no; not at all; I know why they are high.

Mr. GRONNA. I yield to the Senator, if he thinks I am putting him in a false attitude; I do not wish to do that.

Mr. JONES of Washington. I merely wish to say that I did not ask the question.

Mr. GRONNA. I listened very carefully to what the Senator said.

Mr. JONES of Washington. I did not ask the question why the prices were high; I simply called attention to the fact as set out in the resolution presented by me. The prices are high, and the Senator suggests the law of supply and demand as the reason; but the demand is a forced demand by the Food Administration by regulations imposed by it requiring people to get these things whether they want them or not. Of course, that makes the price go up.

Mr. GRONNA. Mr. President, I have at times differed with the Food Administrator. I do not think that the Food Administrator is responsible for the high price of corn or the high price of barley or the high price of anything else; but I do know that he is responsible for the indefensible and low price of wheat.

We know that it does not require more than a barrel of flour per capita per year to feed the people, and yet the Senator from Ohio would make us believe that it would be a great blessing for the laboring element of this country if flour were perchance made a dollar and a half a barrel or so lower.

What will be the benefit to labor, I ask the Senator from Ohio, if they can buy a barrel of flour, which will furnish bread for an entire year, for $1.50 per barrel less than a given price? How much are you benefiting labor by that, when their wages have increased at least 100 per cent, and they have increased in the Senator's own State 100 per cent?

If a man has a family of five, he buys five barrels of flour a year at $12 a barrel. That is $60. A man laboring on the farm who used to receive $30 a month now receives not less than $60 and as high as $90 a month and board. That is the price the farmer has to pay. The Senator from Ohio the other day indicated that any man who spoke for a higher price for the farmer showed disloyalty. I challenge that statement.

Mr. POMERENE. Mr. President, that statement was made the other day and it is made now. I made no such statement as that.

Mr. GRONNA. The Senator from Ohio made the statement, and the RECORD will so show, that there were a few people in Ohio such as he refers to. Let the RECORD speak for itself.

Mr. POMERENE. I am quite willing that the RECORD shall speak for itself. What I said was that there were a few people there who wanted those prices. I did not say that they were disloyal. Those words were put in my mouth by another Senator, and now the Senator from North Dakota seeks to repeat them.

Mr. GRONNA. I am very glad to know that the Senator from Ohio makes it plain that he did not make that statement. He did not make it plain at the particular time when he made his speech; at least he did not make it plain enough for me to understand it, and I am very glad to have him say so now.

Mr. POMERENE. If the Senator will do me the courtesy of reading the RECORD, he will find that I made no such statement as that.

Mr. GRONNA. Mr. President, I accept the Senator's statement. I do not wish to further delay the proceedings of the Senate, but I want to say I believe that in order to successfully prosecute this war there must be coordination; there must be a united effort; and you can not discriminate against the great agricultural class; and that class, sir, has been discriminated against.

I hear a great deal of talk about this price fixing. There never was a man or a set of men in the world who were able to fix prices that will be satisfactory to everybody. It is often suggested to me by farmers from my own State that we ought to fix the prices on all agricultural implements, on cotton, and on all the things they buy. There may be some justice in the suggestion, but I believe it would result in failure and ruination. I have said to them, sir, that I believed it would be a mistake to do so. We have crippled the industry of farming, we have lowered the production of wheat. Are you going to lower the production of these other grains and make it impossible for the American people, for the boys on the battle field and for the allies, to secure food at all?

I, for one, am not willing to do so; and I know as well as I know my own name that to interfere with these things simply means and spells ruination to the industry. I am not willing to fix a price on cotton any more than wheat. I am not willing for any government to fix the price of anything. I say we should let the laws of supply and demand fix the prices. If we do that, there will be plenty of wheat, there will be plenty of everything. If anyone makes undue profits, sir, let the Government step in and by taxation regulate his profits. In that way it can be done, and in no other way can it be successfully done.

The PRESIDING OFFICER. Reports of committees are in order. If there be no further reports of committees, bills and joint resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 4505) granting an increase of pension to Louis Miller (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4506) granting an increase of pension to John R. Winter (with accompanying papers); to the Committee on Pensions.

CANCELLATION OF LOANS TO FRANCE.

Mr. KENYON. I introduce a joint resolution and ask that it be properly referred. I would like to have the joint resolution read.

The joint resolution (S. J. Res. 154) providing for the cancellation of all war obligations of the Republic of France to the United States was read the first time by its title and the second time at length and referred to the Committee on Foreign Relations, as follows:

Resolved, etc., That all obligations of the Republic of France to the United States of America for moneys borrowed or funds advanced since the commencement of the present war, including interest thereon, be, and are hereby, canceled.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. CALDER. I offer a Senate resolution, and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The Secretary will read the resolution.

The resolution (S. Res. 240), was read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate of the United States what part, if any, of the land in East Potomac Park in the City of Washington which last year was either allotted to, cleared by, or cultivated by the Boy Scouts of America or any of them, is now withdrawn from cultivation to be laid out as golf links, and why the ground east of the railroad track in said park now being made into golf links should not be allotted for cultivation and production of food crops during the period of the war.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

INCREASE OF PENSIONS.

H. R. 9959. An act to increase rates of pensions of soldiers and sailors of the Civil War, was read twice by its title and referred to the Committee on Pensions.

Mr. SMOOT. Mr. President, I wish to take occasion to say that the fact that the House passed yesterday House bill 9959, which has just been referred to the Committee on Pensions, will deter me from asking the Senate to consider Senate bill 3783, Calendar No. 230, until after the Committee on Pensions has acted upon the House bill.

Mr. THOMAS. The House bill is a general pension bill also?

Mr. SMOOT. It is a general pension bill also.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 255. Joint resolution authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or cobelligerent forces, was read twice by its title and referred to the Committee on Immigration.

HOUSING OF GOVERNMENT EMPLOYEES—CONFERENCE REPORT (S. DOC. NO. 221).

Mr. SWANSON. I submit the report of the conferees of the two Houses on the bill H. R. 10265, known as the housing bill. I ask that it be printed, and also that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, that action will be taken.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 40.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 7, 9, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows: Amend title of bill to read as follows: "An act to authorize the President to provide housing for war needs"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 4 of the matter inserted by said amendment, after the word "dwelling" insert the following: "or place of abode"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: On page 3, line 2 of the bill, after the word "thirty-three," insert the following: "except the Maltby Building"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "local transportation and other general community utilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That before any sale is consummated the same must be authorized by Congress"; and the Senate agree to the same.

CLAUDE A. SWANSON,
JAS. A. REED,
CHARLES CURTIS,
Managers on the part of the Senate.
FRANK CLARK,
JOHN L. BURNETT,
R. W. AUSTIN,
Managers on the part of the House.

ALLOWANCE OF OVERDRAFTS.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that Senate bill 3895 be considered at this time.

The PRESIDING OFFICER (Mr. KIBBY in the chair). Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, what is the bill?

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 3895) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, let the bill be read first.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the officers of national banking associations shall present in writing at each meeting of the board of directors a list of all overdrafts made or allowed since the last meeting of the board, which list shall be noted on the minutes of the meeting and filed as a record of the association.

SEC. 2. That national banking associations doing business in a State, the laws of which prohibit overdrafts and impose penalties therefor, shall be subject to the same restrictions and penalties that are prescribed by such State laws for State banks and trust companies.

SEC. 3. That nothing in this act shall be construed to release any association, or the officers and directors of any association, from the liabilities imposed by section 5239 of the Revised Statutes of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. Mr. President, in the first place, I notice that there is no report from the Treasury Department as to what effect the passage of the bill may have upon the existing law, nor does the department recommend its passage.

Mr. SHAFROTH. Mr. President, I will state that this bill was drawn by the Treasury Department itself and sent down here. There is a series of bills that have been considered by the Committee on Banking and Currency, and this bill is one of that series. They are amendments to the national banking law so as to better protect the banks. The bill itself requires that the amounts of overdrafts shall be presented at each meeting, so that the attention of the directors will be called directly to them. It is unquestionably a wholesome measure.

Mr. SMOOT. Does the Senator think there is any national bank in the country that does not do that to-day?

Mr. SHAFROTH. Why, Mr. President, there are directors of national banks who never sit with the board of directors.

Mr. SMOOT. This bill if enacted into law would not compel them to do that.

Mr. SHAFROTH. There is another bill here that requires them to do it, and not to put up their names before the public for the purpose of drawing bank accounts through them and at the same time performing none of the duties of a director. There is a series of these bills, and they are bills that are recommended by the Secretary of the Treasury and by the Comptroller of the Currency.

The PRESIDING OFFICER. The attention of the Chair is called to the fact that there is a favorable report, but it simply says that the bill is reported favorably.

Mr. SHAFROTH. The bill is so plain that it does not need to have any reasons given for its passage.

Mr. SMOOT. I will say to the Chair that I made my statement upon the basis of a report upon Order of Business 330, made by the Senator from Oklahoma [Mr. OWEN] from the Committee on Banking and Currency, and submitted on April 9.

The PRESIDING OFFICER. The report is a very short one. It says that the bill is favorably reported, however.

Mr. SMOOT. The report simply says:

Your Committee on Banking and Currency, to which was referred the bill (S. 3895) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation, having considered the same, respectfully report the bill favorably without amendment.

This bill becomes a new part of the national bank act and prevents the abuse of overdrafts.

My statement simply was that the bill had not been referred to the department, and that there was no favorable report from the department.

The PRESIDING OFFICER. Oh, yes. Is there objection to the present consideration of the bill?

Mr. SMOOT. I have no objection to the present consideration of the bill, but I want to speak upon the bill. I certainly want a chance to speak upon its provisions.

Mr. SHAFROTH. Certainly; of course the Senator has that right.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHAFROTH. Mr. President, I want to say, with relation to this bill, and some other bills that the Treasury Department desires to have enacted, that they are bills simply for the purpose of perfecting and making more certain measures that will be of benefit to the banking system. I can not conceive how anybody would object to the passage of this bill. It is simply a measure that requires the directors to have laid before them, every time they meet, a list of the overdrafts that are made by depositors. It is unquestionably proper that the directors should be notified of all overdrafts, and this compulsory statute is one that will have a tendency to make them place their minds upon each particular account, and consequently they will examine into the question whether it is safe to permit such overdrafts. There are some banks that permit overdrafts for months and months and years and years, and this is for the purpose of stopping that abuse, so that the attention of the directors will be called to it, and they will examine the account of the particular depositor and determine whether or not it is safe that this practice in banking should continue.

Mr. THOMAS. Mr. President, I should like to ask my colleague a couple of questions regarding the bill.

Mr. SHAFROTH. Very well.

Mr. THOMAS. The first is whether the subject of overdrafts can not be regulated satisfactorily by the Comptroller of the Currency?

Mr. SHAFROTH. No; it seems not. He seeks this authority. This bill comes directly from the Comptroller of the Currency. There is another provision of this bill, in section 2, that says that national banking associations doing business in a State——

Mr. THOMAS. That is the other matter I wanted to ask the Senator about.

Mr. SHAFROTH. All right.

Mr. THOMAS. The bill proposes to subject the national banks to the operation of the State laws. Now, I recall that shortly after the State of Oklahoma adopted its guaranty law the Attorney General, in an opinion which was asked by the proper authorities, held that the national banks, being the creatures of a Federal statute, were not and could not be made subject to the operations of a State law. Does it not seem, upon the face of things, that what is now proposed is, if the opinion of the Attorney General to which I refer be correct, out of the power of Congress to enact?

Mr. SHAFROTH. No, Mr. President. In that case the situation was the reverse. The State law attempted to impose that guaranty upon the national banking system, and the Supreme Court held that the national banking system could not be made the subject of State law. This bill is not making the national banks subject to State law. This adopts the State law, and it could adopt the banking system of the State if it desired to do so. In fact, there is a bill pending before the Senate now as to the question of adopting a certain form of insurance for deposits; but we know that having a law in a State prohibiting overdrafts in the State does not place the State banks and the national banks upon an equality. There is an advantage gained by reason of no restriction, and it is not right that it should be so. In fact, in my judgment, all of these banks should be made national banks, and a uniform system should exist. I believe that it is far better that that should be the case, for if so the banking system of the United States would be augmented in its importance and in its power and in its ability to resist runs much better by reason of that. But, Mr. President, it seems to me that this matter of prohibiting overdrafts is so clearly a matter of right, so clearly a matter that will be of benefit to the system itself, that there ought to be no question about the passage of the bill.

Mr. SMOOT. Mr. President, I have not time to discuss this bill as I should like to. I will simply say now that no one will object to section 1 of the bill. It seems to me that if any bank of the United States is run in any other way than this section provides, the directors of that bank ought to have been dismissed long ago.

I know of no national bank, Mr. President, certainly none with which I have ever been connected, but that has a report made to the directors at every meeting in detail of the overdrafts, and not only of the overdrafts but of every loan that has been made during the month preceding. Those loans are first passed upon by the loan committee of the bank, and if there is a question of doubt about any of them they are never made until the board of directors pass on them; and if there should be any loan made by the loan committee that any member of the board questions, it is immediately investigated, and at the very first opportunity that particular loan is called, and it is never renewed, and as far as that person is concerned his account is closed.

The Senator knows that every bank must report to the Comptroller of the Currency the amount of overdrafts. When the national-bank examiner makes an investigation of the banks, he makes a list of every overdraft, giving name and amount. That is reported here to Washington. The regulations are very strict upon the overdraft question. Sometimes, I will admit, they are abused, but the regulations to-day provide all that is necessary, and if they had been enforced I know there would have been less overdrafts in the banks of the country than there have been in the past or less than there are at present.

Mr. SHAFROTH. The argument which the Senator is making is the very best argument for the passage of this bill. He says good banking requires it. Then why not make it apply to those who will not pursue that system of banking?

Mr. SMOOT. I said in my opening statement I had no objection whatever to section 1 of the bill, but when it comes to section 2, that is an entirely different proposition.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate joint resolution 152.

RENTAL OF PROPERTY IN THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hollis	New	Sterling
Borah	Johnson, Cal.	Nugent	Thomas
Calder	Jones, N. Mex.	Pittman	Tillman
Culberson	Jones, Wash.	Poindexter	Trammell
Curtis	Kendrick	Pomerene	Underwood
Fall	Kenyon	Ransdell	Warren
Fletcher	King	Saulsbury	Watson
France	Kirby	Shafroth	Weeks
Gerry	Knox	Sheppard	Wolfley
Gronna	McCumber	Smith, Md.	Williams
Hardwick	McKellar	Smith, S. C.	
Henderson	McNary	Smoot	

The PRESIDING OFFICER (Mr. KIRBY in the chair). My colleague [Mr. ROBINSON] is unavoidably absent on official business.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Kansas [Mr. THOMPSON] on official business.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CHAMBERLAIN, Mr. LENROOT, and Mr. SHIELDS answered to their names when called.

Mr. VARDAMAN and Mr. SIMMONS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. There is a quorum present.

Mr. SAULSBURY. Mr. President, on consideration by some members of the committee, we think we can rescue at least one of the fragments of the Constitution which decorated the atmosphere yesterday afternoon for quite a while by changing the phraseology of the last proviso of the joint resolution, and I offer the following amendment, which is practically a change of the verbiage. I ask the Secretary to read it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. In line 11, page 2, after the word "That," insert "all judicial remedies of the lessor based on"; and in line 13 strike out "is hereby declared to be void" and insert "are hereby suspended," so as to read:

Provided, That all judicial remedies of the lessor based on any provision in any oral agreement or written lease that the same shall be determined or forfeited if the premises shall be sold are hereby suspended while this resolution shall be in force.

Mr. SAULSBURY. The Senate will appreciate that the effect of this is simply to suspend a remedy on account of a provision mentioned instead of declaring it void.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SMOOT. I should like to have the Secretary read the joint resolution as it has been amended up to date.

Mr. POMERENE. Before that is done would the Senator have any objection if I should offer a preamble to it?

Mr. SMOOT. None whatever.

Mr. POMERENE. Then I offer the following preamble, to be inserted immediately before line 1 of the joint resolution.

The PRESIDING OFFICER. The Secretary will read the entire joint resolution with the proposed preamble.

The Secretary read as follows:

Joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia.

Whereas by reason of the existence of a state of war, it is essential to the national security and defense, and for the successful prosecution of the war, to establish governmental control and assure adequate regulation of real estate in the District of Columbia for and during the period hereinafter set forth: Therefore be it

Resolved, etc., That until the adjournment sine die of the present session of the Congress no judicial order for the recovery of possession of any real estate, now or hereafter held or acquired by oral agreement or written lease for one month or any longer period, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers, or a violation of law, or that the premises are reasonably required by a landlord or bona fide purchaser for occupation by himself or his family while in the employ of or officially connected with the Government, or where the property has been disposed of to a bona fide purchaser for his own occupancy; and where such order has been made, but not executed before the passage of this resolution, the court by which the order was made may, if it is of the opinion that the order would not have been made if this resolution had been in force at the date of the making of the order, rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this resolution: *Provided*, That all judicial remedies of the lessor based on any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold are hereby suspended while this resolution shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof under the provisions of this resolution.

Mr. McCUMBER. Will the Senator explain why he has selected the 3d day of March next as the day for the termination of the operation of this law?

Mr. SAULSBURY. The Senator has not apprehended the true meaning of the joint resolution. The wording was until the adjournment sine die of the present session of Congress.

Mr. McCUMBER. That would make it then still shorter. It might end then in July of this year?

Mr. SAULSBURY. Yes; in July of this year. I will state the reason for that. We have reported a bill for the Committee on the District of Columbia to govern the cases provided for in the joint resolution and additional cases; in other words, taking up the whole subject of land tenures in the District of Columbia. We anticipate that while we may get that bill through the Senate with reasonable rapidity after full discussion it will require some time to adjust the differences between the two Houses, as it is an amendment of the House bill and proceeds to regulate this matter of tenure in the District of Columbia on an entirely different principle from that proposed by the House. Of necessity there will have to be a conference committee, and we think that the conferees will require quite a long time to determine which bill is the best. I think the whole matter is in a state of flux now. We think in the District Committee that this course is the best. The House doubtless thinks their method is the best. In the meantime there is going on in the District a practice among lessors who lease apartments to others, and also many of the smaller dwelling houses, that is actually producing almost a system of terrorism in the District. I was in conference this morning with a captain in the War Department and he told me that last week he had 1,100 cases that he had to adjust in one way or another. He says at least one-third of the people who come down here for service in the departments leave because they are not able to get proper housing accommodations.

Mr. McCUMBER. It is simply to meet the present exigency until a general law can be passed by Congress covering the whole situation.

Mr. SAULSBURY. Precisely, and unless we can pass such a law covering the whole situation by the adjournment of this session this resolution naturally falls. This is merely an exigency resolution.

Mr. McCUMBER. Yet I can not see why, even then, it is necessary to have it expire with the session, because it could be amended in such a way that it would be repealed by the very law that we would enact, and it would so declare. In that way we would be sure to have this necessary law even though we failed to secure the enactment of the other law.

Mr. SAULSBURY. We anticipate the same difficulty in getting this resolution through the House in such a shape as we would have in getting the bill through which the committee has reported, because it disagrees with the views which the House have in favor of their bill. The reason for the immediate passage of this resolution, as we conceive it, is that these notices are now being given broadcast to tenants or the occupiers of apartments, and we want to fix the status of the present tenants and the landlords until we can suitably and with reasonable care dispose of the whole question.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Will the Senator from Delaware yield to the Senator from Utah?

Mr. SAULSBURY. Certainly.

Mr. SMOOT. I tried to follow the amendment as read from the desk, but was unable to decide in my own mind just how far the amendment went. So I am going to avail myself of this opportunity to ask the Senator a question.

Last evening I had a case brought to my attention like this: Some four years ago—nearly five, now—a gentleman purchased a home on the installment plan in the District of Columbia. Some two years ago he was taken ill. His wife undertook to keep the payments up, but failed. A little while ago he died, and it was impossible for her to make a living. So she made a lease of her home. The payment on the principal of the home becomes due now within about 30 days. She will be compelled to sell the home, or else they are going to lose all they paid for the place up until the time the husband was taken sick. What I want to know is whether the joint resolution affects a case of that kind, and whether she could sell that home and deliver it to a bona fide purchaser?

Mr. SAULSBURY. Yes; for his own use or to be used by any employee of the Government.

Mr. SMOOT. She could not sell it, then, to a real estate man who desired to resell it?

Mr. SAULSBURY. No; not to profiteer on it.

Mr. SMOOT. I do not know that it would be profiteering.

Mr. SAULSBURY. That is the idea.

Mr. SMOOT. I will state the details of the case as she told it to me, and then you will know about it. She said she had a friend who had advised her to sell this property some time back, and they put a price upon it that it was impossible to secure, but, now that she is compelled to sell it, she is willing to sell it to this friend. He does not want to purchase it if he can get the amount from somebody else, but he has already promised her that if he can not sell it to somebody else he will take it rather than see her lose the property. Under the joint resolution is it possible for that party to purchase this property?

Mr. SAULSBURY. Entirely so. The only possible difficulty will be that the purchaser will take it and allow the present tenant to continue in occupancy of it.

Mr. SMOOT. He may want to sell it, and he could not.

Mr. SAULSBURY. He could sell it to anyone who would occupy it himself or to any Government employee. The idea is to prevent speculation in real estate.

Mr. SMOOT. I am in full sympathy, I will say to the Senator, with the idea of the joint resolution and the object sought by it, but it looks to me it goes too far in many respects.

Mr. SAULSBURY. It only recognizes the position of the present tenant. That is all the joint resolution professes to do.

Mr. McCUMBER. As I understand the joint resolution, the premises may be sold any number of times, so that you recognize the rights of the tenant.

Mr. SAULSBURY. Precisely. There is no restriction on sale. It is merely that the tenant has a claim to continue in the tenure of the property unless a bona fide purchaser buys it for his own use or unless some Government agent is placed in it.

Mr. THOMAS. Before the joint resolution is submitted to a vote may I inquire of the Senator having charge of the bill reported, I think, yesterday, and which is to be substituted for this when it is enacted, if it is his purpose to press the consideration of the measure?

Mr. POMERENE. I was not aware that I was especially in charge of the bill, but if the question was addressed to me we hope to take it up at a very early hour. It is on the calendar, and we expect to press it because we are anxious to have it passed. We believe there is such a state of conditions here in the District that a due regard for the many thousands of people who have to rent houses will require very prompt action.

I may say that I do not believe Senators generally appreciate the anxiety that exists among people now residing temporarily

in the District unless their attention has been specially called to this subject. I think it was a surprise to nearly every member of the District of Columbia Committee that there was such a general feeling existing in the city and a real necessity for some legislation upon this subject

We realize that there are certain differences of opinion perhaps between the House and the Senate relating to this subject, and we felt that it would be the part of wisdom to present the present joint resolution with the hope that it could be promptly passed and relieve to a certain extent the minds of those who are renters in the District. We expect to press the other bill at the earliest moment possible.

Mr. THOMAS. That is very satisfactory to me. I quite agree with the Senator that no time should be lost in placing such a law upon the statute books.

Mr. CALDER. Mr. President, I suppose some legislation on this subject has got to be passed, but I am very fearful of the outcome of this measure in its effect upon the things we are really trying to cure. As the Senator from Missouri [Mr. REED] pointed out last evening, the effect of it will be to at once stop any further building operations in the District. Today it is difficult to build houses at a profit. Building materials and labor are 50 per cent higher than they were two years ago, and there is no money available for building-loan mortgages. Perhaps 95 per cent of the building construction in this city, and I might say in the large cities of the country, is on borrowed money. Mortgage concerns, insurance companies, banks, and other people with money to loan advance about one-half the money usually required to construct apartment houses, hotels, and dwelling houses that are built to sell or to rent.

Already there is very little money to be had, even for permanent real-estate mortgages. This will close the market so that we need not expect any relief in the construction of additional buildings. That is one thing that worries me about this legislation. I had hoped that we might approach it in some different way, so as to prevent men who own dwelling houses and apartments here from charging an exorbitant rent.

I may say the same condition which exists here, to a more or less degree, exists in every large city in the country. We have had no new buildings constructed in the last two years, or none to speak of, and no money can be borrowed for their construction. In some parts of New York City rent has increased 25 per cent. There are no apartment vacancies in New York City, and, I am told, the same condition exists in Philadelphia, St. Louis, Chicago, and other large cities of the country. So this measure will stop, while it is in operation, all the construction of buildings, and perhaps in the end that might be more disastrous to the District than to encourage building operations and let the supply and demand adjust the rent.

Mr. POMERENE. Mr. President, I can not agree with my friend from New York [Mr. CALDER]. I regret the necessity of legislation of this kind just as much as he can regret it. I do not want to interfere with normal conditions, but if this legislation is passed we shall not be interfering with normal conditions. My heart goes out to the people of the city of Washington, who are here on meager salaries, who are barely able to make ends meet, and then are to be confronted by an increase of from 33⅓ per cent to more than 100 per cent in the rents which they have got to pay. Some of the people who are coming in here, some of these "dollar-a-year men"—and I do not want to disparage the very great work they are doing—come and offer almost any amount of rent. They are displacing a good many very deserving people. I have always felt a keen dislike for any legislation of this kind, but it does seem to me that we must profit by the conditions as we see them. I have not any doubt about the fact that unless the Congress of the United States grants some relief along the lines of the pending legislation a great many of the employees of the Government of the United States at this time, when we need their services here in this District, are going to be dispossessed or they will be required to pay exorbitant rents. That is the situation that confronts us. I regret it exceedingly, but we must take counsel of what we see.

Mr. SAULSBURY. Mr. President, I only want to interject one good word for the "dollar-a-year men." We have all agreed that sometimes their activities are not of as great benefit as they might be; but I want to say to my friend from Ohio [Mr. POMERENE] that even the "dollar-a-year men," who have come down here and paid very high rents for houses, have been affected by this condition. I know, for example, of a gentleman who is paying $15,000 a year for a house. The owner said that he or she wished to come back to the house, but if the "dollar-a-year man" would increase his rent to $30,000 a year instead of $15,000 a year, he might continue. The "dollar-a-year man" said even though he might be serving the Government for a dollar a year he was not going to be blackmailed into buying a house with a year's rent, and he has obtained a residence somewhere else.

Another condition occurs to me. I was told not long ago by an employee about the Capitol, when something was said about raising salaries here, "I should like very much to have my salary raised, but I hope my landlord will not find it out, because, if he does, he will take it away from me the next morning." That is the condition. It is not unfair to describe the general conditions in this town in somewhat that way.

We were talking about some notices which have been given apartment holders in two houses as to which the Senator from Ohio and myself produced notices. I heard to-day from a gentleman who is attending to the housing for the employees of the War Department that in one case, where 33⅓ per cent more rent is now demanded, last October an advance was made of 25 per cent in the rent. So 25 per cent last October and 33⅓ per cent now makes a very wholesome sum for any person living here on a fixed salary to pay.

These conditions, I think, may be taken to be the generally prevailing conditions in this District. I think, practically, that is the only reason why the District Committee came to the unanimous conclusion that this sort of legislation must be resorted to. I therefore hope the joint resolution will be passed.

Mr. SHERMAN. Mr. President, there is comparatively a small number of tenants here who are not in the Government service who would be affected by this joint resolution or by the succeeding bill, which will be before the Senate in due time. The larger part of those embraced in the provisions of this joint resolution, or who will be affected by it, are in the Government service in some capacity or other. Unless something is done to relieve these tenants, the changes that are forthcoming will compel a large part of them to leave Washington. Practically all this joint resolution does, Mr. President, is to preserve the present status of affairs.

There is some measure of truth in what the Senator from New York [Mr. CALDER] has said, that the passage of the joint resolution may delay or may for the time being check building operations; but practically there will be no contract entered into for the building of tenement houses or apartment buildings in Washington after existing contracts shall have been completed. A number of those who are the principal apartment-house owners in Washington practically stated before the committee that the existing contracts would be carried out, but that they would not have undertaken their present contracts if they had known the conditions in the market, in connection with labor and material, which they are now facing. However, they are under contract, and they will complete the buildings which are now in process of construction; but for the future, while the war is in progress, I believe there will be very few of them that are in contemplation now or will be entered into until the close of the war. Practically the building-construction trades in all the principal cities of the country are at a standstill. I know the Building Trades Council in Chicago has reported the condition of business as being practically at an end in their operations. We will have to get along, outside of what the Government is doing in the vicinity of camps and in shipyards, with our present housing facilities. Any increase in facilities in all probability will come as a result of Government operation, just as is the case in Washington, Philadelphia, Norfolk, Alexandria, and other points of that kind. So I do not regard that the passage of this joint resolution will very largely diminish any of the prospective housing facilities in Washington. I do not look for those operations to be very extensive; practically they will be negligible for the future until the war closes.

Unless some such legislation as this is passed, there will be very great hardship among many of the tenants who are here in the Government service. There has come to my attention, by correspondence and by those who have interviewd me at my office and at some other points, and those who have come to my home, a number of tenants who will suffer very great hardship if existing conditions are allowed to continue.

I am not impressed with the disposition of many of the property owners—I do not apply this to all of them, but to many of the property owners and landlords, or the real estate agents who represent them—to practice any great self-denial in the matter of making leases.

Many of the sales that are made are merely colorable sales; they are merely a sort of what stockbrokers would call wash sales; they are simply intended to extort more money from the tenant or to remove the tenant entirely, and to put some one else in his place who will submit to a greater charge for rent. There are so many of those cases which have come to me by correspondence or by personal communication that I have come to the conclusion that, while this is an unusual form of legislation, the conditions are unusual. The city of Washington is an unusual city. There are more tenants in Washington and

fewer owners than there are in any city in the United States. It is a place where any injustice practiced by a landlord, or by the landlords generally, will affect a larger number of people than it would in any other place in the country.

If landlords are permitted to live with a fair degree of certainty, with some profit—it is not a question of making 50 or 100 per cent; it is not a question of making rents that would be commensurate with the ordinary profits that go with war contracts; it is a question of maintaining the existing status of things, enabling the property owner to keep his property in repair, to pay taxes, and not to be permitted to oppress the tenant—if the landlords can live until the war closes, that is about all that anybody not engaged in direct war contracts will be able to do. Most of the mercantile houses, many manufacturers in lines of trade not directly connected with war, are satisfied to be able to live. If they can keep their doors open, if they can keep their pay rolls together, if they can pay expenses, and make even a very close margin of profit, if they can simply transact business until the war closes, many of the men of the country will be satisfied. Many of the clothing merchants are doing business on that basis; many of the grocers are making very low profits now. Their prices, it is true, are fixed under the Food Administration act on many staple articles, but the hardware men, all of the men who have been engaged in stone and concrete work, in concrete building and street contracts, paving, and the like, are satisfied if they can keep their machinery from rusting out, and can make enough simply to keep their pay rolls together, and not scatter their employees to the four corners of the earth, until the war closes. In many areas of my own section of the country and adjoining States those engaged in concrete work have found it impossible to take contracts especially if it is for reinforced concrete, where they need a certain amount of steel and iron to make the framework that reinforces their concrete.

They have finished all their profitable work; and all they are now doing is simply endeavoring to keep enough of the employees on their pay roll together so that they will not have to close their offices. While those conditions prevail it seems to me that the landlords in Washington ought to submit to some measure of this kind, which will enable them to pay taxes and to keep their property in repair; and as the bill which is to follow this joint resolution will provide—I think it is proper for me to state—a fair margin of profit, whatever form it may take, whether it be 7 per cent, as in the bill introduced by the Senator from Ohio [Mr. POMERENE], or some other per cent, or whether it finally reaches the legislation proposed by the bill in the other House, that offered by Representative JOHNSON—whatever form this final legislation may assume, Mr. President, it will give the property owner a margin of profit that will, it is true, not be a war profit, but will be enough to enable him to live and to keep his property in order. If that is done during the war, I think the landlords of Washington ought to be satisfied.

Mr. POMERENE. Mr. President, I merely wish to say one word further, if I may. I received a letter this morning from an officer in the Navy, who resides at the Cordova, I believe; at any rate, he resides in one of two apartment houses which are managed by the same agent. An increase of 33⅓ per cent was demanded of him, and it was required that the lease should be signed on or before May 10. The custom has been for the tenant to enter into his lease for the ensuing year on or about September 1, the year expiring September 30. In this particular apartment house there happened to be a number of officers of the Army and Navy and their families. Many of these officers are now in the service in France, and here comes this request for an increase in rental of 33⅓ per cent, the lease to be signed on or before May 10, when heretofore the leases were not expected to be signed until about the 1st of September. I am advised also that there was an increase of 25 per cent last October; and now another raise of 33⅓ per cent. There is something that this Government owes to the families of its officers in the service.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I yield.

Mr. VARDAMAN. I wish to say to the Senator that in some instances—I know of one particularly that came under my personal observation—the increase last fall was 50 per cent, and there have been increases two or three times since.

Mr. POMERENE. I am not surprised to hear of that. I do not believe that Senators realize the extent to which the increasing of rents has been going on. I am glad to say that there are some real-estate men in the city who deplore these raises just as much as Senators do; but I can not help but feel that there is a duty which the Congress of the United States owes to our officers, our soldiers and sailors, as well as to the employees of the Government here. The practice against which this joint resolution is aimed ought to be prevented, and it can be prevented.

Mr. McCUMBER. Mr. President, the Senator has suggested that we shall have a bill on this subject. I hope that that bill will be broad enough to cover the entire United States, because I am informed that conditions in the neighborhood of the various camps and cantonments and elsewhere are as bad as in the city of Washington. I have had occasion several times in the city of Washington to open up my own home to those who were nearly strangers to me because of their inability to find any place to stay without paying such exorbitant charges as would be beyond their means. This condition, however, is not peculiar to Washington alone. It will be found in many other places, and I hope that the provisions of the new bill will be broad enough to cover every place where a similar situation prevails.

Now, I wish to ask the Senator another question, because I want the idea to be remembered when we are considering the bill which is to be taken up. There is nothing in this joint resolution, so far as I observe, that will take care of the subtenants of a tenant. I know personally of many instances where an individual rented a large number of rooms, wherever he could get them, in the city last summer and last fall, furnished them with second-hand furniture that could probably be bought at any second-hand store for from $5 to $10, and is now charging enormous rents for the use of those rooms to subtenants. Certainly we ought to relieve those cases as well as the cases of tenants of landlords.

Mr. POMERENE. Mr. President, I must differ from the Senator in the construction which he places upon this measure.

Mr. McCUMBER. Possibly I am in error; I have not read the measure over very carefully, because my attention has just been called to the matter to which I have referred.

Mr. POMERENE. I think the Senator will find that it protects all tenants, whether they are tenants or subtenants, so far as the right of the landlord to dispossess them is concerned.

Mr. McCUMBER. So far as present rights are concerned, I understand that is so; but we ought to have a remedy that would go back of that and compel the acceptance of reasonable rentals, irrespective of any contract that has been made.

Mr. POMERENE. I think if the Senator will take the opportunity to study the bill which has been reported to the Senate, he will agree with the committee that it meets the conditions the Senator has in mind.

Mr. JONES of Washington. Mr. President, in line with one of the suggestions of the Senator from Ohio [Mr. POMERENE], and at the same time in response to one suggestion of the Senator from North Dakota [Mr. McCUMBER] with reference to the bill to be considered covering this whole matter, I wish to say that the matter that was referred to the Committee on the District of Columbia had reference only to conditions in the District, and I imagine the committee did not consider that it had jurisdiction and the right to include in the measure recommended by it the whole United States. Therefore the bill which will follow this measure, as it has been reported to the Senate, at any rate, only applies to the conditions in the District of Columbia. I recognize that a similar situation exists in a great many places, as the Senator from North Dakota has indicated; but the committee, as I have said, did not understand that it had jurisdiction to go outside of the District.

Mr. President, I have here a letter with reference to conditions in the Alabama Apartment House, here in the city, from which I am going to read one paragraph. I know the man who writes it, and he is a thoroughly reliable, responsible man. He says:

> It may be of interest to you and your committee to know that an accurate census of 40 of the 49 apartments in this building, taken to-day, shows that 97 Government employees live in those 40 apartments—

And this now is in line with what the Senator from Ohio just suggested—

> and that 27 men have gone from them in uniforms into the war—

Now, it is proposed either to raise the rent for the apartments in this house or, under the guise of a sale, to put all of the tenants out of this apartment, including the families of the 27 men who are fighting on the battle front in France for the liberties of the people of the whole country and of the District of Columbia, in order that some man may secure a little more money. Congress, if it can stop anything of that kind, ought to do it, and I believe it can. The writer of the letter continues—

> and that their wives and other dependents still living here will find it difficult, if not quite impossible, like the rest of us, to find other homes in this city, and certainly not at rental prices they can afford to pay.

Then, also, as showing the utter disregard of associations that must have grown up among these tenants and this landlord, I call attention to this paragraph:

Many of these people have lived in this apartment house since it was first opened 13 years ago, and the average length of the tenancy of all the families here is about 8 years.

Although these people have been living there for from 8 to 13 years and their means of support in many instances are fighting on the battle line in Europe, the owner of this property must take advantage of conditions now to enrich himself at their expense. That is not the only example of the kind in the city.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. Mr. President, I ask for the adoption of the preamble offered by me.

The preamble was agreed to as follows:

Whereas by reason of the existence of a state of war, it is essential to the national security and defense, and for the successful prosecution of the war, to establish governmental control and assure adequate regulation of real estate in the District of Columbia for and during the period hereinafter set forth: Therefore be it.

ALLOWANCE OF OVERDRAFTS.

Mr. SHAFROTH. Mr. President, I move that the Senate proceed to the consideration of Senate bill 3895. It is a bill which we started to discuss before the joint resolution relating to rents in the District of Columbia was taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3895) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation.

Mr. SMOOT. Mr. President, I have no objection to the passage of Senate bill 3895 now under consideration, provided section 2 of the bill is eliminated. I realize that it is almost a waste of time to try to speak upon a bill when there are so few Senators present; but I think when the Senator having the bill in charge stops to consider section 2, he himself will conclude that it is a very unwise provision. Section 2 reads as follows:

SEC. 2. That national banking associations doing business in a State, the laws of which prohibit overdrafts and impose penalties therefor, shall be subject to the same restrictions and penalties that are prescribed by such State laws for State banks and trust companies.

Mr. President, that is nothing more nor less than making national banks subject to State law. I call the attention of the Senator from Colorado to the fact that there are State laws that regulate the amount of loans that may be made to any one person based on the percentage of the capital stock and surplus. The national banking act carries a similar provision but a different percentage. And there are other provisions of the national bank act that conflict with State laws affecting State banks. There is nothing in the report of the committee to show how many States have passed laws affecting overdrafts, or what they are, and we are going blindly at passing this bill.

So far as the first and third sections of the bill are concerned, I do not believe that anyone could object to them, but it does seem to me that it is unwise for Congress now to make the national banks of this country subject to State law, and that is what section 2 of this bill does.

Mr. McCUMBER. They have always been subject to State law with reference to usury, have they not? In other words, the usury laws of the States always apply to national banks just as they do to State banks?

Mr. SMOOT. That is, as to money that is loaned to a citizen of the State. There is no general national law upon that subject, and there is a good reason for this.

Mr. McCUMBER. This bill relates to only one specific matter, does it not, namely, the matter of overdrafts?

Mr. SMOOT. Yes.

Mr. McCUMBER. It is limited to that?

Mr. SMOOT. It is limited to overdrafts. But does the Senator know what the law is in regard to overdrafts in any one of the States?

Mr. McCUMBER. I presume the State laws differ just as the law of one State differs from the law of another State with reference to the penalties for usury, and so forth.

Mr. SMOOT. Mr. President, in the case of the guaranteeing of deposits in Oklahoma under State law the courts held that the national banks are not subject to State law.

Mr. SHAFROTH. Mr. President, that was because the State law attempted to make the national banks subject to the provisions of the State law, was it not?

Mr. SMOOT. No; the State law did not undertake to do that.

Mr. SHAFROTH. Oh, yes; it did. It said that before national banks should be permitted to do business in the State they should join in a fund for the guarantee of deposits.

Mr. SMOOT. Yes; the State went so far as to say that if the national banks did avail themselves of the State law they were to pay the same percentage as the State banks paid toward the fund that would reimburse depositors that might have deposits in a failed bank. That was all that was involved in that question.

Mr. SHAFROTH. Mr. President, that case involved the question whether or not a national bank itself could subscribe for and participate in that fund and whether it could accept the guaranty which was there; and the court held that a national bank, being a bank that was limited by its very charter, its powers being prescribed by the United States statutes, it did not possess the power to use the funds of its depositors in making a guaranty fund.

That, however, is a different question from the one that is here.

As the Senator from North Dakota has said, there are many State laws that are operative as to national banks, as in the illustration of the laws that relate to usury; and there are many other laws of the same kind. Prosecutions are made under State laws for theft, whether the theft is from a national bank or whether it is from a State bank.

I do not see that there is any conflict of powers. It may be a question of policy as to whether or not section 2 should be adopted, but so far as the authority is concerned I have no doubt about it, and the Solicitor of the Treasury has recommended this measure, and it is his draft of the bill.

Mr. SMOOT. Of course, Mr. President, it may be that the Treasury Department drafted the bill, but certainly, as the Senator says, whether it is a wise policy or not ought to be decided by Congress. I think it is a very unwise policy. I do not believe that we ought to embark on this kind of legislation. Therefore I am going to move to strike out section 2 of the bill.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. KNOX. I want to say that I entirely agree with the Senator from Utah, for the reason that I think it is extremely bad policy to subject institutions that are subject to the exclusive regulation of the United States to a dual system of law, except in cases where it is absolutely essential.

Referring to the illustration given by the Senator from North Dakota as to national banks being subject to the usury laws of the various States, there is a very excellent reason for that provision of the national banking law, namely, that the value of money varies in different sections of the country. The market value of money is more in some parts of the country than it is in other parts, and the States are perhaps the best judges of what ought to be a usurious rate within their borders. The people along the Atlantic coast would not know so much about what the rates should be along the Pacific coast, or in the Northwest, or in the Southwest. For that reason, in order to enable the banks to charge the current, legal, market rate for the money that they lend, they allow the national banks to charge as much as the State banks, and make that usury in a national bank which is usury in a State bank.

I have not any objection whatever to penalties being prescribed for overdrafts, if it is considered good policy to incorporate a provision of that kind into our national banking system; but, if so, we ought to do it ourselves. It is a national banking system, not a State banking system, nor is it a national banking system subject to control here, there, and elsewhere by the States.

As to the first section of the bill, while I think perhaps all well-regulated national banks do require their cashiers to present at every meeting of the board of directors a statement of the overdrafts, and those that do not ought to be compelled to do it, I think that is a first-rate provision; but in the absence of a declaration of a policy of general application to all national banks with regard to a penalty for overdrafts, I do not believe we ought to leave some national banks subject to such a penalty because they happen to be located in particular States where they do have a provision of that kind.

I would readily vote for a penalty for overdrafts in all national banks, but I do not think we ought to provide in this bill a penalty only in States where penalties are imposed under the State law.

Mr. McCUMBER. Mr. President, can the Senator fail to see some inconsistency in a State law that would be applicable

to one bank doing business in the State and not applicable to another? Suppose there was no law at all passed by Congress with reference to national banks in the matter of overdrafts, and it should be made a criminal offense in a State for any State bank to accept a check which would overdraw the account. Then we would have the peculiar situation of this being perfectly legal if it is done in a State bank and illegal and subject, perhaps, to a very heavy penalty if it is done in another bank in the same State. That does not seem to me to be just.

Mr. KNOX. Mr. President, I think there is a good deal of misapprehension about overdrafts. Some people have a notion that an overdraft is necessarily something that is wrong. There are communities where a great deal of credit is extended in that way. It depends altogether on who is making the overdraft and what there is back of the man whose account is allowed to be overdrawn.

Mr. McCUMBER. That would cover the propriety of it; but the point I wanted to make was the impropriety of having a law which would be operative in a particular State against one financial institution but would not be operative against another financial institution in the same State.

Mr. KNOX. In reply to that, Mr. President, I should like to say that the banking laws of the States and the National banking law are not consistent at all, and are not intended to be consistent. The national banking act is a very much more severe code of banking than the generality of the State statutes, and they are full of inconsistencies. For instance, a national bank can not lend an amount more than 10 per cent of its capital and surplus to any one person, and yet under the laws of most of the States a State bank can lend him just as much as it thinks his credit entitles him to receive.

For that reason, in a great many States where the prohibitions of the national banking act are considered too severe by the commercial interests of the State, you will find the national banks, at the same time that they are operating under the national banking system, likewise controlling a trust company or a State bank, where they can have greater liberality in dealing with their customers.

So my reply, to put it in general terms, is that there is no design that there should be consistency between the two systems; and to revert to what I said a moment ago, if overdrafts are inherently wrong and are commercially not the correct thing to allow we ought to impose the penalty under the national banking act itself.

Mr. SHAFROTH. Mr. President, it seems to me that when we understand this provision, it is very plain and clear that an evil is intended to be corrected. I have been told by a banker on the floor of the Senate that more than one-third of the losses to banks have been from overdrafts; that they are generally made either by men who are large stockholders in the bank, or by men who are officers of the bank, or by men who have some peculiar confidential relation with some of the officers of the bank; and it is an evil that the United States Government would like to get rid of. It would like to prevent any overdrafts; but, Mr. President, it can not very well do it, because if State banks are permitted to cash overdrafts, people will argue that they can get accommodations at a State bank when they can not get them at a national bank. It is on that account that I understand the national bankers have objected to prohibiting overdrafts generally, because, if the State banks do not prohibit them, it compels the national bankers to lose business.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SHAFROTH. I yield.

Mr. SMOOT. Can the Senator tell me of a State in the Union that has a law against overdrafts?

Mr. McCUMBER. Mr. President, I can name one to the Senator. My own State makes it a criminal offense, if I remember correctly, to draw upon a bank or to issue a check upon a bank for an amount greater than the amount of your credit at that bank, and it does not make any difference whether it is a State or a National bank. I again refer to the inconsistency of making my colleague guilty of a misdemeanor if he should overdraw his account in a State bank while I go scot-free if I should overdraw my account in a national bank in the same State. If it is a criminal offense or an offense which carries with it any penalty against the individual, it does seem to me, notwithstanding the argument of the Senator from Pennsylvania, that the law ought to be the same in both instances.

Mr. SMOOT. Mr. President, do I understand the Senator to say that there is not an overdraft in any bank in the State of North Dakota?

Mr. McCUMBER. If the Senator wants to ascertain whether anyone is ever allowed to overdraw his account, he would have to go to the banks. I simply say that there is a law making it an offense for anyone to overdraw his account.

Mr. SMOOT. I do not know of a State in this Union that does not allow overdrafts, and the law to which the Senator has referred has nothing whatever to do with an overdraft. That law applies to a man who willfully issues a check upon a bank when he knows he has no money there and has not made arrangements for his checks to be paid, and has no credit whatever in the bank.

Mr. GRONNA. Mr. President——

Mr. SHAFROTH. I yield to the Senator from North Dakota.

Mr. GRONNA. I thought my colleague made it very plain that the State of North Dakota has a law which makes it a crime to make an overdraft, no matter how long the person may have had an account with the bank. My colleague stated the truth. I know it to be a fact.

Mr. SMOOT. The Senator is president of three banks in North Dakota, as I understand. Will the Senator say that there is never an overdraft in any one of the three banks of which he is president?

Mr. GRONNA. If there is, it is contrary to the law.

Mr. SMOOT. That is not what I asked. I asked the question whether the Senator, as president of those three banks, never allowed an overdraft?

Mr. GRONNA. If there is an overdraft, I will say to the Senator that it is a violation of law.

Mr. SMOOT. I will simply make the statement that there is not a bank in the United States that at some time or other does not have an overdraft.

Mr. GRONNA. Mr. President, if the Senator will allow me further——

Mr. SHAFROTH. I yield to the Senator.

Mr. GRONNA. With regard to the statement of the Senator from Pennsylvania, I want to say that we find it very difficult to incorporate in a national statute any provision penalizing overdrafts. There are many States, of course, that have no statutes providing a penalty for overdrafts. There are many States that do have laws making it a crime of some kind, and penalizing overdrafts. Now, the Comptroller of the Currency, when he drafted this measure—and it is a measure that was drafted by the department—of course had it in mind that the national banks ought to be subjected to the same penalties to which the State banks are subjected. I think it is only fair, and I think it is no injustice to the national banks, and it is no injustice to the State banks. In fact, the bankers of my State welcome such a law as this, because it gives the banker an excuse for stopping overdrafts. He can say to his customers that there is a State law and there is a Federal law which makes it a crime to overdraw an account. That is a protection to the banker.

Of course, if the Senator from Utah wants to strike out section 2, we might just as well not pass the bill, because the provision embodied in that section is all there is to the bill.

Mr. SHAFROTH. Mr. President, whether or not there are other States than North Dakota which have laws which prohibit overdrafts is immaterial in this discussion. If there are no States that are affected by it, the great damage and harm which the Senator from Utah indicates and predicts as the result of this measure would not take effect in any State. But I have no doubt that the Senator from North Dakota is correct when he says that it is the law of North Dakota, and I have no doubt that there are other States in the same position. The Treasury Department has drawn this bill for the purpose of meeting an evil, and that evil evidently arises from an abuse of some kind; and while I have not a list of the States that have that law, I have no doubt that there are a number of States that have laws to that effect.

Mr. President, an overdraft is one of the insidious ways of people getting into the debt of a bank, and it is difficult for the cashier or the officers of the bank to say "no," because the check comes to them without any explanation. It may be that it is something that was very urgent at the time, and the banker does not like to offend his depositor, and the result of it is that the bank assumes the risk; but that is a risk which good banking absolutely should prohibit, as it seems to me.

I am satisfied that is the intention of the Comptroller of the Currency in presenting this proposed law. He can not very well make it operative as to the entire United States without making it an inducement for the depositor to keep his account in a State bank in preference to keeping it in a national bank, because the depositor could get accommodations in a State bank, where there was no law prohibiting it, when if the United States were to pass a general law of this kind he could not get the accommodation in the national banks. For that reason the law ought to be uniform in the banks of each State.

Mr. GRONNA. Mr. President——

Mr. SHAFROTH. I yield to the Senator from North Dakota.

Mr. GRONNA. The Senator very correctly stated that we can not make a law covering the entire United States. That would be an injustice to the national banks in States which do not have such a law affecting the State banks.

Mr. SHAFROTH. Mr. President, the suggestion that was made by the senior Senator from North Dakota [Mr. McCUMBER], it seems to me, is another splendid reason for making the law uniform in the State, whether it applies to national banks or whether it applies to State banks. When a man has a transaction with a State bank he ought not to be subject to a penalty if the same kind of a transaction in a national bank would make him free from any such liability. These are penal statutes, and they ought to apply to both State and national banks in the same State. If it is wrong to have overdrafts and to draw on banks in which you have no money, it seems to me the law ought to be applicable in both instances or in neither instance; and inasmuch as it is the general concensus of opinion of bankers that overdrafts are not wise, there ought to be a penalty, and the party ought to be prohibited from drawing on his account beyond the amount which he has on deposit in both State and national banks. These are some of the reasons why all banks should come into the Federal Reserve System. Bankers want this law, because they want to be able to say to their customers: "I can not do this; the law prohibits it. I would like to accommodate you as I did in years gone by, but I can not do it now. I am not going to subject myself to a penal statute of the United States in order to accommodate you. You must absolutely conform to the law." It is wise banking, and the depositor can not take offense at it, and in every way it seems to me to be to the interest of both the national banks and the State banks.

Mr. SMOOT. Mr. President, if it is admitted that overdrafts should be prohibited—and I have no objection whatever if that is to be the policy of the Government—then we should say so in plain language in this bill. If they are wrong, they ought to be prohibited, and we ought to pass a law saying that hereafter no national banking association shall grant an overdraft at any time to anyone.

Mr. GRONNA. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. GRONNA. Does the Senator believe that the Congress could pass a law that would affect State institutions?

Mr. SMOOT. No; I do not, Mr. President.

Mr. GRONNA. Then would it not be a discrimination against the national banks?

Mr. SMOOT. If the practice is a vicious one, if it is wrong, it ought to be stopped in the national banks; and if the States think the same way they will pass laws stopping it with respect to State banks.

Mr. GRONNA. But it would not be stopped merely by the Federal Government passing the act.

Mr. SMOOT. No; but the Senator from Utah takes the position that as far as the Government of the United States is concerned Congress enacts the laws governing the national banks. If Congress makes a change in existing law affecting the national banks, let it do so; but let it not try to undertake to put the national banks under the provisions of a State law.

Mr. McCUMBER. Mr. President, let me ask the Senator a question. I think he fails to consider the criminal law question in this matter. Should not an act committed in a particular State which is made a crime in that State be punishable if it is committed against one bank just as much as against another bank?

For instance, in Ohio they may not have any usury law at all. They may not think it is necessary. Some years ago I understood that they had no usury law, and I do not know that they have a usury law to-day. In our State we have a very severe usury law. Now, I think the Senator must agree with me that if in the State of Ohio they have no usury law the condition should be the same whether it is with reference to a national bank or with reference to a State bank.

Mr. SMOOT. But the trouble is that it is not.

Mr. McCUMBER. I know; but if Ohio sees fit not to make usury a crime, then it will not be a crime whether committed by a national bank or by a State bank or by an individual; whereas in North Dakota, if we see fit to make usury a crime, it is a crime whether committed by a national bank, by a State bank, or by an individual. Now, why should we make a distinction between the characters of banks that take usury or any of these other things?

Mr. SMOOT. Mr. President, the Comptroller of the Currency has notified all the national banks of the United States that there shall be no higher rate of interest than he has designated charged upon certain loans. That applies to all the national banks. The national banks of Ohio have to comply with that requirement. If the State of Ohio does not desire to pass a usury law the majority of the people of Ohio no doubt approved that policy; and as far as any impropriety in it is concerned, the national banking laws and the State laws do not agree upon many, many questions; among them, the questions referred to by the Senator from Pennsylvania [Mr. KNOX].

The Senator knows that a few years ago a national bank was not allowed to lend upon real estate. I do not care what the value of the real estate was, even if it was the very best security in the world, the national banks could not lend a dollar upon it. On the other hand, there was not a State bank but that could lend money upon that same real estate. It is a question for the State as to what the policy of the State shall be. We are legislating, not for State banks, but for national banks.

Mr. McCUMBER. Mr. President, right there, suppose the policy of our State is that it shall be an offense for me to overdraw my account in any bank. Why, then, should the Senator say that, although the offense may be applicable if I overdraw my account in a State bank, it shall not be applicable if I overdraw my account in a National bank? It is the individual that I am trying to protect and have the same law apply to him wherever he may be.

Mr. SMOOT. Mr. President, the State institutions are to be controlled by the legislature of the State; and I say now without fear of contradiction that if there is a law in North Dakota making it a crime to have made an overdraft in a bank there is not a single, solitary day in all the year that it is not violated. All the States have a law imposing a penalty for issuing checks upon a bank when the individual has no account in the bank and has no credit in the bank and has made no arrangements there for a credit, and when the check has been issued for the purpose of securing money under false pretenses. Every State has that kind of a law; but I say now that we can go to the Treasury Department to-day and go through the last reports of the national banks of the United States, and we will find that there is not a city in all this country but that the reports of the national banks located in that city will show that there are overdrafts in them.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right there?

Mr. SMOOT. Yes.

Mr. McCUMBER. The Senator seems not to take into consideration at all the purpose of a law penalizing an overdraft. The purpose of the law in my State is to prevent a fraud upon an individual to whom you issue a check. It is the purpose of the law to protect the individual. According to the theory of the Senator, the law would be nugatory, or should be nugatory, if a check was issued against a national bank. It is just as much of an offense to impose upon some one by purchasing something from him and giving a spurious check upon a national bank as it would be upon a State bank, and the penalty ought to be exactly the same, because the offense consists in the fraud, in the injury that is imposed upon the people of that State.

Mr. SMOOT. It ought to be exactly the same, Mr. President, and it is the policy to be the same. But suppose we pass this bill with a provision making it a crime for anyone to overdraw his account in a national bank, this would be the result: The Government of the United States would enforce it as to the national banks in North Dakota, when as to the State banks under the law there existing to-day it is not enforced.

Mr. President, we know if Congress passes a law that makes it a crime to have an overdraft in a national bank that law will be enforced. The Senator from North Dakota admits that there is overdrafting in his State when there is a law against it and it is not enforced. Therefore, Mr. President, it seems to me it is a question that we should not deal with in this way. As far as I am concerned, I am perfectly willing to vote for the remainder of the bill, but I do not want to vote for the bill with section 2 in it. Therefore, I move to strike out section 2.

Mr. PAGE. Let me ask the Senator from Utah a question before he makes his motion. I heard the discussion between the Senator from Utah and the Senator from North Dakota in which the Senator from North Dakota says he wants to protect the man whose check is drawn. I should like to know if it is true that the drawing of a check on a bank where the drawer of the check has no balance is not the securing of money under false pretenses, just as much as though this law existed?

Mr. SMOOT. I will say to the Senator it is, and that is what the law in most of the States undertakes to prevent, but nearly every bank in the country, I will say, has an understanding with its regular customers that if they desire an overdraft they can have it up to a limited amount, but not over and above that amount. The law in North Dakota is against overdrafts, but there are overdrafts in North Dakota just the same.

Mr. PAGE. Mr. President, speaking as one who is interested in banks, I want to say that I presume bankers for many reasons would be glad to have a law that would make it imperative upon the bank officials to say to everyone overdrawing, "We shall certainly protest your check if your account is overdrawn"; but it is a fact that many times a check comes in which overdraws the account of the bank's best customer, one who has by inadvertence or mistake overdrawn his account and who promptly makes his account good on notice that it is overdrawn. We know that if we protest the check it is a blot upon the credit of a good customer and that the protest will injure him a great deal.

Mr. SHAFROTH. I will suggest to the Senator, Mr. President, that if the State does not have a law that makes it an offense, then it does not apply in that State. On that account it seems to me it would not disturb the uniformity of the rule that exists in any one State. This is intended to make the action uniform in those States where they have a statute preventing overdrafts. It seems to me that it mystifies things when you do not have them uniform.

Mr. PAGE. I want to say to the Senator, in answer to his suggestion that the State of Vermont, and I presume practically all the States, have a law governing State banks which says that banks shall not loan except upon stated securities or upon good names, and the moment that a banker permits an overdraft he is usually, at least technically, violating the law. But I do not recall that any bank which tried to keep within the law, which tried to do right, which tried to remedy a mistake on the part of a responsible customer was ever prosecuted for a technical violation of the law.

Mr. SHAFROTH. I do not know that that is a law in most States. I think in most States there is no such law except that which arises from obtaining money under false pretenses by a man issuing a check on a bank where there is no money deposited to his credit. There are some States, I am satisfied, in the West that have a law absolutely against it in a State bank. If you permit a law of that kind to apply to State banks and leave the national banks free to make overdrafts the result of it is that there is a discrimination between the banks. It is an advantage in that instance to the national bank to accommodate its customers in that way and at the same time it is not right to the State bank that that should not be permitted to be done.

Mr. PAGE. Let me say to the Senator, in answer to his suggestion, that I believe there is not a single State in the Union where there are not laws which state upon what collateral or what names the State banks may loan, and the moment a bank allows an overdraft it is guilty of at least a technical violation of the law. I think you will find that the State laws are quite uniform in prescribing what security or names the State banks may and what they may not loan upon. Usually loans must be made upon real estate or upon two good names, or on stocks or bonds as collateral. I think that in most of the States the making of a loan by way of an overdraft would be a violation of the banking laws.

Mr. SHAFROTH. If that is true as to the State banks, ought it not also to be true as to the national banks in that State?

Mr. PAGE. Perhaps it should, but as far as I know the law is never enforced where unintentional and unimportant overdrafts occur.

Mr. SHAFROTH. That may be, but in some way it seems to me the inhabitants of the States ought to be put on notice that it is the same transaction, whether it be with a State bank or with a national bank, and that they are to be treated the same way. Consequently, I think making it uniform is a wise provision.

Mr. PAGE. I simply answer the Senator by saying that this constant tampering with our laws because somebody happens to think of something which they imagine may be improved is bad policy, and when we have for 50 or 100 years pursued a course in banking that has been found convenient, wise, and safe, let experience be our guide and let well enough alone.

Mr. KING. Will the Senator yield to me?

Mr. PAGE. Certainly.

Mr. KING. Does the Senator think it conducive at all to the dignity or to the strength of the national banks to say that their operations must depend upon some State law? Is it not a fact that the national banking system was devised by the Federal Government, for the Federal Government, as an instrumentality and agency of the Federal Government, independent of the States? The States have their banking system; the Federal Government has its banking system. Why should the Federal Government tie itself to each of the States of the Union and attempt to conform its banking rules and its banking regulations and its banking practices to the whims and caprices of every legislature of every State in the Union?

Mr. SHAFROTH. May I ask the Senator from Utah a question right there? Does not the Senator recognize that the usury laws of the States apply to the national banks and that there is no usury law of the United States? Does he not recognize that it is wise that it should be so? If you have a high rate of interest in one State and a low rate in another, the best way to have a banking system is to have it conform as near as you can to the laws of the State. Consequently there is a State law as to usury which says in my State 8 per cent, which says in Vermont probably 6 per cent or 5 per cent.

Mr. PAGE. Six per cent.

Mr. SHAFROTH. It is perfectly right that it should be controlled by the State law, because as a matter of uniformity it makes for good transactions.

Mr. PAGE. I do not know that any wrong has been done in making the national law in some respects conform to the State law; but during the present session bill after bill and bill after bill has come in here to change the national-banking system, and I believe it is unwise.

Mr. McCUMBER. May I ask the Senator does he not think that the Comptroller of the Currency, who has held that official position for some years, is in a pretty good position to know whether or not there ought to be a change in the law, and owing to the very fact that the suggestion comes from the Comptroller of the Currency or from those connected with the control of national banks would he not consider that there were some reasons why it ought not to appear as a whim of some outsider longing for a change?

Mr. PAGE. I want to say in regard to the Comptroller of the Currency that I know nothing against his administration of the affairs connected with his office, but I do know that some of the banks of the country think that either Mr. Williams or the Banking and Currency Committee are seeking to inject into our banking matters a multitude of changes, which they regard as wrong. I am a great believer in accepting, especially in banking matters, the results of long experience. If we have for 50 years been running along successfully and satisfactorily under a law which somebody now wants to change I want to be clearly shown good reasons for the change.

Mr. SHAFROTH. Does not the Senator recognize the fact that perhaps the greatest legislation upon finance that ever has taken place in the United States is the Federal Reserve System, which is entirely different from the banking laws of the United States previous to that time? It does seem to me that to just wipe out of existence every suggestion of good that is to be obtained by a general declaration that you do not believe in changes and believe in the old system we never would have any improvement.

Mr. PAGE. I want to say to the Senator that the Federal reserve law is not the result of hasty action. Years and years ago all parties recognized the fact that there must be something done to safeguard conditions in times of panic. After long, painstaking, and thoughtful consideration of this great financial problem we brought forth the Federal reserve law, and I hope it will prove to be good.

Mr. SHAFROTH. I am not attempting to speak of those who participated or did not participate in it. It is generally conceded now that the Federal Reserve System is the most perfect system of banking in the world. Other nations are trying to copy the laws with relation to the Federal Reserve System, and changes have been made, as they must be made, in order to overcome conditions that have proven to be injurious.

I want to call the attention of the Senator from Utah to the very illustration that he gave. He said the United States did not permit any lending of money on real estate. That was true for many years, and the national bankers saw that they were at a disadvantage. They saw that it was not right that they should not be permitted to lend money on land when the State banks were permitted to do so. It is by reason of that, to a large extent that there are 26,000 State banks in the United States and only about 7,000 national banks. It is because more privileges have been given to the State banks. This is one of the privileges that exist as to State banks, and the object is to make them uniform, to make better banking and less likelihood of bank failures.

I want to say the whole banking fraternity recognizes that, because the Federal Reserve System has provided that they shall lend on real estate to the extent of one-fourth of the capital of the bank and surplus, it was a wise thing. They have found it has not hurt anything by reason of it, and it has placed the national banks to that extent upon an equality with the State banks.

Here is a provision simply with relation to overdrafts. Everybody, it seems to me, ought to encourage their not being incurred, yet, it seems to me, if in one State the State law does not permit it in the case of State banks, and the national banks are permitted overdrafts, there is an advantage in favor of the national bank with relation to its customers.

If the Congress of the United States were to pass a law prohibiting absolutely overdrafts, then you would find certain State banks would have the advantage of saying, "Our customers can be accommodated by an overdraft, and therefore we will attract accounts that the national banks will not attract."

Mr. PAGE. May I ask the Senator a question?

Mr. SHAFROTH. Certainly.

Mr. PAGE. Does the Senator know of any banking community that has complained because of the want of such a law as we would have under section 2 of the bill?

Mr. SHAFROTH. I do not know whether they have or not. I have not the correspondence which the Comptroller of the Currency has, but I know the Senator from North Dakota [Mr. McCUMBER] has said that the Comptroller of the Currency is in a position better to know of the complaints and better to know of the defects in the national laws than anyone else, and when he sends a recommendation here, unless there is a very plain and palpable reason why the legislation should not be enacted it seems to me that we ought to enact it.

Mr. PAGE. I want to say in regard to the liquidity of national banks that I am not at all certain that the Senator's theory that it is best to have national banks loan on real estate is for the best interest of the banks of the country. It may work out well in Colorado, but I have yet to reach the conclusion that this change in the law will be beneficial in the long run to the national banks of this country. We have savings banks that are organized largely for the purpose of loaning money on mortgages. Our national banks are organized largely for the purpose of doing a commercial business. I am far from certain that we had not better have let the national banks adhere to their checking or commercial business and let the savings banks loan their money on mortgages.

I am not saying that I am absolutely certain that section 2 is wrong. I do say, however, that I do not believe in changing a banking law under which we have been working successfully and satisfactorily for 50 years and change it simply because some man has an everlasting yearning for a change. I should like to have the Senator tell me if he believes any banker living wants to do business with a concern that is constantly overdrawing its account? I know, as every banker knows, that banks do not like that kind of accounts, and if they permit overdrafts at all they do it because they want to conserve the credit of their valuable and responsible customers or possibly tide them over a temporary pinch.

Mr. SHAFROTH. The Senator says it is bad banking; that he does not believe in it and the bankers will not do it. This is to put national banks under the same rule that exists as to State banks, and where overdraft is prohibited by the State law it prohibits overdrafts. For that reason it seems to me there can be no objection to it.

Mr. PAGE. Mr. President, I can only say in closing that I shall vote "no" upon this measure, because it seeks to change a law which, so far as I know, is giving general satisfaction both to the banks and their customers.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Chair is going to enforce the rule limiting a Senator to two speeches, unless the Senate consents unanimously that Senators may speak three times on one question on the bill.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Martin	Sheppard
Culberson	Henderson	New	Simmons
Curtis	Kenyon	Norris	Smoot
Fletcher	King	Nugent	Thomas
France	Kirby	Page	Tillman
Gallinger	Knox	Phelan	Vardaman
Gerry	McCumber	Pomerene	Wilfley
Gronna	McNary	Shafroth	

Mr. KIRBY. I desire to announce the unavoidable absence of my colleague [Mr. ROBINSON], the Senator from Tennessee [Mr. McKELLAR], and the Senator from Kansas [Mr. THOMPSON] on official business.

The VICE PRESIDENT. Thirty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. DILLINGHAM, Mr. LENROOT, Mr. LODGE, Mr. POINDEXTER, Mr. RANSDELL, Mr. SHERMAN, Mr. SMITH of Georgia, Mr. SMITH of Maryland, and Mr. SWANSON answered to their names when called.

Mr. CHAMBERLAIN, Mr. SHIELDS, and Mr. CALDER entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. MARTIN. I move that the Sergeant at Arms be instructed to notify absent Senators to attend the session of the Senate.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SAULSBURY, Mr. STERLING, Mr. REED, Mr. JONES of Washington, Mr. WILLIAMS, Mr. BAIRD, and Mr. BECKHAM entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session, the doors were reopened and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 8, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 7, 1918.

REGISTER OF LAND OFFICE.

Benjamin F. Groves, Sr., of Los Angeles, Cal., to be register of the land office at Los Angeles, Cal., vice John D. Roche, deceased.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. Charles M. Austin to be a lieutenant commander in the Navy from the 23d day of May, 1917.

The following named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of March, 1918:

Charles M. Cooke, jr.,
Mervyn S. Bennion,
Walter E. Brown,
Chester C. Jersey,
Earle C. Metz,
Frederick C. Sherman,
Josiah O. Hoffman, jr.,
John L. Riheldaffer,
Alfred Y. Lanphier,
George L. Dickson,
Scott B. Macfarlane,
Earl W. Spencer, jr.,
Roger W. Paine,
Lybrand P. Smith,
William E. Baughman,
Howard S. Jeans,
Edward B. Lapham,
Cecil Y. Johnston,
Everett D. Cupehart,
Joseph L. Nielson,
Frank C. McCord,
Ames Loder,
John W. Reeves, jr.,
Guysbert B. Vroom,
Glenn F. Howell,
Sherwood Picking,
Francis M. Collier,
William F. Callaway,
Harrison R. Glennon,
Ralph E. Dennett,
Charles G. McCord,
William J. Butler,
Robert H. English,
Carroll Q. Wright, jr., and
James G. B. Gromer.

Ensign Hervey A. Ward to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1917.

Surg. Albert J. Geiger to be a medical inspector in the Navy, with the rank of commander, from the 1st day of January, 1918.

Civil Engineer De Witt C. Webb to be a civil engineer in the Navy, with the rank of commander, from the 1st day of February, 1918.

Boatswain James J. Joyce to be a chief boatswain in the Navy from the 19th day of February, 1918.

Machinist Albert A. Hooper to be a chief machinist in the Navy from the 27th day of June, 1913, pursuant to a decision of the Court of Claims. (Renomination.)

Lieut. William C. Faus to be a lieutenant commander in the Navy, for temporary service, from the 21st day of March, 1918.

Lieut. Radford Moses to be a lieutenant commander in the Navy, for temporary service, from the 22d day of March, 1918.

Lieut. (Junior Grade) Clifton E. Denny to be a lieutenant in the Navy, for temporary service, from the 21st day of March, 1918.

Lieut. (Junior Grade) Theodore F. C. Walker to be a lieutenant in the Navy, for temporary service, from the 22d day of March, 1918.

Carpenter Daniel Campbell to be an ensign in the Navy, for temporary service, from the 11th day of October, 1917.

The following-named temporary warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of May, 1918:

Roy Childs,
George H. Toepfer,
Henry J. Behrends,
Hardy M. James,
William H. Meyer,
Will F. Roseman,
Joseph A. Ouellet,
Howard E. Haynes,
Gustav A. C. Leutritz,
Thomas Noland,
Walter A. Krueck,
Leo J. Sutton,
John B. Manghan,
Alexander O. Schory,
Luther C. Crow,
Jesse G. McFarland,
Simon P. Swynenburg,
Jole C. Wilkins,
John Reid,
Charles R. Shaw,
James C. Humphrey,
Patrick J. Sullivan,
John J. Coogan, and
Herbert A. Anderson.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of May, 1918:

William G. Burgess,
Arthur E. Le Gros,
William E. Bringhurst,
Robert E. Dwyer,
Leland C. Poole,
Chester C. Rounds,
Herbert J. Wiker,
George W. Brown,
John Cusick,
Clarence E. Beach,
Claudius G. Pendill,
John M. O'Neill,
John S. Danner,
John P. Dix,
Glenn F. Hulse,
Robert E. Davenport,
Ralph B. Raymond, jr.,
Louis Verbrugge,
Raymond L. Morrissey,
Walter Hansen,
George W. Adams, and
Rudolf Winzer.

The following-named ensigns of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of May, 1918:

Charles J. Ingersoll,
Albert J. Courtney, and
Edward J. Bermingham.

Ensign Jay B. Coon, of the National Naval Volunteers, to be an ensign in the Navy, for temporary service, from the 1st day of May, 1918.

The following-named pharmacists to be assistant surgeons in the Navy, with the rank of lieutenant (junior grade), for temporary service, from the 1st day of May, 1918:

James A. Winterbottom,
John Haupt,
Charles E. Reinhardt,
Robert E. Weaver,
Charles Schaffer,
Thomas A. Stareck,
Paul V. Tuttle,
Carl A. Setterstrom,
James Holden,
Fred A. Payne,
Thomas E. Kent,
Henry L. Gall,
Allen F. Bigelow,
Tobais B. Weaver,
Paul F. Dickens,
Henry C. Kellers,
Albert H. Benhard,
Charles F. Wood,
Edward G. Dickinson,
Roy Aikman,
Jason H. Barton,
Edwin G. Swann,
William T. Gildberg,
Thomas J. Murphy,
John H. Schreiter,
Lawrence Zembsch,
Joseph A. Ortolan,
Abraham T. Schwartz,
Joseph C. Gill,
Alexander J. Link,
DeWitt C. Allen,
Samuel J. Seckelman,
Fred H. Stewart,
Ervin C. Eastman,
Walter W. Wade,
William M. Benton,
Henry B. Schreurs,
Loring Nottingham,
Harold B. Sanford,
Corliss P. Dean,
Nord F. Smith,
Clyde E. Snider,
Glen D. Sipe,
Benjamin W. Claggett,
Edgar L. Sleeth,
Jeremiah Harris,
Rodney J. Youngkin,
Walter H. MacWilliams,
Roscoe C. Rowe,
Willie R. Joiner,
George L. Crain,
Paul Hapke,
Leon H. French,
Lloyd C. Sims,
Edwin R. McColl,
Newton W. Parke,
Harry G. Danilson,
Charles P. Hines,
Edward G. Dennis,
Stanley J. Kinkaid,
William T. Minnick,
Robert R. Hinnant,
John G. Baisch,
Herman C. Roe,
Charles Peek, and
Boyce L. Brannon.

The following-named pay clerks to be assistant paymasters in the Navy, with the rank of ensign, for temporary service, from the 1st day of January, 1918:

Samuel I. Marks,
Walter E. Brown, and
Harry E. Gross.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7, 1918.

WAR FINANCE CORPORATION.

Clifford M. Leonard to be a director of the War Finance Corporation.

Eugene Meyer, jr., to be a director of the War Finance Corporation.

UNITED STATES ATTORNEY.

Robert C. Saunders to be United States attorney, western district of Washington.

REGISTER OF LAND OFFICE.

John A. Ross to be register of the land office at Bellefourche, S. Dak.

PUBLIC HEALTH SERVICE.

Asst. Surg. Charles V. Aikin to be passed assistant surgeon.
Asst. Surg. Frank M. Faget to be passed assistant surgeon.
Asst. Surg. John H. Linson to be passed assistant surgeon.
Asst. Surg. Knox E. Miller to be passed assistant surgeon.
Asst. Surg. Alvin R. Sweeney to be passed assistant surgeon.
Asst. Surg. Clifford E. Waller to be passed assistant surgeon.
Asst. Surg. Newton E. Wayson to be passed assistant surgeon.
Asst. Surg. Joseph G. Wilson to be passed assistant surgeon.

APPOINTMENT IN THE NATIONAL ARMY.

GENERAL OFFICER.

Col. Adrian S. Fleming to be a brigadier general.

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Joseph Clement Martin.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Alfred Salem Niles to be a second lieutenant.

CAVALRY ARM.

Howard D. Lee to be a second lieutenant.

POSTMASTERS.

WISCONSIN.

George Ward, Darlington.
Agnes A. Pickett, Spencer.
Thomas M. Casey, Spring Valley.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 7, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and everlasting God, our heavenly Father, who presidest over the destiny of men and of nations, continue Thy care over us, that we may increase intellectually, morally, spiritually, and become more potent factors in the civilizing forces of the world, and thus hasten the coming of Thy kingdom. To this end quicken the individual conscience, deepen our responsibilities, and guide us as a Nation.

Strengthen our arms on land and on sea, that with our allies we may secure an everlasting peace, to the glory and honor of Thy holy name in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of the preliminary business, I may be permitted to address the House for 20 minutes. [Applause.]

The SPEAKER. The gentleman from Illinois asks unanimous consent that to-morrow, after the reading of the Journal and the clearing up of the small business on the Speaker's table, he may be permitted to address the House for 20 minutes. Is there objection?

There was no objection.

CORRECTION.

Mr. TOWNER rose.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. TOWNER. To correct the RECORD. On yesterday, on page 6113 of the RECORD, Mr. KEY of Ohio asked the question "Is it not a fact that your party caucused on this bill?" The RECORD is, "Is it not a fact that your party concurred on this bill?" I ask that the correction be made.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

CHANGE OF REFERENCE.

Mr. WELLING. Mr. Speaker, on April 25 I introduced the bill (H. R. 11694) for the erection of a public building at Eureka, Utah. It was erroneously referred to the Committee on the Public Lands. I ask unanimous consent that it be rereferred to the Committee on Public Buildings and Grounds.

The SPEAKER. The gentleman from Utah asks unanimous consent that the reference of the bill H. R. 11694 be changed from the Committee on the Public Lands to the Committee on Public Buildings and Grounds. Is there objection?

There was no objection.

HOUSING OF GOVERNMENT EMPLOYEES.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, submitted for printing under the rule the conference report and accompanying statement on the bill H. R. 10265.

EIGHTY-SECOND BIRTHDAY OF HON. JOSEPH G. CANNON.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for two minutes in which to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent for two minutes in which to address the House. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, this is the eighty-second birthday of our old friend and neighbor and colleague, Uncle JOE CANNON. [Applause.] I said "old friend," but I did not mean that. He is the youngest man in the House. [Applause.] He is revered and honored and respected and loved by every man, woman, and child in America. There is no man who has ever served in the House for as long a period as he has, and I hope that he will live to be a hundred and serve every day of that period as a Member of this great body. [Applause.]

He is more vigorous to-day than he was 10 years ago, and as the years go on he continues to become more vigorous, mentally and physically. On his eightieth birthday he made the two greatest speeches ever made in the House, proving that age has nothing to do with intellect or vigor of mind and thought.

A patriot among patriots, he has fought the battles for the Union and for the preservation of the integrity and honor of the Nation as no other man ever has. He stands to-day the most conspicuous figure in American public life, and I hope and pray that God will continue to give him health and strength and vigor to continue the work that he has so well performed during all these years of public service, and that he may continue in the public service just as long as he wants to stay. That he will be able to do it, I am sure, for the constituency that he speaks for are united in their determination to keep him in the service as long as he is willing to work, and there is no man anywhere in all America more willing to work than he, and no man better qualified to legislate in these trying times than the distinguished statesman and patriot from Illinois—I mean of America—our own dear Uncle JOSEPH G. CANNON. [Prolonged applause.]

The SPEAKER. The gentleman from Illinois is recognized for five minutes. [Laughter and applause.]

Mr. CANNON. Mr. Speaker, I was told this morning that somebody was liable to recollect that this was my eighty-second birthday anniversary. Frankly, I wish I could call it the seventieth or the sixty-fifth. The party who notified me said, "As like as not they will call on you to say something," and, as the time of this House is valuable under existing conditions, I put in black and white what I can get through in three minutes, and I will read it. [Applause.]

I thank you for remembering the anniversary of my birth, but I do not feel lonesome at the age of 82. The census repudiates the Psalmist's suggestion that threescore years and ten is the span of life, for by the last census there were more than 2,000,000 people in this country who had passed that age; there were about half a million who had passed the fourscore; 40,000 who had passed the age of 90; and nearly 4,000 who had passed the century mark. Physicians say that we are soon, through their skill, to live to be 150 years old. I wish to God they would hurry up. [Laughter and applause.]

I am not even the Methuselah of this body. There is my friend and colleague, Gen. SHERWOOD, nearly a year older than I. I can count half a dozen seniors who are no longer here, but hale and hearty. There is former Vice President Levi P. Morton, who served here in the Forty-sixth Congress, and is 94. William Pitt Kellogg, who was here in the Forty-eighth Congress, is 87. Gerry Hazleton, of Wisconsin, who came in with Gen. SHERWOOD and myself in the Forty-third Congress, is 89, and active in his profession. Henry W. Blair, of New Hampshire, who came in the Forty-fourth, is 84. "Tama Jim" Wilson, of Iowa, who came in the Forty-third, is 83, and Gen. Keifer, of Ohio, is six months older than I am. So I am only a cadet.

Long service here brings one consolation. As I have seen the gavel swing from one side of the Chamber to the other, I have become more and more convinced that patriotism is confined to no party [applause], and that while this is a Government through parties, and always will be, all parties work for the best good of the country according to their light. The Forty-third Congress was one of much party contention, with men of spirit and courage and convictions on both sides. We had here then Hawley and Barnum, of Connecticut; Blount and Alex. Stephens, of Georgia; Farwell, Fort, McNulta, and Morrison, of Illinois; Holman and Tyner, of Indiana; Kasson, McCrary, and Wilson, of Iowa; Beck and John Young Brown, of Kentucky; Blaine, Frye, and Hale, of Maine; Butler, Dawes, and the two Hoar brothers, of Massachusetts; Burrows, Conger, and Hubbell, of Michigan; Mark Dunnell, of Minnesota; Lamar and Lynch, of Mississippi; Bland, Crittenden, and Stanard, of Missouri; William Walter Phelps, of New Jersey; "Sunset" Cox, Tom Platt, Fernando Wood, William A. Wheeler, Clarkson N. Potter, and Stewart L. Woodford, of New York; Charles Foster, Garfield, Jewett, "Larry" Neal, and Gen. SHERWOOD, of Ohio; "Pig Iron" Kelley, Sam Randall, and Charles O'Neil, of Pennsylvania; Roger Q. Mills, of Texas; Luke Poland, of Vermont; Jerry Rusk, Philetus Sawyer, and Alex. Mitchell, of Wisconsin.

From the Territories were George Q. Cannon, of Utah; Martin Maginnis, of Montana; and Jerome B. Chaffee, of Colorado.

The House never had a greater number of virile men than in that Forty-third Congress, and a nonpartisan would have found himself uncomfortable here at that time when we had sharp battles over reconstruction legislation, especially Gen. Butler's civil rights bill. But I have no doubt that, confronted with the conditions of to-day, Blaine and Alex. Stephens, Ben. Butler and Lamar, Garfield, and Randall, and the other great party men of that day would have united as we have united to support the Commander in Chief of the Army and the Navy in defending the honor of the Republic. [Applause.]

Let Whig and Tory stir the blood,
There must be stormy weather;
But for some true results of good,
All parties stand together.

So sang the English poet, and so has the American Congress acted when there is a crisis in national affairs; so it will continue to act while the crisis lasts. We are here as Americans all, each and every one trying to do what he can to insure victory for our cause. When that has been achieved, when the stormy weather has passed, we shall resume our party associations and party functions, for this is, always has been, and, I believe, always will be a government through party. Otherwise it would become a government of despotism. [Prolonged applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for five minutes on some Wisconsin statistics relating to the third liberty loan.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I have asked this privilege because of the reiterated misrepresentation of the attitude of the citizens of Wisconsin toward this war, the constant impeachment of their loyalty, the vituperation and denunciation heaped upon them.

In reply to all this I ask to read recent newspaper dispatches and articles. I have here an Associated Press dispatch, which appears in the Capital Times of Madison, Wis.:

MILWAUKEE.

Milwaukee and the State of Wisconsin have subscribed practically 150 per cent of their quota to the third liberty loan, according to Fred Vogel, jr., chairman of the campaign. Milwaukee's total, including Friday's subscriptions, has reached $22,120,000, against a quota of $14,600,000.

The subscriptions did not close until Saturday night at 12 o'clock, but Friday's subscriptions had brought Milwaukee's total to $22,120,000, against a quota of $14,600,000. [Applause.]

The Racine Daily Journal-News of May 4 has a dispatch from Chicago with the caption—

Seventh district has 111 per cent. Wisconsin totaled 135.75 per cent.

I have since learned that Wisconsin has almost, if not fully, reached the 150 per cent mark.

CHICAGO, *May 4.*

More than 2,000,000 people have subscribed for the third liberty loan in the seventh Federal reserve district, which comprises the States of Illinois, Michigan, Indiana, Iowa, and Wisconsin.

The States in the district have the following percentages:

Iowa, 134.74; Wisconsin, 130.75; Illinois, 128.66; Michigan, 111.06; and Indiana, 104.42.

Each State in the district subscribed more than its quota.

I have here an article from the Racine Daily Journal-News, the caption of which is—

Racine draws near the 225 per cent mark in third loan drive.

[Applause.]

Racine is my home city, a town of 50,000 or more.

The liberty-loan drive will close to-day and it is confidently expected that Racine will show no less than 225 per cent. In order to attain that percentage she will have to raise $2,700,000. The figures submitted at the liberty-loan luncheon last week were $2,653,000, leaving $47,000 still to be raised in order to reach the $2,700,000 position.

Ten miles south of Racine, in my district, is the city of Kenosha, with a population of about 35,000, a most enterprising business center.

Reports from Kenosha are to the effect that the second million dollars has been sold and that the quota has been doubled. Her allotment is placed at $1,087,000, and Friday night's reports fixed the amount sold at $2,200,000. If that is true, then Kenosha has gone over 200 per cent.

[Applause.]

The papers of yesterday contain the news that no other State in the Nation, in proportion to the number of its soldiers on the firing line in France, has suffered greater losses, if indeed as great, in killed and wounded than has Wisconsin. The casualty lists of yesterday told us that the little city of Fond du Lac had 89 of its soldier boys killed or wounded in the previous day's battle.

Mr. Speaker, I have asked a few minutes at this time, as I said, because of the constant malicious denunciation heaped upon the loyal people of my State. In conclusion I beg to suggest to these slanderers of Wisconsin that in the future when speaking of the State they indulge themselves more in truth-telling and less in plain and fancy lying. [Applause.] Mr. Speaker, the facts justify me in remonstrating against the baseless attacks upon the loyalty of the people of Wisconsin, my native State. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4208. An act authorizing postage rates on airplane mail;

S. 4409. An act to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes"; and

S. 4171. An act to declare unlawful associations purposing by physical force, violence, or injury to bring about any governmental, social, industrial, or economic change in the United States, and prescribing punishment for persons engaged in the activities of such associations, and for other purposes.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3132. An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 8, 1918.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR SIR: I desire a leave of absence from the House for the period of one week, for the purpose of transacting some private business.

Yours, truly,

R. N. ELLIOTT.

The SPEAKER. Without objection, the leave requested will be granted.

There was no objection.

SOLDIERS VOTING.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] has 15 minutes to address the House.

Mr. ROGERS. Mr. Speaker, I desire to discuss for a few moments a question which I think is of great importance throughout the country, and which must be dealt with pretty promptly if it is to be dealt with at all. That is the question of our soldiers voting in the fall elections, those soldiers being in France as members of the American Expeditionary Force. I thought it might be of some interest to the House if I should set forth very hastily and imperfectly the experience that the other allied countries have had in this connection and the present status of the matter in the United States.

Of course it is not an easy question to solve. There are a great many difficulties which necessarily arise out of the problem of taking the votes of a large number of soldiers who are several thousand miles away, on or near the battle fields of France, and who are widely scattered.

We had in the Civil War a conspicuous illustration of what could be done. It is true that the problem then was much easier than the problem now, for the distance from the soldier's residence was much less. The soldiers were generally grouped by State units, and the numbers involved were much smaller. Fourteen of the Northern States allowed their soldiers to vote while they were in the field, and in the election of 1864, 154,045 of these soldiers cast their ballots. Lincoln received 119,754 and his opponents received 34,291. In other words, Lincoln received a vote three and one-half times as great, as far as the soldiers in the field were concerned, as that of his opponents. No one to-day will deny that a vote for Lincoln in 1864 was a vote for the right and for the welfare of the country. I think that leads us to the safe general conclusion that the soldiers in the field are apt to cast their votes the patriotic way. That is

one of the two reasons why I think every effort ought to be made to permit their voting, if it is a possible thing. I do not wish to indulge in any heroics here to-day, but I think every man in this House and every loyal man in the country would like to have every soldier in France given the opportunity to cast his vote; in the first place, because of the reason I have just given, that he is pretty certain to vote right; and in the second place, and still more important, because it would offend the sense of justice of every true man if a soldier who was offering his all for the defense of the country were not given an opportunity to say how that country should be governed and by whom it should be governed during the period of the war. And yet at the same time we must recognize that the soldiers themselves would be the first to deplore it if the process of taking their votes involved a loss of military efficiency. Military considerations and exigencies must come first, and the soldiers themselves would to a man say that they would rather lose their suffrage, important as it is to them, than to have the machinery of carrying on the war seriously militated against by processes necessary to take the soldier vote.

England and France have had no general elections since the war began. The last general election in England was in 1910, and the next election in the ordinary course under their statutory requirements would have been in 1915. They passed a law indefinitely postponing that election, and there has been no general election of members of Parliament since 1910. So the question has not up to the present time arisen in Great Britain, although it is expected that possibly this coming summer there may be a general election called. It seems to be agreed that the British soldiers in France and elsewhere will be permitted to cast their ballots in that election if it is held.

Mr. COX. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. COX. How does England fill the vacancies in Parliament?

Mr. ROGERS. I am sorry to say that I do not know. I have tried to look it up, but without success.

Mr. COX. I have noticed in the press that there have been very few elections and very few vacancies filled.

Mr. ROGERS. I have observed the same thing.

In France the last election was in 1913, before the country went to war, and there is no prospect that there will be a general election in France in the near future.

New Zealand passed a law permitting soldiers to vote in 1914, within a month after the outbreak of the war; and if the House will permit I shall insert in the RECORD a brief article, taken from the Journal of the Society of Comparative Legislation, which discloses the methods that New Zealand has adopted of registering the soldier vote.

In Australia there was an election in 1916 for parliamentary candidates. On December 20, 1917, there was a general referendum on the question of conscription. There has been a great deal said about the results of that election, but as far as I know the actual figures have never been published in the United States. Australia, I should say at the outset, had a soldiers' vote law. At the referendum election on the question of conscription held on December 20 the grand total vote for all Australia in favor of conscription was 1,013,361 and the grand total opposed to conscription was 1,178,256, a majority against conscription of 164,895.

I desire to call especial attention to the vote of the Australian soldiers outside of Australia; that is, of the Australian soldiers who were members of the expeditionary forces in France and elsewhere. Of those soldiers 91,365 voted in favor of conscription and 89,743 voted against conscription, a total of 189,108. You will notice that that is a very close vote—only 1,600 more over-sea Australian soldiers voting in favor of conscription than voted against conscription.

Of the members of the Australian forces who were in Australia the vote was 12,078 for conscription and 4,051 against conscription, or about 3 to 1 in favor of conscription.

I think it is remarkable that there was so close a vote in favor of conscription among the soldiers themselves. Of course, you all know that Australia as a whole went against conscription, but that fact does not explain the attitude of the soldiers. There were various causes that entered into the result that I have not the time to discuss now.

Now I want to speak of the situation in Canada.

Mr. HICKS. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. HICKS. Has the gentleman any suggestion to make as to how votes shall be cast? Is it necessary to go through all the preliminaries, as we do, for instance, in the State of New York?

Mr. ROGERS. That is what I want to come to as soon as I have referred to Canada.

Mr. COX. Would it be much trouble to the gentleman for him to insert the Australian law in the RECORD?

Mr. ROGERS. I should like, if I get permission, to insert an abstract of the Australian law in the RECORD.

In Canada the election was held on December 17, 1917. I happened to be with the Canadian forces just back of Ypres at the time that the canvass was taking place. It was interesting to see the method which the Canadians adopted in regard to making their soldiers vote in favor of the existing ministry, which favored conscription. I have in my hand a specimen of the soldier's ballot. It reads:

1. I vote for ———.
2. I vote for the Government.

And a big black cross is printed opposite this.

3. I vote for the opposition.
4. I vote for the independent candidate.
5. I vote for the labor candidate.

And then below it reads:

Put an X opposite No. 2, as shown above, and you vote against slackers and for the Union Government.

They were distributing these ballots and explanatory circulars broadcast among the soldiers.

Mr. MERRITT. The gentleman says that "they" were distributing them; who are "they"?

Mr. ROGERS. The distribution seemed to be done officially, but I do not know who the agents were. Wherever I went among the Canadian Army—canteens, mess halls, Y. M. C. A. huts, and officers' clubs—I saw great piles of these ballots and pamphlets urging the soldiers to support the Government.

Then there was also a pamphlet containing a speech delivered by Sir Robert Borden, the Canadian prime minister, at Halifax. I think it is very doubtful if the United States would tolerate that sort of pressure upon our soldier voters. I am interested to notice in a letter which The Adjutant General wrote me, under date of May 3, on this general question the statement that while soldiers in camp in the United States may vote "the dissemination of information or literature calculated to influence the voter in the exercise of his franchise" will not be tolerated. In other words, while the soldiers still in the United States are to be permitted to vote candidates or political parties are not to be permitted to use the methods of influencing the voters which were apparently the accepted order of things in France among the Canadians.

Whether it was the effect of this propaganda or whether it would have come anyway, I do not know, but there was a very remarkable unanimity in voting in favor of the Government among the members of the Canadian expeditionary forces. The majority of the Government in the present Parliament at Ottawa would have been 45 if the soldiers had not voted. As it is, it is 69. That is, as a result of the soldiers voting there is a majority in favor of the Government at Ottawa to-day greater by 24 than would have been the case if the soldiers had not voted. Twelve seats were overturned by the soldiers' votes, all the same way. Of the 54,200 soldiers who voted in Canada, 80 per cent voted in favor of the Government. Of the 101,259 soldiers who voted in France 92.89 per cent voted in favor of the Government; and of the 66,283 soldiers who voted in Great Britain nearly 95 per cent voted in favor of the Government. Two hundred and twenty-one thousand seven hundred and forty-two soldiers voted in all, 93.62 per cent of them being recorded in favor of the Government. For all parliamentary candidates all over the Dominion of Canada slightly over 1,000,000 men voted in favor of the Government and 757,000 men voted against the Government, which is in the ratio of about 4 to 3 in favor of the Government. Of the military only, 206,626 voted for the Government and 15,116 voted against the Government, which is in the ratio of about 14 to 1, as compared with the ratio of 4 to 3 in the case of civilian and military voters taken together.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. FESS. How was the issue defined so that one vote would be for the Government and the other against it?

Mr. ROGERS. Of course, the underlying issue in Canada was conscription, and the pamphlets which were distributed broadcast among the soldiers in France made that clear. The soldier's ballot is of the simplest possible description, as the gentleman can see, and it was by extraneous influence, by pamphlets, speeches, and harangues, that the issue was brought home to the soldiers as an issue of conscription. As in the Civil War, the soldier influence was overwhelmingly thrown in favor of a vigorous prosecution of the war.

Mr. FESS. Were there candidates voted for in Canada?

Mr. ROGERS. Soldiers did not vote for candidates by name. This [exhibiting] was the only form of soldier's ballot.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROGERS. I thank the gentleman from Virginia and the House. The problem in Canada, although the same distance as we are from the war zone, is nevertheless far easier than ours.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. GARRETT of Tennessee. Do the Canadian troops go in local units?

Mr. ROGERS. No; they are mixed up irrespective of their residence, although in general Canadians are assembled into Canadian regiments. As I was about to say, there was only one form of ballot for a Canadian soldier wherever he lived and wherever he was fighting. That contrasts very sharply with our problem. We not only have 48 States, each of which under the Constitution controls completely its own election machinery, but we have within each State very numerous combinations of officers to be voted for. So while the example of Canada and of the other countries is of some interest, the analogy is by no means perfect. Two objections to the Canadian system have been advanced. One is the element of delay. The result of the soldiers' voting was not announced nor were the successful candidates known until about March 1, two and one-half months after the voting itself. Even as it was, irregularity was charged because the returns were transmitted by cable instead of by mail. The other is the element of labor and expense. An ordinary Canadian general election costs $700,000. The election of 1917 cost over $3,000,000.

I have been anxious to learn what the policy of our War Department is to be in the case of the United States soldiers at the coming fall elections. I was interested in the remarks of the gentleman from Mississippi [Mr. HARRISON] the other day, which bore on that question. I have been to the War Department several times before and since. I think it probably is fair to say that the policy of the department is still more or less in a state of flux. In a letter which the Acting Secretary, Mr. Crowell, sent to the secretary of the Commonwealth of Massachusetts last month he lays down the very positive rule that there shall be no voting by our soldiers overseas. Even if it should be practicable, he says, under the law of some States to permit the soldiers of that State to vote, it would not be practicable under the more complex law of another State to permit it. He believes that equality is of the essence, and that we must not permit the soldiers of one State to vote and deny the right to the soldiers of another State. On the other hand, officers at the War Department have within a day or two repudiated the soundness of this argument.

Mr. MADDEN. By what authority does Mr. Crowell make that statement? Is that just an opinion?

Mr. ROGERS. This is an opinion which was sent to the secretary of the Commonwealth of Massachusetts in response to a letter of inquiry which was addressed to the Secretary of War.

Mr. MADDEN. I think that is a presumption on his part.

Mr. GARRETT of Tennessee. If the gentleman will yield, I think I can suggest difficulties. For instance, there is a uniform ballot law in one State, and in other States it is different.

Mr. MADDEN. It seems to me that the Assistant Secretary of War ought not to presume to say what the States shall do. It is true they have military control, but nevertheless it seems to me each State is competent to legislate as to whether its men shall vote.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. BUTLER. There seems to be no opposition in the department to the soldiers in the field voting, if all have the opportunity of voting. In other words, if the States would provide machinery——

Mr. ROGERS. The department has no objection to the soldiers voting while they are in the camps of the United States. If this Crowell letter is to be deemed to represent the present view of the War Department it is conclusively opposed to the voting by our soldiers in France. I think that would also be a fair inference to be drawn from the recent letter of The Adjutant General to me. I will read a line or two.

As to the soldiers in France or on other foreign soil in the theater of war, the department has reached the decision that their vote can not be taken without serious interference with military efficiency.

Mr. HICKS. Will the gentleman insert that in the RECORD?

Mr. ROGERS. I will put the entire letter in the RECORD.

Mr. JOHNSON of Washington. Did the gentleman make any investigation of the attempt made by the State of New York to have its soldiers in France vote early last November?

Mr. ROGERS. The gentleman from New York [Mr. PARKER] was a moment ago on the floor. He was directly concerned with taking the over-sea votes of New York soldiers last autumn and perhaps can discuss it more thoroughly than I can.

There are three general plans of over-sea voting. One is to send over commissions to take the vote; the second is to have a very elaborate mail system participated in and authenticated by the military authorities on the spot; and the third is the plan to which the gentleman from Mississippi adverted the other day, and which his State has adopted, of simply sending direct from the United States to each soldier a ballot to be filled in by him, signed by him, and returned by him to the United States, without the intervention of the military authorities in any way whatsoever. The only practical objection to that plan in the view of the War Department officials is that it makes an enormous addition to the burden of mail. Otherwise they see no great objection to it. They do have a very definite and conclusive objection to any plan which involves the military in red tape or exertion of any kind. Hence either the War Department's view must prevail, under which only the Mississippi plan could be utilized, or Congress must in some way take speedy action. If the Mississippi plan is to be taken as the standard, special sessions of the various State legislatures must be promptly summoned to enact the appropriate legislation. The Mississippi plan has the merit of simplicity and of being the only one acceptable to the War Department. The objection to it is that it can not be fully safeguarded and that error and fraud may easily creep in.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. HARRISON of Mississippi. The gentleman understands, of course, that these laws were passed by Indiana and the various States some time ago, whereas the Mississippi law was passed last month dealing with this very question.

Mr. ROGERS. At least a dozen States—Kansas, Nebraska, Massachusetts, New Jersey, North Carolina, for instance—are wrestling with this problem to-day. It is in the hope that I may crystallize the issue that I have talked here these few minutes this morning. We must act promptly if we are to act at all. If we can get State action along the lines of Mississippi the soldiers overseas will have a chance to vote. I believe that they will vote wisely, for the right against the wrong, for the patriotic candidate against the unpatriotic candidate. I believe that these advantages will far outweigh the possibility of error. Consequently I think appropriate action should speedily be taken by our State legislatures, acting in cooperation with the War Department, to enfranchise their over-sea citizen soldiers.

The SPEAKER. The time of the gentleman has expired.

Mr. ROGERS. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Speaker, under leave granted me to extend my remarks I print a letter upon the subject of soldiers' voting, which I have recently received from The Adjutant General of the Army:

WAR DEPARTMENT,
Washington, May 3, 1918.

Hon. JOHN JACOB ROGERS,
House of Representatives.

MY DEAR MR. ROGERS: Referring to your letter April 20, 1918, in which you request information relative to the arrangements which have been made for taking the votes of soldiers at the various State elections, I have the honor to inform you as follows:

It has been decided by the department that, so far as the soldiers stationed within the borders of the United States are concerned, their votes at either a primary or a general election may be taken by the several State Governments without serious interference with military operations or with the training and discipline of the men. Pursuant to this decision, the following order was issued to all commanding officers in the United States:

"Upon application by the secretary of state, or other proper officer of a State Government, to the commanding officer of a department or division for permission to take and secure the vote of officers and soldiers of said State serving in said command and within the borders of the United States, for either a primary or general election of said State, such commanding officer shall specify a place or places where all such officers and soldiers in such command may exercise their State franchise, and shall allow the properly qualified election officers of such State the opportunity to secure the votes of its citizens in such command at the place or places so designated, and at or during such specified period or periods of time, and conforming as near as may be to the request of said State officer in this respect as shall not interfere with military efficiency. The place or places so designated shall be in such proximity to each and all sections of the troops as will permit them, under the regulations prescribed, to make deposit of their several ballots. Such election officers shall be permitted, if they desire, to erect at said place or places such inclosure or inclosures as may be necessary for the conduct of such election, and at said place or places, but not elsewhere, to disseminate information and literature for the instruction of the voter as to the method to be pursued by him in the marking and casting of his ballot, but this latter privilege shall not be construed to permit the dissemination of information or literature calculated to influence the voter in the exercise of his franchise."

As to the soldiers in France or on other foreign soil in the theater of war, the department has reached the decision that their vote can not be taken without serious interference with military efficiency.

Very respectfully,

H. P. McCAIN,
The Adjutant General.

I also print a letter from Benedict Crowell, Acting Secretary of War, to the secretary of state of the Commonwealth of Massachusetts:

The honorable, the Secretary of the Commonwealth of Massachusetts, Boston, Mass.

SIR: I am in receipt of your letter of March 27, 1918, with reference to the matter of taking the vote of Massachusetts soldiers by mail after they arrive in France. This plan can not be considered merely as affecting the soldiers from Massachusetts. Any plan adopted by the War Department must apply to all States. The scheme proposed must be considered as one to take the vote of many thousands of men at the first election, with an increase at subsequent elections. Following the detail of the proposed plan at the first election, there would be involved the following Government and Army operations:

1. Transportation to the United States from France of thousands of separate pieces of mail matter.
2. Transportation to France from the United States of a similar number of separate pieces of mail matter.
3. Making the necessary attestation by company commanders on a very large number of ballots.
4. The marking of thousands of envelopes by Army officers so as to obviate subsequent censorship, which means that such officers—
   (a) Must examine the contents of these envelopes.
   (b) Mark them for censorship.
   (c) Seal the envelopes.
   (d) Deposit them in the mail.
5. Return transportation of thousands of separate pieces of mail matter from France to the United States.

Considering thus in detail the work that would have to be performed in order to take the vote under the Massachusetts plan, I am forced to the conclusion that an even greater burden would be placed on the Government and the military authorities than would be placed upon them if commissioners were sent to France to take the vote, which latter method has already been considered as impracticable and which would so interfere with the efficiency of the troops as to render its further consideration impossible. There is no doubt as to the desirability of allowing the soldiers to vote. These men are entitled at this time to have a voice in the affairs of their country. But I also believe that they would be the last ones to insist upon exercising the franchise, because I am certain that they must clearly see that such a course constitutes an impediment to military efficiency; and I am sure that their one great duty and desire is to overcome the enemies of our country.

Unfortunately, the exercise of the elective franchise at the battle front is incompatible with the full exercise of the purpose for which our men are there assembled. The matter has been thoroughly canvassed, upon the ground in France, in the light of efforts made to collect the soldier vote during the fall of 1917. It was decided that this could not be done under the commissioner system without serious interference with military efficiency. Slight consideration of the details to be gone through under the Massachusetts plan, as set forth above, must convince one that that plan places upon the officers of the Army and the entire military machinery an even greater burden than under the commissioner system. We have a sufficiently large task on hand to win this war. The inevitable burdens are large enough. Nothing that adds to those burdens without adding to military efficiency can be seriously considered, and that which adds to them and at the same time decreases efficiency can not be thought of. The Massachusetts plan for taking the vote falls within this latter class.

The question of taking the vote of the soldiers has been repeatedly considered by the department, but is a very perplexing one. The difficulties in securing a plan which would clearly permit all the States to be represented in the vote cast have hitherto proved insurmountable. For example, it is understood that seven States have provisions in their constitutions forbidding soldiers to vote. In a national election the votes of soldiers from such States, not being counted, might exercise a very important influence upon the election, and practically does not permit the equality of the States in balloting which is contemplated by our form of Government.

I regret that I do not see my way clear to express an approval of the plan proposed by you for the soldiers in France. There seems to be no objection to it for the soldiers in the United States.

Very sincerely,

BENEDICT CROWELL,
Acting Secretary of War.

I also print a leaflet which was distributed broadcast among the Canadian soldiers in England and France just prior to the election of last December, and which illustrates the extensive propaganda carried on by the Union Government of Canada.

FROM THE UNION GOVERNMENT OF CANADA.

OTTAWA, *November 21, 1917.*

To the Soldiers of the Canadian Expeditionary Forces:

The Union Government is composed of leading men of both parties who have no use for party politics when we are at war.

Labor and agriculture are specially represented. We are out to sink our differences and serve our country. You are standing shoulder to shoulder and facing death for the cause of liberty and humanity, and we will stand together, too.

We are getting on with the war—nothing else matters—and we are going to send you the reinforcements you need. Canada's proud standing must be upheld, and we are therefore bringing the military-service act into operation.

EXEMPTION.

The war is not to be won by fighting only, and the act will safeguard every interest essential to win the war. In this connection do not forget these three points:

1. Families that have sent men to the front under the voluntary system will receive special consideration.
2. No man will be taken who is indispensable in his civil duties.
3. Canada has to supply herself and the allies with food. Men will be retained to secure the necessary production.

CONSCRIPTION OF WEALTH.

Those who live by the war without fighting must pay for the war. Wealth will therefore be conscripted by adequate taxation of war profits and increased taxation of incomes, and money will be saved by reducing expenditures at home.

PROFITEERING AND WASTE.

Measures are being taken to prevent—

1. Excessive profits.
2. Hoarding
3. Combinations for the increase of prices.
4. Waste.

And everything is being done to encourage thrift.

This nonparty government has wiped out the patronage system in the purchase of supplies, awarding of contracts, and appointments to the public service. This is more than any party government ever did or ever could do.

RECONSTRUCTION AND DEVELOPMENT.

A committee of the union cabinet is at work making arrangements for—

1. Demobilization.
2. The care and vocational training of returned soldiers.
3. Assisting them to settle on the land.
4. Adequate pensions for the disabled and the dependents of those who have fallen.

THE OPPOSITION.

Sir Wilfred Laurier is against conscription, and he says:

"As to the present military-service act, my policy will be not to proceed further under its provisions until the people have an opportunity to pronounce upon it by way of referendum. I pledge myself forthwith to submit the act to the people and, with my followers, to carry out the wishes of the majority of the nation as thus expressed."

This means either holding up the military service act for one year, during which you get no reinforcements; or if conscription is defeated that Canada will be out of the war. For you know as well as we do that voluntary recruiting is played out.

RESPONSIBILITY.

We say to you that in face of a determined enemy the responsibility of Canadian electors is tremendous, and we assert in conclusion that the whole question of Canada's effort in this war and of our future as one of the greatest nations of a world-wide Commonwealth is involved in that determination. It is our most earnest hope that these momentous issues will receive the consideration which their infinite importance demands. Meantime we bid you Godspeed in the supreme national duty which you have so splendidly undertaken and discharged for Canada, for our Empire, and for the world.

Yours, faithfully,

R. L. Borden, F. B. Carvell, W. T. White, S. C. Newburn, A. E. Kemp, P. E. Blondin, A. L. Sifton, T. A. Crerar, J. D. Reid, J. A. Loughead, A. K. Maclean, N. W. Rowell, George E. Foster, C. C. Ballantyne, F. Cochrane, J. A. Calder, A. Sevigny, C. J. Doherty, Hugh Guthrie, Arthur Meighen, Martin Burrill, G. D. Robertson.

I also print a summary of New Zealand's emergency soldiers' voting law, passed in 1914, and of the Canadian law, passed in 1915. These summaries are taken from an article by Duncan Campbell Lee, Esq., entitled "Absent voting," and published in the Journal of the Society of Comparative Legislation for 1916, pages 333–345.

NEW ZEALAND'S EMERGENCY LAW FOR EXPEDITIONARY FORCES.

Just a month after the outbreak of war New Zealand passed the expeditionary forces voting act, by which members of the expeditionary forces sent from New Zealand to serve in the war were given a right to vote at the next general election and at the licensing poll to be taken at the same time. (See New Zealand Statutes, 1914, No. 16, passed Sept., 4, 1914.)

The machinery adopted is the simplest imaginable. The voter is given a voting paper bearing on its face:

"Electoral district of ———.
"Government.
"Opposition.
"Labor.

"DIRECTION TO VOTER.

"The voter must leave untouched the name of the party for which he desires to vote and must strike out the names of all other parties."

The section of the act which explains this unique ballot reads:

"Every vote given as aforesaid for any party shall be counted as a vote for the candidate who has been selected in the manner hereinafter described as the candidate representing that party in the electoral district in which the voter resided immediately before joining the expeditionary force."

A voting paper is to be supplied by an electoral officer appointed for the purpose to every member of the forces who applies for one. When the voting paper has been marked for voting by the soldier, he incloses it in an envelope addressed to the returning officer of the electoral district in which he resided when he enlisted and, having sealed the envelope, delivers the same to the electoral officer, whose duty it is to forward it to the chief electoral officer at Wellington.

The New Zealand plan involves the appointing of electoral officers for the several groups of the forces, wherever they may be. The duties of these officer must be performed sufficiently soon after the writ is issued to enable the marked ballot papers to reach the chief electoral officer before the date fixed for the general election.

When the chief electoral officer receives the envelopes, addressed as aforesaid, from the several electoral officers, it is his duty to forward them at least seven days before the general election to the returning officer of each electoral district, or, in the case of licensing voting papers, to the returning officer of each licensing district.

At the counting of the votes the returning officer opens the envelopes and deals with them as if they had been issued pursuant to an "absent-voter's permit," which has already been described, as provided for by the act of 1905.

This act of 1914 is strictly an emergency measure, ceasing to be operative at the completion of the next general election.

CANADA'S WAR LEGISLATION.

An act to enable Canadian soldiers on active military service during the present war to exercise their electoral franchise became a law April 15, 1915. (See Statutes of Canada, 1915, ch. 11.) It is strictly a war measure and is to remain in force only during the present war.

The soldiers entitled to vote are male British subjects of at least 21 years of age who within six months immediately preceding the date when appointed to or enlisted in the military forces of Canada had been resident in any electoral district in Canada for a period of not less than 30 days and were then qualified to vote there.

The act provides that a sufficient supply of ballot papers in a form prescribed and of envelopes for holding the same, with a form of affidavit printed thereon, shall be sent by the clerk of the Crown to the officer in command of the Canadian troops at Bermuda and to the secretary of the high commissioner for Canada in London, England. When the writ for a general election is issued, these officials are to be notified of the fact by cable, and they are required thereupon to distribute the ballot papers and envelopes among the officers commanding the squadrons, companies, batteries, etc., so that each volunteer soldier shall be provided with a ballot paper and envelope.

The form of ballot provided shows four blank ballot papers, each printed in English and in French:

1. I vote for ———.
   Je vote pour ———.
2. I vote for the Government.
   Je vote pour le Gouvernement.
3. I vote for the opposition.
   Je vote pour l'opposition.
4. I vote for the independent candidate.
   Je vote pour le candidat indépendant.

The form of affidavit reads:

"I (here insert full name), a (here insert rank and name of corps), make oath and say as follows:

"1. That within the six months immediately preceding the date when I was (enlisted or appointed, as the case may be) in the military forces of Canada the last place in which I was resident for 30 days is (here insert place of residence before enlistment, giving where possible the street address, range, township, or such other precise indication thereof as may be practicable) in ——— in the Province of ———, and that I am not qualified to vote in aby other electoral district.

"Or—

"1. That immediately before I was enlisted (or appointed, as the case may be) in the military forces of Canada I was qualified to be a voter at ——— in the Province of ———.

"2. That I have not marked any ballot paper for this election in any election district.

"3. That I am a British subject of the full age of 21.

"——— ——— (Voter's signature.)

"Sworn before me this — day of ——, A. D. 19—.

"(Signature, rank and corps of commissioner officer.)"

Every soldier who makes the affidavit is to be given a ballot paper, which he may then mark in the presence of a commissioned officer, but in such a manner as not to disclose to the officer or any other person how he is voting. He then folds the ballot paper and places it in the envelope, upon the back of which is a certificate to be signed by the commissioned officer to the effect that the document contained in the envelope was written in his presence by the person named, and that according to the best information at his disposal he believed the statements contained in the affidavit to be true.

The act provides how the envelopes are to be placed in suitable receptacles, securely fastened and sealed, and forwarded by post to Canada; how the returning officer shall give notice to all candidates that he will open packages containing soldiers' votes at a certain time and place, so that they or their agents may be present while the envelopes are being opened; and how the ballots are to be counted and doubtful cases settled.

If any envelope is not received before the close of the poll on polling day, it is not to be opened, but is to be kept with the other papers relating to the election, and when these are destroyed it is to be destroyed unopened.

The act also provides for holding a poll at each military camp or base at which volunteers are being trained in Canada for service during the war. (Ch. 11, sec. 5, p. 5.)

Upon the issue of the writs for a general election a proclamation is to be made notifying volunteers that they must make to the returning officer at each camp or base a written claim to the right to vote in a particular electoral district where each was qualified to vote at the time of his enrollment or enlistment, or where he resided for 30 days within the 6 months immediately preceding his enlistment. An affidavit must accompany each claim.

From the written affidavits filed with him the returning officer at each base or camp must prepare a list of soldier voters. He notifies the returning officer of each district that soldiers have claimed the right to vote for his district. The returning officer of each district then forwards to the camp or base returning officer a certified copy of the voters' lists for his district and telegraphs to him the names of the candidates nominated.

A poll is opened at the camp or base on the day fixed for holding the general election, and the usual officials are provided for the polling such as the Dominion election act requires.

A volunteer whose name is not on the list which has been prepared for the election may take oath and claim his vote as a qualified voter for any election district.

The military authorities at every camp or base are required to afford all facilities necessary for the holding of the poll.

At the close of the poll the votes are counted, and the returning officer telegraphs the result to the returning officers of the several electoral districts for which votes have been cast, and sends by registered mail immediately thereafter to such returning officers the ballot boxes as received by him from the deputy returning officers, having first sealed them as provided by the election law.

In case volunteers should be under orders to leave Canada subsequent to the issue of the writ but prior to polling day, the governor in council is empowered to hold a poll on a day previous to their departure.

Offenses against the act are enumerated and penalties prescribed.

Mr. COOPER of Wisconsin. Mr. Speaker, I wish to ask unanimous consent to direct the attention of the gentleman from Iowa [Mr. TOWNER] to the motion he made a few moments ago to correct the RECORD and to suggest to him that the RECORD, if corrected as he proposed, would not accurately set forth the facts. Now, as I understood him, he corrected the RECORD in this way. On page 6113, left-hand column, appears this question of Mr. KEY of Ohio:

> Is it not a fact that your party concurred on this bill?
> Mr. TOWNER. Yes.

The gentleman from Iowa [Mr. TOWNER], in making the correction, moved to strike out the word "concurred" and to insert the word "caucused." That correction is proper, because "caucused" was the word used. But permit me to suggest to my friend from Iowa, who answered "Yes," that the Republicans of the House have never during the Sixty-fifth Congress caucused on any legislative measure. There is a well-marked, perfectly understood distinction between a caucus and a conference. I read not long ago that Senator GALLINGER had said that never since he had been a member of the Senate had the Republicans of the Senate caucused on any legislative measure, but that they have only conferences, which leave those attending them free to act as they may deem best for the country.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. I think that the answer of the gentleman from Iowa should not be simply "Yes," but that it should be, "Yes; only it was not a caucus, but a conference."

Mr. GARRETT of Tennessee. I should like to ask the gentlemen what word the gentleman from Ohio [Mr. KEY] used?

Mr. COOPER of Wisconsin. "Caucused."

Mr. LANGLEY. Mr. Speaker——

Mr. GARRETT of Tennessee. What word did Mr. KEY use?

Mr. COOPER of Wisconsin. He used the word "caucused."

Mr. GARRETT of Tennessee. If that was the word he used, that would be the accurate record.

Mr. COOPER of Wisconsin. But the gentleman does not understand the situation.

Mr. GARRETT of Tennessee. The gentleman asked to correct the RECORD, and I understood the gentleman to say that Mr. KEY used the word "caucused." I do not know.

Mr. COOPER of Wisconsin. I was not making a motion. I was simply suggesting to the gentleman from Iowa——

Mr. ASWELL. Mr. Speaker, reserving the right to object——

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. ASWELL. I object to any consideration of this matter until the gentleman from Ohio [Mr. KEY] is present.

Mr. COOPER of Wisconsin. Permit me to say to my friend from Louisiana [Mr. ASWELL] and to my friend from Tennessee [Mr. GARRETT] that I am not seeking to correct the RECORD at all as to what the gentleman from Ohio [Mr. KEY] said. That was done 10 minutes ago on the motion of the gentleman from Iowa [Mr. TOWNER]. It appears here that the question of the gentleman from Ohio [Mr. KEY] has the word "concurred," and it should have been "caucused," as we all know. What I am suggesting is that the gentleman from Iowa [Mr. TOWNER] ask unanimous consent to correct his answer so that the permanent RECORD when made shall state the historical truth. I do not want it to appear that the Republicans of the present House "caucused" on any legislative measure.

Mr. GARRETT of Tennessee. I would suggest that the RECORD ought to show what the gentleman from Iowa himself said.

Mr. COOPER of Wisconsin. It does.

Mr. GARRETT of Tennessee. If it does, why correct the RECORD?

Mr. COOPER of Wisconsin. But I merely expressed the wish the gentleman from Iowa would ask permission to correct his answer as I have indicated.

Mr. GARRETT of Tennessee. You want him to revise his remarks? Is that it?

The SPEAKER. What does the gentleman from Iowa [Mr. TOWNER] say?

Mr. TOWNER. I wanted to correct the language. The language is corrected and that is all I want to say. The gentleman from Wisconsin [Mr. COOPER] is, in fact, criticizing my admission that we had a caucus. Of course, I presume the gentleman from Wisconsin is right, as he always is, and that I am subject to that criticism; but I am perfectly willing to let the RECORD stand as it is.

Mr. GARRETT of Tennessee. Regular order, Mr. Speaker.

POSTAGE ON AEROPLANE MAIL.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4208, and consider the same. It is a little bill to authorize aeroplane rates on mails.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill S. 4208. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

A bill (S. 4208) authorizing the postage rates on aeroplane mail.

Be it enacted, etc., That the Postmaster General, in his discretion, may require the payment of postage on mail carried by aeroplane at not exceeding 24 cents per ounce or fraction thereof.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ESPIONAGE—CONFERENCE REPORT (NO. 507).

Mr. WEBB. Mr. Speaker, I desire now to call up the conference report on the bill H. R. 8753, known as the espionage act.

Mr. LONDON. Mr. Speaker, I desire to make a point of order against the conference report. May I make the point of order now or after the reading of the report?

The SPEAKER. What point of order does the gentleman make?

Mr. LONDON. I make the point of order that the managers on the part of the House have exceeded their authority under the rules.

The SPEAKER. We had better have the report read, so that the House will know what it is.

The Clerk will read the conference report.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or attempt to obstruct"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall willfully by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of any country with which the United States is at war or by word or act oppose the cause of the United States therein"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That any employee or official of the United States Government who commits any disloyal act or utters any unpatriotic or disloyal language, or who, in an abusive and violent manner criticizes the Army or the Navy or the flag of the United States shall be at once dismissed from the service. Any such employee shall be dismissed by the head of the department in which the employee may be engaged, and any such official shall be dismissed by the authority having power to appoint a successor to the dismissed official"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That section 1 of Title XII and all other provisions of the act entitled 'An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes,' approved June 15, 1917, which apply to section 3 of Title I thereof shall apply with equal force and effect to said section 3 as amended.

"Title XII of the said act of June 15, 1917, be, and the same is hereby, amended by adding thereto the following section:

"'SEC. 4. When the United States is at war, the Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

E. Y. WEBB,
C. C. CARLIN,
WARREN GARD,
DICK T. MORGAN,
GEORGE S. GRAHAM,
Managers on the part of the House.

LEE S. OVERMAN,
DUNCAN U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753) to amend section 3, Title I, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, submit the following written statement explaining the effect of the action agreed on:

On amendment No. 1, on which the House recedes, brings within the crimes denounced in section 1 of the bill those who "say or do anything except by way of bona fide and not disloyal advice to an investor or investors."

On amendment No. 2, on which the House recedes, is a matter of punctuation made necessary by amendment No. 3.

On amendment No. 3, on which the House recedes, adds the words "or incite or attempt to incite," making a person guilty who attempts to cause or incite, or attempts to incite, insubordination, etc.

On amendment No. 4: Here the House recedes with an amendment. This amendment relates to the recruiting or enlistment service of the United States. The Senate amendment reads "or discourage or willfully attempt to obstruct or discourage." The amendment agreed on strikes out all of this amendment except the words "or attempt to obstruct." With this amendment it will be a crime to willfully obstruct and also to attempt to obstruct the recruiting or enlistment service of the United States.

On amendment No. 5: The House recedes with an amendment. The effect of this amendment is to modify the Senate amendment as shown in the bill printed with the Senate amendment, on page 2, line 21, by striking out the word "contemptuous"; on page 3, line 8, after the word "shall," to add "willfully"; and on page 3, line 15, to strike out the word "favor."

On amendment No. 6: The Senate recedes on this amendment.

On amendment No. 7: The House here recedes with an amendment. The Senate amendment was modified in conference by striking therefrom the words "in the executive branch." The Senate amendment provided for dismissal from the service any employee or official in the executive branch of the Government.

The amendment as agreed upon in conference extends this to any official or employee of the Government.

On amendment No. 8: The House recedes with an amendment. The change made in the Senate amendment by the conferees consisted in limiting section 4 of the espionage act as amended in section 2 of this bill by the words placed at the beginning of the section, "When the United States is at war."

E. Y. WEBB,
C. C. CARLIN,
WARREN GARD,
DICK T. MORGAN,
GEORGE S. GRAHAM,
Managers on the part of the House.

The SPEAKER. Now, what is the gentleman's point?

Mr. LONDON. Mr. Speaker, at the time this bill passed the House it provided for the punishment of certain acts, such as the conveying of false reports or false statements, with intent to interfere with the operation or success of the military or naval forces, or to promote the success of its enemies. It further provided a penalty for obstructing the sale of bonds or other securities. It provided a penalty for encouraging insubordination or refusal of duty. A number of amendments were adopted by the Senate, amendments which almost completely changed the character of the bill. An issue arose between the Senate and the House. The conferees, among other things, agreed to strike out four lines in the Senate amendment which completely changed the character of the legislation.

Mr. WEBB. On what page?

Mr. LONDON. The amendment designated in the printed copy as No. 6.

The SPEAKER. What is it in the report?

Mr. LONDON. It is page 3, line 21. It reads as follows:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives and for justifiable ends.

Now, I realize the rules of the House permit the conferees within certain limits to agree to a modification of the bill as it passes the House and of the bill as it passes the Senate, provided the character of the legislation is not changed. I contend that by receding from its disagreement to this amendment of the Senate they have destroyed the entire bill. They have destroyed all that this legislation was intended to accomplish.

Take, for instance, this case: A man is charged with obstructing the sale of bonds or other securities. He attempts to justify his position by arguing that there are means other than bonds of obtaining the necessary financial resources for the conduct of the war. He argues that instead of the ratio being, as to-day, 3 to 10 or 3 to 9, as between income tax and bonds, the ratio should be 8 to 2 or 9 to 1, or that all the income, all the financial resources necessary for the Government in the proper conduct of the war, should be raised by taxation. Unless he can prove his good motive, unless he is given an opportunity to prove his motive, unless he is given an opportunity to prove that his expression of opinion was honest and was calculated to better the condition of the people of the United States and to strengthen the Government of the United States; in other words, unless he is given an opportunity to prove the truth of his statement, he is deprived of every right under this bill.

Now, I realize there is not a more contemptible creature in the world than a spy. He has always been regarded with hatred. The very profession of a spy brings disgust to every intelligent man. I am not arguing against an espionage bill. I contend, however, there is enough law to-day to hang every spy in the United States.

By withdrawing its disagreement to this section of the Senate amendment the House conferees agreed with the Senate on a complete reversal of the policy of the bill, a complete destruction of its very object. I realize that technically they may strike out a few words, but this is a case where by striking out a few words they have taken the very bottom out of the bill. They have destroyed the very basis of the bill. The bill was not calculated to punish free opinion. The bill was not calculated to punish those who had economic theories to advance which may not be popular at the present moment, or which may not conform to the economic theories of a particular grand jury or a particular district attorney.

The bill was calculated to punish obstruction to the sale of bonds, to the sale of securities. The bill was aimed at, striking at, those who would encourage sedition and mutiny in the Army. The bill was calculated to strike at those who would interfere with the operation or success of the military or naval forces. While I can not go into the merits of the bill——

The SPEAKER. The Chair would request the gentleman from New York to read the Senate amendments and then read the changes that the conferees made in them.

Mr. LONDON. It is a part of another amendment, although it is designated here as a separate amendment. But it is really a part of the entire Senate amendment. It is No. 6. It reads:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. GORDON. You have read only a part of the Senate amendment. All preceding that, in italics, is a Senate amendment.

Mr. LONDON. That is what I said. By striking out this portion of the Senate amendment they have not only mutilated the Senate amendment, but they have mutilated the bill as it passed the House.

Mr. GORDON. But in responding to the Speaker you should have read the whole Senate amendment.

Mr. LONDON. If that was the intention of the Speaker, the entire Senate amendment begins on page 2, line 18. That is rather a long amendment.

Mr. GORDON. Read it.

Mr. LONDON. I shall read it.

The SPEAKER. What is the number of it?

Mr. LONDON. Number 5.

The SPEAKER. Let the gentleman read it.

Mr. LONDON. I read:

and whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

The conferees struck out the following four lines:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motives, and for justifiable ends.

Now, my contention is that by eliminating these four lines the conferees mutilated the House bill; they mutilated the Senate amendment. They completely destroyed all its meaning. They have deprived the people of America of a right, because if a war can not be conducted with the right of the people to hear the truth and speak the truth there must be something wrong about it. I contend that the more the truth is known to democratic countries the sooner the war will end in the triumph of democracy.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HARRISON of Mississippi. I understand this proviso was a part of the Senate amendment No. 6?

Mr. LONDON. Yes.

Mr. HARRISON of Mississippi. It was not placed there by the House.

Mr. LONDON. I stated that.

Mr. HARRISON of Mississippi. It went to the Senate, and the Senate included this proviso in the bill; and then it went to the conferees, and the conferees agreed to strike it out and the Senate receded from it?

Mr. LONDON. Yes. But suppose the House would pass an appropriation bill in connection with a celebration, appropriating money for 10,000 bottles of champagne. The Senate would make it 25,000 bottles of champagne. The conferees would agree to strike out the word "champagne" and make it 25,000 bottles. Would the conferees be in order?

Mr. HARRISON of Mississippi. The Senate puts in a proviso, and then they go into conference, and the conferees on the part of the Senate recede on their own motion from that amendment, which they have pay in, and which they have a perfect right to do.

Mr. LONDON. I am not interested in the question of whether they receded.

Mr. HARRISON of Mississippi. They did recede.

Mr. LONDON. What I am interested in is that the words were stricken out, the effect of the striking out being to destroy the meaning of the bill. In other words, the House conferees could have agreed to the Senate amendment if they had retained these lines; but by striking out these lines they destroyed the meaning of the Senate amendment.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question?

Mr. LONDON. Yes.

Mr. DYER. Does the gentleman contend that the bill as it passed the Senate was changed by the Senate by inserting this amendment and then the amendment was receded from? If so, I take it that the House bill as it passed the House has not been changed by the House conferees.

Mr. LONDON. No. I contend that the striking out of these few lines destroys the meaning of the Senate amendment and completely reverses the policy of the House—the legislative intention of the House.

Mr. WINGO. Mr. Speaker, will the gentleman yield right there?

Mr. LONDON. Yes.

Mr. WINGO. The language that was stricken out was a whole Senate amendment. It was Senate amendment No. 6, separate and distinct from the Senate amendment No. 5, which the gentleman has read in connection with it.

Mr. LONDON. I know; but the fact that it is numbered here as a separate amendment does not mean that it is a separate and distinct thing. It is part of one sentence. It is not even separated by a period, and you can not strike out the lines without modifying the meaning of the Senate amendment.

Mr. WINGO. The gentleman does not contend that these words:

Provided, however, That nothing in this act shall be construed as limiting the liberty or impairing the right of any individual to publish or speak what is true, with good motive, and for justifiable ends—

The gentleman does not deny that that language constitutes one separate and distinct amendment of the Senate?

Mr. LONDON. It constitutes a dependent sentence.

Mr. WINGO. The gentleman does not catch my question.

Mr. LONDON. We are not here on the floor of the Senate. We are not to decide whether it is an amendment to a particular proposition that was before the Senate then. We are dealing with the amendment to the House bill. So far as we are concerned, we are concerned with the logical situation. The logical situation is this——

Mr. WINGO. One moment. The gentleman evidently has not caught my question. I want to ask him if he contends that that is not a separate and distinct amendment?

Mr. LONDON. I contend, so far as the House is concerned, it is an integral part of the Senate amendment.

Mr. WINGO. But does the gentleman contend that as a matter of mechanical structure in the bill——

Mr. LONDON. That has to do solely with the parliamentary situation as it developed in the discussion of the bill by the Senate.

Mr. WINGO. Does the gentleman contend that a point of order can be made in the House because the conferees permitted the Senate to recede from one of its amendments to a House bill? Upon what does the gentleman base any such contention?

Mr. LONDON. I contend that the House managers, by consenting to the striking out of language which changes the character of the legislation, violated a rule just as much as they would have done by adding words which changed the character of legislation.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. MOORE of Pennsylvania. Is not the gentleman arguing the merits rather than the point of order?

Mr. LONDON. I think I am arguing the point of order, but if I were given an opportunity I would argue the merits. I contend there are no merits in the action of the conferees.

Mr. MOORE of Pennsylvania. I think the gentleman is very shrewdly stating a case with regard to the merits of the proposition without coming to the point of order at all. In the first place, the Senate inserted an amendment to a House bill, and then the Senate conferees receded from that Senate amendment, so that there is no point of difference between the Senate and the House on that matter. Wherein did the conferees exceed their authority in permitting the Senate to have its way on its own proposition?

Mr. LONDON. But the mistake the gentleman makes is this: He takes this number (6) that is placed in line 21, on page 3, as marking the logical separation between lines 22, 23, 24, and 25, and the lines which precede it. I contend that it is logically one thing; that as a matter of fact it forms a dependent sentence, the principal sentence of which precedes line 21; that it is logically inseparable, and that by striking out a part of a sentence, with the result that the meaning has been destroyed, the House managers have exceeded their authority.

Mr. MOORE of Pennsylvania. The gentleman confirms what I said, that he is making a statement in support of something in which he believes, but which has nothing to do with the point of order. The point of order is that the House conferees exceeded their authority.

Mr. LONDON. Of course, I never say anything except what I believe.

Mr. MOORE of Pennsylvania. The gentleman is speaking in favor of something that he wants to get into the RECORD; that is the point.

Mr. LONDON. No. The chairman of the committee [Mr. WEBB] has consented to give me some time to state my position on the merits, and that has nothing to do with the point of order.

Mr. MOORE of Pennsylvania. It is for the Chair to decide, but I suggest that the gentleman has not sustained his point of order. He has been speaking on the merits from the beginning.

Mr. LONDON. I can not improve my argument. I am sorry I can not, because I think I am right.

Mr. MOORE of Pennsylvania. The gentleman could improve on his point of order.

Mr. ASWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state it.

Mr. ASWELL. I understood the gentleman from New York had five minutes.

The SPEAKER. No; he is speaking on a point of order.

Mr. GORDON. If the gentleman will permit me, it seems to me the gentleman from Pennsylvania misapprehends the character and scope of this Senate amendment.

Mr. LONDON. By the way, will the gentleman yield there? I will tell him that he may injure himself by agreeing with me, so that he should be careful.

Mr. GORDON. Never mind about my injuring myself. I think I can take care of myself. The House passed this bill without the matter inserted in italics on pages 2 and 3. Thereupon it went to the Senate, and the Senate inserted a lot of stuff, plainly in violation of the Federal Constitution guaranteeing freedom of speech and of the press, and then, in order to remove part of the sting and poison from it, after very long debate, as we read in the newspapers, they inserted at the end of it a proviso that in prosecutions under the amendment of a page and a half inserted by the Senate, which provided a penalty of 20 years' imprisonment and a fine of $10,000, the defendant on trial might offer in evidence for words spoken or written proof tending to show that the facts alleged were true and that they were published or spoken with good motives and for justifiable ends. That being an integral part of the Senate amendment when it came back to the House, the point of order of the gentleman from New York [Mr. LONDON] is that the Senate conferees destroyed the legality of their own amendment by receding from the saving clause. I think that is his position.

The SPEAKER. The Chair has nothing to do with the constitutionality of the law. That is for the courts. The rule in this country ever since the Zenger case, which was prior to the formation of the Constitution, has been that the truth of an assertion can be offered in mitigation or defense. The Chair has nothing to do with that, and neither has the House. That also is for the courts. The only thing that the Chair has to decide is not whether he likes this bill or does not like it or whether the gentleman from New York likes it or does not like it. The gentleman from New York [Mr. LONDON] has made a very ingenious argument The question is, Did these conferees exceed their authority? What did they do? The Senate receded from its amendment and the House conferees agreed to it. That is all there is to it one way or the other. It may be that it would be a very healthy process if the Senate would recede more frequently. [Laughter.] But, anyhow, whatever the fact may be about that, the Chair overrules the point of order. The gentleman from North Carolina [Mr. WEBB] has an hour.

Mr. LONDON. Mr. Speaker, may I ask the gentleman from North Carolina [Mr. WEBB] if he will not agree to two or three hours' discussion of this bill?

Mr. WEBB. I think the gentleman from New York has already taken about half an hour.

Mr. LONDON. The Senate debated this bill for a number of weeks, if not months.

Mr. WEBB. Oh, no.

Mr. LONDON. How long was the Senate debating it?

Mr. WEBB. About two days.

Mr. LONDON. I was under the impression that they had it for weeks.

Mr. WEBB. It is the Overman bill that the gentleman has in his mind.

Mr. LONDON. At any rate, if 96 Members can debate a bill for two days, I do not see why 435 Members should not be given an opportunity to discuss it for a couple of hours.

Mr. WEBB. As far as I am concerned, every Member will have a right to say what he thinks he ought to say on this subject; but I do not think the gentleman from New York ought to ask for two or three hours to speak. I told him I would give him 15 minutes. That is more than any other Member has asked for; and because he did not get more than 15 minutes from me I believe the gentleman made his point of order, and under that he got in a very considerable discussion of the merits of the bill.

Mr. LONDON. The time which I occupied on the point of order had nothing to do with the 15 minutes promised me by the gentleman, and I am not going to release him from that promise.

Mr. WEBB. I am going to give the gentleman 15 minutes. Mr. Speaker, when this bill passed the House it applied only to false statements for the purpose of injuring the sale of bonds. It went to the Senate; they discussed it in committee at a number of meetings, and amended it according to the italicized language in the bill. They added some new offenses and penalties therefor, and amongst them they condemned any person when the United States is at war who shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of the Government of the United States or the Constitution of the United States, and so forth.

The House conferees insisted on striking out the word "contemptuous," because it was a matter difficult to prove. Whether it is contemptuous depends somewhat on the man's attitude, his general appearance, and it made it difficult to prove. The Senate agreed to strike it out.

So it now reads:

Whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

The House conferees insisted on striking out the word "favor," because that is a mental attitude; and we struck out the words "German Empire and her allies," because that would include Bulgaria and Turkey, with whom we are not at war, and inserted "any country with which the United States is at war." We also struck out the word "discourage" where it says "whoever shall discourage enlistment." The Senate agreed, and so we made the amendment read "whoever shall attempt to obstruct the recruiting service of the United States," and so forth.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. WEBB. I will.

Mr. MILLER of Minnesota. I have been thinking about section 4, which, I think, is the hardest part of the bill to vote for. It has been added. That is practically the one that the House, by a very strong vote, when this bill was originally before it, struck out.

Mr. WEBB. Oh, no; the gentleman is mistaken.

Mr. MILLER of Minnesota. When the original bill was passed in the House, the House was opposed to it.

Mr. WEBB. Under the espionage act, which we passed a year ago, the Postmaster General has refused mailing privileges to a number of publications.

Mr. MILLER of Minnesota. I am referring to section 4 of this bill.

Mr. WEBB. I know; but we put in the espionage act the following provision:

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier: *Provided*, That nothing in this act shall be so construed as to authorize any person other than an employee of the dead letter office, duly authorized thereto, or other persons upon a search warrant authorized by law, to open any letter not addressed to himself.

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

Mr. MILLER of Minnesota. I agree to all that. That meets with my approval, but that is not what I am talking about.

Mr. WEBB. I understand; but under that language, which we put in the espionage act, the Postmaster General has excluded publications containing pro-German propaganda and matter in violation of the espionage act.

Mr. MILLER of Minnesota. And he ought to have the power.

Mr. WEBB. Yes; he ought to have the power, which he does have, and these propagandists get contributions from all over the country. They are receiving their strength through the mails of the United States; and in section 4 all we do is to give the Postmaster General, when he has satisfactory evidence, the authority to stop the delivery of that mail to any person violating the provisions of this act as we propose to amend it, and return it to the sender instead of delivering it to the propagandist.

Mr. MILLER of Minnesota. That is not all that section 4 does; that is only one of the minor parts of it. Let me call the gentleman's attention to what I have in mind.

The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed.

And so forth.

Now, what does that do? It does this: Here is a publication, a perfectly legitimate monthly magazine, in excellent standing throughout the country. It contains, we will say, that which purports to be a true statement of the exact condiions relative to anything connected with the war for a proper and laudable purpose. Now, the Postmaster General under this provision, for any reason on earth that looks good to him, can starve that publication to death in one week by stopping all letters coming to it. He can stop all money reaching it through the mail, stop all subscriptions coming to it; he can starve it to death in one week's time. There is no review, no redress, nothing.

Mr. WEBB. Oh, I think my friend ought not make that statement.

Mr. MILLER of Minnesota. I want to make just that statement, just as broad and square as that, because that is the literal truth.

Mr. WEBB. He can go into the Federal court and have the action reviewed by mandamus or injunction.

Mr. MILLER of Minnesota. He can not.

Mr. WEBB. It is done every day under the fraud-order statute, which is on all fours with this section 4.

Mr. MILLER of Minnesota. He probably could under the old law, and that is the point I make.

Mr. WEBB. He can do it under the fraud-order law, and he can do it under this provision.

Mr. MILLER of Minnesota. He can not under this. It says "for any reason satisfactory to the Postmaster General." Therein lies the vice of the whole thing.

Mr. WEBB. Does the gentleman think that is new language in the postal laws of this country?

Mr. MILLER of Minnesota. I do not care whether it is new or old language. It is new in this application.

Mr. WEBB. Similar power has been in the Postmaster General's hands since 1890 with reference to all fraud matters.

Mr. MILLER of Minnesota. Of course, power of that kind is given to the Postmaster General under certain conditions and purposes. I am not criticizing that or discussing it. I am applying the power of the Postmaster General to do this thing, to starve to death any magazine or newspaper in the United States in one week's time.

Mr. JOHNSON of Washington. The gentleman implies that you could starve a magazine to death for fraud, but not for treason.

Mr. WEBB. That is a good answer to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Oh, the gentleman has not come within a mile of answering my question. I can see where he could do it for treason, and if that was written in the law nobody would criticize it, but treason is as far from this as Seattle is from being Elysium, and that is some distance. We

are not discussing treason. We are discussing the power given to the Postmaster General.

Mr. GORDON. "For reasons satisfactory to him."

Mr. MILLER of Minnesota. Satisfactory to him and to nobody else; and when that should be brought before a court the court would promptly and efficiently say, "We do not make the law, the law is written by Congress, and the law says any reason satisfactory to the Postmaster General is sufficient, and that we can not review." It does not have to relate in the slightest degree to treason, not in the slightest degree to anything of an improper character. If the tendency of the article in the newspaper is one that the Postmaster General does not like, he can close up the paper. I believe that we should give to the Postmaster General and to other officials every power necessary effectively to accomplish the legitimate purposes of this act, but we all know that partisanship is not always kept out of the conduct of officials in any administration, and this is the most dangerous power that I have yet seen conferred or attempted to be conferred upon any executive in this Government.

Mr. WEBB. Mr. Speaker, the gentleman gave the Postmaster General much larger powers when he voted for the espionage law than we ask him to give him now, because he gave him the power in the original espionage law, title 12, to shut out of the mails all of the newspapers of the United States that violated any provision of the espionage act, all of the Socialist organization papers that violated it, all propaganda that violated it. That keeps those things from going into the mails; but now here is the converse which they think they need, and that is where there is an organization or an individual engaged in that sort of propaganda, collecting money from all over the United States to carry it on, using the mails of this country, which should not be used for the purpose of undermining the very Government whose mails they take advantage of, then he can stop mail from being delivered to a person violating this act.

Mr. MILLER of Minnesota. Then, why did not the gentleman specifically put in the provision that the mail would be stopped only in the case where the publication was engaged in extending a propaganda of I. W. W.ism, of socialism, anarchism, or treason?

Mr. WEBB. We go further than that.

Mr. MILLER of Minnesota. You do not go that distance at all.

Mr. WEBB. We make it for any violation of any of the provisions of this act.

Mr. MILLER of Minnesota. That is what I say.

Mr. WEBB. Why confine it to the Industrial Workers of the World?

Mr. MILLER of Minnesota. It may or may not be a violation of the provisions of the act. If the Postmaster General in his mind——

Mr. WEBB. He must have evidence.

Mr. MILLER of Minnesota. If for any reason that looks good to him he thinks it in violation of the language of any of the many provisions of the act, then he can do this, and I want to say to the gentleman that the Postmaster General under this can stop and starve out in one week half a dozen of the leading magazines of the country for the articles which they published last month——

Mr. WEBB. They ought to have been indicted and put in jail if they violated any provision of the espionage act or any provision of the amendments we propose.

Mr. MILLER of Minnesota. I do not think so.

Mr. WEBB. If they violate the provisions of law they ought to be put in jail.

Mr. MILLER of Minnesota. If the gentleman will permit me there, they have not violated the provisions of the law; but if the Postmaster General in his mind wanted to think they had, he could put them out of business.

Mr. WEBB. The gentleman does not correctly quote the bill.

Mr. MILLER of Minnesota. I have read it and I correctly quote it.

Mr. WEBB. The gentleman says it is in the Postmaster General's mind. The language of the bill is "upon evidence satisfactory to the Postmaster General." It is the same language used in reference to fraud. Some years ago the mails were being used to prosecute all sorts of get-rich-quick schemes, and Congress passed an act and used the identical language in that act that is used here. As the gentleman from Washington [Mr. JOHNSON] says, it is proper to stop frauds, it is proper to stop treason. Here is what the Congress provided in section 3929 of the Revised Statutes as amended by the act of 1890:

The Postmaster General may upon evidence satisfactory to him that any person is engaged in any fraudulent lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, by chance—

And so forth.

The language I call attention to is this:

The Postmaster General may, upon evidence satisfactory to him—

do certain things.

The Congress gave our Postmaster General power to break up great financial institutions, but they could not be broken up unless fraudulent. Now we want to stop the use of the mails by men who are using all sorts of propaganda to undermine our country in war.

Mr. MILLER of Minnesota. Let me be specific with the gentleman——

Mr. JOHNSON of Washington. The gentleman from North Carolina wants the bill strong enough to curb treasonable doings of antigovernment people all the way from the red-handed Industrial Workers of the World, the dynamiters, the poison dark spreaders of revolution, and so on up to the white-livered rabbits who try to tear down the Army and the Nation under the guise of free speech.

Mr. WEBB. Anybody violating the provisions of this act and using the mails of the United States ought to have the mail privileges taken away from them.

Mr. MILLER of Minnesota. Let me put a question to the gentleman. Was or was not the Metropolitan Magazine a short time ago suppressed or its passage through the mails stopped until a certain article was taken out of it?

Mr. WEBB. I did not read the article, but I know you can go to the courts if the postmaster exceeds his authority and mandamus him, and if it is a perfectly legitimate article you can send it through the mails.

Mr. MILLER of Minnesota. Not under this.

Mr. FESS. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. FESS. In speaking of the lottery law, there is not nearly so much danger in the execution of that law as there is in the punishment of persons who might speak or write something.

Mr. WEBB. I will say to my friend that the lottery law was only one of the many different kinds of frauds mentioned in this act—all sorts of schemes to get rich quick, all sorts of frauds which were sent through the mails—and the Postmaster General was given the right, under evidence satisfactory to himself, to stop all money orders going to those persons practicing frauds. In 1890 the Congress confined the Postmaster General's power to stop money orders going to certain persons whom he found or had evidence to lead him to believe were using the mails for fraudulent purposes. Now, in the act of 1895 it went still further and gave the power to stop all mail matter—registered mail, letters, pamphlets, and everything else—and that statute is really broader than the one we are asking you to pass to-day.

Mr. FESS. That law was passed in time of peace, this in time of war. You would not think of executing this law in any other time except in war time?

Mr. WEBB. It is exclusively confined to the time when the United States is at war, and only then can this section be in force.

Mr. FESS. That is the saving element.

Mr. WEBB. Yes, sir. I realize that this is a broad power——

Mr. FESS. It is.

Mr. WEBB. But we are living in unusual times. They tell us our Government—our whole system of running the war—is secretly and determinedly being undermined by pro-German propagandists; and is it possible anybody here desires that the use of the mails be given to the class of men who are trying to destroy the Government of the United States? I can not see the distinction in the powers granted. I do see a stronger reason for doing this now than in peace times, in order to give the Postmaster General the right to exclude such pro-German letters and propaganda from the mails.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. WEBB. I will yield to my friend.

Mr. SMITH of Michigan. The gentleman stated an opportunity would be given to those who wished to speak on this bill. I am in favor of the bill, and I would like to have a little time.

Mr. WEBB. I will yield the gentleman five minutes. I simply wanted to get through with making the statement as well as I could, and I think I have covered the report, considering the interruptions.

The SPEAKER. How much time does the gentleman yield?

Mr. WEBB. Five minutes. I first yield to the gentleman from Alabama [Mr. DENT] to present a conference report for printing under the rule.

REGISTRATION FOR MILITARY SERVICE.

Mr. DENT. Mr. Speaker, I submit a conference report, together with a statement on Senate joint resolution 124, for printing under the rule.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read as follows:

Senate joint resolution 124, providing for the registration for military service of all male persons, citizens of the United States or residing in the United States, who have since the 5th day of June, 1917, on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe, under the terms of an act approved May 18, 1917, entitled "An act authorizing the President to increase temporarily the Military Establishment of the United States."

The SPEAKER. Ordered printed under the rule.

Mr. SMITH of Michigan. Mr. Speaker and gentlemen of the House, the chairman of the Committee on the Judiciary, who presented this report, has just stated that these are unusual times, and I think he might have added ominous times in the life of the Republic. I think they are just such times that a bill of this kind should be introduced and enacted into law without one dissenting vote. I want to read a part of section 3, on page 2 of the bill:

Whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States into contempt, scorn, contumely, or disrepute, or shall willfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall willfully display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall willfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

I call that a splendid provision to curb the slander of those now opposing the Government in this great war. I wish it had included the willful hauling down and mutilation of the flag as well. There are but two sides to the great question confronting the people of the United States involving the welfare if not the absolute existence of our Nation. I do not think there is a place to-day where a person ought to be or can be except on the side of loyalty to our country and to the Army that is defending our country at home and abroad in a war that was forced upon us. [Applause.]

I am glad that they have seen fit to bring in this bill. I hope it will wipe the German propaganda out of our land. I hope it will tend to unite us like one man, with the sole and single purpose of winning the war, and those who will not ally themselves upon the side of loyalty to this country will be subjected to the penalties under the terms of this bill should their opposition become manifest. The bill itself comes very properly as being the first law enacted by the Congress of the United States in reference to the flag of our Nation, which in April, 1918, was one century old, and yet there never has been a Federal act passed protecting the flag or that prohibited a man from tearing it down, tearing it up, or wiping up the gutter with it, if he is so base and calloused of heart and brain. Italy, Greece, Russia, Brazil, Mexico, China, Spain, Portugal, France, England, and many other countries have a national flag law. Why not the United States of America where it means so much?

"The only flag of the United States known throughout the world is the Stars and Stripes."—(Fang Yue Tong *v.* U. S., 149 U. S. Rep., 11.)

Now for the first time we have a law which says that during the war and for the period of the war whoever slanders the flag shall be amenable to punishment by imprisonment for 20 years. And I am wondering, my friends and colleagues, what we are to do with the men who tear down the flag? It is done frequently. I saw in the papers of Sunday an account of an I. W. W. leader charged with assault on the flag, and tearing it down, in Paterson, N. J. I want to read the published statement found in the Washington Times of Sunday, May 5, 1918, day before yesterday:

I. W. W. LEADER CHARGED WITH INSULT TO FLAG.

PATERSON, N. J., *May 5.*

Adolph Lessig, secretary of the I. W. W., was arrested yesterday, charged with hauling down an American flag which had been placed on I. W. W. headquarters.

Lessig is alleged to have refused permission for decorators to hang the flag while they were preparing for a parade. Two detectives then hung the flag.

And yet there is no Federal law to punish or make it a crime to haul down the flag. Every one of our boys on the firing line in France is protecting the flag with his life. Ought not we in Congress make it treason or other compound and heinous crime to haul down the flag?

The Department of Justice of the United States issued the following statement, showing that we have no Federal statute protecting the flag:

DEPARTMENT OF JUSTICE,
Washington, D. C.

SIR: The department is in receipt of so many letters asking information concerning the law governing the use of the United States flag that it has felt compelled to prepare the following general statement in answer thereto:

Statutory provisions with respect to the Attorney General giving opinions upon questions of law relates solely to inquiries submitted to him by the President or the head of an executive department, and it has been the uniform practice of the department to decline to answer such questions when submitted by other persons. It may be stated, however, that a majority of the States have passed laws regulating the use of the United States flag, the constitutionality of which was upheld in the case of Halter *v.* Nebraska (205 U. S. Repts., 34). At page 39, in a footnote, are citations to the laws of the various States which then had statutes of this character.

At the last session Congress enacted a statute act approved February 8, 1917, punishing the improper use of the national colors in the District of Columbia. The department is aware of no other Federal legislation bearing upon the subject, except that contained in section 5 of the act of February 20, 1905 (33 Stat. L., 725), prohibiting the registration of a trade-mark which "comprises the flag or coat of arms or other insignia of the United States."

Respectfully, for the Attorney General,

_____,
Assistant Attorney General.

President Johnson said, "Treason must be made odious." Gen. Dix said, "Whoever hauls down the American flag, shoot him on the spot." Gov. Yates, of Illinois, stated, when they had difficulty during the Civil War in a little town in southern Illinois concerning the flag, that they should run up the flag, and if anyone shot the man who dared to tear it down that he would pardon whoever did the shooting. And I am pleased that one of our colleagues, in a public speech, stated that he would defend without a penny of expense any man who shoots a person who pulls down the American flag. And are we less patriotic at this time, when our boys have gone into the trenches to defend the flag that we love and revere so much, that we should neglect to place a law on the Federal statutes providing against the tearing down of the American flag?

Why, in my own State it was hauled down and torn into shreds. They defiled it and used it for towels in wiping their hands. They never found the man who tore it down, but they found the man who wiped his hands on it, and ducked him in the river, through the ice, after tieing a clothesline around his ankle. And we have seen that in many places in the United States the flag has been insulted. This law will punish that. I want to support this bill, and certainly we should enact a law to protect the flag and punish anyone who dares to tear it down. One who would tear it down is a spy and a traitor, and can only have one purpose in destroying the flag, and that is to express his preference to another country, lend aid and comfort to our enemy, and show his contempt for our institutions and this glorious land that we now are trying to preserve with the lifeblood of the flower of our Nation. [Applause.] A good flag law will encourage patriotism and would punish those who would defy or defile it. It would make for law and order and lessen riot and disorder.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Speaker, I am sorry for that, and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. DYER.]

Mr. DYER. Mr. Speaker, I am in favor of this legislation and all necessary laws that are needed to produce law and order in the United States. The whole citizenship of America should aid in maintaining law and order and not permit mob violence in any place. We set a poor example for our soldiers and sailors that are sent to France to destroy tyranny and oppression there when we at home tolerate lynchings and attacks upon persons and property without regard to law. This country alone stands in shame and disgrace before the civilized bar of public opinion

in that it has for years tolerated lynchings. The lynching and murder of hundreds of colored people at East St. Louis a short time ago and the lynching of Praeger last month at Collinsville, Ill., horrible and disgraceful as they were, are but instances of thousands of a similar nature just as bad that have taken place in this country annually in past years.

On April 8 I introduced a bill designed to protect citizens of the United States against lynching in default of protection by the States. When it is taken up by the Judiciary Committee of the House for consideration I shall offer some amendments to perfect it in details, and then I will ask to have it reported to the House and passed by the Congress, so that it may become a law at an early date. I believe its enactment into law and enforcement will result in wiping out for all time to come the most damnable crime known to civilized man. Since and before I introduced this bill I have received many strong indorsements of its provisions. I believe that the public conscience of America is now fully aroused to its necessity. The States can not be depended upon to do their duty in all instances. Gov. McCall, of Massachusetts, on April 10 last, in discussing lynchings, said:

The brutality of lynching does not at all surpass its cowardice. Nothing more contemptibly cowardly can be imagined than for a crowd of armed men to seize a single, unarmed man and put him to death. If such cowardice could be regarded as distinctive of a nation, no amount of heroism on the part of its soldiers in the field could make atonement for it.

There has been quite too much talk in our politics, even before the war, of hanging people to lamp-posts. The spirit of lawlessness has received an impulse from men who should be the leaders and teachers of the people. The first duty upon us, after supporting to the utmost our soldiers and our allies, is sternly to repress those barbarous exhibitions of lawlessness that have too often disgraced our country.

The Attorney General of the United States, on the 16th of April last, in an address to the executive committee of the American Bar Association at Richmond, Va., spoke in the same vein when he said:

We must set our faces against lawlessness within our own borders. Whatever we may say about the causes for our entering this war, we know that one of the principal reasons was the lawlessness of the German nation—what they have done in Belgium and in northern France, and what we have reason to know they would do elsewhere. For us to tolerate lynching is to do the same thing that we are condemning in the Germans.

Lynch law is the most cowardly of crimes. Invariably the victim is unarmed, while the men who lynch are armed and large in numbers. It is a deplorable thing under any circumstances, but at this time, above all others, it creates an extremely dangerous condition. I invite your help in meeting it.

I have recently made an investigation to get some idea of the number of people who have been lynched in the last three years, and I find a record in 1915 where there were 43 white and 49 colored lynched. Most of the white men lynched were Mexicans. In 1916 I find the number to be 8 white and 51 colored, and, in 1917, 2 white and 44 colored. Of the total number for these three years lynched, I find them charged with different crimes and offenses, but not in one-tenth of the cases was there a charge of that crime which some people consider lynching specially appropriate.

The horribleness of lynchings and mob violence is evident to all decent and civilized people. Congress should put an end to it, since the States in so many cases are unable to do so. The bill (H. R. 11279) which I have introduced on this subject is as follows:

A bill (H. R. 11279) to protect citizens of the United States against lynching in default of protection by the States.

Be it enacted, etc., That the putting to death within any State of a citizen of the United States by a mob or riotous assemblage of three or more persons openly acting in concert, in violation of law and in default of protection of such citizen by such State or the officers thereof, shall be deemed a denial to such citizen by such State of the equal protection of the laws and a violation of the peace of the United States and an offense against the same.

SEC. 2. That every person participating in such mob or riotous assemblage by which such citizen is put to death, as described in section 1 hereof, shall be deemed guilty of murder and shall be liable to prosecution and, upon conviction, to punishment therefor, according to law, in any court of the United States having jurisdiction in the place where such putting to death occurs.

SEC. 3. That every county in which such putting to death as described in section 1 hereof occurs shall be subject to a forfeiture of not less than $5,000 nor more than $10,000, which may be recovered by action therefor in the name of the United States against such county for the use of the dependent family, if any, of the citizen so put to death; and if none, for the use of the United States, which action shall be brought and prosecuted by the attorney of the United States for the district in which such county is situated in any district court of the United States having jurisdiction therein. If such forfeiture is not paid upon recovery of judgment therefor, such court shall have jurisdiction to enforce payment thereof by extent or levy of execution upon any property of the county, or may compel the levy and collection of a tax therefor, or otherwise compel payment thereof by mandamus or other appropriate process; and every officer of such county and every other person who disobeys or fails to comply with any lawful order of the court in the premises shall be liable to punishment according to law as for contempt and to any other penalty provided by law therefor.

SEC. 4. That every State or municipal officer having the duty or power of preservation or conservation of the peace at the time and place of any such putting to death as described in section 1 hereof, who, having reasonable cause to believe that the same is being or is to be attempted, neglects or omits to make all reasonable efforts to prevent the same, and every State or municipal officer having the duty or power of prosecuting criminal offenses at such time and place who neglects or omits to make all reasonable efforts to prosecute to judgment under the laws of such State all persons participating in such mob or assemblage as described in section 1 hereof, except such, if any, as have been or are held to answer therefor in a circuit court of the United States, as provided in section 2 hereof, shall be deemed guilty of an offense against the United States, and shall be liable to prosecution therefor in any district or circuit court of the United States having jurisdiction in such place, and upon conviction thereof shall be punished by imprisonment not exceeding five years or by fine not exceeding $5,000 or by both such fine and imprisonment.

SEC. 5. That every State or municipal officer having the custody within a State of a citizen of the United States charged with or held to answer for any crime or offense who suffers such citizen to be taken from his custody by a mob or riotous assemblage of three or more persons openly acting in concert in violation of law with the purpose of putting such citizen to death or inflicting bodily violence upon him in default of protection of such citizen by such State or officers thereof, shall be deemed guilty of an offense against the United States and shall be liable to prosecution therefor in any district court of the United States having jurisdiction in the place where the same occurs, and upon conviction thereof shall be punished by imprisonment not exceeding five years or by fine not exceeding $5,000, or by both such fine and imprisonment.

SEC. 6. That any prosecution for either of the offenses defined in sections 2, 4, or 5 hereof, and in any action for the forfeiture imposed by section 3 hereof, every person who has participated in lynching or in the putting to death of or of the infliction of great bodily violence upon any person without authority of law, and every person who entertains or has expressed any opinion in favor of lynching or in justification or excuse thereof, or whose character, conduct, or opinions have been or are such as, in the judgment of the court, may tend to disqualify him for the impartial and unprejudiced trial of the cause, shall be disqualified to serve as a juror; and the attorney for the United States in such action or prosecution shall be entitled to make full inquiry thereof and to produce evidence thereon; and every person who refuses to answer any inquiry touching his qualifications on the ground that he may thereby criminate himself shall be disqualified as aforesaid.

Some people and some writers seem to think that such a law would not be constitutional. I differ with them in regard to this. The fourteenth amendment of the Constitution says in part:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law. Congress has the power to enforce this provision of the fourteenth amendment.

The early theory that the United States has no police power, so called, or power to protect life or punish crimes of violence within the States, is already superseded by judicial decision. It is now determined by the highest authority that the United States has such power, when a Federal right or duty is invaded or involved. This principle is neither new nor startling, though modern applications of it have attracted attention. For example, it is now held that the United States, by the hand of its marshal, may lawfully kill one who assaults a Federal judge traveling through a State in the course of his duty, and that the State can not hold the marshal to account for such killing (in re Neagle, 135 U. S., 1); and that the United States may punish, as for murder, one who kills a prisoner in the custody of a Federal officer within a State (Logan *v.* United States, 144 U. S., 263). The principle is that the persons so assailed are within the peace of the United States; that the United States owes them the duty of protection; and that the power of protection follows upon the duty.

The equality clause of the fourteenth amendment forbids the States to deny to any person within their jurisdiction the equal protection of the laws. This clause is judicially held to confer immunity from any discrimination as a Federal right. The protection which the State extends to one person must be extended to all. It does not forbid discrimination merely in the making of laws, but in the equal protection which the laws are designed to afford. Forbidding the State to deny equal protection is equivalent to requiring the State to provide it. Equal protection is withheld if a State fails to provide it, and the guaranteed immunity is infringed. The constitutional requirement may be violated by acts of omission no less than by acts of commission. The omission of the proper officers of the State to furnish equal protection in any case is the omission of the State itself, since the State can act only by its officers. (Tenn. *v.* Davis, 100 U. S., 257, 266; Strauder *v.* W. Va., 100 U. S., 303, 306, 310; Va. *v.* Rives, 100 U. S., 313, 318; Ex parte Va., 100 U. S., 339, 345; U. S. *v.* Harris, 106 U. S., 629, 639; Civil Rights Cases, 109 U. S., 3, 13, 23; Ex parte Yarbrough, 110 U. S., 651, 660 et seq.; Yick Wo *v.* Hopkins, 118 U. S., 356, 373; Baldwin *v.* Franks, 120 U. S., 683 and (Harlan, J.) 700; In re Coy, 127 U. S., 731; Carter *v.* Texas, 177 U. S., 442, 447.) It would seem to follow that when a citizen or other person is put to death by a lawless mob, in default of the protection which the State is bound to provide for all alike, there is a denial of equal protection by the State, in the sense of the equality clause, which Congress may prevent or punish by legislation applying to any individuals who participate in or contribute to it, directly or indirectly.

The United States has, as all governments have, a political and legal interest in the lives of its citizens. If it had not full power to protect them in their lives within the States as it has elsewhere, it can be, as already observed, only because that duty rests solely upon the States. If so, it is a duty owed to the United States as well as to individual citizens. It would seem that open and notorious neglect or omission of this duty on the part of the State, by suffering lawless mobs to murder citizens for want of legal protection, may be declared an offense against the United States, and if so, that the United States may punish all persons who contribute to it.

Section 5508 of the Revised Statutes, which is taken from the act of May 31, 1870, is as follows:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than $5,000 and imprisoned not more than 10 years, and shall, moreover, be ineligible to any office or place of honor, profit, or trust created by the Constitution or laws of the United States.

A part of section 1980 of the Revised Statutes is as follows:

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the law; or of equal privileges and immunities under the law; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the law; or if two or more persons conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy whereby another is injured in person or property, or deprived of having or exercising any right or privilege of a citizen of the United States, said person so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one or more of the conspirators.

This is taken from the acts of July 31, 1861.

These acts are construed to apply only to such rights as are granted by or dependent upon the Constitution, and valid and constitutional laws of the United States.

One of the matters which has been determined by the Supreme Court to be within the protection of these laws is the right of the Federal Government by penal laws to prevent discrimination against negroes serving on juries; and in ex parte Virginia (100 U. S., 339) the prosecution was maintained and conviction upheld, when the judge of a county court, whose duty it was to draw the juries for service, had discriminated against negroes in such jury service.

In Neal *v.* Delaware (103 U. S., 370) it was held that the exclusion because of their race and color of citizens of African descent from the grand jury that found and from the petit jury that was summoned to try the indictments, if made by the jury commissioners, without authority derived from the Constitution and laws of the State, was a violation of the prisoner's rights under the Constitution and laws of the United States, which the trial court was bound to redress, and the remedy for any failure in that respect is ultimately in this court upon writ of error. The court held that the exclusion of negroes from such grand and petit juries by officers charged with their selection, although such exclusion was no doubt by State constitution or laws, denies the equality of protection of law, denies the equality of protection secured by the Federal Constitution and law.

It has been more than once held that rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of protection will be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular rights to be protected.

In the case of Strauder *v.* West Virginia (100 U. S., 303) a law which denied colored persons the right to sit on juries was declared void. The court said:

It (the fourteenth amendment) was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons and to give to that race the protection of the General Government in that enjoyment whenever it should be denied by the States.

The court also said:

It is not easy to comprehend how it can be said that while every white man is entitled to a trial by a jury selected from persons of his own race or color, or rather selected without discrimination against his color, and a negro is not, the latter is equally protected by the law with the former. Is not protection of life and liberty against race or color prejudice a right, a legal right, under the constitutional amendment?

The act of Congress of March 1, 1875 (18 Stat., par. 3, p. 336), enacts that:

No citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified from service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors, who shall exclude or fail to summon any citizen for the cause aforesaid, shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not more than $5,000.

This was held to be constitutional in the case of Ex Parte Virginia, supra. The court laid stress upon the provisions of the fourteenth amendment, especially:

No State shall make or enforce a law which shall abridge the privileges or immunities of citizens of the United States. * * * Nor deny to any person within its jurisdiction the equal protection of the law.

And upon the last section, which gives Congress the power to enforce its provisions by appropriate legislation.

One of the privileges or rights granted the colored man by this amendment is citizenship; another is that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; another is, nor shall any State deprive any person of life, liberty, or property without due process of law; another is, nor deny to any person within its jurisdictions the equal protection of the laws.

If a county judge can be punished for refusing to draw his jury so as to include any of the negro race, and if exclusion of negroes from the jury list is sufficient to deny equal protection of the law to a defendant who is to be tried by a jury to be drawn therefrom, the question arises as to why may not the Federal authority protect one of its citizens while in confinement or custody awaiting trial by a jury with the composition of which it has exercised material power?

Why is not a refusal to put into operation the laws against lynching as much within the jurisdiction of Congress as is the refusal to obey a State law by a judge in drawing a jury?

If Congress can punish a judge for refusing to include any negroes in the jury list for the purpose of trying a negro, why can it not punish a sheriff for refusing to protect a negro while awaiting trial?

If Congress has the power to enforce, by appropriate legislation, the provisions which prevent a State from taking life and liberty or property of its citizens by due process of law, why may it not determine that in order to fulfill this guaranty it may make the sheriff directly amenable to its jurisdiction in such matters?

The Supreme Court has said:

The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle if within its power. The duty was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. (United States *v.* Cruikshank, 92 U. S., 542, 555.)

The power in the right of the Federal Government to see that the States do not deny any person the right to due process of law, and to see that they do not deny him the equal protection of the law will be construed to be equal to the task. No one of us dare say that the limit of this power has been reached. No person who genuinely believes in the necessity for the exercise of State rights in full vigor will desire to tempt the Federal Government to the full awakening of these latent powers. If the States fail to give adequate protection, how shall the Federal Government exercise its power to fulfill the guaranty of the fourteenth amendment?

The amendment itself says that this shall be done by appropriate legislation. Who shall determine what is appropriate legislation? Manifestly Congress in the first instance, finally the courts.

The States lagged in the making of adequate pure-food laws. The result is that this is now nearly entirely regulated by the Federal Government.

The States did not adequately meet the narcotic-drug nuisance; the result is that the Federal Government is now reaching down into the daily lives of the citizens in this respect to a degree which would have been thought impossible a few years ago.

Congress has exercised its rights in enacting legislation with reference to child labor in the various States. It has done likewise with reference to intoxicating liquors. If Congress has felt its duty to do these things, why should it not also assume jurisdiction and enact laws to protect the lives of citizens of the United States against lynch law and mob violence? Are the rights of property, or what a citizen shall drink, or the ages and conditions under which children shall work, any more important to the Nation than life itself? I believe that Congress has ample power to enact the legislation that I have recommended. I believe it would stand the test of the courts and

be a great blessing, as well as aid in wiping out the greatest blot upon the honor of the American Nation.

Mr. WEBB. I yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, the subject is so vast that I can not attempt to analyze it in so short a time, and I ask leave to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Speaker, I make the same request. I would like to extend and revise my remarks on this bill.

The SPEAKER. The gentleman from Washington makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. DYER. Mr. Speaker, I ask the privilege to revise and extend my remarks in the RECORD upon this subject.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Speaker, this bill as amended by the Senate is one of the most mischievous pieces of legislation ever imposed upon a free people. There is nothing to parallel it. I have carefully examined the history of European countries during the last century, and I have found nothing to compare with it. There is nothing so drastic to be found during the restoration of the Bourbons in France, or during the period which followed the triumph of the Prussian Government after the suppression of the revolution of 1848, or in the constitution of the Prussian Kingdom. The strange thing about it is that it is entirely unnecessary. There is enough law to reach every spy. There is enough law on the statute books to punish the encouragement of insurrection, or the encouragement of any violation of the law, or of resistance to law. The argument is advanced that this drastic bill will do away with the curse and disgrace of America—lynching and mob rule. That is not true.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. LONDON. I regret I can not yield.

Mr. JOHNSON of Washington. I want to ask the gentleman just one question.

Mr. LONDON. Very well.

Mr. JOHNSON of Washington. Does the gentleman think this bill will take away that which happened in my own county, where, when our boys marched away, Socialists and I. W. W.'s stood on the sidewalk and spit at them?

Mr. LONDON. I dispute the correctness of that statement, and I wish the gentleman would be at least wise enough not to identify the Socialists with the I. W. W.'s.

Mr. JOHNSON of Washington. But the Socialists contribute money to the I. W. W.'s, do they not?

Mr. LONDON. Oh, as to the I. W. W.'s, whenever employers are a band of thieves and conscienceless oppressors they deserve the I. W. W. Where the employers deal decently with organized labor they have no I. W. W.

Mr. JOHNSON of Washington. I dispute that.

Mr. LONDON. The I. W. W. is a working out of the law of compensation. It is a symptom of an unhealthy condition.

Mr. NORTON. Does not the gentleman approve of the I. W. W.?

Mr. LONDON. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. LONDON. I can not stop to discuss the I. W. W. The official report of the President's Mediation Commission declares that "The I. W. W. has exercised its strongest hold in those industries and communities where employers have most resisted the trade-union movement and where some form of protest against unjust treatment was inevitable."

The vice of this bill is that it blindly follows the old sedition law of 1798. I have carefully examined that law and a number of works describing that period of American history, when everything was in a state of ferment, when young democracy had not yet learned what democracy meant, when every public official, beginning with a Member of Congress and ending with the President, was victimized by unscrupulous and brutal calumny and vilification. A law was then passed to protect the personnel of the Government. It was to protect the Member of Congress and the President from being unjustly accused of all sorts of infamous crimes. The accusing of members of the Government was a common practice in that day. What does this bill do?

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr MADDEN. Of course, if they were guilty of any of those practices they ought to be accused, ought they not?

Mr. LONDON. Yes; but the evil of that day was the indiscriminate abuse of everyone in office. Washington and Jefferson and Hamilton, all and everybody, were denounced in the most unscrupulous way.

Mr. MADDEN. There is no objection to accusing a man, whether in high office or not, if he is practicing these things of which he is accused.

Mr. LONDON. What I am trying to bring out is that a law that was intended more than a century ago to protect primarily the citizens occupying high Government positions should not be made now to apply to institutions.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. FESS. Will the gentleman state what the effect of the passage of the alien and sedition laws had upon the party that passed them?

Mr. LONDON. It will not do the gentleman any good to go into that, because Republicans and Democrats have combined here in swallowing this bill, and it is no excuse for a Republican to say that a Democratic Congress wants it, because you are helping to adopt it and helping to carry it into effect. It will not do you any good at all to recall the fate of the Federalist Party. The law that was calculated to protect persons is now applied to institutions. See what an absurdity has been reached. It is made a criminal offense to utter abusive language about the Constitution. Can you abuse the Constitution? Can you offer abusive language to the Constitution? Can you use scurrilous language about the Constitution? What is the Constitution? A constitution is the expression of the body of political and legal thought of a particular period. Any individual who starts out with the proposition that he can not improve and has nothing to learn is universally regarded as a hopeless fool.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. LONDON. In one moment. A statesman who proceeds on the theory that the Nation has nothing to learn is leading the people into the quagmire of stagnation.

Mr. MADDEN. Mr. Speaker, will the gentleman yield for one moment?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. Yes.

Mr. MADDEN. While we are in this period of stress, it ought to seem good to everybody——

Mr. LONDON. Exactly; I want to meet that very point——

Mr. MADDEN (continuing). To keep within certain limits, and they ought not to undertake such changes as would embarrass the country in its hour of need.

Mr. LONDON. I expect to meet that very point. The theory prevails that in war times we are not to criticize our institutions. The contrary is true. War calls forth all the energies of a nation; it is not only guns or soldiers, but all the spiritual and intellectual and economical forces of the Nation that are called into action.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Washington?

Mr. LONDON. I can not yield. The gentleman no doubt will make some irrelevant remark about some I. W. W.'s out in his district.

Mr. JOHNSON of Washington. No; I want to ask——

Mr. LONDON. I decline to yield.

The SPEAKER. The gentleman declines to yield.

Mr. LONDON. When we are put to the test we discover everything that is wrong with us. When a nation is called upon to exercise all its energy, then all the weakest spots in its economic, social, and political institutions come to the surface. Take as an illustration the fact that 29 per cent of the young men of this country when called into military service have been found to be physically defective. We have discovered that there is an alarming condition of illiteracy in some parts of the country. Now, of course, some students of those subjects knew that before. We all protested in ordinary times against profiteering, but we never realized what a curse it was; we never realized it to the extent that we realize it now, and every economic institution of the country is closely connected with its political institutions, and therefore to say to the people that just at the very hour when you discover the defects, just at that hour of stress you are not to suggest any changes or make any criticism is poor advice indeed. That is the point I was driving at. That is at least a partial attempt to answer the gentleman from Illinois [Mr. MADDEN].

We do not hesitate to change war implements proven to be inadequate. We should not hesitate, we should not flinch from making such changes in the economics and politics of the country as the needs of our time command. The world is in a state of rapid transformation. We have got to change. We have got to improve. Charles M. Schwab is the last person

in the world from whom I would expect radical thought. Mr. Schwab, former president of the Bethlehem Steel Corporation and now in charge of the construction of ships for the United States, has said recently:

We are at the threshold of a new social era. This new order of things may work great hardships for many of us. It is going to come upon us sooner than we expect. It is the social renaissance of the whole world. Some people call it socialism, others call it Bolshevikism. It means but one thing, and that is that the man who labors with his hands, who does not possess property, is the one who is going to dominate the affairs of this world, not merely Russia, Germany, and the United States, but the whole world.

This great change is going to be a social adjustment. I repeat that it will be a great hardship to those who control property, but perhaps in the end it will work inestimably to the good of us all. Therefore, it is our duty not to oppose, but to instruct, to meet, and to mingle with the view of others.

The translation from the old to the new order of things will be so gradual that we will hardly realize that it has occurred. The pendulum will swing so far that you and I may find it hard for a time, but there will be an adjustment.

The aristocracy of the future is not going to be the aristocracy of wealth; it is going to be the aristocracy of men who have done something for their country and for the world at large. Such men will be true aristocrats.

I am not sure that this coming change in society will be better for you or me, but whether it will or will not, we must be prepared to accept it, for it is coming, and it is nearer than we think.

The SPEAKER. The time of the gentleman has expired.

Mr. LONDON. May I have two minutes more?

Mr. WEBB. I would like to give it.

Mr. LONDON. Only one minute.

Mr. WEBB. I yield to the gentleman one minute. Before doing so let me say to the gentleman that there is nothing in this bill that will prevent all the things the gentleman speaks of being quietly done.

Mr. LONDON. I differ with the gentleman. Why, we have it from the President, the occupant of the White House—and for the first time in the history of the United States this phrase has been used by a President of the United States, and after the enactment of this law I would not be surprised to find that the citation of this language would be illegal—the President says, in a letter addressed to a Democratic leader in New Jersey:

The old party slogans have lost their significance and will mean nothing to the voter of the future, for the war is certain to change the mind of Europe as well as the mind of America. * * *

The men in the trenches, who have been freed from the economic serfdom to which some of them have been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action.

The President sees great changes coming. The world is on the move. As long as a man supports this Government—and I do not know of anybody who can afford to refuse to support the people or the Government of the United States in this the greatest crisis in the history of the world—as long as a man supports the Government, give him the chance to speak his mind and to think; because when you prohibit the expression of thought you prohibit thinking, and you turn the people into cowards, hypocrites, and spies.

Mr. WEBB. Does the gentleman think a man has got to use scurrilous and abusive language about the Constitution?

Mr. LONDON. No; but when an ignorant judge or a grand jury composed of butchers and shopkeepers and retired business men is to decide whether the advocacy of a new economic or social theory is a violation of law, then God save the country.

The powers conferred upon the postmaster to deprive of the benefits of the mail service any person who, in the infallible judgment of the postmaster, is unsafe are unprecedented and are characteristic of the vicious thing before us.

Mr. WEBB. Mr. Speaker, I have had requests for about 25 minutes more than the hour ordinarily allotted under these circumstances. I ask unanimous consent that we may have an hour and 25 minutes instead of one hour, and that my friend from Minnesota [Mr. VOLSTEAD] have the privilege of selecting any gentleman on his side who would like to speak.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that his time be extended 25 minutes, and that the gentleman from Minnesota [Mr. VOLSTEAD] have the privilege of allotting his portion of that time as he desires. Is there objection?

Mr. NORTON. Reserving the right to object, I should like to get about three minutes.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] will control the time on that side.

Mr. NORTON. That is all right.

Mr. GREEN of Iowa. Reserving the right to object, will that give reasonable time for some of us who would like to say something about this important bill?

Mr. WEBB. I have the gentleman from Iowa [Mr. GREEN] marked down for some time.

Mr. GREEN of Iowa. I did not know whether that would enable the gentleman from Minnesota to give me that time.

Mr. WEBB. Then I will give it to the gentleman.

Mr. VOLSTEAD. Make it 30 minutes.

Mr. WEBB. I have no objection to that.

The SPEAKER. The gentleman asks unanimous consent that there be 1 hour and 30 minutes. Is there objection?

There was no objection.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

Mr. GARD. Mr. Speaker, there has been written a very noble sentiment called "The American's Creed," which, it seems to me, is a direct answer to much that has been spoken in criticism of this bill. It runs this way, and I wish everyone within our borders would carry it in his heart:

I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; to support its Constitution; to obey its laws; to respect its flag; and to defend it against all enemies.

[Applause.]

That is the American creed. In time of peace we have permitted seemingly a great latitude in what we might charitably call loose speech. In time of peace it has been thought that the best way to get this speech eliminated is to allow persons to speak it, having due regard to the fact that people do not view it seriously or pay it any great regard. But in time of war I insist that right now the time has come when loose speech should be obliterated, when there should be a tightening of action toward one thing, and that is the coordination of everything in America for the purpose of obtaining victory for American arms and to establish freedom and justice for all time here in our own United States. [Applause.]

In discussing this bill, referring to statements made, I do not think at all seriously, but made rather in the interest of a propaganda which we all understand, a propaganda so unsubstantial that no basis of permanent governmental achievement can be placed upon it, I have only to say that this bill is an amendment of a bill that passed in 1917 when the United States was preparing for war.

On June 15, 1917, we passed the espionage law. We made our first step toward national conduct in war. That declared certain things to be unlawful. Now we are in war. Five hundred thousand young men are in the fighting field and millions will be in camp for preparation for the one purpose of defending us and supporting our Constitution. It is said here in debate that the word "abusive" in this act in respect to the Constitution means nothing. I say it means everything. I am willing to trust a jury of my peers, be they farmers, plumbers, or merchants or what not, I am willing to trust a jury of my peers, honest, patriotic, loyal American citizens, to say whether an act or speech is abusive or not. To say that the Constitution is something of which there should be no penalty for its destructive abuse is to say that of the very instrument which the Member who spoke when he raised his hand in this House and swore to support the Constitution of the United States. He knows, and every right-thinking man in the United States and the world knows, what it means to abuse the Constitution of the United States. The temper of our people, not here alone expressed in this House, but the temper of our people who are winning the war by their solidarity and devotion, the temper of the American people is not going to stand for destructive abuse of the American Constitution. [Applause.]

I say that the Constitution is a written instrument upon which our laws are builded. We are progressive, and it, of course, demands a change from time to time, but I am for a change of construction and against a change of destruction, and I am against any man, party, or propaganda that seeks to destroy the Constitution of the United States of America. [Applause.]

Therefore, in respect to that which has been said in criticism of this bill, I desire to reply, as a member of this Committee on the Judiciary and as a member of the conference committee, that it is merely an extension in the time of war, a necessary extension in time of war, and time of war only, to punish speech and act which have for their purpose the giving of aid to the enemy and the destruction of our American institutions. I am for this bill, and I feel that everybody in this House should be for the bill. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield eight minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, some gentlemen may think it is necessary to protest their loyalty at this time and to

make it more manifest by high-sounding proclamations of their hatred of treason. For myself, I think it entirely unnecessary. I hope I have demonstrated my position otherwise. I have at all times been ready to support to the uttermost the preparations which this administration is making to carry the war to a successful conclusion. If I have made any objection, it has been that these preparations were not carried far enough and continued fast enough, for I have been from the first insistent that no halfway measure would bring us success in this great conflict. But the fact that I am heart and soul in support of the war does not deprive me of my right or dispense with my duty to criticize what I consider to be unnecessary in this bill. If such be the case, then the fact that war is going on at this time makes it incumbent on us to abdicate all of our functions, go home, and stay there.

This bill, as I understand it, is aimed particularly at the I. W. W.'s, and in that respect and so far as its provisions affect this organization and all others that oppose our Government, I heartily commend it. For the extermination of these pernicious vermin and their like, wherever they are found, no measures can be too severe to suit me. Coming to a free country they undertake to use its freedom to destroy the Government that has welcomed them. They ridicule, despise, and shower abuse upon our flag, and when taken to task invariably claim the benefits of its protection. Continually promoting anarchy, they are always demanding the rights of a loyal and patriotic citizen. I am not inclined, as everyone knows, to violent language, but for this spawn of the lower regions which respects no law I would apply a law which would at least bring a wholesome fear into their hearts. All traitors, they have from the first retarded and obstructed war preparations.

Several years ago I remember quite well that an orator of this brand talked for days on the street corners of my own city, denouncing our flag and abusing our Government. There was at that time no law which could reach him directly. I rejoice that we have here in this bill a provision which will enable the authorities at once to arrest these anarchists who trample on our flag and who would destroy our Constitution and our laws. I am quite willing, in fact I would be glad, to see this law made permanent and apply in peace as well as in war. There is no place in this country for this class of agitators who impudently attempt, as soon as they arrive in this country, to destroy the Government which has given them the privilege of coming within its borders, and I regret that there is not a provision in the bill for their deportation. I hope the provisions of this bill will be sternly and rigorously enforced.

So far, Mr. Speaker, I am entirely in accord with the bill. Indeed, I am in accord with all of it except the last section thereof, concerning which I shall make a few remarks. I agree with the gentleman who has preceded me that it is not a time to permit any interference with the activities of our Government, with its preparations for war, with the assembling of its forces; it is no time especially to permit the morale of our soldiers in any way to be affected by treasonable utterances or utterances that might discourage them in their gallant attempt to drive back forces of the enemy. Nor ought we at any time to permit our flag to be desecrated and our institutions abused; neither should we for a moment allow the I. W. W.'s and their ilk to go about the country preaching sedition and encouraging the destruction of property.

With all this I am in entire accord, and therefore I am quite ready to support the first part of the bill, although I am inclined to think in some respects it is not so specific as it ought to be. I would make it even more rigid, and especially more definite, in order to make it certain that there could be no escape from its provisions. But unfortunately, important as the bill is, it seems that it is necessary to so limit the time as to prevent any proper discussion of its features.

The last provision of the bill, to which I object, is that giving authority to the Postmaster General, upon evidence satisfactory to him, to prohibit the delivery of mail to any person or concern. I favor the preceding provisions of the bill because the question of the violation of those provisions must be determined by a court and by a jury and also upon evidence; but this last provision requires no evidence in any legal sense. Evidence that is satisfactory to the Postmaster General may, in fact, be no evidence whatever to a discerning lawyer or to a careful court. He may consider one thing evidence which no good lawyer in the whole country would believe to be proper evidence in the case.

Think of it! Here is a power given to the Postmaster General to entirely crush out some business because he may not agree with certain expressions, and may think in some way they violate the provisions contained in the first section of the bill. His views are to govern the whole thing, not the real facts, which are not to be considered by a court, not to be determined by the jury. It may not really be the law itself, but his opinion of the law, or, perchance, what he thinks ought to be the law. I am willing at all times to accept what the law is determined to be, but here is the Postmaster General—a lawyer perhaps; I do not know; he has his advisers, of course—given the power to determine what these sections mean, and he alone is to determine whether this last section is to be put in motion. It is said such powers have been given before. But, Mr. Speaker, that was only with reference to fraud orders. This provision covers all mail, and includes all forms of free discussion. By this section we put it in the power of the Postmaster General to say what we shall write, what we shall print, to intercept our private correspondence, to stop all protests against profiteering, all exposures of incompetence and inefficiency through the press. All these privileges so essential to the existence of a free government, whether in war or peace, are to be dependent on the whim of the Postmaster General.

Mr. Speaker, I have voiced, as best I can, in the few minutes allotted to me my objections to this latter clause. I shall not for that reason withhold my approval of the bill. When the administration comes in here and says that it must have certain things in order to carry on this war successfully, the responsibility must be upon it and not upon this House in this crisis of our affairs.

Has any necessity been shown for this closing provision? Gentlemen say that remittances may be made to newspapers that are carrying on a treasonable propaganda, but the Postmaster General has been given full authority under the bill which we passed before to not only exclude from the mails these newspapers or periodicals which are carrying on such a propaganda, but to institute prosecutions against them. He can do that, however, under that law only upon evidence. This gives him the power to take action without evidence, except as he himself may consider it such, and he alone is to be the judge, the court, and the jury. I can see no necessity for this section, yet so important do I deem the other provisions of the bill that I shall not on that account oppose the bill.

This provision, perhaps, in itself may not be so exercised as to interfere with the just rights and liberties of any person, but that defense could be made of any power given to any dictator or any despotic government. Why should these powers be given to the Postmaster General? For what purpose does he need them? He can extinguish these newspapers or periodicals at any time if they are guilty of treasonable conduct. This section, in my judgment, ought to be excluded, and if I thought there was any possibility of a motion to recommit to the conference committee being successful I should make it at this time.

Mr. VOLSTEAD. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker, when the full moral courage, physical power, and financial resources of our Nation are being taxed to the utmost it is our duty to leave nothing undone which will protect our fighting forces and advance the flag. Anything which will hamper our soldiers and sailors, discourage their actions, bring discredit upon the Government, interfere with the production of war supplies, or encourage the enemy by word or deed should be prevented. The time has come when this country finds itself divided into two classes—those who are loyal and those who are not. [Applause.] There can be no middle ground. We applaud the former and by this bill will punish the latter, thereby bringing this war to a speedier victorious termination. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Speaker, I shall be brief. Too long already has the country waited for the passage of this act. I hope I am not intolerant—I try not to be—and I believe I am not inclined to be too critical of others' opinions, but I am at a loss to know why it is, after we have voted to send our young men to war, some should feel so solicitous now about the civil rights of those who stay at home. Every time a measure is brought upon this floor that seeks to curb the soap-box orators and throttle the damnable German propaganda in this country they discover that some one's civil rights are violated and some one's supposed constitutional right to criticize and abuse and villify the Government that protects them and theirs is being abridged. I am frank to say that I have no patience with anyone who seems so willing to devote the lives of the young men of this country to the defense of liberty and so unwilling to forego any privilege that he may think he should enjoy of abusing our Government and the form of our Government. [Applause.] Neither am I at all concerned that the Postmaster General may be arbitrary in excluding from the mails certain publications that have been

heretofore poisoning the very lifeblood of this country. All men are either loyal or disloyal. If loyal, they are willing to forego a doubtful right that liberty may live; if disloyal, they have no rights, except to be shot as traitors. As a fine illustration of how critical some people may be, a very distinguished lawyer on this floor, in discussing this measure a while ago, said that this was the most extravagant grant—that is not his exact language—that it is the most complete surrender of the rights of the American people to the arbitrary acts of a ministerial officer that has ever been permitted by Congress; and yet the very language of the bill of which he complained—that is, section 4—has been upon the statute books for nearly 28 years.

That very power was granted the Postmaster General to protect people from sharks who sought to take nothing from them except their money, primarily passed, if I recall, to kill a lottery that was being operated in one of the Southern States. It has been on the statute books for nearly 30 years. It has been reviewed by the courts at least twenty times, and yet this gentleman rose up in horror because we now in time of war are delegating to the Postmaster General power, not to stop people who are trying to collect money without giving its equivalent, but to stop people from bringing into disrepute the form of our government, from dishonoring the flag we follow, and from causing people to look with contempt on the uniform of our boys who fight for our national existence. And this gentleman said he could not stand for such a grant of power to a Cabinet officer at this time! I can. I have no fear of its abuse. I have no sympathy with those who are to fall victims of its enforcement.

When we voted for war we dedicated to sacrifice the finest body of young men the world ever knew. Shall we falter and hesitate now and make their sacrifice in vain? Shall we be more tender of the civil rights of the disloyal few whom this law will strangle than of the lifeblood of this gallant band of patriotic boys who are dying beyond the seas? I answer, No. If my house were afire and my family's lives were endangered, I would not stop to argue with the fire company as to the manner of extinguishing the flames; neither am I going to stop long to consider the imaginary rights of him who is neither willing to fight for the flag nor surrender a private right he may think he has that this country may live. [Applause.] I am willing for him to wait until the war is over and then we will argue about his particular case. [Applause.] When peace shall come again and liberty reign, when selfishness and greed for power no longer threaten the very life of civilization, when Germany has been forced to seek peace and renounce conquest, then the timid who now fear an abuse of power will thank God that others dared and won while they caviled and feared.

Why, I am willing, and have said so by my vote, to intrust the lives of all the boys in this land in President Wilson's keeping; aye, more than that—the very life and honor of my country; and, so help me God, I shall not now endanger all these for fear some malcontent, some disloyal person may feel the halter draw. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentlemen from Pennsylvania [Mr. GRAHAM], a member of the committee.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, after listening to some of the criticisms which are made upon this bill, I wish to say a few words justifying my signature to the conference report and explaining the views that have influenced my judgment. I listened with great interest to the remarks of the gentleman from New York [Mr. LONDON], and his eloquent plea for human rights, but all that he claimed and sought to have accomplished can be done notwithstanding this bill. For instance, the language relating to the abuse of certain things, among others the Constitution of the United States and the form of government, forbids only abuse, and yet he says that the time of war is a period of reconstruction when the whole vital energies of the people are aroused, and then is the time when new birth of thought takes place and sometimes amendments are sought to be made. Why, we picture to the gentleman at this very moment an amendment to the Constitution of the United States going down to the States to be voted upon by the people. There is nothing in this law that would forbid an amendment being started on its way to-morrow or after this bill becomes a law, for the language here is intended simply to restrict and restrain those who would abuse or challenge our form of government or Constitution, not by way of justifiable criticism of anything that exists but simply as the word "abuse" indicates, for the purpose of maliciously affecting it in some manner. Surely in time of war such language as that ought to be prohibited and stamped out. [Applause.] When you look at this Senate amendment—for I assume the House was satisfied with the bill that it passed—as it passed the House and went to the Senate, therefore, we need not consider it now but take up simply the amendments which are offered. On page 2 the first amendment introduced by the Senate is in these words:

Or say or do anything except by way of bona fide and not disloyal advice to an investor or investors.

That refers to the sale of Government bonds. That was added to the language adopted by the House which prohibited the making of false statements or misrepresentations of those bonds. I see no objection to the senatorial amendment. It has the saving clause in it, that of honest "bona fide" advice. A man might very well be called upon to advise some individual citizen under certain circumstances that for other purposes he ought not to invest or change an investment even to put it into Government bonds. That would be what is called bona fide advice, something given in good faith and not with a disloyal motive or purpose. Now, the second amendment relates to the protection of the military and naval forces. We have in the House bill the language, "shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty." Surely these things ought to be proscribed. What is it the Senate does? They have added to it the additional words "or incite or attempt to incite." No objection surely can be made to the introduction of that amendment to punish an attempt. This language makes the effort to incite insubordination by word or act criminal.

Surely in time of war that ought to be punished. Now, the fourth paragraph, "or shall willfully obstruct," the House had it "the recruiting or enlistment of men in the service of the United States." The Senate has added, "or discourage or willfully attempt to obstruct or discourage." Every one of these acts must be willful acts with that intent. The Senate amendment merely enlarges the language of the House bill so as to include an "attempt."

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I have just three minutes more? I would like to finish my reference to the amendments in their order.

Mr. WEBB. I yield to the gentleman three minutes more.

Mr. GRAHAM of Pennsylvania. Now, the fifth amendment refers to abuse of certain things. Efforts were made in certain quarters to enlarge this language, but restricted as the language is it ought to be in this bill; that is, abuse of the form of government of the United States, the Constitution of the United States, or the military or naval forces, and the following portion of it relates to bringing them into contempt or ridicule. There can be no harm in making this abuse illegal in a time of war. It does not refer to nor forbid legitimate criticism. To willfully display the enemy's flag in time of war is forbidden. All of these things are matters which ought to be prohibited. The sixth was the senatorial amendment and was withdrawn. There may be a difference of opinion as to whether or not it ought to have remained in the bill. I would have liked for my part to have seen it there, but that has been withdrawn, and therefore will not be a part of the bill when enacted, and it leaves only the last amendment, the adding of the fourth section to article 12 of the act of June, 1917. This section relates to the Postmaster General, and with respect to that section your committee caused to be written into it the words "when the United States is at war." With that amendment the section provides that during the period of war, and war only, the Postmaster General may exercise this extraordinary power of preventing certain uses of the mails, but he can only do this upon evidence, and evidence is only required to be satisfactory to him, it is true, but it must be upon evidence that there has been a violation of the law which is being amended or of these amendments to that law. There must be evidence that the espionage and sedition law we are discussing has been violated.

Any lawyer will understand that if the Postmaster General should arbitrarily without evidence exclude from the mail, a court would compel him by mandamus to restore the use of the mail to the person whose letters and papers were thus excluded; but if there was some evidence of a violation the court would not revise his discretion or judgment. If there is evidence, even a scintilla, then the mail of the violator ought to be excluded and the Postmaster's judgment ought to stand. [Applause.] This summary power will meet the needs of a time of war, for if a seditious or disloyal use of the mail is being made we must stop the poison at once. It would be too late after propaganda was spread.

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from North Dakota [Mr. BAER].

Mr. BAER. Mr. Speaker, I shall vote for this bill, designed to stamp out sedition. The people of my district love our flag, respect the Constitution of our great country, and all American institutions are sacred to them. In this time of war they have

the greatest confidence in their Government. They would rather have well-defined laws enforced in the courts, even though thought by some to be drastic, than to have loose laws which sometimes furnish a temptation for certain citizens to administer punishment without warrant of law or without appealing to the court. They do not fear the impartial enforcement of strict laws, but they deplore lawlessness of all kinds, even though done in the name of a good cause. I believe the passage of this law will have a decidedly unifying effect throughout the country. It will be a real protection to sincere, patriotic people, and it is hoped will discourage the pernicious activities of petty and selfish politicians.

I yield back the balance of my time.

The SPEAKER. The gentleman has none to yield.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, I want only one minute to refer to the statement of the gentleman from New York [Mr. LONDON] about the Constitution and his view of the necessity for remaking it. I am eternally opposed to having the Constitution made over along the lines of a Karl Marx book on socialism, and I am also opposed to making the Stars and Stripes into a red flag of revolution for the anarchists, or the Industrial Workers of the World, or the socialists, or anybody else in time of war or at any other time. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield three minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, after carefully listening to the criticisms that have been aimed at this bill and its provisions I am more than ever in favor of the bill. There was a time some months ago when I could find excuse and entertain a large toleration for some of the less intelligent and poorly informed citizens of this country who did not give whole-hearted support to our country's war program to defend the honor and integrity of our Nation. But that time has passed. The war has now progressed to that stage where no sane or reasonably intelligent citizen is justified in giving less than his full support to his country's cause in this war. As has already been well said, "There are no two sides now to the question of the justice and righteousness of our cause in the war." Every citizen in this country is to-day either for his country or against it. There is no middle ground. For the citizen who is really at heart for his country there is nothing in this bill, not one single provision in it, that will deprive him of any right or interfere in any way with his freedom of speech or action.

I was somewhat surprised at some of the statements made by the gentleman from New York [Mr. LONDON] in his criticism of this bill. The gentleman said that the existence of the I. W. W., an organization whose membership is notorious for its violations of State and Federal laws, an organization which openly defies the Constitution and the laws of this country, was justified under the law of compensation. The gentleman from New York further insinuated that there were men in business in the State represented by the gentleman from Washington [Mr. JOHNSON] who ought to have that character of an organization fighting them and destroying their property. By his language he announced his approval of the existence of an organization of that kind in this country.

This bill, as I understand it, aims to stop and will stop much of the loose, lying, soap-box socialist and I. W. W. language that has been too generously tolerated in this country for a long time. It aims to prevent the wild, false, and defamatory statements against our country and our form of government that it has been customary for irresponsible I. W. W.'s and socialists who have gone about the country during the past few years to make. In these times, when the best blood of our country is being freely given to preserve the glorious institutions of free government handed down to us by the forefathers of the Republic, these selfish, lying demagogues should not be tolerated. They have no right to be permitted to carry their false harangues against this Government and against many of its most loyal citizens throughout the country during this time of war. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, a great portion of the legislation in peace times is to protect the right of property and persons and to prosecute wrongs against individuals. In times of war it may be found necessary, in order to protect the Government, to extend this power to the limit that it might seem to interfere with the individual. That is the situation to-day. Indeed, the necessities of Government compel a surrender of individual rights for the sake of the public. That is a very large portion of legislation in peace times. I would not think of voting for this measure as it is reported if we were not in war. But war places not so much the individual in jeopardy as the State. In such times our chief concern must be the Nation rather than the citizen, and therefore when the Nation is at war our protective laws should be to protect the Nation rather than to protect individuals in any particular pretended right they might have. If to protect the Nation demands a restriction of the rights of the citizens, we must do it. The minor right must give way to the larger. And for that reason I think this legislation is a rather striking object lesson in the Government's restraint upon individuals in order to secure the larger right of the Nation. And I have no doubt but what this restrictive legislation, if it will be abused, will result in precisely what legislation heretofore has resulted in.

For instance, the alien and sedition laws were, in my judgment, totally unjustified, because they came in time of peace and they were to punish individuals in the exercise of what they regarded their rights of criticism of officials for their public conduct. It was an attempt to quiet such freedom, and such outcry was created that it became an issue in a political campaign. The alien and sedition laws were followed by the formal declarations known as the Virginia and Kentucky resolutions, resolutions of the two States against such restrictive legislation as applied to individuals. The resolutions became the platform of States' rights. They went too far in the other direction. But you will note that the campaign of 1800 was carried on with the alien and sedition laws as the chief issues. The election following the year after their enactment was almost a complete disruption of the Federalist Party, that advocated them. This party had controlled the country the first 12 years of the Nation's constitutional life. But the third election, that of the year 1800, resulted in 73 electoral votes for Jefferson and 73 for Burr. This was the first occasion for the House of Representatives to choose the President. They chose Jefferson over Burr. They both happened to belong to the same party—the Anti-Federalist. But in 1804 Jefferson received 162 votes, and Pinckney, the Federalist candidate of the party that had fathered the alien and sedition laws, received but 14 electoral votes. In 1808 Madison received 122 votes and Pinckney but 47. In 1812 Madison received 128 votes and De Witt Clinton but 89, while in 1816 Monroe received 183 and King but 34. In 1820 the Federalist Party was totally destroyed, and Monroe was unanimously elected, receiving 231 votes, one lone vote out of the 232 being cast for John Quincy Adams just as a matter of open or empty honor. William Plumer, of New Hampshire, who voted for Adams, it is claimed, did so because he did not want a unanimous election to divert that honor from Washington. But the alien and sedition laws were passed in times of peace, that personal criticism might be forbidden and as protection against public attack, when there was no justification for such legislation. And I want to say to my colleagues here that I vote for this measure, which is in certain features greatly restrictive, because the Nation is in the midst of a staggering war, and we can not close our eyes to the imminent danger of the presence of enemies among this composite people of America. We must take steps to curtail these sympathizers of the central powers. If we do not put it in the power of the Nation to deal with those who obstruct the prosecution of the war, who seize upon this time to attack our institutions, these opponents of the Government, in an orderly, legal process, the people at large will take the law in their own hands, as has been done in times past. What we must avoid is giving occasion for the people of the Nation to go into a state of anarchy, when the people will take the law in their own hands. We are a Nation of law and order, distinctively so. That is why we can not tolerate anarchistic movements, directed against law and order. For that reason, protection against lawlessness and effective prosecution of the war in which we have been forced, I will vote for this measure, which will prosecute these people under the law rather than leave it to the methods that have been employed in some sections, and that all of us very much deplore. I do not entertain as much fear as some of my colleagues, or as I did when I first read the conference report. A careful reading of amendment 5, which was one of the objectionable items, removes some fear. The amendment is as follows:

And whoever, when the United States is at war, shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, contemptuous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy of the United States, or any language intended to bring the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or

Navy of the United States into contempt, scorn, contumely, or disrepute, or shall wilfully utter, print, write, or publish any language intended to incite, provoke, or encourage resistance to the United States, or to promote the cause of its enemies, or shall wilfully display the flag of any foreign enemy, or shall by utterance, writing, printing, publication, or language spoken, urge, incite, or advocate any curtailment of production in this country of any thing or things, product or products, necessary or essential to the prosecution of the war in which the United States may be engaged, with intent by such curtailment to cripple or hinder the United States in the prosecution of the war, and whoever shall wilfully advocate, favor, teach, defend, or suggest the doing of any of the acts or things in this section enumerated, and whoever shall by word or act support or favor the cause of the German Empire or its allies in the present war or by word or act oppose the cause of the United States therein, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

It will be noted the offense is an attack upon (1) the form of our government, (2) the Constitution, (3) the military or naval forces, (4) the flag, and (5) the uniform; the purpose of the language to bring these, or any of them, into scorn, disrepute, or contempt; or to incite resistance to the Government or encourage our enemies by curtailing production of necessaries to win the war, and so forth. These offenses, if proved, are so heinous in a time of war that they should be punished, and while it appears to me there is law enough to do it, yet the Department of Justice does not think so, and I am therefore willing to give the power.

However, Mr. Speaker, I regret we can not induce an omission of the fourth section. It does seem to me that the Congress is not justified in giving to a partisan head such powers, capable of such abuse, as is couched in language as follows:

SEC. 4. The Postmaster General may, upon evidence satisfactory to him that any person or concern is using the mails in violation of any of the provisions of this act, instruct the postmaster at any post office at which mail is received addressed to such person or concern to return to the postmaster at the office at which they were originally mailed all letters or other matter so addressed, with the words "Mail to this address undeliverable under espionage act" plainly written or stamped upon the outside thereof, and all such letters or other matter so returned to such postmasters shall be by them returned to the senders thereof under such regulations as the Postmaster General may prescribe.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN], a member of the Committee on the Judiciary.

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

Mr. MORGAN. Mr. Speaker, I am in favor of adopting this conference report. As a member of the conference committee I signed this report. I am, of course, in favor of it now. This bill amends the act approved June 15, 1917, generally known as the espionage act. The law as it now stands does not prohibit some things which should be prohibited. The chief controversy has been over Senate amendment No. 6, which provides that "whoever shall willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States, or the flag of the United States, or the uniform of the Army or Navy," and so forth, shall be punished by a fine of not more than $10,000, or imprisonment for not more than 20 years, or by both.

Now, the gentleman from Ohio [Mr. FESS] said something along the very line of the thought that I have in mind. More and more every day the people of the United States are becoming more deeply interested in this war. Every hour that this war continues the people at home are taking a more active part in its prosecution. Every day the papers are filled with the reports of the boys who have made the supreme sacrifice and given up their lives, and as we go on this feeling of interest in this war grows deeper and deeper in the hearts of the people.

Now, then, it is evidently wrong for men at home, in view of this situation, to utter or write or publish sentiments that are disloyal, because they tend to disturb the peace, tend to encourage the people to take the law into their own hands and inflict summary punishment. In the interest of peace and good order at home, we ought not to permit these disloyal utterances to be made. But this is not all. These disloyal utterances promote division among our people at home, when every day unity of sentiment becomes more imperative. Every day there is greater demand that all our power and all our resources and all our strength shall be centered on winning this war. Therefore, acts that tend to divide our people, that encourage opposition to the prosecution of the war, should be prohibited.

Under this law no man who is a loyal, patriotic citizen will suffer. But suppose we admit that under it there is a possibility that some innocent man might suffer some inconvenience or be punished? That should not deter us from enacting this kind of a law. Because under every criminal law it is possible that an innocent man might be punished.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a question?

Mr. MORGAN. Yes.

Mr. WALSH. Does the gentleman think that if there is any considerable number of people who have these abusive sentiments in their hearts the passage of this law making it illegal to express those sentiments will convert those people into support or unite them with those who believe in the prosecution of the war?

Mr. MORGAN. Certainly; this law will act like all other criminal laws. It will deter those men from uttering these disloyal sentiments. It will have an influence like any other law of Congress. It will say to all our citizens the time has come when there are but two classes—those who are for the Government and those who are against it, those who are upholding the hands of the boys in France and those who are attempting to discourage them.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. BUTLER. The gentleman is not attempting to argue that by legislation we can make men's hearts all right and make them loyal?

Mr. MORGAN. I believe that by legislation to some extent we can reform people. I believe that our criminal laws to some extent do reform people. But if a man does violate the law he must suffer the consequences of his act.

Mr. BUTLER. The gentleman is right.

Mr. MORGAN. It has been asserted that this law restricts the liberty of the press and the freedom of speech. This is not true. It does not take away any right guaranteed by the Constitution. In times of peace, in the great liberality of the American people, we have permitted the abuse of the freedom of speech and the press. But we are now in war. We know not how long the struggle will last. We know not when a victorious peace will come. Neither do we know what sacrifices we must make. We do not know what this war will cost us in treasure and blood. We do not know how many of our brave soldiers and seamen must give their lives as an offering upon the altar of their country before victory shall come. But we do know that a great crisis confronts the Nation. We do know that it is our duty as legislators to enact laws which will strengthen the Government in the great task before us. We do know that we should contribute in every way possible to lighten the burdens of those at the front fighting our battles for us, and this is the object of this legislation. It will promote peace and orderly government at home. It will provide proper punishment for those who at heart are disloyal and who are trying to aid the enemy. It will strengthen the arms of those public officials whose duty it is to arrest, prosecute, and convict disloyal persons, whoever they may be.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. FESS. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. NORTON. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. WEBB. Mr. Speaker, I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

The SPEAKER. The gentleman from Mississippi is recognized for three minutes.

Mr. QUIN. Mr. Speaker, I thank the gentleman from North Carolina [Mr. WEBB] for giving me this time. I sat here listening to the gentleman from New York [Mr. LONDON], the Socialist, and I also listened to the gentleman from Iowa [Mr. GREEN] over here, men who criticized this bill, wiped their feet on it; and the gentleman from Iowa says, "I may vote for it—but if," and all that.

Why is it that a man wants to come and spit on a bill and endeavor to make the people believe it is horrible, when he knows that his people back home want him to vote for it? [Applause.] We did not expect anything better from the gentleman from New York. He went so far as to read an article from some Socialist or somebody who said that the people who do not own any property ought to rule the Government. In other words, he said that the Bolsheviki ought to be in control of the United States Government. God forbid that day! [Applause.] I believe all the people should have a hand in running this Re-

public. Here we are now in this great crisis, and this espionage act is brought up for the purpose of holding this Government together and preventing the anarchists, the Socialists, the Bolsheviki, the disloyal element, and the disturbers of peace and fomenters of sedition from coming along and hamstringing the President and the Congress in prosecuting this war to a successful and glorious victory. [Applause.] We all know that the man who at this stage of the war talks against this Government, who is traitor enough to utter sentiments against his Government and against our people in a way to sneer at the flag, is shooting and stabbing in the back the brave boys who have gone yonder in Flanders to go "over the top" to save the American Republic. [Applause.]

Is it possible that any man will talk against this sedition act and say that it should not be passed because it might deprive some man of an excuse or privilege to curse his Government, to abuse the Constitution, to spit on the flag, and to slap the soldier in the face? Is that the object of the gentlemen who talk against this, which is a mild bill? I am for a much stronger one than this. I want to curb these fellows who are disloyal in their hearts and whose sympathies are against this Government. I want to grab them by the collar, kick them into jail, and let them stay there until this war is over. And so far as the newspapers that the gentleman from Iowa is so anxious about, that the Postmaster General might stop from going through the mail, I say that whenever one of these disloyal papers comes to my desk I feel that it is something like a venomous snake, because I know it is carrying the poison of disloyalty and treason against the American Government to every reader of that paper. [Applause.]

Mr. WEBB. I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, I am in hearty accord with all the provisions of this bill except section 4. I think the American Congress has been very patient and lenient with certain classes in the United States in not passing laws heretofore as drastic, if not more drastic, than the provisions of this bill. I do feel, however, that section 4 might have been changed and the change have added material strength to the bill, and it would then have been more satisfactory to the people throughout the country. I care not how good a man the Postmaster General may be, how equable a temper he may have, or how judicious he may be in the application of the law, he should not be clothed with the arbitrary power conferred by this section, whereby, without a hearing and without a formal charge, he may bring ruin upon a private individual and he may bring it upon a business concern. I do not believe in the law of the Chinese, which condemns and executes a man and then hears the evidence with reference to his guilt afterwards. That is the proposition contained in section 4. Suppose that there is a newspaper—I care not whether it be of my political faith or of some one else's political faith—that happens to give some expression which the Postmaster General in his mind may think affords evidence that that character of paper should not go through the mail; he can stop that paper instanter and bring ruin upon it, when after a hearing a court may decide that there was absolutely no warrant to authorize the action of the Postmaster General. It may be true, as has been said by the gentleman from Pennsylvania, if such action were taken the business concern might by writ of mandamus have its status restored; this, however, I very seriously doubt; but if so, the ruin has been wrought, the damage has been done, and in a case of that character it would be irreparable. There are plenty of ways whereby all the protection sought in this bill may be had under the existing law with reference to the prosecution of those who violate any provisions of this act or of any criminal statute. It does not take long to get a Federal court into action. It does not take long to prefer a charge; it does not take long in these times to have a hearing. So I think there is no necessity for this section 4. It can serve no good purpose. It can be made the instrument of great harm. It should be eliminated.

Mr. WEBB. I yield two minutes to the gentleman from Pennsylvania [Mr. WATSON].

Mr. WATSON of Pennsylvania. Mr. Speaker, war does not change the character of men, but it develops character; and when that development is toward treason, there should be a law to punish severely those who are not loyal to their country. I am not in favor of section 4. I will not, however, allow my prejudice to prevent me from supporting this measure. I have confidence in the President of the United States that he will not permit any autocratic power to be exercised by the Postmaster General, and if that official should use any Prussian despotism in his office, it would not be very long before there would be a vacancy in the Cabinet. I have confidence in the American people, that they will never elect a man President of the United States who will not be true and faithful to our Republic and Constitution. [Applause.] In time of war we must punish our enemies at home as well as those abroad. We are a peaceful Nation, but being forced into war we must not hesitate to adopt every science known to militarism, every act familiar to diplomacy, in order to win. [Applause.]

Mr. WEBB. Mr. Speaker, I think I have three minutes remaining.

The SPEAKER. The gentleman has three minutes.

Mr. WEBB. During the time I have I want to say that all our Postmaster Generals have administered the law with reference to fraud orders justly and fairly. They have saved the country and the unsuspecting public millions upon millions of dollars. I have no doubt that the Postmaster General in this case, in trying to protect this country from vicious propaganda, from spies, from disloyal persons, will execute the power we give him in this bill with the same fairness and fidelity to public duty that he has exhibited heretofore. I have no fear in leaving this important matter in his hands. This conference report was agreed to by the five conferees on the part of the House and by the five conferees on the part of the Senate. The conference report has passed the Senate by an overwhelming vote and I trust that that same overwhelming vote may be cast in favor of the conference report in this body.

Mr. WALSH. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. WALSH. Do not the officials in whose hands is placed the responsibility of administering the existing law upon this subject say that they need this further amendment in order more effectually to prosecute the people who are indulging in these practices?

Mr. WEBB. I am glad the gentleman asked that question, because I want to extend my remarks by putting in the RECORD a letter from Gen. Lamar, showing the great importance of giving the Post Office Department this power so as to help this Government root out and destroy disloyalty and vicious propaganda.

Mr. SMITH of Michigan. Would it not be too late after the issue of the paper or publication to call a jury to determine whether or not it was seditious?

Mr. WEBB. That is a rather slow process in times like these.

The letter I wish to insert from Mr. Lamar, Solicitor of the Post Office Department, is as follows:

POST OFFICE DEPARTMENT,
Washington, May 4, 1918.

HON. WILLIAM H. KING,
United States Senate, Washington, D. C.

MY DEAR SENATOR KING: I read in the RECORD this morning the speeches in the Senate of yesterday and your remarks in the course of the debate.

The language of section 4 under discussion is identical with that of the fraud statute, and it is impossible to make any distinction between the practical operation of the two measures. The fraud statute itself does not provide for a hearing, nor does it provide that a fraud order shall only be issued against persons who have been convicted of the fraud, as one might assume from the remarks of Senators.

The Postmaster General would at the present time have as much power to issue fraud orders against newspapers for political purposes or in order to accomplish any of the purposes suggested by Senators in furtherance of political interests under the existing fraud statute as he would have to issue orders for the return of such mail under section 4 of the bill. The fraud statute itself does not even provide for a hearing. As a matter of practice and in order to administer absolute justice, full hearings are held in fraud cases; that is, where conclusive evidence of the fraud does not appear upon the face of the papers before the department. This practice would undoubtedly be extended to cover seditious cases, but in the latter class much of the illegal matter under the espionage act would appear on the very face of the literature being circulated, which would make a hearing unnecessary in some cases. In fact, the public interests might seriously suffer by permitting the continued use of the mails to one sending literature manifestly in violation of the espionage act pending such hearing.

Nor does the analogy between the fraud statute and the proposed law stop at what has been said. The fraud statute does not provide in terms for a review by the courts, but it is settled law that the equity courts have jurisdiction to restrain orders of the Postmaster General where they are issued contrary to law or where for any reason it appears the Postmaster General has acted in an arbitrary or capricious manner.

This is a war measure and is intended to prevent this great governmental instrumentality—the mails—from being used against the interest of the Government in the prosecution of this war. The equity courts would have the same jurisdiction to restrain improper orders of the Postmaster General under section 4 of this proposed bill that they now have under the fraud statute. If the Postmaster General should attempt to use this power for other purposes, political or otherwise, such as has been suggested in the course of the debate, he would not only violate the law himself, a remedy for which would immediately be available in injunction proceedings, but make himself the object of ridicule and contempt of the American people, with the result that instead of accomplishing any political advantage such action would be a political boomerang.

There is a further analogy between this class of legislation and fraud legislation. Not only has Congress provided for the issuance of fraud orders by the Post Office Department, upon evidence satisfactory to the Postmaster General, but, as in the matter under consideration,

there is a companion criminal statute making it a penal offense to use the mails for fraudulent purposes. The delays incident and the technicalities resorted to in criminal proceedings have demonstrated beyond any doubt that the preventive measure employed by the Post Office Department is infinitely more effective in preventing frauds than the criminal provision. The fact is that the action of the Post Office Department in detecting frauds has furnished the information upon which criminal prosecutions have followed.

The recent case of The Masses Publishing Co., where the magazine has been barred from the mails since last July, and where the courts have sustained the action of the department, but where the criminal proceedings are still pending after one mistrial, is an example of the relative efficiency of the two methods in handling seditious matter. The Masses case is merely typical. In many such cases it takes years to bring offenders to trial in fraud cases.

Much of the seditious matter that is now being circulated is distributed by persons or concerns throughout the country in circular form and is accompanied by urgent solicitations for funds to continue the propaganda work, and hundreds of thousands of dollars are being sent through the mails to the distributors of such literature. The proposed section 4 would enable the Post Office Department to promptly reach and suppress this evil. The propagandists now engaged in this work in most cases are willing to serve prison sentences if they are only permitted to conduct the propaganda. They are largely of a class who have nothing to lose by a prison sentence, and, in fact such sentence simply brings the martyrdom they seek in the eyes of those whom they endeavor to mislead.

I may add, in conclusion, that the practice in the department in all cases where fraud orders or similar orders of the Postmaster General are made is that a finding of the facts before the department is made up by the solicitor for the department and form a part of the record of the case and are made a part of the order of the Postmaster General, all of which are available to the interested parties for use in the courts or otherwise.

The theory underlying fraud, lottery, and other similar statutes is that the matter prevented from being carried in the mails is against public policy. If the practice of a fraud which only affects a few individuals is against public policy, how much more against public policy is the circulation of matter which in time of war strikes at the very heart of the Republic? And why should not all use of the mails be prohibited to one engaged in such undertaking?

Very truly, yours,

W. H. LAMAR, *Solicitor.*

By unanimous consent Mr. GREEN of Iowa, Mr. HEFLIN, Mr. WATSON of Pennsylvania, Mr. VOIGT, Mr. COX, and Mr. WALTON were given leave to extend their remarks in the RECORD.

Mr. MOORE of Pennsylvania. Will the gentleman from North Carolina [Mr. WEBB] yield?

Mr. WEBB. I yield for a question.

Mr. MOORE of Pennsylvania. It may avoid the possibility of a motion to recommit on the Postmaster General paragraph in section 4. That section confers on the Postmaster General judicial or arbitrary power?

Mr. WEBB. The same powers that were conferred upon him 15 and 20 years ago in reference to fraudulent enterprises.

Mr. MOORE of Pennsylvania. But in those cases the offender had an opportunity in the regular way to be tried by a court and jury and to defend himself.

Mr. WEBB. Yes; and he will have the same rights under this provision.

Mr. MOORE of Pennsylvania. In section 4 there is no such provision, and if it should affect a man's business or threaten to put him out of business, he has no place to go except to the Postmaster General.

Mr. WEBB. We have not given him the power to put him out of business, but only to stop his mail and return it to the sender. There is no penalty attached to it, and if he thinks he is unjustly dealt with he can go into court at once.

Mr. MOORE of Pennsylvania. The gentleman from North Carolina has given a good deal of thought to this. Does he now state that there are no new powers here conferred upon the Postmaster General by section 4?

Mr. WEBB. I would not say that; the additional power is conferred upon him to stop mail matter being delivered to a person violating this act. He now has the power to keep such person from sending matter in violation of this act through the mails, and we propose to give him power to stop such person from receiving mail to carry on his dangerous propaganda.

The SPEAKER. All time has expired.

Mr. WEBB. Mr. Speaker, I move the previous question on the report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

The question was being taken when Mr. HEFLIN and Mr. WEBB demanded the yeas and nays.

The SPEAKER. The gentleman from Alabama and the gentleman from North Carolina demand the yeas and nays.

Mr. BANKHEAD. I make the point of order, Mr. Speaker, that no quorum is present.

The SPEAKER. The gentleman from Alabama makes the point that no quorum is present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 293, nays 1, answered "present" 2, not voting 134, as follows:

YEAS—293.

Alexander	Fordney	Littlepage	Scott, Iowa
Almon	Foster	Lobeck	Scott, Mich.
Anderson	Francis	Lonergan	Scully
Ashbrook	Frear	Lufkin	Sells
Austin	French	Lunn	Sherley
Ayres	Fuller, Mass.	McAndrews	Sherwood
Bankhead	Gallivan	McClintic	Siegel
Barnhart	Gard	McCormick	Sims
Beakes	Garner	McCulloch	Sinnott
Bell	Garrett, Tenn.	McFadden	Slayden
Beshlin	Garrett, Tex.	McKeown	Slemp
Black	Gillett	McKinley	Smith, Idaho
Blackmon	Glynn	McLaughlin, Mich	Smith, Mich.
Blanton	Godwin, N. C.	McLaughlin, Pa.	Snell
Booher	Goodwin, Ark.	McLemore	Snook
Bowers	Graham, Ill.	Madden	Snyder
Brand	Graham, Pa.	Mageo	Stafford
Browne	Gray, N. J.	Maher	Steagall
Browning	Green, Iowa	Mansfield	Stedman
Buchanan	Greene, Mass.	Mapes	Steele
Burnett	Gregg	Martin	Stephens, Miss.
Burroughs	Griest	Mays	Stephens, Nebr.
Butler	Hadley	Merritt	Sterling, Ill.
Byrnes, S. C.	Hamilton, Mich.	Miller, Wash.	Sterling, Pa.
Byrns, Tenn.	Hamlin	Mondell	Stevenson
Campbell, Kans.	Hardy	Montague	Stiness
Candler, Miss.	Harrison, Miss.	Moon	Strong
Cannon	Harrison, Va.	Moore, Pa.	Sumners
Caraway	Haskell	Moores, Ind.	Swift
Carlin	Hastings	Morgan	Switzer
Carter, Okla.	Haugen	Neely	Talbott
Cary	Hawley	Nelson	Taylor, Ark.
Chandler, Okla.	Hayden	Nichols, Mich.	Taylor, Colo.
Classon	Hayes	Nolan	Temple
Claypool	Heaton	Norton	Thomas
Coady	Heflin	Oldfield	Tillman
Collier	Helm	Oliver, Ala.	Tilson
Connally, Tex.	Helvering	Oliver, N. Y.	Timberlake
Cooper, Ohio	Hensley	Olney	Towner
Cooper, W. Va.	Hersey	Osborne	Treadway
Cooper, Wis.	Hicks	O'Shaunessy	Vestal
Cox	Hilliard	Overmyer	Vinson
Cramton	Holland	Overstreet	Volgt
Crisp	Houston	Padgett	Volstead
Crosser	Huddleston	Park	Walker
Dallinger	Hull, Iowa	Parker, N. J.	Walsh
Decker	Hull, Tenn.	Parker, N. Y.	Walton
Delaney	Husted	Peters	Watkins
Dempsey	Hutchinson	Phelan	Watson, Pa.
Denton	Igoe	Platt	Watson, Va.
Dewalt	Ireland	Polk	Weaver
Dickinson	James	Pou	Webb
Dill	Johnson, Ky.	Pratt	Welling
Dixon	Johnson, Wash.	Price	Welty
Dominick	Juul	Purnell	Whaley
Dooling	Kearns	Quin	Wheeler
Doolittle	Keating	Ragsdale	White, Me.
Doremus	Kennedy, Iowa	Rainey, H. T.	White, Ohio
Doughton	Kettner	Rainey, J. W.	Williams
Dowell	Kiess, Pa.	Raker	Wilson, Ill.
Drane	Kincheloe	Ramsey	Wilson, La.
Dupré	Kinkaid	Ramseyer	Wilson, Tex.
Dyer	Kitchin	Randall	Wingo
Eagan	Knutson	Rayburn	Winslow
Eagle	Kraus	Reed	Wood, Ind.
Ellsworth	Kreider	Robbins	Woods, Iowa
Elston	La Follette	Roberts	Woodyard
Emerson	Langley	Rogers	Wright
Esch	Larsen	Romjue	Young, N. Dak.
Evans	Lazaro	Rouse	Young, Tex.
Farr	Lea, Cal.	Russell	Zihlman
Fess	Lee, Ga.	Sabath	
Fisher	Lever	Sanders, Ind.	
Focht	Linthicum	Sanford	

NAYS—1.

London

ANSWERED "PRESENT"—2.

Church Lundeen

NOT VOTING—134.

Anthony	Denison	Griffin	Mott
Aswell	Dent	Hamill	Mudd
Bacharach	Dies	Hamilton, N. Y.	Nicholls, S. C.
Baer	Dillon	Heintz	Paige
Barkley	Donovan	Hollingsworth	Porter
Bland	Drukker	Hood	Powers
Borland	Dunn	Howard	Rankin
Britten	Edmonds	Humphreys	Reavis
Brodbeck	Elliott	Lacoway	Riordan
Brumbaugh	Estopinal	Johnson, S. Dak.	Robinson
Caldwell	Fairchild, B. L.	Jones	Rodenberg
Campbell, Pa.	Fairchild, G. W.	Kahn	Rose
Cantrill	Fairfield	Kehoe	Rowe
Carew	Ferris	Kelley, Mich.	Rowland
Carter, Mass.	Fields	Kelly, Pa.	Rubey
Chandler, N. Y.	Flood	Kennedy, R. I.	Rucker
Clark, Fla.	Flynn	Key, Ohio	Sanders, La.
Clark, Pa.	Foss	King	Sanders, N. Y.
Cleary	Freeman	LaGuardia	Saunders, Va.
Connelly, Kans.	Fuller, Ill.	Lehlbach	Schall
Copley	Gallagher	Lesher	Scott, Pa.
Costello	Gandy	Little	Sears
Crago	Garland	Longworth	Shackleford
Currie, Mich.	Glass	McArthur	Shallenberger
Curry, Cal.	Good	McKenzie	Shouse
Dale, N. Y.	Goodall	Mann	Sisson
Dale, Vt.	Gordon	Mason	Sloan
Darrow	Gould	Meeker	Small
Davidson	Gray, Ala.	Miller, Minn.	Smith, C. B.
Davis	Greene, Vt.	Morin	Smith, T. F.

Steenerson	Templeton	Vare	Wason
Sullivan	Thompson	Venable	Wise
Sweet	Tinkham	Waldow	
Tague	Van Dyke	Ward	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. HOOD with Mr. DALE of Vermont.

Mr. GALLAGHER with Mr. MCARTHUR.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. NICHOLLS of South Carolina with Mr. REAVIS.

Mr. HOWARD with Mr. BACHARACH.

Mr. CAMPBELL of Pennsylvania with Mr. TINKHAM.

Mr. SEARS with Mr. ROWE.

Mr. THOMAS F. SMITH with Mr. DILLON.

Mr. ASWELL with Mr. GOODALL.

Mr. VENABLE with Mr. KENNEDY of Rhode Island.

Mr. DALE of New York with Mr. ANTHONY.

Mr. BARKLEY with Mr. CURRIE of Michigan.

Mr. CLEARY with Mr. DAVIDSON.

Mr. BRODBECK with Mr. BLAND.

Mr. CANTRILL with Mr. COPLEY.

Mr. DIES with Mr. CHANDLER of New York.

Mr. BORLAND with Mr. CURRY of California.

Mr. CAREW with Mr. DAVIS.

Mr. CONNELLY of Kansas with Mr. BRITTEN.

Mr. BRUMBAUGH with Mr. COSTELLO.

Mr. DONOVAN with Mr. DARROW.

Mr. CLARK of Florida with Mr. CLARK of Pennsylvania.

Mr. CALDWELL with Mr. CRAGO.

Mr. ESTOPINAL with Mr. DENISON.

Mr. DENT with Mr. KAHN.

Mr. FERRIS with Mr. DUNN.

Mr. FIELDS with Mr. EDMONDS.

Mr. FLOOD with Mr. ELLIOTT.

Mr. FLYNN with Mr. BENJAMIN L. FAIRCHILD.

Mr. GANDY with Mr. GEORGE W. FAIRCHILD.

Mr. GLASS with Mr. FAIRFIELD.

Mr. GORDON with Mr. FOSS.

Mr. GRAY of Alabama with Mr. FREEMAN.

Mr. GRIFFIN with Mr. FULLER of Illinois.

Mr. HAMILL with Mr. GARLAND.

Mr. HELVERING with Mr. GOOD.

Mr. HUMPHREYS with Mr. GOULD.

Mr. JACOWAY with Mr. GREENE of Vermont.

Mr. JONES with Mr. HAMILTON of New York.

Mr. KEHOE with Mr. KELLEY of Michigan.

Mr. KELLY of Pennsylvania with Mr. KING.

Mr. KEY of Ohio with Mr. LEHLBACH.

Mr. LESHER with Mr. LITTLE.

Mr. RIORDAN with Mr. LONGWORTH.

Mr. ROBINSON with Mr. MCKENZIE.

Mr. RUBEY with Mr. MASON.

Mr. RUCKER with Mr. MEEKER.

Mr. SAUNDERS of Virginia with Mr. ROWLAND.

Mr. SCHALL with Mr. SANDERS of New York.

Mr. SHACKLEFORD with Mr. PAIGE.

Mr. SHALLENBERGER with Mr. MUDD.

Mr. SHOUSE with Miss RANKIN.

Mr. SISSON with Mr. MILLER of Minnesota.

Mr. SMALL with Mr. STEENERSON.

Mr. CHARLES B. SMITH with Mr. SLOAN.

Mr. SULLIVAN with Mr. SWEET.

Mr. TAGUE with Mr. WALDOW.

Mr. THOMPSON with Mr. WARD.

Mr. VAN DYKE with Mr. WASON.

Mr. WISE with Mr. MOTT.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LONGWORTH, for one week, on account of important business.

To Mr. SNYDER, for two weeks, on account of important business.

FOOD-PRODUCTION BILL.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11945) to enable the Secretary of Agriculture to carry out during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," and that it be made the continuing order, not to interfere with appropriation bills, conference reports, and privileged matters.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of the bill H. R. 11945, and that it be made the continuing order, not to interfere with conference reports, appropriation bills, or privileged matters. Is there objection?

Mr. MADDEN. Mr. Speaker, what about Calendar Wednesday?

The SPEAKER. It can not interfere with Calendar Wednesday.

Mr. GILLETT. Does that mean to bring it up now?

Mr. CANDLER of Mississippi. Yes.

The SPEAKER. Is there objection?

Mr. NORTON. What is the bill, Mr. Speaker?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That to enable the Secretary of Agriculture to carry out during the fiscal year ending June 30, 1919, the purposes of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917 (40 Stats., p. 273), there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums for the purposes indicated:

First. For the prevention, control, and eradication of the diseases and pests of live stock, the enlargement of live-stock production, and the conservation and utilization of meat, poultry, dairy, and other animal products $1,058,975.

Second. For procuring, storing, and furnishing seeds, as authorized by section 3 of the act, the appropriations for said purposes of $2,500,000 in section 8 of the act and $4,000,000 under the heading "Department of Agriculture" in the act approved March 28, 1918, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," shall be available until the date when said act of August 10, 1917, shall cease to be in effect, and any moneys heretofore or hereafter received by the United States for furnishing such seeds may be used as a revolving fund until said date.

Third. For the prevention, control, and eradication of insects and plant diseases injurious to agriculture, and the conservation and utilization of plant products, $811,300.

Fourth. For increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods, through county, district, and urban agents and others, $6,100,000.

Fifth. For gathering authoritative information in connection with the demand for, and the production, supply, distribution, and utilization of food, and otherwise carrying out the purposes of section 2 of the act; extending and enlarging the market news service; and preventing waste of food in storage, in transit, or held for sale; advise concerning the market movement or distribution of perishable products; for enabling the Secretary of Agriculture to inspect and certify perishable agricultural products, as provided in the Agricultural appropriation act for the fiscal year 1919, $2,136,028.

Sixth. For miscellaneous items, including the salaries of assistant secretaries appointed under the act approved August 10, 1917; special work in crop estimating; aiding agencies in the various States in supplying farm labor; enlarging the informational work of the Department of Agriculture; and printing and distributing emergency leaflets, posters, and other publications requiring quick issue or large editions, $1,105,980, of which sum not exceeding $25,000 shall be available for rent in the District of Columbia: *Provided*, That the Secretary of Agriculture is authorized, for the official purposes of the Department of Agriculture, and within the limits of the appropriations for rent may by this or any other act making appropriations for the Department of Agriculture, to requisition the use of, and take possession of, any building or any space in any building, and the appurtenances thereof, in the District of Columbia, other than a dwelling house occupied as such or a building occupied by any other branch of the United States Government; and he shall ascertain and pay just compensation for such use. If the amount of compensation so ascertained be not satisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of such amount, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such use in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Seventh. For enabling the Secretary of Agriculture to provide for and secure the voluntary mobilization and distribution of farm labor for the production and harvesting of agricultural crops, and to advance railroad fares and other actual traveling expenses for the transportation of such labor, upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, $500,000, available immediately, of which not exceeding $50,000 may be expended for the payment of such administrative expenses, including such rent, the expenses of such printing and publications, the purchase of such supplies and equipment, and the employment of such persons and means, in the District of Columbia and elsewhere, as the Secretary of Agriculture may deem necessary for the purposes of this item. Any money received by the United States in repayment of advances made under this item may, in the discretion of the Secretary of Agriculture, be used as a revolving fund for further carrying out the purposes of this item; any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts. In carrying out the purposes of this item the Secretary of Agriculture is authorized to cooperate with the Secretary of Labor or any other Federal, State, county or municipal department, agency, or officer, or with any association of farmers, board of trade, chamber of commerce, or similar organization, or with any person. Agricultural labor actually employed in agriculture and needed for cultivating and harvesting crops where engaged shall not be mobilized nor transported under the provisions of this item, and the Secretary of Agriculture shall, as soon as practicable after the close of the calendar year 1918, cause to be made to the Congress a detailed statement showing as far as possible the number of persons transported and employed and a detailed statement of all disbursements under this item.

The SPEAKER. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, I would like to ask if it is the purpose to set aside all other legislation except appropriation bills and conference reports by this bill?

Mr. CANDLER of Mississippi. It is the intention to give this bill a privileged status, with the right to go ahead, with the exception of conference reports and appropriation bills.

Mr. CAMPBELL of Kansas. Mr. Speaker, the reason I ask is this: There has been a pressing demand on the Committee on Rules for some weeks for a rule giving consideration to a bill establishing a heavy duck factory in the Atlanta penitentiary. The President has been urging action on this bill, and the committee agreed to a rule this morning. It was my understanding that that rule would be called up to-day immediately after the consideration of the conference report on the espionage bill.

Mr. CANDLER of Mississippi. I do not think this bill will take more than a day, and I had some intimation in reference to the other bill, and I understood it might possibly be called up, but inasmuch as it was not, this being next in order, I made my request.

Mr. MADDEN. Mr. Speaker, this is so important a measure that if it is to be given a privileged status I think somebody ought to take the responsibility for it, and I suggest that the Committee on Rules be charged with that responsibility. Therefore I object to the request made by the gentleman from Mississippi.

The SPEAKER. The gentleman from Illinois objects.

Mr. CANDLER of Mississippi. I hope the gentleman will withdraw that.

MANUFACTURE OF GOVERNMENT SUPPLIES AT ATLANTA (GA.) PENITENTIARY.

Mr. POU. Mr. Speaker, I submit a privileged report (No. 544) from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 335.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8938; that there shall be not exceeding one hour of general debate, to be equally divided between those supporting and those opposing the bill, which debate shall be confined to the said bill, at the end of which time the bill shall be read for amendment under the five-minute rule, and at the conclusion of such reading the committee shall rise and report the bill to the House, together with the amendments, if any, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. POU. Mr. Speaker, in order that there may be opportunity for 20 minutes' debate on a side I move the previous question.

The previous question was ordered.

Mr. POU. Mr. Speaker, this bill provides for the consideration of a bill introduced by the gentleman from Kentucky [Mr. SHERLEY], and provides, among other things, for the establishment of a cotton factory in the Atlanta Penitentiary. The prime purpose in the establishment of such factory is to augment the production of heavy duck, which is seriously needed by the Army.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. POU. I will.

Mr. MADDEN. How much additional duck will the establishment of this factory add to the supply that already exists?

Mr. POU. Now, I could not answer that question. I will say very frankly to the gentleman. There has been, as I am informed, a very great scarcity of that much-needed commodity. With this explanation of the necessity of the rule, I reserve the remainder of my time.

Mr. CAMPBELL of Kansas. I yield five minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, this rule makes it possible to consider legislation that appropriates $650,000 for the building of a cotton-textile plant in connection with the Atlanta Penitentiary, and also $350,000 for working capital; or, in other words, it is a proposition to levy a tax of a cool million dollars on the business interests of this country that to-day are uncomplainingly and loyally bearing all the burdens of taxation that we have placed upon them, for the simple purpose of establishing Federal convict labor under Government control in opposition to honest labor and legitimate private business. This bill presents two propositions. The first proposition, as I understand, put in by the Committee on the Judiciary, provides for the employment of this labor in agricultural pursuits or in the growing of food products. The second provision is the $650,000 provision for buying machinery for a cotton-textile plant in connection with the Federal prison at Atlanta, and the $350,000 revolving fund. This bill is asked for for three distinct reasons, as I understand it from the reading of the report from the Committee on the Judiciary. First, it is asked on the ground it is humanitarian; second, that the Government needs the goods, and that the available supply by private enterprises is not sufficient; third, that the work is shown to be profitable to private enterprise, and under proper management should be profitable to the Government. The first provision of this bill for employing these convicts in the production of food products I am entirely in favor of at this time. If there is one thing we need at this time, according to the speeches and statements made each day by the President and Mr. Hoover, it is to increase the supply of food products, and this body has already made large appropriations to help get the labor to do it with and yet do not know where to find it. If after one year of this war we have been obliged to observe heatless days, meatless days, and wheatless days——

Mr. MADDEN. And senseless days.

Mr. SNELL. Perhaps senseless days should be included. It is certainly proper at this time that if we have any unemployed labor that it should be put to raising food products that are impossible for us to get in sufficient quantities to supply ourselves and our allies under present conditions, and by so employing this convict labor you will not in any way interfere with any legitimate industry. Also by doing this it will not be necessary to place additional taxes on our people at this time in order to get the full benefit of their labor, as it would cost very little to start operations along this line. Furthermore, by putting these men to raising food products we will get the benefit of their labor in time to be of some help in winning this war, while I doubt if you can if we start building a textile plant. As far as I am able to learn, the people who have given most attention and study of prison life and the care and healthfulness of the men in the great prisons of our country are nearly unanimous in the opinion that the employment of prisoners in agricultural pursuits or in the raising of food products is the best possible way of employing them, both from the standpoint of the country at large and the prisoners themselves.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SNELL. I do.

Mr. MOORE of Pennsylvania. Does the gentleman know how many times this proposition of establishing an industrial plant at the Atlanta penitentiary has been before the Congress?

Mr. SNELL. I understand it has been before the Congress for 10 or 12 years.

Mr. MOORE of Pennsylvania. And has been rejected in each instance?

Mr. SNELL. I understand so.

Mr. MOORE of Pennsylvania. Because it proposed to compete with outside industrial establishments?

Mr. SNELL. Yes, sir.

Mr. KEATING. Will the gentleman yield for a question?

Mr. SNELL. Yes, sir.

Mr. KEATING. The gentleman has just said that all those who have made a study of this question are unanimous?

Mr. SNELL. I understand so, or nearly so.

Mr. KEATING. Has the gentleman any authority for that statement?

Mr. SNELL. No, sir; only that is as I understand it.

Mr. KEATING. I think the gentleman will find it necessary to revise his remark if he wants to be entirely accurate, because I think he will find a very large majority of those who have given study to the question are in favor of such a measure as this, only a broader one if anything.

Mr. MOORE of Pennsylvania. If that is so, does the gentleman know whether any effort has been made by the Rules Committee or any other committee to install furniture-making machinery in the Leavenworth penitentiary?

Mr. SNELL. That was before us last year, the same time we last considered this Atlanta proposition, but nothing has been said about it this year, so far as I know.

Mr. MOORE of Pennsylvania. Has any suggestion been made that the Government should approve a plan for manufacturing machinery at Leavenworth or at any other penitentiary?

Mr. SNELL. Not at the present time.

Mr. MOORE of Pennsylvania. So we are confined for the present to this proposition of manufacturing cotton duck at the Atlanta Penitentiary?

Mr. SNELL. So far as this bill is concerned.

Mr. COX. Has the gentleman any information as to how long it will take to install that machinery?

Mr. SNELL. I am coming to that.

The second provision provides for an expenditure of $650,000 for the purchase of machinery and other equipment to carry out the purposes of this act.

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. SNELL. As far as I am able to learn it will be practically impossible to get this machinery in any reasonable length of time or in time to be of any benefit during the present war unless it lasts longer than I hope it will. We know the position of the manufacturers of machinery throughout the country, and it seems to me it would be better at this time that they should spend their efforts in manufacturing machinery that is absolutely necessary to carry out the purposes of the war and help to win the war, such as the manufacture of munitions, ordnance, and things of that kind, rather than to manufacture cotton machinery that is going to be put in competition with legitimate business in the country, when, as I understand, there are many private concerns that are looking for these orders at the present time.

Mr. MADDEN. Will the gentleman yield?

Mr. SNELL. I will.

Mr. MADDEN. Has the gentleman any information as to whether or not the existing plants for manufacturing cotton duck are adequate to the needs of the country?

Mr. SNELL. I saw a copy of a letter that was written to the Quartermaster General on January 5, 1918, by one of the largest textile manufacturing concerns in New England, which said that this company was in a position to manufacture 5,000 yards weekly of cotton duck for the Government. They said that they had arrangements made for the cotton yarn, but did not dare to buy it on account of the high price unless the Government would give them the order for the cotton duck, and that it was highly important to get an early reply from the Government.

This same company wrote to the Quartermaster General two letters in the month of April, and up to last Wednesday they had not received any reply from the Quartermaster Department relative to the questions they asked. If the Government is so short it would seem to me only proper that it should investigate some of the private sources of supply before we lay an extra tax on our people in order to establish a Government industry to compete with those private companies who need the business, pay the taxes, buy your bonds, and in every way support your Government in this hour of its urgent need.

Mr. MADDEN. Has the gentleman any information as to the embargo that is being placed on the introduction of new machinery into new manufacturing enterprises by private individuals, through the priority board?

Mr. SNELL. Yes, sir; I understand that is so, but have no definite information about it.

Mr. MADDEN. If the gentleman had that information he would understand that no person would be permitted to establish a new enterprise, and why should the Government be permitted to do so?

Mr. SNELL. I can not see any reason why it should be allowed to do so, nor can I see any reason why we should adopt this as a war measure. It seems to me if there are private industries in this country that are willing to take orders from the Government for the manufacture of cotton duck, and I am assured there are, they certainly should give the orders to them rather than to build up a Government enterprise to compete with them. And I hope it will not be the judgment of this House to do it at this time.

Mr. SMITH of Michigan. I see that the bill was reported by the Judiciary Committee, and the report is rather lengthy. I would like to inquire whether there were any hearings had before that committee?

Mr. SNELL. I can not tell you, so far as that is concerned. The only evidence that was brought before the Rules Committee was the letter from the President requesting its adoption as a war emergency.

Mr. PLATT. Is not this like the bill H. R. 9683, which was reported from the Committee on Labor? It seems to be along the same line of prison-made war material.

Mr. SMITH of Michigan. And let me supplement my statement by saying that it excludes nearly every other Federal penitentiary and prisoner in the United States from that same industry.

Mr. SNELL. Now, Mr. Speaker, I believe the Government has all the activities on hand at the present time that it can consistently attend to, and that at present it is no time to consider building a textile plant in connection with any prison. After this war is over you can build it for less than one-half of the expense that it would cost now and, furthermore, we need the money and labor for more important work.

The SPEAKER. The time of the gentleman from New York has expired. The question is on agreeing to the rule.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. POU. Division, Mr. Speaker.

The House divided, and there were—ayes, 50, noes 49.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 3132. An act to amend the naturalization laws and to repeal certain sections of the Revised Statutes of the United States and other laws relating to naturalization, and for other purposes.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 8, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a supplemental estimate of appropriation required by the Office of the Auditor for the War Department for the fiscal year 1919 (H. Doc. No. 1084); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the United States Fuel Administrator submitting revised estimate of appropriation required by the Fuel Administration for the fiscal year 1919 (H. Doc. No. 1085); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the chairman of the War Trade Board submitting an alternative estimate of appropriation required by the War Trade Board for salaries and expenses of the board for the fiscal year 1919 (H. Doc. No. 1086); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Robert Z. Johnson against The United States (H. Doc. No. 1087); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Florence Collins, daughter and heir of Joseph A. Collins, deceased, against The United States (H. Doc. No. 1088); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Elizabeth W. Broadhead, widow (remarried) of Richard McCowick, deceased, against the United States (H. Doc. No. 1089); to the Committee on War Claims and order to be printed.

7. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Reuben A. Beach against the United States (H. Doc. No. 1090); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of John C. Klyn against the United States (H. Doc. No. 1091); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Florence W. Toll, daughter of Alexander C. Watson, deceased, against the United States (H. R. Doc. 1092); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Electa C. Waltermire, widow of William Waltermire, deceased, against the United States (H. Doc. No. 1093); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims transmitting a copy of the findings of the court in the case of Arthur M. Sherman against the United States (H. Doc. No. 1094); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 11970) to fix the rate of pensions of mothers, fathers, and widows of deceased soldiers and sailors of the War of 1812, the War with Mexico, the Civil War, the various Indian wars, the War with Spain, the

Philippine insurrection, and the Regular Establishment; to the Committee on Pensions.

By Mr. MAYS: Joint resolution (H. J. Res. 291) amending the act entitled "An act to suspend the requirements of annual assessment work upon mining claims during the years 1917 and 1918," approved October 5, 1917; to the Committee on Mines and Mining.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FULLER of Massachusetts: A bill (H. R. 11971) granting a pension to Lois E. Magee; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 11972) granting a pension to Mary A. Abbott; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11973) granting an increase of pension to William D. Vaughn; to the Committee on Pensions.

By Mr. KINCHELOE: A bill (H. R. 11974) granting an increase of pension to Virgil Mahan; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 11975) granting a pension to Nancy E. Matlock; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 11976) granting a pension to Hugh McGuckian; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 11977) for the relief of Leo Balsam; to the Committee on Claims.

By Mr. THOMAS: A bill (H. R. 11978) granting an increase of pension to William S. Whitley; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 11979) granting an increase of pension to Emanuel Rowley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNHART: Resolutions of Fulton County (Ind.) County and Township Councils of Defense, in favor of the McKeown franking bill; to the Committee on the Post Office and Post Roads.

By Mr. DRUKKER: Petition of Star Spangled Banner Council, No. 218, Paterson, N. J., Sons and Daughters of Liberty, favoring the passage of House bill 10846, fixing a one-third fare rate to enlisted men desiring to visit their homes; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of the Woman's Missionary Societies of the Methodist Episcopal Church of Monmouth, Ill., petitioning Congress to prohibit the use of foodstuffs consumed by the breweries; to the Committee on the Judiciary.

By Mr. HAYES: Petition of the Presbytery of Santa Barbara, Santa Barbara, Cal., to prohibit the manufacture and sale of all alcoholic beverages during the period of the war; to the Committee on the Judiciary.

Also, resolution adopted by Lucius Fairchild Post, No. 179, Grand Army of the Republic, Pacific Grove, Cal., favoring the Smoot bill for pensions to Civil War veterans; to the Committee on Invalid Pensions.

By Mr. RANDALL: Memorial of Los Angeles City Council, protesting against German alliances being allowed to continue their organizations under other names, and against secret or public assemblage of those of German or Austrian birth without securing permission of governmental authority; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *May 8, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

In the plenitude of Thy mercy, O Lord, look upon us and give us courage to meet the trials that confront us. Give us grace to overcome the difficulties of the way. Give us faith to remove mountains. May we look away from ourselves, and from the regretted past, and look steadfastly to Thee for the present and for the future. Forgetting the things which are behind and reaching forth unto those things which are before, may we press forward with all diligence toward the mark set up for our attainment; and may we be true to Thee and to the cause which Thou hast committed to our hands. May there be no cessation in our effort until our purpose has been accomplished and victory has been achieved. May we look to our great Leader who breaketh the bow and cutteth the spear asunder; who maketh wars to cease to the ends of the earth. May this conquering Lord, the Lord of Hosts, be with us, and may the God of Jacob be our refuge. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Daughters of the American Revolution, which will be inserted in the RECORD.

The communication is as follows:

DAUGHTERS OF THE AMERICAN REVOLUTION,
MEMORIAL CONTINENTAL HALL,
WASHINGTON, D. C.

MY DEAR MR. MARSHALL: I am inclosing copies of two resolutions adopted by the National Society, Daughters of the American Revolution, at their Twenty-seventh Continental Congress recently held in this city.

Very sincerely, yours, EMMA L. CROWELL,
Recording Secretary General.

Hon. THOMAS R. MARSHALL,
United States Senate.

MAY 7, 1918.

[Resolution adopted at the Twenty-seventh Continental Congress, National Society, Daughters of the American Revolution.]

Whereas the German Kaiser has financed newspapers in the United States to conduct a propaganda favorable to the nefarious schemes of Germany; has systematically stirred up anti-American sentiment in Mexico; has used the leaders of the German-American Alliance to influence that powerful organization againt the interests of our people; has, by bribing public officials, sought to corrupt public opinion and spread sedition amongst us; and

Whereas the Kaiser has openly boasted that there are in the United States 20,000,000 German subjects who are still loyal to the German Crown and the fatherland; and

Whereas in school communities where Germans control the schools the German language is being taught exclusively or is given preference, and German newspapers are keeping alive the spirit of fidelity to German autocracy, resulting in weakening our national spirit, fostering a hostile propaganda, and undermining the patriotism of the American people: Therefore be it

Resolved, That we call upon the President and the Congress and legislatures of the several States to enact such laws as may be necessary to prohibit the publication and circulation of any periodicals in the language of the various countries with which we are at war and to prohibit the teaching of any such languages in the primary grades of our schools, and to require all public records and notices to be written in the English language.

[Resolution adopted at the Twenty-seventh Continental Congress, National Society, Daughters of the American Revolution.]

Whereas two German prisoners confined at Fort McPherson, at Atlanta, Ga., died recently and were interred in the National Cemetery at Marietta, Ga., and the funeral services were conducted with much pomp and display; and

Whereas the Germans were wrapped in the flag of their country and a salute was fired over the graves by American soldiers; and

Whereas the national cemeteries of the United States are reserved for the burial of the soldiers and sailors of America, it is not, in our opinion, proper or fit that the resting place provided for our heroic dead should be used to bury the enemies of our country, and especially our German foes, who have displayed so great disregard for human rights and have visited upon innocent women and children such gross and brutal atrocities; and

Whereas public demonstration made over the graves of the enemies of America is not a fit and proper object lesson for loyal American citizens, and especially as the firing of salutes by American soldiers over such graves tends to hold up to the world that the Germans are heroes; and

Whereas since Christianity demands that these prisoners be given decent burial in some place distinct from that of our national cemeteries: Therefore be it

Resolved, That the Daughters of the American Revolution in congress assembled in Washington, D. C., protest against the use of the national cemeteries of America for the burial of alien enemies, particularly Germans, and they hereby strongly urge the United States Government that such practice be discontinued, and that all customary military honors on such occasions be eliminated. Be it further

Resolved, That copies of this resolution be furnished to the President of the United States and the Senate and House of Representatives of the United States.

CONSTRUCTION OF CONCRETE SHIPS (S. DOC. NO. 222).

Mr. McCUMBER. Mr. President, there was laid upon our desks yesterday a report by Benjamin A. Howes on the construction of concrete ships. As this report has been sent around here, I presume, for a purpose, I ask that the report of Mr. R. J. Wigg, chief engineer, Department of Concrete Ship Construction; the report of Edward N. Hurley, chairman of the United States Shipping Board Emergency Fleet Corporation, to the Secretary of the Treasury; the approval of the President of the United States; and the description of the concrete ships as designed by the Shipping Board may be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8753 to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

The message also announced that the House had passed a bill (H. R. 9093) to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions, in which it requested the concurrence of the Senate.

PETITIONS.

Mr. TILLMAN. I send to the desk the petition of Motlows Creek Democratic Club, of Spartanburg County, S. C., which I should like to have go into the RECORD without reading.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

MOTLOWS CREEK DEMOCRATIC CLUB,
Spartanburg County, April 27, 1918.

Resolutions adopted by club.

Whereas our Nation is now at war with the greatest military forces ever assembled, and great destruction of life and property is felt by every country engaged, and actual starvation is facing a great number of people because of scarcity of food: Therefore be it

Resolved, first, That Motlows Creek Democratic Club, now in session places itself on record indorsing President Woodrow Wilson and his administration for its able management of the affairs of our Government during this war; and

Resolved, second, That we ask our Representative in Congress, Hon. SAMUEL J. NICHOLLS, Senators TILLMAN and SMITH, with South Carolina's other Representatives, to advocate and insist upon the prohibition of all grains and fuel used in the manufacturing of all beers, whisky, or other beverage whatever not necessary to health and sustenance of life for the duration of this war.

S. D. GIBSON, *President.*
S. B. LOFTIS, *Secretary.*

Mr. PHELAN presented a petition of the Women's Service Association, of San Francisco, Cal., praying for enactment of legislation giving additional power to the Food Administration in the handling of hotels, restaurants, and the personal control of food, which was referred to the Committee on Agriculture and Forestry.

Mr. WADSWORTH presented a petition of sundry citizens of the thirty-eighth and thirty-ninth congressional districts of New York State, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WALSH, from the Committee on Pensions, to which was referred the bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 430) thereon.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, reported it with amendments and submitted a report (No. 433) thereon.

CASTLE PEAK IRRIGATION PROJECT, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 4244) for the relief of entrymen within the Castle Peak irrigation project in Utah, and I submit a report (No. 432) thereon. As it is an emergency matter and a very short bill I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

Mr. SHAFROTH. I should like to hear the bill read.

The VICE PRESIDENT. It will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That any qualified entryman who has heretofore made bona fide entry upon land subsequently withdrawn under the provisions of the reclamation act of June 17, 1902 (32 Stats., p. 388), for the Castle Peak irrigation project, in Utah, upon filing an application to have his entry made subject to all the charges, terms, conditions, provisions, and limitations of the reclamation act, together with a satisfactory showing of full compliance with the homestead laws under which such entry was made to the date of such application, may be granted leave of absence from the land until the Secretary of the Interior announces the availability of a water supply for the irrigation of the land, or until the lands embraced in his entry shall be restored to the public domain: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

Mr. SHAFROTH. I have no objection, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. In this connection I ask that a letter from the Interior Department to Hon. HENRY L. MYERS, chairman of the Senate Committee on Public Lands, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 27, 1918.

Hon. HENRY L. MYERS,
Chairman Senate Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: In reply to your letter dated April 4, 1918, inclosing a copy of Senate bill 4244, I have the honor to report as follows:

A large tract of land in the State of Utah, which was formerly embraced in Utah applications for withdrawals, list No. 6, under the act of March 15, 1910 (36 Stat., 237), was restored to the public domain on June 29, 1917. Thereupon a number of homesteaders, about 60 in all, made homestead entries upon portions of the land restored with a view of constructing a private reclamation project when the future development of that region and the number of settlers would warrant such action. Subsequently, however, or on November 20, 1917, upon the recommendation of the United States Reclamation Service, the land was again withdrawn from entry under the provisions of the reclamation act of June 17, 1902 (32 Stat., 388), for the purpose of constructing what is to be known as the Castle Peak irrigation project, as this is at present considered a feasible project. Therefore further entry of the land can not be made until it has been restored to entry either under the provisions of the reclamation laws or the general public land laws, and it would be futile for the few entrymen who have already made entry within the limits of the project to attempt to construct their own system of irrigation.

To require these settlers to live upon and cultivate their land while there is no water available for irrigation would impose a hardship upon them which Senate bill 4244 would relieve, and it is therefore respectfully recommended that the proposed legislation be enacted into law.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

ENTRY INTO AND DEPARTURE FROM THE UNITED STATES.

Mr. SHIELDS. Mr. President, from the Committee on the Judiciary, I report back favorably with amendments the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety, and I submit a report (No. 431) thereon. This is a very important bill, and may be regarded as a supplement to the espionage acts. I ask that the bill be read, and after the Senate has heard it I will ask unanimous consent for its immediate consideration.

The Secretary read the bill.

Mr. SHIELDS. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHIELDS. This bill was passed by the House last week. It came to the Senate and was referred to the Committee on the Judiciary and there fully considered. At a special session yesterday the committee recommended its passage with amendments. I have made the report this morning. It is an emergency measure and was passed by the House as such and without a roll call. The object of it is to control the entrance and departure of all persons in or from their territory. It is a war measure and in line with legislation that has been enacted by all the nations engaged in the war.

Mr. SMOOT. Will the Senator yield?

Mr. SHIELDS. Certainly.

Mr. SMOOT. I desire to ask the Senator if this was a unanimous report by the committee.

Mr. SHIELDS. It was.

Mr. SMOOT. It is rather a far-reaching measure, and there are but few Senators present. I have not had time to read the bill. I have tried to gather its import from the reading at the

desk at this moment. May I ask the Senator if the substance of the bill is not this, that it authorizes the President of the United States to prevent anybody from leaving the United States or to prevent anybody from coming into the United States he may see fit?

Mr. SHIELDS. I will state the substance of the bill in a little more orderly way, if the Senator desires, and a little more elaborately.

The first section of the bill prohibits aliens from either departing from or entering the United States except with passports and under certain rules and regulations to be prescribed by the President, when required for the public safety.

There are several subsections that are merely supplementary to that provision to punish evasions of it in various ways. The second section of the bill——

Mr. GRONNA. Will the Senator allow me?

Mr. SHIELDS. In a moment. The second section prohibits citizens of the United States from departing from or entering the United States without a passport and under such regulations as the President may prescribe.

The chief object of the bill is to correct a very serious trouble which the Department of State, the Department of Justice, and the Department of Labor are having with aliens and alien enemies and renegade American citizens, I am sorry to say, entering the United States from nests they have in Cuba and over the Mexican border. They can now enter and depart without any power of the departments or of the Government to intercept or delay them. There is no law that covers this case. It is believed that all the information which goes to Germany of the war preparations of the United States and of the transportation of troops to France passes through Mexico. The Government is having a great deal of trouble along that border. It is an everyday occurrence, and the emergency of this measure is very great. The bill is supplementary to the espionage laws and necessary for their efficient execution in detecting and punishing German spies.

The departments have communicated to both Houses and asked that the bill be enacted into law as speedily as possible in order that they may remedy the serious evils and troubles I have just stated. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to ask the Senator, if I understood him correctly, as I think I did, that the provisions of the bill include citizens of this country; that it does not distinguish between alien enemies and aliens of neutral countries. Does the Senator think it is a wise provision not to make a distinction between alien enemies and aliens who may be citizens of a neutral country?

Mr. SHIELDS. I do think it wise not to make any distinction. There is no distinction under section 1, and includes all aliens, whether they be alien enemies or neutrals, but there is a distinction between that section and section 2 which applies only to our citizens. The wisdom of including everyone is that these emissaries or spies of the German Empire are seldom Germans. One can readily see that our enemies would prefer to use a renegade American or some other national rather than one belonging to the German Empire in order to escape detection, and the only way possible to suppress the stream of information that is now going out from the United States about our military preparations through Mexico and through Cuba is to put this interdiction upon all people, as is done in the bill.

Another object is to reach the agents of the Germans who come or attempt to come into the United States to stir up sedition, resistance to the laws passed for the conduct of the war, and treasonable conspiracies.

I will say to the Senator that I am informed every one of the belligerent countries have passed similar laws to this, and they did it immediately after the declaration of war. I suppose their prompt action was on account of their greater familiarity with wars and the difficulties of this character which follow them, and also because of their proximity.

Mr. GRONNA. I can assure the Senator I am just as anxious as anyone to pass legislation that will keep out these alien enemies, but I can readily see that it would lead to a great deal of work for the departments. Only this morning I had a letter from one of my constituents in North Dakota. I happen to know the man. I know that he is a citizen of the United States, and he was asking me if there was any law prohibiting a citizen of the United States from going to Canada to take homestead land. Of course I wrote to him that there are no such statutes at the present time; but with the passage of this bill every one of these citizens would have to apply for a passport, would he not, before he could depart from this country?

Mr. SHIELDS. Not necessarily. The President can make such rules and regulations governing that situation as will prevent any inconvenience whatever to citizens of the United States.

We need no ironclad rule as to Canada, so far as spies are concerned—that is evident to everyone—as that country is one of our allies. The very question which the Senator from North Dakota has raised was debated very elaborately in the other House, and the fact that several railroads run partly through Canada was referred to. Senators from the Western States along the Canadian line speak of railroads there that run in and out of the two countries and ask whether or not passports would be necessary. I am assured that most liberal rules to obviate any inconvenience to our own people, as well as to our allies, will be prescribed, so that the intercourse between the countries will go on conveniently, as at present. The Senator from North Dakota has counterstated that no passports are required for anyone going from this country to Canada or coming from Canada into the United States.

Mr. GRONNA. I raised this question because I live very close to the Canadian line.

Mr. SHIELDS. I can appreciate the Senator's interest.

Mr. GRONNA. There is a great deal of commerce and a great deal of travel between the two countries. Canadians cross the line into the United States and the citizens of the United States cross the line into Canada. There is a great deal of business going on at all times and, of course, I do not wish to see this trade and this commerce hampered, because I believe it to be beneficial to both countries. A great deal of labor may go across the line at certain times from the United States to Canada, and Canada needs that labor. On the other hand, earlier in the season laboring men will come from Canada into the United States, and the United States needs that labor. I sincerely hope that we shall not pass a law that will hamper or prohibit this traffic or this business.

Mr. SHIELDS. I will say to the Senator that that was all fully considered, especially in the other House and in the departments. The rules to be prescribed will make the entrance and the exit of the nationals of the two countries entirely convenient and easy, so far as consistent with the public safety. There may be some inconvenience naturally arising out of rules and regulations of this character; but we all have got to submit to something of that kind in time of war. It would be difficult for us to draw a distinction between the Canadian territories and Mexican territory, we being supposed to be at peace with Mexico.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT Does the Senator from Tennessee yield to the Senator from Washington?

Mr. SHIELDS. I do.

Mr. JONES of Washington. I desire to refer to the same matter which has been mentioned by the Senator from North Dakota [Mr. GRONNA], because our people are very much interested in this matter, especially in connection with the trade with Canada. Many of our most important cities are very near to the border and near to large cities in Canada, and they have much business there. As I understand, the Senator from Tennessee assures us that that trade and business and intercourse between this country and Canada will be interfered with just as little as possible and just as little as may be deemed necessary to the proper protection of the interests of this country, taking into account the fact that Canada and her citizens are interested on the same side of this controversy as we are interested.

Mr. SHIELDS. I am satisfied that will be done. That matter has been thoroughly considered by both the Department of Justice and the Department of State, which departments, of course, will be consulted more than the other departments, about making these rules, and they will be as liberal as possible consistent with the protection of the interest of the Government.

Mr. JONES of Washington. Do the committee and the department think it would be very unwise to exclude the Canadian line from the operation of this act?

Mr. SHIELDS. Yes. The law to be effective must apply to all persons.

Mr. JONES of Washington. I want to ask the Senator from Tennessee another question. Would there be anything in this proposed act that would require a citizen going from the State of Washington to Alaska to secure a passport?

Mr. SHIELDS. I think not. There is a provision in the bill—I believe it is in the fourth section—on that subject, which amply protects the right to go from one part of the United States, either continental or insular, to another.

Mr. JONES of Washington. Without securing a passport?

Mr. SHIELDS. Yes.

Mr. JONES of Washington. I noticed the reading of the bill as closely as I could, and that was my conclusion.

Mr. SHIELDS. The Senator from Washington will remember that I had some discussion with him on that very subject yesterday. For the time being, my mind did not recall this

provision; but I immediately examined the bill, and then thought it was ample to meet that very contingency.

Mr. GALLINGER. Mr. President, will the Senator permit a suggestion?

Mr. SHIELDS. I will.

Mr. GALLINGER. This Canadian matter, as I view it, is of a great deal of consequence. Unless some friendly arrangement can be made it will disrupt the labor interests of New England absolutely. We not only trade with Canada and have great lines of railroad running from New England into Canada, but we are dependent in our mills, in our brickyards, and in our lumbering operations to a very great extent upon labor that comes from Canada. I wish we might in some way have a clearer assurance—a more distinct assurance—that if we vote for this bill, as we all want to vote for it on general principles, that matter can be so adjusted as not to disrupt our relations with Canada either as to trade or as to the question of labor.

Mr. SHIELDS. I will say to the Senator from New Hampshire that the Department of State, from which the bill really comes, has considered all those matters thoroughly and is confident that such regulations can be made as will not unreasonably interrupt the lawful intercourse between the two countries as it now exists.

Mr. GALLINGER. I trust that can be done.

Mr. SHIELDS. Otherwise, it would be as deplorable for this country as for Canada. The Senator from New Hampshire has stated some of the conditions along the border line, but there are others that equally demand that a very liberal rule be prescribed.

Mr. GALLINGER. I will ask the Senator from Tennessee, Is it in contemplation that if this bill becomes an act the President shall issue a proclamation covering all such matters, so that the people will fully understand them?

Mr. SHIELDS. I understand that this is provided for and will be done.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am in favor of the bill as the Senator from Tennessee knows, but there is an unfortunate conflict in it that I should like to see removed.

Mr. SHIELDS. Has the Senator from Iowa a copy of the bill as proposed to be amended by the committee?

Mr. CUMMINS. I have a copy of the bill as reported. The bill goes into effect—and I hope Senators will mark this view of it—whenever the President finds that additional restrictions for entry into and departure from the United States are required by war conditions. That proclamation, however, is a general proclamation; it is one intended simply to bring this bill into force. When the bill is brought into force, then we have two provisions which seem to me to be not quite consistent with each other. I commend this point to the Senator from Tennessee. The moment the proclamation is issued it then becomes unlawful "for any alien to depart from or enter or attempt to depart from or enter the United States," except under such reasonable rules, regulations, and orders and subject to such limitations and exceptions as the President shall prescribe.

I think that that section contemplates a code of rules and regulations under which entry can be made or departure can be had; but section 4 provides that the instant the proclamation is issued, then it is unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport. I do not quite understand that. A citizen of the United States in Canada who wanted to come back and every citizen who goes over any of the various railroads that pass from the United States into Canada and from Canada back into the United States would be required to be armed with a passport.

Mr. GALLINGER. Both from our Government and, if he wanted to come back, from the Canadian Government.

Mr. CUMMINS. And from Canada. There can be no objection to this bill so far as aliens are concerned; but the President has no authority under the bill to vary, modify, or change the requirements of the law with regard to American citizens who either depart from the country or enter it. I think that unless that——

Mr. SHIELDS. Mr. President, let me ask the Senator if he has read section 2 carefully. I will ask him to read it, or I will do so.

Mr. CUMMINS. I have read the first section.

Mr. SHIELDS. Now, if the Senator will read the second section, he will find that the President has the power.

Mr. CUMMINS. No. It provides that—

After such proclamation as is provided for—

Mr. SHIELDS. Putting it in force.

Mr. CUMMINS (reading)—

by the preceding section—

That is a general proclamation—

has been made and published, and while said proclamation is in force, it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States—

Mr. SHIELDS. "Except as otherwise provided by the President."

Mr. CUMMINS. It continues:

to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

Is it the intent of the bill that every citizen of the United States who is about to leave, passing through Canada or going into Canada temporarily, must apply to the President in order to get a passport?

Mr. SHIELDS. No; the President will make general rules and regulations applicable to all persons.

Mr. CUMMINS. That is the very point.

Mr. SHIELDS. If the Senator desires that made clearer, we can amend it by inserting words to that effect.

Mr. CUMMINS. I think it contemplates there an individual exception, and not a rule or regulation, as is provided in the first section concerning aliens. It seems to me that the bill might be made very much clearer in that respect.

Mr. SHIELDS. The intention of the language, to which I call the Senator's attention, "except as otherwise provided by the President," is to give the President the widest discretion in making it absolutely convenient for citizens of this country to enter Canada and those in Canada to enter this country consistent with our internal condition and a state of war.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Minnesota?

Mr. SHIELDS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should like to ask the Senator in charge of the bill if the committee took any testimony or had any information, beyond the mere request of the State Department, to show any necessity for this bill applying to our allies? I can not imagine any reason why an American citizen should be required to procure a passport to go to Canada or a Canadian citizen to come to the United States or a citizen of France to come to the United States. It seems to me unreasonable to require that intercommunication between the allies should be restricted by any such bill as this. If there is any such testimony I should like to know what it is. True, the State Department has drawn a bill that is rather difficult to understand and has sent it here, but I should like to know whether there is any real reason for such restrictions between this country and Canada.

The Senator well knows that if a tenth part of the restrictions required to obtain a passport are insisted upon it would practically be an inhibition on traffic between this country and Canada, where thousands come and go every day, and where it is necessary along the border for them to travel in order to transact their business. It seems to me the Senate should be very careful before it places such restrictions upon travel between allied countries, and especially between this country and Canada.

Mr. SHIELDS. I should like to say to the Senator——

Mr. TOWNSEND. Mr. President, if the Senator will permit me, I should like to say a word in connection with what the Senator from Minnesota has just said.

Mr. SHIELDS. Very well, I yield to the Senator.

Mr. TOWNSEND. The Senator from Tennessee undoubtedly understands that only the Detroit River separates Michigan from Canada. The traffic there is exceedingly great between the two countries. Not only the ferries, but the bridges which connect the two countries are crowded with people passing back and forth, people living in Detroit doing business in Canada, and vice versa. If anything were done by Congress to interfere materially with that travel it would be a very serious matter, so far as Michigan cities along that river are concerned.

I have not the bill before me, because I just came in and have not had time to look at it, but certainly it seems to me that the objects which the proponents of this bill have in mind could be met without materially and radically changing the conditions of business and of labor between the United States and Canada, because, as the Senator well knows, the St. Clair River, the Huron River, and the Detroit River constitute only a narrow dividing line between the two countries, and, as I have said, the people from both countries are doing business daily and hourly across that line.

Mr. SHIELDS. Mr. President, I will say to the Senator that the subject to which he calls attention was pretty thoroughly discussed before he came in as regards the New Hampshire

boundary, the New York boundary, and the Michigan boundary. The intention is not to inconvenience that constant, every-day intercourse now going on between the two countries, but to have such rules and regulations as will allow it to continue, consistent with the public safety.

Mr. WEEKS. Mr. President——

Mr. SHIELDS. I will yield in a moment. We would have to draw a distinction between Mexico, where the real trouble exists, and the British Empire on the north, if we included Mexico and excluded Canada. There was no hearing by the Committee on the Judiciary of the Senate; there was a hearing—I do not know whether it has been printed or not—as the debate in the House shows, and representatives of the Departments of State and War appeared before the Foreign Relations Committee of the House, which had charge of the bill in that body, and gave their reasons very fully concerning the necessity for it. It was there stated, as I remember, by Mr. Polk, counselor of the State Department, that the regulations would be very liberal, and in every way possible so framed to prevent any unnecessary inconvenience between the two countries.

I now yield to the Senator from Massachusetts.

Mr. WEEKS. I want to ask the Senator from Tennessee if he has any idea what those regulations are going to be? It seems to me that there is a vital difference between Canada, a country with which we are acting in cooperation in this war, and the situation in Mexico, and unless the regulations as to Canada are to be so liberal as to be practically inoperative, the legislation is going to affect every day thousands of citizens of the United States. I would not feel free to vote for this bill unless I had an assurance that the regulations to be made in connection with intercourse with Canada were so liberal that practically they would be negligible.

I should like to have the Senator answer the question whether he knows what the character of the regulations is to be?

Mr. SHIELDS. I do not know the character of the regulations, except the general assurance of the departments that they will be so liberal as not to interfere with or dislocate our present relations with our allies on the north further than required to effect the very important purposes for which this legislation is proposed. Again, I say, a state of war and the composite population of this country requires and demand extraordinary measures. Everyone must submit to some inconvenience and make some sacrifice when the public welfare and existence of our Government is involved.

Mr. SMITH of Georgia. Mr. President——

Mr. SHIELDS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Before the Senator from Minnesota [Mr. KELLOGG] rose the thought was running through my mind that we ought to make an exception, so far as our allies are concerned, of the countries that are engaged with us in the war with Germany. This measure is intended to help guard the United States against enemies. Canada is engaged in exactly the same work, and there is not any danger of spies coming in from Canada or from other countries that are engaged with us in war against Germany. Therefore, why embarrass our relations with them by this legislation? Why could not a proviso be added to this effect?—

Provided, however, That this bill shall not apply to the people of those countries who are engaged with the United States in war against Germany.

I do not think that would weaken the value of the Senator's bill, would it?

Mr. SHIELDS. It would, I will answer the Senator.

Mr. PHELAN. Mr. President——

Mr. SHIELDS. In a moment I will yield to the Senator from California.

Mr. President, it would doubtless be considered an unfriendly act if we were to discriminate between our allies and neutral countries. We need no law as to alien enemies. We have statutes providing for their arrest, internment, or expulsion if they in any way interfere with the public safety, and especially under the proclamation of the President upon that subject which he was authorized by statute to make.

What we are trying to do now is to stop what the United States is suffering from at this time, namely, the communication of the Germans with our country. It is acquiring thorough knowledge of our internal affairs and of all of our military preparations and propagating sedition and treason by using the nationals of the neutral countries, the nationals of our allies, and some renegade Americans. In order to have the protection that this country needs we must have a law applicable to all countries and to all peoples. This country is suffering, and suffering severely now, on account of the ability of the German Empire to get full information through Mexico and Cuba, using our own people, the nationals of our allies, and the nationals of neutrals for that purpose. At any time they may submarine one of our transports, carrying thousands of men, upon information so obtained. We are in constant danger of that catastrophe every day, which is one reason why this measure is pressed as one of the most urgent now pending in the Congress.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. SHIELDS. I want to say further that I am informed by the State Department that every one of the belligerent countries immediately after the war broke out—and I suppose that includes Canada, as a part of the British Empire—passed similar laws controlling the departure and entrance of all peoples, whether their own nationals or those of their allies or of neutrals, to or from their territories.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I am sure it does not include Canada, because there has been no interruption of traffic between the United States and Canada up to the present time. That I know.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Minnesota?

Mr. SHIELDS. I yield to the Senator.

Mr. KELLOGG. It was on the point the Senator from Tennessee has just been discussing that I asked the question before. There is no objection to the bill, so far as any of the neutral countries are concerned, so far as Mexico is concerned, or so far as Cuba is concerned; but does the State Department state to the Senator or to the committee that it is necessary to have any such restrictions as between this country and England, or this country and Canada?

Mr. SHIELDS. Certainly; and I have just given the reason for it. Certainly, if it is necessary as to our own citizens, it is necessary as to our allies. We do not know who the Germans may employ as their agents. The law must apply to everyone to be effective. This is evident, I think.

Mr. KELLOGG. I do not admit that it is necessary as to our own citizens.

Mr. SHIELDS. I did not understand the Senator to question that.

Mr. KELLOGG. England has no such restrictions against this country. I do not wish to do anything or say anything that will prevent the strongest regulations being made to carry out what the Senator has in mind, but I can not see any possible reason for applying it to Canada. England has made no such rules as between Canada and this country.

Mr. SHIELDS. I understand she has.

Mr. KELLOGG. Canadian citizens come here at will.

Mr. SHIELDS. Can not the Senator see that the natural thing for the German Empire to do would be to employ Englishmen, or Frenchmen, or even Americans, or the citizens or subjects of any neutral country, to act as spies in this country? They could escape detection a great deal better than a German, with his appearance and his accent. The danger comes from infamous scoundrels belonging to our allies and to our own Nation. The corrupt and despicable conduct of the Germans are too well known to be referred to.

Mr. PHELAN. Mr. President——

Mr. SHIELDS. I yield to the Senator from California.

Mr. PHELAN. Mr. President, it came under my observation—and this may satisfy the mind of the Senator from Minnesota—that Germans have been masquerading in Paris as American soldiers, and that they have been the cause of a great deal of trouble. Men who were eyewitnesses have informed me that they have seen well-known Germans whom they knew in Berlin wearing American uniforms in the streets of Paris, and as soon as the alarm was given they were traced to their hotels, but had disappeared. It has also come under my observation that England requires, after we have issued a passport, to have a visé made by the consul general in New York; and so the other countries have provided restrictive measures.

So I think the suggestion of the Senator from Minnesota is utterly impracticable—to allow the free coming and going of citizens of allied countries. There necessarily must be restrictions, and the department, of course, should make those restrictions. It can not be done by legislation, because it is a matter of judging individual cases.

Mr. KELLOGG. Mr. President, may I ask the Senator from California what are the restrictions now upon travel between Canada and the United States?

Mr. PHELAN. Between Canada and the United States? The Senator's remarks referred more particularly to France.

Mr. KELLOGG. Oh, well, I merely mentioned France.

Mr. PHELAN. I say it is impracticable to allow the free coming and going of citizens of allied countries for the reasons I state. I am not familiar with the Canadian situation.

Mr. KELLOGG. I wish to support any bill that will go to any extent that is necessary. I simply wish to find out whether the State Department has given any consideration to the subject of transportation between this country and Canada.

Mr. SHIELDS. Mr. President, I will say to the Senator that they have given the matter very full consideration and expect to make rules that will inconvenience those relations just as little as possible under present conditions.

Mr. JONES of Washington. Mr. President——

Mr. SHIELDS. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to say that, of course, I am in hearty sympathy with the purpose of this bill, and I will go just as far as it is necessary to go to accomplish the purposes of the bill, but it is a matter of very great importance to the people of our State, and to the people all along the border. I know that the intentions of the department are good, but it has been my experience that in trying to carry out those intentions they have adopted very unwise regulations concerning matters and conditions with which they are not very familiar.

I am going to ask, therefore, that this bill go over until to-morrow, in order to have an opportunity to give it a little more consideration. It has not been printed as recommended by the committee, and all I know about the amendments is simply what I have learned from hearing the bill read. I merely want to advise the Senator that I am going to ask that the bill go over until to-morrow. I shall not object to its consideration to-morrow, myself.

Mr. SHIELDS. Mr. President, of course the bill can not be disposed of now without unanimous consent, and if the Senator from Washington objects it will have to go over under the rule. It is a very important measure and is worthy of the careful consideration and attention of every Senator. I will ask that the report be printed, along with the bill, so that every Senator can ascertain the nature of the legislation fully and accurately.

The VICE PRESIDENT. That order will be made.

Mr. PHELAN. Mr. President, I desire to ask the Senator in charge of the bill whether there is anything in the bill—I can not find it if there is—that gives authority to the President to relax existing restrictions?

Mr. SHIELDS. The bill authorizes him to prescribe rules and regulations in his discretion.

Mr. PHELAN. The first part of the bill reads, Mr. President:

> When the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States—

And so forth.

Mr. SHIELDS. Mr. President, I did not quite understand the Senator, but he can rest assured that the object of this legislation is not to relax present restrictions but to provide for others. His suggestion would be antagonistic to every motive for bringing about the enactment of this legislation.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. JONES of Washington. Mr. President, I want to ask the Senator a question with reference to the bill, to meet some question that came up in my mind. I want to ask whether or not the President can absolutely abrogate any provisions with reference to requiring passports between Canada and this country?

Mr. SHIELDS. Under the bill I think he can; but if there is any doubt about that, it can be made clear by proper amendment.

Mr. JONES of Washington. That is what I wanted to know. Then, furthermore, if passports should be required, as I understand, they would have to be applied for as the law now provides. That is, they would have to apply here in Washington City to get a passport, and they would also have to pay, I assume, the fees that the law now requires. That could not be abrogated under this bill, could it?

Mr. SHIELDS. I think so. I think the President could regulate the entire matter under this bill, and the object of giving him that broad power is to enable him to meet any emergency that may arise, and to meet it quickly. The evil and emergency demand prompt and decisive Executive action.

Mr. JONES of Washington. Does the Senator think that where passports are required the President could relieve the applicant from paying the fee required by law?

Mr. SHIELDS. I think he could under this bill; but there is no passport required between the United States and Canada now.

Mr. JONES of Washington. But if under that act he should require passports, then would they have to pay a dollar? That is the fee that has to be paid now when a person applies for a passport.

Mr. SHIELDS. I think that would be an unreasonable regulation and contrary to what I am informed the Department of State proposes to do.

Mr. JONES of Washington. But I do not understand that that is controlled by regulation; and the question that came up in my mind was if the President should require passports whether, under the power given in this act, he could relieve the applicant for a passport from paying the fee that he now has to pay?

Mr. SHIELDS. It is possible that some fee might be required; but we must remember that we are in a state of war, and that we have dangerous practices going on which must be stopped. The great foreign population, many of whom are from the very countries with which we are at war complicates the situation seriously, and we must resort to drastic measures. There is no other country in the world confronted with such conditions.

Mr. JONES of Washington. I know that; I appreciate that, but I do not want to double the evil.

Mr. SHIELDS. We have to resort to extraordinary measures, and all of our people have to make some sacrifices and submit to some inconvenience for the public safety.

Mr. JONES of Washington. I am not questioning that, but what I want to get at is the construction that the Senator puts upon this act with reference to these particular conditions. I am not saying that they ought not to be required to pay a fee. I am just trying to find out whether or not, after this act is passed and passports are required, they would have to make their applications here in Washington City, taking possibly 10 days at the shortest time from our State—they could not do it by telegraph—and whether they would have to pay fees, and all that sort of thing?

Mr. SHIELDS. I think that would be very inconvenient and ought not to apply to this every-day intercourse. I will say to the Senator that I will give that feature of the matter further attention, but the law must be made effective whatever temporary inconvenience it may create.

Mr. JONES of Washington. Very well.

Mr. SHIELDS. I wish to give notice that I shall ask unanimous consent to proceed with the consideration of this bill during the morning hour to-morrow.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEEKS:

A bill (S. 4507) to provide for the registration of charities for purposes connected with the present war; to the Committee on Military Affairs.

By Mr. ROBINSON:

A bill (S. 4508) for the relief of James Shook; to the Committee on Military Affairs.

By Mr. KENYON:

A bill (S. 4509) granting an increase of pension to Dora L. Brown; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 4510) granting a pension to Jefferson Jordan;

A bill (S. 4511) granting an increase of pension to William H. Blackwell; and

A bill (S. 4512) granting an increase of pension to Joel I. Long (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 4513) granting an increase of pension to Mattie Ashby Birney; to the Committee on Pensions.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. KENYON submitted an amendment proposing to appropriate $15,000 for clinical examination, advice, cure, and maintenance of children under 6 years of age, under a contract to be made with the Washington Diet Kitchen, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADMISSION TO UNITED STATES NAVAL ACADEMY.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3402) to fix the age limits for candidates for admission to the United States

Naval Academy, which was, in lines 4 and 5, to strike out "between the ages of sixteen and twenty years on July" and insert "not less than sixteen years of age nor more than twenty years of age on April."

Mr. SWANSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 9093. An act to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions, was read twice by its title and referred to the Committee on Pensions.

PRODUCTION OF AIRCRAFT.

Mr. THOMAS. Mr. President, I desire to give notice that tomorrow, after the close of the routine morning business, I shall submit to the Senate some observations regarding what is called the Manufacturers' Aircraft Association and the so-called license and cross-license agreement under which the activities of aviation are being largely conducted.

PRICE OF FARM IMPLEMENTS.

Mr. THOMPSON. Mr. President, during the morning hour a few days ago I had considered Senate resolution 223, to require the Federal Trade Commission to investigate the high price of farming implements and articles used by the farmer in production. On objection by the senior Senator from New Hampshire [Mr. GALLINGER], the morning hour was consumed and the resolution went to the calendar. I have agreed with the Senator from New Hampshire on an amendment to the resolution, and I think that if the resolution is laid before the Senate, so that I can amend it, it can be passed without any further debate.

Mr. SMOOT. Mr. President, I did not catch the number of the resolution.

Mr. THOMPSON. It is Senate resolution 223.

Mr. SMOOT. What is the number of the order of business?

Mr. THOMPSON. Three hundred and seventy-seven.

The VICE PRESIDENT. Does the Senator from Kansas ask unanimous consent to take up the resolution?

Mr. THOMPSON. I should like unanimous consent to complete its consideration.

The VICE PRESIDENT. Is there any objection?

Mr. TOWNSEND. What is it, Mr. President?

Mr. THOMPSON. It is a Senate resolution to require the Federal Trade Commission to investigate the cost of farming implements and to report as to whether there are any unfair methods of competition employed in handling the same.

Mr. SMOOT. As I remember the resolution, it not only covered farming implements, but it covered everything that was made in the United States.

Mr. THOMPSON. Oh, no; it simply covers the tools and implements and other articles required to be bought and used by the farmer in production. I am ready to offer the amendment that I have agreed to.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. THOMAS. Mr President, I shall not object if the Senator wants to press the resolution, but it seems to me that it is an entirely useless proceeding. Everybody knows that the cost of everything used by the farmer, just like the cost of everything used by the people who are not farmers, has in some instances doubled and in some instances more than doubled. The only result of this investigation will be a report to the Senate about something that we already know.

Two or three sessions ago the Senate ordered the publication of a report concerning electric power, the purpose of which was to demonstrate that there was a monopoly in electric power in the country. It cost the people $91,000 to publish that report. It told no one anything that was not already known and, except for the hole that it made in the appropriations for that year, no one now recalls that it was ever published; so that I think this is really a waste of time and of energy. I shall not object, however.

Mr. THOMPSON. The passage of this resolution will entail no such expense. It provides that the Federal Trade Commission, created for that purpose, shall make the investigation.

Mr. SMOOT. Mr. President, I will say to the Senator that the report will be sold for old paper in a little time.

The VICE PRESIDENT. Let us find out whether there is any objection to the present consideration of the resolution.

Mr. SMOOT. Yes, Mr. President; I object to its consideration.

The VICE PRESIDENT. Objection is made. The morning business is closed.

ADULT ILLITERACY.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 4185) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

Mr. SMOOT. Because a certain Senator wanted to be in the Chamber when this bill was brought up for consideration, I shall have to suggest the absence of a quorum in order to give time for him to be here. Therefore, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smoot
Bankhead	Johnson, Cal.	Nugent	Sterling
Beckham	Jones, N. Mex.	Pittman	Sutherland
Calder	Jones, Wash.	Poindexter	Thomas
Chamberlain	Kellogg	Pomerene	Thompson
Curtis	Kendrick	Ransdell	Townsend
Fall	Kenyon	Reed	Trammell
France	King	Saulsbury	Underwood
Gallinger	Kirby	Shafroth	Vardaman
Gerry	Lodge	Sheppard	Wadsworth
Gronna	McCumber	Sherman	Walsh
Hale	McKellar	Shields	Warren
Hardwick	McNary	Simmons	Weeks
Henderson	Nelson	Smith, Ga.	Willey
Hitchcock	New	Smith, S. C.	Williams

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is unavoidably absent. I will let this announcement stand for the day.

Mr. SUTHERLAND. My colleague the senior Senator from West Virginia [Mr. GOFF] is necessarily absent, owing to illness.

The PRESIDING OFFICER (Mr. NUGENT in the chair). Sixty Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Georgia to proceed to the consideration of Senate bill 4185. [Putting the question.] The ayes appear to have it.

Mr. KING. I call for a division.

On a division the motion was rejected.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar, under Rule VIII, to consider bills to which there is no objection.

Mr. SMITH of Georgia. I object.

The PRESIDING OFFICER. The Senator from Georgia objects.

Mr. GALLINGER. Under the rule, the calendar is in order.

Mr. SMITH of Georgia. No; it is not.

Mr. SMOOT. What is before the Senate?

Mr. SMITH of Georgia. There is nothing before the Senate at the present time.

Mr. SMOOT. The calendar is in order under the rule.

ALLOWANCE OF OVERDRAFTS.

Mr. SHAFROTH. I ask unanimous consent that the unfinished business, Senate bill 3895, be laid before the Senate and proceeded with.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3895) to regulate the allowance of overdrafts by national banking associations and to provide penalties for its violation.

Mr. SMOOT. I think the pending amendment is one that was offered by myself last evening to strike out section 2 of the bill.

The PRESIDING OFFICER. The Secretary informs the Chair that the Senator is correct.

Mr. GALLINGER. Let the Secretary read the section that is proposed to be stricken out.

The SECRETARY. The pending amendment is the amendment offered by the Senator from Utah [Mr. SMOOT] to strike out section 2, which reads as follows:

SEC. 2. That national banking associations doing business in a State, the laws of which prohibit overdrafts and impose penalties therefor, shall be subject to the same restrictions and penalties that are prescribed by such State laws for State banks and trust companies.

Mr. SMOOT. Mr. President, the Senator from Colorado [Mr. SHAFROTH], having this bill in charge, has submitted to me for consideration a substitute for section 2, which I understand he will offer.

Mr. SHAFROTH. I shall offer it.

Mr. SMOOT. For the information of the Senate, I shall read it, and then I desire to make a few remarks upon it. The Senator from Colorado will offer as a substitute for section 2 the following——

Mr. GALLINGER. Has it been offered?

Mr. SMOOT. He will offer it, I understand.

Mr. GALLINGER. It ought to be read from the desk if the Senator from Colorado offers it.

Mr. SMOOT. I want to speak on it now.

Mr. GALLINGER. All right.

Mr. SMOOT. It reads:

SEC. 2. In any case in which overdrafts are permitted by the directors or officers of national banks, the directors or officers permitting such overdrafts shall be personally liable for any loss resulting therefrom, and where such overdrafts are not authorized by the directors or officers of the national bank the employee paying the check or checks of a depositor whose balance is insufficient to cover the amount of such check or checks shall be personally liable for the loss that results therefrom.

Mr. GALLINGER. Will the Senator from Utah permit me before he discusses this proposed amendment to ask him one question for my personal enlightenment relating to it?

Mr. SMOOT. Certainly.

Mr. GALLINGER. There is scarcely anything relating to the public business that I know less about than I do of banking. I ask the Senator if it is possible that the officers of any bank deliberately agree that they will allow overdrafts in their bank?

Mr. SMOOT. Yes, Mr. President; they do.

Mr. GALLINGER. They do?

Mr. SMOOT. They do allow it.

Mr. GALLINGER. They may allow it, but would they put themselves on record as allowing it? This provides for a case where they have agreed to recognize overdrafts.

Mr. SMOOT. Quite often there is an arrangement made by depositors with the cashier of the bank or the loaning committee, or in some cases with the director of the bank, that they will be allowed a certain overdraft. There is no law against it affecting national banks, and I want to say to the Senator that it is almost the universal practice of the banks of this country to allow certain overdrafts.

Mr. GALLINGER. Individual overdrafts?

Mr. SMOOT. It is not limited to individual overdrafts.

Mr. GALLINGER. It says "overdrafts."

Mr. SMOOT. Of course, it is either an individual overdraft or a corporation overdruft. The party or company making the deposit in drawing a check against it may overdraw the account.

Mr. GALLINGER. It strikes me as being a very loose way of doing banking business and a very dangerous principle in connection with banking. But, as I said, I know very little about banking and I am not——

Mr. SMOOT. I will say that it comes about in this way. Suppose the Senator from New Hampshire had a deposit in the bank of $500, and he issued two checks, one of them for $250 and the other for $260. That would overdraw his account $10, provided he had made no deposit in the meantime to cover it. There is no bank in the United States as long as it is not unlawful that would throw out the Senator's check, protest it, and perhaps not only once but in every case where it passed through a bank, and pile up an expense on the Senator of perhaps $20 or $30.

Mr. GALLINGER. My answer to that would be that if banking is conducted upon the high principles of justice and morality, as I supposed it was, I would do that if I was the official of the bank.

Mr. SMOOT. An overdraft is nothing more nor less than a temporary loan. As I said, I do not believe there is a bank in the United States that does not have overdrafts at some time or other.

Of course, if the Senator's idea was to be put into effect I do not know but that it would be the wisest policy to follow at this time, and there should be a prohibition of all overdrafts. I am quite sure if that were the case the banks of the country would be glad to accept it, although it would work a hardship many times upon small depositors, and particularly on women and men who do not keep strict account of their checks drawn and never know when they are overdrawn until they are notified by the cashier of the bank when a check overdrawing the account is presented.

Mr. GALLINGER. If the Senator will permit me one further observation, I will not interfere any further. It looks to me as though legislation of the kind proposed is a direct invitation to people to make overdrafts. They are not going to be punished for them and they are going to be carried by the bank, and if a loss comes it comes to the bank. I think it is not wise legislation to encourage people to do anything irregular in business transactions.

Mr. SMOOT. In practice to-day if an overdraft is lost, the bank loses that amount of money just the same as it would if it lost on a note.

Mr. GALLINGER. Certainly.

Mr. SMOOT. But this amendment provides that if the overdraft is sanctioned by the officers of a national banking association, and there is a loss through that overdraft, then the officers of the association granting that privilege shall pay the loss.

Mr. TOWNSEND. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. TOWNSEND. As I understand, the Senator moves to strike out section 2.

Mr. SMOOT. Yes.

Mr. TOWNSEND. Then the substitute will be offered later.

Mr. SMOOT. Yes; that is the program.

Mr. TOWNSEND. I understand section 2, which the Senator proposes to strike out, is to apply the same restrictions to national bank overdrafts that are applied to State banks and trust companies where the State laws require that there shall be no overdrafts. There are States where it is unlawful for the State banks to permit an overdraft.

Mr. SMOOT. Does the Senator know of a State that has such a law as that?

Mr. TOWNSEND. I am assuming that is true because of this bill.

Mr. SMOOT. The only State I ever heard of that had such a law was developed in the discussion yesterday by the Senator from North Dakota [Mr. MCCUMBER], and immediately the junior Senator from North Dakota, he being president of three banks in North Dakota, said there was not one of the banks over which he presided that did not allow overdrafts. You can examine the bank statements of North Dakota and I do not believe that there is a bank in North Dakota but what has overdrafts. Yet they say it is a violation of the law.

Mr. TOWNSEND. This is what I happen to know about State banks, for instance, in Michigan. I do not think there is an express prohibition, but I know the banking commission is all the time discouraging overdrafts and insisting that they are bad things and ought not to be permitted. What I was assuming was that whoever drew this bill knew that there are State laws which prohibit the use of overdrafts by State banks and trust companies. What I am wondering at is, if such a State law does exist anywhere, why it ought not to apply to national banks the same as to State banks.

Mr. SMOOT. That was discussed yesterday, I will say to the Senator, and one great reason for that is this: National banks ought not to be subject to State laws, and should they be, it would be entering upon a new practice and would be compelling national banks to be subject to whatever laws might be passed by the States upon any particular banking subject.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. SHAFROTH. I desire to call the attention of the Senator from Michigan [Mr. TOWNSEND] to the laws with relation to these matters. There are such laws in Arkansas, California, Indiana, Kansas, North Dakota, Michigan, Wisconsin, Missouri, Montana, Nevada, New Jersey, New York, Oklahoma, Rhode Island, South Dakota, Utah, and West Virginia. Those States have laws of a restrictive nature. Some of them are of this nature. For instance, in the State of Montana the law provides that:

Every officer, teller, or clerk of a savings bank who knowingly overdraws his account and obtains the funds is guilty of a misdemeanor.

Then, again, there are laws in North Dakota and Kansas which read as follows:

Any bank officer or employee who pays out the funds of the bank on the order of one who has not on deposit a sum equal to the check is personally liable to the bank for the amount paid.

Those laws are restrictive in their nature. Some of those laws are penal, while some simply impose a money liability.

Mr. SMOOT. Mr. President, of course the Senator can readily see that there ought to be laws to prevent the officers of any bank from using the bank for their own private purposes. Such a law ought to be passed in every State, and I had thought that every State in the Union had such a law.

Mr. President, even the proposed substitute will, in a degree, hamper business; it will hamper a depositor who carries a credit of two hundred or three hundred dollars, who happens to issue a check or checks which would represent an overdraft of merely $1. Then immediately the bank officials, under the proposed law, would be compelled to protest that check, and before the protest is concluded it will cost the depositor $20. Why, if I were an officer of a bank, I would rather pay the dollar out of my own pocket and deposit it to the credit of the maker of the check, in order that the check might be paid.

Mr. FALL. Mr. President, will the Senator from Utah yield to me for a moment?

Mr. SMOOT. Certainly.

Mr. FALL. It is on the line with which the Senator is now dealing that I want to ask him a question. If his substitute be adopted, applying, of course, to national banks, is it not a fact that such a law would now have the effect of possibly increasing the number of small State banks, which would not belong to the reserve association and would not come under the national banking laws, when the whole attempt of the Treasury Department of the United States and of the reserve association is to get all of the State banks under the national banking laws and to thereby strengthen the reserve association and that branch of the banking business?

I will say very frankly that in the sparsely settled portions of this country where there is very little currency handled, in the payment of ranch employees and others who are very many miles from any banking facilities, the little banks, even the mercantile establishments doing a little banking business along with it, afford great assistance in the transaction of business. I know of little country banks, checks upon private accounts in which are circulated through other countries, and which possibly do not return for several months, where business is done by cattlemen and others by an arrangement that their overdrafts for a certain amount may be taken care of in the event that the check which they have given out, possibly six months before, may come in, although they are not keeping close account. The foreman of a ranch, for instance, who is paying off the men may not be keeping in close touch with the bank account. The refusal of the bank to honor an overdraft where it is $10 on a $200 check would possibly entirely ruin the credit of the party drawing the check, when it was innocently done and as a matter of common custom. I know that it is so in my section. I have been connected with banks in various capacities, and I know much more about the overdraft department than any other. I can therefore say to Senators that when they touch upon the overdraft department of the banking business they are trenching immediately upon private matters.

Mr. SMOOT. Mr. President, what the Senator from New Mexico has so well said is known by all western bankers. In justice to the proposed substitute, I will say that there is not a prohibition as to paying an overdraft; but, if it is paid, the bank must make good whatever loss might arise from the payment of it.

Mr. President, the people in the East hardly realize what difficulties we in the West have in reference to currency. For instance, here in Washington there is new currency given to us every——

Mr. TOWNSEND. Every 30 days.

Mr. SMOOT. Well, every two weeks or almost every time we receive currency it is new, fresh from the press. Out West, if we receive any currency at all, it is generally old and nearly worn out. That is not because the people of the West desire unclean currency, but can not afford to pay the express charges on used currency for new from the West to Washington, and then upon the new currency forwarded from Washington to the little banks throughout the western country.

Mr. FALL. Will the Senator from Utah yield for just a moment?

Mr. SMOOT. Yes.

Mr. FALL. To illustrate exactly the conditions, I may say this: I know of ranches, for example, where there are from 40 to 50 men paid every month by check. Those men are paid by checks issued by the foremen. The foremen have nothing to do with the bank account itself. The money deposited to meet those checks will come, say, from Colorado or from Washington or from somewhere else. The arrangement is made that there shall be a monthly deposit made to cover any checks. In so far as the actual pay roll is concerned, of course, the person responsible for the deposit of the money to meet such checks knows the amount that will be necessary for that purpose, and will deposit that amount; but sometimes it is not convenient to carry a large deposit there, such deposit being carried in some other bank. So a check will be drawn upon the mother bank, for instance, in Colorado, and be sent to the local bank through which the foreman deals. The foreman's checks, which are issued for the payment of the pay rolls, are common currency and are accepted all over the country. They may not be presented for payment for one, two, three, or four months. Indeed, they may be sent to another country, as I have known them to be sent into Mexico, and they may be four months coming back. The foreman understands that the bank will pay every check which he draws, and he has nothing to do with the deposits to cover such checks. Arrangements are always made that a bank overdraft is understood to be perfectly good, and the bank will unhesitatingly pay checks even to the extent of several hundred dollars, or possibly several thousand dollars, when the money is not on deposit, they knowing that they can on a telegram have the amount at once deposited to cover it.

Mr. SMOOT. Mr. President, I know of public institutions whose expenses are provided for at a monthly meeting of the directors of the institution. The institution may be located in a small city and its funds be drawn from the capital of the State. During the month the institution is allowed to pay its expenses by checks upon the local bank, and at the meeting of the directors on or about the first of the month an appropriation is made to cover all such checks and a check is issued and deposited to cover the overdrafts which have been made during the month.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Yes.

Mr. TOWNSEND. I am sorry I was not here yesterday; but was the object of this bill stated yesterday, or has it been stated at any time? What is it for? What evil is it supposed to remedy?

Mr. SMOOT. I do not know definitely, Mr. President, why the 16 bills that are now on the calendar, beginning with this one and winding up with a bill for guaranteeing bank deposits, are proposed——

Mr. KING. Have we got such a bill as that?

Mr. SMOOT. Oh, yes; that is to follow; it is included in this bunch of bills now on the calendar. I believe the reason for the proposed legislation is this: There is some one in the Treasury Department who has been interested in looking up State banking laws, perhaps for the first time in all his life, and discovered a lot of facts he thinks should be incorporated into the national banking laws. He then prepares a bill covering the idea and rushes to the chairman of the Banking and Currency Committee and requests its introduction and passage as an administration or war measure——

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. SMOOT. In just a minute. Some of the bills now on the calendar can do no harm, but I undertake to say that there is not one of the 16 that will ever assist the banking business of this country one iota.

Mr. GALLINGER. Mr. President, if the Senator will permit me, is not the explanation possibly to be found in the fact that a little time ago we passed a banking bill, which was said to be the most perfect banking bill in all the world, and to make sure that it is such a bill we have amended it, I think, 21 times now?

Mr. SMOOT. Twenty-two times, as I remember.

Mr. GALLINGER. Twenty-two times; and we have 12 bills now on the calendar dealing with it.

Mr. SMOOT. Sixteen.

Mr. GALLINGER. Sixteen. That will demonstrate how perfect that piece of legislation was that has been advertised to the world as being the most perfect piece of banking legislation that any country ever devised; and the party that went out of power has been very severely criticized for not having been able to evolve such a wonderful piece of legislation.

Mr. SMOOT. Mr. President, just to call the attention of the Senate to the trifling provisions of the legislation that is being asked at this time, take the bill that is now under consideration and read the first section of it. Listen to this:

> That the officers of national banking associations shall present in writing at each meeting of the board of directors a list of all overdrafts made or allowed since the last meeting of the board, which list shall be noted on the minutes of the meeting and filed as a record of the association.

Why, Mr. President, if there is a banking association in the United States that does not require such reports it ought to go out of business.

Mr. KENYON. Suppose they do not do it, what will the bill do to them—anything?

Mr. SMOOT. Nothing.

Mr. KENYON. It is persuasive.

Mr. SMOOT. It is persuasive. I take it for granted that the banks of this country chartered by the Government of the United States have men of sufficient brains directing their affairs to at least know who are entitled to an overdraft. Not only does every bank that I know anything about require a complete list of the overdrafts to be submitted at every board meeting, but they require also a list of all loans made during the month, and they must be O. K'd and passed upon by the directors. It seems that some officials of the Treasury Department have come to the conclusion that the time has arrived to teach the A B C's of banking to directors of the national banking associations of the

country. If that is what is wanted, it can not do any harm to pass this bill; but, Mr. President, it will never do any good.

Mr. KING. May I suggest to the Senator that a school might be established?

Mr. SMOOT. Yes; with a fool department clerk in every city and town where a national bank is located at a salary befitting such a high and mighty position.

Mr. SHAFROTH. Mr. President, if the Senator will allow me, I will state that I had a talk with the Comptroller of the Currency this morning; the chief bank examiner was also present, and said that even matters of loans were not submitted to the directors by a great many of the banks, and he said that, so far as overdrafts were concerned, he was satisfied that in the case of not more than one-half of the banks were they presented at the directors' meetings. I do not know as to the operation of banks, but the comptroller is trying to prevent evil; he is trying to prevent failures of banks; and this is a matter that is directly in the interest of the solvency of banks and can do no harm it seems to me.

Mr. SMOOT. I can not imagine in what sections of this country that examiner has been traveling.

Mr. FALL. Mr. President, I can say that if he had traveled in New Mexico 25 years ago and if he had read the Supreme Court reports in the case of Dane and others he would find that for such derelictions as that directors and officers of banks had been punished by a term of 10 years in prison.

Mr. SMOOT. Mr. President, I do not think there is any necessity for the passage of this measure.

Mr. KENYON. May I ask the Senator a question?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. KENYON. Some Senators said on the floor, I think, yesterday, although it may have been in private conversation, that overdrafts were the cause of the failure of many banks. I should like to know what the Senator's opinion about that is. I never heard such an argument as that before.

Mr. SMOOT. I think there have been cases of failures where overdrafts were shown to exist.

Mr. KENYON. The question of collusion would be involved also?

Mr. SMOOT. Oh, certainly; and I will say to the Senator that if there had been no overdrafts the same result could have been accomplished by signing a note and it would make no difference as to results. The same bank authorities that pass upon the lending of money on a note also pass upon the question as to whether any person dealing with the bank shall be allowed an overdraft of a dollar or ten dollars or a hundred dollars or a thousand dollars or whatever the amount may be.

Mr. KING. Mr. President, will my colleague yield?

Mr. SMOOT. I yield.

Mr. KING. In further reply to the question of the Senator from Iowa [Mr. KENYON] I will state that several years ago I was somewhat interested in that question and made rather an exhaustive inquiry and some study at that time to determine whether or not any bank failure could be proximately and directly traceable to overdrafts. I was unable to find any. I found that in a number of cases where there had been bank failures there had been overdrafts, but, as my colleague has just said, in most of those cases where there were overdrafts, they would have been covered up by notes if notes had been asked for; and the failure of the bank was not traceable to overdrafts, but to improper management and control of the bank, and in some instances to the criminality of the directors. They had loaned to themselves or had loaned to corporations in which they had secret interests or to partnerships in which they were indirectly interested, or to some of their friends or relatives or business interests.

Mr. PAGE. Mr. President, may I interrupt the Senator for a moment?

Mr. SMOOT. Certainly.

Mr. PAGE. I wish to say that when it comes to the actual workings of the banking system it will be found that there are very few men who carry reasonable or sizable accounts with a bank whose accounts do not at some time or other appear in red as overdrawn. It comes about in this way: I receive in my business, for instance, a large number of checks and drafts; I send them to my New York bank, and they credit me the current items when the checks come to hand, but there will be some checks, drawn perhaps on cities which are far away, like Denver——

Mr. SMOOT. Or on banks in Canada.

Mr. PAGE. Or, perhaps, on banks in Canada. They do not credit those items until they get returns. Sometimes those returns, through the carelessness of banks to whom they are sent for collection, are very slow in coming in, and the result is that if I keep drawing on my account as against those remittances, which I made in good faith, once in a while there will be an overdraft, and my account will show in red. That is the case with the best business men who do business with New York and Boston banks; but the banks in New York know that my account is always good; they know that I do not intentionally overdraw; and I think I can say that I would no more think of overdrawing my account than I would think of allowing a note of mine to become overdue and be protested. But it will happen; and the banks simply say, when they get an overdraft, "Mr. PAGE, your account is in the red to-day so much. We take it for granted that there is some mistake somewhere in the account, so we notify you"; but the account is always taken care of.

I do not know but that some good may be done by the passage of this bill, but I believe a great deal of harm can be done. Speaking of the failure of banks, so far as my own State is concerned, there has been only one failure there in a great many years, and that was the People's National Bank of Swanton. It failed because it loaned money on real estate. The Senator from Colorado was saying yesterday that it was a very nice thing that this change was made, to permit national banks to loan money on real estate. I disagree with him. I think the assets of a national bank should be kept liquid. They should not be put into real estate. In Colorado it may work out well; but when you come to the great majority of the great banks of the country, I believe it is an absolute wrong to permit them to loan their money, which should always be kept liquid, on real estate, when we know that nine times out of ten such a loan is supposed to be continued month after month and year after year.

Let us be sensible about this matter. If there is any great wrong going on, if there are many banks failing because of overdrafts, I should like to know it; but if it is only one here and there, I should hate to overturn the whole system of banking, which has been built up by years of experience, simply because somebody wants to change the law.

Mr. SMOOT. Mr. President, if the Senate desires to adopt the proposed section 2 as a substitute and pass such legislation, well and good. I do not think it is worth while for me to discuss this question any further at this time. I hope we will get a vote on this bill to-day.

Mr. SHAFROTH. Mr. President, will the Senator withdraw his amendment?

Mr. SMOOT. Mr. President, I withdraw my amendment to strike out section 2 of the bill, with the understanding that the Senator will substitute the amendment that I have read to the Senate.

The PRESIDING OFFICER. The Senator from Utah withdraws his amendment.

Mr. SHAFROTH. Mr. President, I then offer as a substitute for section 2 the matter which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 2 as printed in the bill and in lieu thereof to insert the following:

SEC. 2. In any case in which overdrafts are permitted by the directors or officers of national banks, the directors or officers permitting such overdrafts shall be personally liable for any loss resulting therefrom; and where such overdrafts are not authorized by the directors or officers of a national bank, the employee paying the check or checks of a depositor whose balance is insufficient to cover the amount of such check or checks shall be personally liable for any loss that results therefrom.

Mr. SHAFROTH. Mr. President, I want to say a few words with relation to this bill.

The object and purpose of the bill is to make overdrafts as small and as few as possible. The Comptroller of the Currency has for the last five years been endeavoring to get the banks to take action along this line. He has sent out circular letter after circular letter concerning the subject. He tells me that it is a considerable evil to permit overdrafts. He says it sometimes happens that a director of a bank who has borrowed to the full limit allowed by the law will, in addition, induce a paying teller to accept an overdraft which makes his indebtedness far in excess of the amount that he otherwise is permitted to borrow under the law; and if that were presented to the directors, they never would allow it. Under those circumstances there ought to be a check on the director.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. I do.

Mr. SMOOT. The Senator does not want the Senate to believe that in such a case the very first report that would be made by the bank examiner to the Comptroller of the Currency the Comptroller of the Currency would not immediately make

an order to the bank commanding that it be taken care of, does he?

Mr. SHAFROTH. I have no doubt of that, but inasmuch as these reports are not made often—the reports of overdrafts come to the department only once every six months——

Mr. SMOOT. Oh, they come oftener than that.

Mr. SHAFROTH. No; that is the fact, they tell me there.

Mr. SMOOT. They have five examinations a year.

Mr. SHAFROTH. Oh, well, they may have some additional general examinations; I do not know; but a tabulation of overdrafts to particular individuals is made only twice a year, as I am told.

Now, Mr. President, I want to read a circular letter which was sent out by the comptroller, which gives a pretty fair view of this matter:

A circular letter addressed by the Comptroller of the Currency to national banks in the matter of overdrafts says:

"This office acknowledges with appreciation the efforts which the national banks generally throughout the country have made in cooperating to eliminate the overdraft evil.

"The reports of condition submitted by the national banks as of May 1, 1915, show that as a result of the efforts in this connection of the national banks and of their customers and of this office, the total amount of overdrafts in all national banks, which on February 4, 1913, amounted to $22,307,066 (or $2.67 per $1,000 of total deposits), had been reduced on June 30, 1914, to $15,485,641, and as a result of the special efforts put forth since that time, the total amount of the overdrafts in the 7,604 national banks of the United States had been reduced on May 1, 1915, to $5,904,374, or 66 cents per $1,000 of total deposits.

"The national banks of the country report that the aggregate amount of losses which they charged off during the calendar years 1912, 1913, and 1914 on account of overdrafts was $1,209,334, of which $80,223 was in the New England States, $285,617 in the Eastern States, $252,994 in the Southern States, $216,704 in the Middle States, $213,807 in the Western States, and $159,989 in the Pacific States.

"It is hoped that efforts to eliminate overdrafts entirely will be continued, and that they may before long disappear entirely from bank statements."

Mr. KING. Mr. President, will the Senator yield?

Mr. SHAFROTH. I yield.

Mr. KING. Does the letter from which the Senator reads, or does any data which he has in his hands, reveal the amount that was charged off on account of bad notes or discounts?

Mr SHAFROTH. This is just the amount which is stated—that there was a loss of $1,209,000 in 1912, 1913, and 1914.

Mr. KING. That is on overdrafts?

Mr. SHAFROTH. That is on overdrafts.

Mr. KING. But the Senator's information does not state the loss the banks sustained or the amounts which the banks charged off on account of bad paper?

Mr SHAFROTH. No; but the Comptroller of the Currency tells me that often an overdraft is made and cashed by the bank, and when the party can not make it good, he merges it in a note, and consequently, as quickly as the note is made, the loss is reported by the bank as a loss from a bad note; and he says a great many of these notes that prove to be worthless are the result of an overdraft and is covered up by the execution of the note.

Mr. SMOOT. Mr. President, there is no banker who would allow an overdraft to anybody unless he was perfectly willing to make a loan to that party.

Mr. SHAFROTH. Mr. President, there are banks in this country that have directors who are not the best directors on earth, and who are operating the bank solely for some personal advantage. The public are interested in these banks. It is not only a question of the bankers themselves. We do not want bank failures, and consequently safeguards are thrown around these banks for the very purpose of compelling directors to do things that will prevent losses to the banks. On that account, this being a measure which the comptroller himself admits it is of the greatest importance to have passed, it seems to me that we ought to have no difficulty in getting this legislation through.

Now, Mr. President, I wish to call attention to a letter which I have in my desk, and from which I will read. It is a circular that was sent out by the Comptroller of the Currency some time ago, and I will read a part of it:

The Supreme Court of the United States in the case of Minor *v.* Mechanics Bank (1 Peters, 71) rendered the following opinion on the subject of overdrafts:

"It is a usage to allow customers to overdraw, and to have their checks and notes charged up, without present funds in the bank—stripped of all technical disguise the usage and practice thus attempted to be sanctioned is a usage and practice to misapply the funds of the bank; and to connive at the withdrawal of the same, without any security, in favor of certain privileged persons. Such a usage and practice is surely a manifest departure from the duty, both of the directors and cashier, as can not receive any countenance in a court of justice. It could not be supported by any vote of the directors, however formal, and therefore whenever done by the cashier is at his own peril and upon the responsibility of himself and his sureties. It is anything but 'well and truly executing his duties as cashier.'"

The overdrafts in national banks of the United States, as reported on the call of the Comptroller of the Currency, within the last few years have been reported as high as 47 millions and as low as 18 millions, with an average for the five years of 27.2 millions.

Since the Currency Bureau was established this office has persistently criticized the granting of overdrafts, with the result that the banks in many places have agreed to discontinue them, and have entered into a formal agreement to that effect. The legislation of the different States on the question of overdrafts, as well as the decision of the Supreme Court of the United States on the subject, is brought to your attention in order that you may take the matter up with the banks in your district.

That is a circular that was sent out by the comptroller; and I will say to the Senators from North Dakota who are here that there is a law in North Dakota, there is a law in Arkansas, there is a law in California, there is a law in Indiana, and in Kansas, and in Michigan, and in Wisconsin, relating to the same subject matter that the Senators, in the discussion yesterday, referred to. But inasmuch as the substitute which I have offered for section 2 seems to satisfy the Treasury Department, it seems to me there can be no possible objection to it, and I do not think that the Senator from Utah does object to it. At least, he has given way by withdrawing his motion and has permitted this to be offered as a substitute, and he did not indicate that he would oppose it.

Now, this is the substitute that we offer. Instead of making any reference whatever to State laws, we cut out this provision:

SEC. 2. That national banking associations doing business in a State, the laws of which prohibit overdrafts and impose penalties therefor, shall be subject to the same restrictions and penalties that are prescribed by such State laws for State banks and trust companies.

On yesterday there were a number of Senators who thought that we ought not to mix State laws and national laws; and consequently there has been drawn, to meet that objection, this substitute for section 2, which, it seems to me, no one should have any objection to. It permits overdrafts, but it does not permit them unless the directors sanction them, and if the directors do not sanction them the employees making them become personally liable for the overdrafts. So if a person that they know is personally responsible makes an overdraft they can cash the overdraft, but it imposes a liability which makes them hesitate, and only in a case where the party is absolutely good would they, under those circumstances, permit an overdraft.

Section 2, which I have offered as a substitute, provides as follows:

SEC. 2. In any case in which overdrafts are permitted by the directors or officers of national banks the directors or officers permitting such overdrafts shall be personally liable for any loss resulting therefrom; and where such overdrafts are not authorized by the directors or officers of a national bank, the employee paying the check or checks of a depositor whose balance is insufficient to cover the amount of such check or checks shall be personally liable for any loss that results therefrom.

Mr. President, evidently in cases where there is doubt as to whether the overdraft will be paid the cashier or the paying teller who permits it will have to be absolutely assured that the money will be coming to the bank if he cashes the check. The comptroller has said to me that there are instances where directors did not want the other directors of the bank to know that they were overdrawing, and, after getting all of the money that they could by virtue of a loan, being limited to one-tenth of the amount of the capital stock, they would in some instances go to the paying teller and induce him to cash an overdraft in order that they might get more money. Of course, they intend to make it good, but sometimes they failed, and it is failures of that kind that make a bank go down on some occasions.

Mr. President, it seems to me that the bill, by virtue of that substitute, should meet with the objection of no one.

Mr. McCUMBER. Mr. President, I assume from the argument which was made yesterday that the Comptroller of the Currency fathered the bill which was presented yesterday; but certainly the Senator in charge of the bill must admit that he could not recognize the proposition which is presented to-day as anything but an alien, and an alien enemy, not at all related in any way, shape, or form, to the bill which the Senator from Colorado so urgently supported only yesterday.

All of the argument that was made during the entire afternoon of yesterday in support of this bill was in support of uniformity of action under the State law as it affected both national banks and State banks, and therefore the provision was drawn, and there was not anything else in that bill except that the law of a State relative to overdrafts should apply the same to National banks as to State banks. In other words, there was to be a uniformity of the penalty for disobeying a State law, whether it affected a national bank or a State bank.

The amendment which the Senator offers to-day destroys the uniformity. He does that thing which yesterday he stated he wished to avoid, and that was the lack of uniformity in the application of the law. So to-day he has a provision which will

make it an offense to make an overdraft in one State if it is on a national bank, but if the State laws do not make it an offense to overdraw an account on a State bank in that same State then you have a law making it an offense to overdraw on a national bank and not an offense to have an overdraft upon a State bank.

Mr. SHAFFROTH. I will state to the Senator that the comptroller would prefer the other provision, and I would prefer it also, but it was manifest from the discussion that was had here that that provision could not pass. The sole object and purpose of all this legislation is to prevent overdrafts as much as possible.

I want to call the attention of the Senator to the laws that the Senator has referred to as existing in North Dakota. They are not of the penal nature that the Senator imagines. Here is the provision with relation to Kansas and to North Dakota banks. They are identically the same provision, and it is a provision that—

Any bank officer or employee who pays out the funds of the bank on the order of one who has not on deposit a sum equal to the check is personally liable to the bank for the amount paid.

That is practically identical with this amendment, and it does not conflict with any of the laws of the State. It may be an addition, but nevertheless it is carrying out the policy of the Comptroller of the Currency to make overdrafts as light as possible.

Mr. McCUMBER. How many States have that law?

Mr. SHAFROTH. I will read them.

Mr. McCUMBER. You can give me generally the number.

Mr. SHAFROTH. They vary very much. For instance, Arkansas has this provision:

Any officer or employee permitting an overdraft is personally liable for the amount unless the drawer of such check, order, or draft has previously arranged with the board of directors for a line of credit sufficient to cover such payment. The board of directors, however, are authorized to ratify such overdraft and relieve the employee from such liability.

There is a provision somewhat similar, and yet in different words in California:

Any director, officer, employee, etc., of a bank who knowingly overdraws his account and obtains the funds of his bank and asks or receives a consideration for procuring a loan from or discount by his bank, or for permitting an overdraft of an account with the bank, is guilty of a felony.

Mr. McCUMBER. I will not ask the Sentaor to read them. Tell me what the law is in Missouri.

Mr. SHAFROTH. The Court of Appeals of the State of Missouri, in the case of Market Street Bank v. Stumpe (Second Missouri Appeals Report, 543), decided that——

Mr. McCUMBER. I wish the statutory law rather than the court decision.

Mr. SHAFROTH. It is stated here in the decision. The court decided that—

The mere fact that the directors of a bank knew of and sanctioned overdrafts will not release from liability the sureties of a teller who causes a loss to the bank by permitting overdrafts. The directors of a bank have no power to sanction overdraft.

Mr. McCUMBER. As a matter of fact, there are a number of States which have no laws with reference to overdrafts.

Mr. SHAFROTH. I think so, but there are not——

Mr. McCUMBER. All right. Now, we will have a law when we get through that will cover the overdraft of national banks that will not cover, of course, overdrafts upon State banks. Therefore you will have two laws, both of them providing for penalties. I do not mean a penalty by imprisonment, but both of them providing for penalties which will apply within the confines of a State to national banks that will not apply to State banks.

Mr. SHAFROTH. It may be——

Mr. McCUMBER. I do not care about taking up any further time. I think we understand it. The position of the Senator seems to be that if the Comptroller of the Currency can not get the kind of a law that he wants and the kind that he drafted, he is willing to take anything on earth that is not related to it so that he gets some kind of a law.

Mr. SHAFROTH. No; the Comptroller has one object, and that one object is to make overdrafts as few and as small in amount as possible. This provision does that, and for that reason, it seems to me, it ought to be adopted. I ask for a vote on the amendment.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Hollis	Poindexter	Thomas
Bankhead	Johnson, Cal.	Pomerene	Thompson
Borah	Kellogg	Ransdell	Tillman
Calder	Kenyon	Reed	Townsend
Culberson	King	Saulsbury	Trammell
Curtis	Kirby	Shafroth	Underwood
Dillingham	McCumber	Sheppard	Vardaman
Fall	McKellar	Sherman	Wadsworth
Fletcher	Martin	Shields	Warren
France	Myers	Simmons	Watson
Gallinger	Nelson	Smith, Ga.	Weeks
Gerry	New	Smith, S. C.	Wilfley
Gronna	Norris	Smoot	Williams
Hale	Nugent	Sterling	
Hardwick	Page	Sutherland	
Henderson	Phelan	Swanson	

Mr. CURTIS. I desire to announce the absence of the Senator from Washington [Mr. JONES] on official business. I will let this announcement stand for the day.

Mr. KIRBY. I announce the absence of my colleague [Mr. ROBINSON] on official business.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The question is on agreeing to the amendment.

Mr. SHAFROTH. I ask that the substitute for section 2 be read.

The PRESIDING OFFICER. The Secretary will report it.

The SECRETARY. It is proposed to strike out section 2 as printed in the bill and substitute the following:

SEC. 2. In any case in which overdrafts are permitted by the directors or officers of national banks the directors or officers permitting such overdrafts shall be personally liable for any loss resulting therefrom, and where such overdrafts are not authorized by the directors or officers of a national bank the employee paying the check or checks of a depositor whose balance is insufficient to cover the amount of such check or checks shall be personally liable for any loss that results therefrom.

Mr. WEEKS. Mr. President, the senior Senator from North Dakota [Mr. McCUMBER] very well pointed out what seems to me to be the relative necessity of this legislation. The provision which has just been offered as a substitute for what was in the bill is so different from the original proposition that it entirely changes the bill's characteristics. I think the evil arising from overdrafts has been very greatly exaggerated. It is true that years ago banks in some sections of the country were in the custom of loaning money and carrying the loans as overdrafts instead of taking notes. I have known of very large loans made in that way, and that was a matter of agreement between the bank and the bank customer. That system has been practically given up, so far as I know.

On the other hand, there are conditions which arise which necessarily require an overdraft. For example, a country bank may wish to borrow of its reserve city correspondent. It calls on the telephone and borrows $50,000 or $25,000, or whatever the amount may be, and the money is immediately put to the credit of the country bank, which then forwards its security and its note and draws for its needs. It overdraws its account, and this could not be done without a personal responsibility even under the provision which has been introduced by the Senator from Utah, thereby greatly interfering with the expedition of business.

Moreover, everybody knows that there are constant overdrafts of banks in small amounts. Very often people do not carry their bank balance correctly on their own check books, and frequently it would be an extremely embarrassing thing to throw out a check drawn by a good depositor—a check which should be paid and paid promptly, but which would produce an overdraft.

There may be some, but I do not recall any testimony which indicates that there have been serious results arising from overdrafts in producing failures of banks, but if it has been done it has been done as an error of judgment, not as an error of policy, because no officer of a bank would permit an overdraft of any size unless he were willing to loan the person making the overdraft that amount of money on his promissory note.

In every well-regulated bank the overdraft will appear on the books of the bank, and in the morning there is reported to the president or the proper officer of the bank the total amount of the overdraft. There is not anything about it that is not open and businesslike in banks that are properly run.

I think myself that this bill is largely of a camouflage order, and that it is a mistake for us to be legislating in matters of this kind, putting statutes on the statute books which are not necessary and which will not produce any reasonably beneficial results.

Mr. WILLIAMS. Mr. President, I agree with the Senator from Massachusetts [Mr. WEEKS] substantially in what he has said. The fact that very frequently a loan by a bank by way of an occasional overdraft where the depositors are not keeping a close account is one of the safest assets of the bank, much

safer than an ordinary piece of paper, because a man can be made to settle at once. All you have got to do is to call upon him and he must come or lose his credit. It is not like carrying a few days beyond the grace a promissory note and all that.

Now, just to illustrate, Mr. President, during the entire last year there was hardly a month went by without my overdrawing my Washington bank account. The man at the bank would call me on the phone or write and say, "Mr. WILLIAMS, that last check has overdrawn your balance $10"—sometimes $5, $20 in one or two cases, and I remember over $110. Immediately back would go a check sent by me upon another bank, in which I knew I had a balance, to meet the draft, or else a draft upon the Secretary of the Senate, payable on the next pay day, to be discounted and the net proceeds placed to my credit.

Most people are not running a commercial business. I am not running one. I can not go to keeping books with anybody, not even my bank. The bank knows I am good; all the banks I deal with do, and they are not afraid of my overdrawing $10 or $100.

It is absolute folly to try to make it appear that a bank is committing some fault, or that I am, merely because I do not keep books. I never kept a set of books in my life, and I do not expect to do it. I do not intend to be worried by that sort of thing. I hope to die without having experienced that nuisance. I would quit doing business with any bank in the world that turned down my draft because I had overdrawn my account when it knew that all it had to do was to let me know and it would get its $10 or $100.

As the Senator from Massachusetts said, I do not see much in this one way or the other. The bill does not provide a penalty for an overdraft. It merely provides that there shall be a list and the list shall be published. Whenever any bank carries on anything like good business, if there is any overdraft that has been extended and the man who has made the overdraft did not pay it is reported right away to the bank, and they come back to you, and it requires no law for them to do it.

There is one law of business for a commercial man, a trader, a bookkeeper, and there is another law of business for an ordinary fellow who is neither. I object to being put in the attitude of seeming to try to violate some commercial principle because I accidentally overdraw my account in a bank. It happens to me very frequently. It happened month before last. All I did was to draw a check upon the bank of Yazoo City to fill out the overdraft upon the bank here and sent it right down as soon as they phoned me from the bank.

Mr. SHAFROTH. Mr. President, the Senator from Massachusetts [Mr. WEEKS] said he does not think much loss is occasioned by overdrafts. I had a talk with the comptroller this morning, and he says it is one of the strong reasons why banks fail. He says it is not only the overdraft at the time, but that the party who makes the overdraft often covers it up with a note afterwards, and a great many worthless notes are treated in the report as bad notes that were forced on the banks by reason of making an overdraft. In this circular, which is issued by the Comptroller of the Currency, the national banks of the country report an actual amount of losses which they charged off during the calendar years 1912, 1913, and 1914 on account of overdrafts of $1,209,000.

Mr. President, it does seem to me that the principle of overdrawing is wrong. The substitute which I have offered, though it permits overdrafts, does it only when it is recommended or approved by the board of directors, or if the paying teller fails to get an indorsement, then he becomes personally liable. I will state to the Senator that instances have been cited to me where the directors themselves did not want the other directors to know that they were overdrawing.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Colorado yeld to the Senator from Massachusetts?

Mr. SHAFROTH. In just a moment. I refer to cases where the director has borrowed all the money that he could under the law and has then arranged with the paying teller to make an overdraft that would be carried by the bank. The comptroller says that there are a large number of banks that do not have overdrafts presented to them every time directors meet for their approval or disapproval. I yield to the Senator from Massachusetts.

Mr. WEEKS. I wish to ask the Senator from Colorado what the total business of the national banks of the country was last year?

Mr. SHAFROTH. I do not know; but a great many dollars.

Mr. WEEKS. What was the total amount of the overdrafts on national banks last year? If it is a fact that a million and a quarter were lost by overdraft, I want to see what percentage that was of the total business done.

Mr. SHAFROTH. It is a small percentage; there is not any doubt about that, but it is one of the leaks that ought to be prevented. Great many of the banks are conducted in a most admirable way, and there is no doubt that overdrafts in many of the banks are made good; but if you take banks that are organized which contain sometimes directors who have not the good of the people at heart, but their own interest at heart, it seems to me it will prevent these overdrafts and thereby save losses to the banks.

Overdrafts are considered illegal, and when you do not prohibit them absolutely there ought to be the greatest amount of care exercised in the way of getting the consent of the directors who know the party as to whether an overdraft will be paid.

Mr. WEEKS. Mr. President, I wish to ask the Senator from Colorado if he knows the amount of losses charged off on bad loans last year?

Mr. SHAFROTH. It is not so great a percentage of the business done, but that is probably the cause that is assigned more particularly for the failure of banks. As the comptroller said to me, a great many of the notes that are declared to be bad notes have been made by overdrafts in the first instance, and he says for that reason you can not ascertain how many banks have failed through overdraft.

Mr. WEEKS. Is it not true that the losses from overdrafts and from bad loans are due to bad banking and bad judgment, and that the correction for this whole thing would be for the stockholders of the bank to have suitable directors and suitable officers of the bank?

Mr. SHAFROTH. That is one of the remedies, of course. There is no doubt but that if the banks permit overdrafts, unless they are absolutely sure of return, they will lose money, and consequently many banks become in time insolvent. But there are bank failures. They are going on. They are fewer than they used to be, it is true, but the failures, in some instances, are due to the fact that legislation of this kind has not been passed, and when the evil appears it is proper and right that the correction should be made.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. SHAFROTH. Certainly.

Mr. VARDAMAN. If it is the purpose of the Senator to protect banks from extending credit to unreliable or insolvent patrons, why does he not throw the protecting arm of the Government around houses of merchandise in the matter of extending credit?

Mr. SHAFROTH. The banking system consists of extending credits. That is one of the means, and the policy is to allow credit only where credit is proper to be allowed.

Mr. VARDAMAN. If the Senator will pardon me, this undertaking, it strikes me, by legislation to control the management of the private affairs of a quasi-public enterprise—I should like to ask the Senator if he thinks the rule which prevents a Senator from voting on a matter in which the Senator is personally interested should apply in the case of Senators who vote for or against this bill? I hope it will not affect the rights of Senators who happen to have overdrafts.

Mr. SHAFROTH. No; it seems to me it is a question for the future.

Mr. VARDAMAN. It seems to me it may not be necessary to tie the hands of a banker by legislation to prevent that.

Mr. SIMMONS. Mr. President, I hope that neither the provision of the bill or the amendment will obtain. I like the provision of the bill very much better than the substitute, and if either is adopted I hope it will be the provision in the original bill. The Senator from South Carolina [Mr. SMITH] suggests to me that each is worse than the other. Both are bad.

This is another illustration, Mr. President, of an attempt to interfere with the well-established course of business in this country. I have not myself had any complaint from any banker in my State against the custom of paying overdrafts. I have not received any suggestion from any constituent or from anyone else in this country with reference to the loss occurring to the banks of the country through this universal practice of allowing overdrafts.

The Senator from Massachusetts [Mr. WEEKS] asks what percentage of the total deposits of banking capital was lost as the result of overdrafts. I have no personal information myself about it, but I heard a Senator, who claims to have made some investigations only a short time ago, this morning say, as I recall it, that it was only about 60 cents upon a thousand dollars. But, however that may be, assuming that it is a million dollars a year, as stated by the Senator from Colorado, that is a mere bagatelle compared to the enormous amount of business of all the banks of the country. It is an insignificant amount compared with the convenience and the advantage to

the public of being permitted occasionally to overdraw their accounts in a bank to the extent of a few dollars or a few hundred dollars.

Mr. SHAFROTH. Will the Senator yield to me?

Mr. SIMMONS. I yield.

Mr SHAFROTH. I ask the Senator whether he thinks that anything has been done wrong by the State of Kansas and the State of North Dakota in passing this law as to State banks?

Mr. SIMMONS. No; I do not think that there is any wrong in it.

Mr. SHAFROTH. Let me read it:

> Any bank officer or employee who pays out the funds of the bank on the order of one who has not on deposit a sum equal to the check is personally liable to the bank for the amount paid.

Can it be possible that there is any wrong in that? That is exactly what is being done in this section.

Mr. SIMMONS. I am not saying that there is any wrong in it, but I am saying that it is a condition of business that does not require any such remedy or any such interference as the bill proposes.

Mr. SHAFROTH. I will state that there are 15 or 16 States that deemed it proper to pass such laws as that with relation to personal liability as to the man who pays an overdraft.

Mr. SIMMONS. I am not complaining of any State in the United States that may see fit to pass a law of that sort. I am happy to say that my State has never seen fit to do it, and I hope it will never see fit to do it; but whatever may happen with reference to a few States in the Union in regard to State banks, I do not think it should be accepted by us as a question for our action in passing legislation to apply to every national bank in the country.

Mr. President, I can not conceive of anything that could be done that would work so many little hardships to the vast army of bank depositors in this country as would this legislation. Everybody understands that it is the ordinary custom of business in most of the States of this Union to honor checks of such part of their depositors as the bank officials have confidence in. Honoring a check when there is no funds with which to meet it is tantamount to a loan to that extent; and no bank officer would indulge a depositor in that way unless he felt that his bank would be willing to loan him that amount of money. There are a great many people who have to do their business upon a very small margin of capital; they do not carry large amounts in the bank. They, however, draw upon the bank freely, knowing their credit is good with the bank, knowing that there is no suspicion that they will not make good an overdraft. So they very frequently overdraw. To now say to those men that, if they issue a check which it may be important to the man to whom they have given it to have the money upon it immediately, such a check will be discredited at the bank if it happens to turn out that the drawer has inadvertently overdrawn his account for even a few cents, would be doing something which, to my mind, would in a small way result in such inconvenience as nothing else we might do as to a large percentage of the great mass of depositors in this country.

Mr. President, that is all I desire to say in a general way. The bill, as I understand, provides that this penalty shall only be imposed where the law of the State as it applies to State banks provides against overdrafts. Therefore in States like mine, where there is no such law, the provision in the bill would not apply, but would only apply in case a State has seen fit to impose a penalty for an overdraft or to prohibit overdrafts. The substitute, however, in effect would make the provision apply to every State in the Union, whether the State has such a law prohibiting an overdraft or not.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I shall do so in a moment. That is to say, it would impose such penalties, if an overdraft be permitted, which would be tantamount to an absolute prohibition against the paying of an overdraft.

Now I yield to the Senator from Utah.

Mr. SMOOT. I merely wish to ask the Senator a question. As I understood him, in the first place, he said that he was opposed to this section as reported to the Senate.

Mr. SIMMONS. Yes; I said I was opposed to the section as reported to the Senate in the original bill, and that I was opposed to the substitute; but as between the two, I should prefer the provision in the original bill.

Mr. SMOOT. I thought the Senator had said that. Therefore, I was going to call the Senator's attention to the fact that section 2, as now reported, simply means that national banks are placed under the law of the States on the subject.

Mr. SIMMONS. That is exactly what I stated just before the Senator from Utah interrupted me; that, under the provisions of the original bill, it would only apply to States that had laws against overdraft.

Mr. SMOOT. Yes.

Mr. SIMMONS. But I do not understand that to be so as to the substitute that is offered. That would apply to all the States of the Union.

Mr. SMOOT. Yes; so far as the substitute goes it would.

Mr. SIMMONS. It would apply so far as the substitute goes. Mr. President, I hope the substitute will be voted down.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Colorado [Mr. SHAFROTH].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I did intend to offer an amendment to strike out section 2 of the bill, but I am not going to do so. I ask the Senate to vote upon the bill. I think the Senate is convinced that this class of legislation is absolutely uncalled for and unnecessary.

Mr. SMITH of South Carolina. Let us vote, Mr. President.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was rejected.

RENT PROFITEERING IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes.

Mr. GALLINGER. I ask that the bill be first read, Mr. President.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears no objection.

Mr. GALLINGER. I have not had time even to read the bill, because I have been so extremely busy; but I am not going to ask that it be delayed any longer than a sufficient time for me to look into it. If the Senator from Ohio will postpone his request until to-morrow, I assure him that I shall not offer any obstruction, but I do want to examine the bill. I assume that it is the so-called profiteering bill.

Mr. POMERENE. It is. Mr. President, I understand it is the purpose to take up the Post Office appropriation bill a little later. I am extremely anxious to have the legislation, the consideration of which I have asked, disposed of. At the same time, I realize that the request of the Senator from New Hampshire is not an unreasonable request.

Mr. GALLINGER. I will say to the Senator that I did read the House bill on this subject; but the Senate bill is an entirely different bill, I assume?

Mr. POMERENE. Yes.

Mr. GALLINGER. And I do want to read the Senate bill and to compare it with the House measure.

Mr. POMERENE. The bill as reported by the Senate committee is entirely different from the House bill, and is constructed on an entirely different plan. The House bill seeks to control the situation by a tax on incomes from real estate, while in the bill which is reported by the Senate District Committee we seek to limit rentals to a net rental of 7 per cent, with certain, we think, very efficacious regulations.

Mr. GALLINGER. It is a very important bill, and if the Senator from Ohio will move to take it up after the routine morning business to-morrow, I do not believe there will be any objection. I should not object, certainly; but I should like time to read the bill.

Mr. POMERENE. Is there objection to my asking now that the Senate make this bill a special order for to-morrow?

Mr. GALLINGER. Why not ask that it be taken up immediately after the routine morning business to-morrow?

Mr. FLETCHER. I think if the Senator from Ohio should give notice to that effect, it would be just the same.

Mr. SMITH of Georgia. Why not take the bill up now, with the understanding that it be laid aside for the remainder of the day, by unanimous consent?

Mr. POMERENE. I am quite willing that that shall be done, if that will suit the purpose of the Senator from New Hampshire.

Mr. GALLINGER. I am quite willing that that shall be the procedure.

The PRESIDING OFFICER. If there be no objection, the bill will now be laid before the Senate, and then laid aside temporarily until to-morrow. Is that the idea?

Mr. POMERENE. That it shall be laid aside until to-morrow at the conclusion of the routine morning business.

Mr. FLETCHER and Mr. BANKHEAD addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. FLETCHER. There is a bill which has been on the calendar for some time; I refer to the bill (S. 2104) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The pending matter has not yet been disposed of. The Chair assumes that neither the Senator from Alabama nor the Senator from Florida desired to object?

Mr. FLETCHER. No.

Mr. SMITH of Georgia. Mr. President, has the Senate taken up the District profiteering bill?

Mr. FLETCHER. Yes; and has laid it aside.

Mr. SMITH of Georgia. There was not any formal action on it.

Mr. FLETCHER. The Chair put the question.

Mr. POMERENE. I assume the bill was taken up by common consent.

The PRESIDING OFFICER. That order was made.

Mr. POMERENE. And that the bill is laid aside until to-morrow at the conclusion of the routine morning business.

Mr. BANKHEAD. Mr. President, I want to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state his inquiry.

Mr. BANKHEAD. If the request of the Senator from Ohio [Mr. POMERENE] prevails, does it make his bill the special order for to-morrow? Is that the idea?

The PRESIDING OFFICER. The Chair so understands.

Mr. GALLINGER. It makes it the unfinished business.

Mr. BANKHEAD. Then I am compelled to object. I am anxious to get up the Post Office appropriation bill.

The PRESIDING OFFICER. The Chair thinks the Senator's objection comes too late.

Mr. BANKHEAD. My objection does not come too late. I think the question has never been submitted to the Senate.

The PRESIDING OFFICER. The Chair understood he asked if there was objection to the request of the Senator from Ohio, but none was made. If that, however, is not the case, and the Senator from Alabama desires to object to the request——

Mr. POMERENE. I want to appeal to the Senator from Alabama. I realize his anxiety to get up the Post Office appropriation bill. That bill ought to be disposed of at the earliest possible moment; but that bill provides for the ensuing year, while the bill which I desire considered is for the immediate relief of the people of this District, and serious harm may befall citizens of the District if some final and definite action is not taken upon it by the Congress of the United States.

The PRESIDING OFFICER. There is objection to the request.

POST OFFICE APPROPRIATIONS.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of House bill 7237, Calendar No. 318, commonly called the Post Office appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of House bill 7237.

Mr. GALLINGER. Mr. President, I wish to ask a question. I am afraid, while I am trying to be diligent in the matter of legislation, that I am losing track of some matters that are being speeded a little faster than I can travel. I will ask the Senator when this appropriation bill was reported?

Mr. BANKHEAD. It has been on the calendar for three or four weeks.

The PRESIDING OFFICER. It was reported on April 2.

Mr. GALLINGER. Very well; I think the Senator ought to call it up.

Mr. BANKHEAD. Mr. President, I am entirely anxious to accommodate myself to the views of the Senator from Ohio, in charge of the so-called rent-profiteering bill; but the Post Office appropriation bill is also an important measure. I wish to make the suggestion that, perhaps, to-morrow during the morning hour the Senator from Ohio might get his bill up and have it considered. I would not undertake to interfere with an arrangement like that.

Mr. POMERENE. If we can have an understanding that the Senator will consent to lay aside, even after the morning hour, the Post Office appropriation bill——

Mr. BANKHEAD. I can not agree to lay it aside beyond the morning hour.

Mr. POMERENE. I am quite sure there is no disposition on the part of any member of the District Committee to unduly prolong the debate on the so-called rent-profiteering bill; but it is a matter of immediate necessity to the people of the District, whereas so far as appropriations which are provided for in the Post Office appropriation bill are concerned they are for the next fiscal year.

Mr. BANKHEAD. Yes; but the bill must be passed by the 30th of June.

Mr. POMERENE. I think we will be able to get it through before that time.

Mr. BANKHEAD. And then it will have to go to conference, and we do not know how long the conference will take. I think we might proceed with this bill this afternoon, and then I have no doubt some arrangement can be made by which the Senator from Ohio can at least proceed with his bill to-morrow during the morning hour.

Mr. POMERENE. I will say to the Senator from Alabama that I am going to place absolute confidence in his generosity and good will for to-morrow, so that we will be able then to take up the rent-profiteering bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of House bill 7237, the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BANKHEAD. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendments, the amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMOOT. Mr. President, I wish to say to the Senator that the Finance Committee are holding a meeting, and the members of that committee are asked to be present to take action upon a special matter pending there. There are some amendments to the Post Office appropriation bill in which I know members of that committee are very deeply interested; and I was going to ask the Senator if he would not permit the bill to be read through now for committee amendments, allowing such amendments as to which he knows there is no objection to be agreed to, and as to other amendments—I think the Senator knows the amendments I have in mind——

Mr. BANKHEAD. I think I do.

Mr. SMOOT. To ask that they be passed over, at least until we can return from the committee meeting?

Mr. BANKHEAD. When we come to an amendment which is likely to provoke debate, I will ask that it may be passed over and printed, if that is the desire.

Mr. SMOOT. No; I do not ask that they be printed, but I ask that the amendment in regard to the pneumatic tubes, the amendment increasing salaries of rural carriers, and other amendments to which the Senator knows there is objection, may be passed over. Those amendments as to which the Senator knows there is a question I should not like to have acted upon this afternoon.

Mr. BANKHEAD. That is the understanding, Mr. President. If we reach an amendment of that sort, it will be passed over.

The PRESIDING OFFICER. The Secretary will state the first amendment reported by the committee.

The first amendment reported by the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 12, after the words "in all," to strike out "$783,700" and insert "$901,255," so as to make the clause read:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 30 inspectors, at $2,400 each; 20 inspectors, at $2,250 each; 32 inspectors, at $2,100 each; 20 inspectors, at $2,000 each; 30 inspectors, at $1,900 each; 90 inspectors, at $1,800 each; 60 inspectors, at $1,700 each; 60 inspectors, at $1,600 each; and 65 inspectors, at $1,500 each; in all, $901,255.

The amendment was agreed to.

The next amendment was, on page 2, line 16, before the words "per day," to strike out "$3" and insert "$4"; and, in line 25, after the word "each," to strike out "$262,860" and insert "$350,000," so as to make the clause read:

For per diem allowance of inspectors in the field while actually traveling on official business away from their homes, their official domiciles, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day: *Provided*, That the Postmaster General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their homes or their designated

domiciles for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more, except the 32 inspectors receiving $2,100 each, $350,000.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the words "in all," to strike out "$134,000" and insert "$154,100," so as to make the clause read:

For compensation to clerks at division headquarters, 15, at $1,800 each; 15, at $1,600 each; 20, at $1,400 each; 30, at $1,200 each; 10, at $1,000 each; and 10, at $900 each; in all, $154,100.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 4, line 15, after the word "postmasters," to strike out "$32,850,000" and insert "$35,000,000," so as to make the clause read:

For compensation to postmasters, $35,000,000.

The amendment was agreed to.

The next amendment was, on page 5, line 4, after the words "in all," to strike out "$3,500,000" and insert "$4,025,000," so as to make the clause read:

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 50, at not exceeding $3,000 each; 10, at not exceeding $2,500 each; 10, at not exceeding $2,000 each; 15, at not exceeding $1,900 each; 50, at not exceeding $1,800 each; 100, at not exceeding $1,700 each; 170, at not exceeding $1,600 each; 215, at not exceeding $1,500 each; 175, at not exceeding $1,400 each; 360, at not exceeding $1,300 each; 600, at not exceeding $1,200 each; 550, at not exceeding $1,100 each; 350, at not exceeding $1,000 each; 130, at not exceeding $900 each; 70, at not exceeding $800 each; in all, $4,025,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum

The amendment was agreed to:

The next amendment was, on page 10, line 22, after the words "in all," to strike out "$53,291,800" and insert "$61,285,570," so as to make the clause read:

And to provide for the promotion of 85 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 15 per cent of the clerks in the sixth grade to the designation of "special clerk," in the $1,300 grade, and for the promotion of 15 per cent of the designated "special clerks" in the $1,300 grade to the designation of "special clerk" in the $1,400 grade, and to provide for the promotion of 85 per cent of the clerks in second-class post offices from the fourth to the fifth grade, and for the promotion of 15 per cent of the clerks in second-class post offices from the fifth to the sixth grade: *And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum; in all, $61,285,570.

The amendment was agreed to.

The next amendment was, on page 11, line 7, after the word "exceeded," to insert:

Provided further, That hereafter when any employee in the Postal Service under the law is entitled to compensatory time for Sunday or holiday service, if he so elects, he may be paid for overtime in lieu thereof.

The amendment was agreed to.

The next amendment was, on page 11, line 14, after the words "in all," to strike out "$61,800" and insert "$71,070," so as to make the clause read:

For compensation to printers, mechanics, and skilled laborers, 22, at $1,200 each; 4, at $1,100 each; and 31, at $1,000 each; in all, $71,070.

The amendment was agreed to.

The next amendment was, on page 11, line 17, after the words "in all," to strike out "$1,730,000" and insert "$1,989,500," so as to make the clause read:

For compensation to watchmen, messengers, and laborers, 1,025, at $900 each; in all $1,989,500.

The amendment was agreed to.

The next amendment was, on page 11, line 23, after the words "post offices," to strike out "$3,000,000" and insert "$3,428,572," so as to make the clause read:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $3,428,572.

The amendment was agreed to.

Mr. BANKHEAD. I offer an amendment to come in at the end of line 3, on page 12.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 12, line 3, it is proposed to strike out the "$2,000,000" and insert in lieu thereof "$2,400,000."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 4, after the word "That," to insert "hereafter," so as to make the clause read:

Provided, That hereafter no allowance in excess of $300 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $400 where the salary of the postmaster is $1,300, $1,400, or $1,500; and that no allowance in excess of $500 shall be made where the salary of the postmaster is $1,600 or $1,700; nor in excess of $800 where the salary of the postmaster is $1,800 or $1,900.

The amendment was agreed to.

The next amendment was, on page 12, line 19, after the word "That," to insert "hereafter," so as to make the clause read:

Provided, That hereafter the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of $500, nor more than $100 for fuel and light in any one year.

The amendment was agreed to.

The next amendment was, on page 13, line 11, after the words "City Delivery Service," to strike out "$41,700,000" and insert "$47,955,000," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for the promotion of 85 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade, and for the promotion of 85 per cent of the letter carriers in second-class post offices from the fourth to the fifth grade, and for the promotion of 15 per cent of the letter carriers in second-class offices from the fifth to the sixth grade, City Delivery Service, $47,955,000.

The amendment was agreed to.

The next amendment was, on page 13, line 14, after the word "established," to strike out "$4,100,000" and insert "$4,685,715," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $4,685,715.

The amendment was agreed to.

The next amendment was, on page 13, line 17, after the word "year," to strike out "$75,000" and insert "$86,250," so as to make the clause read:

For pay of letter carriers, substitute and auxiliary letter carriers at offices where city delivery service is established during the year, $86,250.

The amendment was agreed to.

The next amendment was, on page 13, line 22, after the words "collection services," to strike out "$5,965,000" and insert "$6,500,000," so as to read:

For vehicle allowance, the hiring of drivers, the rental of vehicles, and the purchase and exchange and maintenance, including stable and garage facilities, of wagons or automobiles for, and the operation of, screen-wagon and city delivery and collection services, $6,500,000.

Mr. BANKHEAD. I offer an amendment to the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 13, line 22, in the amendment reported by the committee it is proposed to strike out "$6,500,000" and insert "$6,700,000: *Provided*, That not to exceed $200,000 of the amount herein appropriated shall be available for the payment of the service contemplated by the appropriation title during the fiscal year ending June 30, 1918"; and at the end of line 22, on page 13, strike out the comma and insert the word "further."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 14, after line 13, to insert:

For the transmission of mails by pneumatic tube, $976,000, of which amount $500,000 shall be available for operation by the Post Office Department.

The Postmaster General is hereby authorized and directed to take over and operate on and after July 1, 1918, at least to the extent pneumatic-tube mail service is now maintained, the pneumatic-tube systems now under contract with the Post Office Department in the cities of New York, N. Y.; Brooklyn, N. Y.; Boston, Mass.; Philadelphia, Pa.; Chicago, Ill.; and St. Louis, Mo., together with all equipment, properties, supplies, franchises, street rights, and patent licenses, so far as the same apply to and are necessary for pneumatic-tube mail service: *Provided*, That before taking over and operating the tubes in any of said cities arrangements shall be made whereby the Post Office Department shall be relieved of the payment of any license or franchise tax to any of said cities during the time of Government operation.

There shall be paid for said properties not more than $4,432,622, the exact amount to be determined as follows: On or before July 1, 1918, from available data and information and such additional investigation as it may deem necessary to make, the Interstate Commerce Commission shall ascertain, determine, and report to the Postmaster General the actual value of the said properties in each of the said cities to be taken over by the Postmaster General, taking into consideration the nature, character, and condition of the franchises, patent licenses, and the titles to the properties in each of said cities.

The Interstate Commerce Commission shall also report to the Postmaster General a plan of amortization for the payment of the amount to be determined by it as the value of the said properties, in no event to exceed $4,432,622, under which not less than $476,000 per annum shall be applied to the payment of the principal and interest at 4 per

cent per annum for a sufficient period of years to pay the owners of the tube properties the amount so determined by the said commission as the value of the same.

Of the amount herein appropriated $476,000 shall be paid to the owners of the tube properties on July 1, 1918, and $476,000 shall be paid on the 1st of July each year thereafter in the manner herein provided until the total value, as determined by the Interstate Commerce Commission, together with 4 per cent on unpaid balances, shall have been paid. The value of the properties so determined by the Interstate Commerce Commission for the system in each of said cities shall be paid to the owners thereof, in the manner herein provided, in the proportion such valuations shall bear to the total valuation so fixed.

Said Interstate Commerce Commission shall permit hearings both to the Postmaster General and his representatives and the owners of the tube properties and their representatives as it shall deem proper.

Mr. BANKHEAD. That amendment relates to pneumatic-tube service, and I ask that it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. BANKHEAD. Mr. President, I ask to return to line 1, on page 14, where I wish to offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, after the word "service," in line 1, it is proposed to strike out down to and including line 4 and insert in lieu thereof the following:

$2,700,000: *Provided*, That not to exceed $100,000 of the amount herein appropriated shall be available for payment of the service contemplated by the appropriation title during the fiscal year ending June 30, 1918.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 17, line 2, after "$1,185,000," to insert:

Provided, That the contract now in force for carrying the mail on Lake Winnepesaukee, N. H., shall be readjusted so that the yearly salary paid the carrier, who furnishes his own equipment, shall be $1,800 per annum.

Mr. BANKHEAD. I offer an amendment to the amendment to come in after the words "per annum" in line 6.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 17, line 6, after the words "per annum," it is proposed to insert the following:

Provided further, That hereafter when there is no competition on a route and the rate of compensation asked is excessive or no proposal is received, he may require that the mails be carried as freight or express, and it shall be unlawful for any common carrier by water to refuse to carry the mails when so required, and the penalty for such offense shall be a fine of $500; each day of refusal shall constitute a separate offense.

Mr. KING. Mr. President, will the Senator having this bill in charge permit an inquiry?

Mr. BANKHEAD. Certainly.

Mr. KING. When I was in the Hawaiian Islands recently I was told that there was a steamboat company that had a monopoly of the transportation not only of passengers but of freight. There was apprehension that this company might charge extortionate rates for carrying the mails, and it was claimed that they have been charging extravagant rates for carrying freight. Will the amendment which the Senator has just tendered cover a case of that kind, so that arrangements may be made to deal with a situation of that character?

Mr. BANKHEAD. This amendment was prepared by the Post Office Department expressly to cover a case like that mentioned by the Senator from Utah.

Mr. KING. I am very glad that the matter has received attention at the hands of the committee.

Mr. BANKHEAD. It was prepared for that purpose.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Alabama whether it would not be better, instead of making it a direct penalty of $500, to say "not exceeding $500," or at least to make it a smaller amount than that, as long as we are going to constitute each day a distinct and separate offense?

Mr. BANKHEAD. I should not like to make it any smaller, Mr. President.

Mr. KING. You have got to have a definite sum.

Mr. SHAFROTH. That may be; but it seems to me that a penalty of $500 for each day of failure to comply would be a pretty large penalty to be imposed, for which he might have some kind of an excuse that was reasonably valid.

Mr. BANKHEAD. I figure that in a case like this it would be construed to mean that the larger included the lesser, and they would not impose an extortionate fine. They ought to be permitted to make the fine that amount if it is necessary, and I think they can make it less under the provisions of this law if they deem that the circumstances of the case justify it.

Mr. KING. Mr. President, I should like to make one other inquiry of the Senator. I notice that the appropriation referred to in the section just read provides for the carrying of mail by airplanes.

Mr. BANKHEAD. Yes.

Mr. KING. I want to ask the Senator whether or not the investigations of the committee justify the embarkation by the Government now upon a scheme to employ airplanes in carrying the mails? It seems to me that at this time, and in view of the unstable condition of aeronautics, it is a visionary, utopian, and absurd plan to utilize aircraft for use in transmitting mail matter. We are in war and we have been unable, notwithstanding the tremendous amount expended, to provide sufficient airplanes for the training of our soldiers and for doing our full duty upon the battle fields of France. To dissipate any of our energies now in the construction of airplanes for the purpose of carrying mail would be, in my opinion, not only imprudent, but it would be carrying absurdity to the most absurd limits.

Mr. BANKHEAD. Mr. President, of course the committee were compelled to take the opinion of the officials of the Post Office Department on this question, they having made a thorough examination, as they state; but the fact remains that we have been appropriating for this purpose in the last two appropriation bills, and this provision also provides that these planes shall be secured from the Government, those that have heretofore been used by the Army and have been discarded and are not now used for military purposes. I do not think the provision contemplates the building or buying of new airplanes. It is true that this is something of an experiment.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. BANKHEAD. Certainly.

Mr. WADSWORTH. I think if the department has given such information to the committee it must be through an error, because I myself have seen, at the Curtiss plant at Buffalo, new planes being made for the Post Office Department.

Mr. BANKHEAD. I think they intend to use them between here and New York. That is to be paid for out of the limited appropriation they have for that purpose.

Mr. WADSWORTH. The Post Office Department undoubtedly is building new planes.

Mr. BANKHEAD. Well, quite likely they are building a few. I think they have a small appropriation for that purpose, but they did not contemplate——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Alabama to the fact that the proposed amendment to the amendment uses the word "he" without anything shortly theretofore showing to whom reference is made, and the Chair suggests that the amendment read "the Postmaster General," instead of "he."

Mr. BANKHEAD. "The Postmaster General" is what it ought to be.

The SECRETARY. It is proposed to strike out "he" and insert "the Postmaster General."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be modified accordingly.

Mr. KING. If there were any way by which the amount of the appropriation which is to be devoted to airplane service could be segregated from the residue of the amount, I should move to strike out from the appropriation bill the former sum.

Mr. KENYON. Mr. President, can not the Senator do that—I hope he will—by moving to strike out the language on page 17, beginning at line 7 and running down to line 15?

Mr. KING. Mr. President, I should like to ask the Senator from Alabama——

The PRESIDING OFFICER. Before we get to that, without objection, the amendment to the amendment is agreed to, and, without objection, the amendment as amended is agreed to. That does not affect this provision, as the Chair understands.

Mr. KING. Mr. President, I should like to ask the Senator from Alabama what portion of this $1,185,000 is to be devoted to this ill-advised scheme of utilizing aircraft for carrying mail?

Mr. BANKHEAD. Mr. President, I think if the Senator will read the provision he will find that the expenditure for this purpose is limited to $100,000.

Mr. McKELLAR. Lines 7, 8, 9, 10, and 11 will show it.

Mr. KING. Mr. President, I move to amend the bill by striking out on line 2, page 17, the words "or by airplanes"; and if that amendment shall prevail, I shall move later to strike out, in line 8——

Mr. HARDWICK. Mr. President, if the Senator from Utah will pardon me, if he wants to make that amendment, he would have to strike out the next to the last proviso as a whole; and then he would have to change the total accordingly after he has done that.

Mr. KING Where it reads "*Provided further*"?

Mr. HARDWICK. Yes. All of that is part of the same proposition.

Mr. KING. That is, commencing on line 6?

Mr. HARDWICK. Commencing on line 6 with the words "*Provided further*" and going down to the next "*Provided further*," in line 11.

Mr. KING. I thank the Senator from Georgia for inviting my attention to the words at a different place in the paragraph, and which should also be stricken out if the amendment first suggested is agreed to.

The PRESIDING OFFICER. The Senator from Utah proposes an amendment, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out, in line 2, on page 17, the words "or by airplanes"; also, beginning with the words "*Provided further*," at the end of line 6, to strike out all down to and including the word "determine," on line 11, in the following words:

Provided further, That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

Mr. KING. I submit, Mr. President, as an amendment the striking out of the words just read by the Secretary.

Mr. BANKHEAD. Mr. President, as I stated a while ago, for two or three years we have been appropriating $100,000 for this experimental service. The principal purpose of this is to experiment in Alaska and to use airplanes in Alaska if they find they are practicable, where the cost of carrying the mails by boat or by overland transportation is simply out of the question. You have got to substitute something for it, or you can not afford to pay the cost of carrying the mails.

It seems to me, Mr. President, that this small sum of $100,000 should be appropriated, the purpose being to experiment, if further experimentation is necessary, and determine whether or not the mails, in certain sections and over certain routes where it is impracticable, where the cost is outrageous, to transport them by the usual methods, can not be carried by airplane at a much less cost. That is the sole purpose of the provision. I do not think it ought to be stricken out.

Mr. KING. Mr. President, will the Senator yield?

Mr. BANKHEAD. Certainly.

Mr. KING. I understood the Senator to state a few moments ago, and before the suggestion was made by the Senator from New York [Mr. WADSWORTH], that some appropriation had been made for aeroplane mail service between here and New York City. I want to ask the Senator whether any part of the appropriation carried in this bill is for that service?

Mr. BANKHEAD. No. The only thing in this bill which pertains to airplane service between here and New York is the provision that the Postmaster General may charge 24 cents a letter. That is all that relates to the airplane service between here and New York. They are getting ready now to proceed with that service. I do not know where they have gotten their airplanes, or anything about it, but they seem to have gotten them.

Mr. KING. Mr. President, I should like to ask the Senator where the Post Office Department has obtained the money with which to construct airplanes to operate between here and New York City?

Mr. HARDWICK. Mr. President, if the Senator from Alabama will yield to me——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BANKHEAD. Certainly.

Mr. HARDWICK. We passed legislation authorizing them to get condemned airplanes from the War and Navy Departments, where they were no longer used for military purposes, and could be furnished by those departments to the Post Office Department. They were not practicable for the uses of the other departments. I think that is what they are operating with now.

Mr. KING. Then, if the statement of the Senator from New York is accurate—and I have no doubt but what it is—that the Curtiss factory is now making new machines for the carrying of mails, as I understood him, between here and New York, the department is exceeding its authority.

Mr. HARDWICK. I do not think that is the fact. Is the Senator certain of that?

Mr. WADSWORTH. I have seen the planes in the course of manufacture myself.

Mr. HARDWICK. For the Post Office Department?

Mr. WADSWORTH. For the Post Office Department.

Mr. HARDWICK. Then it must be intended that they are to be paid for out of this $100,000 appropriation.

Mr. WADSWORTH. If that is the case, under what authority did the Postmaster General let the contract?

Mr. HARDWICK. I could not tell the Senator about that. I do not know.

Mr. McKELLAR. I will say to the Senator that, as I understand, there was a like provision in the bill of last year.

Mr. HARDWICK. If the Senator pleases, the same provision has been carried in the bill for two or three years, and there has been a current annual appropriation of $100,000 for experimental purposes.

Mr. WADSWORTH. When the Senator used the expression "this appropriation," I thought he meant the one made in this bill.

Mr. HARDWICK. No; I mean this same $100,000 appropriation which was in last year's bill. I can refer the Senator to the bill of last year in exactly the same language, and exactly the same amount was carried. So that if the Postmaster General has obtained airplanes from the Curtiss Co. he has done it out of a similar appropriation for last year, as he might do, of course, to the extent of $100,000 out of the appropriation carried by this bill, if this bill should pass.

I do not want to keep the floor very long, because it looks to me like this is a meritorious proposition. The progress of science is so great in some of these fields that the Post Office officials feel that they ought to adapt themselves to its progress. There are portions of Alaska, as the chairman of the committee pointed out, where they carry mail by sledge or by dogs at very great expense and by boats at very great expense. We adopted an amendment here just now that was necessitated largely by the situation in Alaska, where there is practically no competition among some of these boats that go away up in the recesses of the country, and where they are charging eight and nine times as much as they charge for the highest-class express, because there is no competition, and they can force the Government to pay what they charge. We are trying to remedy that; but it does seem to me that in this enlightened age, when certainly under some circumstances airplanes can be used to carry mail or anything else to a certain amount of weight, it is wise to let the Postmaster General continue these experiments and use, in a small way, money for this purpose.

Mr. JONES of Washington. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. JONES of Washington. I understand that this appropriation has been carried in the bill for two or three years?

Mr. HARDWICK. Two or three years; yes.

Mr. JONES of Washington. What has been done in the way of experiment? How many machines has the Post Office Department?

Mr. HARDWICK. I am informed that the fact is that only recently has the Post Office Department undertaken to have airplanes constructed under this appropriation; and possibly the Senator from New York refers to the first instance, as far as I know.

Mr. JONES of Washington. Have they used any discarded machines anywhere?

Mr. HARDWICK. Oh, yes.

Mr. JONES of Washington. Where?

Mr. HARDWICK. I am sure they have used them in Alaska.

Mr. JONES of Washington. I should like to know where in Alaska. I should like to know what the route is up there and what sort of landing places they have, and what they do when they land out in the forest somewhere.

Mr. HARDWICK. I imagine that an airplane could land in Alaska about as well as it could in Washington.

Mr. JONES of Washington. There are some landing places arranged for around here.

Mr. HARDWICK. They do not have to have artificial landing places for all of these airplanes.

Mr. JONES of Washington. They can not land very safely anywhere; and, furthermore, they could not land around here anywhere without being pretty close to transportation facilities, while in Alaska they might land a long way from gasoline tanks or means of getting out, and the poor fellow who was operating the airplane might starve to death.

Mr. HARDWICK. I will say to the Senator very frankly that I do not know and can not give him the information about exactly where they have conducted these experiments. I know that the Post Office Department thinks that Alaska is probably the most useful field for experimentation of this sort.

Mr. JONES of Washington. They may be right in that, but it is the last place that I would pick out to experiment with airplanes.

Mr. HARDWICK. The Senator may differ with the department about that; but as far as I am concerned I can see no doubt about the advisability of letting the department use a very small part of the postal funds for purposes of experimentation of this kind.

Mr. JONES of Washington. I do not know that I am questioning that, but I do think that the experiment ought to be carried on in a little bit safer field than they would have to operate in up in Alaska. Finding that this appropriation has been carried in the bill for two or three years, I was interested in knowing what they have actually done, because I have heard nothing about their having airplanes or using them anywhere.

Mr. HARDWICK. I think the truth is that they have done very little in this country. They have done some experimenting; but, as I understand, up to date it has been largely with the machines that were left to them by other departments, the War and Navy Departments, that were not serviceable or useful to those departments—not fighting machines; not adapted for fighting. There is quite a difference between a fighting machine and a commercial machine, as we have found out lately.

Mr. JONES of Washington. Yes; I have understood so; but it does seem to me that if they have had this money for two or three years we ought to know something about the kind of experiments they have carried on, and where they have carried them on, and what has become of the money that we have appropriated—what use has been made of it. I can see great possibilities in this service.

Mr. HARDWICK. I think the Senator is right. As a matter of fact, while the appropriation has been carried several years just in this amount, of course it came out of the postal funds, and the Postmaster General has used very little of it. He has made some few experiments.

Mr. JONES of Washington. It did strike me very forcibly when the suggestion was made that we were using these airplanes up in Alaska. I know that the transportation facilities there are very inadequate and I know they are very expensive; but it is pretty hard for me to conceive of having airplanes take the place of boats and other facilities up in that country.

Mr. HARDWICK. I must confess that I do not know about that. I do not know much about this airplane business except what I read in the newspapers; but the department thinks there is some future for it.

Mr. JONES of Washington. I also question the advisability of the Post Office Department experimenting with discarded machines. It seems to me they ought to have just about as good and safe machines as possible; and that is especially true if they are going sailing over the mountains and forests and waters of Alaska.

Mr. HARDWICK. They are perfectly safe, but for one or another technical reason, which I can not undertake to give to the Senator, they are not considered adapted for fighting purposes.

Mr. BANKHEAD. Mr. President, I want to call the attention of the Senator from Washington to the fact that a schedule of airplane mail service has been arranged between Washington and New York, and it is to begin on the 15th of this month. They are to make stops at Baltimore and Philadelphia, and I believe only at those places, between here and New York. The amount of this appropriation that the Senator speaks of that has been expended I should say has gone into that arrangement or to prepare for this service; and in this bill we have authorized them to charge 24 cents a letter between here and New York. Of course, a man can take his choice. He can send his mail either by airplane or in the regular way.

Mr. JONES of Washington. I want to say to the Senator that I can very easily see how a route of this kind could be established between here and the city of New York and be a very safe one, too. I should like to go on it myself with a good man.

Mr. BANKHEAD. We will arrange for the Senator to make the trip.

Mr. JONES of Washington. I should enjoy it very much; but a route between here and New York is quite different from a route between some points in Alaska.

Mr. McKELLAR. Mr. President, I hope this amendment will not be adopted.

I just want to call the attention of the distinguished Senator from Utah [Mr. KING], who is the author of the amendment to strike out the airplane provision, to the fact that objections of this kind have uniformly been made, and frequently by our ablest and most distinguished men, to new discoveries and inventions of this kind and to progressive measures generally. I think it was no less a person than Mr. Webster who, on the floor of this Senate, about 1830, said that he would vote against any appropriation to be used for any purpose for the improvement of anything beyond the Mississippi River, on the ground that the great West was a desert waste and never could be used by this country. Now, we read the statements of the men who opposed those things in those days and we wonder how it was that with their great reputations they were men who did not have more perspective or insight into the future, to say the least; and in the years to come I have no doubt that the distinguished Senator from Utah will be referred to by others, just as I am referring to Mr. Webster now, in the very same way. I can say to the Senator that I believe that he is just standing across the path of progress.

Why, as young a man as I am, I remember distinctly when it was considered that the telephone was a toy and that it had no real use or advantage, and later on the automobile was considered a toy that would never be of any practical benefit; and yet the world could hardly get along to-day without telephones and automobiles. The telegraph, the ocean cable, the electric light, the electric motor, the moving picture, and numberless other improvements had the same history. And so it is with airships. I have no doubt that the time will come when we will use them for a hundred different purposes and that the world will feel that it could hardly get along without them.

I hope the Senator will not interpose an objection to this very worthy measure, as it seems to me. It may be that the money may not bring full results the first year or the second year or even the third year, but the time will come when results will be shown by reason of these experiments. Why, the time will come when we will use airplanes just as frequently as we now use automobiles, in my judgment, and there may be inventions in the future that will far surpass them. We can not afford to take chances on it if we want to help develop things of this kind and make them the best for our country; and I hope the Senator will withdraw his amendment.

Mr. KING. Mr. President, the Senator from Tennessee is assuming the rôle of a prophet to-day. It was stated by the great prophet of old, that "without vision the people perish." Prophecy did not cease when Malachi, the last of the prophets of the Old Testament, gave his words to an unwilling world.

Mr. McKELLAR. Mr. President, I am sure the Senator does not refer to me as a contemporary of the prophet Malachi. [Laughter.]

Mr. KING. No, Mr. President; the amiable and able Senator has the flower of youth upon his brow; I was assigning to him a distinguished position in associating his name with the prophets of old. We all know the great service rendered by those who have spoken with the voice of prophetic inspiration. Prophets have been those who saw into the future, pointed the path of duty, and indicated impending dangers. All great leaders have been prophets. Humanity has advanced in proportion to the broad vision and prophetic power of men upon whom the mantle of Providence rested. Great political leaders have looked with prophetic vision into the future, and the great statesman is the one who glimpses the mighty events which the future holds within her grasp. Poets, too, have been prophets, and they, like Tennyson—

> Dipped into the future far as human eye could see,
> Saw the visions of the world and all the wonders that would be,
> Saw the heavens filled with commerce, argosies of magic sails,
> Pilots of the purple twilight dropping down their golden bales.

So the great poet of England, more than half a century ago, foretold that above the clouds the commerce of the world, in part, would be carried upon ships not baptized in oceans deep.

I am glad to know that my distinguished friend looks beyond the present hour and seeks to read the future and to meet its mighty problems. There is need of prophets and of vision here in this Chamber, in the activities of the Government. We need prophets here to challenge attention to the staggering expenditures which are being made and to the inevitable consequences that will flow therefrom. We need voices to cry out against improvident expenditures, against unwarranted appropriations that are often made. The task of the economist in legislative bodies is always a difficult and an undesirable one. It is so easy to pass laws appropriating money; there are always a multitude of people willing to receive in every quarter gifts and bounties and gratuities and appropriations. Even in times of peace the man who seeks to protect the public treasury becomes unpopular, and in times of war, where public attention is riveted upon great struggles upon land and sea, and all eyes are looking to great issues which perhaps involve the life of nations, and the cause of civilization itself, any plea for economy and providence in expenditures falls upon deaf ears.

In this world war figures have become meaningless. We cease to speak of thousands, or hundreds of thousands, even. The man upon the street as well as the one in public service speaks of hundreds of millions and billions. So a hundred thousand dollars for an experiment for some fad or some utopian plan causes no comment; indeed, attracts no attention. And if objection is interposed to an appropriation for one hundred thousand dollars or a million dollars or a hundred million dollars it excites derision, and the objector is denominated a "mossback."

However, the criticism of my distinguished friend loses something of its sting because he tempers it with the asservation that I remind him of Daniel Webster. So in the years that are to come it is possible I may live in history, because in this august body my name has been coupled with the great and immortal statesman, Daniel Webster, and that standing with Webster I opposed things essential to progress and conducive to the cause of civilization.

Mr. McKELLAR. Mr. President, may I interrupt the Senator?

Mr. KING. I yield to my friend from Tennessee.

Mr. McKELLAR. There are many points of similarity between the distinguished Senator from Utah and Daniel Webster; but I really think that on the occasion referred to, when he voted against the appropriation for Government improvements beyond the Mississippi River, that was one of Mr. Webster's signal failures to diagnose the future.

But that was not what I rose to say to the Senator. He speaks of this airplane mail service as being a fad. I happened to be acquainted with a lawsuit some time ago in my home town of Memphis, Tenn., involving a question with a telephone company, and that company dated back for its charter to a resolution on the minutes of the council meeting which referred to the telephone as "Carnes's toy." A far-visioned and progressive man by the name of Carnes had adopted this toy—this fad, if the Senator pleases to call it that—and received a contract from the city to operate it, and even the city fathers laughed at his fad; but Mr. Carnes was right, and the Senator sees and the whole world sees what we have in the telephone; and I say to the Senator that it does not take a prophet to see that something of real worth and of real merit is coming from airplane service in the future, just as it has already come from the telephone service.

Mr. KING. Mr. President, I would be the last man in the world to depreciate the marvelous discoveries and inventions of our age. When we behold the achievements of the past century, and particularly the scientific discoveries of the past quarter of a century, it would seem that the very secrets of nature must be yielded up to men. The application of the principles of the physical sciences have almost revolutionized society and transformed the face of the globe. Our civilization must pay tribute to the mighty men of genius who have opened the rich pages of nature's volume and read to a wondering world of the mysteries and truths that have advanced humanity and builded our civilization. Our Nation has become great not alone because of the moral standards of our people but because they have been foremost in discoveries and inventions and in applying in a utilitarian way the principles which have been comprehended.

But some great discovery or invention may be profitable and advantageous in one field of endeavor, and to seek to utilize it in another would be attended with failure. The use of steam has revolutionized the world, but it would be a fad to seek to apply its use in certain activities. I have no doubt that when the science of aeronautics has been further developed aircraft will be used for many purposes. It is possible airplanes may be constructed for carrying a limited number of persons or for use commercially in a limited way, but I repeat that it is more or less of a fad to talk of carrying the mails by means of airplanes at the present time. We have—or, at least, we had before the Government took possession of the railroads—a splendid transportation system. Our railroads were among the best in the world. Our mail system was most excellent, and the transportation facilities afforded by the railroads and other carrying agencies linked our Nation together and served the people commercially, socially, and otherwise in a most effective and superior manner. There was no cry for more rapid mail service between Washington and New York, or between Washington and Chicago, or between the Atlantic and the Pacific. At any rate, there is no demand, while this great war is on, for appropriations for experimental purposes along these lines. The War Department is spending hundreds of millions of dollars experimentally to develop suitable aircraft. It seems ridiculous to me that the Post Office Department should be engaged in like experiments, but upon a scale so pitiably small that no results except failures are possible.

But, Mr. President, recurring to the statement of the Senator concerning Daniel Webster's allusion to the West, as I recall, Mr. Webster did not declaim against all of the territory west of the Mississippi River, and did not, as I remember his speech, object to making appropriations for some purposes to be expended beyond the Mississippi. What he referred to were the arid wastes, the desolate lands of alkali and sand, the rugged mountains, supposed to be devoid of wealth or value, lying far beyond the Mississippi River. That part of our great domain was almost terra incognita; it was "the great American desert." Webster did speak disparagingly of it. His great mind was occupied in construing the Federal Constitution, in forging those mighty arguments which he so powerfully employed to prove that this was "an indestructible Union of indestructible States." His vision failed him when he looked into the great West. He did not see its possibilities. He did not appreciate its limitless wealth and its future contribution to the greatness of this Republic.

Years after Webster delivered the speech referred to by the Senator it was a perilous journey to go from the Mississippi River across the continent to the Pacific coast, and until the construction of the transcontinental railroad weeks and months were consumed in making such a journey. It was a trackless waste, dreary and dismal, and the bones of thousands of adventuresome and hardy pioneers bleached on the bleak and whitened plains. But the situation of that day is not paralleled by the conditions of this hour. To attempt to justify this legislation by a reference to the conditions in the time of Mr. Webster seems to me, with all due respect to my friend, a rather slender thread upon which to hang an argument.

Mr. President, the question of aeroplanes is not a new one, and yet everybody admits that airships and aircraft are just in the beginning of their development. We are now engaged in a great war. We are taxing the industries of the people. We are calling for every dollar that can be raised. We are spending not hundreds of millions but billions of dollars, and every dollar which we spend has to be raised by taxation or by bond issues. We will need perhaps more than eighteen to twenty billions of dollars to meet the obligations and to extend credit to our allies for the fiscal year of 1919. Where is this vast sum of money coming from? From taxation and by the issue of more bonds.

The policy which we are pursuing necessarily tends to expansion or to inflation, whatever term may be preferred, and as a result of that expansion and inflation prices are augmented until the burden of carrying on the war becomes staggering.

I submit, Mr. President, that not one dollar ought to be expended in this great crisis that is not imperatively demanded by the Government for some important purpose.

Mr. President, we are not now able to manufacture the aircraft that we require. We have boys who for months have been waiting in the various encampments for the purpose of receiving their instruction in flying, to the end that they might go beyond the sea and do something to preserve the liberties of this country and the civilization of the world. We have been unable to furnish them sufficient aeroplanes in order that they might be properly taught how to fly. We have hundreds of patriotic young men, eagerly waiting to serve their country, but they are helpless and impatiently cry out for opportunity to uphold their country's cause.

Why should we now expend any amount whatever for this experiment? We know that with the progress of the war the airplanes of to-day and to-morrow will soon be obsolete within the next few months or the next year or two. Indeed, it has been stated here by distinguished members of the Military Affairs Committee that the changes in aircraft are so many and occur so frequently that the machine of to-day is useless to-morrow. It is superseded by something superior, and some new invention or device compels the construction of planes of a different character or type.

Now it is proposed, when we can not build planes enough for military purposes and when their use is so essential to our country's safety, to engage in the foolish experiment of carrying mails from Washington to New York City with airplanes and to go into the frozen fields of Alaska and fly from icebergs to ice peaks. Mr. President, we have one of the best transportation systems in the world. We can carry mail from here to New York in four to six hours. What is the necessity for this scheme? Who is demanding it? Why dissipate our energies, squander our money in this experiment at this time, when all our resources ought to be devoted to the prosecution of the war?

I have no doubt that in years to come, and perhaps in the near future, we will be using airships for many purposes, perhaps carrying the mails; but certainly no reason appears now to justify the expenditure of one dollar for the purposes suggested by the gentlemen who are sponsors for this proposition.

Mr. JONES of Washington. Mr. President, I think that this provision is not designed to be used by the Post Office Department in trying to develop airplanes.

Mr. BANKHEAD. Mr. President, all I know about the provision is what the Postmaster General said. This appropriation, as I said before, has been carried for three years. It is a House provision. It was not put in by the Senate committee; it came from the House. It reads—

That out of this appropriation the Postmaster General is authorized to expend not exceeding $100,000 for the purchase, operation, and maintenance of aeroplanes for an experimental aeroplane mail service between such points as he may determine.

That is all in the world that I know about it. I know that the representatives of the department appeared before the committee and said they regarded it as quite important, and they thought they would be able in some instances to prevent monopoly or to prevent combinations in bids, and all that sort of thing. That is all I know about it. We have been carrying the appropriation for three years. How much of it has been expended I do not know. They may have spent very little. If they are building airplanes at all, they are building them out of the unexpended appropriation that has heretofore been made for this purpose. It is not, as the Senator supposes, for experiments.

Mr. JONES of Washington. No; the Senator misunderstood me. I said that, in my judgment, this money was not intended to be used by the Post Office Department in experimenting with airplanes or the development of airplanes, because if that were the purpose I would be utterly opposed to it.

Mr. BANKHEAD. I do not think that is the purpose.

Mr. JONES of Washington. I assume that it is not.

Mr. BANKHEAD. I misunderstood the Senator.

Mr. JONES of Washington. I think the airplane itself has really passed the stage of experiment. It has been demonstrated as a pretty efficient agent for rapid transit, and before the war is over it will be brought to a very high state of development, in my judgment. More development will be brought about, of course, in the war activities than anybody could hope for through the instrumentality of any agency like the Post Office Department. So I assumed this money was not to enable them to experiment with airplanes and machines for the purpose of developing a more efficient machine, but that the purpose of the appropriation is to permit the department to use the services of airplanes in the transportation of mails, and in an experimental way to see whether it would pay or not, at what cost they can transport the mails, and what additional facilities that are needed will be brought to business through the use of airplanes.

Mr. HARDWICK. If the Senator will pardon me, in other words, to see how the airplane can be adapted to the mail service. Let me say, while I am on my feet, that section 8 of the bill, on page 30, shows exactly what the object is. It provides—

That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department.

Then the section goes on to provide that the expenses shall be paid out of the very appropriation we have now under discussion.

Mr. JONES of Washington. Just a word or two in reference to the other line of thought I was pursuing, and that is the development of airplanes. Of course, we saw the large machine that has been flying over the city and has an engine of 500 horsepower. It can carry a ton up in the air, and if it had seating facilities 10 or 12 persons could be carried in it. That machine is the smallest of that kind of machine. I am told by the representatives of the Italian Government, that they have; that they have other machines with a horsepower of 2,000 and with a capacity to carry 50 people. Of course, if you can carry a ton or 2 tons or 3 tons of mail, that amounts to considerable. So it seems to me the question comes down to whether, under the present conditions of things, we want to experiment in carrying the mail and whether there is any necessity for it. I confess that I am inclined to agree with the Senator from Utah [Mr. KING] with reference to that proposition. When the war is over we are going to have thousands of young men in this country who will be well trained in the handling of aeroplanes and we are going to have thousands of aeroplanes that can be used for various purposes. Then I think will be a good time to try the experiment and see whether or not the machines will prove useful in carrying mail.

Mr. HARDWICK. If the Senator will allow me, that will be the time, if it can be adapted to the Postal Service, to use it. When we are approaching that time as rapidly as we are, it is a good idea to see how well it is adapted for use when the time the Senator speaks of arrives, and we can then put in a service of that sort if we see fit to do it.

Mr. JONES of Washington. But in regard to use at this time, what is the necessity for any faster mail service between the city of Washington and the city of New York now? If there is no necessity for a faster mail service, what success can you hope from a proposition of this kind that involves such a large charge for the carrying of a letter? If there is no necessity for it, if there is no demand for it, you might say that no special benefit can come to business or to individuals by having a more rapid mail transit.

Mr. HARDWICK. I think that practically there might be instances in which an expedition of even an hour or two or three hours might be important, particularly in war times, but this service in the end must rest on a very different basis. In spite of the Senator's opinion expressed just now, my judgment is that it will be very valuable in such places as Alaska, when they arrange for a landing and get the aeroplanes geared right to fly from one place to another and can land without hitting something, and out in the far West, where distances are vast.

Mr. JONES of Washington. I live in the far West, and I can see how we could use them to advantage in the State of Washington——

Mr. HARDWICK. And in every other State.

Mr. JONES of Washington. If we could get a landing place, and get a landing place in Alaska, and get gasoline, and have houses where people can get food, and all that sort of thing.

Mr. HARDWICK. We do not want to carry them to places where there are no houses, but there are few places in this country where you can not get gasoline and very few places in the country where there are not houses and where you can not land an aeroplane, in my judgment.

Mr. JONES of Washington. The Senator will find that there will be difficulty in going over Alaska in aeroplanes. The situation now presented to us is to get quick communication with the city of New York. You can send there by telegraph a letter that will carry 50 words for 40 or 50 cents, or you can talk over the telephone for about the same price. So I can not see how it would be used very much. I do not see any special benefit to come from it.

As the Senator from Utah said, if we reject it it will be a saving of that much money, and every little we can save now may mean quite a great deal. When the war is over, with a surplus of aeroplane ability not only in the men to handle them but in the machines themselves, some service of this kind might be developed, but I doubt the wisdom of it at the present time. I can see what can be done by it, and if we are going to take the position that this is the time to try it, that this is the time to determine whether it is feasible and practicable and economical or not, all right; but I doubt the wisdom of such a course.

Mr. GALLINGER. Mr. President, a few days ago I took occasion to somewhat criticize the proposition. I am not a reactionary so far as the work of the Government is concerned; I want to see it go on in the most efficient manner possible; but I do not feel to-day, as I suggested I did not feel two or three days ago, that we are going to establish very much of a mail route between here and New York and charge 24 cents postage on every letter that goes. I said then it might be a two-days wonder and would attract some attention, but that as a matter of practical utility it would inevitably fail. I hold to that view now, and I hope the appropriation will not be made.

The Senator from Washington called attention to the fighting aeroplane, the Italian aeroplane, that we have all seen in the air and its great strength and said that they have planes of greater horsepower. That is true, but they are a very expensive machine, and so far as carrying mail is concerned it would cost a great deal of money. It costs a good deal to keep them in operation. For the life of me I am unable to see why at this time, when we ought to be conserving our finances as well as our other activities, we should go into this experiment and spend any money upon it.

The time may come, as the Senator suggests, after the war is over, when we have our young men trained for aerial service, when we will have more junk than we will know what to do with, both in aeroplanes and in ships and everything else, when we might take some of those service planes and convert them into a postal route, perhaps at a longer distance than from here to New York, possibly going to Boston, and they might be of more or less service in the West; but why do we want to make any appropriation now for a matter of this kind? I know we are voting money by the billions, and nobody seems to think much about it. It startles me, because I can see there is going to be a day of reckoning; there is going to be a day of liquidation, as far as our finances are concerned. The taxpayers have got to meet these obligations sooner or later, and I think we can get along without this appropriation. I think it is a purely chimerical matter.

Mr. McKELLAR. Will the Senator yield to me?

Mr. GALLINGER. Certainly.

Mr. McKELLAR. The Senator is aware of the fact that this appropriation began two or three years ago, and it is just a continuation of the policy that was begun before the war. The question here is, now that we have begun it and it has been of service, would it not be very much more hurtful and very much more costly if we discontinued it during the war.

Mr. GALLINGER. Since it has been tried for two or three years, I ask the Senator what the result has been.

Mr. McKELLAR. They are still experimenting with it, as provided in this bill.

Mr. GALLINGER. Yes; they are experimenting, and that is the trouble with it. We are experimenting all along the line, so far as aeroplanes are concerned, and we will experiment about this service until the money is used up. Aside from that is the fact that there are few people who are able to pay 24 cents on a letter conveyed from here to New York. They will perhaps file it away for their grandchildren to look at and say, "This is a letter father received by aeroplane."

I really think it is just one of the fancies of the day, one of the foibles, I might say, one of the notions of the age, and I do sincerely hope that the Senate will not make this appropriation. We have been experimenting for two or three years, and if we keep on with the experiments and appropriate a little more money this year, it will, in my judgment, be wasted, and next year still larger appropriations will be asked for, and after a while we shall become about as reckless in that matter as we have been in reference to the appropriations for shipping and for aeroplanes and for various and sundry other things, where some of us have reason to believe the money is not being used to very good advantage.

Mr. SMOOT. Mr. President, this only goes to prove what we have so often said in the past, that whenever an appropriation has been made for any purpose whatever it is always carried in appropriation bills until there is some special fight made against it, and then it is never defeated unless it has developed into a scandal of some kind.

I voted for the first appropriation for experimenting with an aeroplane for the purpose of carrying mail between Washington and New York, some two years ago, as I remember it. At that time I felt it was proper to see if that mode of carrying mail could be made a success. No question was raised as to the rate of postage to be charged. The appropriation was simply to see if it could be made a success. Every year since that the Post Office appropriation bill has carried an appropriation for the same purpose.

Mr. President, I feel safe in saying that the first machine that was used for experimenting is obsolete to-day. The whole plan of building aeroplanes has been changed within the last three years, and in three years from now the planes that are being used upon the battle front will be obsolete. It seems to me if we are going to undertake this way of delivering mail we had better wait until we conclude to put the service into operation and take the machine that is the very best known at that time for the purpose, and that will be none too good. I do not believe that it is going to be a financial success. It may be some time or other, but it is a long, long way off.

As far as I am concerned, if I were doing business in Washington, I would prefer, and I think, as far as the Government is concerned, it prefers, to know that the mail is going to arrive in five hours from New York rather than always to be fearful when it leaves New York in an aeroplane that it will never arrive here. If anything happens, instead of arriving in two or three hours it may be two or three days. If there is anything necessary for people doing business, and anything that they desire above everything else, it is that their mail shall be regular, and that they may know when they can get their papers, and when their letters are going to arrive, when mailed on a certain date from any given point.

Therefore, Mr. President, I think this experiment has been carried on far enough now, at least until it can be carried on at a reasonable price and with a fair chance of success.

I know it is only a hundred thousand dollars, and I know that is considered a mere bagatelle to-day; but, Senators, we are patting ourselves on the back and congratulating the American people that we oversubscribed the last $3,000,000,000 liberty loan. Have we stopped to figure out what our appropriations are going to be for the fiscal year ending June 30, 1919? Take what is asked for by the War Department and the Navy Department, and if we appropriate what has been asked for up to the present time by those two departments alone it will be almost double the amount that was appropriated for the present fiscal year. We have had three liberty loans subscribed for already, and if the manufacturers of this country had been able to produce the goods that were ordered by our Government and appropriated for last year, instead of the present liberty loan being $3,000,000,000 it would have been $10,000,000,000.

I can not say definitely what the appropriations are going to be for the coming fiscal year, but I know they are going to be more than they were for the present fiscal year, and I know also that we have got to pay for a great many billion dollars' worth of goods that were ordered last year that will be delivered this year, and the amount of the appropriation is only going to be limited by the ability of our country to produce goods. If that ability is $20,000,000,000, I say now that the direct appropriations will be $20,000,000,000 outside of the advances we make to our allies, which I have no doubt will be six or seven billion dollars if the war continues another year.

So I prefer to reserve my congratulations to the American people when they meet the appropriations and the expenses of the war for the year 1919. It is going to strain every institution in this country. It is going to make every man and every woman in the country sacrifice in a way they have never thought of sacrificing before. They have got to begin to save, save, save.

I have no doubt but what we have got to raise more money by taxation, and there is a limit to that. If you place the tax so high upon the industries of the country the result will only be that there will be a reduction in production. So not only will new systems of taxation be resorted to and as much money as it is possible to be raised will be raised by direct taxation, but over and above all that we have got to sell Government bonds amounting to billions of dollars more than we have sold this year.

Mr. President, it seems almost a mockery to talk about an appropriation of $100,000, but ten of them make a million and a thousand million make a billion. I think there are more than a thousand cases where we can save and do no harm whatever in maintaining the Army and the Navy and increase them in power and in efficiency, to carry on a successful war across the water. But when it comes to appropriations that have no connection whatever with the war, when it is a mere expenditure of money with no immediate results, I think the Senate ought to hesitate and ought to prevent it, and prevent it in every case where it is possible.

Mr. WEEKS. Mr. President, being a progressive, I am in favor of this proposition. Much that the Senator from Utah [Mr. SMOOT] has said is quite within bounds. Congress should be particularly scrupulous in examining appropriations which are not necessary at this time, and should cut out of bills those that may be found to be unnecessary or undesirable. I am not sure, personally, that this appropriation has been expended in a way that has brought results which will definitely determine what we ought to do in this matter, but it has been in operation a couple of years; and while I think the selection of the route between New York and Washington is not happily made, I think that routes might be selected where an experiment would demonstrate a very great increase in the rapidity of delivering mails. The question of landing places and such considerations must be taken into account—and that would necessarily delay the delivery of mails in large cities like Washington and New York—but the utility of the airplane has been so far demonstrated since the beginning of the war that it is quite clear it is going to be used for many purposes which had not been contemplated three or four years ago. Planes are now being built that actually carry as much as 600 pounds of dynamite, several men, and two or three guns. You can carry as much mail in one of these planes as is carried in a mail car, and can carry it at a very high rate of speed. I think it is quite probable that a route might be undertaken experimentally now where the rapidity of delivering mail might be reduced at least one-half.

There is another reason that appeals to me——

Mr. GALLINGER. Will the Senator let me ask him a question right there?

Mr. WEEKS. Yes.

Mr. GALLINGER. We have appropriated for this purpose heretofore, I think, $200,000?

Mr. WEEKS. That is my recollection.

Mr. GALLINGER. This will make $300,000. How many letters have been carried between here and New York by airplane during that time?

Mr. WEEKS. I really have not the information, and I have carefully looked over the House hearings. I do not think any information has been furnished.

Mr. GALLINGER. But I suppose the $200,000 has been used up, as usual?

Mr. WEEKS. I am sorry to say, Mr. President, that I think the committee is at fault in not coming here with more definite information about what has been done with the money which has been heretofore appropriated.

Mr. GALLINGER. I have never heard of anyone getting any letters by airplane either in New York or in Washington, though perhaps that has happened.

Mr. WEEKS. If we could not get them more quickly by airplanes than the mails are generally delivered in these times between points at a considerable distance from each other the airplane service would be useless and should be discouraged.

Mr. GALLINGER. So far as speed is concerned, I think the Senator from Massachusetts is right about that, because the

Postal Service is very much disorganized now; there is no question on that point. I am going to venture to say here that I hope the Committee on Post Offices and Post Roads will look into the matter of the disruption of the mail service and see if we can not get some relief.

Mr. VARDAMAN. If the Senator from Massachusetts will pardon me, I desire to say that I do not think that such an experiment has been made between here and New York. I think it is the purpose of the Post Office Department to experiment a little with that now; but it has not been done. If the chairman of the committee would consent that this matter be passed over for the present, I should like, for my own guidance, to get from the Post Office Department a detailed statement as to what has been done with the appropriation heretofore made and of the result of the experiments. I can readily see the great advantage that might be achieved in the use of the airships in countries like Alaska.

Mr. BANKHEAD. I have no objection to passing the item over for the purpose of getting that information.

Mr. WEEKS. Before the item is passed over, I have one other comment which I wish to make, and that is as to the effect it may have on the airplane industry. That industry is now under regulations which have been put in force. No airplane can go into the air without a Government license. Such licenses are only given in very unusual cases, the theory being that photographs may be taken of some places and that those photographs may be used for the benefit of the enemy; at least, I understand that is the theory. But, as a matter of fact, that policy has stopped the development of all airplanes in the United States, except those which are being made for the Government and being made practically under two patents—the Curtiss patent and the Wright patent. There are innumerable concerns that can make airplanes. There are a great many—I do not know how many—small concerns which have developed airplanes that are of considerable value, but that development has entirely stopped since the promulgation of the order to which I refer.

If the Post Office Department will use some of the airplanes which have been developed by small concerns and which may not yet have been perfected it will have a very material result in the development of the whole airplane industry in the United States. Out of that, in my judgment, would be obtained an immense amount of good, much greater indeed than by the expenditure if otherwise made.

I agree with the suggestion which has been made that the Post Office Committee should have come in here with complete information about the expenditures which were made last year and the year before.

Mr. HARDWICK. If the Senator will pardon me, the Post Office Department will send us at once a detailed statement of exactly what has been done and what is contemplated under this appropriation, which will be presented to the Senate before a vote is taken.

Mr. WEEKS. Then I hope the item will be passed over until that information is obtained.

Mr. KING. Mr. President, I have no objection to the matter being passed over, to be considered at a later hour during the consideration of the bill.

Mr. JONES of Washington. Mr. President, I desire to ask what was done with the amendment on page 11, beginning in line 8? I was called out for a little while, and when I returned to the Chamber that page of the bill had been passed. I should like to know if that amendment was adopted or passed over?

Mr. BANKHEAD. It was adopted.

The VICE PRESIDENT. It was agreed to.

Mr. JONES of Washington. I would like to ask that the vote by which that amendment was adopted may be reconsidered, and that the amendment may be passed over. I am inclined to make a point of order on it, unless there is a satisfactory explanation made with reference to it. I ask the chairman of the committee if he would have any objection to having the vote whereby the amendment was adopted reconsidered?

Mr. BANKHEAD. I have no objection to that.

The VICE PRESIDENT. There being no objection, the vote whereby the amendment was agreed to is reconsidered.

Mr. JONES of Washington. Now, I ask that the amendment be passed over.

The VICE PRESIDENT. The amendment will be passed over.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. Is the bill being considered under an order providing for the disposal of committee amendments first?

The VICE PRESIDENT. It is. The committee amendments are being considered first.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 18, line 16, after the words "in all," to strike out "$28,190,000" and insert "$32,418,500," and on page 19, line 1, after the words "number of," to insert "regular," so as to make the clause read:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 115 chief clerks, at not exceeding $2,100 each; 465 clerks, grade 10, at not exceeding $1,800 each; 2,032 clerks, grade 9, at not exceeding $1,700 each; 393 clerks, grade 8, at not exceeding $1,600 each; 8,299 clerks, grade 7, at not exceeding $1,500 each; 1,078 clerks, grade 6, at not exceeding $1,400 each; 1,788 clerks, grade 5, at not exceeding $1,300 each; 3,801 clerks, grade 4, at not exceeding $1,200 each; 65 clerks, grade 3, at not exceeding $1,100 each; 1,974 clerks, grade 2, at not exceeding $1,000 each; 1,837 clerks, grade 1, at not exceeding $900 each; in all, $32,418,500: *Provided* That railway postal clerks shall be credited with full time when deadheading under orders of the department, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in such of the grades as may be necessary: *Provided further*, That the number of regular clerks in the aggregate as herein authorized be not exceeded.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 19, the last clause read being as follows:

For rent, light, heat, fuel, telegraph, miscellaneous and office expenses, schedules of mail trains, telephone service, and badges for railway postal clerks, including rental of offices for division headquarters and chief clerk, Railway Mail Service, in Washington, D. C., and rental of space for terminal railway post offices for the distribution of mails when the furnishing of space for such distribution can not under the Postal Laws and Regulations properly be required of railroad companies without additional compensation, and for equipment and miscellaneous items necessary and incidental to terminal railway post offices, $532,156.

Mr. BANKHEAD. Mr. President, I offer an amendment to come in on page 19, line 24.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 19, at the end of line 24, it is proposed to strike out the figures "$532,156" and to insert in lieu thereof "$732,156."

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, will the Senator from Alabama give a brief explanation of what the $200,000 additional is asked for?

Mr. BANKHEAD. The Post Office Department represented that this appropriation was absolutely necessary in order to obtain the proper facilities for handling the mails at the depots in Chicago, New York, and some other large cities, growing largely out of the increase of parcels post matter and the general increase in mail delivery.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 20, line 5, before the words "per day," to strike out "$3" and insert "$4," so as to make the clause read:

For per diem allowance of two assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, and for their necessary official expenses not covered by their per diem allowance, not exceeding $500; in all, $2,420

The amendment was agreed to.

Mr. BANKHEAD. On page 21, line 4, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. On page 21, at the end of line 4, it is proposed to strike out the period, insert a colon, and add the following:

Provided further, That the Interstate Commerce Commission is hereby empowered and directed as soon as practicable to fix and determine from time to time the fair and reasonable rates and compensation for the transportation of mail matter by urban and interurban electric railway common carriers and the service connected therewith, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rate or compensation and to publish same, and orders so made and published shall continue in force until changed by the commission after due notice and hearing: *Provided further*, That it shall be unlawful for any urban or interurban electric railroad to refuse to perform mail service at the rates or methods of compensation provided for such service when required by the Postmaster General so to do, and for such offense shall be fined $100. Each day of refusal shall constitute a separate offense.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Alabama if he will not have that amendment printed?

Mr. BANKHEAD. I have no objection to that.

Mr. SMOOT. And let it be passed over for the present.

Mr. BANKHEAD. Let the amendment be passed over and be printed.

Mr. SMOOT. I make that request in order to enable us to see just what it provides for.

The VICE PRESIDENT. The amendment will be printed and go over until to-morrow.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 21, line 10, after the word "mails," to strike out "$1,200,000" and insert "$1,400,000, of which amount $200,000 shall be available immediately," so as to read:

For censorship of foreign mails, $1,400,000, of which amount $200,000 shall be available immediately.

The amendment was agreed to.

The next amendment was, in the same clause, in line 20, after the word "each," to insert:

And provided further, That no part of this appropriation shall be expended to pay the expense of censoring mail from the military forces connected with the American Expeditionary Force, which mail has been censored in Europe.

Mr. SMOOT. Mr. President, in reference to the pending amendment I desire to ask the Senator from Alabama if it makes any change whatever in relation to the censoring in this country of mail from our military forces connected with the American Expeditionary Force abroad?

Mr. BANKHEAD. This amendment simply provides that no part of this appropriation shall be expended for censoring the mails from France which have already been censored on the other side.

Mr. SMOOT. My understanding is that mail censored in any of the countries allied with the United States in the war is not censored in this country, and so it seems to me that the amendment is useless.

Mr. BANKHEAD. Then it will not do any harm; it is merely provided that such mail shall not be censored again.

Mr. SMOOT. I am quite sure that it is not done to-day, and I can not see why such a provision should be put in this bill.

Mr. BANKHEAD. Our information is that it is quite frequently done. This amendment, at any rate, can do no harm.

Mr. SMOOT. My information came from a hearing that we had before the Appropriations Committee, at which the Postmaster General stated to us that it was not done. The members of the Appropriations Committee thought it would be an absolutely useless expenditure of money to censor mail here that had been censored abroad. It was in connection with an appropriation asked for by the Postmaster General that this question arose, and I am quite sure from what he said to the Appropriations Committee that no mail coming from the countries allied with us in the war is censored in this country.

Mr. HARDWICK. This certainly accomplishes exactly that purpose. There is some apprehension that it might not always be that way, and so we thought we had better fix it so that they could not do it.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Third Assistant Postmaster General," on page 22, line 9, after the word "wrappers," to strike out "$1,825,000" and insert "$3,000,000," so as to make the clause read:

For manufacture of stamped envelopes and newspaper wrappers, $3,000,000.

The amendment was agreed to.

The next amendment was, on page 22, line 12, after the word "agency," to strike out "$16,000" and insert "$18,400," so as to make the clause read:

For pay of agent and assistants to examine and distribute stamped envelopes and newspaper wrappers, and expenses of agency, $18,400.

The amendment was agreed to.

Mr. BANKHEAD. I offer an amendment to come in on page 23, at the end of line 16.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, at the end of line 16, it is proposed to strike out "$580,000" and insert in lieu thereof "$725,000."

The amendment was agreed to.

Mr. BANKHEAD. I offer another amendment to come in on the same page.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, at the end of line 25, it is proposed to strike out "$230,000" and insert in lieu thereof "$275,000."

The amendment was agreed to.

Mr. BANKHEAD. On page 34, in line 1, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 24, line 1, it is proposed to strike out "$325,000" and insert in lieu thereof "$400,000."

The amendment was agreed to.

Mr. BANKHEAD. I offer an amendment to come in on the same page, in line 20.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 24, at the end of line 20, it is proposed to strike out "$370,000" and insert in lieu thereof "$400,000."

The amendment was agreed to.

Mr. BANKHEAD. I offer another amendment to come in on page 24, at the end of line 25.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 24, line 25, it is proposed to strike out "$170,900" and insert "$190,900."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Fourth Assistant Postmaster General," on page 24, line 1, after the amendment striking out "$325,000" and inserting "$400,000," to insert:

Provided, That of this amount the Postmaster General is authorized to expend not to exceed $30,000 for the purchase of and experiments with tying devices or cords for the Postal Service. The Postmaster General is authorized to use the proceeds derived from the sale of waste twine as a further appropriation, and shall submit a report to Congress of the amount of twine sold and the proceeds derived therefrom.

Mr. SMOOT. I wish to ask the Senator a question regarding the amendment on page 24, beginning in line 2. I will state that that same amendment, as I remember, was included in the general deficiency appropriation bill, and I wish to ask the Senator if it went out in conference? I forget whether it did or not.

Mr. BANKHEAD. To what amendment does the Senator refer?

Mr. SMOOT. The amendment on page 24, beginning in line 2, reading:

Provided, That of this amount the Postmaster General is authorized to expend not to exceed $30,000 for the purchase of and experiments with tying devices or cords for the Postal Service.

Mr. HARDWICK. I do not think that was in the deficiency bill; but if it was, it went out in conference.

Mr. SMOOT. I merely wanted to know if the Senator had looked it up.

Mr. HARDWICK. I do not believe it was in that bill.

Mr. SMOOT. I know that a similar amendment was before the Appropriations Committee.

Mr. HARDWICK. I think the Senator has in mind, probably, some conversation in the committee about this question.

Mr. BANKHEAD. I move to amend the committee amendment by striking out, beginning in line 5 with the words "The Postmaster General," the remainder of the paragraph.

Mr. SMOOT. On what page?

Mr. BANKHEAD. Page 24, line 5, beginning with the words "The Postmaster General."

The VICE PRESIDENT. The Senator from Alabama moves an amendment to the amendment, which the Secretary will state.

The SECRETARY. In the committee amendment on page 24, lines 5, 6, 7, and 8, it is proposed to strike out:

The Postmaster General is authorized to use the proceeds derived from the sale of waste twine as a further appropriation, and shall submit a report to Congress of the amount of twine sold and the proceeds derived therefrom.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 25, line 16, after the word "same," to strike out "$255,000" and insert "$405,000: *Provided*, That of this amount the Postmaster General is authorized to expend $100,000 for the installation of experimental mail-distributing machines," so as to make the clause read:

For rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus and other labor-saving devices, including cost of power in rented buildings, and miscellaneous expenses of installation and operation of same, $405,000: *Provided*, That of this amount the Postmaster General is authorized to expend $100,000 for the installation of experimental mail-distributing machines.

The amendment was agreed to.

The next amendment was, on page 25, line 22, after the word "keys," to strike out "chairs" and insert "chains," and, on

page 26, line 2, after the word "expedient," to strike out "$450,000" and insert "$1,000,000," so as to read:

For the purchase, manufacture, and repair of mail bags and other mail containers and attachments, mail locks, keys, chains, tools, machinery, and material necessary for same, and for incidental expenses pertaining thereto, also material, machinery, and tools necessary for the manufacture and repair in the equipment shops at Washington, D. C., of such other equipment for the Postal Service as may be deemed expedient, $1,000,000.

Mr. KING. Mr. President, I should like to ask the chairman of the committee having the bill in charge if there was any evidence before the committee that caused the change from $450,000 to $1,000,000 in the item just read by the Secretary, which is found at the top of page 26? The original amount appropriated by the House, as I gather from the bill, was $450,000. The Senate committee amendment seems to call for an appropriation of $1,000,000, and I am wondering whether or not there was any evidence before the committee that led to the change from $450,000 to $1,000,000.

Mr. HARDWICK. Mr. President, if the Senator from Alabama will excuse me, I will answer the question. I think I remember what took place in the committee, as disclosed by the hearings. The increase is recommended because a mistake was made in the estimate for these different items. Since the war prices have gone up. The department found they could not buy the articles named at all for the prices estimated, and they had not estimated high enough. Their estimates, which were made in August last, were inaccurate in every way. They were very frank about it.

Mr. KING. I notice that in a number of other paragraphs——

Mr. HARDWICK. That same thing has happened a great many times, I will say to the Senator.

Mr. KING. There has been a very great increase.

Mr. HARDWICK. Nearly always the reason has been that which I have given. For instance, in the case of mail sacks, tying devices, twine, and almost everything used in the entire Postal Department, they have had the same experience with mounting prices which has been common everywhere else in the country.

Mr. KING. I supposed, as I read the increases, that that was probably the reason, but I could not understand, unless additional items had been appropriated for, why the appropriation should in some cases be doubled.

Mr. HARDWICK. We have been getting on pretty rapidly with the bill; but I think it is probably due to the Senate and to the country that we should give the Senate some detailed information from the department bearing out exactly what I have said to the Senator. Here is a letter from the Postmaster General, addressed to the chairman of the committee, and dated April 8, 1918, on this very subject. I quote the following:

I take the liberty of again calling to your attention a condition which exists with reference to appropriations asked for in connection with the purchase of supplies and equipment for the Postal Service.

Since the estimates were made up last August there has been a rising tendency in the cost of raw materials of practically all classes. Especially has this been noted since this department commenced the opening of bids for certain supplies during the last month or two. The lowest bid for letter boxes and posts showed an increase over present contract prices for these articles of over 16 per cent, and on letter carriers' satchels the advance was so great that all bids were rejected, and this particular item will be readvertised. In making the award for cotton towels for the next fiscal year it was necessary to accept a bid 54.76 per cent higher than our present contract price. Only a very few of the bids have been opened so far for other supplies for the fiscal year 1919, but these indicate the high prices the department has reason to expect when proposals are opened for the remainder of the items.

I addressed a letter to you on this subject under date of March 21, but, as the Post Office appropriation bill was about to be reported, it was too late for your committee to act on the request for increases in the following appropriations.

Then he refers to stationery—as the Senator will remember, we have passed several of these items—for which the amount in the House bill was $580,000, which is now increased to $725,000; wrapping twine from $325,000 to $400,000; and so on.

Mr. President, I ask unanimous consent to put the entire letter in the RECORD in connection with my remarks. It shows why the department claims it has had to readjust its estimates.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., April 8, 1918.

Hon. JOHN H. BANKHEAD,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR BANKHEAD: I take the liberty of again calling to your attention a condition which exists with reference to appropriations asked for in connection with the purchase of supplies and equipment for the Postal Service.

Since the estimates were made up last August there has been a rising tendency in the cost of raw materials of practically all classes. Especially has this been noted since this department commenced the opening of bids for certain supplies during the last month or two. The lowest bid for letter boxes and posts showed an increase over present contract prices for these articles of over 16 per cent, and on letter carriers' satchels the advance was so great that all bids were rejected and this particular item will be readvertised. In making the award for cotton towels for the next fiscal year it was necessary to accept a bid 54.76 per cent higher than our present contract price. Only a very few of the bids have been opened so far for other supplies for the fiscal year 1919, but these indicate the high prices the department has reason to expect when proposals are opened for the remainder of the items.

I addressed a letter to you on this subject under date of March 21, but as the Post Office appropriation bill was about to be reported it was too late for your committee to act on the request for increases in the following appropriations:

Appropriation item.	Amount in House bill.	Recommend increase to—
For stationery, etc.	$580,000	$725,000
For wrapping twine, etc.	325,000	400,000
For postmarking stamps, etc.	230,000	275,000
For miscellaneous equipment, etc.	370,000	400,000
For defraying expenses incident to shipment of supplies, etc.	170,000	190,000

Previous to the receipt of my letter of March 21 your committee had already taken care of the increased appropriations asked for therein in connection with (1) rental, purchase, exchange, and repair of canceling machines; (2) the purchase, etc., of mail bags and equipment, etc.; (3) for compensation of labor employed in the equipment shops. The same reasons given in my request for the increase of these items obtain in connection with the items above referred to.

The necessity for increasing the above five appropriations is urgent. As you know, the mail service is handling the greatest volume of business in its history. The establishment of so many concentration camps for troops, the dispatch of mail for the Expeditionary Forces to France, the increase in the weight limit on parcels—all these contribute to increase the postal business. It follows that there must be an increase in the consumption of supplies, and that increase, when considered in connection with the unusual advance in prices, makes it imperatively necessary to have appropriations in larger sums than were originally intended when the estimates were prepared last August.

While the department realized that unusual war conditions would inevitably cause an increase in the price of postal supplies and equipment, the extent of such increases could not be contemplated at the time the estimates were submitted.

The equipment and supplies for which the increases of the particular appropriations enumerated in this letter are intended are absolutely necessary to carry on the Postal Service as it must be carried on during the war crisis, and of course your committee will thoroughly understand and appreciate the importance of this. To fail to have such supplies and equipment will result in hampering the proper conduct of the Postal Service and seriously impair its efficiency.

I shall therefore appreciate very much indeed if you will see to it that the increases asked for in the appropriations above mentioned are embodied in the Post Office appropriation bill when it is taken up on the floor of the Senate for consideration.

Very sincerely,

A. S. BURLESON.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 26, line 11, after the words "District of Columbia," to strike out "$155,000" and insert "$278,250," so as to make the clause read:

For compensation to labor employed in the equipment shops at Washington, D. C., $278,250.

The amendment was agreed to.

The next amendment was, on page 26, line 15, after the word "That," to insert "hereafter," and, after line 18, to strike out "nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by Rural Delivery Service" and insert "nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served within 12 months prior thereto by Rural Delivery Service, unless upon petition therefor by a majority of the proposed patrons who are heads of families residing upon and along such proposed star route," so as to make the clause read:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, $8,675,000: *Provided*, That hereafter no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for star-route service for a patronage a major portion of which has been served within 12 months prior thereto by Rural Delivery Service, unless upon petition therefor by a majority of the proposed patrons who are heads of families residing upon and along such proposed star route.

The amendment was agreed to.

The next amendment was, on page 27, line 4, after the word "thereof," to strike out "$53,000,000" and insert "$62,875,000," and, in line 7, after the word "stations," to insert:

Provided further, That on and after July 1, 1918, rural carriers assigned to standard horse-drawn vehicle routes on which daily service is performed shall receive $24 per mile per annum for each mile said routes are in excess of 24 miles: *Provided further*, That a carrier may use any character of vehicle on a horse-drawn vehicle route that is approved by the postmaster of the post office from which said route starts.

So as to make the clause read:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $62,875,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations: *Provided further*, That on and after July 1, 1918, rural carriers assigned to standard horse-drawn vehicle routes on which daily service is performed shall receive $24 per mile per annum for each mile said routes are in excess of 24 miles: *Provided further*, That a carrier may use any character of vehicle on a horse-drawn vehicle route that is approved by the postmaster of the post office from which said route starts.

Mr. KING. Mr. President, I desire to ask the Senator having this bill in charge what is the cause for the increase from $53,000,000 to $62,875,000 for Rural Delivery Service? Is it because the number engaged in that service has been increased or because the compensation has been increased above that allowed by the House?

Mr. BANKHEAD. Mr. President, the reason for this increase is that the compensation of carriers has been increased to this extent: Wherever the carrier serves a route in excess of 24 miles, the committee gives him $24 per mile per annum for each mile in excess of the 24, which is the standard route; and then we provide a 15 per cent increase in addition. I want to say that this increase will come up in an amendment that we are going to offer later, which provides for an increase of pay to all the employees of the Post Office Department.

Mr. SMOOT. Mr. President, will the Senator allow the amendment in line 4, together with the other amendment beginning in line 7, the proviso, to be passed over?

Mr. McKELLAR. They are related and will have to be changed any way.

Mr. HARDWICK. If the Senator will pardon the suggestion, there is not much need to pass over the amendment providing the appropriation; that is a mere detail, and, of course, if we change the other proposition in any respect then we will correct the total accordingly.

Mr. SMOOT. It seems to me the proper thing to do is to let the entire paragraph go over. When we determine the percentage, whether it shall be 15 or 20 per cent, in the case of the other amendment affecting this subject, then we will have to change the amount; and if we agree to it now we will have to go back and change it. So I do not think it ought to be agreed to.

Mr. HARDWICK. It really does not make any difference either way; it is not of great importance.

Mr. SMOOT. I ask that these two amendments go over.

Mr. BANKHEAD. Let them go over.

The VICE PRESIDENT. The amendments will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 27, line 16, after the words "third class," to strike out "$600,000" and insert $690,000," so as to make the clause read:

For village delivery service in towns and villages having post offices of the second or third class, $690,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 19, to insert:

SEC. 2. That during the fiscal year ending June 30, 1919, the annual salaries fixed by law for employees of the Postal Service shall be increased 15 per cent: *Provided further*, That the salaries of such employees not fixed by law but paid from lump-sum appropriations herein provided shall be increased 15 per cent, but such increases shall not apply to the special assistant to the Attorney General appropriated for in this act and to postmasters at offices of the first, second, and third classes: *Provided further*, That postmasters at offices of the fourth class shall receive 15 per cent in addition to the compensation to which they are now entitled by law but no credit shall hereafter be allowed for the cancellation of postage-due stamps: *And provided further*, That hereafter substitute, temporary, or auxiliary clerks and letter carriers at first and second class post offices shall be paid at the rate of 40 cents an hour.

Mr. SMOOT. I ask that that amendment go over.

Mr. BANKHEAD. I wish to offer an amendment, on page 27, striking out section 2 and inserting in lieu thereof the matter I send to the desk. I merely want to offer it now in order that it may be printed.

The SECRETARY. In lieu of section 2, as proposed by the committee, it is proposed to insert the following:

SEC. 2. That during the fiscal year ending June 30, 1919, the annual salaries fixed——

Mr. BANKHEAD. I do not care to have it read; let it be printed.

Mr. POMERENE. I ask that it be printed in the RECORD, so that we can have it before us in the morning.

The VICE PRESIDENT. Does the Senator want it read at this time?

Mr. SMOOT. Let it be read, Mr. President.

Mr. BANKHEAD. I have no objection to its being read. That, however, will merely consume time, for it will be printed in the RECORD in any event.

Mr. SMOOT. I should like to hear it read now.

The VICE PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

On page 27, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That during the fiscal year ending June 30, 1919, the annual salaries fixed by law for clerks in first and second class post offices and letter carriers in the City Delivery Service, railway postal clerks of grade 1 to grade 10, inclusive, supervisory and other employees of the Postal Service whose compensation is in excess of $1,500 per annum, shall be increased $200 per annum: *Provided*, That the salaries of such other employees fixed by law or paid from lump-sum appropriations provided for in this act who receive $800 per annum or less shall be increased 20 per cent per annum; those who receive in excess of $800 and not more than $1,500 shall be increased 15 per cent per annum. The compensation for rural carriers assigned to standard horse-drawn vehicle routes shall be increased 20 per cent per annum, and carriers who perform service as motor carriers on routes 50 miles and more in length shall receive an increase of 10 per cent per annum. Such increases shall not apply to the special assistant to the Attorney General appropriated for in this act and to postmasters at offices of the first, second, and third classes: *Provided further*, That postmasters of the fourth class shall receive the same compensation as provided by law prior to the passage of the act of Congress entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, except that they shall receive 100 per cent of the cancellations on the first $100 or less per quarter instead of on the first $50 or less per quarter: *And provided further*, That hereafter substitute, temporary, or auxiliary clerks and letter carriers at first and second class offices shall be paid at the rate of 40 cents an hour: *Provided further*, That the provisions of this section shall not apply to employees who receive a part of their pay from any outside sources under cooperative arrangements with the Post Office Department, or to employees who serve voluntarily or receive only a nominal compensation: *Provided further*, That the increase compensation at the rates of 5 per cent and 10 per cent for the fiscal year ending June 30, 1918, shall not be computed as salary in construing this section. So much as may be necessary for the increases provided for in this act is hereby appropriated."

Mr. BANKHEAD. Mr. President, I also desire to offer an amendment on page 28, line 12, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In the new section 3, on page 28, in line 12, after the word "offices," it is proposed to add the following:

And railway postal clerks assigned to terminal railway post offices and transfer offices.

Mr. SMOOT. Let that be pending, too, Mr. President. I ask that that same amendment be pending here with section 3. Does the Senator want that section adopted now?

Mr. BANKHEAD. Yes; I should like to have the section adopted. It is an amendment to which I do not think there will be any opposition.

Mr. SMOOT. I should like to see the effect that has on this amendment as a whole, and I should like to have it go over until to-morrow.

The VICE PRESIDENT. The amendment will go over until to-morrow.

Mr. BANKHEAD. Then, on page 28, at the end of line 19, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, at the end of line 19, it is proposed to strike out the period, insert a colon, and add the following:

Provided, That hereafter, when the needs of the Postal Service require the employment on Sundays and holidays of railway postal clerks assigned to terminal railway post offices and transfer offices, they shall be granted compensatory time in the same manner as provided by law for clerks and carriers in first and second class offices.

Mr. SMOOT. Mr. President, the same amendment is found in another part of the bill, and the Senator from Washington [Mr. JONES] asked that it go over. I want to ask the Senator if he desires——

The VICE PRESIDENT. Section 3 has already gone over, and, as this is a part of it, it goes over with it.

Mr. BANKHEAD. The Senator is mistaken about that appearing in another part of the bill, though.

I offer the amendment which I send to the desk to come in on page 28, line 22.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, line 22, in the committee amendment to section 4, it is proposed to strike out the word "contract" and to insert in lieu thereof the word "contracts."

The amendment to the amendment was agreed to.

Mr. BANKHEAD. Mr. President, I have one more amendment on page 28, line 23, which I should like to have adopted before we adjourn.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 28, in line 23, after the word "envelopes," it is proposed to insert:

Blank books, and the Official Postal Guide.

The VICE PRESIDENT. The amendment will be agreed to, without objection.

Mr. BANKHEAD. Now, Mr. President——

Mr. SMOOT. Mr. President, that amendment was not agreed to, was it?

Mr. BANKHEAD. I thought it was.

Mr. SMOOT. I did not so understand.

The VICE PRESIDENT. That is what the Chair said. If there is any objection, it will be set aside, however.

Mr. SMOOT. The Official Guide is published, as I understand, under the direction of the Joint Committee on Printing. The contract is let there; and if the Senator will allow me, I should like to have this amendment go over, in order to see just what effect it will have.

Mr. BANKHEAD. I have no objection, if the Postal Guide is published by the Joint Committee on Printing.

Mr. SMOOT. No; I did not say it was published by the Joint Committee on Printing; but the contract for its printing——

Mr. BANKHEAD. The contract is not made by the Post Office Department?

Mr. SMOOT. The contract for printing the Guide is made outside of the Post Office Department.

Mr. BANKHEAD. The Post Office Department has nothing to do with the contract for printing the Guide? I have no objection to its going over.

Mr. SMOOT. I would not say that, but I want to look up the matter.

Mr. BANKHEAD. All right.

The VICE PRESIDENT. The amendment will go over until to-morrow.

Mr. POMERENE. Mr. President, the committee has reported section 2 as shown in the bill now before the Senate. The Senator from Alabama now offers a substitute for it; but I see no statement indicating the amount of the appropriation, either in the amendment as proposed by the Senate committee originally or in the substitute therefor.

Mr. BANKHEAD. That will be attended to a little later. When we get to the adoption of this section we will offer that amendment.

Mr. POMERENE. Has the Senator in mind now what would be the probable difference in the expenditure?

Mr. BANKHEAD. Between what appropriations—the present appropriation and the proposed one?

Mr. POMERENE. Between the expenditures under section 2 as reported by the committee and under the amendment now offered as a substitute therefor?

Mr. BANKHEAD. There is very little difference. It is practically the same, according to the estimates of the Post Office Department. There is very little difference.

Mr. KING. Mr. President, will the Senator yield?

Mr. BANKHEAD. Certainly.

Mr. KING. Did the committee submit any figures showing the increase in the compensation paid to the employees of the Government in this department above that which they are now receiving?

Mr. BANKHEAD. Oh, yes; there is a report here as to that.

Mr. KING. The report shows that, does it?

Mr. BANKHEAD. Yes.

Mr. SMOOT. Mr. President, may I ask the Senator if the amendment that he offered as a substitute for section 2 is not the so-called Madden bill?

Mr. BANKHEAD. It is, in substance. It is not entirely the Madden bill. For instance, the Madden bill proposes to make it permanent legislation, but we only provide for the current fiscal year. That is practically the difference.

Mr. SMOOT. Is it not a fact that the Madden bill will increase the appropriation about $11,000,000?

Mr. BANKHEAD. Over what?

Mr. SMOOT. Over the appropriation that was made in the House.

Mr. WATSON. Over the 15 per cent.

Mr. SMOOT. Over the 15 per cent provided for.

Mr. BANKHEAD. It increases it; I do not know exactly how much, but it will increase it materially. That is what we will have to figure out when we come to the section.

Mr. SMOOT. I will say that I am not objecting to the increase in pay, and I perhaps would support the Madden amendment as against the provision in the bill; but the Senator from Ohio asked whether it would increase the appropriation, and I understood the chairman to say——

Mr. BANKHEAD. The Senator from Ohio asked what the difference was between the two bills, the original Senate bill and the House provision, the Madden bill. I replied that, according to the figures of the Post Office Department, there was very little difference, not a great deal.

Mr. WATSON. Mr. President, my understanding is that the substitute offered by the chairman of the committee for section 2 is the Madden bill without the legislative feature.

Mr. BANKHEAD. Yes.

Mr. WATSON. That is, the schedule of wages and salaries provided is the same as in the Madden bill.

Mr. BANKHEAD. Yes.

Mr. WATSON. But the legislative features were stricken out, so that it would be an appropriation for the fiscal year, and not permanently. That is the only difference; but my further understanding is that the difference between the amount of money appropriated in section 2 as reported by the Post Office Committee and the amount of money appropriated in the substitute offered by the chairman of the committee would amount to several millions of dollars.

Mr. BANKHEAD. That is likely.

Mr. HARDWICK. Mr. President, just so that we will have it in the RECORD, the Postmaster General says that the cost of the increases provided in the bill—that is, the Madden bill—would amount to $40,000,000 for the fiscal year 1919, and $44,000,000 for the following years, and is not warranted.

Mr. WATSON. And the cost of the 15 per cent increase would be about $33,000,000.

Mr. HARDWICK. Thirty-three million two hundred and ninety-seven thousand dollars.

Mr. SMOOT. That is as I thought; making an increase of $11,000,000, as I stated.

Mr. HARDWICK. Yes; about $12,000,000.

Mr. WATSON. About eleven.

Mr. HARDWICK. Something like that.

Mr. BANKHEAD. That has all gone over until to-morrow; so I ask that the Secretary may proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 29, after line 4, to insert:

SEC. 5. That the provisions of section 3 of the act of March 3, 1917, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," providing increased compensation at the rate of 10 per cent per annum to employees who receive salaries at a rate of more than $480 and not exceeding $1,000 per annum, shall apply during the fiscal year 1918 to all watchmen, messengers, and laborers.

Mr. BANKHEAD. Mr. President, I offer the amendment to the amendment which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 29, at the end of line 13, after the word "all," it is proposed to insert the words "requisition fillers."

The amendment to the amendment was agreed to.

Mr. KING. Mr. President, I ask that the section which has just been read may go over and be considered with the other sections that have gone over. I do not object to the adoption of the amendment to that section which has just been offered by the chairman of the committee, but I ask the Senator to permit the entire section to go over, after adopting the amendment just tendered by him.

Mr. BANKHEAD. To which section does the Senator refer?

Mr. KING. Section 5.

Mr. BANKHEAD. Does the Senator from Utah desire that section to go over?

Mr. KING. Yes.

Mr. BANKHEAD. For what purpose?

Mr. KING. The entire compensation features of the bill have gone over up to this moment, as I understand, and I have not had a chance to read this provision.

Mr. HARDWICK. Mr. President, if the Senator from Utah will pardon me, he does not want that himself. This is a proposition that whatever increases we allow for the current year for which we are appropriating, we will not start on the basis of the other temporary increases of past years and pyramid. No Senator would want to do that.

Mr. KING. I agree with the Senator.

Mr. HARDWICK. That is exactly what that section provides.

Mr. KING. It occurred to me, in view of the fact that it related to compensation——

Mr. HARDWICK. While that is true in a way, and it is a thing related to compensation, there can be no possible dispute about that.

Mr. SMOOT. It is a limitation, so it is all right.

Mr. HARDWICK. There is no need for it to go over.

Mr. KING. Under the statement of the Senator from Georgia, I withdraw the objection.

Mr. HARDWICK. I am sure I am right. If not, I will join the Senator in having it reconsidered.

Mr. KING. If, upon further examination, I find that it reaches the point which I have in mind, I shall move to reconsider.

Mr. HARDWICK. Very well.

Mr. BANKHEAD. There will be no objection to that.

The VICE PRESIDENT. Without objection, the amendment as amended is agreed to.

The reading of the bill was resumed.

The next amendment was, on page 29, after line 14, to insert:

SEC. 6. The Postmaster General may, under such rules and regulations as he shall prescribe, accept United States liberty loan bonds in lieu of either corporate or personal surety from contractors, officers, and employees of the Postal Service to indemnify the Government against losses resulting from the failure of any contractor, officer, or employee of the Postal Service to properly discharge his official duty.

The amendment was agreed to.

The next amendment was, on page 29, after line 21, to insert:

SEC. 7. That to promote the conservation of food products and to facilitate the collection and delivery thereof from producer to consumer, and the delivery of articles necessary in the production of such food products to the producers, the Postmaster General is hereby authorized to conduct experiments in the operation of motor-vehicle truck routes in the vicinity of such cities of the United States as he may select, and under such rules and regulations as he may prescribe, and the cost of such experiments, not exceeding $100,000, may be paid by the Postmaster General out of any unexpended appropriations of the Postal Service, and the Postmaster General shall report the result of such experiments to the Congress at the earliest practicable date.

Mr. SMOOT. Mr. President, has the Senator in charge of the bill any information as to what real benefit has come from similar appropriations in the past?

Mr. BANKHEAD. All we know about it is contained in a communication sent up by the Postmaster General, in which it is stated that a very thorough investigation has been made of this device and, in the opinion of the department, it is going to be a great labor-saving machine and will save the Government an immense amount of money, and they ask for that amount of appropriation. That is all I know about it.

Mr. SMOOT. Well, I guess perhaps we had better let him have the $100,000, then.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HARDWICK. Mr. President, the Senator is talking about this motor-truck service.

Mr. BANKHEAD. I beg the Senator's pardon. I misunderstood him.

The SECRETARY. On page 30, after line 9, it is proposed to insert:

SEC. 8. That the Secretary of War may, in his discretion, deliver and turn over to the Postmaster General from time to time, and without charge therefor, for use in the Postal Service, such aeroplanes and automobiles or parts thereof as may prove to be, or as shall become, unsuitable for the purposes of the War Department; and the Postmaster General is hereby authorized to use the same, in his discretion, in the transportation of the mails and to pay the necessary expenses thereof out of the appropriation for inland transportation by steamboat or other power boat or by aeroplanes or star route.

Mr. KING. Mr. President, section 7 was acted upon before I fully appreciated the situation. I move to reconsider the vote by which section 7, as amended, was adopted.

Mr. HARDWICK. Mr. President, I hope the Senate will not agree to that motion; not pro forma, at least. I think we might as well settle that now, if we are going to settle it at all. The Senate has voted on this very proposition and has passed it almost unanimously, and it has passed the House of Representatives in a different form, and if anything in the world is settled this ought to be. Of course, the Senator has the right to raise that question; but the Senate has already had full information on that subject, and I think we might as well vote on it.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. HARDWICK. Yes.

Mr. KING. This matter was considered, as I recall, in some former bill.

Mr. HARDWICK. A bill that I introduced myself, and reported from the Post Office Committee, and it passed the Senate.

Mr. KING. Was that a part of the appropriation bill?

Mr. HARDWICK. No, sir; it was an independent bill. It passed on its own merits, after an extended discussion.

Mr. KING. There was objection to it, then?

Mr. HARDWICK. There was objection to it, then.

Mr. KING. Is this to continue the appropriation then made, the activities of the agency then provided?

Mr. HARDWICK. The bill did not become a law. It did not pass the House of Representatives. The House put it in what was known as the Madden bill. It has passed the House of Representatives in the Madden bill, but the bill that passed the Senate did not pass the House, and the bill that has passed the House has not yet been considered in the Senate. So that, while the proposition has passed both Houses of Congress by overwhelming votes, the same bill has not passed them both; and therefore it is included in the Post Office appropriation bill, it being a provision for the Postal Service.

Mr. KING. Is the Senator alluding to section 7?

Mr. HARDWICK. Yes. I thought the Senator moved to reconsider that section.

Mr. KING. The section which it is alleged provides for the promotion and conservation of food and food products?

Mr. HARDWICK. Yes; for these automobile truck routes.

Mr. KING. And to facilitate the collection and delivery thereof from producer to consumer?

Mr. HARDWICK. Yes, sir.

Mr. KING. It is to have the Government, through the Post Office Department, embark upon the business of carrying freight?

Mr. HARDWICK. Undoubtedly. I am used to looking questions squarely in the face, and that is exactly what I argued out in the Senate before; but, in my judgment, if there ever was a practical way of cutting the cost of living for the people in the cities, it is to get all of this truck and stuff brought in somehow or other. These people have no express service, and they did not have any mail service until the Government established it.

I am willing to argue the question out. I remember that the Senator opposed the bill before, and I do not blame him. His opposition was very much in line with the general sentiments that I entertained, but it does seem to me that in times of war and confronted by the conditions by which we are confronted, this is a practical way to try to cut the cost of living.

Mr. KING. Mr. President, the Senator from Georgia, in my opinion, is usually right about questions relating to the powers of the Federal Government. Indeed, he is so seldom wrong that I may say he is always right; but upon this occasion it seems to me that the position which he assumes is not tenable.

I can not understand where there is constitutional warrant, or indeed where there can be found any justification for the policy of having the Federal Government embark upon a great commercial enterprise, such as the carrying of the freight of the people of the United States. That is essentially a private business and can be better carried on by private persons. Of course there are very specious arguments, very strong sophistical arguments, that can be made in favor of a strong paternalism or extreme State socialism. There are many reasons assigned in favor of the Government owning and operating all railroad and transportation instrumentalities. Many are now insisting that the Government take over the express companies, the telephone and telegraph companies, and all public utilities. Indeed, some persons are insisting that the Nation acquire and operate all mines, smelters, manufacturing plants, and all business concerns which in any way affect the public. Able arguments have been made by learned men in support of these propositions; but, conceding the strength of the arguments, in my opinion the policy of such a course is unwise and in the end would prove disastrous to our Nation and destructive of our institutions and social life.

The plan here presented is along the same line. It is a part of the same scheme and is a symptom of this disease which is now affecting the American people. Of course the war is invoked to sanctify many of these plans, so revolutionary and unsound.

Of course, if the Government is to become a common carrier, and becomes the owner of all transportation facilities, then there could be no objection in principle to this legislation. The question would be one of degree only. If our theory of government is to be changed and instead of having a government of the people, we are to have a huge, overpowering paternalism, then this scheme must be alluring and wholly satisfying. But if we still believe in the government of the fathers, and are still willing that governments shall be confined to their legitimate functions, then we can not approve of this proposed legislation.

Mr. HARDWICK. Mr. President, I just want to suggest to the Senator if it is not true, and if he did not support the proposition, that the Government is now engaged in the transportation of freight on land and sea, both, so that there is very little room left for this argument. We have the railroads, and are operating them. We have built the ships, or are building them, and are going to operate them as soon as we can get them. So that while I think the Senator is right on the general proposition—although I believe that a stronger case can be made for this than for either one of these propositions—there is very little room of that kind to stand in now, during the war, at least.

Mr. KING. Mr. President, I do not think my good friend ought to embarrass me by asking my opinion as to the wisdom of our action in taking over the railroads of the United States. Personally, I do not think it was necessary or a wise thing to

do, and in my humble opinion we will live to regret it. But it was urged by the President and by many others as a necessary war measure. The congested condition of traffic and the combination of many extraordinary circumstances apparently made such a step imperatively necessary. In my opinion it was not necessary. That there should have been some amendment to the Federal laws relating to railroad and transportation companies there can be no doubt, and if a year ago we had dealt with the question in a broad and comprehensive way there would have been no rational demand for the Government to seize and operate the railroads. But we did take them over; but I do not want my friend to use that as an argument to support the proposition that we should still further invade the field of private endeavor and still further pervert the powers and functions of the Federal Government.

Mr. HARDWICK. I know; but the Government is already in the freight-carrying business, so I do not think the Senator ought to be particularly worried about a little extension of the service.

Mr. POMERENE. Mr. President, I think the argument made by the Senator from Georgia is quite sound, and I hope he will bear it in mind when we take up the rent-profiteering bill to-morrow.

Mr. McKELLAR. Mr. President, does the Senator think we are going to turn the railroads back to the railroad companies?

Mr. KING. I suggested a few moments ago that there was a time when we needed prophets, and I quoted the old Biblical statement that without vision the people will perish. The Senator from Tennessee had assumed the rôle of the prophet more than I had done; and I ask him now, by way of reply to his interrogation, whether we will turn them back?

Mr. McKELLAR. I have very serious doubts about it in my own mind. I do not think we will.

Mr. KING. Well, I will not hazard any opinion, Mr. President, because I do not know what will be done. I have an opinion as to what ought to be done, but no one can determine what will be done, particularly in view of the industrial and economic changes which the war will produce, and in view of the fact that we are fast transferring to the Government not only the business of the country but the powers and functions of the States.

But, Mr. President, I do not believe in the destruction of individualism and of individual initiative and in the sources of power which have made this a great Nation. Democracy rests for its perpetuity upon strong individual units; upon the development of the individual. The State is strong in a great democracy only when the people are strong. If the Government lays it hands upon all business, controls all enterprises, directs all the people, determines and limits their activities, in short, absorbs them and draws them into its all-embracing arms, then there is no democracy; the swirling waters of a mighty socialism will have engulfed the people and destroyed the Republic.

Mr. President, I move to reconsider the vote by which the section was agreed to.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah. [Putting the question.] By the sound the noes seem to have it.

Mr. WADSWORTH. I call for a division.

The VICE PRESIDENT. A division is called for. All those in favor of the motion to reconsider will rise. [A pause.] Those opposed will rise. [A pause.]

Mr. HARDWICK. Mr. President, I make the point that there is no quorum present.

Mr. SMOOT. Let us adjourn right now.

Mr. BANKHEAD. I move that the Senate adjourn.

The VICE PRESIDENT. The Chair must decide this question. The motion to reconsider is carried. The question is on the motion of the Senator from Alabama that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 9, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 8, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, to whom we are indebted for all things, uphold, sustain, and guide us in this hour which tries men's souls. Life, home, liberty, and all that we hold dear are in the balance. We thank Thee for the wave of patriotism sweeping throughout our land, which has touched the hearts of our young men and brought them to the colors, for a supreme sacrifice on the altar of liberty, truth, justice, right; for the sacrifices of fathers, mothers, wives, children in giving their dear ones to the cause; in the willingness of the people, men and women, to meet the situation bravely and pour out their substance to the necessities of the Government; meeting excessive taxation, the liberty-loan call, the conservation of food products, giving their brain and brawn to uphold our sailors and soldiers and their allies in the strife; for the unanimity existing in the Congress of the United States which lifts its Members above all party considerations to meet the demands of the people. Give us, we beseech Thee, wisdom, strength, courage, fortitude, a supreme faith in Thee, that right shall prevail, civilization have its sway; and everlasting praise be Thine through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERSONAL STATEMENT.

Mr. GORDON rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. GORDON. I desire to make a short statement of a minute.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GORDON. During the debate yesterday on the conference report on the Senate amendments to the espionage bill I was called from the floor of the House to the Committee on Military Affairs. I was advised that they were waiting for me there. I was not present when the vote was taken in the House on that bill. If I had been present, I would have voted "nay."

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. By special order, the gentleman from Illinois [Mr. MANN] is recognized for 20 minutes. [Applause.]

Mr. MANN. Mr. Speaker, I appreciate the courtesy just extended to me, and the many courtesies and constant kindnesses of the Members of the House during my illness as well as for many years before. I am feeling fine. [Applause.] But my medical advisers think that it would not be advisable for me at the present session of Congress to resume my duties in the House. While I do not have confidence that any physician always knows the right thing, still my inclination as well as the advice given to me has led me to determine to go home to the garden and stay out in the open air during the summer. [Applause.]

I thought I would like to say a word to the House before going. What we all need, what you need in the House, what the administration needs, what the country needs is determination and patience. Humanity is not so made that you can evolve great organizations offhand. We are engaged in a struggle with probably the most efficient organization of people in the world. We have had faith that Yankee ingenuity, American genius, the inventive skill of our own people might largely win the war. It may become a great factor. It is not unlikely that this war will be won, as many past wars have been won, by something entirely new, which developed after the war has begun. But whatever is done, we must all keep our minds set on the firm determination never to quit without complete victory. [Applause.] It can not be expected that the greatest struggle the earth has seen will not have its rises and its falls; that there will not come times of great optimism and times of a low pessimism.

But there is but one thing for us to do, one thing for our country to do, and that is to exert its utmost effort and never quit until it has succeeded. [Applause.]

And then we must have patience. We are appropriating here unbelievable sums of money. There are being expended by our Government these enormous amounts. Mistakes will occur here, mistakes will occur there. You can not build up a great army and navy and the great organization that goes with it without mistakes. Let us help to correct them, but never forget that they are natural and can not be avoided. We must have patience. We must not be too hurried in our judgment. We must not condemn too quickly where mistakes have occurred. We must not forget that we have made mistakes, both personally and legislatively. I know the feeling, I think, on both sides of this House: In the war there is no partisanship. [Applause.]

We stand as a united country and a united people, unwilling to let bickerings at home affect our determination to win abroad.

There are many things which I would like to say to the House, many things which have occurred to me in my retreat, but I do not propose to obtrude myself upon the deliberations of the House. I have watched in a way from the outside the actions of the House and the doings of the administration, the

building up of the Army and Navy, the failures that have occurred here, the too great optimism which sometimes has sprung forward there, the reports sometimes about what we were going to do as though they were already done. But the people do not need to be misinformed and led into hopes which are not realized in order to keep their determination. They are bound to win the war as we are. [Prolonged applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 152. Joint resolution to prevent profiteering in the District of Columbia.

LEAVE OF ABSENCE.

Mr. SEARS, by unanimous consent, was granted leave of absence until June 7.

SALE OF LIBERTY BONDS.

Mr. ALMON. Mr. Speaker, I ask unanimous consent to extend in the RECORD a statement or summary of the status of subscriptions to the third liberty loan on Saturday in the sixth Federal reserve district, embracing Alabama, Georgia, Florida, Tennessee, Louisiana, and Mississippi, from which it appears that Alabama leads with an oversubscription of 79 per cent.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by inserting a summary of subscriptions to the third liberty loan in the sixth Federal reserve district. Is there objection?

There was no objection.

MOTHERS' DAY.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to offer a concurrent resolution and ask that it be read and considered.

The SPEAKER. This is Calendar Wednesday. Unless it is a privileged matter or of very great and pressing importance the Chair would rather have the gentleman hold it until to-morrow. It is not of great pressing importance, is it?

Mr. HUTCHINSON. I would like to have it done by Sunday. It is in reference to Mothers' Day.

The SPEAKER. Take it up to-morrow.

LEAVE TO EXTEND REMARKS ON ESPIONAGE BILL.

By unanimous consent, leave was granted to Mr. BROWN and Mr. LANGLEY to extend their remarks on the espionage bill.

MANUFACTURE OF GOVERNMENT SUPPLIES AT ATLANTA PENITENTIARY.

Mr. KEATING. Mr. Speaker, when the House adjourned yesterday the previous question had been ordered on the rule which provides for the consideration of H. R. 8938, the Atlanta Penitentiary cotton-factory bill. I desire to ask when the vote will be taken on that rule?

The SPEAKER. It goes over until to-morrow, this being Calendar Wednesday. That has been ruled three or four times by Mr. Speaker CANNON and myself. The Clerk will call the roster of committees.

STANDARDIZATION OF SCREW THREADS.

Mr. ASHBROOK (when the Committee on Coinage, Weights, and Measures was called). Mr. Speaker, I desire to call up H. R. 10852, to provide for the appointment of a commission to standardize screw threads.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. ASHBROOK. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. BOOHER] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BOOHER in the chair, for the consideration of H. R. 10852.

The CHAIRMAN. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. DYER. Mr. Chairman, I ask to have the bill read.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That a commission is hereby created, to be known as the commission for the standardization of screw threads, hereinafter referred to as the commission, which shall be composed of five commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; one a commissioned officer of the Army, to be appointed by the Secretary of War; one a commissioned officer of the Navy, to be appointed by the Secretary of the Navy; and two to be appointed by the Secretary of Commerce, one of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and one from nominations made by the Society of Automotive Engineers.

SEC. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

SEC. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

SEC. 4. That the commission shall serve without compensation, but nothing herein shall be held to affect the pay of the commissioners appointed from the Army and Navy or of the Director of the Bureau of Standards.

SEC. 5. That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business.

SEC. 6. That the commission shall cease and terminate at the end of one year from the date of its appointment.

Mr. ASHBROOK. Mr. Chairman, this bill provides for the appointment of a commission to standardize screw threads. I trust that no one will become alarmed because this bill proposes to create another commission, because this commission is to be composed of an Army officer, a Navy officer, the Director of the Bureau of Standards, and two members who are to be appointed by the Secretary of Commerce, one from the American Society of Mechanical Engineers and one from the Society of Automotive Engineers, and all are to serve without compensation.

Mr. MOORE of Pennsylvania. Mr. Chairman, does this bill come from the committee with a unanimous report?

Mr. ASHBROOK. It does.

Mr. MOORE of Pennsylvania. It is a bill about which there has been some correspondence, and I should like to know whether the gentleman proposes to yield time for discussion?

Mr. ASHBROOK. Mr. Chairman, I am perfectly willing that ample time should be given to discuss the bill. There will be no attempt made to cut off debate.

I will say to the House that the Committee on Coinage, Weights, and Measures held hearings on this bill for two days during this session and also during the Sixty-fourth Congress. There appeared before the committee representatives from the War Department, from the Navy Department, from the Bureau of Standards——

Mr. MOORE of Pennsylvania. Mr. Chairman, we have a very efficient Bureau of Standards, and I should like to have the chairman of the committee explain why it is necessary to have a commission in addition to the Bureau of Standards.

Mr. ASHBROOK. Mr. Chairman, I am only making a brief preliminary statement about the bill. The author of the bill is the gentleman from Connecticut [Mr. TILSON], who has a far better knowledge of the details of it than I have. He has a technical knowledge of the subject, and I expect to yield to him in a moment or two to explain the purposes of the bill. I will say, however, that it is the opinion of the Director of the Bureau of Standards that a law or mandate from Congress requiring the standardization of screw threads is more certain to cause this standardization to be effected than to leave it to any existing general law or authority.

Mr. MOORE of Pennsylvania. The gentleman being chairman of the Committee on Coinage, Weights, and Measures, I thought he might answer that very proper question as to why we should create a commission when we already have the Bureau of Standards.

Mr. ASHBROOK. I will say to the gentleman from Pennsylvania that this same suggestion was made to the Director of the Bureau of Standards, to a rear admiral in the Navy, and to an Army officer, as it was the opinion of a majority of the Committee on Coinage, Weights, and Measures that they now had authority to do the very thing that this bill proposes to do, but these three gentlemen were of the opinion that more legislation was necessary and desirable.

Mr. MOORE of Pennsylvania. If the gentleman is going to turn the explanation over to the gentleman from Connecticut [Mr. TILSON], that will be satisfactory. We should have an explanation from some one.

Mr. ASHBROOK. I expect to do so in a moment.

Mr. Chairman, we had a representative before the committee from the American Society of Mechanical Engineers and a representative from the Society of Automotive Engineers and from various manufacturing concerns in the country, and all were strongly in favor of this bill.

So far as I know, there has been no opposition presented to the bill by any Member of the House. If there has been, it

has not been referred to the committee or brought to my attention. The bill seems to meet with the general approval of the manufacturing interests as well as the various branches of the Government which would be affected.

Mr. WALSH. Will the gentleman yield for a question?

Mr. ASHBROOK. I yield.

Mr. WALSH. In making up commissions, is it customary to write into the statute that a part of the personnel shall be nominated by societies or associations throughout the country?

Mr. ASHBROOK. There are two members of the commission, a minority representation, who are to be selected from the two societies that are most directly interested and concerned in this bill.

Mr. WALSH. But does the gentleman think we ought to make up a commission to represent societies, or to represent the United States?

Mr. ASHBROOK. We have a majority representation of the United States on the commission.

Mr. WALSH. Why not permit Henry Ford to nominate somebody to represent him?

Mr. ASHBROOK. I am a strong admirer of Henry Ford.

Mr. WALSH. Or why not permit various other societies to nominate men to represent them? I wondered if it was customary in this sort of legislation to write into the law a provision that these men are to be nominated by the Society of Automotive Engineers or the Society of Mechanical Engineers. I have no doubt they would nominate competent, able men; but it seems to me it is open to some question whether it ought to be written into the law that they should be permitted to participate in making up a commission to represent the Government. I simply want to get the idea of the committee.

Mr. ASHBROOK. The Army, Navy Department, Department of Commerce, or rather the Bureau of Standards, all favor the proposition that these societies shall be represented on the commission. As they are to serve without compensation and have a technical knowledge of the things to be done, the standardization of screw threads, the committee was disposed to yield to the advice and judgment of these three departments of the Government.

Mr. WALSH. Of course the same two men could be appointed without having it provided in the bill that the society could participate in making up the Federal commission.

Mr. ASHBROOK. That is true. Mr. Chairman, I yield so much time to the gentleman from Connecticut [Mr. TILSON], the author of the bill, as he may require.

Mr. TILSON. Mr. Chairman and gentlemen, it may not be known to the membership of the House generally that the number of screws manufactured in the United States daily amount to over 100,000,000. This does not include wood screws, which are not screws in the sense which an engineer deals with them, but only screws with a tap to fit them. A number of different standards for screw threads have been established in this country, as well as in foreign countries. It is hoped that the number of these may be eventually reduced. There has never been an attempt, however, to establish a general standard of tolerances for screw threads, and this is the work it is expected that the commission provided for in this bill will take up and accomplish. Different learned societies have taken the matter up, notably the Society of Mechanical Engineers and the Society of Automotive Engineers. You will understand that every machine of almost every kind that is made, whether large or small, is not only assembled largely by means of screws, but most of the adjustments of measuring devices, tools, and machines, some of them very fine and delicate, are made by means of screws.

It is asked why does not the Bureau of Standards provide a standard and promulgate it. That question was asked directly of Dr. Stratton, and he said he thought it might be done, that he might be authorized to formulate a standard of his own and promulgate it. The Bureau of Standards, however, is engaged in other work, which it is instructed to do by law.

The Navy Department has already gone into the question of setting certain standards for its own use. The Army has had to do it to a certain extent. The Army has called in eminent engineers from the two societies mentioned here and others outside of them, to help the Army arrive at what is a proper standard.

I hope you all understand what a standard of tolerances means. First, there is absolute perfection of fit. We all know that in the manufacture of metals, the same as in human affairs, perfection is unattainable. It is physically as well as commercially impossible. Moreover, no good purpose would be served by attempting to approximate too closely to perfection of fit in the manufacture of metals. The question, then, is as to how far from the line of perfection, which is unattainable in all terrestrial things, should the manufacturer of screws be permitted to deviate in order to enable him to manufacture them commercially. You will understand that if you require an impossible standard or attempt to approximate too closely to perfection, it simply impedes production, without any corresponding gain in utility. You can not proceed with the manufacture of an article unless a proper allowance is made, or, as it is usually called, a commercial allowance.

For a number of years the subject of screw-thread tolerances has been under discussion by engineers and manufacturers of articles from metal. The two societies mentioned in this bill have gone about it, each independently working at the problem. Finally they conferred together, and have come to Washington asking that Congress authorize the establishment of a commission. It is confidently believed that such a commission will be able to bring together the data already gathered by these societies, by the War and the Navy Departments, and by others, and determine the proper standard of screw-thread tolerances in the manufacture of screws.

In determining the proper allowances in the manufacture of screws there are five different things to be standardized. First is what we call the lead; that is, the number of threads per inch. Then there is the angle; that is, the angle between the threads. Then there are the diameters. Three diameters are required—first, the outside diameter from the crest of the screw thread to the crest on the other side; second, what is called the root diameter, from the bottom of the thread to the bottom of the thread on the other side; third, and a very important item, is the pitch diameter, which is measured from the center of the thread on one side to the center of the thread on the other side.

I have brought before you a diagram showing a 2-inch screw used on an autotruck. It was brought to me from the Quartermaster General's office, which has charge of the motor transportation for the Army. This is a 2-inch screw magnified.

Mr. KREIDER. The gentleman says a 2-inch screw; does he mean diameter or length?

Mr. TILSON. Two inches in diameter.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. GARRETT of Tennessee. Is it the thought that after the commission has acted it is to be followed by Federal legislation of some sort fixing that as a standard?

Mr. TILSON. It is provided in the bill that after the commission, composed of three representatives of the Government and two eminent engineers nominated by these two societies, but actually appointed by the Secretary of Commerce, has determined what the proper standards are the Secretary of Commerce shall promulgate the standards, have them printed as a public document, and thereafter it shall be required in all Army and Navy specifications that those standards shall be put into the specifications. There is no penalty, as gentlemen will note, and if private manufacturers do not wish to use it they do not have to do so, except in work they do for the Government.

Private manufacturers, however, desire this done just as much as anybody else. They would like to have the standard of tolerance for screw threads uniform all over the United States, so that if you went into one store and bought a half-inch bolt, for instance, of a certain description, you could go into any other store in the United States and buy a bolt that answered to the same description, and you could take the nut off the one and it would fit the screw of the other.

Mr. WINSLOW. The purpose of the bill is merely for the sake of the Army and the Navy?

Mr. TILSON. It is not for the Army and Navy alone.

Mr. WINSLOW. I understood the gentleman to say so.

Mr. TILSON. No; it is desired very much by the Army and the Navy, because just at this time the Army and the Navy both are drawing largely upon the manufacturing resources of the country, and they have felt more than ever before the necessity for having a uniform standard that will be used by all private manufacturers as well as the Navy and the Army themselves.

Mr. WINSLOW. Then, the proposition is to get a compulsory standard for everybody in the country?

Mr. TILSON. It is compulsory only in this respect, that anyone who bids on work for the Army and Navy must bid upon specifications containing these standards.

Mr. WINSLOW. Can not they specify them anyway, without having a law passed?

Mr. TILSON. The trouble is there is no generally accepted standard to specify.

Mr. WINSLOW. They can describe the screws perfectly well.

Mr. TILSON. There is nobody who has determined what shall be the proper standard of tolerance in screw threads. The Navy has acted independently. The Army has done not quite so much. We wish to have determined standards that will be uniform for all similar work. The Army and Navy both want it; engineers everywhere urge it; manufacturers are agreed to it; and no one, so far as I have heard, opposes it.

Mr. GARRETT of Tennessee. Mr. Chairman, is this a matter that will require very much time on the part of the commission?

Mr. TILSON. It is stated in the bill itself that it shall terminate its work within a year.

Mr. GARRETT of Tennessee. Is it likely to require anything like that length of time?

Mr. TILSON. No. It is expected that frequent sessions will be held and that the results arrived at by these gentlemen will be tabulated by clerks in the interim between the meetings of the commission. While the scientific work will not require their entire time, by any means, or a very large part of it, nevertheless they will have to meet from time to time, determine the various standards for the five different items I have mentioned in regard to the screw and for the different grades of work, whether it be fine or coarse, or what is called a tight fit, a medium fit, or a loose fit.

Mr. GARRETT of Tennessee. The bill provides, I believe, that the members of the commission itself shall serve without compensation?

Mr. TILSON. That is correct.

Mr. GARRETT of Tennessee. But I understand the gentleman to say that there is work that will have to be done by clerks in the interim between the sessions.

Mr. TILSON. It is so expected.

Mr. GARRETT of Tennessee. Can the gentleman give the House any idea of about how large a force is going to be required?

Mr. TILSON. Very small, as I understand it. Dr. Stratton, of the Bureau of Standards, thought there would be no difficulty about that. He will attend to that side of it, as it will probably be done under his direction.

Mr. GARRETT of Tennessee. The gentleman really does not know how large a force is likely to be employed?

Mr. TILSON. I understand that it will be extremely small.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. COX. In the main I think I am in sympathy with the purpose of this bill, but I want to put this question to the gentleman. This bill contemplates the appointment of five commissioners. The gentleman has said that these commissioners will meet from time to time and hold sessions. We have been confronted since this war broke out with different commissions. For instance, we have had the Aircraft Board and, as I recollect now, probably three or four different commissions or bodies that had control of that kind of work. To my mind, they were working at cross purposes. Take the Shipping Board——

Mr. TILSON. It is intended to stop that working at cross purposes in this particular thing.

Mr. COX. I shall come to the question in a moment. The Shipping Board and the Fleet Corporation it is apparent were not getting very far until the power to build ships was taken entirely away from those boards and centered in one man's hands. My query is this: Suppose you appoint your commission of five men and then they have sessions at intervals, what does the gentleman think as to whether or not there will be any danger of the commission of five men fighting one another and finding themselves at cross purposes with each other, just like the other various boards, and instead of advancing work actually delaying it?

Mr. TILSON. I wish the gentleman to understand that this is one of those things where there is a universal desire to get together. It is to the advantage of each member, or the cause represented by him, that they all get together, rather than pull apart, and the sole purpose of the commission is that there may be one standard. It does not matter so much to the manufacturer whether it is one standard or another standard. All he desires is that there shall be one standard, a reasonable, commercial standard, so that everybody will use the same yardstick in making his measurements. This commission will be interested, every man of them, in having unanimity rather than working at cross purposes.

Mr. COX. That will be true if the commission will get together and agree among themselves; but suppose they do not do that. Let me put this question to the gentleman: Grant that the private manufacturers are in favor of it——

Mr. TILSON. They have come before the committee, by their representatives, in considerable numbers.

Mr. COX. I take it now that the Army and Navy Departments are dependent almost entirely upon private screws, are they not?

Mr. TILSON. Largely.

Mr. COX. Well, now, suppose this bill becomes a law and the private manufacturers who are now making screws for the Army and Navy Departments, seeing this bill ahead of them, are they going to let up in the manufacture of screws until this commission meets? If so, it looks to me there might be some danger of a shortage of screws.

Mr. TILSON. In the first place, the Government really controls the commission, anyway. It controls the nature of the report and its representatives control the time of its being put out. If they thought there was any danger of that kind, they could hold it back and not promulgate it, or perhaps promulgate it to take effect at some other time. They certainly would not deliberately promulgate a standard that would interfere with the very work they contemplated.

Mr. COX. I hope that will be true, yet we hoped the Shipping Board would do quite different from the way they did do, and that the Aircraft Board and things like that should not have proceeded as they have proceeded.

Mr. STAFFORD. Will the gentleman yield?

Mr. TILSON. I will.

Mr. STAFFORD. Is the gentleman certain of his position made in reply to the query propounded by the gentleman from Indiana? The fear I have is that if this bill is adopted it may result in some hardship and hindrance, not only to the War and Navy in the use of these standards but in the adoption of it by manufacturing plants under the control of the War and Navy Establishments. This bill proposes that this commission must make its recommendations within one year, and it further proposes that those recommendations must be promulgated by the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce upon acceptance and approval.

There is no authority, so far as this bill is concerned, granting the privilege to either of these department heads to determine when their recommendations should go into effect, and we might have this arbitrary situation of having a standard fixed within a period of 12 months as to the character of bolts that should be used in machinery and the manufacturers would not be able to meet those requirements, because they could not, under these stressed conditions, obtain the necessary dies to meet the requirements laid down by this commission on standards. This is a very serious practical question, and I wish to amplify it still further by this query as to whether Great Britain has any standards as to screw threads and whether that standard as to all makes of machinery is not different from the standard adopted by the large bolt manufacturers of this country. Now, in these war times, when it is necessary for us—I trust I am not taking up too much of the gentleman's time.

Mr. TILSON. It is all right.

Mr. STAFFORD. When it is necessary for us to avail ourselves to the utmost of machinery and all adjuncts that enter into that machinery to establish a standard, as this bill proposes, and to have it go into effect in one year, without leaving to the heads of the departments any discretion to determine when it shall be adopted, seems to me a very important and serious innovation, indeed.

Mr. TILSON. I am glad the gentleman has raised these questions, because they are very natural and pertinent questions. In the first place, as to Great Britain: Great Britain has within the present year—in fact, within the last month—called her standards committee together in conference for this very purpose.

They held a conference in London in the month of April, which a number of eminent engineers from this country attended. They conferred with our representatives—that is, engineers from this country—as to the possibility of international standards being adopted hereafter. If such a commission as this is appointed, it would have a proper legal standing to enter into negotiation or conference with international committees or commissions for that very purpose. In fact, that is one of the things we hope to come out of this commission.

Mr. STAFFORD. Will the gentleman yield further?

Mr. TILSON. Yes.

Mr. STAFFORD. Has any representative of any manufacturing establishment come before the committee to testify as to the practicability, after the commission sets the standard, as to the ability to put their recommendations into force to meet the requirements of the Army and Navy in these war times?

Mr. TILSON. Yes; there were a number of manufacturers who appeared before the committee, and a much larger number

who indicated through various engineers who appeared before us their belief in and advocacy of this bill. Especially those who have to do with the manufacture of screws, taps, dies, and other things for the making of screws were all in accord in favor of the establishment of proper standards for screw threads, and especially of tolerances for screw threads.

Mr. STAFFORD. If the gentleman will yield further, in glancing over the hearings, handed me by the chairman of the committee, I can only find the statement of one manufacturer—Mr. F. O. Wells, president of the Greenfield Tap & Die Corporation—and I do not find any testimony on the part of any other manufacturer in support of this bill.

Mr. TILSON. Let me explain to the gentleman why that appears in that way. A similar bill was introduced by me in the closing days of the Sixty-fourth Congress. We had a hearing on it before a subcommittee of the Committee on Coinage, Weights, and Measures. A number of manufacturers, engineers, Army officers, naval officers, and Dr. Stratton, appeared at that time and were heard, and those hearings were printed during the last Congress.

When the present bill was introduced by me into this Congress, the chairman of the committee thought it of sufficient importance for the whole committee to hear it, and they gave us a hearing. Instead, however, of bringing the same men who were here the year before, to be heard again, the committee in its consideration had before it the hearings of the previous year, which the gentleman from Wisconsin [Mr. STAFFORD] can get by sending to the committee room.

Mr. ASHBROOK. If the gentleman will permit me to interrupt, I wish to say that I will send to the committee room and get copies of the hearings held on this bill in the Sixty-fourth Congress, at which time, as the gentleman states, there were a number of representatives of business interests who appeared before the subcommittee.

Mr. CANNON. I want to ask the gentleman from Connecticut a single question. Is Dr. Stratton for this bill?

Mr. TILSON. He is.

Mr. CANNON. Then I will vote for it.

Mr. TILSON. He was twice before the committee—this year and last year. Dr. Stratton, as you know, believes in standardization, and he realizes that such a commission will help very materially. In my judgment, it is the only way by which he can carry out effectively and expeditiously what he and I agree to be a matter of great importance to the manufacturing industries of this country.

Mr. CANNON. I do not know anything about it, but I think he is the best authority in the United States, if not in the world, touching this matter.

Mr. TILSON. The gentleman and I are in accord on that subject, and I wish to state to the gentleman that Dr. Stratton is very much in favor of this bill. He appeared twice before the committee, and I am sure from private conversation with him that he believes that great good will come out of this not only for the War and Navy Departments, but especially in the great private manufacturing interests of this country, and that the benefit will not be only temporary and transient, but that it will be lasting, going on into the future.

Now I yield to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. I merely wanted to ask if the experience of the automobile manufacturers is not an illustration of the desirability of passing this very law?

Mr. TILSON. It is.

Mr. WINSLOW. I think if gentlemen realized that fact it would help them very much toward reaching a conclusion.

Mr. TILSON. At first each automobile manufacturer had a standard of his own. After undergoing that experience for a while, they determined that it was essential that they should get together and determine upon some sort of a standard, and they did so. They had no legislation back of it, but for their own convenience and for the sake of the public they got together and established certain standards. These same engineers have come before this committee and have asked that all the engineers of the country get together, that the Army and Navy Ordnance Departments get together with them, and that they establish one universal system of standards for screw-thread tolerances.

Mr. EDMONDS. Will the gentleman yield?

Mr. TILSON. I will.

Mr. EDMONDS. I would like to ask if you do not think that, in order to prevent any more ghastly failures, we had best have this commission selected by Congress?

Mr. TILSON. It is, practically, because the bill itself takes care of it. I think, in the first place, the most appropriate selection is that of the Chief of the Bureau of Standards as the chairman of the commission. In view of the large amount of metal manufacturing done by the War Department, it should have a representative on the commission. The same is true of the Navy. Then I believe that the engineers of the country more nearly represent the private industries of the country, so far as manufacturing is concerned, than anyone else, and that the bringing in of these two engineers will be of great assistance to the other officials. More than that, it will tend to popularize this standardization or make it more acceptable to the great manufacturing industries of the country.

Mr. COX. Right in connection with what the gentleman said in his closing remarks, and also in connection with what the gentleman from Illinois [Mr. CANNON] says, about Dr. Stratton, I am for the bill——

Mr. TILSON. I am glad the gentleman is.

Mr. COX. That is, the Stratton end of it. But is not the gentleman afraid that he is going to hamper and in a measure tie the hands of Dr. Stratton when he consents to put on two engineers from private life?

Mr. TILSON. No. I would give Dr. Stratton the greatest help I could possibly give him, and I think I am doing just that in this bill.

Mr. COX. Has Dr. Stratton ever told the gentleman he wanted these two extra engineers?

Mr. TILSON. He appeared before the committee and favored this bill when it contained a provision for four engineers. I am sure he is not alarmed about the number of engineers. In fact, no one knows better than Dr. Stratton the valuable assistance that he will get from these men.

Mr. COX. I hope he will get it, but I am very much alarmed about it.

Mr. TILSON. I am sure he will get it, because the engineers are much interested in this matter, and they are an able body of men and will be ably represented on this commission.

Now I yield to my colleague from Connecticut [Mr. MERRITT].

Mr. MERRITT. As I take it, the idea of this bill is to help manufacturing and not prevent it.

Mr. TILSON. That is true.

Mr. MERRITT. And if that is true, is it not true that the delegates from the automotive engineers and the mechanical engineers would recommend such standards as would further manufacturing?

Mr. TILSON. That is true. The gentleman speaks from experience as a representative of one of the most efficient and up-to-date manufacturing concerns in the whole country.

Mr. MOORE of Pennsylvania. Section 2 provides:

> Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

That would involve a radical change in machinery in the various plants, would it not?

Mr. TILSON. No; not in machinery. It may involve in some cases a slight change of tools, but not of machinery.

Mr. MOORE of Pennsylvania. If the gentleman will let me put the question in the form of a statement, perhaps I can make it clearer. It may be that by reason of the change in plans or in machinery or in tools, as the gentleman has indicated, that there might be great delay in the manufacture of such tools as would be needed for war purposes, and the question is whether that would be the result of the passage of the bill?

Mr. TILSON. No. I went into that very fully with the engineers and manufacturers. Here is what I got from them: Metal tools are very rapidly used up. Three months is considered a sort of standard for the life of a cutting tool. Some last longer and some not so long. Gentlemen can see that as soon as a standard is set, all the tools thereafter would be ordered according to this standard, and there being no penalty they could go on using the old tools as long as they lasted. Probably before the bill went into effect or before they got any Government work all the tools would be of the new standard.

Mr. MOORE of Pennsylvania. But after the passage of this law I assume no contracts would be made unless in compliance therewith. But how would it affect existing contracts made prior to the passage of the law?

Mr. TILSON. It would not affect existing contracts. There is no penalty, as the gentleman understands, and the only requirement is that in future specifications hereafter to be drawn such standards shall be required.

Mr. MOORE of Pennsylvania. It being the law that the screw thread shall be of this standard, and a contract made prior to the law pending, would it not operate harshly on the contractor if the Government should say, "We desire to have these screws made now in accordance with the law"?

Mr. TILSON. Only specifications sent out after the law went into effect would be affected. These could not change a pre-existing contract. The gentleman will understand that this is not going to be the making of entirely new standards, but it will be an acceptance, perhaps, in a large measure of some of the standards already in existence.

Mr. MOORE of Pennsylvania. The gentleman sees no danger of infringing upon existing contracts?

Mr. TILSON. Not the slightest.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. WATSON of Pennsylvania. I understand the object of this bill is to have every bolt of the same size and standard thread?

Mr. TILSON. Yes.

Mr. WATSON of Pennsylvania. For instance, if I am a farmer and have a reaper, and a bolt breaks in that reaper, I can not get any bolt from any other concern but the one that manufactures that reaper. Is it the object of this bill that all bolts of like dimensions shall be of the same standard, so that I can go to any hardware store and buy a bolt of the same standard?

Mr. TILSON. Yes. The intention is that ultimately every nut of a bolt of any particular size, type, or description will fit every screw of the same size, type, or description of bolt wherever they may come together.

Mr. WATSON of Pennsylvania. If this bill is passed, I can send to the hardware store and will not have to send to the manufacturer?

Mr. TILSON. Yes. It is hoped that it will ultimately eventuate that way. A standardization of bolts would be a very desirable thing.

Mr. WATSON of Pennsylvania. Are the manufacturers willing?

Mr. TILSON. They are not only willing, they are eager for these standards.

I wish to say in this connection that the Committee on Coinage, Weights, and Measures very thoroughly considered this bill. Committees of this House are usually selected from Members scattered all over the country, but in considering this bill this committee were all from Missouri. They all had to be shown. The committee started out in a very critical frame of mind, resolved that they must be shown that no harm would come from this bill and that it would serve a good purpose.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. FESS. I have had many inquiries as to why this matter is not left with the Bureau of Standards.

Mr. TILSON. There are a great many reasons. In the first place, as I stated a little earlier in my remarks, the Bureau of Standards already has a number of things that it is doing under the direct and positive requirement of law. This is not one of them. Dr. Stratton, the Director of the Bureau of Standards, admitted that he might go ahead and do it by himself, but he and others connected with this matter feel that it would help immensely if it were given the prestige and standing that legislation on the subject would give to it. The appointment of a commission by legislative authority to do this thing will help all over the country to cause people to know about it and accept it more readily if it comes about in this way.

Mr. FESS. Then I understand that the head of the Bureau of Standards would prefer to have it left with the commission instead of with the bureau?

Mr. TILSON. Yes. He realizes that he will get invaluable help from these engineers and from the War and Navy Departments, and he realizes that a standard formulated in that way will be much more readily accepted than if he proceeded to do it on his own questionable authority.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. ASHBROOK. If the gentleman will permit, I would like to say to my colleague [Mr. FESS] that it was the opinion of the members of the committee when this bill was first brought before it for consideration that the Director of the Bureau of Standards already had the authority to do what is sought to be done under this bill. That question was propounded to the Director of the Bureau of Standards, and he seemed to be of opinion that a special mandate from Congress, a law requiring the doing of this certain thing, would have more effect and would accomplish more than he could hope to do without the passage of this bill. The committee were of a doubtful turn of mind; I will say that. We had hearings for four days on this bill, and it was only because of the representations of the Army and the Navy and the Director of the Bureau of Standards, and the insistence of the author of the bill, the gentleman from Connecticut [Mr. TILSON], that we decided to report the bill favorably.

Mr. BANKHEAD and Mr. LONERGAN rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. TILSON. I will yield first to the gentleman from Alabama; then to my colleague from Connecticut.

Mr. BANKHEAD. I would like to ask the gentleman a question. As I understand the provisions of this bill, the commission has got to make its investigations and final report within one year after the passage of the act?

Mr. TILSON. The engineers present, Dr. Stratton, and others all agreed that it could be done within that time.

Mr. BANKHEAD. When they reach an agreement on that standard, how is that to be put into practical effect among the manufacturers of this country?

Mr. TILSON. It is to be promulgated by the Secretary of Commerce and printed as a public document by him. Thereafter it is to be used in the arsenals and navy yards of the country and, so far as practicable, put into all specifications thereafter given by the War and Navy Departments.

Mr. BANKHEAD. I understand that your bill provides that, as to contracts for the Army and Navy, these specifications are mandatory after the commission has agreed upon a standard?

Mr. TILSON. So far as practicable.

Mr. BANKHEAD. But it does not affect general commercial enterprises?

Mr. TILSON. It is not compulsory, but it is expected to affect them very much, because they are eager to have a standard. There is no penalty. The bill carries its own penalty because of the great desirability and great advantage of all having a uniform standard.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I promised to yield first to my colleague from Connecticut.

Mr. LONERGAN. The gentleman first introduced in the Sixty-fourth Congress a bill, something like 18 months ago. That is true?

Mr. TILSON. Yes.

Mr. LONERGAN. And there were hearings on that bill?

Mr. TILSON. Yes; before a subcommittee.

Mr. LONERGAN. And notice was given to all who might be interested—not only Government officials, but those engaged in manufacturing?

Mr. TILSON. Yes. I took pains to do that myself—to notify metal manufacturers very widely, especially those who make screw machinery and tools and so on, so far as I could reach them.

Mr. LONERGAN. And, to the gentleman's knowledge, was there any opposition offered to the bill on the part of either officials or manufacturers?

Mr. TILSON. There has never been the slightest opposition that I have heard from anyone, and I have my files full of letters from eminent engineers and from manufacturers all over the country favoring it.

Mr. LONERGAN. I will ask the gentleman, In the opinion of the officials in the War and Navy Departments, if this standard had been fixed prior to our entrance into the war, would it not have been of material assistance to this Government and to the allies?

Mr. TILSON. The gentleman has brought out a point that I am very glad he mentioned, because it is correct. I have had the most positive information that freak threads, as they might be called, have interfered as much as any other one thing in a number of very important matters in connection with the present war. I am informed that this one thing has interfered to some extent with the aviation program that we hear so much about just now; that it has been hampered by this very lack of uniformity in the matter of screw threads.

Mr. WINSLOW. There is a screw loose somewhere.

Mr. TEMPLE. As I understand, the passage of this bill would not scrap any machinery or cause any manufacturer to throw a single tool into the waste heap, and the only force there would be to put this into effect would be that the manufacturer would find it convenient to conform to the universal standard, rather than to manufacture things that were not of a size that some people might want to put them to. We have had recently an example of passing a law without a penalty—the law changing the clock. If any man does not want to change his clock or set his watch there is no penalty, except that he finds himself absolutely out of harmony with everybody else.

Mr. TILSON. He will miss his train.

Mr. TEMPLE. Yes.

Mr. TILSON. The gentleman has stated the matter well. I do not mean that there may not be anything scrapped. In case a man has some tools that are used very seldom, which may

last an indefinite time, and some of them may be tools that are out of standard, there may possibly have to be some of them scrapped, but any enterprising manufacturer would agree at once that that was trifling as compared with the great advantage to be gained on the other side.

Mr. TEMPLE. There is nothing, however, to compel him to scrap anything.

Mr. TILSON. Not at all.

Mr. TEMPLE. If he scraps anything it is because he finds it to his advantage to do so.

Mr. TILSON. That is correct.

Mr. PLATT. The tools used in making screw threads are taps and dies, which are small and not very expensive, and many of them are now within the standard.

Mr. TILSON. Yes. It is not going to be a serious matter at all. The manufacturers have had an opportunity to protest against that side of it, and not one of them has done so.

Mr. ASHBROOK. If the gentleman from Connecticut will yield to me——

Mr. TILSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I wish to inform the committee that at the hearings held on this bill on January 27 and February 5, 1917, there appeared before the committee Mr. E. H. Ehrman, of Chicago, representing the Chicago Screw Co.; Mr. Horace K. Jones, of the Corbin Screw Co., of Hartford, Conn.; Mr. Frank O. Wells, president of the Springfield Tap & Die Co., of Springfield, Mass., and three or four other representatives of influential concerns and companies who are interested and affected by the passage of this bill, and they all were strongly in favor of its passage.

Mr. TILSON. The gentleman states it correctly. I yield to the gentleman from North Carolina.

Mr. WEBB. I ask unanimous consent to publish in the RECORD a letter from the Attorney General and a letter from the War Industries Board concerning the manufacture of silk in the Atlanta Penitentiary. I want them printed in the back of the RECORD and not in the proceedings.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB]?

There was no objection.

Mr. TILSON. Mr. Chairman, just a moment longer on these diagrams. I have presented here a diagram which shows a screw enlarged. The spaces above the middle line are very much magnified and represent thousandths of an inch. Those above the line represent thousandths of an inch in the tap thread and below the line thousandths of an inch in the screw thread. If screws could be made an absolute fit, which is an impossibility, they would conform to an imaginary line through the center of that chart. The smallest possible technical allowance is figured there at one ten-thousandth. That is so fine that it is impracticable.

Mr. GARNER. Imaginary.

Mr. TILSON. Almost imaginary. The smallest possible practical allowance is given at five ten-thousandths. That is about as close as any screw can be commercially made to fit.

I have here projected on another chart what that means. Here is a thread magnified 50 diameters. If that screw fitted perfectly it would conform to this outside line. It can not be made to fit perfectly, but the zone of tolerance is indicated by the space between the line at the apex of the screw thread down to that double line. Anywhere between those two points would be considered a perfect screw. That would be within the tolerance allowed. The zone indicated by the shaded marking is called the tolerance zone.

I have here a diagram showing a number of threads magnified 50 diameters, the same as the other, and I call attention to how imperfect some of those screw threads are. On this lower line are some threads in commercial screws greatly magnified, showing the discrepancies.

I present here a chart made up of screws taken from 26 different hardware stores. Some one went to different hardware stores, buying in each a box of the same description of nuts and bolts. They were supposed to be exactly the same, answering the same description. It was attempted to put them together, taking the nuts off from one lot and putting them on the screws of the others. I have here delineated the result. If the screws had exactly fitted they would have come across the middle line and the line would be straight. The variations are shown here, some being so wide that the taps would not go on the screws at all and some being so loose that you could put them on and spin them with one finger until they went the entire length of the screw. Yet they were all supposed to be exactly the same.

Mr. KREIDER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. KREIDER. I think what the gentleman refers to is the result of faulty manufacture. The one thing I was interested in is whether the commission so appointed would probably recommend in ordinary nut bolts to have a certain number of threads per inch—on the 3-inch bolt, the half-inch bolt, and the inch bolt, and so forth.

Mr. TILSON That is one of the five points I mentioned—that is, the lead, the number of threads per inch.

Mr. KREIDER. I want to know whether the committee took into consideration the fact that iron bolts used by farmers, a cheap bolt, and differentiated between those and the steel bolt that is used to bolt up two pieces of steel or iron which must have so many more threads per inch.

Mr. TILSON. Yes; and the degree of tolerance is very different. The commission will probably report tolerances in class A, class B, and class C, and so on, applying to different kinds of work, so that the gentleman's mowing machine might be put upon one basis while finer machinery might be put upon another.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. I will yield to the gentleman five minutes more.

Mr. TILSON. Further replying to the question of the gentleman from Pennsylvania, not only would there be a different standard, as far as lead is concerned, but a different standard of the tolerance of the thread allowed to different classes of work. So that work requiring a very tight and accurate fit would be in one class and a very loose fit in another. I will state to the gentleman that in the manufacture of ordnance there is one article that requires a higher degree of accuracy than any other, and that is the thread of the gun barrel. It has to be extremely accurate, so that it would be in class A or class AA of work when you come to the matter of accuracy of fit. Then down the line in articles where there is no necessity of being a tight fit it would not be required. If a tight fit is unnecessarily required, it might be a great loss to the Government or the individual. All that is what this commission is to determine.

Mr. STAFFORD. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. STAFFORD. In my original question I asked whether the English system of measuring standard screws was not based on the metric system, whereas in this country our manufacturers have adopted the other system.

Mr. TILSON. The standard would have to be made in both, because at the present time we are manufacturing many things by the English method by inches and feet, but we are also manufacturing, as the gentleman knows, the 75-millimeter and the 155-millimeter gun and ammunition to fit them. A number of things we are manufacturing under the metric system, so that the standard would have to be made universal, so that it could be used either way, either by the metric system or any other. There is no attempt here to change the standard to the metric system or to fix any other system of measure.

Mr. STAFFORD. It is proposed to have two different standards?

Mr. TILSON. No; the same standard, but work it out for the metric system and for the other system also. It would have to be so on account of the number of things we are manufacturing according to the metric system in this country, but it will not require the metric system to be used.

This is a very technical and perhaps difficult matter to understand, but I am convinced, after a somewhat prolonged study of the subject, that it is of very great importance in the progress of the metal industry in this country. I believe it will serve a useful purpose, and in that I am backed by the officers of the Army, the Navy, the Bureau of Standards, and eminent engineers representing the manufacturing industries all over the country.

Mr. ROBBINS. Mr. Chairman, I am in entire sympathy with what the gentleman has said, but I recall in a speech the gentleman made some time ago he spoke of the difficulty of getting dies and jigs and other mechanical devices when the pattern of the guns was changed. Would there be any such difficulty in changing the standard of screws so as to throw commercial enterprises into confusion?

Mr. TILSON. No. I referred to that a little earlier in my remarks. Perhaps the gentleman was called out of the Hall just at that moment, but I have gone into that very thoroughly with the manufacturers and engineers, and they are convinced that the number of tools that will eventually have to be changed will be absolutely trifling, because tools wear out very rapidly. The tooling up of a manufacturing concern must be done over and over and over again. As soon as the standard is fixed all of the new tools will be made according to the new standard, and the gentleman understands that this is not intended to

change the whole system or change the standard of the screw thread perhaps at all, but it is simply to standardize what proper commercial allowances are in the manufacture of screws.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. HUSTED. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I was one of the subcommittee of the Committee on Coinage, Weights, and Measures that investigated this subject at the last session, and as the industry of screw manufacturing was unfolded by the witnesses who appeared before that committee, and their handicaps under the present conditions told us, the more convincing it became that this bill was a great necessity. It may seem trifling at first, no doubt, to consider a matter of this kind, but when we heard these manufacturers, representing many millions of dollars of capital, tell us the need for this legislation we all became convinced that the proper thing for Congress to do was to pass the bill. The great secret of American success, the great characteristic of American business and industry, is standardization. That is the keynote in many factories which spells success, and this bill merely standardizes the toleration in the manufacture of screws.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HICKS. Yes; certainly.

Mr. STAFFORD. I wish to ask the gentleman whether in the hearings to which he refers any consideration was given as to the practicability by the manufacturers of bolts and nuts adjusting themselves within a year to these new standards? In glancing over the hearings of both this year and last year I do not find any reference being made as to the practicability of adjustment. We all agree, of course, that a standard thread would be a great advantage in the trade generally, but the idea I have in mind is as to whether the manufacturing establishments can within a year adjust themselves to the new conditions.

Mr. HICKS. Let me answer the gentleman by stating this, that, while I do not recall in detail what transpired a year ago, in talking this morning with the gentleman from Connecticut, Mr. MERRITT, of the Yale Lock Co., and the gentleman from Massachusetts, Mr. WINSLOW, and other manufacturers on the floor of Congress, I find they are all of opinion that the manufacturers can very easily adapt themselves to this standardization in a short space of time, and it will not be a handicap to that industry if this bill becomes a law. Let me say this, that this bill, as I take it, does not standardize tolerances as a whole, or at least in the same degree. I mean by that this, that instead of all screws being given the same tolerance, each class of work will have its own special tolerance, which, I think, is different from what most people imagine. In other words, the high-grade work will have small tolerance and the rougher work a larger degree of tolerance, with variations in between. I have nothing further to say on the matter except this, that I do believe, in the interest of efficiency, which is the very thing we are all striving for at the present time, the enactment of this bill into law is of great importance and a necessity of the hour. [Applause.]

Mr. HUSTED. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I am in favor of this measure and shall vote for it. I did not obtain time, however, to speak about that, but I do desire to address the committee for a short time concerning a resolution which I introduced this morning to amend Rule XXXIV of the House, providing for admission to the galleries. That resolution is as follows:

Resolved, That Rule XXXIV of the House Rules be amended so that the same shall read as follows:

"The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, justices of the Supreme Court, who shall issue tickets of admission for the same.

"The Secretary of State shall issue cards of admission bearing his signature to foreign ministers and suites.

"No other person shall be admitted to any part of the gallery without a card signed by a Member of the House, a Delegate, or one of the officers of the House.

"This rule shall be in effect during the present war.

"This rule shall not abridge in any way Rule XXXV and amendments adopted thereto governing representatives of the press."

During the period of this war it is the duty of this House to guard in every way possible the proceedings in this House that might give aid and comfort to the enemy.

No person should be admitted to the gallery of this House unless he is given a card of admission signed by the President or Vice President of the United States, a member of the President's Cabinet, a judge of the Supreme Court, or is admitted under rules prescribed for the members of the press or by card signed by a Member. We ask the War and Navy Departments to observe secrecy and criticize them if they do not.

We ask the press of this country not to print information that would give aid and comfort to the enemy, and we must admit the press of this country has kept the faith.

Why should we permit anybody and everybody to enter the gallery of this House?

Any citizen of this country who desires admission to the gallery can get it by asking his Congressman or Delegate.

Spies should be kept out. I presume there are persons sitting in the gallery every day this House is in session listening to get any and all the information they can.

While we had the Navy appropriation bill up members of that committee were talking about some things that happened in the hearings before that committee that other members said were confidential. It was not published in the papers, but if the Kaiser's representative was sitting in the gallery he got the information for the Kaiser.

I believe during this war the galleries should be carefully protected.

I sometimes feel that if we did away with the distribution of the CONGRESSIONAL RECORD, excepting, of course, to Members, officials, and the press, during this war it would be a good thing for the country. It certainly would expedite business and would prevent information going to the enemy. Hearings before committees should be protected. We should do every possible thing we can do to prevent any information reaching the enemy that would injure our cause in any way. Information that the press should not publish would be taken care of by the press censorship.

Mr. HUSTED. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the debate on this bill and the explanation of it that has already been made by members of the committee leads me to believe that the demand for the enactment of legislation of this kind is a serious reflection upon the efficiency of the chief executive officers of the Army and of the Navy. It appears to me that any necessity for legislation of this character by Congress emphasizes a gross lack of common-sense business practice and coordination between two great departments of the Government. If the chief executive officers of the Army and of the Navy would awaken to their responsibilities and see to it that some of the things are done that would be done by good business men in private business there would be no need for Congress to waste valuable time in the consideration of a bill of this character. If there has been and is need for standardization of screw threads, there is no good reason why executive officials of the Army and Navy should not have gotten together and adopted standards for screw threads and for dies and gauges and required these standards to be used in manufacturing supplies for the Government. There is no good reason under the sun why it should be necessary for Congress to waste valuable time in enacting legislation for the appointment of a commission to do the work that should have been properly done by executive officials of the Army and of the Navy. I must confess that I am not greatly surprised to find that officers of the Army and Navy whose business it properly has been to have done this work have not done it, and that no standards for screw threads have been adopted in all the years that there has been need for such standardization. From what I have seen of the indifference and lack of common-sense business ability on the part of some of the highest officers in the Army and Navy, I am not surprised that they have not displayed initiative or energy enough to get together and agree upon these standards and put them into force. The trouble in this case is of the same kind that exists in other cases where a woeful lack of efficiency evidences itself all through both the Army and the Navy. The reason that standards have not long since been adopted by the Army and the Navy is because the officers whose business it properly is to do such work have avoided the responsibility and have left it to be done by some one else, and it has not been done at all. In the Army and Navy there seems to be a studied attempt on the part of executive officers to shift responsibility to the other fellow. Instead of there being an effort on the part of every executive officer in the Army and Navy to do his utmost to bring about the highest efficiency in the work of the Army and Navy, the effort on the part of each one seems to be directed to do as little as possible and to do nothing to-day that can be left undone until to-morrow. Evidence of this fact is made plain in the condition that exists at present in the work of the program for the construction of aeroplanes for the Army. In this work it is mighty difficult to find any executive who considers himself responsible for the real accomplishment of any part of the program. From what I have observed of the mental attitude of many of the executive officers of the Army and Navy I should expect that if you went to an executive official in the Navy Department and talked to him in regard to the standardization

of screw threads he would at once say that that was not any part of his business.

The Secretary of War and the Secretary of the Navy, too, would be very likely to disclaim all responsibility for the failure on the part of their subordinates to have these standards adopted and required in all specifications for supplies for the Army and Navy. The fact is it is time for executive officers of the Army and Navy to realize that the common people of this country are going to, and have a right to, hold them responsible for results. They are going to be held responsible for real results and for efficiency in the Army and Navy, and rightly so, no matter how greatly they may wish to avoid their just responsibilities. If, as the gentlemen of the committee represent to the House, there has been and is a great and crying need for the thing to be done that is proposed to be done under authority of this bill, then some executive officers in the Army and some executive officers in the Navy are grossly at fault because it has not been done long since. Chief executive officers of the Army and the Navy, in cooperation with the Bureau of Standards, should have long ago recommended the standardization of screw threads that is proposed to be done by the commission authorized under the provisions of this bill.

Last week I visited one of the great aviation ground schools at St. Paul, Minn. I found there more than 3,000 enlisted men pursuing courses in the mechanics of aeroplanes and motor vehicles. At this aviation school I observed inside and outside the buildings more than half a hundred fully equipped biplanes. These machines were of the large type, and I presume cost in the neighborhood of between five and ten thousand dollars each. The officer in charge of the school told me that there was not a single one of these planes fit to be used in flying. They were all new machines, fully equipped with engines, propellers, planes, just as they had been turned out from the factory and sold to our Government. I said there were about 50 of these machines. I think that there were, as a matter of fact, nearer a hundred of them. The officer in charge of the school said they had been sent out to him through orders from Washington. The building and grounds of the school were overcrowded with these recently manufactured but useless and out-of-date machines. There was not one of them, I was told, that any aviator would be willing to get into and risk his life in in an attempt to make a flight over the city of St. Paul.

Some executive officer is certainly grossly at fault because these useless biplanes have been sold to the Government and sent away out there to St. Paul. I want to take this opportunity to suggest that the people of this country—the common people, the people that are found in every-day walks of life—are anxious, ready, and willing to support the administration's program in this war. They are giving their money freely and generously to the support of the war, as was evidenced by the recent tremendous contributions to the liberty loan. They are anxious, ready, and willing to support this war, as is further evidenced by the fact that they are sending to the front in this war their boys who are the most precious jewels of their souls. But while the people of the country are anxious, ready, and willing to support the war, they expect, on the part of executive officers of the Government, efficiency and real accomplishments from the expenditure of their money and from the use of the energy, strength, and lifeblood of their sons, and it should not be forgotten that they are going to hold the executive officers of the Government responsible for real accomplishments. Congress is not and will not be held responsible for the things that should and can only be done by executive officers.

In the last analysis, the responsibility for real results lies with the Commander in Chief of the Army and Navy, and in the last analysis, whether the Commander in Chief of the Army and Navy wills it or not, the rank and the file of the country will hold him and the chief executives of the different departments of the Government responsible for lack of efficiency in the Army and Navy and for wasteful expenditures of the public funds. The responsibility for results that rightly falls upon the shoulders of the Commander in Chief of the Army and Navy and of the chief executive officers of the different departments of the Government can not be shifted by the appointment of any investigating committee or committees. Congress itself, as well as the rank and file of the people of the country, must depend upon the executive officers of the Government for efficiently carrying into effect the program for the conduct of this war. The individual Members of this Congress, I know, are to-day and have been at all times since the beginning of the war, ready and willing to respond to any request for legislation or appropriations or for cooperation to aid in the conduct of the war that the President may see fit to ask from them. Personally, I think that a commission of five or seven Members for planning and supervising our war program should have been appointed by Congress. However, since the President and his Cabinet have willed otherwise and have assumed to take that responsibility onto themselves, the people of the country—the common men and women of the country—are rightly and justly going to hold the President and his Cabinet responsible for efficiency in the conduct of all the details of the war and for the proper expenditure of the public funds.

In conclusion, I wish to again state that in my judgment the enactment of legislation of the kind proposed in this bill would be wholly unnecessary if executive officers in the Army and in the Navy were awake to their duties and saw to the doing of things that it is their plain duty to have done. The Secretary of War and the Secretary of the Navy, by just a few scratches of their pens, could have had accomplished and should long since have had done all this legislation seeks to have done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUSTED. Mr. Chairman, I had a request for five minutes from the gentleman from California [Mr. CHURCH] but he does not seem to be on the floor of the House. I have no further requests for time on this side. I do not care to prolong the discussion myself further than to say that I think this is an important war measure which should pass. It is in the interest of greater efficiency. It will tend to speed up production, and I feel very sure that the progress of our war work, especially in the production of aeroplanes, has been seriously impeded by the failure in the past to adopt the standards provided for in this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Pennsylvania. This bill does not contemplate any expenditure of public money?

Mr. HUSTED. No expenditure whatever, as I understand it.

Mr. MOORE of Pennsylvania. Does the gentleman care——

Mr. HUSTED. I am corrected as to that statement, it does provide for necessary clerical expenses, but no salaries are carried in the bill.

Mr. TILSON. The only expense I can see that it possibly entails will be for such time as the Army and Navy representatives and the Director of the Bureau of Standards, who are already paid out of Government money, spend on it, and such clerical assistance as they may need in tabulating the results.

Mr. HUSTED. But no salary to anybody.

Mr. MOORE of Pennsylvania. That is the point I wanted to bring out, whether by creating a commission to do the work which apparently we have an agency already in existence to do we would be multiplying expenses of the Government for clerical hire?

Mr. HUSTED. Not at all.

Mr. MOORE of Pennsylvania. Traveling expenses, and so forth.

Mr. TILSON. So far as the clerical work is concerned, it would require just as much if the Director of the Bureau of Standards was to do this on his own hook, and just as much of his time would be required, probably more, than will be required under this bill, because under this bill he will have the assistance of four other competent men.

Mr. NORTON. Will the gentleman yield for a question?

Mr. HUSTED. Yes.

Mr. NORTON. I have no disposition to oppose this legislation, but I desire to know whether the work it proposes could not be done in another way. Would not an order from the Secretary of War and the Secretary of the Navy to put into effect in the Government a standardization of screw threads accomplish without legislation what this bill proposes to accomplish?

Mr. TILSON. Frankly, I do not believe it would accomplish it at all, and I am somewhat doubtful as to the authority of any official to do it.

Mr. NORTON. Would the gentleman say why it would not accomplish it? All you aim by this bill is to put the standardization in Government use.

Mr. TILSON. There are a good many things you can do by legislation which you can not do by Executive order. While this work might be done by Executive order, I do not think it would be done, and I am perfectly confident it would not be so well done, nor would it meet with the same general acceptance as would the work of a commission constituted in the way this one is.

Mr. HUSTED. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created, to be known as the Commission for the Standardization of Screw Threads, hereinafter referred to as the commission, which shall be composed of five commissioners, one of whom shall be the Director of the Bureau of Standards, who shall be chairman of the commission; one a commis-

sioned officer of the Army, to be appointed by the Secretary of War; one a commissioned officer of the Navy, to be appointed by the Secretary of the Navy; and two to be appointed by the Secretary of Commerce, one of whom shall be chosen from nominations made by the American Society of Mechanical Engineers and one from nominations made by the Society of Automotive Engineers.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

As to the appointments to be made by the Secretary of Commerce, which perhaps are the only civil appointments that would be made, are they to be confined to members of the American Society of Mechanical Engineers and the Society of Automotive Engineers?

Mr. TILSON. It is expected that these will be nominated by these societies, and as these societies contain a very large proportion of the engineers of the country it is thereby hoped to have a representation of a very large body of the engineers of this country in these selections.

Mr. MOORE of Pennsylvania. Then the board which is to be advisory to the Bureau of Standards, as I understand it——

Mr. TILSON. Is to be a part of the commission.

Mr. MOORE of Pennsylvania. Yes. It is to be made up wholly of officers of the Army and Navy and these accredited engineers?

Mr. TILSON. That is it.

Mr. MOORE of Pennsylvania. Members of established and well-known technical societies?

Mr. TILSON. That is correct.

Mr. MOORE of Pennsylvania. So there is no opportunity for the appointment of outside civilians at all?

Mr. TILSON. There will be no opportunity, as I understand it, for the appointment of anybody except those nominated by these societies. But the gentleman will understand that these societies have a large proportion of the engineers of the country in their membership. And I think the country will be assured of the highest possible grade of assistants as chosen from these societies.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me that the provision made in this paragraph is a good one, because there can be no possible concealment of purpose and there can be no political appointment or any personal appointment, as I understand it. I rather wish this provision had held with regard to another bill recently passed by the House and by the other body and approved by the President. That bill gave to an inventor of some mysterious force, which was not very fully explained to the House, the right, in conjunction with the Secretary of a department, to select experts, to determine the value of an alleged discovery of a new-found force. The world has been waiting now for, lo, these three months for the fruition of the hopes of the gentlemen, more or less gullible, who voted for the Garabed privilege. The Department of the Interior has the matter in charge, and up to date, so far as I am informed, there has been no announcement of the distinguished scientists, engineers, or technical experts who were to join hands as between the author of the invention and the department to bring the war to a speedy close. Certain Members of Congress, patriotic to the core and extremely desirous of serving their country, are now sweating legislative blood, I understand, because the object of their confidence has not yet made good. However, it is to be hoped that in due course these gentlemen will be relieved of their anxiety and that we may be speedily enabled to revise our draft lists and our terrific Army and Navy expenditures as Garabed takes the field.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. Does the gentleman think the reason why the names of the distinguished men who were to pass upon the new discovery have been withheld was because of the fear that their knowledge would be discovered by the public to the same extent that Garabed feared that the knowledge he possesses might be discovered by somebody else?

Mr. MOORE of Pennsylvania. From all I can learn from newspaper reports of the doings and sayings of Garabed, he has been as mysterious since the passage of the bill giving him an exclusive privilege as he was before the passage of the law.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 2. That it shall be the duty of said commission to ascertain and establish standards for screw threads, which shall be submitted to the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce for their acceptance and approval. Such standards, when thus accepted and approved, shall be adopted and used in the several manufacturing plants under the control of the War and Navy Departments, and, so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

As I remarked in some queries that I propounded to the gentleman from Connecticut [Mr. TILSON], the author of this bill, I fear that the difficulty will be in the adjusting of the manufacturing establishments to the new standards that are adopted within the year by this commission. Here in this second sentence you make it mandatory in one case that when such standards are determined and approved they are to be adopted and used in the several manufacturing plants under control of the War and Navy Departments, and in the next clause you relieve these standards of that mandatory acceptance by saying that—

so far as practicable, in all specifications for screw threads in proposals for manufactured articles, parts, or materials to be used under the direction of these departments.

In one case you compel all manufacturing establishments under the control of the War and Navy Department to accept those standards and put them in force, and yet in the other instance, so far as specifications are concerned, you give a leeway, making it only enforcible so far as practicable.

Because I fear the difficulty of the adjusting by the manufacturing interests to the practical adoption of these standards, I wish to ask the gentleman whether he would not accept an amendment so as to make it privileged for those standards to be adopted in the several manufacturing establishments when they are found to be practicable, under rules and regulations to be prescribed by the respective Secretaries?

That would relieve the difficulty that I have in foreseeing the practical adoption of the recommendations of this commission. Much has been said here about the value of standardization. We all realize that if there was some mechanical device that had never been produced before it would be far better for the Government to adopt a standard than to allow the manufacturers to go ahead haphazardly and adopt different types for themselves. But we realize also that, so far as bolts and screw threads are concerned, there are many different characters of screw threads on the respective bolts required for manufacturing purposes. There are some engines here manufactured in Great Britain, sent over here, parts of motors, and the like. It is perhaps absolutely necessary to use those engines in war facilities; and yet you would require them absolutely to adopt the standard as required by this commission in all manufacturing plants under the control of the War Department and the Navy Department. We do not give the War and Navy Departments any leeway whatever, but say they must be accepted in those manufacturing establishments.

I am somewhat acquainted with the good work performed by the Society of Automotive Engineers in their setting types and standards as to tires and the like, and as to automobile motors, resulting in large economies and savings to the manufacturing trade, but we should not in our haste create hardships and delays in manufacturing. So I am going to offer, Mr. Chairman, the following amendment, which I send to the Clerk's desk to be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: On page 2, line 9, after the word "used," insert "so far as practicable under regulations prescribed by the Secretary of War and the Secretary of the Navy, respectively."

Mr. STAFFORD. The adoption of this amendment, Mr. Chairman, would make it harmonize with the idea of the committee in leaving it discretionary in a way, so far as the practicability of its adoption is concerned, in the extension of these standards to specifications for manufactured articles, by extending the same leeway in its adoption to manufacturing plants under the control of the War and Navy Departments.

Mr. TILSON. Mr. Chairman, I rise in opposition to the amendment. In the first place, Mr. Chairman, the gentleman assumes, if there is any merit in his contention, that the War and Navy Departments, having approved a standard—and they must approve it before it is of any force whatsoever—having approved a standard and promulgated it, then they must be by legislation excused from using it in the Government arsenals or the factories under the control of the Government.

As a matter of fact, there is no penalty in this bill. There is nothing to compel anybody to use this standard. There is no penalty if they do not use it. The Secretary of War and the Secretary of the Navy do not need to approve it unless they wish to do so. As to the words "used as far as practicable in specifications," the reason for that is that there may be, in the judgment of the Secretary of the Navy or the Secretary of War, cases where it will be for the public interest not to require this particular standard in some specifications that they may issue. So far, however, as providing that the War and Navy Departments may be excused from the application of their own stand-

ards, which they have approved and promulgated, it seems to me there is no use for it whatever; that it is really futile, because they have in effect that right to start with.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman.

Mr. STAFFORD. Does not the gentleman recognize that the Secretary of War and the Secretary of the Navy and the Secretary of Commerce, as provided in this section, might agree that a standard should be adopted because it is best for the future development of the industry, and yet there might be exceptional instances where it might not be advisable to have it extended and adopted immediately?

The purpose of my amendment is to grant some leeway to the Secretaries, so that even though they may believe that the standard should be adopted for all time, nevertheless it should be delayed in its enforcement as to specific instances by reason of the difficulty, perhaps, of having the necessary screw threads to meet those prescribed standards. That is the purpose of the amendment I offer.

Mr. TILSON. I am unable to see any utility whatever in the gentleman's amendment, or that it relieves the Secretary of War or the Secretary of the Navy from any embarrassment whatsoever. They will have entire control over this matter to start with, and as a matter of fact, if it is not enforced there is no penalty, and they can not be prosecuted and could not be impeached if they did not approve of such a standard or did not use it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield further?

Mr. TILSON. I yield.

Mr. STAFFORD. Do I understand, then, that it is the purpose of this bill that, after the commission has reported on a respective standard of screw threads, the respective Secretaries shall not approve them in their entirety, but by piecemeal from time to time, as the manufacturing trade enables them to be approved for the best interests of manufacturing?

Mr. TILSON. The bill provides that until so approved by these gentlemen it does not have to be used. I think the gentleman from Wisconsin has the wrong idea, that we are trying to impose something upon some Government official against his will, when all that we are attempting to do here is to furnish standards which they may use, and which they will be glad to use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, I think the Secretary of War and the Secretary of the Navy have the power to standardize these implements without any law.

Mr. TILSON. They do have, I will say to the gentleman, or try to within their own departments.

Mr. MADDEN. And I understand that this law simply confines the power which they are to exercise to the department over which they have jurisdiction or to the plants manufacturing the articles for the Army and the Navy.

Mr. TILSON. Yes.

Mr. MADDEN. To the extent that things can be standardized, they should be standardized. That makes for economy. That makes certain the furnishing of a spare part wherever needed, and makes these spare parts easy to obtain.

I think all this bill does is to find places for five commissioners, whatever their names or titles may be, and whether they will be able to supply knowledge not already in the possession of the Bureau of Standards is a problematical question. I think the Bureau of Standards already has the power to standardize parts of machinery made by the Government under Government contracts, where the Secretary of War or the Secretary of the Navy have jurisdiction over that manufacture under the contract. If the bill proposed to standardize screw threads in every manufacturing plant in the United States and make necessary the purchase and manufacture of new dies in all those establishments, then I think there might possibly be reason to object to the passage of the bill, because that would involve an expenditure by private individuals in the conduct of their business, which perhaps has already been standardized, and where the expenditure would be unnecessary on that account. But since the bill is confined wholly to advice and instruction to Government officials to economize in the conduct of Government business and to facilitate the matter of obtaining parts of machinery of standardized type, there ought not to be any serious objection to it. Personally, I do not think the bill amounts to much. I do not think it involves any problem of great value. Yet it is a step in a direction to which we should all be looking forward, namely, the economical production of the things we need through the process of standardization. Wherever we can get as good machinery by the process of standardization as we can by the complicated method of disunited parts, if I may so state it, and that machinery will perform the functions required of it as well as the machinery that is not standardized, we ought to do it, because we are opening a wider field for competition by enabling more plants to manufacture the things we need than will be the case where each plant has a different system and its own standardization; so that specifications under a standardized output can be made uniform and every plant that can introduce the machinery that is needed will be placed on a par in the matter of competition, and thus reduce the possibility of higher prices in one case and lower prices in another, and reduce them to a standardized price which will be lower in all cases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 2, line 9, after the word "used," insert "so far as practicable, under regulations to be prescribed by the Secretary of War and the Secretary of the Navy, respectively," so that it will read:

"Such standards, when not accepted and approved, shall be adopted and used so far as practicable, under regulations to be prescribed by the Secretary of War and the Secretary of the Navy, respectively, in the several manufacturing plants under the control of the War and Navy Departments."

The CHAIRMAN. The question is on the amendment.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of Commerce shall promulgate such standards for use by the public and cause the same to be published as a public document.

Mr. FESS. Mr. Chairman, I should like to ask the gentleman from Connecticut [Mr. TILSON], is not the language, "and cause the same to be published as a public document," in lines 16 and 17, rather unusual legislative language?

Mr. TILSON. It is. I admit that it is not at all usual. Yet, in considering how the work of this commission might be brought to the attention and made available for the use of private industries at large, it seemed that the manner proposed was probably the best way to bring it about. The gentleman will understand that it is not compulsory upon private industries, but that it is hoped to have it adopted as nearly universally as possible.

Mr. FESS. I had thought of this language:

That the Secretary of Commerce shall promulgate and publish such standards for use by the public.

Mr. TILSON. In what form would the gentleman suggest that he publish it, unless he publishes it as a public document, to make it accessible to the public? That was our only desire, to make this series of standards, when adopted, accessible to the public through the medium of a public document. If the gentleman has any better plan to do it, I should incline to be open to suggestion.

Mr. FESS. The gentleman's idea, then, is not simply to make a publication of this, which might be done through the newspapers, but to publish it in the form of a document for distribution through the document room and folding room?

Mr. TILSON. Possibly; but, at any rate, so that it will be authentic, so that anyone having received it in a public document will know that these are the standards proposed by this commission, and so that every private manufacturer in the country who wishes to conform to these standards and make his tools conform will know what these standards are by sending to Washington and getting a public document in which they are printed officially.

Mr. FESS. And it is the gentleman's opinion that unless you have this phraseology, "cause the same to be published as a public document," it will not be put in the form of a document for distribution?

Mr. TILSON. It might not be, and under this provision of the bill it surely will be. I do not undertake to say that this language is absolutely essential to the efficacy of the bill, but it is the best means I could think of to make this information not only official but readily available.

The Clerk read as follows:

SEC. 5. That the commission may adopt rules and regulations in regard to its procedure and the conduct of its business.

Mr. MOORE of Pennsylvania. I move to strike out the last word. I observe that the next section, section 6, provides:

That the commission shall cease and terminate at the end of one year from the date of its appointment.

To that section I desire to subscribe most heartily. The gentlemen in charge of this bill, including the gentleman from Connecticut [Mr. TILSON], who has made it a study, have indicated that the passage of this bill will facilitate our war work. With that understanding I intend to vote for it, although reluctant to create any more commissions. I trust this may be one of the last commissions that we shall create, and am extremely gratified to observe that its tenure of office is to continue for one year only. It is also a matter of some satisfaction to observe that the commission will serve without compensation, and that those members of it who are already paid by the Government shall be paid no more than they now receive, and that there is to be no general expense in consequence of the appointment of this commission except for such clerical services as may be made necessary under the direction of the Chief of the Bureau of Standards. I think all of us in Congress are satisfied that we have a very efficient Chief of the Bureau of Standards, a man of exceptional capability, and one to whom we might properly intrust this kind of work. I think we could have intrusted it to him without inviting the aid of anyone else, but it seemed, in the wisdom of the committee, that it would be well to coordinate the work of the Army and the work of the Navy with that of the Bureau of Standards, in order that we may obtain a uniformity of standards of screw threads as herein provided. The gentleman from Indiana [Mr. VESTAL] indicates, and I am very glad he does, that the Director of Standards has requested this form of cooperation. That is another reason why I shall be glad to support the bill. But I would like to say at this stage of the proceedings that a careful reading of the bill has convinced me that there is apparently no political advantage to be had from its passage. I assume, therefore, that Republicans may as readily vote for the bill as Democrats, and that in voting for it they will be doing a patriotic duty and serving their country without regard to party.

Mr. FESS. The author of the bill is a Republican.

Mr. MOORE of Pennsylvania. I am glad the gentleman from Ohio has discovered that it is a good bill and was originated by a Republican. For that reason it is exceptionally nonpartisan.

Oh, what a splendid thing it would be if, with regard to the numerous commissions that have been created under this administration, many of them on the pretense, which I hope has been justified, that they were necessary for the purposes of the war—what a splendid thing it would be if we could say of all of these commissions so created what we can truthfully say about this harmless little commission—that their term of office is to expire in one year, and that there is absolutely nothing political in them; no offices to be given out, no personal or political advantages, no great force of clerks and officeholders to be supported——

Mr. COX. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to my economist friend from Indiana.

Mr. COX. I want to warn the gentleman not to prejudge this case, for I am very much afraid——

Mr. MOORE of Pennsylvania. This is the first time I ever knew the gentleman to be in that state of mind.

Mr. COX (continuing). That before the commission expires by limitation of law there will be some way found, some bill brought in here, at least, to pay the expenses of the commission, and perhaps go one step further and put them on a salary.

Mr. MOORE of Pennsylvania. I am obliged to the gentleman for his suggestion and hold up to the Members of the House the pleasing assurance that when that occasion arises there will stand with the Appropriation Committee, like a veritable watchdog of the Treasury, the gentleman from Indiana. [Laughter.]

The Clerk completed the reading of the bill.

Mr. ASHBROOK. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having taken the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10852) to provide for the appointment of a commission to standardize screw threads, and had instructed him to report the same back with the recommendation that it be passed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. FOSTER, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. SISSON] may be excused for the remainder of the week, on account of sickness.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I make the point that no quorum is present.

Mr. KITCHIN. Will the gentleman withhold that for a moment?

Mr. MADDEN. I will.

ADJOURNMENT.

Mr. KITCHIN. I will move to adjourn after I make this statement: The Committee on Interstate and Foreign Commerce has several bills on the calendar and it will take at least two full days. Perhaps some of them will be passed quickly, but if we start in with the consideration now we would be deprived of two hours and a half. I therefore move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, May 9, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting proposed paragraphs of legislation, to allow certain accounts disallowed on the books of the Treasury (H. Doc. No. 1095); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an estimate of appropriation required by the Provost Marshal General of the Army for the expenses of "registration and selection for military service," for the fiscal year 1919 (H. Doc. No. 1096); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the chairman of the United States Shipping Board submitting supplemental estimates of appropriations required by the United States Shipping Board and the Emergency Fleet Corporation for the fiscal year 1919 (H. Doc. No. 1097); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting draft of a proposed bill to regulate the relative rank and precedence of permanent and temporary officers of the Navy (H. Doc. No. 1098); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11048) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported the same without amendment, accompanied by a report (No. 541), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (H. R. 5380) to forbid the payment of pensions to anyone who is or may hereafter become disloyal to the United States Government, reported the same with amendment, accompanied by a report (No. 542), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 11980) for increasing the efficiency of the Army bands; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 11981) to provide allowances for mothers with children under 16 dependent upon them for support, in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GREEN of Iowa: A bill (H. R. 11982) to amend the act approved April 22, 1908, relating to the liability of common carriers by railroad to their employees in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11983) to establish a national military highway between Washington, D. C., and Memphis, Tenn.; to the Committee on Roads.

By Mr. HELM: A bill (H. R. 11984) to provide for the fourteenth and subsequent decennial censuses; to the Committee on the Census.

By Mr. MONDELL: A bill (H. R. 11997) authorizing an exchange of lands by the Mountain Home Co., of Glenrock, Wyo.; to the Committee on the Public Lands.

By Mr. VARE: A bill (H. R. 11998) providing for the construction of a commercial dry dock in the city of Philadelphia, and making an appropriation therefor; to the Committee on the Merchant Marine and Fisheries.

By Mr. CANDLER of Mississippi: Resolution (H. Res. 339) providing for the consideration of H. R. 11945 and making the provisions thereof in order; to the Committee on Rules.

By Mr. EMERSON: Resolution (H. Res. 340) to amend rule of admission to the galleries; to the Committee on Rules.

By Mr. O'SHAUNESSY: Memorial from the Legislature of the State of Rhode Island, indorsing the proposed council of state on the establishment of a definite relationship between sources of Federal and State revenues, and providing for official representation therein; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 11985) granting an increase of pension to Marion Crabtree; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11986) granting an increase of pension to Benjamin Martin; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 11987) granting an increase of pension to Samuel Holderman; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 11988) granting a pension to Mary Hodges; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 11989) granting an increase of pension to Annie Hughes; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 11990) granting an increase of pension to Lyman A. Howard; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 11991) granting an increase of pension to John H. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11992) granting an increase of pension to George W. Reed; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 11993) granting an increase of pension to Samuel Adair; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 11994) granting an increase of pension to Frederick Hirn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11995) granting an increase of pension to Abraham Billger; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 11996) granting a pension to Virginia Blood; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Instructive District Nursing Association, relative to military rank for the nursing corps in the war; to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Boston, Mass., relative to freedom for Ireland; to the Committee on Foreign Affairs.

Also (by request), petition of Accomac Council, No. 37, of Chincoteague, Va., favoring passage of House bill 10846, for one-third fare rate to enlisted men to visit their home; to the Committee on Interstate and Foreign Commerce.

Also (by request), petitions of Sidney Post, No. 41, and Mix Post, No. 250, Grand Army of the Republic, Department of New York, both of Ithaca, N. Y., favoring passage of the Jones bill, for increase in pensions of Grand Army of the Republic veterans; to the Committee on Invalid Pensions.

Also (by request), petition of Henry A. Goetz, Chicago, Ill., relative to congestion caused by carrying mail in Chicago through pneumatic tubes; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of the Berkeley Defense Corps that the enforcement of the espionage act be brought under the jurisdiction of military court-martial; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Resolution of the Department of Rhode Island, Grand Army of the Republic, favoring the Smoot pension bill; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: Resolution of the Ministerial Association, submitted by George J. Cornford, of Albia, Iowa, protesting against polygamy and polygamous cohabitation in the United States of America; to the Committee on the Judiciary.

By Mr. RANDALL: Protest of the Ladies' Work Society of the Presbyterian Church of Monrovia, Cal., against the second-class postal zone rates; to the Committee on the Post Office and Post Roads.

By Mr. ROBBINS: Resolution of the Vandergrift (Pa.) Automobile Club, urging as a war measure the prompt improvement of the public highways; to the Committee on Roads.

SENATE.

THURSDAY, *May 9, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God our Father, we lift up our eyes unto the hills from whence cometh our help. Our help cometh from the Lord which made heaven and earth. Our highest interest is found only in Thee. Our only hope is in Thee. Our strength is in Thee, for without Thee we can do nothing. Thou art our life, our element, our surety. All the vital concerns of our lives are linked up with Thee and with the great atonement Thou hast provided for our fallen race.

O God, help us to get a stronger hold upon Thy power. Give us clear conceptions of Thy will. Give us the sweet assurances of Thy favor. In all our thoughts and plans may Christ have the preeminence. In all our ways may we acknowledge Him who has promised to direct our paths. May we be careful of our words and of our conduct; and may we never get away from the thought, "Thou God seest me." We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

NATIONAL BUDGET.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Chamber of Commerce of the United States of America, which will be inserted in the RECORD and referred to the Committee on Appropriations.

The communication is as follows:

[Chamber of Commerce of the United States of America, Riggs Building.]

WASHINGTON, D. C., *April 23, 1918.*

The honorable the PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: I have the honor to transmit to you the following resolution upon the subject of a national budget, unanimously adopted at the sixth annual meeting of the Chamber of Commerce of the United States of America, held in Chicago, Ill., April 10, 11, and 12, 1918.

Very truly, yours,

ELLIOT H. GOODWIN, *Secretary.*

Whereas national expenditures have grown to a point unprecedented in our history in the current year; and

Whereas new taxation to produce hundreds of millions of dollars and issues of bonds in large amounts have become necessary: Now, therefore, be it

Resolved, That the Chamber of Commerce of the United States reaffirms the proposals for budgetary procedure as adopted by it in referendum with almost complete unanimity among the organizations in its membership—573 votes to 10; and be it further

Resolved, That the present exigencies of national defense make it peculiarly necessary that in the public interest expenditure and revenue should be considered together; and be it further

Resolved, That the President and the Congress be asked to take steps to inaugurate complete budgetary procedure such as is advocated by the national chamber.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 10852) to provide for the appointment of a commission to standardize screw threads, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 40) requesting the President to

recommend the observance of Sunday, May 12, 1918, as Mothers' Day, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States";

S. 4208. An act authorizing postage rates on aeroplane mail; and

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

TELEGRAMS AND PETITIONS.

Mr. JONES of Washington. I have a short telegram from representatives of the National Woman's Party of Tacoma urging my support of the national suffrage amendment, and also a letter from the secretary of the Central Labor Council of Seattle, Wash. Of course, these people know that I am heartily in favor of this amendment and have urged its passage for many years. Both are short communications, and I ask that they may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TACOMA, WASH., *May 8, 1918.*

Senator WESLEY L. JONES,
Senate Office Building, Washington, D. C.:

We, women voters of Washington and members of the Tacoma Branch of the National Woman's Party, most urgently request that you do all in your power to secure the necessary support in the Senate to carry the national suffrage amendment when it comes to a vote Friday, May 10.

Mrs. WILLIAM P. TROWBRIDGE,
Chairman.
Miss CORA LINDAAS,
Secretary.

—

CENTRAL LABOR COUNCIL,
Seattle, Wash., May 4, 1918.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: The Central Labor Council of Seattle and vicinity, realizing that the Senate will soon have an excellent opportunity to perform an act which will give to the women of this Nation a measure of justice long overdue, at its last regular meeting adopted resolutions which instructed me to communicate with you urging that you do all in your power, by word and act, to bring about the national enfranchisement of the women of this Nation upon the same basis of men.

Believing that you realize full well the wholesome influence that the passage of such legislation will have upon all those who believe in democracy at home as well as abroad, and that you will spare no effort to bring this about, I am,

Yours, very respectfully,

[SEAL.] JAMES A. DUNCAN, *Secretary.*

Mr. LENROOT. I present a telegram from Edward Seyk, chairman of the liberty loan committee of Kewaunee County, Wis. I ask that it be printed in the RECORD because of the remarkable showing made by this county. Its allotment of liberty bonds was $328,000 and its subscriptions were $988,000, or more than 300 per cent. In addition, every citizen of the county became a purchaser of a liberty bond.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KEWAUNEE, WIS., *May 6, 1918.*

Hon. IRVINE L. LENROOT,
Senate Office Building, Washington, D. C.:

Kewaunee County's allotment, $328,000; subscriptions, $988,000. Every citizen in Kewaunee County bought a bond, without exception.

EDWARD SEYK, *Chairman.*

Mr. POINDEXTER. I present a brief telegram and in view of the special request in the telegram I ask that it be read by the Secretary.

There being no objection, the telegram was read as follows:

SPOKANE, WASH., *May 8, 1918.*

Senator MILES POINDEXTER,
Washington, D. C.:

We the members of the Good Government League ask you to do all you can to bring about a favorable vote on suffrage amendment, asking the Democratic Members of your body to vote for it. In view of the fact that our President is standing for international democracy, we feel that the women of this country should be given the vote to which they are so justly entitled. Please have this read on the floor of the Senate.

Mrs. A. P. FASSETT, *President.*

Mr. LEWIS. I present a petition of the Illinois Equal Suffrage Association. I presented this petition a few days ago, and at the time intended to ask that it, together with the signatures, be incorporated in the RECORD. I now ask that the petition and the names of the signers be printed in the RECORD and ordered to lie on the table to be on hand for discussion on the Federal suffrage amendment when taken up for consideration on to-morrow.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

ILLINOIS EQUAL SUFFRAGE ASSOCIATION,
Chicago, April 23, 1918.

Hon. JAMES HAMILTON LEWIS,
United States Senate, Washington, D. C.

DEAR SIR: On April 23, 1918, at an executive meeting of the board of directors of the Illinois Equal Suffrage Association, which has an affiliated membership of over 200,000, the following resolution was unanimously adopted:

Loyalty pledge of the Illinois Equal Suffrage Association.

We pledge ourselves to support the Constitution of the United States and the constitution of the State of Illinois and the laws made thereunder; we will bear true fealty and allegiance to the United States and cheerfully obey any order or request of the United States Government in the prosecution of the present war. We will refrain from destructive criticism of the Government's purposes and methods and from defense of the German Government or its ruler.

Grace Wilbur Trout, Oak Park, Ill.; Mrs. George A. Soden, 5122 Woodlawn Avenue, Chicago; Judith W. Loewenthal, 4601 Woodlawn Avenue, Chicago; Mrs. Lyman A. Walton, 5737 Woodlawn Avenue, Chicago; Mrs. Edward L. Stewart, 3533 West Adams Street, Chicago; Mrs. Augustus Peabody, 939 Lake Shore Drive, Chicago; Mrs. Samuel Slade, Highland Park, Ill.; Mrs. J. W. McGraw, 5701 Drexel Avenue, Chicago; Ella Robbins Nagely, 4417 Champlain Avenue, Chicago; Mrs. Mabel Gilmore Reinecke, 6954 Princeton Avenue, Chicago; Mrs. Charles Frankenthal, 5044 Drexel Boulevard, Chicago; Katharine M. Porter, Freeport, Ill.; Bertha M. Stryker, Galena, Ill.; Blanche B. West, Bushnell, Ill.; Mrs. Mary E. Sykes, Monmouth, Ill.; Mrs. E. B. Coolley, Danville, Ill.

Mr. SMITH of South Carolina presented a petition of sundry citizens of Charleston, S. C., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. TOWNSEND presented a petition of A. W. Chapman Post, No. 21, Grand Army of the Republic, Department of Michigan, of St. Joseph, Mich., praying for increase in the pensions of veterans of the Civil War, which was ordered to lie on the table.

He also presented a memorial of the Detroit Federation of Women's Clubs of Michigan, and a memorial of the Woman's Progressive League of Niles, Mich., remonstrating against allowing the grazing of sheep and cattle in the national parks, which were referred to the Committee on Public Lands.

He also presented a petition of Summer Grange, No. 893, Patrons of Husbandry, of Gratiot County, Mich., and a petition of the West Otisco Farmers' Club, of Ionia County, Mich., praying for the repeal of the present zone system of postage rates on second-class mail matter, which were ordered to lie on the table.

He also presented a petition of the Motor Truck Division of the Automobile Club of Detroit, Mich., praying for the enactment of legislation for the adequate construction of highways and a centralized Federal authority to direct the administration of the policy governing the same, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the board of education of Saginaw, Mich., favoring universal military training, which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Two Harbors, Ely, and Tower, all in the State of Michigan, praying for national prohibition as a war measure, which were ordered to lie on the table.

He also presented a petition of James M. McKelvey Post, No. 134, Grand Army of the Republic, Department of Minnesota, praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Commercial Club of St. Cloud, Minn., praying for the enactment of legislation providing for the adequate construction of highways and a centralized Federal authority to direct the administration of the policy governing same, which was referred to the Committee on Agriculture and Forestry.

Mr. WEEKS presented a petition of sundry citizens of Worcester, Mass., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

PROHIBITION IN HAWAIIAN ISLANDS.

Mr. SHEPPARD. I present resolutions adopted at a mass meeting of citizens of Honolulu asking for complete prohibition in the Hawaiian Islands. I ask that the resolutions may be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

Whereas the President of the United States by Executive order has closed the saloons of the island of Oahu and put further restrictions on the use of liquor, for the good of the military and naval forces of the United States and the people of the island during the war: Therefore be it

Resolved, That we, citizens of Honolulu and members of the military and naval forces of the United States, assembled in an "Oahu dry good-citizenship rally" on the eve of the closing of the saloons, hereby express our appreciation of the action of President Wilson; and be it further

Resolved, That since these restrictive measures fall far short of meeting the urgent need of the islands for immediate and complete prohibition, when it is imperative for our people to discontinue any custom that impairs our industrial and military efficiency, that we congratulate our Delegate in Congress, Hon. JONAH KALANIANAOLE, for the prohibition bill he has caused to be introduced in the Senate and House of Representatives of the United States, and urge him to use every endeavor to bring the bill to speedy passage and complete enforcement.

Mr. SHEPPARD. Mr. President, let me say that the proclamation of the President establishing partial prohibition in the island of Oahu has created a condition requiring immediate attention and remedy on the part of Congress. The proclamation prohibited the sale of intoxicating liquors on the island of Oahu, but did not prohibit their manufacture or their importation. The result is that they are being manufactured to a large extent in Oahu, and are being unloaded on the people of the adjoining islands. Much of this liquor is then imported back into the main island, the island of Oahu, thereby largely neutralizing the intended effect of the proclamation. The inhabitants of the other islands are protesting against this situation, and I intend at the first opportunity to call up the bill for complete prohibition during the war for these islands.

UNITED STATES BOY SCOUTS.

Mr. SMOOT. Several days ago I had printed in the RECORD a letter from Messrs. Hughes, Rounds, Schurman & Dwight, referring to the United States Boy Scouts. I am in receipt of a letter from John D. Gluck in answer to the same, with the request that I have it printed in the RECORD, which I now ask to have done.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NEW YORK, *May 6, 1918.*

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR SIR: Please refer to letter of Messrs. Hughes, Rounds, Schurman & Dwight (CONGRESSIONAL RECORD, Apr. 26, 1918, p. 5642), regarding United States Boy Scouts. This letter, I am informed, was sent to you by an apprentice in the employ of the law firm above mentioned, and was done so without Mr. Hughes's knowledge of the true facts in the case.

I deny that I am a professional charity solicitor and earn a living in such a manner. I refer to my 15 years' record in the work for the rehabilitation of our merchant marine. I am the first man in America to bring to light and stop dangerous German maritime propaganda.

I deny that I have ever traded upon the name of the Boy Scouts of America. I deny that I am one of two men who got control of a paper organization. I emphatically deny that I ever used the names of prominent men at any time or place for the purpose of leading people to believe they were supporting the Boy Scouts of America.

The statement that I interfered with the success of the third liberty loan is asinine in that I am the originator of the Boy Scout liberty-loan drive.

I stand for the Boy Scouts of America first, last, and all the time, and applaud the excellent work of the boys, all of the scout leaders, and the prominent citizens connected with the movement. I am sincerely sorry for the Military Boy Scouts, a hitherto mismanaged but legitimate institution founded in 1909 (United States Boy Scouts), whose boys do their country honor and who during peace times had a "hard row to hoe." It was on this account that I suggested that Members of Congress send these loyal and patriotic boys a note of good cheer before they "go over the top." I know that the boys felt deeply chagrined because they had apparently been discriminated against. Many patriotic and fearless Congressmen gladly responded. A few sent glowing tributes and then asked to have them returned upon reading the letter from Messrs. Hughes, Rounds, Schurman & Dwight.

I believe that this is a time when the man power of our Nation should be united and this silly, unimportant Boy Scout feud laid aside.

My defensive activities are directed against an individual who manages to get himself indorsed by prominent men or their agents, none of whom, I believe, know the true facts of the case, which are made to appear very serious by the practice of vicious intrigue. The defense of the Military Boy Scouts is a very small part of my complaint in this unpatriotic dollar-and-cents fight; it is the individual, or individuals, that have through what I believe to be Hun influence interfered for the past six years with the program of elementary military training among boys throughout the United States. That is what started me fighting, and if it keeps up we will witness the disgraceful spectacle of a nation-wide demonstration by organizations representing over a million boys who insist on military training. In short, the point I wish to make is the fact that the United States Boy Scouts are not alone the ones that have suffered, but on account of the similarity of title have been made the target of this vicious and hitherto victorious intrigue.

The Military Boy Scouts changed their name five years ago to suit the convenience of the promoters of the Boy Scouts of America, and recently endeavored again to do so on two occasions, eliminating the word "Scout." On one occasion, the proposed new name being a good one, it was snatched up by an associate of one of the promoters, and on another occasion influence was brought to bear to prevent another name and accepted charter from being filed. Perhaps this secret campaign against the United States Military Boy Scouts is being pressed, because whole troops of Boy Scouts of America have applied for membership in the United States Boy Scouts, which latter organization is now undergoing a thorough overhauling.

I believe the Boy Scout movement as practiced by the Boy Scouts of America to-day will soon resolve itself into being an association for children and that the Boy Scouts of America should have the exclusive right to the name "Boy Scouts."

In conclusion, I beg to advise that I have never profited one dollar by my connection with the Military Scouts, and that my connection therewith has been honorary and not official; that the Seventh Regiment, United States Boy Scouts, is a legitimate scout regiment, with offices in the Candler Building, New York; and, furthermore, on Wednesday of this week I will meet for the first time the staff officers of the department of the East, United States Boy Scouts.

Respectfully,

JOHN D. GLUCK.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 4515) providing for the admission of disabled officers, soldiers, and sailors to the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 4516) granting an increase of pension to Otto A. Risum; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 4517) for the relief of the owner of the steamship *Matoa*; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 4518) granting a pension to Cantorinia F. Crawford (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 4519) granting an increase of pension to John J. Cassin; and

A bill (S. 4520) granting a pension to Mary E. Cook; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4521) to provide an additional method for enforcing and foreclosing tax sales and tax deeds in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

KNIGHTS OF MODERN SYRIA.

Mr. McCUMBER. I introduce a bill, by request, which seeks to incorporate the Supreme Lodge of Knights of Modern Syria and coalesce into a single society a great number of the Syrian societies. I feel that I ought to say something about it at the time of introducing the bill, because there are reasons why I might be compelled at some time to vote against any kind of a bill that recognizes a hyphenated American society in it.

Mr. President, while I shall support this particular bill so long as we permit these societies in the United States, I believe that, on the whole, the hyphenating of our American citizenship by societies which seek to perpetuate the foreign lineage of their membership has done more than any other one thing I can think of to prevent a complete assimilation of all of our people into one great American people.

For years we have pandered to the different hyphenates in this country in a political way. We have formed our tickets to meet the requirements of German-Americans, Irish-Americans, Norwegian-Americans, Swedish-Americans, Polish-Americans, and many others, excepting only the Scotch-Americans and the American Americans. We have paid very little attention to those two classes of our people. So when the great war broke out in Europe we found that we were a composite Nation rather than a homogeneous people, and that our sympathies were measured always by the relationship between the particular society and the foreign country from which its members had originated.

My own conviction is that the time ought to come, and come soon, when we shall say to the American people, "When you have crossed the ocean and taken your oath of allegiance you are to become wholly and solely an American people." I believe that these hyphenated societies are an injury rather than a blessing to the American people. They naturally tend to destroy the homogenity of our people and inculcate sympathies and prejudices that are against our real interest.

But there is in this particular bill which I call attention to some very timely and laudable purposes:

First. To better the conditions of all Syrians everywhere, and especially in Syria, and to furnish help and food to the starving people of that country.

Second. To devise and carry out a plan of education which will make the members good citizens of the United States and to give them instruction in civil government and the English language.

Third. To give organized aid to the United States in the prosecution of the present war and to arouse patriotism among its members.

Those particular features are certainly commendable, and as long as there are to be hyphenated societies in the United States, of course I would naturally vote and support one for this purpose, but, I repeat, I hope the time will come soon when we can get the everlasting hyphens out of our American citizenship and become one people, with one heart and one soul, that will determine its stand by the righteousness or the unrighteousness of any cause rather than by the lineage that may exist between the individual member and any other nation engaged in that cause.

The bill (S. 4514) incorporating the Supreme Lodge of Knights of Modern Syria was read twice by its title and referred to the Committee on the Judiciary.

PUNISHMENT FOR DISLOYALTY.

Mr. WALSH. Mr. President, on the 15th of April the Attorney General addressed a communication to the executive committee of the American Bar Association asking the aid of the members of that association in the enforcement of the laws and in prosecutions under the laws intended to punish crimes of disloyalty and other similar offenses, and reviewing therein some of the difficulties that had been encountered in dealing with that problem. I deem it of such importance as that it ought to go before the country, and I ask unanimous consent that it may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The communication is as follows:

[Suggestions of Attorney General Gregory to executive committee in relation to the Department of Justice, at Richmond, Va., Apr. 16, 1918.]

Gentlemen of the Executive Committee of the American Bar Association, You have asked me to meet with you this morning and suggest in what way the body you represent can help the Government, and especially the Department of Justice, in the present emergency. With no preliminaries, I will proceed.

We must set our faces against lawlessness within our own borders. Whatever we may say about the causes for our entering this war, we know that one of the principal reasons was the lawlessness of the German nation—what they have done in Belgium and in northern France, and what we have reason to know they would do elsewhere. For us to tolerate lynching is to do the same thing that we are condemning in the Germans. Lynch law is the most cowardly of crimes. Invariably the victim is unarmed, while the men who lynch are armed and large in numbers. It is a deplorable thing under any circumstances, but at this time, above all others, it creates an extremely dangerous condition. I invite your help in meeting it. From all the facts I have been able to gather concerning the lynching of the man in Illinois, I doubt his having been guilty of any offense. Such happenings grow out of a condition of mind where people say, "The Government is giving us no protection; spies are blowing up our factories; they are giving information to Germany; our boys are being shot in the rear; and our duly constituted authorities are doing nothing to protect us, and we will take the law into our own hands." This appeals to the excited and drunken mind. Unless stopped, it is going to result in a condition most deplorable.

The two excuses usually given are that there are no adequate laws, and that the laws we have are not properly enforced.

The people of this country must be given to understand that we have means of protecting those in the field and those at home and what is being done to accomplish that result.

I care little for criticisms of the Department of Justice, but when the people are being deceived and the most ignorant of them incited by absolutely false reports I feel that something must be done to meet the situation.

First, as to the laws: It is hardly necessary to say that when war broke out we had no real, substantial set of laws with which to confront the emergency. The department therefore attempted to procure additional legislation. We secured the passage of the espionage act, but most of the teeth which we tried to put in were taken out. We got what we could, but Congress itself did not realize at that time the conditions that would confront us.

To give you an idea of the ineffectiveness of that law when applied by a judge not in accord with its purposes, I refer to a celebrated case recently decided by a district judge of the United States, which will give you an idea of how impossible it is to enforce it in some jurisdictions.

The defendant was charged with having violated section 3 of the espionage act in that (1) he did "make and convey false reports and false statements with intent to interfere with the operation and success of the military and naval forces of the United States and to promote the success of its enemies"; and (2) that he did "cause and attempt to cause insubordination, disloyalty, mutiny, and refusal of duty in the military and naval forces of the United States, and obstruct the recruiting and enlistment service of the United States, to the injury of the service of the United States, specifically as follows: At divers times, in the presence of sundry persons, defendant declared that he would flee to avoid going to the war; that Germany would whip the United States, and he hoped so; that the President was a Wall Street tool, using the United States forces in the war because he was a British tool; that the President was the crookedest —— (the term used was too vile to repeat) ever President; that he was the richest man in the United States; that the President brought us into the war by British dictation; that Germany had right to sink ships and kill Americans without warning; and that the United States was only fighting for Wall Street millionaires and to protect Morgan's interests in England."

The court stated that the evidence would justify a finding that defendant did make the declarations charged, but that a verdict of guilty of any of the crimes charged could not be sustained, and instructed the jury to acquit. Probably from 20 to 30 other district judges have construed that law and properly left to the jury the duty of determining the intention of the accused from the language used and the circumstances under which it was used. It seems practically impossible in the district in which that judge presides to punish the disloyalty denounced by this statute.

Congress is now considering, and I feel quite sure will shortly pass, an amendment to the espionage act which will make it much more drastic, and which it is hoped will form the basis for convictions in all Federal districts.

Consider what is generally known as the sabotage law, now pending before Congress. The ordinary man does not understand that there is no United States law against arson or even murder except within certain restricted territory, that the laws passed by Congress are very limited in their scope, and that the State legislatures possess the broader powers to punish crime.

The limited law-enforcing power of the Federal Government may be illustrated by the case of the famous German spy Von Rintelen.

This man, before we were involved in the war, entered into a conspiracy with a German chemist named Scheele and others to sink vessels on the high seas with incendiary bombs. The bombs were being manufactured on the interned German vessel *Vaterland* at Hoboken.

Hanging would have been too good for that crime, because women and children with no protection were on those vessels. The only way of reaching this man under Federal law was to charge him with violating the laws of the United States regulating the transportation of dangerous materials in foreign commerce, for which offense the maximum penalty is 18 months in jail and a fine of $2,000. This punishment was inflicted, but was utterly inadequate.

At that time we had no Federal law under which a person could be punished for blowing up a powder magazine. What is known as the "sabotage act" is now under consideration, providing proper punishment for the destruction or injury of supplies, material, structures, etc., intended or suitable for the use of the Government. (Note: This bill has since become law.)

The most effective machinery so far provided for dealing with alien enemies is furnished by the old act of 1798, giving the President power to intern alien enemies when their being at liberty would probably constitute a menace to the public safety. Even this applies only to males over 14 years of age. In many instances women are the most dangerous of our alien enemies, and Congress is now considering an amendment to this act which will bring them within its terms. (Note: This bill has since become law.)

What is known as the "passport law," which will properly control the incoming and outgoing of every person in the United States, is now before Congress. This is badly needed, especially on the Mexican border, where the evil of unrestricted passage is assuming serious proportions.

Generally speaking, these are the more important measures now under consideration, and I earnestly hope they will be passed at an early day. With their help we shall be fairly able to adequately meet the conditions which have arisen.

The other excuse given by people who engage in lynching is that the laws are not enforced.

In order that you may act upon the suggestions I intend to make you should know something of the situation.

As lawyers, you have a fair appreciation of the burden which rests upon the Department of Justice. I should say that its work has largely more than doubled since the outbreak of war. There are certain new fields we must now enter and have entered. We had no previous experience in enforcing laws against espionage, treason, and kindred crimes.

There are in the United States some 1,500,000 male alien enemies over 14 years of age. Assuming that each stands for a family of three—a wife and one child—that would make 4,500 000 alien enemies within our borders. This will give you an idea of the size of the problem.

The intelligence bureaus of the Army and Navy, the Secret Service and Customs Division of the Treasury, the investigators of the Post Office Department, the Intelligence Division of the Bureau of Labor, and the small force employed by the Department of State perform many important duties, and excellent cooperation has been secured between these different branches of the Government intelligence system and the Bureau of Investigation of the Department of Justice.

The Attorney General is charged by order of the President with the enforcement of the proclamations and regulations governing alien enemies. The department is likewise charged with the prosecution of practically all crimes against the United States, and there is involved in this the necessity for the investigation of the facts on which prosecutions are based. It can be safely said that the Department of Justice makes from 75 to 80 per cent of all the investigations which the Government finds necessary.

We have to-day in this service, or cooperating by definite agreement with the Government, 1,000 men for every 1 man so engaged when war was declared last April. Our official force has been enormously increased. It is supplemented by the police forces of the States, counties, cities, and towns, and by powerful patriotic organizations like the American Protective League, which has over 200,000 members and is operating in over 1,000 communities. These volunteer organizations exercise no governmental powers, but their assistance enables us among other things to investigate hundreds of thousands of complaints and to keep scores of thousands of persons under observation. We have representatives at all meetings of any importance. We use large numbers of men, and some women, who understand and speak the German language. Gatherings of Germans are given special attention.

The preventive measures are of first importance. These are being taken and largely account for the fact that during the first year of the war there has not been in the United States what anyone could properly characterize as an outbreak against the authority of the Government. One thing a German intensely dislikes—and we do not differ from him in that respect—he does not like to be hung. He fears the powerful arm of the Government. The Germans know what is going on, and it is having its effect.

Before the United States became involved in the war we had an experience of two or three years attempting to maintain conditions of neutrality. In that time we obtained a fair idea of the dangerous people in this country, and within a few hours after war was declared the most dangerous Germans were seized and interned. They were apprehended from San Francisco to New York and from the Canadian border to Florida. We then immediately began the system of observation of every man and woman suspected of being dangerous; their associates, language, and actions were noted and reported; as soon as these justified internment the Government acted, and more than ten times the original number have now been confined.

The story that the country is flooded with German spies is a gross exaggeration. There is comparatively little spying done, and the main reason for this is that the men who would be dangerous spies in this country are mostly in detention camps. They have quietly disappeared from their usual haunts and are where they can do no harm. If we were simply intent on banging German spies, the first thing would be to turn these interned persons loose and acts warranting hanging would probably very promptly occur.

I do not believe there is to-day any country which is being more capably policed than is the United States.

Intemperate talking and writing by ill-informed persons affect many weak-minded people. You can never quite overtake a false statement when once it has been uttered and widely published. Many of the authors of such statements are doubtless sincere, believe the wild stories they hear, and disseminate them with no intention of inducing lynching and like lawlessness, but nevertheless such persons are largely responsible for results of this character.

Some weeks ago a high official in what is generally considered a patriotic organization published a statement, which appeared in the New York papers and throughout the country, to the effect that since the declaration of war arms and munitions had been shipped from this country to Germany and that 14 spies had been shot by the United States Government. This person was subpœnaed before a grand jury in order that he might, under oath, verify his statements. It then developed that the statements were without the slightest foundation, and yet to this day thousands and perhaps hundreds of thousands of people in this country believe them.

Recently the statement was generally printed that in a certain Government factory in New York City where gas masks are being produced for our men in France more than 100 employees had been discharged because they had intentionally made the masks defective. A thorough investigation showed that this report was entirely untrue, and that while from 3 to 7 per cent of the masks were defective and were rejected there was not the slightest evidence going to show that this arose from any cause other than those naturally incident to the work. If the facts had been as reported, I would have promptly had the guilty parties indicted for treason and would have done so with a fair hope of securing convictions even under the handicaps imposed upon the Government in a prosecution of that character.

The statement has been made hundreds of times that the Government has been paroling German spies against whom cases had been made out. There was no foundation whatever for such a report. Even of the hundreds interned because it was believed they were dangerous only six have ever been paroled. In one case the man was released for two weeks and kept under observation in order that he might be at the bedside of his wife under trying and painful circumstances, and at the end of that time he was reinterned. Another was the case of a man who was undoubtedly a dangerous alien enemy. The department had reason to believe, however, that there were men higher up who were involved with him, and so he was paroled for 30 days and kept under constant observation, with the hope that his still more dangerous associates might thereby be discovered. At the end of 30 days he was reinterned. The other four were cases of little importance, and after careful consideration it was determined that it was not necessary to intern them longer.

False statements are seldom pure fabrications. They are generally built around some scintilla of truth. This one concerning the paroling of spies grew out of a misunderstanding of the President's proclamations authorizing the interning of alien enemies. Interned persons are not accused of crime, but are men who would probably commit criminal acts if at large. This is the process: The first thing we do is to detain a man if he is suspected. His pedigree, associates, activities, etc., are investigated. If the result is favorable and the man is not found dangerous, he is discharged. If it is concluded that he is dangerous, he is interned. When we detain a man the idea frequently gets out that he is a German spy and the people do not understand his being released.

It has been repeatedly stated that more than $50,000,000 worth of Government munitions and supplies have been burned by German sympathizers during the last year. A few days ago the representatives of the Underwriters' Fire Insurance Association declared that it had not been clearly established that during the year there had occurred a single incendiary fire of the character referred to. Although it has investigated a number of fires in munition factories and Government plants, the Department of Justice has not been satisfied that a single one of them was of incendiary origin. I have had the figures in dollars and cents compiled so as to compare losses by fire during the year 1913 (this being the year before the European war broke out) with those of the year 1917. Taking into consideration the fact that the articles burned in 1917 were worth from 40 to 100 per cent more than like articles were worth in 1913, there has been, in fact, a substantial decrease in losses by fire. In a number of instances it has been conclusively shown that such fires resulted from accident or carelessness.

Notwithstanding the repeated charges that bread was being poisoned and filled with glass, it has not been demonstrated that this had been intentionally done in any case except one. In that instance a German was notified of his discharge by his employer and deliberately put glass in a loaf of bread. It was done with the purpose of having it discovered; it was discovered, and the employer's business was ruined, although that one loaf of bread was probably the only one with glass in it that had ever gone out of his shop. Of course, impurities of various kinds, especially pieces of flint and stone, and occasionally even pieces of glass, are found in bread, their presence being due to carelessness or accident.

Repeatedly it has been stated that German sympathizers were poisoning United States soldiers in the training camps, but no real evidence of this has ever been produced.

Hundreds of papers have published stories about mules and horses of the United States Army being poisoned at drinking troughs. Every case reported has been run down with the utmost care, and in only one instance—in West Virginia—was poisoned water found. Not an Army horse or mule had ever taken a drink at the trough where it was found, nor was it ever contemplated that they should do so. The matter is still under investigation, but the indications are that the water was poisoned by the washing of a bottle or in some other accidental way.

Not infrequently as many as fifteen hundred complaints reach the Department of Justice in a single day. It is safe to say that there is nothing whatever in 95 per cent of these cases, and yet all are thoroughly investigated in order that we may cull out the small number which justify prosecution.

I do not wish to create the impression that there is no danger from German spies and German sympathizers. There are thousands of persons in this country who would injure the United States in this war if they could do so with safety to themselves. However, they are no more anxious to be hung than you are. We are taking nothing for granted, and we are using every possible preventive measure. We are trying to put the fear of God in the hearts of these people, and we have put it there, and it is going to remain there.

The demand is constantly being made that we shoot German spies before breakfast. The Department of Justice is not going to shoot any before breakfast or at any other time, as there is no law under which we can do it. We are going to urge capital punishment in any case where the facts justify it, and I do not anticipate any serious trouble in securing the active assistance of juries and courts whenever such cases are developed.

You may be interested in knowing that I can not recall an instance in which the retailers of the wild stories above referred to and the bitter critics of the enforcement of the law have been able to add a single important fact to those already in the possession of the department.

I urge you gentlemen, through such machinery as you see fit to adopt, to assist in getting before the people of this country the facts that laws are now upon the statute books, or will be within the next few weeks, which will reasonably protect the interior defenses of our country; that an honest, adequate, and earnest force is dealing with this situation, and that unless the hysteria which results in the lynching of men is checked it will create a condition of lawlessness from which we will suffer for a hundred years.

There is another potent reason for sternly repressing these disorders. The cry of the mob is that it is protecting the boys at the front. The reverse is true. No greater wrong can be done to our soldiers in France than that of lynching Germans in America. The story of the death of that German in Illinois is being considered in Germany to-day. Such acts will be seized upon by our enemies as justifying severe reprisals on our soldiers in German prison camps. Having sowed the wind, we will reap the whirlwind.

In the second place, your association can perform a service of almost equal importance by throwing the great weight of your influence against the passage of unconstitutional laws. As long as I am Attorney General of the United States, I shall give the Government the benefit of all reasonable and proper doubts when it comes to the question of the power to be exercised in a time like this, but where there is no really serious doubt as to the unconstitutionality of a measure the duty of all good citizens is plain. There is a feeling that in some way a condition of war suspends the guaranties of the Constitution and justifies the doing of illegal and even criminal acts. I see no room for a substantial distinction between the lawless German autocrat who shoots noncombatants in Belgium and the lawless American democrat who hangs unarmed civilians in America.

From every section of the country comes up the cry that the disloyal and seditious should be tried by military courts-martial and promptly shot. It is hardly conceivable how lawyers acquainted with the three great guaranties of our Constitution and the decisions of our courts can contend that civilians should be so tried at a time when our civil courts are performing their proper functions, and when our country is not being subjected to invasion or rebellion.

In the third place, the Government needs the moral and active support of this great organization in the enforcement of Federal laws. Just before the registration under the draft act, the Illinois Bar Association passed a resolution substantially to the effect that it would not only be an unpatriotic thing for a lawyer to represent a man who was seeking to escape the draft, but that it would be an unprofessional act. Some might be found who would differ with the view so announced. As far as I am concerned, speaking not as a lawyer but as an American citizen, I wish to express my admiration of the action taken. Presumably the draft act will be properly and justly administered, but where the question of military service arises our country is entitled to consideration as against the individual.

Members of your association belong to a select class, who can render a service not obtainable from any other part of our citizenship. One of the finest exhibitions of patriotism this country has known was the quiet offer of the lawyers of the land to act as advisers of all citizens who wished help in construing the somewhat intricate terms of the questionnaires recently issued by the War Department. This work was done by thousands of lawyers.

In this connection I wish to make one further tangible suggestion. We need now, and are going to need quite badly in the future, in a number of sections of the country, a few skilled criminal lawyers of the highest type, men who are great trial lawyers. Especially in the trial of cases of treason and crimes of like gravity, the Government is entitled to the help of the very best men that can be secured from the bar of the Nation. I hope you can organize a movement which will result in having two or three of the greatest criminal lawyers in every judicial district of the United States file with the district attorneys of their respective districts an expression of their willingness to serve the Government in any criminal case in which they are drafted. I sincerely trust that this will be done at an early day in places like Philadelphia, Chicago, Boston, New York, Seattle, San Francisco, and St. Louis. There are many other points of importance, but just at the moment I recall the above as being places where such service is likely to be required in the not distant future. The men of the class I refer to are all beyond the draft age. They can in the way indicated perform a great patriotic service. I have never found the lawyers of this country slackers when a legitimate call of their country was heard and understood. It is true that not all can make the financial sacrifice involved, but most of them can do so, and many of them will do so if given the opportunity.

In the fourth place, I urge this association to thoroughly organize its forces in support of the passage of adequate State laws. Some of the States have passed wonderfully strong laws, but some of them have done nothing whatever. In many sections there is a feeling that this is a national war and that the United States should take entire charge of its prosecution, including the enforcement of penalties for crimes related to the war. As lawyers, you understand how much greater latitude is given to the State legislatures than to Congress in reaching many critical situations. Drastic enforcement of laws against idlers, etc., would be of great benefit in many sections. We need a movement in every State in the Union to supplement with proper laws the more general laws passed by Congress. We are entitled to and expect the hearty cooperation of the legislative and executive departments of the different States, and your earnest help in procuring this is asked for.

The greatest danger to this country is not the German spy or sympathizer who would be glad to convey information or blow up munitions and supplies. The greatest menace is the so-called "respectable pacifist." I can respect a woman who has brought a child into the world and opposes his going forth to battle, but I can not characterize

the male pacifist, who believes there is nothing worth fighting for, as other than a physical or moral degenerate. By the exercise of his baleful influence he is committing the unpardonable crime of stabbing in the back the lads who are fighting at the front for his liberty as well as their own. There is no room for the pacifist in this country. There is no room for neutrality in this country. War has been declared for good and sufficient reasons, and by the war-making power, and this association should in every way set its face against the pacifist and his propaganda.

To sum my suggestions up, they are that the American Bar Association shall bring all of its power and influence to bear upon securing the following results:

(1) The discouragement and suppression of lynch law in every form.
(2) The prevention of the passage of clearly unconstitutional laws.
(3) The enforcement of the Federal statutes.
(4) The passage of supplemental laws by State legislatures and their enforcement by State executives.
(5) The protection of the Nation against the insidious propaganda of the pacifist.

MOTHERS' DAY.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 40) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That with the approach of Mothers' Day the attention of the Nation be directed to the patriotic sacrifice made by the mothers of our land in freely offering their sons to bear arms, and, if need be, die in the defense of liberty and justice. That, in appreciation of this great sacrifice, the President of the United States be, and he is hereby, respectfully requested to recommend in the observance of Sunday, May 12, 1918, as Mothers' Day, that the people of the United States offer fervent prayers to Almighty God for His divine blessing on the mothers of our country, especially those having sons serving under our flag throughout the world.

Mr. MARTIN. I move that the Senate concur in the resolution of the House just laid before the Senate.

The resolution was unanimously agreed to.

HOUSE BILL REFERRED.

H. R. 10852. An act to provide for the appointment of a commission to standardize screw threads was read twice by its title and referred to the Committee on Standards, Weights, and Measures.

DEPARTURE FROM AND ENTRY INTO THE UNITED STATES.

The VICE PRESIDENT. The morning business is closed.

Mr. SHIELDS. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

AIRCRAFT PRODUCTION.

Mr. THOMAS. Mr. President, the subject of aviation is now occupying a very prominent place in the public mind and very properly commanding the attention of the people. I therefore notified the Senate yesterday morning that I would speak very briefly concerning one feature of the commercial side of aviation production of which the people have not been advised. It is a very important feature and should be familiar to all who are interested in ascertaining the causes underlying the existing aircraft situation. It is known as the cross-license agreement, which the Manufacturers' Aircraft Association is authorized to execute with producers of planes and parts of planes.

I am disposed to think from the incomplete examination which I have been able to make of these cross-license agreements that it has played and will play a very important part in the production of aircraft. Hence a proper understanding of the present unsatisfactory situation in aircraft production may, perhaps, be in part explained by these agreements which have the sanction both of the aviation authorities and of the Attorney General in so far as the opinion of that official is concerned.

Mr. President, we began to pay serious attention to aviation in the summer of 1916 when conditions between the United States and Mexico became so acute as to justify the Pershing expedition across the boundaries of that Republic. That incident, as time developed, became of comparative unimportance; but it did bring to our attention very vividly the supremely important part which aircraft plays in modern warfare. Therefore appropriations of, I think, about $13,000,000 were provided for aircraft construction in the military bill of 1916. In the act of March 4, 1917, this added provision appears:

To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies for governmental and civil purposes under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, $1,000,000.

The purpose of this appropriation is obvious; the control of basic patents by the Government being then regarded, and I am sorry that it is not now regarded, as essential to successful Government aircraft production.

Very shortly after the adjournment of Congress in 1917 war was declared against Germany, and the military and naval activities of the Government at once demanded and received our constant attention. An advisory committee on aeronautics was created, of which Mr. William F. Durand was made chairman and Mr. S. W. Stratton secretary. That committee has since been commendably active in its efforts to aid in formulating and promoting aircraft production for our war needs.

Among its activities was the question of patent control. For reasons satisfactory to the board and which may, perhaps, be satisfactory to the Nation, it was determined not to purchase or commandeer existing patents regarding aviation, but to make some arrangement of a more satisfactory character regarding them. My own view, Mr. President—and it is fortified by our recent experiences—is that the committee erred in not securing by purchase or by condemning, through powers which Congress would freely have given them, existing patents of an established and fundamental character, because, with their control, agreement for aircraft production based upon basic or original patents, would not be in any wise embarrassed by the personal or selfish interests of outsiders or by conflicts between rival claimants of the inventions. But, however that may be, the fact is that the purchase of patents, and therefore the use of the appropriation for that purpose, was almost immediately abandoned by the committee.

My attention was called some time during the month of February last to the method of procedure receiving the approval of the Advisory Association, and which materialized in the form of a so-called cross-license agreement, under which producers of aircraft, exclusive of motor engines, are, generally speaking, required to operate. I at once applied for and promptly received a copy of that agreement, together with a copy of the proceedings of the committee which preceded and accompanied the formation of the contracts to which I refer. I shall not read the minutes, Mr. President, which comprise 25 pages of typewritten matter, but I shall ask at the end of my remarks to insert those proceedings in the RECORD. It is sufficient for the present purpose to say that the attorneys and representatives of those interested in what are called basic patents, and the representatives of the Aviation Section, after consultation with the Advisory Board, determined upon the preparation of an agreement which would recognize certain basic patents and provide for the issuance by some central authority of licenses to all persons desiring to engage in the manufacture of aircraft upon conditions requiring such manufacturers, among other things, to transfer to the association in whose name the licenses were issued all patents and inventions of their own or which they could control, either basic or otherwise, to the end that each member of the association under the license agreement might have the benefit of these other inventions and developments in their own operations.

At that time, if I am correctly informed, the patents controlled by the Curtiss Co. and the Wright-Martin Co. were either contesting the question of prior invention or were contested by others. Whether the controversies were decided or were in the courts I can not now say; but I think it is understood that no such thing as a recognized patent belonging to any company or individual, and free from challenge as to originality, then existed. The attorney at that time for the Wright-Martin Co., as well as its president, was Mr. Frederick P. Fish, while the attorney for the Curtiss Co. was, and I presume is, a Mr. Crisp.

It was finally determined, Mr. President, to embody the propositions made and accepted at these meetings in the form of what is called a cross-license agreement. That agreement was prepared by one of the attorneys whose names I have mentioned, and in collaboration with others, including the other attorney. Those gentlemen were doubtless as competent, and perhaps more competent than any, to prepare such an agreement; but, so far as one can judge from its recitals, each of them took very good care of his own client, so that the patents controlled by the companies they represented are made basic, fundamental, free from controversy, and, so far as the purposes of the agreement are concerned, established beyond peradventure.

Mr. KING. That is, as between the two parties?

Mr. THOMAS. Yes; and as to all future cross licenses. Just prior to the date of the agreement a corporation—and doubtless in anticipation of it—was organized in the State of New York, called the Manufacturers' Aircraft Association (Inc.). The date of the charter is the 18th of July, 1917, and the location of the company is Manhattan. The incorporators are Joseph S. Ames, W. Benton Crisp, Albert H. Flint, George H. Houston, and John P. Tarbox, of Buffalo, N. Y., all of these gentlemen, I understand, being interested in aviation companies and enterprises, either professionally or as officers and shareholders.

Shortly after the organization of that company, and on the 24th day of July, 1917, the cross-license agreement the details of which had been arranged in previous conferences with the advisory committee, was formally drawn and executed. It is an agreement comprising 12 printed pages, and I shall not weary the Senate by reading it into the RECORD. I shall ask, however, at the close of my remarks to insert it in the RECORD, so that its contents may be generally and fully known.

In connection with the cross-license agreement there was also adopted a form of license to be issued to those desiring or who might be compelled to associate themselves with the association. This license provides, among other things, that the cross-license agreement shall constitute a part and portion thereof. Thus the cross-license agreement is practically embodied by proper recitals into the license itself.

The shares of the Manufacturers' Aircraft Association (Inc.) I understand to be limited to a definite number, and I think that number is 1,000. One share must accompany each license, and the par value of the shares is also $1,000. A thousand incorporators under some circumstances might be considered quite numerous; in aircraft production in times of war the number is comparatively limited; but that limitation, while it does not appear in the cross-license agreement, I am told actually exists. This inevitably tends to monopoly.

Now, to convey an idea as to the probable operation—I will not say "designed operation" of this agreement lest I might reflect unduly upon the advisory board, whose intentions and purposes, I am sure, were above reproach; but as to the operation of the agreement in practice, its consequences may be inferred from a few extracts which I will read from it. Before doing that perhaps I should refer to the so-called license itself, which precedes and embraces the general agreement. Omitting the preambles, which refer to the licensor and certain other stockholders of the Manufacturers' Aircraft Association "herein called the subscribers," it is provided—

That for and in consideration of the premises and other good and valuable considerations * * * the licensor does hereby give and grant unto the said licensee the unrestricted but nonexclusive license to make, use, and sell airplanes under all airplane patents of the United States now or hereafter owned or controlled by it, or by any firm, corporation, or association owned or controlled by it, * * * except that no rights, express or implied, are hereby granted under any foreign patents, nor shall the licenses herein provided for apply to or include the use of said patents in their application to other than airplanes.

Then follows this exception:

That no licenses are hereby granted under the Dunne patents, No. 975,403, issued November 15, 1910, and No. 1,003,721, issued September 19, 1911, the rights under which are held by the Burgess Co.

The Burgess Co. and the Curtiss Co., I think, have consolidated. These patents may possibly refer to watercraft, motor boats, and so forth, and I think one of the patents does; but the exception, nevertheless, is in favor of one of the concerns, the basic character of whose patents is fixed by this agreement, so far as it can do so, and which, as I have said, was drawn by the attorneys for the company receiving the benefit of its operation.

Coming now to the agreement, it will be noted that in the second paragraph there is the same exception. The fourth paragraph provides that—

Each "subscriber" covenants that it has not heretofore entered, and will not hereafter enter, into any contract or arrangement whereby its privileges under United States airplane patents, issued or to be issued, inventions, and rights owned or controlled by it, have been or shall be diminished or surrendered so as to exclude or restrict the operation of this instrument in respect thereto. Each "subscriber" further covenants that it will not grant licenses under any such patents for use in airplanes, with reference to which it is receiving royalties hereunder, to any other person, firm, or corporation on more favorable or lower terms of royalty than those herein provided, or which may become more favorable or lower during the term of such license.

Under the sixth paragraph it is provided that—

If any "subscriber" shall have developed the design or manufacture of any special model of airplane or airplane engine or other device used in an airplane (except the airplanes manufactured by the Burgess Co. under the hereinbefore-mentioned Dunne patents and the Hispanio-Suiza aeronautical engine manufactured by the Wright-Martin Aircraft Corporation or its subsidiaries) which the United States Government may at any time desire to have manufactured in the factory of any other "subscriber" or in the factory of any manufacturer not a "subscriber" hereto, the said "subscriber" agrees that it will furnish to the other "subscribers" or said other manufacturer such complete specifications, drawings, and other production data as may be required for use in the manufacture of such special model, provided that and upon condition that the "subscriber" or other manufacturer in whose factory the work is placed by the United States Government shall agree with said Government and with the "subscriber" owning said specifications, etc., to pay, and shall pay into the treasury of the "company," 1 per cent upon the contract price paid by the Government for each airplane or airplane engine or other device manufactured for it in accordance with said specifications—

And so forth.

That is to say, every person who shall have developed a design, and who shall contract with the Government for manufacture under that design, shall contribute 1 per cent of the price into the treasury of this company, and of course that 1 per cent will be added to what would otherwise be the contract price with the Government.

I read further:

If the manufacturer of such special model is conducted by one not a "subscriber"—

That is, by some nonlicensee—

Such manufacturer shall also agree to pay into the treasury of the "company" such royalty as a "subscriber" would have been obliged to pay had it made and sold the airplane, engine, or other device, including the amount specified in subdivisions (a) and (b) of Paragraph VIII hereof.

That is to say, if an inventor or designer of some improvement in aircraft shall permit the manufacturer of his patented device by some outsider, then that manufacturer must agree with the subscriber that it will pay not only the royalty to which I have referred but other royalties of very much greater amount provided for in other sections of the agreement.

In the seventh paragraph, the subscriber is required to report all United States airplane patents and inventions, together with serial numbers and filing dates of all pending applications, with all rights under such patents then owned or controlled by it; and it also provides that no omission from the report shall exclude the patent, application, or right so omitted from the operation of this agreement. I shall not read all of this paragraph, for it is very long, but it is a very important one. In fact, it may be the fundamental provision of the contract.

Subdivision (d) of this paragraph provides that—

On the 10th day of January, April, July, and October in each year, each "subscriber" shall report the number of airplanes, airplane engines, or other devices for use in airplanes which it has sold and delivered during the preceding three calendar months, made from specifications, drawings, and other production data obtained from any other "subscriber," as provided in paragraph VI hereof, together with the sales price and the dates of delivery; and there shall be included in the same report a copy of any agreement which the "subscriber" shall have made with another manufacturer as provided in said paragraph.

The Senate will see how the business of the subscriber is bound up with this Manufacturers' Aircraft Association. No matter what contract he may make on the outside, no matter what advantages he can secure, the outsider is required, as one of the conditions under which the contract will be made, to become a member of this association, and to abide by its provisions, and, of course, to pay the royalties which are there required.

Mr. KING. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. KING. Some time ago I received a pamphlet purporting to be put out by the Manufacturers' Aircraft Association. It stated that Howard Coffin was an honorary member, and that a man named Waldron was a member of that aircraft association, and that Curtiss, Wright, and a few other names that I recall, were likewise members of that aircraft association. Did that association attempt to monopolize the production of airplanes in the United States, and to exclude all other persons from manufacturing them for the United States?

Mr. THOMAS. Not in terms; but I believe the agreement is that it necessarily operates in that way and reaches that conclusion. I therefore can not escape the conviction that it was designed for that purpose by the men who prepared it.

Mr. KING. Will the Senator state how Mr. Coffin, occupying the position which he did with the Government, could accept a position, either honorary or otherwise, as a member of the Manufacturers' Aircraft Association?

Mr. THOMAS. That assumes that he is a member of it. I am not prepared to say that he is. Of course, if the fact be that men engaged in the service of the United States are also subscribers to the shares of the Manufacturers' Aircraft Association, then the query presented by the Senator from Utah is most pertinent; but I am not prepared to say that his premise is correct. I hope it is not.

The next paragraph, No. VIII, is entitled, "Payments to the 'company.'" That is also divided into subsections (a), (b), (c), (d), and (e).

Subsection (a) provides that on each airplane, with or without engine, the sum of $200 shall be paid to this association until such time as the Wright-Martin Aircraft Corporation and the Curtiss Co. shall have been paid the aggregate sums provided for in the next paragraph.

Subsection (b) provides that upon each airplane such additional sum, not to exceed $25, as the board of directors of the company may from time to time fix, shall be paid after the above-mentioned aggregate sums shall be paid to the Wright-Martin Aircraft Corporation and the Curtiss Airplane & Motor Corporation; also, by subdivision (d), such amounts as may be payable with reference to the use of specifications, drawings, and data as provided in paragraph VI hereof, including the

royalty payments therein provided for; but all 1 per cent payments on account of the use of such specifications, drawings, and data shall cease when the total paid by all users aggregates $50,000.

This is important, because the specifications, drawings, and data are furnished almost entirely by the Curtiss Co. or the Wright Co.; and I may say, Mr. President, that the multitudinous changes in the plans of the Bristol flier, amounting to over 1,100 in one month, were made by the Curtiss Co. Such amount or amounts as may be payable with reference to the use of specifications, drawings, and data may therefore in the aggregate reach considerable magnitude; and, of course, as I have stated, the royalties and requirements of this contract necessarily come out of the Government, because common business practice justifies the assumption that in the details of the contract with the Government these extra requirements will be figured as part of the overhead charge or fixed charge.

Subdivision (e) requires that each subscriber who shall become a party after the 1st day of July, 1917, shall, on the 10th day of January, April, July, or October next occurring, pay to the company those amounts which it would have been obliged to pay if it had been a subscriber on July 1, 1917. In other words, if the Senator from Utah should be so fortunate—or perhaps I should say so unfortunate—as to devise some aircraft improvement which he could only use through the agency of this cross-license agreement, he would be required not only to pay the prospective royalty provided for in his license, but he would also be required to pay royalties as though he had signed up on the 1st day of July, 1917. That provision has all the features of the old darky's celebrated coon trap, which was said to be so "sot" as to catch the coon "a-comin," and also to catch him "a-gwine."

Now comes "Payments by the company," Subparagraph IX:

Out of the moneys paid into the treasury—

And the Senate will bear in mind that on March 4, 1917, the Congress appropriated a million dollars for the purchase of basic patents, and, of course, would have subsequently appropriated any amount in addition to that which was necessary for fair compensation for the acquisition of these so-called basic patents if that policy had been followed—

Out of the moneys paid into the treasury of the "company" pursuant to the provisions hereof the following payments shall be made by the company on the 20th day of January, April, July, and October in each year, to wit:

(a) To the Wright-Martin Aircraft Corporation $135 on each airplane, with or without engine, with reference to which payments shall have been made in accordance with subdivisions (a) and (e) of Paragraph VIII hereof, during the preceding three calendar months, until United States Patent No. 821393, issued May 22, 1906, shall have expired, or until the aggregate sum of $2,000,000 shall have been paid to the said Wright-Martin Aircraft Corporation, when all payments to it hereunder shall cease, except as hereinafter provided.

Subdivision (b) provides that there shall be paid to the Curtiss company $40 on each airplane, with or without engine, with reference to which payments shall have been made in accordance with subdivisions (a) and (e) of Paragraph VIII, which shall continue until such time as the Wright-Martin Aircraft Corporation shall have been paid in full as provided for in subdivision (a), after which there shall be paid to the Curtiss Airplane & Motor Corporation at the times herein mentioned the sum of $175 on each of said airplanes until the aggregate sum of $2,000,000 shall have been paid to it under its patent.

So that the primary burden placed by this contract upon aircraft production is $4,000,000, $2,000,000 to each of these concerns. I have been informed that quite recently, and since the aircraft situation has become acute, these sums have been reduced to $1,000,000 each; and if that is the case, of course it is a gain to the Government which we should recognize.

Then there are provisions with regard to the disposition of the balance of the money received from royalties, and the imposition of penalties, and so on.

We now come to the result of breach of agreement. I do not know that it is necessary to read these provisions regarding breach of the agreement and withdrawal from the agreement. I may say, however, that it is provided that in the event of breach of agreement the board of arbitration will assess such damages and impose upon the subscriber in default such other requirements as seem to the board to be just, and the subscriber expressly agrees and covenants that it will pay those damages and comply with such agreements.

It is then provided that nothing contained in the paragraph shall deprive the company of the power to make, execute, and deliver licenses under the patents or patent rights owned and controlled by any defaulting subscriber, or to which the subscriber may be entitled, at the time he ceases to be a stockholder. One may default after becoming a licensee; one may commit a breach of the agreement after becoming a licensee; one may therefore be expelled from the company, but his patent, the agreement for patent, and the contracts outstanding remain with the company.

In the event a subscriber desires to withdraw from the agreement he can do so after 10 years from its date, but he must give notice of his election to do so and must also fulfill all of his obligations, but all of the patents and patent rights brought in by the subscriber remain to the association.

In the event of the death of a subscriber, or the dissolution of the corporation, or the bankruptcy of the corporation or the individual who is a subscriber, the company retains the right to purchase, for the benefit of the other subscribers, the stock and the license, and then to sell them on company account at a price to be fixed by arbitration.

There is also a provision for the arbitration of disputes, which is elaborately provided for, and which in this discussion is comparatively unimportant.

Now comes a clause for the further protection of the two concerns whose attorneys prepared the agreement. I read Paragraph XIV:

The "subscribers" hereby waive and release any and all claims which they or any of them may have had against each other for damages and profits on account of any infringement or alleged infringement, prior to July 1, 1917, of any patent included within this instrument in the manufacture, sale, or use of airplanes.

And the fifteenth paragraph provides:

Each "subscriber" agrees that all persons, firms, and corporations now or hereafter controlled by it, and engaged in the manufacture of airplanes, or owning or controlling United States airplane patents, shall be caused to execute this agreement.

Mr. President, were it not for the opinion of the Attorney General I would not hesitate to affirm that this contract is one under which a gigantic monopoly in aircraft production must inevitably ensue. I think I will go further, and say that that was the purpose in mind, so far as the beneficiaries of the agreement are concerned, when the instrument was prepared. But the Attorney General was called upon for an opinion regarding this contract, which he gave on the 6th day of October, 1917, which I shall also ask to have inserted in the RECORD at the end of my remarks.

Mr. President, I shall not read this opinion, which is somewhat long; but I am satisfied in my own mind, at least, that but for the emergency, but for the necessity of airplanes, and airplanes as soon as possible, this contract never would have passed the appro ing scrutiny of the Department of Justice. I will read one extract only from the opinion in justification of this statement:

The provision requiring subscribers to submit claims for compensation in respect to patents subsequently acquired by them to a board of arbitrators and to license each other under such patents at the rates of royalty fixed by that board might possibly be used to secure valuable inventions at unreasonable compensation. * * * Its possible abuse * * * scarcely justifies its condemnation in the absence of such abuse.

That seems to damn this contract with very faint praise indeed. If the possible abuse of an agreement like this does not justify its condemnation until the abuse appears, then laws designed to prevent the creation of instrumentalities for preying upon the public unduly would certainly be harmless and wholly ineffective.

I do not at all reflect upon the Department of Justice in making this criticism. It acted conscientiously and sincerely. But I must dissent from its opinion regarding the harmless character of this agreement, and I do not believe the department was aware how and by whom it was prepared.

Mr. President, I affirm that this agreement tends to produce monopoly, first, because it draws within its ownership all patents except improvements upon engines and motive power, all patents existing or to exist affecting the industry. It secures absolute ownership to the extent that when the subscriber withdraws he can not take his patents with him. That being the case, the inventor of a new design can not manufacture himself if those engaged in the particular industry are bound by this cross-license agreement except upon such terms as the association imposes.

Mr. CHAMBERLAIN. Mr. President——

Mr. THOMAS. That association, in the natural course of things, will secure these patents at its own price, and that price we know will be fixed so low as to discourage the inventive genius of the American citizen. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. May I ask the Senator to yield to me that I may introduce a resolution and have it referred, a resolution bearing upon the same matter he is now discussing?

Mr. THOMAS. Certainly.

Mr. CHAMBERLAIN. I submit the following resolution and ask that it be read.

The VICE PRESIDENT. It will be read.

The Secretary read the resolution (S. Res. 241), as follows:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be, and is hereby, authorized and directed to inquire into and report to the Senate the progress of aircraft production in the United States, or into any other matters relating to the conduct of the war, by or through the War Department; that said committee, or any subcommittee thereof, may sit during the sessions or during any recess of the Senate; to require by subpœna or otherwise the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath, either orally or by deposition; to obtain documents, papers, and other information from the several departments of the Government or any bureau thereof; to employ stenographic help, at a cost not to exceed $1 per printed page, to report such testimony as may be taken; to employ such agents or assistants as may be necessary; and that all expenses, including traveling expenses contracted hereunder, shall be paid from the contingent fund of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. May I ask the Senator from Oregon a question? Does the resolution in terms warrant the investigation by the committee or the subcommittee of the expenditures which have been made by the Government for the acquisition of aircraft, as to the purchase and development of aircraft?

Mr. CHAMBERLAIN. It is my purpose to have it cover all those subjects.

Mr. KING. In my opinion the committee ought to ascertain what has been done with the appropriations heretofore made by Congress and determine definitely the use of the money which has been expended.

Mr. CHAMBERLAIN. It covers all those points.

Mr. LEWIS. Mr. President, if the Senator from Colorado will permit me, while the Senator from Oregon, the chairman of the Military Committee, has this subject before the Senate, is it the desire of the Senator to have the resolution now passed?

Mr. CHAMBERLAIN. No; it goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LEWIS. Then, of course, it is not the subject now of any discussion. I misunderstood; I thought the Senator was moving for immediate passage. I did not rise to obstruct, but I did rise for information concerning it.

Mr. THOMAS. Mr. W. H. Fauber, of Brooklyn, is an inventor of a hydroplane, and is evidently well informed upon the general subject of aircraft.

Mr. KING. Before the Senator passes from the subject of the opinion given by the Attorney General, with his permission, I should like to ask him a question.

Mr. THOMAS. Certainly.

Mr. KING. I am somewhat at a loss to understand how the Attorney General would give an opinion upon a matter so important and a matter which one would think in the natural course of events would find its way into the courts and receive judicial construction; that is, the contract in controversy would receive a judicial construction. It would seem to me like the Attorney General was deciding a moot case and giving an opinion in advance of the occasion for the giving of an opinion that would bind the Government.

Mr. THOMAS. The opinion was given at the request of the advisory board. I think the practice is not unusual, and it was doubtless upon the strength of the opinion that the board accepted the terms of the contract.

Mr. Fauber has written and distributed a pamphlet entitled "The Men Who Can Win the War, or Things that Should Be Known at the Capitol." This pamphlet is directed to the agreement, which he calls a secret agreement. I presume he does so because he made an application for a copy of it and was refused, so he says. This pamphlet, however, is quite illuminating, and the reasons which he assigns for the annulment of this agreement seem to me to be well supported by its text. Therefore I can, I think, economize time by making his assigned reasons my own and reading them into the RECORD:

The cross-license agreement should be annulled—

First. Because it confers autocratic powers on powerful corporations and has created an organization in the Manufacturers' Aircraft Association (Inc.) whereby corporations can substantially control inventions and patent values and dominate the aircraft industry as an Aircraft Trust.

Second. Because said agreement involves contractual relations and is, in effect, a combination between corporations and the United States Government now operating to control inventions, patent values, and an industry to the advantage of powerful corporations and against the best interests of the people and the efficient prosecution of the war.

Third. Because the terms of said agreement, and also the declarations and acts of the National Advisory Committee for Aeronautics arbitrarily fix certain unadjudicated patents of questionable value and doubtful utility as fundamental in the aircraft art and without due authority or competent procedure.

Fourth. Because said agreement, as a cross-license instrument, ostensibly providing for the arbitration of patent values, does not make adequate or fair provisions for the purchase of valuable inventions, nor do the corporations controlling said agreement seemingly give any guaranty that the small sum of $25 as additional royalties per machine, which they may, at their pleasure, charge the licensees and collect, they may, at their pleasure, charge the licensees and collect of the Government, shall go to the benefit of inventors of useful inventions or to the purposes for which it is seemingly provided.

Fifth. Because said agreement does and will operate to defeat the purposes and intent of the United States patent laws, and by its provisions indicates an intent to dominate aeroplane inventions and the industry.

Sixth. Because the terms of the said agreement and its operation will be such as to practically immune the Wright and Curtiss Corporations and the members of the Manufacturers' Aircraft Association (Inc.) from any responsibility for infringement, in the case of disputed inventions embodied in aircraft built by the members of the Manufacturers' Aircraft Association (Inc.) for the United States Government, and since said corporations will be relieved of the penalties of infringement there is little incentive or reason compelling any fair consideration of patents.

Seventh. Because there were no substantial grounds or compelling reasons warranting the action of the National Advisory Committee for Aeronautics in approving or having any part in creating a cross-license agreement which is vicious in scope and principle and, furthermore, an agreement which is partial to powerful corporations and discriminates against inventors, patent owners, and independent manufacturers of aircraft.

Eighth. Because the subcommittee on patents, having as two of its members the attorneys of the Wright and Curtiss Corporations, viz, Attorneys Crisp and Fish, said subcommittee was not properly constituted for the purpose of dealing fairly with the conflicting interests of the United States Government and the people, the interests of the Wright and Curtiss Corporations, and that of inventors and owners of patents generally.

Ninth. Because of said cross-license agreement enabling powerful corporations to arbitrarily control aeroplane inventions and patents and thereby dominate the industry, as a result inventors and engineers will be deterred from making inventions and improvements in aircraft and aerial apparatus and prevented in securing money to carry on such work, and for the same reason capital and independent manufacturers will be deterred from engaging in the industry, and as a consequence and because of the power of the association and corporations dominating the industry prices will be advanced and fixed, and the Government will pay more for aircraft, and the whole industry will be retarded by the shutting out of a large percentage of inventors, engineers, designers, and independent manufacturers, such as normally engage and compete in business, and whereby the United States has led the world in the automobile and other industries which have been less hampered.

Tenth. Because said cross-license agreement, being of a nature to create a vicious monopoly and retard the perfection and development of aerial apparatus for this war and at the same time advance the cost to the Government by preventing legitimate rights and purposes of patents, and likewise all corporation enterprise, with the possibility of resulting in overrestricting legislation in both cases; and these things, as herein enumerated and pointed out, proving true, as I believe they are, the acts of the National Advisory Committee for Aeronautics in recommending and sustaining said cross-license agreement will tend to weaken confidence and support of the administration and correspondingly the Nation's best efforts in this war.

Eleventh. Because the policy of this Government should be to place orders for aircraft and aerial apparatus with a view of building up and stimulating independent manufacturers and thereby laying the foundation for a healthy, normal, commercial industry and at the same time improving the product and enable the Government to purchase war equipment at best advantage.

Mr. Fauber can not join this cross-license agreement and manufacture his planes for the Government unless he surrenders to the association his patents not only during his membership of it but for all time; and, of course, the same conditions surround everyone, whether he is at present an inventor or not, and very naturally discourages him from going to the expense, to say nothing of giving his time and energies to the improvement of aircraft now so greatly desired.

Mr. President, as I said, my conclusions may be erroneous. I confess that I have not had time to give this subject full and exhaustive investigation, but I can not understand why the great manufacturers of aircraft at the time the war began, unless they intended to control aircraft production absolutely, should have insisted upon the execution of such an agreement, because they are practically independent of all attacks upon their patents and at the same time are given the power through their agreement—and it is their agreement largely—to absorb all other devices, all other inventions relating to aircraft, and by that means acquire the benefit of the experiences of others at figures to be dictated by themselves. It looks like profiteering without any limitation, and I fear that much of the difficulties and disappointments which the Nation has encountered in attempting to carry out its aircraft program is due to the fact that all these conditions bestride the industry like a colossus. Of course, they have much to say in the granting of contracts to others, because would-be contractors, the owners of independent concerns, can be easily outbid if they decline to submit to the yoke, and when they must submit it is upon terms dictated by the association. The agreement is un-American; it is undemocratic; it is wrong. In my judgment it should be annulled without further delay.

Mr. President, I could refer to some other aspects of this subject; but I think I have said enough to acquaint the Senate and, I trust, the country with the chief features of this most remarkable agreement. The time of the Senate is very precious at present, a number of important measures are upon the calendar which must be considered, and I shall therefore content myself

at this time by asking to have inserted in the RECORD: First, the section of the act of March 4, 1917, which I have read; second, the record of the proceedings of the advisory association forwarded to me by letter from the Secretary dated April 11, 1918; third, the letter of the secretary of state of New York giving the names of the incorporators of the Manufacturers' Aircraft Association; fourth, the opinion of the Attorney General just referred to; and lastly, the agreement itself, dated July 24, 1917.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[Act of Mar. 4, 1917.]

To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, $1,000,000.

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NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
Washington, D. C., April 11, 1918.

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR THOMAS: Replying to your letter of the 10th instant requesting certain information as to the cross license agreement of the Manufacturers' Aircraft Association, dated July 24, 1917, you are advised that Messrs. Fish and Crisp served as members of our subcommittee on patents, which consisted also of Messrs. Walcott, Stratton, Towers, Waldon, and Durand.

Messrs. Fish and Crisp had previously served as attorneys for the Wright and Curtiss companies, respectively, in their suit over the validity of the Wright patent. These men were not appointed on the committee until after the important features of the then proposed agreement had been decided upon, and they were selected to assist in the preparation of the agreement in legal form, partly because of their familiarity with the general subject of aeronautic patents and partly because of their familiarity with the cross license agreement adopted by the National Automobile Chamber of Commerce.

For your further information I am inclosing an extract from the last Annual Report of the Executive Committee of the National Advisory Committee for Aeronautics bearing on the aeronautic patent question (pp. 12 to 25, inclusive).

Very truly, yours,

J. F. VICTORY,
Assistant Secretary.

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[Extract from annual report executive committee National Advisory Committee for Aeronautics, 1917.]

THE AERONAUTIC PATENT QUESTION.

On December 18, 1916, the Wright-Martin Aircraft Corporation, as holders of the original patent No. 821393, issued to the Wright Brothers May 22, 1906, addressed letters to all the aircraft manufacturers, inclosing a form of license agreement for the use of the Wright patent, which they claimed was infringed by their manufacture of aircraft.

The terms of this proposed agreement, as stated by other aircraft manufacturers in letters addressed to the committee, were prohibitory from a business point of view, and also injurious to the development of aircraft and the aircraft industry in the United States.

The chairman reported the correspondence on this subject at the meeting of the executive committee on January 11.

The effect of the proposed action of the Wright Co. was felt by the War and Navy Departments in a pronounced increase in the cost of aircraft. On January 13, 1917, the committee received the following letter from the Acting Secretary of the Navy:

"Mr. DEAR MR. WALCOTT: I desire to bring to the attention of the executive committee of the National Advisory Committee for Aeronautics a serious state of affairs which is being brought about by the uncertainty of the situation as regards aeronautic patents.

"Various combinations are threatening all other airplane and seaplane companies with suits for infringements of patents. The result is a general demoralization of the entire trade. It is difficult to get orders filled because some companies will not expend any more money on their plants for fear that suits brought against them will force them out of business.

"To protect themselves in case they are forced to pay large license fees, the companies have greatly increased the sale prices of their products. As the Army and Navy are the principal purchasers of aircraft in this country they are bearing the brunt of this levy.

"It is thought that the National Advisory Committee for Aeronautics might be able in some way to render great assistance to the Navy by undertaking a study of this question and suggesting some line of action to be taken."

On January 31 the committee received the following letter from the Acting Secretary of War:

"SIR: In connection with the purchase of airplanes for the War Department, it has developed that certain patents which are alleged to be fundamental now appear to render the cost of airplane equipment excessive and, possibly, even to retard the development of the industry in this country.

"This department finds that at present each firm or corporation accepting War Department contracts adds to its bid the extra item of royalty which the firm is required to pay to the owners of the patents. This, among other things, has resulted in what is believed to be excessive prices charged to the Government for airplanes in this country.

"It is believed that this is a subject of such importance as to warrant its immediate consideration by your committee, to the end that a just and equitable solution to all concerned may be reached, which will apply not only to this department, but to all other departments of the Government purchasing airplanes."

In response to a letter requesting his opinion, Mr. Howard E. Coffin, of the Council of National Defense, wrote under date of January 30, 1917:

"I am thoroughly of the opinion that we should take such steps as will open up the Wright patent freely to all manufacturers. It may be wise to use this patent as a rallying point for the industry, but no financial penalty of consequence should be exacted from individual manufacturers. It is only through some such arrangement as will permit the free extension of commercial possibilities of aircraft through civilian channels that we may hope to build up a proper volume of business over a period of years.

"In short, I believe we can and must arrange for a purchase of this patent on the part of the Government at a reasonable figure before we can hope to develop a quantity manufacture of aircraft."

A special meeting of the executive committee was held February 1, at which the chairman presented the complete record of the patent question to date for the action of the committee.

The committee discussed the advisability of recommending legislation to authorize the purchase and condemnation of such patents as may be considered necessary to the manufacture and development of aircraft.

Another special meeting was held on February 3, 1917, at which Messrs. E. F. Hagar and Frederick P. Fish, president and counsel, respectively, of the Wright-Martin Aircraft Corporation, were present on invitation.

The chairman stated that this special meeting had been called to obtain the views of the Wright-Martin Aircraft Corporation in relation to the Wright patent, and, if possible, reach some understanding that would encourage development in the industry.

At this meeting it developed that Mr. Wright has no interest whatever in the Wright-Martin Aircraft Corporation, having been paid a little more than a million dollars in cash for his patent; that this patent was used as a basis for interesting capital in the new company in the belief that it was basic and fundamental.

The Wright representatives stated that they believed the required license fee of $10,000 a year was equitable, and that any manufacturer who could not afford to pay it was not in a position to help in the development of the industry along scientific lines, and that, in other words, the manufacturer with a limited amount of capital invested in his business could not possibly make airplanes successfully in the present advancing state of the art.

They explained the position taken by their company and reviewed the history of its formation. They stated that their basic idea was to develop an aeronautic engine superior to any other in existence, and that to this end they were expending large sums of money in a scientific study of the problems involved, at a total of approximately half a million dollars monthly for all purposes, and were endeavoring to gather into their organization the best available talent.

After three hours' discussion, during which the position of the Government was clearly explained by the committee, the representatives of the Wright company expressed a willingness to cooperate with the Government in any way that would promote the development of the industry, and stated that they desired to clear the industry of fear of patent litigation.

Various suggestions were discussed as to the terms under which this cooperation could be effected.

A special meeting was also held on the following day, Sunday, February 4, 1917, at the residence of the chairman, at which the steps thus far taken were reviewed and discussed.

As a result of careful deliberation, a letter to the President was prepared and transmitted under date of February 5, 1917. With this letter the chairman inclosed copies of the letters of the War and Navy Departments previously referred to; a copy of the letter of the Wright-Martin Aircraft Corporation of December 18, 1916, together with the application for license and form of agreement; and extracts from letters received from six aircraft manufacturers in the United States expressing their views of the situation.

This letter contained a brief review of the situation and a recommendation that legislation be approved in the form of an amendment to either the military or naval bill authorizing the Secretary of War to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as he may consider necessary to the manufacture and development of aircraft in the United States and its dependencies for governmental and civil purposes, under such regulations as the Secretary of War may prescribe.

After approval by the President, the recommendations of the committee were transmitted by the Secretary of the Navy to the chairman of the House Naval Affairs Committee.

On February 20, 1917, letters were addressed to the larger aircraft and engine manufacturers requesting the submission of lists of all patents owned or controlled by them which pertain to aircraft or parts of aircraft.

A meeting of the subcommittee on governmental relations was held on February 24, at which Messrs. Walcott, Stratton, Squier, Marvin, and Coffin were present; also Mr. John P. Tarbox, patent attorney for the Curtiss Aeroplane & Motor Corporation. The purpose of the meeting was to ascertain the number and nature of the aeronautic patents owned or controlled by the Curtiss Co. From the data exhibited by Mr. Tarbox it appeared to the committee that the patent situation in the aeronautic industry was relatively simple as compared with that formerly existing in the automobile industry; that the Curtiss Co. owned a comparatively large number of patents; that the Wright-Martin Aircraft Corporation owned a possibly basic patent; and that there were but very few other scattering patents, none of which was of great importance.

Mr. Tarbox stated that Mr. G. C. Loening, of the Sturtevant Aeroplane Co., has a patent on a bridge-type landing gear, but that it is not of a controlling nature. He stated that he knew of no patents other than those owned by the Curtiss and Wright companies that might be considered basic. He stated that the Curtiss Co. had two controlling patents at present and expected to have a third in the near future. The first one (No. 1203550) covers a hydroaeroplane as regards longitudinal balance; the second patent, known as the "flying boat" patent, covers the relation of the position of the hull step to the center of pressure, the center of gravity, and the center of thrust; and the third patent will cover the single, central, mail float type, with two side floats. He stated that Mr. Curtiss has had no idea of demanding royalties from other manufacturers under existing conditions or of using his patents against competitors; that his purpose in obtaining patents was to fortify and defend himself in any patent litigation that might be started by others.

The naval appropriation act of 1918 contained the following provisions under the appropriation "Aviation":

"To enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States and its dependencies, for governmental and civil purposes, under such regulations as the Secretary of War and the Secretary of the Navy may prescribe, $1,000,000.

"*Provided*, That such arrangements may be made in relation to the purchase of any basic patent connected with the manufacture and development of aircraft in the United States as in the judgment

of the Secretary of War and the Secretary of the Navy will be of the greatest advantage to the Government and to the development of the industry.

"*Provided further*, That in the event there shall be pending in court litigation involving the validity of said patent or patents, bond, with good and approved security in an amount sufficient to indemnify the United States, shall be required, payable to the United States, conditioned to repay to the United States the amount paid for said patent or patents in the event said patent or patents are finally adjudged invalid."

In letters dated March 10, 1917, the attention of the Secretary of War and the Secretary of the Navy was invited to the foregoing provision in the naval act, and the committee stated that it hoped to effect such arrangements for the solution of the patent question without the necessity of purchasing or condemning any patents.

On March 22, 1917, the subcommittee on patents held a meeting, at which a suggested plan for the solution of the patent question was adopted. The committee then called in representatives of the Wright-Martin and Curtiss companies and the Aircraft Manufacturers' Association and submitted for discussion the terms of the suggested agreement, which, it was pointed out, were merely suggestions.

On March 23, 1917, the subcommittee on patents submitted the following report reviewing the steps taken up to date and suggesting a plan for the solution of the patent question:

"On March 2, 1917, Congress appropriated $1,000,000 'to enable the Secretary of War and the Secretary of the Navy to secure by purchase, condemnation, donation, or otherwise such basic patent or patents as they may consider necessary to the manufacture and development of aircraft in the United States for governmental and civil purposes.' This action was taken on account of the general belief that the needed expansion of the aircraft industry, calling for the investment of large sums of money, was being very seriously impeded by threatened lawsuits and the demand for the payment of what was looked upon as excessive royalties under certain important aeronautical patents. One such demand upon the manufacturers called for a royalty of 5 per cent on the price of the complete plane with motor and a minimum annual payment of $10,000 per manufacturer.

"All makers in bidding for Government business were obliged to add to their bids an extra amount representing the royalty they would have to pay under this one patent alone, and the Army and Navy were confronted with many bids in which the contingent royalty amounted to over $1,000 per aeroplane.

"The National Advisory Committee for Aeronautics, in whose hands the problem was placed for recommendation, realized that it would be undesirable to use the fund provided for the purchase of patents until every means had been exhausted to secure a settlement on a reasonable basis between the different parties in interest. It realized that even in our present need it would be unwise to condemn a patent except as a last resort. The National Advisory Committee for Aeronautics is particularly anxious to encourage invention along aeronautical lines instead of discouraging it.

"In reviewing the records of the Army and Navy Departments as to planes purchased during the eight years prior to our recent heavy appropriations for aerial defense, it was brought out that four men in four different factories supplied all of those planes and apparently contributed most in the development and reduction to practice of the aviation art. Those named in the order of their appearance on the records are Wright, Curtiss, Burgess, and Martin. By a strange coincidence, Curtiss and Burgess joined hands and later the Wright and Martin interests came together.

"While there are other aircraft patents, it was found that these two combinations owned and controlled what might be considered the two dominating groups of patents.

"The national advisory committee has therefore been influenced to a slight extent in its consideration of the patent question by the moral obligation that should be added to the patent rights of these two groups. Recognition of the two groups of patents by the later industry and by the Government becomes automatically recognition of practically all of the actual reduction of the art to practice by Wright, Curtiss, Burgess, and Martin.

"Numerous meetings were held in New York, Buffalo, and Washington, in an endeavor to arrive at a basis of settlement that would comprehend all of the patents owned or controlled by each group, that would be a fair recognition of their patent rights, and that would at the same time cement together and strengthen the industry.

"The plan finally agreed upon by the committee and submitted to the two companies for their consideration and early report is framed upon the following basis:

"First. That it is desirable to avoid the delays and expense necessary to adjudicate all of the patents in question.

"Second. That it is not within the province of this committee to attempt to determine the value of one patent against another or the validity of any patent.

"Third. That it is desirable at once to arrive at some fair basis for the recognition of the patents of both parties that will clear up this matter and permit the more rapid expansion of the industry.

"Fourth. That the relative contributions to the establishment of the aircraft industry as between Wright and Martin on the one hand and Curtiss and Burgess on the other hand may be paid to offset each other, and that the recognition of each should be in the same total amount.

"Fifth. That by reason of Curtiss's patents running approximately three times as long as Wright's, the royalty to the Curtiss-Burgess group might be made about one-third of the amount per plane to be allowed to the Wright-Martin group.

"Sixth. That instead of endeavoring to establish a difference as between an airplane, seaplane, or flying boat, the royalty should be spread uniformly upon all three types.

"Seventh. That the royalty should be a flat rate on each plane with or without engine instead of a percentage of cost or selling price.

"Eighth. That royalty should commence upon all planes manufactured and sold after March 2, 1917, and that those manufactured and sold prior to that date be exempted from royalty.

"In submitting this plan, the National Advisory Committee for Aeronautics have not attempted to draw up a finished legally approved agreement, but instead to present its plan in the simplest possible form.

PROPOSED PLAN.

"First. That all airplane manufacturers as members of the Aircraft Manufacturers' Association join in a cross-licensing agreement as of March 2, 1917.

"Second. That this agreement cover all patents now owned or controlled by or which may later be owned or controlled by the Aircraft Manufacturers' Association or any of its members; the terms of the cross-licensing agreement to be in general based upon the similar agreement existing in the National Automobile Chamber of Commerce known as the cross-licensing agreement.

"Third. That each member pay into the treasury of the Aircraft Manufacturers' Association the sum of $200 for each airplane manufactured and sold (with or without engine) by that member, these payments to be made quarterly, and to continue subject to the conditions hereinafter provided.

"Fourth. That the funds thus collected be disposed as follows:

"At each quarterly period for each airplane manufactured and sold during the preceding quarter there shall be paid, $135 to the Wright-Martin Aircraft Corporation, $40 to the Curtiss Aeroplane & Motor Corporation, and $25 to the treasury of the Aircraft Manufacturers' Association, to cover its operating expenses and to create a fund for further development.

"Fifth. Payment to the Wright-Martin Aircraft Corporation shall cease May 22, 1923, and payment to the Curtiss Aeroplane & Motor Corporation shall cease at such time as the total amount paid to them shall equal the amount paid to the Wright-Martin Aircraft Corporation, but in any event shall cease October 30, 1933.

"Sixth. After May 22, 1923, the amount paid per airplane by each manufacturer shall be reduced by the amount of the Wright-Martin royalty, which will have ceased on that date, and shall thereafter be $65 per airplane manufactured and sold during such remaining period as payments of royalty are made to the Curtiss Aeroplane & Motor Corporation, as above provided for.

"Seventh. An airplane as herein mentioned shall be understood to mean any form of heavier-than-air craft using wing surfaces for sustentation, stabilizing surfaces, rudders for steering, and power plant for propulsion through the air, whether operated from land or water."

On the same date copies of the report of the subcommittee on patents were sent to the Secretaries of War and the Navy, the Wright and Curtiss companies, and the Aircraft Manufacturers' Association.

At a meeting of the subcommittee on patents on April 24, 1917, it was recorded as the sense of the meeting that the Aircraft Manufacturers' Association should undertake the negotiations necessary to effecting a cross-licensing agreement, and that this committee is willing at the present time to assist in an advisory capacity only, and the Aircraft Manufacturers' Association was so advised.

After the appointment of Messrs. Crisp and Fish as members of the subcommittee on patents efforts were made to bring these gentlemen together in conference to work out the details of the suggested agreement.

No action having been taken by the Aircraft Manufacturers' Association or the respective interested parties, the executive committee, on June 14, authorized the patents committee to take whatever steps appeared necessary to effect a solution of the question, and recommended that in the matter of royalties to be paid to the Wright and Curtiss companies a reasonable maximum be agreed to, not to exceed $2,000,000 to each company.

At the meeting of the executive committee on June 14, 1917, there were present Messrs. Walcott, Stratton, Durand, Marvin, Squier, Taylor, Towers, Richardson, Foulois, Waldon, Coffin, and others.

After presentation of the report of the patents committee and discussion of the question, on motion duly seconded and carried it was—

"*Resolved*, That the patents committee be authorized to take whatever steps appear necessary to effect a solution of the patent question, and that the executive committee recommend that in the matter of royalties to be paid the Wright and Curtiss companies a reasonable maximum be agreed to, not to exceed $2,000,000 to each company, and further, that the patents committee be instructed to hold a meeting on Monday, June 18, to consider this question to which representatives of the Wright and Curtiss companies and of the Aircraft Manufacturers' Association should be invited."

The subcommittee on patents accordingly held a meeting on June 18, at which representatives of the Wright and Curtiss companies and of the Aircraft Manufacturers' Association were present.

At this meeting the provisions of the plan suggested on March 23, 1917, were taken as the basis for discussion and all phases of the general proposition were canvassed.

The members of the patents committee withdrew for an executive session, at which after deliberation and on motion duly seconded and unanimously carried, the following report was adopted;

"It is recommended that the 'proposed plan' for the solution of the patent situation between the Wright-Martin and Curtiss-Burgess groups, as submitted in the report of the patents committee dated March 23, 1917, be followed out in all essentials with the following exceptions:

"a. It is recommended that the agreement be not made retroactive to March 2, 1917, but be made to take effect July 1, 1917.

"b. That in no case shall there be more than $2,000,000 paid to either the Wright-Martin or the Curtiss-Burgess groups."

The above report was presented to the manufacturers, and it was accepted without reservation by the Curtiss Co., and by the Wright Co., with a reservation as to sublicensing the Hispano-Suiza engine.

The committee discussed the subject of compensation to aircraft manufacturers for the placing by the Government with other manufacturers the plans, specifications, heat treatments, factory methods, etc., of any manufacturer's design of airplane.

After discussion and deliberation, it was recorded as the sense of the meeting that separate agreement from the proposed cross-licensing agreement should be arranged for by the Aircraft Manufacturers' Association covering the use by any one manufacturer of the designs of another manufacturer at the request of the Government.

That the amount of such compensation between manufacturers should be 1 per cent of the price of the airplane, exclusive of engine, to be paid by the manufacturer ordered by the Government to produce an airplane designed and developed by some other manufacturer to the manufacturer who had so designed and developed it.

That in no case should there be paid to any one manufacturer a sum totaling more than $50,000 for the designs, specifications, heat treatments, and other factory methods upon any one type of airplane.

The object of each manufacturer in maintaining a laboratory is to develop designs satisfactory to the Government that will enable him to obtain the maximum capacity of his factory in Government business.

The object of the above plan is to encourage development to the greatest degree and to provide a simple working basis whereby the manufacturer successful in producing a type of airplane so satisfactory to the Government that his own facilities are insufficient to meet the Government's needs will receive compensation in a moderate amount per airplane upon such airplanes as are made under Government order by other manufacturers.

It was further suggested that this same basis be used where developed designs of engine are introduced into other factories than the ones that designed and developed them.

The meeting adjourned with the understanding that Mr. Crisp would prepare a form of agreement after further discussion. The minutes of the meeting were sent to all parties in attendance.

The subcommittee on patents met on July 10 to consider the terms of the draft of proposed cross-license agreement as prepared by Mr. Crisp, after consultation with Mr. Fish and the latter's business partner, Mr. Neavo, and Messrs. Houston, Tarbox, Flint, and Russell.

This meeting was attended by officers and members of the Aircraft Manufacturers' Association and representatives of the Wright and Curtiss companies. Mr. Crisp submitted a draft of the proposed cross-license agreement and explained that the plan as originally proposed by the patents committee had been modified in the following important particulars:

First. All reference to engines and engine accessories was omitted, for the reason that the principal engine patent—Hispano-Suiza—could not be included in the agreement because of restrictions in the special contract between the Wright-Martin Aircraft Corporation and the owners of the patent, and for the further reason that engine patents in common use in this country were not considered basic.

Second. That after $2,000,000 had been paid to the Wright-Martin company the subscribers to the agreement would continue to pay $200 per airplane, and that payments of the balance then due the Curtiss company would be made at the rate of $175 per airplane—this with a view to clearing up the situation as quickly as possible.

Third. That the agreement contemplates additional consideration to a party or parties who may develop hereafter an airplane or engine or any device of special importance capable of use in an airplane, which would also include, first, a new basic type of airplane; second, one which involves a great improvement on the principles existing in the industry; and, third, an airplane radical in its departure from existing types.

The provisions of the proposed agreement were generally discussed.

By resolution of the meeting the chairman appointed a committee of five on requirements for membership in the Aircraft Manufacturers' Association, with instructions to give careful attention to the legal phases of limitation of stock ownership in such a corporation.

The committee, as appointed by the chairman, consisted of Messrs. Crisp (chairman), Harris, Mingle, Russell, and Houston. After an executive session the committee on qualifications for membership submitted the following report, which was adopted:

"A stockholder of this corporation shall be a responsible manufacturer of airplanes, airplane engines or parts, and accessories used in airplanes; a responsible manufacturer who intends to become a bona fide producer of airplanes or airplane engines, parts, or accessories; or a manufacturer to whom the Government has given a contract for the construction of 10 or more complete airplanes or airplane engines; but no stockholder herein shall acquire or own more than one share of the stock of said corporation."

By resolution adopted by a divided vote it was recorded as the sense of the meeting that engines should be included in the terms of the cross-license agreement. This necessitated redrafting the cross-license agreement, and there being no objection, the chairman appointed a special committee for this purpose, consisting of Messrs. Crisp (chairman), Tarbox, Houston, Mingle, and Russell.

The subcommittee on patents held another meeting July 12, 1917, immediately preceding the regular monthly meeting of the executive committee. The chairman reported that at an informal session of the subcommittee on patents on the preceding evening, at which Messrs. Durand, Crisp Waldon, Towers, Tarbox, Houston, and Harris were present, the various features of the proposed cross-license agreement were discussed. Mr. Crisp laid before the committee a draft of the proposed cross-license agreement prepared in accordance with the recommendation of the conference on the preceding evening.

The chairman reported that an attempt to include the cross-licensing of engines under the terms of the cross-license agreement, as recommended by the conference held on July 10, developed many difficulties of a practical nature, especially in regard to the proper payments for the support of the proposed organization as between the engine manufacturers and plane manufacturers. He reported that it had also been suggested at the conference on July 11 that the advantages of cross-licensing of engines might better be realized through necessary modifications in the existing cross-license agreement covering the automobile industry. He reported further that as a result of these considerations members of the committee present at the conference on July 11 took action recommending the omission of engines from the terms of the cross-license agreement and instructed Mr. Crisp and his associates to prepare the final draft of the cross-license agreement in accordance with this recommendation.

After consideration of this recommendation of the conference on July 11 and after further consideration of all factors bearing upon the question the proposed draft of cross-license agreement as submitted by Mr. Crisp was, on motion duly seconded, unanimously approved and recommended to the executive committee for its approval.

At the meeting of the executive committee on July 12 the subcommittee on patents submitted the approved draft of cross-license agreement, which the chairman stated in its general terms and details had already received the informal approval of the aircraft manufacturers, and this he submitted as the report of the subcommittee on patents with a recommendation for its approval by the executive committee.

On motion, duly seconded and carried, it was

"*Resolved*, That the report of the patents committee on the proposed cross-license agreement be approved."

Under date of July 27 the chairman addressed letters to the Secretary of War and the Secretary of the Navy reporting the solution of the patent question and inclosing a copy of the cross-license agreement which had been accepted by the aircraft manufacturers and signed by them as members of a new "Manufacturers' Aircraft Association."

On the same date the chairman addressed a letter to the president of the Manufacturers' Aircraft Association recommending the acceptance of the cross-license agreement by the association and its members and that aircraft manufacturers generally be invited to subscribe to same in the interests of harmony and efficiency and to the end that the industry may be enabled to expand freely in order to meet the demands of the Government for the quantity production of aircraft.

The subcommittee on patents was discharged on August 7, 1917.

THE WORK OF THE SUBCOMMITTEES.

Following is an outline of the general work of the various subcommittees during the past year:

Aerial mail service: The subcommittee on aerial mail service was authorized by the executive committee at the meeting on December 7, 1916, for the purpose of cooperating with the Post Office Department in accordance with the request of the Second Assistant Postmaster General. The committee as originally organized consisted of Messrs. Squier (chairman), Marvin, and Stratton, and on March 30, 1917, Messrs. Clark and Towers were added.

The committee held a meeting on January 9, 1917, at which a representative of the Post Office Department was present. A plan of cooperation was formulated and means of overcoming difficulties confronting the Post Office Department were discussed. The committee advised the Post Office Department that in its opinion it would be impractical at that time to place a contract for aerial mail service, and that therefore the Post Office Department should take the initiative and establish such service within its own organization, and that the first experimental route should be selected with a view to inaugurating the service under as favorable conditions as possible. The committee suggested that the first experimental route should be between Washington and Philadelphia or Washington and New York.

—

STATE OF NEW YORK,
SECRETARY OF STATE'S OFFICE,
Albany, April 12, 1918.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

DEAR SIR: Replying to yours of the 10th instant, you are informed that the following is a list of the incorporators of the Manufacturers' Aircraft Association (Inc.), incorporated July 18, 1917: location, Manhattan; Joseph S. Ames, Baltimore, Md.; W. Benton Crisp, New York City, N. Y.; Albert H. Flint, New York City, N. Y.; George H. Houston, New York City, N. Y.; John P. Tarbox, Buffalo, N. Y.

Respectfully, yours,

FRANCIS M. HUGO,
Secretary of State.

—

DEPARTMENT OF JUSTICE,
Washington, D. C., April 11, 1918.

Hon. C. S. THOMAS,
United States Senate, Washington, D. C.

DEAR SENATOR: Referring to your letter of the 10th instant, there is inclosed herewith a copy of the opinion rendered by the Attorney General on October 6, 1917, to the Secretary of War relative to the legal status of the Manufacturers' Aircraft Association, and involving in particular the question whether the cross-licensing agreement entered into between that corporation and its subscribers is in any way in contravention of the antitrust laws.

Respectfully,

G. CARROLL TODD,
Assistant to the Attorney General
(For the Attorney General).

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OCTOBER 6, 1917.

The honorable the SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your letter of September 17, 1917, in which you ask for my opinion concerning the legal status of the Manufacturers' Aircraft Association, incorporated under the laws of the State of New York, and in particular whether the cross-license agreement entered into between that corporation and its subscribers (stockholders) is in any way in contravention of the antitrust statutes of the United States.

You submitted with your letter a copy of the cross-license agreement and a digest of certain of the minutes of the National Advisory Committe for Aeronautics (hereafter referred to as Advisory Committee) relating to the subject. The other papers and information necessary for determination of the questions involved were not immediately available, but have since been furnished by that committee at various dates from September 19 to 28.

The Manufacturers' Aircraft Association (Inc.) (hereafter referred to as Association (Inc.)), was formed and the cross-license agreement entered into under the following circumstances, as gathered from the data submitted:

The principal patents in the airplane industry were controlled by the Wright-Martin Aircraft Corporation and the Curtiss Aeroplane & Motor Corporation. The former, controlling what it claimed to be a basic patent, was demanding high royalties from all other aircraft manufacturers. The latter, controlling numerous important patents, was likewise making demands for royalties upon the other aircraft manufacturers. The patents controlled by these companies were of such a character as to make it difficult for any aircraft manufacturer to construct any modern approved form of airplane without infringing one or more alleged patents of each of these companies. The result of these patent claims was not only to render the cost of airplanes to the Government excessive, but also to make it difficult for the Government to get its orders filled, because some of the airplane manufacturers, in view of impending patent litigation, were unwilling to make further expenditures upon their plants.

Confronted with this serious crisis, the War Department and the Navy Department requested the Advisory Committee to investigate the situation and to suggest a solution for the unsatisfactory conditions existing in the airplane industry. Acting in accordance with these requests, the Advisory Committee proceeded to make a careful study of the situation, and after several months of investigation and numerous conferences with all interests directly involved recommended the formation of an association of aircraft manufacturers with a form of cross-license agreement.

Pursuant to the recommendation of that committee, the Association (Inc.) was formed and the cross-license agreement now under consideration was entered into.

Practically all of the manufacturers of airplanes have since become stockholders in the Association (Inc.) and parties to the cross-license agreement. The royalties to be paid under the cross-license agreement in respect to the patents of both the Wright-Martin and Curtiss corporations are materially lower than those previously demanded by the Wright-Martin Corporation alone. The arrangement will result in a substantial saving to the Government.

You state in your letter:

"In accordance with the arrangement thus developed, the War Department now desires to proceed with the placing of contracts for airplanes with airplane manufacturers thus organized."

The Federal antitrust laws prohibit every combination and agreement that produces or tends to produce a monopoly in the interstate and foreign commerce of the United States or that is otherwise unduly restrictive of competitive conditions in such commerce. Their fundamental purpose is to prevent undue interference with the free play of competition without prohibiting normal and usual contracts and agreements entered into for the purpose of promoting the legitimate interests of the trader or of the industry in which he is engaged. The questions here involved must be determined in the light of this fundamental purpose of the antitrust laws.

In considering the questions submitted I have examined the cross-license agreement, the articles of incorporation, the by-laws, and the voting-trust agreement of the Association (Inc.), together with other data relating to that association furnished by the advisory committee. I have also examined and considered the criticisms of the arrangement in the "protest of the Aeronautical Society of America against the formation under Government auspices of an aircraft trust."

The cross-license agreement between the Association (Inc.) and such persons (hereinafter called subscribers) as shall become stockholders therein was entered into on July 24, 1917. (Cross-license agreement, p. 1.) The subscribers under that agreement agree:

To grant to each other licenses under all airplane patents of the United States (with unimportant exceptions) now or hereafter owned or controlled by them. (Cross-license agreement, Art. II, p. 2.)

To appoint the Association (Inc.) their agent with full power to grant the nonexclusive licenses provided for in the agreement in the form attached thereto. (Art. III, pp. 3, 15.)

Not to contract for rights under any airplane patents in such a way as to prevent the owner from granting similar rights to other subscribers on the same terms, unless the subscriber at the same time obtains the further privilege of itself granting rights under the patent, which of itself shall have the effect of bringing the rights acquired by the subscriber under the operation of the cross-license agreement. (Art. III, pp. 3–4.)

Not to enter into any agreement in respect to the subscriber's privileges under any airplane patent in such a way as to restrict the operation of the cross-license agreement in respect thereto. (Art. IV, p. 4.)

Not to grant licenses under airplane patents to others than subscribers upon lower terms of royalty than those provided for in the agreement in the case of subscribers. (Art. IV, p. 4.)

To submit claims for compensation in respect to airplane patents or patent rights hereafter acquired to a board of arbitrators, consisting of one member appointed by the board of directors of the Association (Inc.), another by the subscriber making the claim, and a third by the other two, who shall determine the total amount of compensation, if any, to be paid for the same, and the rate of royalty to be paid toward such compensation by any subscriber desiring to take a license under such patent. (Art. V, pp. 4–5.)

To waive all claims as against each other for infringements prior to July 1, 1917 (Art. XIV, p. 13), to make various reports, and to keep various accounts, etc.

To pay to the Association (Inc.) specified amounts upon every airplane manufactured and sold by the subscriber until the expiration of specified patents controlled by the Wright-Martin and Curtiss corporations, or until each of those corporations shall have received the aggregate sum of $2,000,000, and to make other payments of minor importance. (Art. VIII, pp. 8–9.)

The Association (Inc.) agrees:

To accept the appointment as agent of its subscribers for granting and enforcing the license provided for in the agreement, and for enforcing the other obligations of the subscribers under the agreement. (Art. II, p. 3.)

To make specified payments to the Wright-Martin and Curtiss corporations until the expiration of designated patents or until each of those corporations shall have received the aggregate sum of $2,000,000, and to pay to the other subscribers the royalties, if any, to which they are entitled under the cross-license agreement. (Art. IX, pp. 9–10.)

The cross-license agreement, as appears from its principal provisions summarized above, makes available to each subscriber of the Association (Inc.) the patents of all the other subscribers, and thus in this important respect instead of restraining trade facilitates competition among the subscribers of that association.

To thus make the patents of each available to all it was, of course, necessary to provide special compensation for those controlling the more important patents in the industry. This, as appears from the data submitted by the advisory committee, was the reason for the special payments to the Wright-Martin and Curtiss corporations.

The provision requiring these payments to be made to these corporations upon every airplane manufactured and sold by the subscribers at first sight seems objectionable as possibly designed to extend the patent rights of these corporations to objects not covered by their patents.

However, the circumstances which led to the negotiation of the cross-license agreement refute this. The numerous patents controlled by the Wright-Martin and Curtiss corporations made it difficult for a manufacturer to construct an up-to-date airplane without infringing one or more of the alleged patents of each of these corporations.

For this reason the advisory committee deemed it advisable to provide for a fixed payment to be made to these corporations in respect to every airplane manufactured and thus avoid the controversies which would almost inevitably arise if the payments were made dependent upon the delicate question of which and how many of the patents of the Wright-Martin and Curtiss corporations had been used in the manufacture of a particular airplane.

The provision requiring subscribers to submit claims for compensation in respect to patents subsequently acquired by them to a board of arbitrators, and to license each other under such patents at the rates of royalty fixed by that board might possibly be used to secure valuable inventions at unreasonable compensation. But it serves the purpose of keeping the patents of each of the subscribers open to all, and that doubtless was the purpose for which it was adopted. Its possible abuse, therefore, scarcely justifies its condemnation in the absence of such abuse.

Not to go into further detail, the provisions of the cross-license agreement seem to me to be reasonably adapted to secure cooperation among the parties to the agreement in the interchange of their patent privileges without imposing by their necessary effect any undue restriction of competition in violation of the Federal antitrust laws, but rather rendering competition freer by giving every responsible manufacturer of aircraft access to all the inventions in that field.

The by-laws of the Association (Inc.) authorize any responsible manufacturer or prospective manufacturer of airplanes, or any manufacturer to whom the United States has given a contract for the construction of 10 or more airplanes, or any owner of United States patents relating to the same, to become a party to the cross-license agreement upon subscribing for a share of the stock of that association and signing the voting-trust agreement provided for in the by-laws.

The certificate of incorporation of the Association (Inc.) limits the stock of that association to 100 shares of no nominal or par value, and authorizes it to issue and sell the same from time to time at their fair market value. The subscription value of this stock has since been fixed by the Association (Inc.) at $1,000 per share. The Association (Inc.) under its certificate of incorporation enjoys broad powers not material to the validity of the arrangement here under consideration.

The limitation of the number of shares of capital stock to 100, taken in connection with other provisions of the by-laws and cross-license agreement, has the effect of limiting the number of aircraft manufacturers who may become parties to the cross-license agreement to 100. In the expansion of the industry this limitation may prove objectionable, but the advisory committee informs me that that number is far beyond the probable number of such manufacturers in the near future.

The voting-trust agreement, in effect, gives the management of the Association (Inc.) for a period of five years to three voting trustees, to wit, a representative of the Wright-Martin and Curtiss Corporations, a representative of the smaller manufacturers, and a member of the advisory committee.

The most questionable provision in the entire arrangement is that requiring the aircraft manufacturers who become stockholders in the Association (Inc.) and parties to the cross-license agreement to sign the voting-trust agreement. This provision, however, in view of the circumstances noted below, does not, in my opinion, constitute a restraint of trade in violation of the Federal antitrust laws.

The primary functions of the Association (Inc.), so far as material to the arrangement here under consideration, are to act as an agent for the parties to the cross-license agreement in executing prescribed licenses, collecting and distributing royalties, and appointing through its board of directors one of the arbitrators to pass upon the value of patents acquired subsequent to the execution of the cross-license agreement.

Under the arrangement the interests of the Wright-Martin and Curtiss Corporations, as owners of the principal patents and entitled to the bulk of the royalties provided for in the agreement, are somewhat antagonistic to the interests of the smaller manufacturers who have to pay these royalties. If all the manufacturers had been given equal voice in the Association (Inc.), the smaller manufacturers together would have been enabled to control the Association (Inc.), to wit, the agent of the parties on whose responsibility and vigilance the Wright-Martin and Curtiss Corporations are so vitally interested. This conflict of interests accounts for the adoption of the voting-trust agreement under which the Wright-Martin and Curtiss Corporations named one trustee, the smaller manufacturers another trustee, and a party not favorable to either interest, namely, a member of the Advisory Committee, was elected for the third trustee.

Not to go into further detail, it suffices to say that upon the data submitted to me I am of the opinion that the Association (Inc.), as now constituted, and the cross-license agreement under which it is now operated, are not in contravention of the antitrust laws of the United States.

Respectfully,

T. W. GREGORY,
Attorney General.

[Manufacturers Aircraft Association (Inc.). License and cross-license agreement. Dated July 24, 1917.]

LICENSE.

License, granted this —— day of ——, 1917, by the (hereinafter called the licensor), to —— —— (hereinafter called the licensee).

Whereas the licensor and certain other stockholders of the Manufacturers' Aircraft Association, Inc. (hereinafter called "subscribers") heretofore, entered into a certain agreement dated July 24, 1917, entitled "Cross-license agreement" (a copy of which is hereto annexed), wherein and whereby the licensor agreed to grant certain licenses to the other "subscribers"; and

Whereas the said agreement also authorized and empowered the Manufacturers' Aircraft Association, Inc., as the agent and attorney in fact of the licensor, to make, execute and deliver such licenses in the name of the licensor; and it is desired to execute the powers therein granted;

Now, this license witnesseth:

That for and in consideration of the premises and other good and valuable considerations moving between the parties hereto, it is covenanted and agreed as follows:

1. The licensor does hereby give and grant unto the said licensee the unrestricted but nonexclusive license to make, use, and sell airplanes—under all airplane patents of the United States now or hereafter owned or controlled by it, or by any firm, corporation, or association owned or controlled by it, or under which it or any such firm, corporation, or association have or shall have the right to grant licenses—in and throughout the United States, its territories and dependencies for use therein or abroad, except that no rights, express or implied, are hereby granted under any foreign patents, nor shall the licenses herein provided for apply to or include the use of said patents in their application to other than airplanes, and except further that no licenses are hereby granted under the Dunne patents, No. 975,403, issued November 15, 1910, and No. 1,003,721, issued September 19, 1911, the rights under which are held by the Burgess Co.

The patents, the patents to issue on inventions, and the agreements with reference to which the licensor has a right to grant licenses at the present time, and which are intended to be included in this license are set forth in schedule "A" hereto annexed.

2. This license shall run to the full end of the term of the letters patent under which the license is or is to be granted, and shall be personal, indivisible, nonassignable, and irrevocable, except for the causes and in the manner set forth in the "Cross-license agreement" hereinbefore referred to.

3. This license is made subject to all the terms, conditions, covenants, and agreements contained in said "Cross-license agreement," which is made a part hereof with the same force and effect as if herein set forth at large.

In witness whereof, the parties hereto have caused this instrument to be executed as of the day and year first above written.

——, ——,
By MANUFACTURERS' AIRCRAFT ASSOCIATION (INC.),

Attest:

——, *President.*

——, *Secretary.*
As Agent and Attorney in Fact of the Licensor.

Attest:

——,

——, *President.*

——, *Secretary.*

——, *Licensee.*

Schedule A.

I. PATENTS AND INVENTIONS.

Patents No.	Issue date.	Title of invention.

II. PATENT APPLICATIONS.

Serial No.	Filing date.	Other data.

III. PATENT RIGHTS, LICENSES, ETC.

Nature of right.	Inventions.	Date of agreement.

CROSS-LICENSE AGREEMENT.

This agreement, made this 24th day of July, 1917, between the Manufacturers' Aircraft Association (Inc.), a New York corporation (hereinafter called the "company"), party of the first part, and each person, firm, or corporation (hereinafter called the "subscriber" or "subscribers") as shall become stockholders of the said company in the manner and under the conditions provided in the by-laws thereof (which for the purpose of this agreement are made a part hereof), and become parties to this agreement, parties of the second part:

Whereas the parties hereto are interested in the manufacture, sale, and use of airplanes, as hereinafter defined, and desire to promote and develop the industry in which they are engaged, and to encourage and advance the art applicable thereto; and

Whereas the said development and advancement in the past have not been capable of as complete accomplishment as is desirable, because of the existence of certain United States patents claimed to be basic in their nature, upon which suits have been brought, or threatened, for alleged infringement and for the collection of royalties and damages in connection therewith; and

Whereas it is desired to prevent and avoid such litigations or threatened litigations in the future and to give to all of the subscribers the right to manufacture, sell, and use airplanes embodying the inventions of each of the subscribers and to that end it is desired that licenses be granted as herein expressed: Now, this agreement witnesseth:

That for and in consideration of the premises, the covenants and conditions herein contained, and for other good and valuable considerations moving between the company and each of the subscribers hereto, and between the subscribers themselves, it is covenanted and agreed as follows:

I. DEFINITIONS.

The word "airplane," as used in this agreement, shall be understood to mean any form of heavier-than-air craft using wing surfaces for sustaining it, and to include propelling means, propellers, propeller hubs, radiators, and all parts and accessories used or useful in the airplane, except the engine and its accessories.

The words "airplane patent," as used in this agreement, shall be understood to mean any patent covering inventions for or capable of use in or in connection with airplanes, including propellers, propeller hubs, radiators, and all parts of airplanes and accessories used or useful in the airplane, except the engine and its accessories.

II. LICENSES AND POWERS GRANTED.

The "subscribers" grant, agree to grant, and cause to be granted to each other, licenses to make, use, and sell airplanes, under all airplane patents of the United States now or hereafter owned or controlled by them or any of them, or by any firm, corporation, or association owned or controlled by them, or under which they, or any of them, or any such firm, corporation, or association, have or shall have the right to grant licenses, in and throughout the United States, its territories and dependencies, for use therein or abroad, except that no rights, express or implied, are hereby granted under any foreign patents, nor shall said rights or the licenses, herein provided for, apply to or include the use of said patents in their application to other than airplanes, and except, further, that no licenses are hereby granted under the Dunne patents No. 975403 issued November 15, 1910, and No. 1003721 issued September 19, 1911, rights under which are held by the Burgess Co.

All licenses provided for herein shall run to the full end of the term of the letters patent under which the license is or is to be granted, and shall be personal, indivisible, nonassignable, and irrevocable, except for the causes and in the manner hereinafter stated.

The "subscribers" hereby designate, constitute, and appoint the "company" (and the "company" hereby accepts the appointment) as their true, sufficient, and lawful agent and attorney in fact, for them and in their respective names, to make and execute licenses in writing in the form hereto annexed and to deliver the same to those of the "subscribers" who at the time are stockholders of the "company" not in default hereunder and who shall have executed an agreement in writing of like tenor to this, and to enforce said licenses and any and all other obligations (including the obligation to make payments) of the "subscribers" under this agreement; and the "subscribers" hereby give and grant unto said "company" as full, complete, and ample power and authority in the premises as the "subscribers" themselves now have and possess.

All licenses provided for herein, when made, executed, and delivered in accordance with the provisions hereof, shall have the same force and effect as if they had been executed and delivered by the "subscribers" themselves.

III. COVENANTS OF FURTHER ASSURANCE.

(a) Each "subscriber," now or hereafter, having rights under any United States airplane patent or invention of such character that it has legal right and power to procure the grant of rights thereunder to others, but is not itself empowered to grant such rights, covenants to procure the execution of such further instrument as may be necessary to empower the "company" to grant rights under such patent or with reference to such invention to the extent and in the manner herein provided.

(b) Each "subscriber" covenants that it will not contract for or obtain any rights under any such patent or invention in such manner that its owner would be prevented from granting to other "subscribers" hereto similar rights on the same terms, unless the "subscriber" obtains at the same time the further privilege to grant rights under said patent or said invention, whereby the same may and will be brought under the operation of the instrument.

IV. COVENANTS AGAINST OTHER LICENSES.

Each "subscriber" covenants that it has not heretofore entered and will not hereafter enter into any contract or arrangement whereby its privileges under United States airplane patents, issued or to be issued, inventions, and rights owned or controlled by it have been or shall be diminished or surrendered so as to exclude or restrict the operation of this instrument in respect thereto. Each "subscriber" further covenants that it will not grant licenses under any such patents for use in airplanes with reference to which it is receiving royalties hereunder to any other person, firm, or corporation on more favorable or lower terms of royalty than those herein provided or which may become more favorable or lower during the term of such license.

V. AFTER ACQUIRED PATENTS.

When a "subscriber" shall hereafter acquire a United States airplane patent, or any right thereunder, he shall be entitled to compensation for the use thereof if the patent or patent right covers an invention which secures the performance of a function not before known to the art or constitutes an adaptation for the first time to commercial use of an invention known to the industry to be desirable of use but not used because of lack of adaptation, or is otherwise of striking character or constitutes a radical departure from previous practice, or if either the price paid therefor or the amount expended in developing the same is such as to justify such compensation, provided that at the time said patent or patent right is reported to the "company," as required in subdivision (b) of Paragraph VII, the "subscriber" claims such compensation and states the grounds on which such claim is based. Such report and claim shall be submitted to a board of arbitration to be selected in the manner provided for in Paragraph XIII hereof, which board shall determine whether such compensation shall be paid, and if so, the total amount thereof and the rate of royalty or other payments which shall be paid (toward such compensation) by any "subscriber" desiring and taking a license under said patent, and shall also fix the time or times when said royalties or other amounts shall be paid.

VI. SPECIAL MODELS.

If any "subscriber" shall have developed the design and manufacture of any special model of airplane or airplane engine or other device used in an airplane (except the airplanes manufactured by the Burgess Co. under the Dunne patents hereinbefore mentioned and the Hispano-Suiza aeronautical engine manufactured by the Wright-Martin Aircraft Corporation or its subsidiaries), which the United States Government may at any time desire to have manufactured in the factory of any other "subscriber" or in the factory of any manufacturer not a "subscriber" hereto, the said "subscriber" agrees that it will furnish to the other "subscriber" or said other manufacturer such complete specifications, drawings, and other production data as may be required for use in the manufacture of such special model, provided that and upon condition that the "subscriber" or other manufacturer in whose factory the work is placed by the United States Government shall agree with said Government and with the "subscriber" owning said specifications, etc., to pay and shall pay into the treasury of the "company" 1 per cent upon the contract price paid by the Government for each airplane or airplane engine or other device manufactured for it in accordance with said specifications, etc.

If the manufacture of such special model is conducted by one not a "subscriber," such manufacturer shall also agree to pay into the treasury of the "company" such royalty as a "subscriber" would have been obliged to pay had it made and sold the airplane, engine, or other device, including the amount specified in subdivisions (a) and (b) of Paragraph VIII hereof, if an airplane, with or without engine, is the thing manufactured for and sold to the Government.

VII. REPORTS TO THE "COMPANY."

The following reports in writing shall be rendered to the "company" by each "subscriber" at the time or times hereinafter set forth:

(a) At the time of the execution of this agreement each "subscriber" shall report all United States airplane patents and inventions, together with serial numbers and filing dates of all pending applications for such patents, and all rights under such patents and inventions then owned or controlled by it, but no omission from such report shall exclude the patent, application, or right so omitted from the operation of this agreement.

(b) Within 30 days after the acquisition by any "subscriber" of any United States patent (other than patents to be issued upon inventions now owned by it) or right within the scope of this agreement each such "subscriber" shall report such acquisition, together with all the facts known to it as to such patent or right and its manner of acquisition. If such "subscriber" claims that additional compensation should be paid to it for licenses under such patent or right, it shall so claim in its report.

(c) On the 10th day of January, April, July, and October in each year each "subscriber" shall report the number of airplanes (with or without engine) sold and delivered by it, together with the names of the purchasers and the dates of delivery, or put into use for other than experimental or development purposes, or shipped out of the United States, during the three preceding calendar months.

(d) On the 10th day of January, April, July, and October in each year each "subscriber" shall report the number of airplanes, airplane engines, or other devices for use in airplanes which it has sold and delivered during the preceding three calendar months made from specifications, drawings, and other production data obtained from any other "subscriber," as provided in Paragraph VI hereof, together with the sales price and the dates of delivery; and there shall be included in the same report a copy of any agreement which the "subscriber" shall have made with another manufacturer as provided in said paragraph.

(e) Each license to other than "subscribers," as provided in Paragraph IV hereof, shall be reported within 30 days after its delivery.

The first of each of the reports specified in subdivisions (c) and (d) hereof shall be made by each "subscriber" on the 10th day of January, April, July, or October first occurring after it has become a "subscriber" hereto, and shall cover the period from July 1, 1917, to the first day of the month in which the report is due.

Each of the "subscribers" hereto shall keep separate books of account showing all business done under or subject to the operation of this agreement. The "company" may at any time have a New York certified public accountant, to be designated by it, audit such books of account of the "subscribers," together with such other accounts as the accountant may deem necessary, in order to verify or correct the reports herein provided for, and the "company" shall have such audit made when any "subscriber" so demands. Such audit, however, shall be limited to ascertaining whether the reports herein provided for are properly made and to correcting the same, if necessity for correction shall appear. No information obtained from any such audit shall be reported by the Accountant or given to any of the parties hereto except as it directly applies to the reports required by this agreement.

VIII. PAYMENTS TO THE "COMPANY."

Each "subscriber" agrees to pay into the treasury of the "company" on the 10th days of January, April, July, and October in each year the following sums of money, to wit:

(a) On each airplane, with or without engine, required to be reported as provided in subdivision (c) of Paragraph VII hereof, the sum of $200 until such time as the Wright-Martin Aircraft Corporation and the Curtiss Aeroplane & Motor Corporation shall have been paid the aggregate sums provided for in subdivisions (a) and (b) of Paragraph IX hereof.

(b) On each airplane, with or without engine, required to be reported as provided for in subdivision (c) of Paragraph VII hereof, such sum, not to exceed $25, as the board of directors of the "company" may from time to time fix and determine as payable after the above-mentioned aggregate sums shall have been paid to the Wright-Martin Aircraft Corporation and the Curtiss Aeroplane & Motor Corporation.

(c) Such amount or amounts as the board of arbitration may specify as special compensation for after-acquired patents as provided in Paragraph V hereof, and required to be reported in subdivision (c) of Paragraph VII.

(d) Such amount or amounts as may be payable with reference to the use of specifications, drawings, and data as provided in Paragraph VI hereof, including the royalty payments therein provided for, but all 1 per cent payments on account of the use of such specifications, drawings, and data covering any one model shall cease when the total paid by all users shall aggregate $50,000.

(e) All royalties received under licenses referred to in subdivision (e) of Paragraph VII.

Each "subscriber" who shall become a party hereto after the 1st day of July, 1917, shall on the 10th days of January, April, July, or October next occurring pay to the "company" those amounts which it would have been obliged to pay in accordance with the foregoing if it had been a "subscriber" on July 1, 1917.

Moneys paid into the treasury of the "company" pursuant to any provisions hereof shall not be or constitute or be deemed to be or constitute the assets, property, or profits of said "company," but shall be received and disbursed by it as the agent and attorney in fact of the "subscribers" in the manner and for the purposes herein mentioned.

IX. PAYMENTS BY THE "COMPANY."

Out of the moneys paid into the treasury of the "company" pursuant to the provisions hereof the following payments shall be made by the company on the 20th days of January, April, July, and October in each year, to wit:

(a) To the Wright-Martin Aircraft Corporation $135 on each airplane, with or without engine, with reference to which payments shall have been made in accordance with subdivisions (a) and (c) of Paragraph VIII hereof, during the preceding three calendar months, until United States patent No. 821393, issued May 22, 1906, shall have expired, or until the aggregate sum of $2,000,000 shall have been paid to the said Wright-Martin Airplane Corporation, when all payments to it hereunder shall cease, except as hereinafter provided.

(b) To the Curtiss Aeroplane & Motor Corporation $40 on each airplane, with or without engine, with reference to which payments shall have been made in accordance with subdivisions (a) and (c) of Paragraph VIII hereof, during the preceding three calendar months, until such time as the Wright-Martin Aircraft Corporation shall have been paid in full as provided for in subdivision (a) of this paragraph, after which there shall be paid to the Curtiss Aeroplane & Motor Corporation at the times herein mentioned the sum of $175 on each of said airplanes until the aggregate sum of $2,000,000 shall have been paid to it or until United States patent No. 1203550, issued October 31, 1916, shall have expired, when all payments to it hereunder shall cease, except as hereinafter provided.

(c) To each of the "subscribers" entitled thereto such amounts as may have been paid to the "company" with relation to the use of after acquired patents in accordance with subdivisions (c) and (e) of Paragraph VIII hereof.

(d) To each of the "subscribers" entitled thereto such amounts as may have been paid to the "company" on account of the use of specifications, drawings, and data, as provided in Paragraph VI and in subdivision (d) of Paragraph VIII hereof, but any royalty payment received from outside manufacturers shall be distributed as though received from "subscribers."

(e) To any "subscriber" who shall have granted licenses to others than "subscribers," as provided in Paragraph IV, the royalties received under such licenses which are not required for payments provided for in subdivisions (a), (b), and (c) of this paragraph.

Out of the balance of said moneys paid into the treasury of the "company" under this agreement, the "company" may retain and use sufficient to cover its operating expenses and to create such fund as, in the judgment of the board of directors of said "company," shall be necessary and proper for the further development of the airplane art and industry and the purchase of patents and rights for the benefit of the "subscribers" hereto.

If, after making the payments and reservation herein provided for, any surplus or balance remains out of the funds so paid into the treasury of the "company," the same shall be distributed by the "company" from time to time among those "subscribers" who have contributed to said moneys in proportion to their respective contributions under subdivisions (a) and (b) of Paragraph VIII other than those required for payments under subdivisions (a) and (b) of this Paragraph IX.

X. BREACH OF AGREEMENT.

In the event that any "subscriber" is claimed by the "company," or any other "subscriber" to be in default in the performance of any of its obligations hereunder, and such claimed default continues after 30 days' notice in writing, by the "company" or any "subscriber" hereto, to the "subscriber" claimed to be in default, then the board of arbitration, hereinafter provided for, shall determine whether there has been such specified default, and if such default is found to exist shall fix the time within which it must be repaired, and shall assess such damages and impose upon the "subscriber" in default such other requirements (including the forfeiture of its stock and license) as may seem to the said board of arbitration to be proper under the circumstances. Each "subscriber" covenants and agrees that it will pay such damages and comply with such requirements as may be specified by the said board of arbitration.

Nothing contained in this paragraph shall deprive the "company" of the power to make, execute, and deliver licenses under the patents or patent rights owned and controlled by any defaulting "subscriber" or to which the "subscriber" may be entitled at the time he ceases to be a stockholder or "subscriber," nor deprive other than defaulting "subscribers" of any right which they may have received to the use of the said patents or patent rights.

XI. WITHDRAWAL FROM AGREEMENT.

Any "subscriber" may withdraw from this agreement at any time after 10 years from the date hereof on giving to the "company" written notice of its election so to do and on fulfilling all of its obligations up to the date of such withdrawal. But no withdrawal shall relieve the other parties and other "subscribers" from their obligations to each other hereunder, nor deprive them of their rights acquired under the patents and patent rights owned or controlled by the withdrawing "subscriber" at the time of withdrawal, all of said patents and patent rights remaining under this agreement, but such withdrawing "subscriber" shall cease to have any rights under the patents of the other "subscribers" hereto, or any other right under this agreement, from and after such withdrawal.

XII. REPURCHASE OF STOCK.

In the event of the death of any person who is a stockholder in the "company," or in the event of the dissolution of any corporation or firm which is a stockholder therein, or in the event of the bankruptcy or insolvency of any such stockholders, or in the event of withdrawal under Paragraph XI hereof, the "company" shall have the right to purchase for the benefit of the other "subscribers" the stock held by such person, firm, or corporation at a sum not to exceed the distributive share or shares of such stockholder in the funds held by the "company," and the license or licenses issued to such stockholder shall be surrendered to the "company" and canceled.

XIII. ARBITRATION OF CLAIMS AND DISPUTES.

In case of any dispute or controversy between the "subscribers" hereto, or between the "subscribers" and the "company," or in case of a claim by a "subscriber" for special compensation for licenses under patents or rights hereafter acquired by it, or in case of breach of this agreement, the said dispute, controversy, claim, or breach shall, within 30 days after a "subscriber" or "subscribers" shall have given notice to the "company" or the "company" shall have given notice to the "subscribers" thereof, be referred to a board of disinterested arbitrators consisting of three persons for determination.

In the case of a claim for special compensation, one member of such board of arbitration shall be appointed by the board of directors of the "company," another by the "subscriber" making the claim, and the third by the other two arbitrators.

In the case of any dispute between the "company" and a "subscriber" or "subscribers," one member of the board of arbitration shall be appointed by the board of directors of the "company," another by the "subscriber" (or if more than one "subscriber" is involved in the same dispute, then by a majority of those so involved), and the third by the other two arbitrators.

In case of a breach of this agreement asserted by the "company" or a "subscriber" against another "subscriber," one member of the board of arbitration shall be appointed by the board of directors of the "company," another by the "subscriber" against whom the assertion of breach is made, and the third by the other two arbitrators.

If either the board of directors or the "subscribers" fail to appoint a member of the board of arbitration within the time specified, the other party or parties may appoint such member or fill such vacancy.

The decision of a majority of the members of said board upon all matters submitted to them for adjudication shall be final and binding upon all the parties hereto.

XIV. RELEASES TO "SUBSCRIBERS."

The "subscribers" hereby waive and release any and all claims which they or any of them may have had against each other for damages and profits on account of any infringement, or alleged infringement, prior to July 1, 1917, of any patent included within this instrument in the manufacture, sale, or use of airplanes.

XV. BINDING UPON PARTIES, CONTROLLED COMPANIES, LEGAL REPRESENTATIVES, ETC.

This agreement is binding upon the parties hereto and their several successors, legal representatives, and assigns, but shall insure to the benefit of only their several successors in business. Each "subscriber" agrees that all persons, firms, and corporations now or hereafter controlled by it, and engaged in the manufacture of airplanes, or owning or controlling United States airplane patents, shall be caused to execute this agreement.

XVI. EXECUTION OF AGREEMENT.

This agreement may be executed by the "subscribers" in any number of counterparts, but when so executed shall constitute but one and the same agreement, and shall be as binding and of the same force and effect as if all the "subscribers" had executed but one and the same instrument and as if all executions had been at the same time.

In witness whereof, the parties hereto have executed this instrument as of the day and year first above written.

MANUFACTURERS' AIRCRAFT ASSOCIATION (INC.),

Attest: By _____ _____, *President.*
_____ _____, *Secretary.*
_____ _____

Attest:
_____ _____
_____ _____

Mr. HITCHCOCK. Mr. President, I did not hear all the Senator said. I did not understand fully what the Senator said concerning the part played in the enactment of this agreement by attorneys representing the two beneficiaries, the Curtiss Co. and the Wright-Martin Co.

Mr. THOMAS. If my information is correct, the attorney for the Wright-Martin Co. and the attorney for the Curtiss Co. were members of the subcommittee which after conferences with the advisory board, one of whom drew the contract to which my remarks were directed.

Mr. HITCHCOCK. Members of the subcommittee of the advisory board?

Mr. THOMAS. No; members of the subcommittee on which, I think, there was some representative of the advisory board.

Mr. HITCHCOCK. Can the Senator put into the RECORD the names of the individuals who were really responsible for the agreement?

Mr. THOMAS. I think the records which I have introduced do so.

Mr. HITCHCOCK. I was correct in assuming that the two great beneficiaries of the agreement are the Curtiss Co., which received $2,000,000, and the Wright-Martin Co., which received $2,000,000, but I did not have clearly in my own mind the degree to which their representatives participated in advising the Government to make the agreement.

Mr. THOMAS. These companies are the principal beneficiaries of the agreement, although the monetary compensation has since been cut in half, so that each is to receive $1,000,000. But the tremendous value to them of this agreement is that their patents are made fundamental, and, of course, long before either of them expires this Manufacturers' Aircraft Association, which in my judgment is but another name for these two companies, will have acquired through the operation of their cross-licenses practically all the other inventions relating to aircraft.

Mr. HITCHCOCK. I can see how the two attorneys for these corporations participated in that agreement, but can the Senator state, so as to make it clear, who else participated and who represented the Government and the public interest which bound the United States in such an agreement?

Mr. THOMAS. Mr. President, if the record to which I referred does not contain the names of all these gentlemen, I will procure that information at once. Before passing the document over to the reporter I will reexamine it and ascertain whether it contains a list of the committee preparing the contract.

ORDER OF BUSINESS.

Mr. POMERENE. I ask unanimous consent to proceed to the consideration of the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes.

Mr. SHIELDS. Mr. President, I shall be obliged to object, as the Senate has agreed to consider another bill by unanimous consent.

Mr. POMERENE. What bill is that?

Mr. SHIELDS. The passport bill, regulating entry into and departure from the United States.

Mr. POMERENE. I had stepped out for a moment and was not aware of that fact. I was in hopes that I would be in the lead of the Senator from Tennessee. I withdraw the request under the circumstances.

LEGISLATIVE, ETC., APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN. I submit the conference report on the legislative, executive, and judicial appropriation bill, and ask that it be read and considered at this time.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 19, 20, 23, 45, 47, 48, 56, 57, 59, 74, 75, 78, and 88.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 42, 43, 44, 49, 50, 51, 52, 53, 54, 55, 61, 62, 63, 64, 66, 67, 68, 69, 71, 72, 73, 76, 77, 79, 80, 81, 82, 85, 86, 87, and 89, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "assistant clerk, $1,400; assistant clerk during the period of the war, $1,440"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "exchange, care, and maintenance of motor-propelled delivery vehicle"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 5 of the matter inserted by said amendment strike out "$11,075" and insert in lieu thereof "$10,850"; and in the same line strike out "$2,075" and insert in lieu thereof "$1,850"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: On page 110 of the bill, in line 3, strike out "$3,000" and insert in lieu thereof "$3,750"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: On page 120 of the bill, in line 16, strike out "$1,575,790" and insert in lieu thereof "$1,682,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$3,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$144,720"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 38 and 90.

THOMAS S. MARTIN,
O. W. UNDERWOOD,
F. E. WARREN,
REED SMOOT,
Managers on the part of the Senate.

JOSEPH W. BYRNS,
JOHN M. EVANS,
WILLIAM H. STAFFORD,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN. As this is only a partial agreement and there still remain two amendments upon which the conferees have been unable to agree, I move that the Senate further insist upon its amendments still in disagreement.

Mr. GALLINGER. Mr. President, will the Senator from Virginia kindly state, in a few words, what the amendments are?

Mr. MARTIN. They are the amendments abolishing the Subtreasuries and with reference to the increase of salaries of clerks, including the Borland amendment.

Mr. GALLINGER. Very well.

Mr. MARTIN. We thought we did not have a right to recede on those matters, and the House conferees would not come to the position of the Senate, so the amendments remain in disagree-

ment. I move that the Senate further insist upon the amendments still in dispute.

The PRESIDING OFFICER. Does the Senator from Virginia include in his motion a request for a further conference?

Mr. MARTIN. It is possible that the House might have a vote on the matter and agree with us on those amendments; so I thought I would forego making that motion until the matter came back from the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia, that the Senate further insist on its amendments in dispute.

The motion was agreed to.

ENTRY INTO AND DEPARTURE FROM THE UNITED STATES.

The Senate, as in committee of the whole, resumed the consideration of the bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety.

Mr. KING. Mr. President, I offer the amendment which I send to the desk to the pending bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. It is proposed to amend section 2 of the bill by inserting after the word "President," in line 13, the words "and subject to such limitations and exceptions as the President may authorize and prescribe," so that section 2, if amended, will read as follows:

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or to attempt to depart from or enter the United States unless he bears a valid passport.

Mr. SHIELDS. I have no objection to that amendment. On the contrary, I think it a proper one, and I really favored it in the committee when the bill was being considered.

Mr. TOWNSEND. Mr. President, I think I realize the necessity for some such legislation as is proposed by the Senator from Tennessee [Mr. SHIELDS]. I can see also the great harm which may come to the people of both the United States and Canada unless the rules and regulations provided for in this amendment are so framed as to obviate the apparent difficulties which will be met. If I had been satisfied and the country had been satisfied with many of the regulations which have heretofore been made by the administration, which has been vested with discretionary power, I should look with less apprehension upon granting this power to the Executive. Yet, I repeat, that I see the necessity of the legislation. I have given it some thought, and I know of no way to clearly obviate the possible danger unless it be by making an exception in terms as to those countries which are allies of the United States in this struggle, and I can appreciate the difficulties attaching to such action.

I am informed by the State Department that such an exception carried in the statute would be a source of embarrassment and might involve our international relations with other countries which would be perhaps as serious as the difficulty which we are seeking to overcome. Regretting as I do that it is necessary to enact any such legislation, which may be abused and which we may have cause to regret if it shall be abused, nevertheless I feel that I can not consistently oppose the measure.

Mr. KING. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. Yes.

Mr. KING. I can assure the Senator that the State Department and the Labor Department have been cooperating with Canada, with Great Britain, and with our other allies, and mutually reciprocal arrangements have been entered into which possess more or less the form of regulations that are entirely satisfactory. I have had a number of conferences with representatives of the Labor Department having to do with the immigration and with the passport divisions of the State Department, and they stated that there are no difficulties whatever, particularly with Canada, and that there is no plan, if this bill shall be enacted into law, to disturb the relations that now exist between the United States and Canada; that there will be the same free intercourse between the people of the respective countries after this bill has been enacted into law as exists to-day under mutual arrangements which perhaps do not have the force of law.

Mr. TOWNSEND. I am going to assume that that is true; yet I have the thought that, while the department dislikes to have Congress in terms except from the provisions of the law our relations with Canada, still that same condition will be encountered when the administration comes to frame the regulations, for if we are to have one regulation in relation to Canada and a different regulation in reference to Mexico, the same discrimination will be shown that would be practiced if we in terms except Canada from the operation of the law.

However, I myself do not know how to obviate the difficulty, and I do realize the necessity for the passage of some such legislation. I am therefore going to trust, as I have been obliged heretofore to trust, discretionary power in the Executive to deal with a situation which may become most serious if it is not properly handled. I hope that the man who prepares the regulations will be familiar with the great fact that the boundary between Canada and the United States is an imaginary line across which passes daily and hourly thousands of people in pursuance of the friendly necessary traffic of two great English-speaking nations, the unnecessary interruption of which would be most unfortunate.

Mr. JONES of Washington. Mr. President, my position is very much the same as that of the Senator from Michigan [Mr. TOWNSEND]. I think this proposed law ought to be confined to the present emergency and to the present war. If that were so, I could myself see no impropriety in distinctly excepting Canada in this proposed act. Our relations with Canada are different from what they are with Mexico. Mexico is a neutral, while we are fighting in association with Canada. If we accord to Canada treatment which we do not accord to Mexico, I do not see how Mexico can complain so long as we treat her the same as we treat every other neutral nation. Canada is not a neutral; she is, in a sense, our ally; she is fighting with us; her soldiers are on the same battle line as are ours. I therefore should like to see Canada excepted within the terms of this proposed act.

As the Senator from Michigan said, I can not see where there would be more embarrassment in our excepting Canada in the law than there will be if the State Department excepts it in their regulations, because they will have to do it or else they will disturb the relations between this country and Canada. They will have to make an exception in some way; they can not keep that exception under a bushel; it will have to be known. It will have to be known to the people of Canada and to the people of this country, and, of course, it will be known to the people of Mexico.

As I say, I should like to see the act amended so as to confine it to the present emergency. Then, I should like to see it amended so as to exempt Canada from its operations; though perhaps that is not possible in view of the attitude of the department.

I should like to know what the proposed regulations are. I understand that the regulations have already been prepared; I understand that the proclamation is ready. Well, those who prepared the proclamation and the regulations, I assume have prepared this bill. They do not want to see the bill amended, and they have their regulations prepared. So they insist upon the passage of the bill as they have prepared it. We have very little to say with reference to the framing of legislation here. I do not know whether they will confer with any of the Senators or Representatives from the States along the border who know the conditions before they promulgate the rules and regulations, if we authorize them to do it as provided in the bill as it is now framed. I think it would be wise if they would do so. The trouble is that the regulations to carry out the measures that we pass are usually framed by some individual in the department whose vision does not go beyond his own neighborhood or outside of the particular line of thought he has been following, and he does not see the broader aspects of the situation. The result is that the regulations, while prepared with the best of intentions, have the most disastrous results.

Mr. KING. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Utah.

Mr. KING. I wish to ask the Senator whether or not there is any difficulty now in the commercial and other intercourse between citizens on our side of the line and those on the Canadian side of the line?

Mr. JONES of Washington. No; we have no restrictions.

Mr. KING. I wish to say to the Senator that there are regulations and restrictions now, which were promulgated by the State Department and the Department of Labor nearly a year ago without authority of law; that is to say, the exigency demanded some regulations, more particularly with respect to our southern border, and certain regulations were agreed upon in cooperation with the Canadian officials, which regulations are now in force. The purpose of the pending measure is merely

to legalize, if I may be permitted that expression, the regulations which have been promulgated for many months.

Mr. JONES of Washington. They have issued different regulations in reference to Canada from those they have issued with reference to Mexico.

Mr. KING. No; they are substantially the same regulations, although in regard to Canada a different interpretation is placed on the regulations and a different application is made of them.

Mr. JONES of Washington. They have prepared ambiguous regulations, and then have construed them one way as to one section and another way as to another section.

Mr. KING. I have the regulations here, and I do not think they are ambiguous. I know they have met with the approval of the Canadians, and similar regulations adopted by our friends across the border to the north have been approved by those representing our Government. There has been no difficulty whatever; they have worked smoothly, to use the expression of one of the persons having in charge the execution of these matters, and there is no purpose whatever to disturb the present methods by which intercourse between the two nations is effectuated.

Mr. JONES of Washington. We have not had very much trouble between this country and Canada; I have had some complaints, but I do not think they amounted to very much; and so I say our intercourse with Canada has been satisfactory. Of course, if nothing would be done under this measure that would interfere with existing relations, I should see no particular objection to it; but if it is not the intention to have any restrictive measures apply as between this country and Canada I can not see how there could be any objection to so providing in the law, except as this bill is now framed it applies not only to the present emergency but to all the future.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES of Washington. I yield to the Senator.

Mr. SHIELDS. Mr. President, the provisions of this bill are so broad in principle and so flexible that they can be adapted by the President and those whom he will authorize to enforce them to any particular conditions. I have no doubt that different conditions will exist along the eastern part of the northern boundary line from those obtaining along the western part of the boundary line, for there are very great differences in the commerce, in the manner in which the country is settled, and in the transportation systems. There is a great deal of difference also in the southern boundary line at various places. This bill not only applies to these two boundary lines, as the Senator will remember, but to all vessels coming into the ports of the United States, as to which there will be some different regulations and conditions. From conversations with officers of the department in regard to the matter, I do not think the Senator need have any fear as to the very liberal character of the rules to be promulgated in order that they may not interfere unreasonably with intercourse between the two countries.

One reason why the rules can not be written into the law is that there is a constant change in conditions. As we know, already during this war conditions have changed; we can not anticipate what changes may yet occur, and it would be very difficult to prescribe rules to apply to the entire boundary on the north or the entire boundary on the south, or to all vessels coming into our ports. Therefore it was thought best to put the broad power in the hands of the President, to be exercised with all the restrictions and all the limitations as the circumstances, in his discretion, might require.

Mr. JONES of Washington. Yes, Mr. President, I know this measure is broad; it is just as broad as it can be; it amounts to the same thing as if we were to say to the President, "Do what you think best and proper whenever we are at war." My idea would be not to establish any regulation with reference to any part of the Canadian boundary or as to vessels and intercourse between this country and Canada, but simply to leave that entirely free.

Furthermore, we are asked to pass the bill upon assurances from those in the department that, of course, everything will work all right and everything will work smoothly. They do not anticipate that anything will go wrong; they are satisfied that they know how to take care of the situation. The only trouble that I have had heretofore with reference to matters of that kind is that, while they have acted with the very best of intentions and the very best of purposes, and from the highest of motives, they have made regulations that have not worked right, not because of the lack of good intentions, but because of the lack of knowledge of the conditions sought to be covered by their regulations. That is what I am afraid of in this case.

But, Mr. President, I shall not interfere with the passage of the measure. I will trust in their endeavor to acquaint themselves with the different conditions which will have to be met by these regulations; and I hope that they will adopt such regulations as will not injuriously affect intercourse along the northern border. It is a very serious matter not only for this country but for Canada, and I trust that they appreciate the importance of it and that they will be very careful to acquaint themselves with what they are going to effect by these rules and regulations; and if they have any doubt as to the conditions and as to the character of the business and the kind of rules that they should promulgate, I hope that they will feel justified in conferring with some of those who know as to the conditions. It ought not to be humiliating upon the part of some of the officers of the Government to confer with Senators and Representatives once in a while with reference to conditions in their States about which they are supposed to know something. So I hope that if these administrative officers have any doubt about the efficacy of the regulations which they are about to promulgate they will feel free to confer with those who are interested in the matter and who do know something about it. So, much as I would like to have the bill amended along the line I have indicated, and slight as I think the chances are that harm would come from amending the act in such a way, I shall not insist upon changing it.

Mr. GALLINGER. Mr. President, possibly I might refrain from saying an additional word to what I said yesterday when this bill was under consideration. I have prepared an amendment providing that the act shall be in force during the continuance of the war and for six months after the consummation of peace, and also excepting in terms the Dominion of Canada from its provisions; but I shall not offer the amendment under the conditions existing.

I quite agree with the Senator from Washington [Mr. JONES] that it would be well in the matter of our relations with Canada if Members of both Houses of Congress who have a direct concern in the matter might be consulted. This measure is of very great moment to the people of New England, provided any essential change is to be made in the relations of that section of the country with the Dominion of Canada. I am gratified to be told that the regulations which the Senator from Utah [Mr. KING] has in his possession exempt the issuance of passports between this country and Canada. That is important.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. Certainly.

Mr. KING. This morning I had an interview with representatives from the Department of Justice and the Department of Labor, also with Mr. Flournoy, of the State Department, and with Mr. Carr, who, as the Senator knows, has been in the State Department for many years.

Mr. GALLINGER. In charge of the Consular Service.

Mr. KING. Yes; in charge of the Consular Service—a very competent and a very superior public official.

Mr. GALLINGER. Yes.

Mr. KING. If Canada were the only country involved, there would be no need of this legislation; but the Senator will see—and I do not care to make any invidious comparisons—that we have neighbors in other quarters that do not occupy the same relation to us that Canada does; and it is to meet conditions that arise there and arise elsewhere that legislation of this kind is required. But there is no purpose to disturb the present relations between this country and Canada or to impede in any way the intercourse between the two countries. Indeed, I am advised that unless new developments arise no change whatever will be made in the present modus operandi by which the intercourse between the two nations is secured.

Mr. GALLINGER. Mr. President, the very industrious Senator from Utah has rendered a service in calling this matter to the attention of the officials he has named. It is important that we should have some definite information when a bill of this kind is presented to us for consideration and action.

I suggested yesterday—and I will take but a moment, perhaps, to repeat what I said—that New England is largely dependent upon Canada for labor in our factories and in our forests and in other industries that are carried on there. We have two or three great railroad lines running from New England to Canada, and traversing, indeed, the entire Dominion; and our business relations are very intimately connected with Canada.

I have felt for many years that so far as our economic laws are concerned Canada has the better of us. We have dealt very liberally with Canada in our statutes. I am not going to find fault with that now. That is a matter that will adjust itself

in the future, if it is thought of sufficient consequence to be reconsidered. But my anxiety has been, and to some extent I have an anxious thought now, that nothing shall be done to interrupt the cordial and friendly relations of the two countries, because I know that if anything of the kind did occur it would be in the nature of a disaster to the section of the country that I represent.

Canada has been a liberal customer of the United States, always buying very much in excess of what we have bought from her, and perhaps in that respect we have had the advantage of Canada. But however that may be, the assurance which the Senator from Utah gives us, and which the Senator in charge of the bill gives us, satisfies me that we can do no better than to pass the bill as it is written; and I shall give my vote for it fully satisfied that what has been said to us about the purpose of the department, and which I feel sure will be the purpose of the President, will protect the interests that I in part represent and in which the Senator from Minnesota and the Senator from Washington are equally interested. That is all I care to say.

Mr. TOWNSEND. Mr. President, I understood the Senator from New Hampshire to say that he was satisfied with the bill as written. I think the amendment offered by the Senator from Utah to section 2 much improves it.

Mr. GALLINGER. I had the impression that that amendment had been agreed to.

Mr. HALE. Mr. President, I also saw Mr. Flournoy, of the State Department, and he assured me, as he did the Senator from Utah, that our relations with Canada would not be disturbed by this bill, and he also explained to me that there were other reasons why they did not want the bill affirmatively to leave out Canada. He would not state to me just what those reasons were. I can not see any difference between excluding Canada in the regulations and excluding Canada in the bill. Perhaps the Senator from Utah can explain that matter to me. I have prepared an amendment on this question, and I was intending to introduce it unless I should be satisfied on that point.

Mr. KING. Mr. President, I do not know that I can explain it to the satisfaction of the Senator from Maine, or to the satisfaction of other Senators; but it does occur to me that it would not be wise or prudent legislation, in a general bill, to discriminate in favor of any one country. Mexico is our neighbor. Theoretically, at least, we are on terms of amity and peace with her. Her ambassador is here; our ambassador is in the City of Mexico. If we were to discriminate in this legislation by excluding one country from the operations of the bill, some other nation with which we are at peace might feel affronted and say that this Republic was favoring one nation at the expense of another.

Mr. HALE. Mr. President, will they not have the same feeling when they are excluded in the regulations?

Mr. KING. I do not think that would be the case, because, as suggested by the Senator from Tennessee, the regulations will be flexible. Different conditions are found upon the northern border than those which are found upon the southern border; and where officials are authorized to make regulations adapted to conditions that they have to meet, certainly other nations could not urge the same objection to the fact that those regulations differed that they could urge to a statute which upon its face discriminated against a nation with which we are at peace. Moreover, the statute to be effective must be general and contain no exceptions.

Mr. SHIELDS. Mr. President, I will suggest to the Senator that different regulations can be made to apply to different facts and circumstances with respect to different nations, which of course can not be done in a statute. There must be some administrative discretion in the matter.

Another point is that we could not well except British subjects from this bill when it applies to citizens of the United States. In order to be effective, this bill must apply to everyone. We can not tell who comes into the United States in the guise of an American citizen, or of a French citizen, or of an English subject, and yet is a German spy. We must have either efficient, effective protection, or none at all; and therefore an exception as to British subjects, which is in substance an exception of the Canadian border, would make the bill absolutely abortive. That is the real reason for not making any exceptions, as I see it.

I believe, Mr. President, the question is on the amendment of the Senator from Utah.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. SHIELDS. I ask that the committee amendments be now considered.

The PRESIDING OFFICER. The Secretary will state the amendments of the committee.

The first amendment of the Committee on the Judiciary was, on page 1, line 3, before the words "the United States," to strike out "Section 1. When" and insert "That when"; and in line 9, after the word "unlawful," to strike out "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall authorize or prescribe," so as to make the clause read:

That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful.

The amendment was agreed to.

The next amendment was, on page 2, line 4, to strike out "unless and until he shall have secured from such official or department as the President shall designate permission to depart or enter, as the case may be," and insert "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe," so as to make the clause read:

(a) For any alien to depart from or enter or attempt to depart from or enter the United States, except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe.

The amendment was agreed to.

The next amendment was, on page 2, at the end of line 13, to strike out the period and insert a semicolon; at the end of line 17, to strike out the period and insert a semicolon; at the end of line 21, to strike out the period and insert a semicolon; at the end of line 24, to strike out the period and insert a semicolon; and on page 3, at the end of line 4, to strike out the period and insert a semicolon.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 10, before the word "such," to insert "That after," so as to make the section read:

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force it shall, except as otherwise provided by the President, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 17, before the word "person," to strike out "Any" and insert "That any," so as to read:

SEC. 3. That any person who shall willfully violate any of the provisions of this act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. POMERENE. Mr. President——

Mr. SHIELDS. Mr. President, will the Senator yield?

Mr. POMERENE. I yield.

Mr. SHIELDS. I move that the Senate request a conference with the House of Representatives upon the bill and amendments and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SHIELDS, Mr. KING, and Mr. NELSON conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SHAFROTH. I have here a bill that is very urgent. It is called——

Mr. POMERENE. Mr. President, I shall insist upon my recognition. I will not give way for the bringing up of another bill at this time.

Mr. SHAFROTH. I will say to the Senator that this is a matter of letting the signatures of the new bank notes that have been authorized to take up the $350,000,000 of silver that is to be retired to be lithographed instead of signed.

Mr. POMERENE. Mr. President, we have here a bill that relates to the housing of 450,000 people in the District of Columbia.

Mr. SHAFROTH. I do not think there will be any debate on this bill. If it gives rise to any debate, I will withdraw it.

Mr. POMERENE. Mr. President, we had some experience with one of those banking bills the other day. I do not want to be discourteous about the matter, of course.

Mr. SHAFROTH. There are different banking bills, and I found that the Senators were very jealous of the right to overdraw. They are not jealous of the bill that I am presenting to-day.

Mr. POMERENE. Mr. President, there was an understanding, I think—not a positive agreement, but an understanding—that the chairman of the Committee on Post Offices and Post Roads would permit me to take up and complete the consideration of this bill. I am hoping that there may not be much debate upon it, but I can not yield for that purpose.

The PRESIDING OFFICER. The Chair will say to the Senator from Ohio that the Chair recognized the Senator from Colorado, and it will be for the Senate to determine the question as to which bill shall be considered.

Mr. POMERENE. Mr. President, I thought I had the floor first. I have been trying to get it several times this morning; but if the Presiding Officer recognized the Senator from Colorado, I yield, of course.

Mr. SHAFROTH. Mr. President, I ask unanimous consent for the present consideration of Senate bill 3900, a copy of which I have sent to the desk.

Mr. GALLINGER. Let the bill be read in full, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

The SECRETARY. A bill (S. 3900) to amend and reenact section 5172 of the Revised Statutes of the United States.

Mr. POMERENE. I will say that while there was not a positive arrangement, I have been led to believe that the chairman of the Committee on Post Offices and Post Roads will yield to me for the consideration of the rent bill, and if that is the way he is feeling about it now I would certainly appreciate it. I do not think the Senator from Colorado ought to ask that the bill he is seeking to have considered shall displace the rent bill.

Mr. SHAFROTH. It can be passed in less time than we have taken to discuss it now.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BANKHEAD. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senator from Ohio may proceed with the rent bill, which he has in charge.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SMOOT. Do I understand that the rent bill is before the Senate?

Mr. POMERENE. It is not yet before the Senate, but I hope the Senator from Colorado will yield.

Mr. SHAFROTH. I will state, if the Senator will permit me, that if it takes more than five minutes to consider the bill I wish to have passed I shall withdraw it.

Mr. POMERENE. I have a very distinct recollection that the Senator made a similar promise when we had the Porto Rican bill before the Senate and that it lasted for several months.

Mr. SHAFROTH. There was a certain conspiracy on the Porto Rican bill that I could not control. It will not take any time to dispose of this bill. No one will make any objection to it. It merely permits a lithographic signature instead of a signature in writing in the case of the one and two dollar bills which have been authorized to be issued in lieu of the $350,000,000 of silver retired. It only affects that one thing.

Mr. GRONNA. Mr. President, a parliamentary inquiry. May I inquire what is before the Senate? I understand that the Post Office appropriation bill has been laid aside.

The PRESIDING OFFICER. The unfinished business has been temporarily laid aside.

Mr. POMERENE. May I also add that it was done to give me permission to call up the rent bill?

The PRESIDING OFFICER. The Chair understands that that was involved in the request of the Senator from Alabama. Unanimous consent was asked by the Senator from Alabama to lay aside the Post Office appropriation bill temporarily in order that the rent bill might be taken up. Is there objection? The Chair hears none.

RENT ADMINISTRATOR FOR THE DISTRICT OF COLUMBIA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with an amendment in the nature of a substitute.

Mr. FRANCE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Maryland suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Sterling
Baird	Henderson	New	Sutherland
Bankhead	Hitchcock	Norris	Swanson
Beckham	Hollis	Nugent	Thomas
Borah	Johnson, Cal.	Page	Thompson
Calder	Jones, N. Mex.	Pittman	Tillman
Chamberlain	Jones, Wash.	Poindexter	Townsend
Culberson	Kellogg	Pomerene	Trammell
Curtis	Kendrick	Robinson	Underwood
Dillingham	Kenyon	Saulsbury	Vardaman
Fall	King	Shafroth	Wadsworth
Fletcher	Kirby	Sheppard	Warren
France	Knox	Shields	Watson
Gallinger	Lewis	Smith, Md.	Weeks
Gerry	Lodge	Smith, S. C.	Wilfley
Gronna	McCumber	Smoot	

Mr. BECKHAM. I announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained by illness. I ask that this announcement stand for the day.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is absent owing to illness.

The PRESIDING OFFICER. Sixty-three Senators have answered to their names. There is a quorum present.

Mr. POMERENE. I ask that the bill be read.

The Secretary proceeded to read the amendment of the Committee on the District of Columbia, which was to strike out all after the enacting clause and insert a substitute, and read to the end of section 5, on page 12.

Mr. CALDER. Is it in order to offer an amendment at this time to the section just read?

The PRESIDING OFFICER. The Chair is of the opinion that it is not in order to offer an amendment at this time pending the reading of the amendment.

The Secretary resumed and continued the reading of the substitute, which is as follows:

That by reason of the existence of a state of war, it is essential to the national security and defense, and for the successful prosecution of the war, to establish governmental control and assure adequate regulation of real estate in the District of Columbia for and during the period hereinafter set forth, and the President, through the rent administrator, is authorized to make and promulgate such rules, regulations, and orders, not inconsistent herewith, as are essential effectively to carry out the provisions of this act.

SEC. 2. That the rent for real estate within the District of Columbia shall not be in excess of the following rates herein provided for:

(a) The rent, whether by the day, week, month, or year, at which real estate was let on October 1, 1917, or (b) if not rented on that date, the rent, whether by the day, week, month, or year, at which it was thus last let before that date, or (c) if real estate was not rented on or prior to October 1, 1917, then it may be rented for an amount equal to 7 per cent net on a valuation equal to the assessed valuation of said property for taxation plus 50 per cent thereof. Said rents above prescribed shall be the standard rents for said several classes of property, and prima facie shall be reasonable rents therefor.

SEC. 3. (a) That where the landlord or lessor incurs expenditures on the improvement or structural alteration of such real estate (not including expenditures for decoration or repairs), an increase of rent at the rate of not exceeding 7 per cent per annum on the amount so expended shall not be deemed to be an increase of rent for the purposes of this act.

(b) Any transfer to a tenant of any burden or liability previously borne by the landlord or lessor shall be treated as an alteration of rent, and where, as a result of such transfer, the terms on which such real estate is held are, on the whole, less favorable to the tenant than the previous terms, the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent charge is increased; and any increase of rent as a result of any transfer to a landlord or lessor of any burden or liability previously borne by the tenant, where, as the result of such transfer, the terms on which such real estate is held are, on the whole, more favorable to the tenant than the previous terms, shall be deemed not to be an increase of rent for the purposes of this act.

(c) Wherever any increase of rent is by this act permitted, no such increase shall be due or recoverable until 30 days after the landlord or lessor has served upon the tenant a notice in writing of his intention to make said increase, accompanied by (1) a statement of the improvements or alterations effected and their cost, where the increase is on account of such expenditures; or (2) a statement showing particulars of the increased amount charged, where the increase of rent is on account of such increase in rates.

The landlord or lessor and lessee may make contracts or leases for daily, weekly, monthly, or yearly rental of real estate so as to net the landlord or lessor not exceeding 7 per cent per annum for the use or occupancy thereof on the value of the property as fixed by its assessment for taxation. Such value for the purposes of this act shall be one and one-half times said assessment so long as the present basis for taxation continues, but if such basis is changed the value for the purposes of this act shall be changed accordingly, so that the rent shall in no case exceed 7 per cent per annum on the actual value of the property.

SEC. 4. That no person shall in consideration of a grant, renewal, or continuance of any contract or lease require or receive the payment of any fee, fine, premium, bonus, or other consideration in addition to the rental stipulated in said grant, renewal, or continuance.

SEC. 5. That no judicial order for the recovery of possession of any real estate now or hereafter held or acquired by oral or written lease, or for the ejectment or dispossession of a tenant therefrom, shall be made, and all leases thereof shall continue so long as the tenant continues to pay rent at the agreed rate, or as it may be modified under the provisions of this act, and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance or amounts to a disturbance of the peace of adjoining or neighboring occupiers or a violation of law, or that the premises are reasonably required by a landlord for the occupation by himself or his family while in the employ of or officially connected with the Government; and where such order has been made but not executed before the passage of this act, the court by which the order was made may, if it is of the opinion that the order would not have been made if this act had been in operation at the date of the making of the order, rescind or modify the order in such manner as the court may deem proper for the purpose of giving effect to this act: *Provided*, That any provision in any oral or written lease that the same shall be determined or forfeited if the premises shall be sold is hereby declared to be void while this act shall be in force, and every purchaser shall take the conveyance of any premises subject to the rights of all tenants in possession thereof, under the provisions of this act.

SEC. 6. That if the rent of real estate as herein permitted shall not equal 7 per cent per annum net on the valuation thereof as herein determined, then upon application by the landlord it may be increased by the Rent Administrator so as not to exceed said amount.

In fixing rents of real estate there shall be taken into account the taxes and assessments thereon, the cost of reasonable repairs and maintenance, and of light, heat, water, and elevator and other service where furnished, as well as a proper allowance for depreciation and nonoccupancy. Rents in excess of the rates herein provided are hereby declared to be against public policy and void, and if accrued or paid after the passage of this act such excess may be recovered by the lessee, his assigns or legal representatives if action shall be begun therefor within six months after the expiration of his tenure.

In the case of hotels or apartment houses, or of rooms or apartments in hotels or apartment houses, which have not been rented to tenants or guests on or before October 1, 1917, the rates shall be fixed by the Rent Administrator at the same prices, as nearly as may be, as are permitted to be charged for similar accommodations by hotels or apartment houses of the same character similarly situated in the District of Columbia.

SEC. 7. That when the real estate is rented furnished, the Rent Administrator shall authorize a fair and reasonable rental of said real estate, including furniture, but such rent shall not be in excess of double the amount that the administrator would be required to fix for said real estate if unfurnished on all leases in existence at the time this act shall take effect. On all real estate rented furnished after this act shall take effect such rent shall not be more than 50 per cent in excess of the amount that the Rent Administrator would be required to fix upon such real estate if unfurnished and shall be subject to the approval of the Rent Administrator.

In cases where a joint charge is made for the use of real estate, furnished or unfurnished, and for food, meals, or board, the Rent Administrator shall ascertain what part of said joint charge should properly be made for the use of said real estate, and it shall not be in excess of the rates herein authorized. In no case shall the furnishing of food to lessee or lessees be included in the lease, but such agreements shall be separate and apart from any agreement for the rent of real estate.

SEC. 8. That landlords and managers of hotels, apartment houses, and boarding houses and others letting rooms or apartments, furnished or unfurnished, shall keep conspicuously posted in said hotels, apartment houses and boarding houses, rooms or apartments, cards to be furnished by the Rent Administrator showing the rates authorized or approved by the Rent Administrator for the said rooms or apartments, and said cards shall recite that said rates are so authorized or approved by the Rent Administrator.

SEC. 9. That the President is hereby authorized to appoint a rent administrator, who shall be a resident of the District of Columbia and a citizen of the United States. He shall have full power and authority, and it shall be his duty, under the direction of the President, and subject to the provisions of this act and the rules and regulations herein authorized, to fix, revise, and change, upon his own motion or upon the application of any person or party in interest, including mortgagees, the amount of rent which can be lawfully charged and received for the use and occupancy of any real estate in the District of Columbia now or hereafter to be rented, leased, sublet, transferred by assignment of lease or contract, or with respect to which a tenancy may be created or extended, or by any new lease or contract. Any and all orders or findings of the rent administrator fixing or revising and changing rents shall be final and shall take effect as of the date of the application filed with the rent administrator: *Provided*, That any person or party in interest, including mortgagees, may, within five days, prosecute an appeal from any such orders or findings of the administrator to the real estate board of equalization and review of the District of Columbia, which, for the purposes of this act, is hereby created the board of rent appeals, under and in accordance with such rules and regulations as may be made by the President governing such appeals, and said board is hereby authorized to confirm or modify the said orders and findings of the rent administrator in any way the facts may justify not inconsistent with the provisions of this act and the rules and regulations governing appeals herein provided for. The orders and findings of the rent administrator shall continue in full force and effect until such appeal shall be decided by the board of rent appeals, which decision shall be final.

Before fixing, revising, or changing the amount of rent which can be lawfully charged and received for the use and occupancy of any real estate five days' notice of the motion or application made for that purpose shall be served personally upon the parties in interest, or by leaving copies of said notice at their usual place of residence within the District, and if residing out of the District, by mailing a copy of said notice by registered letter to the person receiving the rent at his last known place of business, and if his place of business be not known, then by posting a copy of said notice in the office of the rent administrator.

SEC. 10. That all persons letting real estate shall be required to keep books of account, open at all times to the inspection of the rent administrator or his authorized agents, showing the rents charged and paid, including the names of the tenants or renters, and also an itemized statement of the taxes and assessments thereon, the cost of reasonable repairs and maintenance, insurance, light, heat, water, and elevator, or other service, where furnished, as well as a proper allowance for depreciation or nonoccupancy. No item shall be considered by the rent administrator in fixing the rent of property which does not appear in such account.

SEC. 11. That the said rent administrator and the board of rent appeals are hereby empowered to summon witnesses and require the production of books, papers, and accounts, and to administer oaths and affirmations to witnesses so summoned, and take testimony respecting the matters covered by this act.

SEC. 12. That any person who shall knowingly receive rents on real estate in excess of those permitted by the terms of this act or who shall knowingly by any sale or transfer or by any act or subterfuge evade or attempt to evade its provisions shall be guilty of a misdemeanor and be subject to a fine not exceeding $1,000 or to imprisonment not exceeding six months, or both.

SEC. 13. That any house or building not occupied by the owner or a tenant for a period of three months immediately preceding the passage of this act, or for a period of five months after the passage of this act, may be commandeered by the President of the United States for the period of the war and six months thereafter, and used for war or Government purposes, the rentals and conditions of tenancy to be fixed by the rent administrator in his discretion.

SEC. 14. That the rent administrator shall receive a salary of $4,000 per year, and he is authorized to employ one assistant at a salary not to exceed $2,500 per year; two field men at salaries not to exceed $1,800 per year each; and two clerks or stenographers at salaries not to exceed $1,200 per year each, provided said assistants and clerks shall be necessary for the proper administration of his office.

SEC. 15. That if any clause, sentence, paragraph, or part of this act for any reason shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 16. (a) That the term "real estate" as herein used shall be construed to include lands, buildings, parts of buildings, houses, dwellings, apartments, rooms, or suites of rooms, and every improvement and structure whatsoever, and every portion and part thereof situated and being in the District of Columbia, and any and all estates or rights therein or thereto.

(b) The expressions "landlord," "lessor," or "tenant" include any person from time to time deriving title under the original landlord, lessor, or tenant.

(c) The words "person" or "party" when used in this act shall be construed to include individuals, partnerships, joint-stock companies, associations, corporations, societies, or bodies corporate.

(d) The words importing the masculine gender shall be held to include other genders, and the words importing the singular number shall include the plural number, or vice versa.

SEC. 17. That this act shall remain in force during the present war, and for one year after a treaty of peace shall have been concluded and proclamation thereof shall have been made by the President of the United States.

SEC. 18. That to relieve, as far as possible, the congestion in the District of Columbia because of war activities, any commission, bureau, or any subordinate parts thereof, or other governmental agencies, not reasonably necessary to be located or continued within the District of Columbia shall be removed and transferred by order of the President to such convenient place as he may designate.

SEC. 19. That in order to carry out the provisions of this act there is hereby appropriated the sum of $50,000, or so much thereof as may be necessary, one half of said sum to be paid out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

Mr. POMERENE. Mr. President, those Senators who have read the pending bill as reported by the committee will see that it differs materially from the bill which was passed by the House. I think very great credit is due to the chairman of the District Committee in the House and his colleagues on the committee for the time and attention they have given to this subject, and while the District Committee of the Senate was not able to give its approval to the plan which was devised by the House committee we do agree with them entirely in this, that the conditions in the District here are so serious that it would be a public calamity to permit this Congress to adjourn without having some radical legislation upon the subject regulating the rates of rentals.

The bill as passed by the House took as its standard for the determination of rents the rental rates as they existed during the year ending September 30, 1916, and then it was sought to place a tax upon all rents which might be collected by the landlord class over and above the rates for that year plus an increase of 10 per cent. In the hearings before the District Committee I think we were all persuaded that the rates for materials used in building and in repairs as well as the rates of wages for the working classes and attendants generally had increased from 75 to 85 per cent. I think Senators will be able to see that with a permitted increase of 10 per cent gross in the amount of rentals over and above the year 1916 and an increase of from 75 to 85 per cent in the cost of labor and materials there would be very little if in fact there would be any margin for the owner of real estate. Of course, I am quite sure that the Members of the Senate as well as the House desire to approach this subject in a spirit of entire fairness, both to the landlord class and to the tenant class.

Mr. McCUMBER. Mr. President, will the Senator right here enlighten us concerning the reason why we could not have adopted 1916 as the basis for those buildings that were already in existence and a different basis for those which have been built since at a greatly increased cost?

Mr. POMERENE. Mr. President, that is a question which would naturally occur to anybody who was investigating the subject. There may be many things said for the use of that year as the standard, except this, that at that time there were

a very large number of vacant buildings in the District. The number was variously estimated at from 4,000 to 10,000. I think it may be properly said that at that time the District was overbuilt; that is, there were more buildings here than were necessary for the proper housing of the people. Again, a good many people, as we were informed, had left the District for the purpose of securing employment in the armories and navy yards of the country. Taking into consideration the fact that there were so many vacant rooms and vacant buildings at that time we thought to use that year as a standard would perhaps not be quite fair.

Again, I think that I express the opinion of the members of the District of Columbia Committee generally when I say that the abnormal increases in rent in the District have substantially all occurred since October 1, 1917. As the Senator, because of his long official residence here in the District, is no doubt aware, the rent year in the District begins as of October 1 each year. So we thought that, generally speaking, the rates of rental on October 1, 1917, might not be unfair if used as a prima facie standard. If the Senator has observed the reading of the bill, as no doubt he has, he will find that, while we have what might be called a triple standard here, the rates therein prescribed are only prima facie reasonable; in other words, we have three classes: First, those properties which were rented as of October 1, 1917; second, those properties which were not rented at that time, but which had been theretofore rented; and, third, those properties which have been rented since October 1, 1917.

I may say that in the course of the hearings and our deliberations upon the subject, necessarily we were troubled in seeking to determine what would be a fair rate of rental.

Mr. McCUMBER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. Yes.

Mr. McCUMBER. Of course, the committee necessarily had the means of obtaining the truth in regard to these rentals and when they became excessive, which I have not; but I am certain that as early as May and June of last year the complaint was very general throughout the city by those coming here at that time that excessive charges were then being made.

Mr. POMERENE. Well, Mr. President, I have no doubt that the Senator from North Dakota has heard of instances of that kind, but my belief is that, while there were, perhaps, too many such cases, yet they were comparatively few when the large number of lettings in the District are taken into consideration.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. I yield to the Senator from Minnesota.

Mr. KELLOGG. I think that generally in May and June, 1917, there were enormous numbers of residences and apartments in this city for rent that were not rented, and that there was not an overdemand at that time, but that very shortly afterwards, in July and August, there was.

Mr. POMERENE. There were then a good many demands. I think that is a fair statement of the situation. At the same time, I have no doubt of the truth of the statement made by the Senator from North Dakota [Mr. McCUMBER] to the effect that there were certain overcharges.

Mr. President, one bill was presented for the consideration of the committee which left the determination of the rate of rent absolutely to the discretion of the rent administrator. We did not feel that that was sound. We felt that Congress itself should prescribe certain landmarks, which would be regarded as fundamental, and that within those limits, of course, we should have to give the rent administrator a certain amount of discretion.

One of the questions that came before us was as to what limitation should be placed upon these rentals. Certain real estate agents and brokers who appeared before us brought one draft of a bill after we had had some conferences, to the effect that we should make a minimum and a maximum rate of net return, the minimum being 7 per cent and the maximum being 12 per cent. We have provided in this bill, in the determination of the amount of rent, for taking care of repairs, the cost of maintenance, the cost of light, the cost of heat, the cost of water, the cost of elevator, and of other personal service where such other personal service is rendered. We also allow for a proper charge for depreciation and nonoccupancy. I think that all Senators will recognize that those terms are somewhat flexible. Their proper administration must, of course, be left to the authorities provided in the bill.

I think I ought to say, in view of some statements which have been made in the public press, a word on the subject of the valuation which is used as the basis of this return. I find that some citizens seem to think that we allow not only for a net rental of 7 per cent on the actual valuation of the property, but that we have sought to add 50 per cent to that actual valuation. That is not correct. We have adopted the plan which is designated in this bill for this reason: Every two years in the District the real estate is reappraised. When that reappraisal is made the assessors seek to find the actual market value of the property. Then, when they make out their tax duplicates, the rule which they prescribed for themselves and which has been followed here in the District for a number of years, as I am informed, is that these properties shall be placed upon the tax duplicates at two-thirds of their actual valuation as they have ascertained it while making the appraisement. As a matter of fact, however, in practice, instead of using this 66⅔ per cent as a valuation to be placed upon the tax duplicates, they have used 70 per cent. So, assuming that all of the properties in the District are in fact placed upon the statute books at 70 per cent of their actual valuation, this would allow a net return of 7 per cent on $105 for every $100 of actual valuation. I think Senators will agree that it is next to impossible to get down to a mathematical nicety in defining rules of this character.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I yield to the Senator.

Mr. THOMAS. I should like to ask the Senator from Ohio if he has seen the statement of a Member of Congress to the effect that the assessed valuation here is 100 per cent of the actual market value of the property?

Mr. POMERENE. Well, Mr. President, I have seen some statements which would indicate that, but that is entirely wrong. We had before us Mr. Richards, who is the tax assessor, and a number of Senators on the committee now have served for years and have been familiar with the matter. The Senator from Delaware [Mr. SAULSBURY] recently served upon a committee that made a very thorough investigation into the valuation of real estate in the District of Columbia.

Mr. THOMAS. I am not questioning the Senator's statement, he knows far more upon the subject than do I, but the statements to which I have called attention, and similar statements, are doubtless the basis of the impression that has pretty widely obtained that the assessed value of property here in the District and the actual value are identical.

Mr. POMERENE. I think that if the Senator will make inquiry about it he will find that that is wrong information.

Mr. THOMAS. The Senator's assertion is all that I want.

Mr. POMERENE. That is as I believe it, and when I make that statement I think that I express the views of the members of the committee generally.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. Yes; I yield to the Senator.

Mr. KELLOGG. I desire, if I may, to ask the Senator from Ohio a question. Of course, the actual assessed valuation of the property in the District would be entirely immaterial if all property were equally and fairly assessed, but I should like to know whether or not it is a fact that in arriving at the actual market value it has been done in the past with reasonable accuracy or has the market value which has been fixed really been below the actual value of the property?

Mr. POMERENE. Mr. President, I think I can say, as the result of all the information we have had on the subject, that when this valuation was made two years ago—the last valuation—those who later inquired into the subject—and when I refer to them I mean a committee, it was a joint committee of the Senate and the other House, as I recall—were very agreeably surprised to find how accurate this appraisement had been. There is, however, no complete record of that appraisal. The only complete record they have is the record of valuations as entered upon the tax duplicates.

Mr. KELLOGG. And that is 70 per cent of what they determined as the actual valuation of the property?

Mr. POMERENE. Seventy per cent of such valuation, as I understand.

Mr. KELLOGG. I suppose, of course, the Senator from Ohio is aware that while in many States the law requires property to be assessed at its full value, the practice is entirely different?

Mr. POMERENE. I am quite aware of that fact.

Mr. DILLINGHAM. Mr. President, will the Senator from Ohio permit an interruption?

Mr. POMERENE. I yield to the Senator from Vermont.

Mr. DILLINGHAM. In answer to the Senator from Minnesota [Mr. KELLOGG], I think it should be stated that Mr. Rich-

ards, the assessor, stated to the committee that he had informed himself regarding all of the sales of real estate throughout the city during the last two years, and that upon an average the actual sales of property had not been quite as high as had been the appraisals.

Mr. POMERENE. I thank the Senator from Vermont for stating that fact. I now recall it since he has stated it. I may say also that Mr. Richards has, as his corps of assistants, six gentlemen, five of whom have been in the service of his department for a good many years, and all of them, I am told, are very well equipped for the service.

Mr. GALLINGER. Mr. President, will the Senator from Ohio permit me an interruption?

Mr. POMERENE. Yes; I yield to the Senator.

Mr. GALLINGER. I will ask the Senator from Vermont exactly what he meant by stating that the sales had not been as high as had been the appraisals? Appraisals by whom? By the tax assessors of the value they placed on the property?

Mr. DILLINGHAM. Yes. I will say, in answer to the Senator from New Hampshire, the statement, as I understood it, was this: Property is appraised for the purposes of taxation substantially at two-thirds of what the appraisers deem to be its real value, and its real value is to be determined, as in the provisions of this bill, by the appraised valuation for purposes of taxation, adding 50 per cent to that. Now, taking the sum of appraised valuation and the 50 per cent added, you have what they call the "true valuation of the property." The statement was that the sales during the last two years had not brought prices quite so high as the real value which had been ascertained in that way.

Mr. GALLINGER. What I wanted to get at was the real value. There has been left an impression in my mind that it was the assessed valuation at the reduced rate.

Mr. DILLINGHAM. No; the real value of the property.

Mr. POMERENE. Mr. President, I think that the members of the committee were delighted to know with what accuracy this valuation work had been done here in the past in this city. At the present time there is a new valuation being made for this particular year.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. POMERENE. Yes.

Mr. GALLINGER. I think the Senator is fully justified in giving great credit to the board of assessors; they are experienced and intelligent men——

Mr. POMERENE. They are.

Mr. GALLINGER. And yet here, as everywhere else, I apprehend, there have been assessments made wide of the mark. I do not know how it has been during the last two years, but I do know that a friend of mine was offered a piece of property in the city of Washington three years ago for $9,000 and that when he went to the books of the District he found it was assessed at $14,000. That I know; so that in that particular case they made a great mistake.

Mr. POMERENE. I have no doubt that many inaccuracies may be found; but we think that we have made this proposed law so flexible that, if any injustice is done to the property owner, he can go before the assessors and have the valuation increased, although, of course, that would increase it for the purposes of taxation as well. On the other hand, if the tenants are of the opinion that they are paying too much rental, or if the rent administrator himself shall be of that opinion after he shall have received information upon the subject, they have a right to have a resurvey of the rentals so far as those properties are concerned. So I think in that respect the bill will be found very fair, considering these abnormal times.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will ask him a question.

Mr. POMERENE. Yes.

Mr. GALLINGER. I have had very little time to analyze the bill, and I think in regard to the provision to which I am about to allude, it has been corrected from the draft as it is before me. I noticed in one bill that provision was made that the rent administrator could reassess the property.

Mr. POMERENE. That was changed afterwards, and I am glad to say, again, that we made that change after a conference with the real estate assessor here in the District.

Mr. GALLINGER. That was a very dangerous provision, it seemed to me, because it would disrupt the work of the board of assessors.

Mr. POMERENE. It would; and, while I, perhaps, may have been responsible for the first suggestion, I saw that it would be a serious mistake to interfere with the work of the assessor's office.

Mr. President, just a word as to the necessity for this legislation. I do not think there is any difference of opinion among the members of the committee on that subject; and, at the same time, I believe that every member of that committee had a feeling of regret that it was necessary to take up legislation of this character; but there are literally thousands of people in this District who have been mentally distressed because of movements on the part of their landlords to dispossess them or to increase exorbitantly their rentals.

To illustrate: The rent year begins October 1. As a rule, the landlords during the month of September preceding ask for renewals of leases, a perfectly proper and reasonable practice; but this year they began some time ago to serve notices upon the tenants in a number of the large apartment houses, asking the tenants to renew their leases for the year beginning October 1, 1918, at rates of rental 50 per cent and more in excess of the present rates.

Mr. GALLINGER. Mr. President, if the Senator will permit me——

Mr. POMERENE. I yield.

Mr. GALLINGER. Could the Senator state what apartment houses those were?

Mr. POMERENE. Well, the Decatur was one of them.

Mr. GALLINGER. That is not a very large one.

Mr. POMERENE. No; it is not one of the larger ones.

Mr. GALLINGER. It is an insignificant one.

Mr. POMERENE. The Cordova is another, as the Senator from Delaware [Mr. SAULSBURY] suggests, and the Alabama is another. Letters have come to us showing that similar notices were served upon all tenants in rows of houses owned by one man.

Mr. GALLINGER. I have no doubt, if the Senator will permit me, that there are a good many cases of that kind, and yet I think perhaps the Senator went a little too far in saying that the large apartment houses, as a rule, have done that thing. I live in an apartment house, as does the Senator, and I have had no such notice, and I apprehend the Senator has not.

Mr. POMERENE. I have not.

Mr. GALLINGER. And yet we live in two of the largest apartment houses in the city.

Mr. POMERENE. Perhaps I stated the fact too broadly; but I will say, without fear of successful contradiction, that there are entirely too many of them in which that practice is being followed. These rents, of course, were to be largely increased. Last fall there were substantial increases in some of them, not so excessive as they are now and not so excessive as it is believed they will be if the Congress does not do something to grant this relief.

All sorts of excuses have been suggested for dispossessing tenants.

Mr. DILLINGHAM. Mr. President, will the Senator allow me to add a statement?

Mr. POMERENE. I will be very glad to yield to the Senator.

Mr. DILLINGHAM. I think, on account of the inquiry made by the Senator from New Hampshire [Mr. GALLINGER], I should make a statement. I know of a street on the east side of this city, north of Lincoln Park, where the houses are almost wholly occupied by Government employees. My attention has been called to a block of 12 houses, and I have seen a letter, dated on the 25th day of April, from the owners of the houses giving notice to the tenants to quit in 30 days from May 1. On the 26th day of April another notice came from the owners, under the letter heading of a real estate firm in the city, notifying the tenants that the control of those houses had been placed in the hands of that real estate firm, as of date of April 26. I have in my hand here the Washington Post of Thursday, May 2, and in that issue appears an advertisement containing a picture of the houses in that block, or the houses at one end of the block, headed:

Kennedy-built homes north of Lincoln Park. Five sold; seven left.

In six days five of the dwellings in that block had been sold. Those houses were occupied almost wholly by Government employees, with their wives and their children—children in almost every instance—who had been living there from three to seven years; but they happened to be in there without written leases, paying their rent monthly.

There is an actual case to which I had my attention called. I am informed that on that same street other owners of real estate have taken the same course, so that there is hardly a house on either side of it where the occupants have not been served with notice to quit because the owners desired to sell the property. If that is true on one street of the city, of course it must be true on many other streets; and many other instances have come to my attention. I simply wanted to add

that to what the Senator from Ohio [Mr. POMERENE] has said in regard to the need of legislation on this subject.

Mr. POMERENE. Mr. President, I am obliged to the Senator for his contribution on that subject; and I may say, as indicating the extent to which these complaints are being made, that a captain in the War Department, who has been put there specially in charge of the subject of the housing of the Government employees here in the District, told me that during one week he had over 1,000 complaints of this kind. Landlords determined to put the tenants out or exact a very great increase in rent.

I happen to have here before me—I am not going to put it into the RECORD—a letter from a lieutenant commander in the Navy whose family has been in one of these apartment houses for several years, who had an increase in his rental last year of from 15 to 25 per cent. He would have expected to renew his lease during the month of September, but he is now served with notice that he must call at the office and renew his lease on or before May 10 at an increased rental of 33⅓ per cent over the increase of last year. I can imagine the frame of mind that one of our officers is in when he is going "over there" to render service to his country, to have somebody here in the very Capital of the Nation threatening to oust his little family while he may be away. That is the situation, and it is a very serious situation.

Mr. President, as to the rates of rental, I think I fairly state the subject as a fact, when I say that in the average industrial centers a gross rental of from probably 8 to 10 per cent is the prevailing rate, and a net return of 6 per cent on the average property is a fair rental. The committee was advised by the real estate assessor that here in the District there were about 200 first-class apartment houses, and that the average net rental on these 200 houses ranges between 6 and 7 per cent. There are probably between 900 and 1,000 apartment houses here all told. I mean by that all classes of such houses in the District, and nearly all of the tenants are occupying the premises on monthly or yearly leases. I can imagine what would happen when October 1 rolls around if Congress were to adjourn without doing anything on this subject.

Mr. WEEKS and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. POMERENE. I yield first to the Senator from Massachusetts.

Mr. WEEKS. Mr. President, I am quite in sympathy with most of the purposes of this bill, but it occurs to me that the rental is not sufficient. Certainly it ought to be desirable to increase the building of houses in Washington rather than to destroy activity in that direction. I do not know anyone under present conditions who would undertake the building of new houses for rental purposes on a gross possibility of 7 per cent.

Mr. POMERENE. Mr. President, allow me to correct the Senator. Under this bill the net rental which may be received is 7 per cent.

Mr. WEEKS. After taking out taxes?

Mr. POMERENE. Net; after taking out all taxes, all assessments, all services in the nature of water, heat, light, elevator service, cost of maintenance, and a reasonable allowance for depreciation and nonoccupancy.

Mr. WEEKS. I have not read the bill in that way, but I do not think I will vary my statement even on that basis. I do not think it would be prudent to build houses on that basis with that as a maximum possibility. It seems to me that the amount should be increased somewhat.

Mr. POMERENE. Mr. President, I recognize the fact that there is perhaps room for an honest difference of opinion upon that subject; but in all of the large apartment houses and the business blocks of these larger cities a net rental of 4 per cent is what is usually expected. I have gone through a good many statements made by life insurance companies and reports from them as to the rentals, and so forth, and I think I am not very much out of the way. I think, however, that is too small; and we thought that when we provided a net rental of 7 per cent we were doing reasonably well.

Mr. WEEKS. I do not wish to follow up this proposition particularly; but let me ask the Senator himself if he had money to invest if he would invest it in real estate on that kind of a basis? He would be wiser to buy liberty bonds on a 4¼ per cent basis.

Mr. POMERENE. Mr. President, during an international crisis like this, if at the end of the war I had as much as I had at the beginning of the war, I would get down on my knees and thank my God.

Mr. DILLINGHAM. Mr. President, will the Senator allow me to interrupt him?

Mr. POMERENE. I yield to the Senator.

Mr. DILLINGHAM. It appeared in the evidence taken by the committee, in the testimony of Mr. Fairfax, the chairman of the real estate association of this city, that he deemed from 7 to 8 per cent a fair return on the properties they represented, after making these deductions.

Mr. KENYON. Mr. President——

Mr. POMERENE. I yield to the Senator from Iowa.

Mr. KENYON. I feel sure that we would like to have the statement of the Senator from Massachusetts, whom we all recognize as an authority on questions of business, as to what, in his judgment, would be a fair net for rental return?

Mr. WEEKS. I should make the return 8 per cent, Mr. President, if I had the option.

Mr. POMERENE. Does the Senator mean by that a net return of 8 per cent?

Mr. WEEKS. A net return, as to which that should be the maximum.

Mr. POMERENE. Then the Senator is only 1 per cent in excess of the rate provided for in the bill; and I recognize the fact that there are certain flexible elements that may be taken into consideration under this bill. One is that of depreciation. Of course I think we would all agree that what might be a fair charge for depreciation on a first-class apartment house that was in a perfect state of repair might be one thing, and a proper amount of depreciation charge for a building that was in a bad state of repair might be another thing; and I believe that good business judgment will be exercised by the rent administrator or the board of rent appeals when that question comes up.

Mr. WEEKS. Mr. President, may I suggest to the Senator from Ohio that this law, when this bill becomes a law, will last for a year after the war. Presumably there will be a great falling off in the demand for accommodations in Washington as soon as the war is over, and that will make a material difference in the income which will be obtained from buildings in this city in the next year.

Mr. POMERENE. There may be some truth in that.

Mr. SAULSBURY. Mr. President——

Mr. POMERENE. I yield to the Senator from Delaware.

Mr. SAULSBURY. I only thought it would be well to call attention to a statement that has been made regarding the effect of this bill by several Senators who spoke the other day on the joint resolution which was then under consideration, and the Senator from Massachusetts referred to it in respect to this bill. The statement is that it will interfere with building operations; and almost in the same breath the same Senator, or some other Senator sitting beside him, says that there are no building operations going on now, and that no building operations can go on while the Government is taking to itself all the steel beams and plates and all the output of all the steel mills, and that practically people can not get building material. I think that is the condition. At present there is no building going on, except the completion of work which has been under way or contracted for; and in my humble judgment there will be none, except by the Government, during the period of the war.

Mr. POMERENE. May I add also in that connection that I assume that it prevails now, but, at any rate, in the past there has been an embargo upon the shipment of building material, unless it were shown to be absolutely necessary for the purposes of housing.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. POMERENE. I yield to the Senator.

Mr. GALLINGER. A moment ago, if I understood the Senator correctly, he suggested that the officials of the District of Columbia—the board of assessors, I presume—had suggested to the committee that a net return of 6 or 7 per cent would be a fair return.

Mr. POMERENE. No; I did not state it in that way, if the Senator please. What I stated was that their investigations showed that in the past there had been an average net earning, on the 200 best-class apartment houses, of between 6 and 7 per cent.

Mr. GALLINGER. I did not understand the Senator quite correctly then. I was about to ask whether they took into account the nonoccupancy of a portion of these apartments, or the nonoccupancy of residences. I recall a time—I think about three years ago—when I was told by members of the police force of the District of Columbia that there were over 9,000 vacant houses in the District of Columbia, and they remained vacant for a long time. They did not get any net return during that period. Of course, during that time also there were many vacant apartments in the apartment houses and vacant rooms in the hotels. Of course, if they figured it out and found the

actual income, no fault could be found with that; but I was wondering whether or not that was done.

Mr. POMERENE. Mr. President, I stated a moment ago that one of the objections to taking the year 1916 as the standard was the fact that there were so many vacant properties here in the District, and that that number had been variously estimated at from 4,000 to 10,000.

I may say, too, that one of the leading contractors and builders here in the city, who was before us, in discussing this very subject, said that he had notified his tenants that he would expect to make an increase in his rental charges of 50 cents per room per month, and that he believed that because of the fact that all of his rooms, or nearly all of his rooms, were rented, with this additional return, plus the increase, he would be able to take care of most of the increases in the cost of material and labor and of the increased cost of coal.

Mr. President, I think that all Senators who have studied this question must realize that we can not make a hard-and-fast rule which is going to apply with equal force to every piece of property of the various kinds that there are here in the District, and for that reason it is necessary to have a rent administrator, who can adjust little differences as they may come up.

Mr. GALLINGER. Mr. President, on that point, if the Senator will permit me, what about the other municipalities? Are there rent administrators anywhere else? I do not know. I ask for information.

Mr. POMERENE. Mr. President, I know of no rent administrator in this country.

Mr. GALLINGER. Then, really, this is a novel idea?

Mr. POMERENE. It is not entirely novel. The basic plan of this bill has been taken from the legislation of the British Parliament and the legislation of New South Wales and of New Zealand. If the Senator is interested in that subject, he will find the statutes of those various countries in the second part of the hearings before the Committee on the District of Columbia.

Mr. GALLINGER. Mr. President, on that point I was about to ask the Senator a moment ago whether the hearings held by the Senate committee have been printed.

Mr. POMERENE. They have been printed; yes.

Mr. GALLINGER. I did not know that.

Mr. DILLINGHAM. Mr. President——

Mr. POMERENE. I yield to the Senator from Vermont.

Mr. DILLINGHAM. In view of the discussion that has been going on, I thought I ought to call the Senator's attention to the testimony of Mr. Bates Warren as to what he thought the increases ought to be over the rates of October 1, 1917.

Mr. POMERENE. I shall be very glad to have the Senator do so.

Mr. DILLINGHAM. Mr. Bates Warren, as everybody knows, is probably the largest owner of apartment houses in the city, and owns the very finest ones, as well as some of the other ones. He was asked this question by the Senator from Ohio [Mr. POMERENE]:

> As a result of your conferences with these men, are you able to state in a general way what increase would be regarded as reasonable to be made on October 1, 1918, all things considered?
>
> Mr. WARREN. By taking the property that I just referred to as being property where service was given, I would have to state one reasonable figure. Taking the bare property where no service is given, I would have to state another reasonable figure.

He had been describing the elegant apartment houses, where they have all the modern improvements, elevator service, heat, light, bell boys, and everything of that kind, where the service was complete, as well as the other class of apartments, where there were no elevators. Then he continued:

> Senator POMERENE. Give us those figures.
>
> Mr. WARREN. It should not be less than 20 per cent in any event, in my opinion; about 25 per cent in the class of property where elevator service is given.
>
> Senator POMERENE. Twenty per cent in other properties where there is no such service?
>
> Mr. WARREN. I should say 15 per cent. Of course this is mere guesswork, more or less.

I call attention to that because of the exorbitant demands that are being made to-day all over the city. I call attention to the testimony of the man who is more interested in real estate than any other man in the city, and I call attention also to his opinion that in no case is more than 25 per cent advance in rents required to satisfy them.

Mr. POMERENE. Mr. President, it will occur to Senators also that you can not apply the same rule to furnished property that you apply to unfurnished property, and so we have fixed a limit so far as the furnished property is concerned. The testimony before our committee indicated, as well as statements that were made informally, that it was a general rule in hotels that the rent of a furnished room ought to be 100 per cent more than the rent for the unfurnished room, and we have made that the maximum, but we have provided that the rent for furnished rooms as well as the rent for unfurnished rooms should be subject to the final approval of the rent administrator.

But we found another evil prevailing in the District. A good many of the landlords who heretofore have been renting their rooms and apartments unfurnished have decided that they would oust the present tenants and furnish these rooms, so as to get the increased rentals. Of course, there ought to be an increased rental for a furnished room over and above that of an unfurnished room; but we have made the maximum rental which may be charged for a furnished apartment or room which is hereafter furnished 50 per cent over and above the rental which would be allowed for the apartment or room unfurnished.

Of course, there must be a good deal of difference in the views of different practical men as to what might be a reasonable rate or perhaps a reasonable return, and we decided that we would not trust this administration entirely to a rent administrator, but that we would provide for a board of rent appeals, and an appeal can be taken from this rent administrator to the board of rent appeals. We provided that the present board in this District known as the Real Estate Board of Equalization and Review of the District should constitute this board of rent appeals. It is composed of the real-estate assessor and six assistants, four of whom are employed for the valuation and assessment of real estate and two of them for the valuation and assessment of personal property. All of these six men save one have been in the employ of the city and devoting their time and attention to this class of work for years, and we were told also that the sixth one was a very capable man. We hardly knew how we could get any board of review that would probably serve more faithfully and more justly the people of the District than this board.

I think that is all I care to say on the subject now.

Mr. GALLINGER. Mr. President, I regret to say that I have had little time to analyze the bill. I regret that any necessity has arisen in the District of Columbia, as I would regret that it should arise in any municipality in the country, whereby the ownership and rental of property should be interfered with by law. Undoubtedly the conditions here are somewhat unique, and I presume injustices are being practiced upon a portion of the population. I apprehend that they exist everywhere else in the United States; and if it were possible for Congress to enact a law of this kind and make it applicable to all the cities of the country, it would appeal to me more strongly than it does to have it apply simply to the District of Columbia.

Some of the evils complained of here are quite as much due to people who have come into the District of Columbia during the past few months as to the owners of real estate. When a rich man comes here and tenders his services to the Government for a dollar a year, and then goes out and offers half the value of a furnished house for its occupancy for a single year, he is setting a pace that I think naturally becomes contagious; and the owner of a fine house or the owner of an apartment house which has cost a large amount of money and which, perhaps, has a large deed of trust on it—because a deed of trust comes pretty near being a universal thing in the District of Columbia—naturally feels that as everything has increased in price, as these rentals are being made at these exorbitant rates to a certain class of men who have come here to serve the Government and enjoy the hospitality of Washington, he might as well get a little something in addition for himself.

I had not supposed that the matter had extended as far as the Senator from Ohio [Mr. POMERENE] and the Senator from Vermont [Mr. DILLINGHAM] say it has. We always have greedy men; we always have men who concern themselves little in the welfare of others. If they can benefit themselves, they are very apt to make exactions that are unreasonable. I suspected that that was the case in the District of Columbia to some extent, but I did not suppose it had become infectious, and I think it is well that attention has been called to it.

I want to say in advance that I am not making, and will not make, any factious opposition to this bill. I regret very much indeed the necessity of passing it. I think it is a bad example; but if it is absolutely necessary, of course we will support it and take our chances with it.

I have been a tenant for 30 years in the city of Washington. I own one bit of real estate, of no great value, and I have recently reduced the rental for the purpose of accommodating a man who is in the service of the Government. I think, perhaps, I am unique in that respect, but I was glad to do it; and I have known a few other instances where men have even sacrificed their interests to a certain extent to accommodate friends. But I have been a tenant for 30 years, and I have

never felt that I have been imposed upon. I have occupied houses in Washington—a furnished house that I might have continued to occupy longer than I did—at a rental which I thought was very low indeed. I thought it was too low as far as the interests of the owner were concerned. For the most part, I have been in hotels and apartment houses. I have not thought that I have been imposed upon. I do not recall an instance where I have been imposed upon. I have been three years in the apartment house where I now live, one of the largest in the city, and I have thought that the price I paid for a very modest apartment was reasonable. I have not been notified that it is to be increased. Perhaps I shall have that pleasure in the near future. I do not know how that may be. Possibly this bill may save me to some extent; but I have not had that notice, and I have inquired of people in the larger apartment houses in the city and I have yet to have a tenant in one of the really large apartment houses tell me that the practice which the Senator from Ohio says has been current to a large extent has been practiced in that class of apartment houses.

Mr. President, with that preliminary I want to ask the Senator from Ohio a few questions about the bill, because, of course, we want the bill to be a good bill if it can be made a good bill. At any rate, we want it to be the best possible bill that we can have on a subject of this kind.

I was not aware until a moment ago—and doubtless that is my own fault—that the hearings before the committee had been printed. Had I known that, I certainly should have read every word of the hearings, and I am certain that I would have had a great deal more information on the subject than I have at the present time. When the bill was reported I looked for a report, and there was no written report. I venture to say that I think it is always a mistake when an important bill is reported to the Senate to omit making a written report and calling attention to the salient points in the proposed legislation.

Mr. POMERENE. Mr. President, I think that is a sound criticism. We perhaps should have presented a written report; but we were all pressed, and we hoped to get action upon the bill at an early date.

Mr. GALLINGER. But that omission would have been supplied had I known that the hearings had been printed and had I had an opportunity to examine them.

In glancing over the bill—and I have glanced over it very hurriedly—there are a few points that I want to call to the attention of the Senator.

I do not think we can arbitrarily fix a date that will be just to all parties in interest. The committee has fixed it at October 1 last, which is six months ago. I have had experience during the last six months, not so much in renting an apartment as in providing food and clothing for myself and those who are dependent on me; and if rents had been increased during those six months to the extent that the prices of the necessaries of life have been increased in the city of Washington, the situation to-day would have been much more startling than has been depicted by the Senator from Ohio. So I think that in fixing that arbitrary date of October 1 some injustice will necessarily be done to owners of real estate, because the price of everything connected with the upkeep of their property has been vastly increased. The price of coal has been increased; the price of elevator service has been increased; the price of labor necessary to be employed around even a private residence has been largely increased; and there ought to be some allowance made for that. The overhead charges are not what they were on the 1st day of October last by any manner of means. We all know that, all of us who have even very trifling interests in real estate.

Mr. POMERENE. Mr. President, if the Senator will permit me——

Mr. GALLINGER. Certainly.

Mr. POMERENE. Let me observe, first, that the rate as of October 1 is only the prima facie rate for that class of property. For property which was not rented then, but which had been rented theretofore, we took as the prima facie reasonable rate the rate at which it had been last rented before that date. Then, of course, there are other properties that have been rented for the first time since that date, and we provide for a net rental of 7 per cent on that class of property; but those rates are only tentative, and they can be changed by the rent administrator on his motion or on the application of the landlords. Then, if the Senator will allow me to refer him to section 6, on page 13, we care for all of the different items to which the Senator from New Hampshire has just referred:

> In fixing rents of real estate there shall be taken into account the taxes and assessments thereon, the cost of reasonable repairs and maintenance, and of light, heat, water, and elevator and other service, where furnished, as well as a proper allowance for depreciation and non-occupancy.

Mr. GALLINGER. But notwithstanding that, I will ask the Senator if an arbitrary per cent increase is not provided for in the bill?

Mr. POMERENE. I am not sure that I catch the import of the Senator's question.

Mr. GALLINGER. I may be not well informed; as I said, I have not had time to carefully analyze the bill; but after taking into account those various items of expenditure upon what basis, then, is the rental fixed?

Mr. POMERENE. The rental will be so fixed that it will earn a net rental of 7 per cent per annum on the value of the property, and when determining that they must take into consideration all the various items of expense to which I have referred.

Mr. GALLINGER. I am very glad of that. I think that is a wise provision.

Then I notice in section 2 it is provided that the rent on October 1, 1917, whether by the day, week, month, or year, shall be the standard of rent at the present time. It occurred to me to ask this question: Suppose last year the property was rented by the year and now it is rented by the day or week, would it not be manifestly unfair to require the present rate to be at the same rent as the former?

Mr. POMERENE. I think the Senator fails to take account of this fact: If the property was rented on October 1, 1917, then that is the rate which shall be used as the standard for that property for the time being; in other words, it is prima facie a reasonable rent, and that may be subject to any change that a sense of justice would require.

Mr. GALLINGER. The point that I meant to make, very clumsily stated, no doubt, is this: A man owns a house in the city of Washington with 20 rooms, and he rented it by the year October 1, 1917. There has been a great demand for individual rooms in the District of Columbia, greater than I think there ought to be, because we have a thousand people here who ought to be somewhere else. That man says, "I am going to rent my house now by the individual rooms; these young women or these young men want rooms," would the Senator hold that the aggregate rental of those 20 rooms as individually rented should be the same amount that he got when he rented to one person?

Mr. POMERENE. No; Mr. President, there may be just such a confused state of facts with regard to a particular property as the Senator has in mind, but assuming that to be so, then the rent administrator has the right to subpœna the landlord and compel him to furnish his books, and he can determine then what shall be a reasonable rate.

Mr. GALLINGER. I am very much afraid of administrators in view of the experience that we had with a Fuel Administrator and a Food Administrator. I am much afraid of a rent administrator.

Mr. POMERENE. I wish the Senator would not refer to a Fuel Administrator; it irritates me.

Mr. GALLINGER. They ought to get a good man for $5,000 a year. I hope they will not take a man interested in real estate in the District of Columbia, because about half the population are interested in that laudable business. I trust that they will find somebody else outside of the profession when they select an administrator. Perhaps they will.

I was going to suggest an amendment, but there are probably committee amendments that are to be acted upon first.

Mr. POMERENE. I may say that there is only one committee amendment, and that is a substitute, so what the Senator has in mind would be in order now.

Mr. GALLINGER. Just at this point I am going to offer an amendment. It need not be acted on now. I am going to suggest this amendment at the bottom of page 9:

> *Provided, however,* That nothing herein contained shall be construed to affect or bring within the scope of this act properties wherein during the period of its limitation the character of the same has been changed or converted from dwelling to business uses.

Mr. POMERENE. In my judgment the bill is broad enough, if it should become a law, so that it would take into consideration just that condition. I really believe that if the Senator will——

Mr. GALLINGER. I will send the amendment to the Senator, and he can look it over.

Mr. POMERENE. Very well.

Mr. GALLINGER. Of course, if the bill covers it I have nothing to say, but my attention has been called to quite a number of properties that on October 1, 1917, were occupied for residence purposes and have since been converted into business purposes, and naturally the rental has greatly increased over what it was.

Mr. POMERENE. That would no doubt change it, and I think the rent administrator has full authority under the act to make that change.

Mr. GALLINGER. I am still afraid of the rent administrator.

Passing along, I notice there is a provision, I think in section 6, that rents that have been collected in excess of those permitted by the bill may be recovered by the lessee if action is commenced within six months after the expiration of his tenure. It occurred to me to ask the Senator, Suppose a man pays excess rent for a couple of months or six months after the passage of the bill, after which the rent is reduced, and at the end of 10 years or more he moves out; could he not then recover the excess rent that he paid 10 years before if this bill becomes a law? Of course, to do that we would have to get rid of the statute of limitations, I suppose. I hope the Senator will look carefully at that provision in section 6. It may not need any change at all, but upon reading the bill that occurred to me as a possibility, at least.

Mr. POMERENE. My thought was that if he had possession of the property and was paying an exorbitant rent he would probably not continue to rent that length of time.

Mr. GALLINGER. I may be wrong again as to section 7, but I am going to direct attention to it. That section provides that furnished houses, if rented before the act takes effect—that is, before the approval of this statute—may be allowed at a rate double that which would be allowed for the same house unfurnished. I want to read that again: Furnished houses, if rented before this act takes effect, may be allowed at a rate double that which would be allowed for a house if unfurnished; but if the furnished house is rented after this act takes effect an increase of only 50 per cent is allowed over what would be permitted if the house was unfurnished. Why the difference between those two rates?

Mr. POMERENE. The Senator perhaps was not in when I at least attempted to explain that provision, or perhaps I did not make myself entirely clear. We found after a pretty thorough investigation and after hearing what practical men had to say upon the subject that it was a sort of a general rule that the owners of furnished rooms or furnished apartments charge a rate about 100 per cent in excess of what they would have charged for the same room or apartment if unfurnished; and we found that there was what we believed to be a growing evil here in the District. At the present time a number of landlords are seeking to dispossess their tenants. These tenants perhaps had been furnishing their own rooms or apartments and they were to be unceremoniously put out of the place and the landlord would then seek to furnish the apartments, thinking that they could thereby get a largely increased rent; in other words, furnish them cheaply and charge these exorbitant rates. I have had quite a number of cases of that kind called to my attention, where the landlord had been renting apartments for a number of years to these tenants and they furnished them themselves, and the owner said, "We want you to move out. We intend to furnish these apartments and rent them ourselves." We thought that that kind of work ought to be discouraged here in the District at this particular time.

Mr. McCUMBER. Mr. President, I ask the Senator from New Hampshire if he will allow me to ask the Senator from Ohio a question right here?

Mr. GALLINGER. With pleasure.

Mr. McCUMBER. I have never quite understood why so high as 100 per cent extra should be allowed for furnished rooms, even where they had been furnished. Let me explain it, and then the Senator will see the force of my question. I know a great many of what are called single-room apartments in the city that are renting for about $30 per month, or have been in the past. They consist of a small living room, a kitchenette, a bath, and two closets. I know about the furnishings of some of those rooms, and I know absolutely and unquestionably that all the furniture in them could be purchased for from $60 to $75, and I should say in many instances I know of their being furnished with secondhand furniture for $40, but I take it at $60 as a fair basis. The furniture consists of a couch which can be converted into a bed, a chair or two, a dresser, and a chiffonier of the cheapest kind of oak or other wood. Now, where the room then would rent unfurnished for $30 per month you would allow them $60 a month, and receive for 12 months $360 additional for furniture that did not cost over $60.

Mr. POMERENE. Mr. President, the Senator from North Dakota is having the same difficulty with this subject that members of the committee had. Let me make a suggestion: I am in entire sympathy with what he has said when he illustrates it by the example which he has given. On the other hand, we found that there were a good many apartments in the District that were paying a comparatively small rent, and the occupants of those apartments had been collecting all sorts of furniture of very great value, and ordinarily would not rent out their apartments except when they would be absent from the city or something of that kind, and perhaps they yielded to the tempter somewhat, too. In a case of that kind I think the Senator would agree with me that it was not quite fair to unduly reduce the limit. Just to-day I had a letter. I am not going to give the name of the writer; I am sorry he wrote me the letter; but I am going to read a paragraph from it.

I rent an apartment on ——— Street, within 14 squares of the White House, for which I pay $85 a month rent, because I have a five years' lease on the apartment. Other tenants in the building are paying $100 a month for a year lease. I am a man of moderate circumstances, and rented my apartment furnished to a man who is rated as a millionaire several times over. I value the furniture in the apartment at $5,000, and I lease the same to him for $365 a month.

Mr. McCUMBER. After all, is not that an exceptional case, and could not that be met by some provision that would take into consideration the value of the property? Heretofore, of course, you could receive for a rented room furnished considerably more than the difference between the value, because there are a great many tenants, knowing that they could stay here but a few months in the year, and knowing that they could not sell their furniture for 25 cents on the dollar for what they paid for it, would be willing to pay quite an excessive rent for the use of furniture for a given length of time; but ought that condition to justify us in allowing landlords to furnish rooms and then charge an extra amount of from 100 to 400 per cent upon the value of the furniture they put in the rooms?

Mr. POMERENE. I think the Senator, perhaps, has not borne in mind accurately the language of the section of the proposed statute. It only fixes the outside limit; and there must be a reasonable rental, and it must be subject to the approval of the rent administrator. I dare say if there is a rent administrator who thinks that 25 per cent would be a reasonable increase because of the furniture there is in the room, he surely would not—at least, he ought not to—allow an increase of 100 per cent.

Mr. McCUMBER. The Senator will recall that whenever we have allowed a bureau or anyone else to pay, for instance, not exceeding a certain salary they always regard that as the minimum and, without any further consideration, always pay those salaries.

Mr. POMERENE. There is a good deal of force in the Senator's criticism; but let us bear in mind that, unfortunately, a good many of the officers of the type to which the Senator refers belong to that class who have absolutely no regard for the public, and if they can use the public funds for their own benefit, directly or indirectly, they will do it. But here this administrator is sitting as a quasi judge. He is simply administering this subject with reference to its relation not only to the tenant but to the landlord or vice versa.

Mr. McCUMBER. I hope the Senator from New Hampshire will allow me one other word. It is to suggest that we will so amend the bill that in no case shall the charge for the furniture be more than 50 per cent a year, so that the tenant would not more than pay for it in two years. Then, if there is anybody who wishes to go into a house with gold furniture that is diamond studded, and wants to pay a price based upon such very valuable furniture, he will have the privilege of doing so.

Mr. POMERENE. I think there could perhaps be some modification of the bill made in that behalf; but I want to remind the Senator of the fact that when it comes to the making of a lease in the future the limit is 60 per cent of the rental of the room if unfurnished, and 100 per cent is the maximum only as applied to those rooms that are already rented, and then it is subject to the approval of the rent administrator.

Mr. GALLINGER. Mr. President, I am also in sympathy with the suggestion made by the Senator from North Dakota, and yet I wonder how we can interfere with the arrangements that have been made. Some leases run for five years, and where there has been such a lease of an apartment I imagine we can not well tear that up by the roots and establish a different principle as applied to it. I think 50 per cent ordinarily for the furniture of a room or an apartment is a very liberal allowance, and I should think that might be amended.

In this connection the Senator from Ohio read a letter which showed that a man who had an apartment—I judge not an elaborate one—had sublet it to a rich man at an enormously increased amount over what he paid. I am going to ask the Senator if the bill deals with the matter of subletting apartments, and can it well deal with it?

Mr. POMERENE. Yes; it controls it. If the Senator's attention has not been specially called to that, he will find in one of the closing sentences of the bill that the words "landlord," "lessor," or "tenant" include all persons who claim to hold "under the original landlord."

Mr. GALLINGER. Does the Senator think that it is possible for us to control the matter of subletting apartments by statute? A man rents an apartment for $200 a month or $100 a month,

and some man comes along who has more money perhaps than discretion and he offers him $400 a month for it if he will sublet it to him for the balance of his lease. Is there any reason why that man should not do that?

Mr. POMERENE. Yes.

Mr. GALLINGER. I want to get at the reason.

Mr. POMERENE. In the first place, if the Senator will permit me, I think he overestimates the number of cases that he has in mind, for this reason, that in nearly all the leases in the District there is a clause prohibiting releasing or reletting.

Mr. GALLINGER. I have never happened to see one, I will say to the Senator.

Mr. POMERENE. That was the information we had from some owners of apartment houses. In a number of cases I think that provision has been ignored.

Then, again, there is this to be said: Some people have rented apartments perhaps with the privilege of subletting them, but I am sorry to say that there are a good many of that class of people who have been among the greatest offenders in charging these exorbitant rates. I do not think we ought to unduly interfere with these matters, but it is a question as to what is going to be the best good for the greatest number in a time of great war.

Mr. GALLINGER. In the cases I referred to the offense is not on the part of the man who holds the lease; it is on the part of the man who wants to sublet.

Mr. POMERENE. You mean the proposed tenant?

Mr. GALLINGER. Yes. The man who holds the lease is ordinarily willing to separate some money from the rich man who wants to sublet his apartments at a much higher rental than he himself is paying, and I think we ought to accommodate that class of rich men and take all the money from them we can.

Mr. POMERENE. Except for this reason: It appeared in the hearings that a number of people drive out to a house that will suit their fancy and go in and offer to pay some exorbitant rent, and the owner yields to the temptation. If there were only those two parties concerned I do not think I would lie awake at night out of sympathy for the person who overpaid, but there have been a number of very rich people who have come here and though a great many of them have done very good work, and I want to give them all credit for it, in some respects, and particularly when it comes to the leasing of property, I think they are a mighty expensive luxury to the city of Washington. The result of it is that other people who have smaller apartments to rent yield to the temptation, and when they see somebody else who is better favored with this world's goods doing these things naturally they say, Let us do it likewise.

Mr. GALLINGER. Yes; those bad practices are apt to become epidemic.

Mr. McKELLAR. Will the Senator from New Hampshire yield to me to ask a question of the Senator from Ohio about subletting?

Mr. GALLINGER. Certainly. This is an experience meeting.

Mr. McKELLAR. I have not examined the bill with the care that I ought to have examined it, but I ask the Senator from Ohio if provision is made for this kind of a situation: There are many people who leave here for the summer months and have apartments that they could very well sublet, but as the Senator stated a while ago and as we all know is customary, there are provisions prohibiting the subletting of apartments except with the consent of the lessor. Suppose the owner of one of these apartment houses or several of the owners or all the owners of the apartment houses would just decline to permit the subletting of the premises. For instance, I have in mind a case where a young man wanted to send his family out of town in summer and he desired to sublet his apartment while they are gone, and the landlord has arbitrarily refused to permit those apartments to be sublet. Now, has he any remedy?

Mr. POMERENE. You are dealing with a pretty serious problem now. If this tenant wants a right to sublet he ought to have the consent of his landlord.

Mr. McKELLAR. That is true, but these conditions exist, and the landlord will feel aggrieved by the passage of this bill.

Mr. POMERENE. I think there will be something of a spirit of accommodation about it. I can understand how any landlord and particularly any landlady would be very glad to have the Senator rent from him or her, but they might object very radically if he were to sublet to every Tom, Dick, and Harry who might come around. That is one of the questions that we have got to deal with, and I do not know that it would be the part of wisdom to attempt to control it absolutely.

Mr. GALLINGER. I quite agree with the Senator from Tennessee [Mr. McKELLAR] that that is a matter of some consequence. If the landlord refuses to allow the tenants to sublet it keeps out of occupancy and prevents a shelter to some people who would be glad to get possession of those houses or apartments. To that extent it aggravates the present situation.

Mr. McKELLAR. Yes; if the Senator will permit me, it means that if the landlords refuse to allow the tenants to sublet many apartments in the city of Washington would not be used at a time when they were very much in demand.

Mr. GALLINGER. That goes without the saying.

Now, Mr. President, just one or two more suggestions, and these are not criticisms that I am making but suggestions, because I want information that the Senator from Ohio can give me.

The second paragraph of section 7 reads substantially: In cases where board and room are paid for jointly the rent administrator is to separate the two items and to ascertain what is a reasonable charge for the rooms.

Now, let us imagine that the rent administrator takes up a case of this kind, $10 a week for a room and board. A poor girl occupies it. She complains that it is too much. She wants to have the room rent reduced, and your administrator separates it and says the room is worth $6 and board $4, and I will fix it at that rate; or he will make a reduction in he room rent. If the room rent is reduced, what is going to prevent the owner of the premises from increasing the board?

Mr. POMERENE. We have not attempted to take control of the question of the price of meals or boarding. We can not do that. The purpose is this: We did not want the landlord or hotel keeper to conceal under a joint charge an exorbitant charge for the rooms. That was the reason which prompted the committee.

Mr. GALLINGER. I apprehend that will be innocuous. I do not think it will have any effect at all. I think the same amount will be reached in a different way.

Mr. POMERENE. It may be so.

Mr. GALLINGER. I notice that $50,000 for this purpose is appropriated in this bill. Of course, these are times when we do not take into account the amount of an appropriation, especially when it is in the thousands it does not count at all; but $50,000 is appropriated, and the pay of the clerical force provided by the bill amounts to $12,500. Of course, there will be some other little expenses, a little furniture, I apprehend, and the rent administrator will be domiciled in the Municipal Building, if they can find room for him, and there is no reason why they should not, because, according to my observation, the rule now is to give about twice the space to each individual clerk that is actually needed. I simply make the suggestion that I think if the amount were put at a smaller sum than $50,000 there would be less danger of extravagance.

Mr. POMERENE. Mr. President, the Senator from New Hampshire has a right to know, and it is my desire to give him, the reasons for fixing the appropriation at this amount. It is true we found upon inquiry that there would be sufficient room in the Municipal Building. It was thought that all that would be needed would be his assistants and clerical hire. The Senator, of course, realizes that, as this is an untried proposition, it is going to be next to impossible for anyone to say within a few hundred or perhaps several thousand dollars what will be the reasonable expense. It will be necessary, of course, to have some supplies and records; and it may be that, while after they have been thoroughly established they may get along with less clerical or field force than they can at present, it is impossible for us to state with exactness how many assistants might be required.

Mr. GALLINGER. Well, Mr. President, unless history fails to repeat itself, they will not get along with less force but they will demand an increased force.

Mr. POMERENE. May I ask, for information, what is the Senator's judgment as to the amount that should be appropriated here?

Mr. GALLINGER. I think a $30,000 appropriation here would be adequate. That would leave them $17,500 outside of the clerical force and the $5,000 employee.

My attention was attracted to the language of section 16, which reads:

> The words "importing the masculine gender" shall be held to include other genders.

Did the Senator from Ohio notice that language?

Mr. POMERENE. Yes.

Mr. GALLINGER. Is it correct?

Mr. POMERENE. Yes; I think so. The owner might be either of the masculine or the feminine gender, or perhaps, in the case of a corporation, what we know as the neuter gender.

Mr. GALLINGER. If the Senator from Ohio thinks that is good language, I have no objection.

Section 17 strikes me as being ambiguous in that it fixes two dates. I will state to what I refer. That section fixes two dates on which the bill ceases to be in effect, namely, one is "one year after a treaty of peace shall have been concluded," and the other is "one year after a proclamation thereof shall have been made by the President of the United States." Those two dates may be not widely apart, but they may be some distance apart, to say the least. I would suggest to the Senator that he should use the words which, I think, we have used in the other statutes—"one year after the proclamation of peace shall have been made by the President of the United States."

Mr. POMERENE. That is what was intended. If there is any ambiguity about it, I shall have no objection to an amendment.

Mr. GALLINGER. At this point I move that amendment to section 17, in line 12, after the word "force."

The VICE PRESIDENT. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. In section 17, page 19, line 12, after the word "force," it is proposed to strike out the remainder of the section and in lieu thereof to insert "for one year after a proclamation of peace shall have been made by the President of the United States," so that, if amended, it will read:

That this act shall remain in force for one year after a proclamation of peace shall have been made by the President of the United States.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. GALLINGER. Mr. President, I am glad to see a suggestion in section 18 that the President is given authority—an authority that I think he now has—to distribute this mass of employees that is coming into the District of Columbia into other sections of the country. I remember when Admiral Harris was put at the head of the Shipping Board—he did not serve there very long, but he was there for awhile—that he suggested that he wanted to move the force to Philadelphia, where they made ships, instead of putting them on F Street, in the District of Columbia, where, according to his observation, they never had built a ship. I think if his suggestion in that respect had been carried out at that time it would have been a very wise thing. I am not quite sure but that the President has already done something in that line with the Shipping Board or with some other board; perhaps the Emergency Fleet Corporation has been moved, or the suggestion has been made that it ought to be moved.

On that point, Mr. President, I will repeat what I said a few days ago, that this congestion in the city of Washington, because of the influx of clerks and specialists and almost every conceivable class of people, could very easily be removed by distributing them to other sections of the country. Baltimore is near at hand, and I apprehend it would welcome a few thousand of them if they went over there. Probably they could provide some place for them to eat and sleep. New York is still on the map and could be reached. I think if the Food Administrator went over to New York—and the farther away, if they could find a place for him, the better it would suit me—I think if he were sent over to New York with his tremendous force and the $75,000 worth of chairs that he has bought—I believe that is right—and two or three hundred thousand typewriters that he has bought—I mean machines—that New York would be a very good place for him.

Mr. CALDER. Mr. President, will the Senator from New Hampshire yield to me?

Mr. GALLINGER. I yield to the Senator.

Mr. CALDER. Of course New York City would welcome the Government activities referred to by the Senator from New Hampshire, but I would also tell him that we are having almost as difficult a housing situation in that city as now exists here. At no time in the history of New York have we needed more than at present new buildings for people to live in. We are prevented from having them to some extent because of the attitude of the Treasury Department in advising the banks and mortgage companies against loaning money upon mortgages on real estate. If the Treasury Department changed its attitude, the money could be obtained, new building would be encouraged, and we might then be able to help the housing problem we are facing here.

Mr. GALLINGER. I did not suppose that New York ever got more than she could take care of in any respect, and I merely imagined that Mr. Hoover, his clerks, and his outfit could be taken care of in New York. At any rate, I would try the experiment if I had the authority to do it.

Then I would take the Fuel Administrator and send him to Pittsburgh or somewhere else in Pennsylvania where they mine coal, where, perhaps, he would get first-hand information concerning the production and the distribution of coal instead of having him in palatial rooms, surrounded by a coterie of highly paid clerks in the city of Washington.

I trust that the suggestion in this bill—as I said a moment ago, I do not believe it is necessary—may lead the President in some leisure hour, which I presume even the President of the United States has, to review the situation, and to see why Washington could not, at least to some extent, be protected, because, as the thing now stands, Washington is going to be in such an unprotected state that we shall have to double our police force; and I do not know what else we shall have to do to take care of the interests of the people who have toiled and saved and built homes here and who are supposed to enjoy the usual comforts of life.

I had read into the RECORD the other day an article from a paper which is published I think in a comparatively obscure town in the State of Wisconsin, which advertised the fact to the citizens of that State that 35,000 more clerks are immediately needed in Washington. I believe it was clerks and draftsmen and people of that kind. The suggestion has been made from some other quarter that we shall need 75,000 or more in the near future. The Lord only knows what they are needed for, and the Lord only knows how we shall take care of them, unless we put tents on not only the public property but on private property in the city, and try to take care of them in that way. However, they come and they are invited to come. The newspapers in every State are telling the young men and the young women to come. They are telling the young men on the farms to leave the farms and come to Washington; that there are places for them with good pay; and, as the article in the Wisconsin newspaper said, the work is all in the United States; that they need not stay at home and take the risk of the draft, but should come to Washington and get a position in the public service, where they will be exempted from the draft. There are a good many of them who are looking in that direction at the present time.

I think it is a matter that should be carefully looked into by some committee or by the President or by the heads of the departments. I do not know how it could be reached, but something ought to be done about it.

Now, Mr. President, I am going to suggest a title for the bill which I think is better than the one it now has. I will send it to the Senator from Ohio, and if he thinks it wise he can make use of it, for there is no copyright or patent on it.

Mr. POMERENE. Mr. President, if I may say a word, the Senator from New Hampshire, of course, realizes that this is a House bill, and that we are offering what the committee has reported as an amendment to the House bill.

Mr. GALLINGER. But we may change the title.

Mr. POMERENE. Oh, yes; and I think it is necessary to have some change in the title.

Mr. GALLINGER. The title of the bill is "to prevent extortion"—it may be that is well enough—"to impose taxes upon certain incomes." There is no provision in the bill to impose taxes upon incomes so far as I have been able to discover.

Mr. POMERENE. That was in the House bill, and we have not modified it. It will be necessary, in my judgment, to amend the title of the bill.

Mr. GALLINGER. Yes; I was going to propose a change of title, so as to read:

To provide further for the national security and defense—

Of course, that is a patented phrase which we have to use anyhow. I presume we will have to use it in the case of pension bills very soon—

To provide further for the national security and defense by controlling and regulating the rents of real estate in the District of Columbia.

I suggest some such title as that.

Mr. President, I have said all I care to say about this bill. Perhaps some Senators may be disposed to think I have been inclined to be jocular; I have not felt that way. I can only express my regret that there is necessity for legislation of this kind, absolutely overturning our system of government in this respect, destroying the relation of landlord and tenant which has prevailed from the foundation of the Government to the present time, and while, perhaps, the system has not always worked as well as could have been wished, nevertheless we have been able to go along with it under the law of supply and demand, and very little harm has come from it. But all at once we are confronted with this tremendous influx into the city of Wasnington of young men and young women, most of them not qualified for the places they are trying to fill, as I chance to know, and probably something ought to be done, and it is very possible that this legislation is the best that can be conceived. The committee deserves a great deal of credit for the labor which they have expended upon it.

Mr. SMITH of Maryland. Mr. President——

Mr. GALLINGER. I yield to the Senator.

Mr. SMITH of Maryland. If the Senator will pardon me, I want to say that, so far as I am concerned, my feelings are in entire accord with his in regard to this legislation; and I think I can say in behalf of most, if not all, of the members of the committee, that they share the regret that conditions and circumstances are such as to call for any such bill as this.

Mr. GALLINGER. I am very glad to have the Senator say that, because, knowing the Senator from Maryland as I do, and looking at him, as I have been doing in my rambling remarks this afternoon, I have wondered whether this proposed legislation did appeal to the Senator from Maryland, a sound, conscientious, old-fashioned business man.

Mr. SMITH of Maryland. I wish to say to the Senator from New Hampshire that it is very displeasing to me to be called on to enact such legislation. It is turning aside from all the paths along which business has been regulated and conducted in the past. It is not in accord with my views of doing business, and I would be glad if the necessity for this legislation could be obviated. It is not only displeasing to me, but I think it is regretted by the entire membership of the committee, so far as I know, that it should be necessary to enact such a bill as this.

Mr. GALLINGER. Mr. President, I am a very careful man about little things, because I have to be. I have been in Washington about 30 years, and I have had some experience with reference to the cost of living in the city of Washington. We were wise enough to increase the salaries of the Members of both Houses of Congress. I was warned at the time that if I advocated the increase, which I did with a good deal of vigor, I would be called to account for it by my people; but I was not, and I have seen very little adverse criticism on the part of the people of any State of the American Union because of the fact that we have increased our salaries. We are now increasing the salaries year by year of the subordinate employees of the Government, which I think is entirely just and right; but when it comes to the question of increased rents, in my opinion, that is a small evil compared to the increase in everything else. I have an impression that the average merchant in Washington comes from his counting room in the morning and says, "Well, boys, mark it up 5 or 10 per cent to-day," and I dare say it will be 15 per cent after a little while. I made a little purchase this morning of an article for which I paid over twice the amount I paid for a similar article here one year ago.

If Congress has the right to upset all the traditions and customs of the country and go into the matter of regulating rents and leases and all that sort of thing, denying to men the right to sell their property, if they want to sell it, and holding them up, I have wondered whether they could not with equal propriety take up the broad question of prices, with which our Democratic friends were going to deal in 1912, according to their platform of that year, in which they said they were going to reduce the high cost of living. Thinking that there may be at some time further legislation on this subject, or possibly that it may appeal to the committee, I am going to have the Secretary read an amendment, which I am not going to offer, but which I will have read for the information of the Senate, because it expresses exactly my views on the subject, and when that is done I am through.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Add at the end of the bill a new section as follows:

"SEC. 20. From and after the passage of this act the prices in the District of Columbia of the articles enumerated below shall be that at which they were sold on October 1, 1917, to wit:

"Sugar, flour, milk, evaporated milk, canned tomatoes, canned corn, canned peas, canned beans, corn meal, hominy, rice, oatmeal, macaroni, spaghetti, prunes, canned salmon, navy beans, lima beans, catchup, canned soup, split peas, black-eyed peas, asparagus, asparagus tips, canned beets, cream of wheat, sardines, molasses, table sirup, canned peaches, canned pineapple, peanut butter, cornstarch, canned spinach, rib roast, chuck roast, plate beef, porterhouse steak, sirloin steak, round steak, chuck steak, hamburg steak, butter, fresh hams, fresh shoulders, fresh pork chops, fresh pork roast, corned shoulders, corned hams, smoked hams, smoked shoulders, smoked bacon, smoked sausage, pure lard, compound lard, potatoes, onions, lettuce, sweet potatoes, cabbage, apples, bananas, lemons, and all other articles of food whatsoever; coal, wood, coke, fuel oil, gas, electricity, and all other articles of fuel whatsoever; clothing, of cotton, wool, leather, or other material and all articles entering into its manufacture; and in addition to the above every article or commodity sold or offered for sale in said District."

Mr. GALLINGER. I have not offered that as an amendment; it was read for the information of the Senate.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Ohio a question in relation to section 13 of the bill, which provides in substance that the President may commandeer certain vacant property, and that the rentals and conditions of tenancy shall be fixed by the rent administrator in his discretion.

I was under the impression that property could not be commandeered for public use, except on the payment of compensation to be fixed ultimately by a court, and that that was a judicial question which could not be taken away from the courts. If the Senator having charge of the bill is of that opinion I will suggest an amendment which would make the section constitutional. I may be wrong about the Constitution; my views upon that subject have had to be revised a good many times since the war commenced, but my education is such that it rather seems to me that it might be well to make the section constitutional.

Mr. POMERENE. Will the Senator offer his amendments?

Mr. HARDWICK. Mr. President, I want to say just a word or two about this bill. I do not see how I can vote for it if I believe there is any Constitution of the United States left at all and if I remember the oath I took as a Member of this body to support and defend it. I have no idea that any court in the world would ever uphold or sustain this bill. I have no doubt that during war times and as a part of the war power the Government of the United States can commandeer the use of property of any sort for war purposes. It can not, however, enact legislation applicable to a whole people on matters thoroughly disconnected with the prosecution of the war, nor can it take property under circumstances like the present without providing for the ascertainment of the value of the property by due process of law, as provided in the fifth amendment to the Constitution; and due process of law, as provided in the fifth amendment, has been held by every court that ever considered it to be ascertainment of the facts by a court and jury in a judicial proceeding.

Undoubtedly, for the purpose of prosecuting this war, we could provide that, wherever it was necessary to do so, the Government could commandeer and condemn leasehold estates, if necessary, to house people whose activities were necessary to the Government in the prosecution of the war; but we must confine it strictly and solely to that; and we can not even do that much without providing that in the end the question of what these rents shall be is a matter for judicial determination to be decided by a court and jury.

I am in sympathy with the expressions of many Senators about the almost intolerable condition that exists in the District. As some Senator expressed it earlier in the session, Washington at present is very much like an overcrowded western mining camp. There are a great many things that we, acting as the municipal council of the District of Columbia, can do constitutionally and properly to relieve the situation. I am willing to do them all, and to go as far as we can within the limits of the power that we have to act; but so far as this particular question is concerned I have no doubt as to what those limits are, and I have in like manner no doubt that this bill far exceeds and passes those limits.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 6, after the word "Government," it is proposed to insert "or has been disposed of to a bona fide purchaser for his own occupancy."

Mr. CALDER. Mr. President, this amendment is offered so that in case the owner of a house in the District of Columbia is compelled to part with his property because of business needs he may be able to dispose of it to a purchaser who intends to occupy it. As I read the bill, the owner of a house in this city would be unable to give possession if he sold his property even to an intended occupant if his tenant was in the Government employ and a monthly tenant. I have in mind a case that was called to my attention yesterday. About three months ago the rent of the home of a Government employee in this District was raised, and he was compelled to move because he could not afford to pay the additional rent. Thereupon he purchased a piece of property, paying $500 down, and agreeing to pay the balance in stipulated semiannual installments until the entire purchase price was paid. He finds now, under the terms of this bill, as it has been construed, he will be unable to get possession, although he made the purchase in good faith. If we are going to enact legislation to prevent people from selling their property to bona fide purchasers in many cases it will mean ruin.

A similar amendment was agreed to in the joint resolution passed yesterday, and I am hopeful that it will not be objected to now. Very often, Mr. President, whole communities change because of improvements in the style of buildings. One has only to point to a situation like that existing on Broadway, New York City, between Chambers Street and Twenty-third Street, where property may be purchased to-day at 40 per cent of what it brought 10 years ago. Who can tell but what the

same conditions may exist in this city after the war, and for us to say that a person shall be prevented from disposing of his property at a profit by hedging in the opportunities for sale by any such method as the terms of this bill provide is little short of confiscation. Not to pass the amendment proposed seems to me would plainly be unfair to people who have property and who may wish to dispose of it in good faith.

Mr. KENYON. Mr. President, the Senator from Minnesota [Mr. KELLOGG] has referred to section 13. The genesis of that section was this: It was represented to the committee that a great many owners of large properties in Washington occupy them for a month or so and then go away for the remainder of the year. In one instance it was stated that an owner refused to rent a magnificent home for less than $50,000 a year. Some of the committee thought that those fine homes would be delightful places for working girls and clerks in the departments, and that when the owners came home it would please them to find these magnificent places occupied. A provision was inserted to cover those cases. I have not any doubt in my own mind, however, that the section is clearly unconstitutional and should be changed in the way the Senator from Minnesota suggests. I think that ought to be done, because we can not take private property for public use without some judicial determination of the value thereof. The section is not well drawn.

Mr. HARDWICK. Mr. President, will the Senator yield to me?

Mr. KENYON. Yes.

Mr. HARDWICK. Why is not that true about all of this bill?

Mr. KENYON. It is true of any such question.

Mr. HARDWICK. Is not all of the bill equally unconstitutional?

Mr. KENYON. I am going to confine myself to section 13 and not discuss the other features of the bill. I think other sections may be close to the line, but the complete answer that is always given here is that we are in war; these are war times.

Of course, this is a drastic bill. There is not any question about it. When you first read it over, it is shockingly drastic; but the conditions that have arisen in the District are drastic and need drastic remedies.

I want to put a short article in the RECORD as expressing my view of this profiteering situation in Washington. The same situation exists everywhere in this country. People are trying to get rich out of this war, and that is an insidious cancer that is eating away at the vitals of this Republic. It has got to stop, and we might as well begin right here in Washington. The Washington Times a few evenings ago printed a short article on this subject. I want to put it in the RECORD as part of my remarks; and I think I will ask to have it read, because it states the situation so clearly.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Washington Times of May 3, 1918.]

PRINT THE NAMES AND PICTURES OF PROFITEERS—THEY KEEP A PHOTOGRAPHIC RECORD AT POLICE HEADQUARTERS—WHY NOT ADD TO IT?

[By Earl Godwin.]

Publicity is always pleasing to the person involved until some brave newspaper prints the names and pictures of men involved in nefarious enterprises.

Many well-known men in Washington have swelled with pride when the news columns announced their appointment to this or that committee engaged in one activity or another of benefit to the community.

How would it be if the Government officials printed the names of men who have served "buy the house or move" notices on tenants?

If this kind of business is reputable, would it hurt anyone's feelings or reputation to have his picture printed alongside of a picture of the helpless family he is evicting so that he can take a war-time profit at the expense of some one else who is left helpless?

Personally I believe that parallel to the liberty-loan roll of honor for Washington there should be a roll of profiteers, naming the men who have evicted tenants for war-time profits, as well as those who have put the screws on to the extent of making tenants buy houses at outrageously increased values.

The names of these men should live in memory, like the names of the crooked sutlers who vampired on their fellowmen in the Civil War and the names of the thieves who got rich on embalmed beef in the Spanish War.

A few money-mad men and women are smearing Washington with mud because they have at this moment the opportunity to make a few dirty dollars. To make these dirty dollars they are taking advantage of the most awful war the world has ever known and are backing whole families against a war, pointing a pistol at them, saying:

"You poor fools, there is no other place in the world for you to live, so here is where I get mine, and get it big. You pay me a quadrupled profit on this house or get out into the street."

The Government ought to take war-time steps to prevent this war-time crime.

Mr. McCUMBER. Mr. President, I desire the attention of the Senator in charge of the bill for a moment. I do not know how many amendments have been suggested, and I scarcely know whether they are pending or not; but I wish to suggest another which I hope will be adopted, and that is to section 7. I suggest striking out all of the section after the word "rental" on line 22 and inserting after the word "rental," in lieu thereof these words, "for the furniture in addition to the rental for the real estate," so that the section will read:

SEC. 7. That when the real estate is rented furnished, the rent administrator shall authorize a fair and reasonable rental for the furniture in addition to the rental for the real estate.

Then leave out all of the other portion of the section, which allows the rent administrator to put his O. K. upon a rental contract which adds 100 per cent for the use of the furniture in one instance and 50 per cent for the use of the furniture in the other instance. That would leave it within the discretion of the rent administrator to determine, according to the character of the furniture and its value, what would be a reasonable rental for it. I want to say to the Senator that as it now stands it is an invitation, or at least a suggestion, to the rent administrator that he will have fulfilled the expectations of Congress if he allows a rental for the furniture which does not exceed 100 per cent of what the rental would be for the same room unfurnished.

Let me give again an illustration: I think you will find that the vast majority of these rentals in apartments or in other houses cover from one to two rooms; that is, the most of them probably would be, for a single individual or two individuals, one living room, a kitchenette, a bathroom, and a clothes closet. If there were two rooms, there would be one small room in addition to these that I have mentioned. Probably the rent at the present time for the two rooms would be, say, $40. If that apartment is furnished, however, you would allow the landlord to charge $80 for the same apartment; that is, you would allow the rent to run up as high as $80 and still keep within what we might say was the spirit of the law. To me that is the most excessive character of robbery, if I may describe it as such.

The Senator from Ohio [Mr. POMERENE] but a short time ago instanced the case of one of these landlords giving notice of his intention to furnish all of the rooms and then to rerent them. I am not at all surprised at that. I do not know of anything that gives a more wonderful opportunity for profiteering than the opportunity for a landlord to add 50 per cent or 100 per cent to his rent by merely furnishing his rooms, because there is nothing here to indicate how many pieces of furniture there shall be, the character or the value of the furniture; and if you will go into one of these rooms that is furnished you will find ordinarily that the furniture is of the most meager character, without a picture on the walls to make it pleasant, without one of the hundreds of little things in the matter of cushions or otherwise to go with a sofa to make it comfortable or to look well, but possibly a sleeping couch and one or two chairs and a chiffonier and a few hooks in a closet, and there you stop. That can be furnished very cheaply, indeed.

It does seem to me that the character and value of the furniture ought to be considered in determining what should be a fair rental, and certainly no landlord can complain if you authorize the administrator, in addition to what the property would be worth to rent unfurnished, to fix a price which would be reasonable and just and fair for the furniture that he may put in. Then if expensive furniture is put in the apartment, he will pay less for it, and in the case of this very meager furniture, which I declare can be bought in almost any of these apartments for $60, he would not be allowed to charge $480 a year in one instance or $240 a year in another instance in addition to the rent of the apartment unfurnished, merely because he has it furnished; and, having it furnished, of course, he will not rent it in any way except furnished.

We ought to leave no loophole open whereby these profiteers can find a method of still following their inclination to take advantage of those who must have a roof to sleep under, at least. I hope the Senator will agree with me and that he may allow an amendment that will base the rental for the furniture upon the value or character of that furniture, leaving it in some form so that the party selected as administrator may pass his judgment upon the additional value that has accrued by reason of the furnishings.

Mr. SAULSBURY. Mr. President, at the suggestion of the Senator from Ohio [Mr. POMERENE], I want to say to the Senator from North Dakota that there is no special objection on the part of the committee or any member of it to putting such a provision as that in the bill, except this reason, which I think is one that will appeal to the Senator from North Dakota:

Under the suggested provision of the Senator from North Dakota a multitude of cases will be poured in on this rent administrator for adjudication which will not come in if the provision is left as it now is, although he can make corrections

when particularly appealed to. I want to call the attention of the Senator from North Dakota to the fact that under the amendment which he suggests, in principle, the rents in some cases will very much exceed 100 per cent where they would now only think of charging double the rent for the real estate. As a matter of simplification, the limitation on the rent for the furnishings to 100 per cent in cases where the apartments are now rented and to 50 per cent later on is a very great limitation on the amount.

Mr. McCUMBER. Mr. President, will the Senator allow me to make a suggestion right here?

Mr. SAULSBURY. Surely.

Mr. McCUMBER. Where the Senator would find one case where the furniture would justly add 100 per cent to the rental value, he would find 500 cases where it ought not to add 30 per cent to the rental value; and therefore we ought not to suggest to the administrator that he can allow 50 per cent or can allow 100 per cent, even though the furniture should not add over 25 per cent.

Mr. SAULSBURY. I think the Senator is entirely right when he says there will be 500 cases where it will not come up to that to one where it will come up to that. For the most part, I think the furnished apartments in Washington, as far as I have seen them, when a person goes into them look like a bride's parlor, as we say in our part of the country. The furniture is rather scanty, because the wedding presents have not been sufficient to furnish the whole house; so that we would describe a Washington apartment as looking like a bride's parlor. I think that is the case.

Mr. McCUMBER. If I may be permitted again by the Senator, most of these apartments that I have seen are so decidedly small that you could not get very much furniture into them. It would have to be of an excessively high value to run over $60 or $70.

Mr. SAULSBURY. There is another suggestion, too, that all of that leads to the simple life, which is something that we want to encourage at this time. If the Senator will prepare such an amendment as he suggests I think the chairman of the subcommittee in charge of the bill would accept it; but, personally, I rather think the bill is in better shape as it is now. That is my opinion.

Mr. McCUMBER. I have prepared it. I stated what it would be. Shall I state it again?

Mr. SAULSBURY. Personally, I did not hear what the Senator said.

Mr. McCUMBER. I will state it again, if the Senator will take his bill.

On page 13, section 7, line 22, I suggest striking out all after the first word in that line—"rental"—down to and including line 6 on page 14, and to insert these words after "rental," "for the furniture in addition to the rental for the real estate," so that it will read:

SEC. 7. That when the real estate is rented furnished, the rent administrator shall authorize a fair and reasonable rental for the furniture in addition to the rental for the real estate.

Mr. SAULSBURY. As I said, Mr. President, I think the present form is preferable to the form as it would be with the amendment of the Senator from North Dakota. I suggest that we take a vote of the Senators here present and let them determine it. I should vote against making the amendment, but since the Senator feels as he does about it, I have not any complaint to make of the provision as it would then stand, although I think it is better as it is.

Mr. McCUMBER. Let me call attention to the fact that under the bill as it now stands there is an invitation or at least a suggestion to the rent administrator that he will have complied with the spirit of this law if he allows not more than 100 per cent additional rental for the room in one instance, and not more than 50 per cent additional for the rental of the room if it happens to be a furnished room, no matter how meagerly or how cheaply furnished. Now, that is unjust. It will operate unjustly. It gives a splendid opportunity for the landlord to do what was done in the case that the Senator from Ohio suggested, where he notified his lessees that he was going to furnish his rooms, and then charge them extra because of the furniture. I do not think he did that until after this bill had been suggested, and he saw the wonderful opportunity of getting 100 per cent on his rental where he would not be entitled to more than 10 per cent according to the value of the furniture; and if we allow the rent administrator to exercise his discretion, and say that it shall be just and reasonable, there will be no difficulty. Why? Because ordinarily the furniture in an apartment will be practically the same in all the rooms of a certain class, and a report will be made of them, and he can easily tell how much the additional charge should be.

Mr. SAULSBURY. Mr. President——

Mr. SMITH of Georgia rose.

Mr. SAULSBURY. I will yield to the Senator in just a moment.

Mr. SMITH of Georgia. I was only going to ask the Senator, in his reply, to call attention to the limitations contained in the bill.

Mr. SAULSBURY. Precisely. I can not agree to the logic of the Senator from North Dakota. The wording of the authorization to the rent administrator here is that he shall allow a fair and reasonable rate, including furniture.

Mr. McCUMBER. Not exceeding so much.

Mr. SAULSBURY. And the limitation is on the ability of the administrator to increase the rental of the furniture beyond, in the one case, the rent which is paid for the real estate, and in future cases to half that amount. It seems to me that every matter of this kind depends upon the fairness of the rent administrator. If you take all limitations off the rent administrator, certainly you give an unfair rent administrator a much wider latitude. He will not place the rent of the furniture at a maximum of 100 per cent of the rent of the real estate, and less than that in some cases, if he has no limit at all. In this bill we place a limit on the ability of the rent administrator to allow rent for the furnishings, and that is certainly better than giving him an unbridled license to allow whatever he sees fit, in his discretion. I think so, at least.

Mr. McCUMBER. I want to ask the Senator if he can recall an instance in which any law of Congress has allowed a salary or has allowed a charge for rental not to exceed a certain amount where that limit has not always been given? That is taken to be the expression of Congress as to its view of what is just and proper. I think it is certain that they will run up to the 100 per cent in almost every instance; whereas if you limit it to what is simply just and reasonable, if the furniture that is furnished is worth more than 100 per cent of the rent of the apartment itself, he ought to pay more than 100 per cent.

Mr. SMITH of Georgia. What does the Senator think of making a limitation based upon the value of the furniture?

Mr. McCUMBER. That is what I am making.

Mr. SMITH of Georgia. I mean, to put in some definite figure, not to exceed such a per cent of the value of the furniture.

Mr. McCUMBER. If I should say that, I would say not to exceed 50 per cent of the value of the furniture, so that two years' rent would pay for the furniture.

Mr. SMITH of Georgia. I suggest that it be 25 per cent.

Mr. McCUMBER. Yes; I think 25 per cent would be enough.

Mr. SMITH of Georgia. Twenty-five per cent of the value of the property would be just as much as ought to be allowed, and I do not think over 50 per cent in any event.

E. B. STAHLMAN, OF NASHVILLE, TENN.

Mr. McKELLAR. Mr. President, I am informed that there will not be a vote on this rent bill this afternoon, and I desire to make a brief statement on another subject.

On last Friday the Senator from Illinois [Mr. SHERMAN], in a speech that was delivered here, spoke of the dismissal of an assistant United States district attorney at Nashville, Tenn., by the Attorney General of the United States and, in substance, stated that the assistant district attorney had been dismissed because of his activity in looking out for aliens and ferreting out those who ought to be punished under the alien law, and especially because of his attitude toward Maj. E. B. Stahlman.

The next morning an article appeared in the Nashville Tennessean and American, from which I read this excerpt:

While Senator SHERMAN was making his speech, E. B. Stahlman, the Nashville publisher, was in the gallery, and he at once got in touch with Senators SHIELDS and MCKELLAR and began a counterattack. Neither of the Tennessee Senators spoke personally in behalf of the Nashville publisher, but at their instance Senator WALSH interrupted Senator SHERMAN to say that his information was that Campen was removed because "he had not been sufficiently vigorous in prosecutions under the espionage act and under other acts connected with the war."

When asked where he secured this statement of the reason for Campen's removal, Senator WALSH stated that he had been told these reasons were assigned by Attorney General Gregory in the public press. He also stated that he had discussed the case with Senator MCKELLAR.

In the first place, Mr. President, I desire to say that that statement is substantially wholly untrue. I doubt if, other than the names connected with it, there is the substance of truth in it, or in any part of it, in so far as it refers to me.

It is not only untrue, but the whole article and proceeding is an attack by a so-called Democratic newspaper on a Democratic Attorney General and a Democratic administration.

I wish to say at the outset that I do not mean to criticize in the least the distinguished Senator from Illinois [Mr. SHERMAN] for having brought the dismissal of Mr. Campen to the attention of the Senate. In my humble judgment, Senator SHERMAN was simply misled about the facts. He was given the alleged

facts by some designing persons, whose names I need not now refer to. I desire, very briefly, to state what the real facts were.

For a number of years in Nashville, Tenn., there has been what is known as a newspaper war between the Nashville Tennesean and American, owned by former Senator Luke Lea, now Col. Lea, of the Army, and the Nashville Banner, owned by Maj. E. B. Stahlman. Mr. Marven Campen was an assistant district attorney in the Nashville district, and, generally speaking, he is allied with the Tennessean side of that newspaper controversy. He was for a while Senator Lea's private secretary, belongs to what was formerly known as the Lea faction in Tennessee politics, is personally a very decent fellow, and was probably misled by self-seeking politicians to adopt the very misguided, uncalled-for, and disloyal attitude toward his chief, Attorney General Gregory, as will hereafter be more fully pointed out.

On December 3 he, or his immediate chief, Mr. Douglas, wrote a letter to Attorney General Gregory, stating in substance that Maj. Stahlman was born in Germany and had never been naturalized, and asking the Attorney General for an opinion as to Maj. Stahlman's status. On the 17th of December the Attorney General replied to District Attorney Douglas that under that state of facts Maj. Stahlman was an alien and would have to be registered under the alien act. Maj. Stahlman learned something of this movement by the district attorney's office and shortly after that, I believe on January 25, presented to the Attorney General, through Senator SHIELDS, his papers and court records, which were substantially these:

He had come to this country with his father and mother when a boy about 10 years old, as I recall his age—a very tender age, at any rate. When he was about 11 years old his father died. His father was a German subject. His mother was a German subject. His father had applied for naturalization papers, as I recall, but they had never been perfected at the time of his death. Not long—perhaps about a year or a little more—after the death of Frederick Stahlman, the father of Maj. Stahlman, his mother married a second time. She married a Mr. Lewis Harnish, also a German subject. I think this was about 1854 or 1855. Mr. Harnish applied for citizenship and secured it. By a court decree he became in 1856 a duly legalized naturalized American citizen. Under the terms of the statute then existing, and still existing I believe, that naturalized all of the minor step-children of Mr. Harnish, including Maj. Stahlman. It is perfectly plain. There is no doubt about it. There can not be any possible answer to that proposition. As I stated, on the 25th day of January my colleague [Mr. SHIELDS] presented to the Attorney General certified copies of the court decrees and various other evidences of the fact, and thereupon the Attorney General wrote to my colleague [Mr. SHIELDS] this letter:

JANUARY 25, 1918.

Hon. JOHN KNIGHT SHIELDS,
United States Senate, Washington, D. C.

MY DEAR SENATOR SHIELDS: I have carefully considered the documents submitted by you in respect to the citizenship of Edward B. Stahlman, of Nashville, Tenn., and the necessity of his registering as a German alien enemy.

From these documents it appears that Edward B. Stahlman was born in Mecklenburg, Germany, September 2, 1844, the son of Frederick Stahlman and Christiana Stahlman (born Christiana Lange), German subjects, who were married in Mecklenburg, Germany, in the year 1834; that he was brought to the United States in October, 1853, by his father and mother, who settled in Doddridge County, Va.; that his father, Frederick Stahlman, died in the United States in January, 1855; that his mother, Christiana Stahlman, after the death of her husband, Frederick Stahlman, and in December, 1855, was married in the United States to Mr. Lewis Harnish, then a German alien; that on October 20, 1856, Lewis Harnish completed his naturalization as an American citizen and was, by the circuit court of Doddridge County, Va. (now West Virginia), duly admitted a citizen of the United States of America; that at the time of the naturalization and admission of Lewis Harnish, stepfather of Edward B. Stahlman, as an American citizen, the mother of Edward B. Stahlman was (so far as appears) living in the United States, and her son, Edward B. Stahlman, was a minor of the age of 12 years, then permanently residing or dwelling within the United States; that Edward B. Stahlman has since continued to reside permanently in the United States; and that he has not expatriated himself.

If the facts be as stated, Mr. Edward B. Stahlman became naturalized as an American citizen on October 20, 1856, by the naturalization on that date of his stepfather, and is not required to register in the forthcoming registration of German alien enemies. His subsequent filing of a declaration of intention to become a citizen of the United States is to be regarded merely as cumulative evidence of election of United States citizenship, as he was already a citizen of the United States by the naturalization of his stepfather, and was none the less so because he may, at the time of filing his declaration of intention, have entertained unfounded doubts on the subject.

Respectfully,

T. W. GREGORY, *Attorney General.*

Mind you, before that, upon the state of facts that had been submitted by District Attorney Douglas, or his assistant, Mr. Campen, the Attorney General had stated if those facts were true, that is to say, if Maj. Stahlman was born in Germany and had never been naturalized, he was a German subject; but upon this state of facts presented by Senator SHIELDS upon the proof submitted, the Attorney General notified the district attorney at Nashville on the 25th day of January that Maj. Stahlman was a naturalized citizen under the conditions that I have just now recited. That letter was written on January 25, and was mailed on the 26th day of January. It should have been in Nashville on the 28th day of January, but on the 29th day of January the Nashville Tennesseean and American, a rival newspaper that I spoke of, had in headlines on the front page an article like this:

E. B. Stahlman is declared to be an alien enemy.

And under a purported dispatch from Washington it said this:

It has been ascertained that the Department of Justice has apprised Government officials at Nashville that the status of E. B. Stahlman, of that city, is that of an alien enemy. It is understood this information was given preparatory to the registration of alien enemies, which begins within the next few days.

Thereupon this was added as a local statement:

In the absence of United States District Attorney Lee Douglas, who is away on his vacation, his assistant, Marven Campen, was informed of the above dispatch, and when questioned with regard thereto said: If Maj. Stahlman's status as an alien enemy is a secret, I have not been made aware of it. According to a communication in our files from the Department of Justice Maj. Stahlman is an alien enemy within the meaning of the phrase in the statute. This office did not consider Maj. Stahlman's status an item of news and has sought no opportunity to publish the fact. Now that it comes from Washington as an item of news, and since the Department of Justice at Washington is fully aware of his status, I see no impropriety in making this statement.

Then he adds this, and I regret that the Senator from Illinois [Mr. SHERMAN] is not in the Chamber, because I wanted to call his attention to this significant statement by the assistant district attorney:

This office is not unmindful of the further fact that no newspaper in the United States has been more patriotic and loyal in its utterances since the declaration of war than Maj. Stahlman's paper, the Nashville Banner.

The assistant district attorney acting in the matter, the district attorney being away on vacation as stated, claimed that he did not receive that letter of the Attorney General inclosing the letter to Senator SHIELDS until the 30th, the day after the foregoing article was published in the Tennesseean and about two days after the letter ought to have been in Nashville. Thereupon Mr. Campen finds a conflict between the Attorney General's direction to him and the statement made in the Nashville Tennesseean and American above quoted, and he sends this telegram to the Attorney General:

Refer your A. B. 188961-1 A. B.-M. R. December 17, 1917—

Evidently referring to the letter of December 17—

and your J. L. O'B-A. H. C.—

Evidently referring to the later letter—

January 25, 1918. Dispatch from Washington dated as of 29th appears in morning paper here states E. B. Stahlman is alien enemy. In view of apparent conflict, please advise E. B. Stahlman's real status.

DOUGLAS,
United States Attorney.

In other words, the Tennesseean and American—think of it, Mr. President—a local paper, had published a statement about the matter that was in conflict with the Attorney General's instructions to the district attorney, and the assistant district attorney, in the absence of the district attorney, assumed the rôle of critic and wired the Attorney General of the United States to explain his position! I am not surprised that the Attorney General sent this telegram on January 30, the same day. If he had wired an instant dismissal of the author of the telegram, he would have been clearly within his right, but he contented himself with only a reprimand. I read:

JANUARY 30, 1918.

LEE DOUGLAS, United States Attorney,
Nashville, Tenn.:

Your wire 30th received. My letter to you 25th with inclosed copy of letter to Senator SHIELDS of same date perfectly clear. Since then have qualified this letter in no way. This department sent you no wire on 29th in regard to Stahlman, nor did it send any such wire to any other person, nor did it make any announcement qualifying letter written to you on 25th. Manufactured newspaper articles do not alter my instructions to you. Fail to understand why you should have sent me wire 30th. Write fully and explain.

T. W. GREGORY, *Attorney General.*

I think Mr. Campen was exceedingly fortunate that the Attorney General of the United States had not sent him a wire dismissing him that very day, but a day or two later Mr. Campen sent a letter in apparent explanation, but merely setting forth the telegrams and then sent this, giving this as a reason. I ask unanimous consent to put the letter in the RECORD. I am not going to read it, but I am just going to read the last paragraph of it:

On account of the prominence—

This was after quoting the various telegrams—

On account of the prominence of Maj. Stahlman, many citizens, and more especially Maj. Stahlman's friends, inquired at this office with regard to the dispatch in the morning paper, and, in justice to Maj. Stahlman, I felt it my duty to wire you.

Respectfully (for and in the absence of the United States attorney),

MARVEN CAMPEN,
Assistant United States Attorney.

Later on Mr. Campen sent a long letter to the Attorney General virtually advising him that he was wrong in his contention and giving a lot of stuff about contentions down there between these rival newspapers and saying that he sent this letter not as assistant district attorney but as a private individual. Naturally, the United States Attorney General felt that he could not stand that kind of conduct any longer in the assistant district attorney and discharged him.

Mr. President, I wish to say this for the Attorney General. He acted in a perfectly proper way in the discharge of Mr. Campen. I do not see how he could have done anything else and maintain his self-respect. Mr. Campen had sent him that telegram demanding to know his position because of the article he had seen in the newspaper—virtually demanding to know whether the Attorney General was right in his judgment in the matter. He afterwards, in a subsequent communication, disagreed with him about the law and facts of the case and virtually asked him to reverse his decision, and, as I recall it, said something about it making no difference whether he lost his place or not. The last communication was virtually a challenge to the Attorney General to discharge him, and thereupon he was discharged; and I for one say that the Attorney General did exactly right in making that dismissal upon that state of facts. I do not see how he could have done anything else.

I can add this further, that Maj. Stahlman never mentioned the name of Mr. Campen directly or indirectly to the Attorney General and never wrote to him about the matter; that neither Senator SHIELDS nor myself have at any time spoken to the Attorney General about Mr. Campen until after he had been removed, and, so far as I am concerned, the first time I ever knew it was when I saw the statement in the newspapers or heard it on the street. The Attorney General never consulted with either Senator SHIELDS or myself about the matter before he acted. His reasons for discharging Mr. Campen were certainly ample, and he is to be commended for it rather than to be criticized. I am sure if my friend the Senator from Illinois had had all these facts before him, he would not have presented this matter to the Senate, for he is a fair man. These statements were made to Senator SHERMAN in the interest of the discharged officer, and I am sure Senator SHERMAN would have disregarded them if he had not simply been misled, and accordingly his criticism of the Attorney General would not have been made.

Mr. President, it appears from the RECORD that Senator WALSH asked some questions of the Senator from Illinois. It appears in this newspaper account which I have just read that I got Senator WALSH to represent me in asking questions of Senator SHERMAN. Mr. President, there is no man in the Senate for whose attainments I have greater respect than I have for those of the distinguished Senator from Montana [Mr. WALSH]. He is one of the ablest men in this body and is my friend, but I have never yet felt called upon to have other Senators represent me in this body. I may speak for myself very much worse than it ought to be done, but up to date I have never felt the necessity of calling on others to represent me when I had something to say or questions to ask, and I think I can safely say in the presence of the Senator from Montana that I made no such request of him; that I never knew anything about the matter until after it happened, when he very kindly told me what had occurred during my temporary absence.

As a matter of fact, on that afternoon, the Senate being devoted to business with which I was not directly concerned, I was in the Post Office Committee in the active performance of my duties on that committee and therefore I did not hear it. I understand that Senator SHIELDS was in the Judiciary Committee at work on the administration bill that he had passed here to-day and he did not hear it. The first I knew about the matter or ever dreamed of such a matter was when Senator WALSH called my attention to it upon my return to the Chamber, as I now recall. I called Senator SHIELDS's attention to it that night at supper at the Continental Hotel. These are the facts.

So the article is manufactured out of the whole cloth, and I content myself with saying nothing further about it. It is not the first time that this representative of the Tennessean and American has untruthfully assailed me here from the press gallery in his articles to the Tennessean and other papers. I do not know what the rules of the Senate are about this matter. I do not know whether it is proper for a man in the newspaper fraternity to write falsehoods about a Senator and still remain in the press gallery of the Senate or not. This is the second time I have had to call attention publicly to the malicious and vindictive falsehoods that have been written about me by this representative of the Tennessean and American from his place in the press gallery. My understanding is that members in that gallery are permitted there through the courtesy of the Senate. So long as they write the truth, no Senator can complain, but when a man using those privileges so far forgets himself as to write repeated falsehoods about a Senator, as a matter of simple justice to the Senator those privileges should be withdrawn from the offending writer.

Now, I come to the next question of Maj. Stahlman's loyalty, about which the distinguished Senator from Illinois had something to say the other day. I take Mr. Campen's own statement before the question arose. He said:

This office is not unmindful of the further fact that no newspaper in the United States has been more patriotic and loyal in its utterances since the declaration of war than Maj. Stahlman's paper, the Nashville Banner.

That is not all. On the very day that war was declared Maj. Stahlman, who prior to that time, as I recall it, was opposed to the war, announced in large headlines on the front page of his paper that he wanted every man of military age working for that paper to enlist in the Army, and he made the additional statement that the Banner would pay to everyone who went into the Army from his paper's force one-half of his wages for the benefit of his family all the time he was there. He is carrying out that promise to-day.

Is that loyalty? I wish to Heaven that other owners of newspapers and other men had that kind of loyalty. I wonder if the owner of his rival newspaper down there is doing as much for his employees who have gone into the Army? I say a man with a record of that kind ought not to be assailed in this body or anywhere else in the defamatory way that Maj. Stahlman has been assailed. Maj. Stahlman has lived 53 years of his life in Nashville. He has been and is a successful man of affairs there. He owns large interests there. He is one of our most useful and distinguished citizens. He owns one of the best newspapers in the State. He is fearless and able. He is patriotic to a degree. Every dollar he owns is in this country. He has children and grandchildren here. That he should be hounded as he has been for years by this rival newspaper and those who follow it and fawn upon it and who expect its political aid and support is an outrage and a shame.

Mr. President, since the publication of this article I have received a letter indicating, in the opinion of the writer, that it was not my duty to make a statement about this matter. I want to say that I do not so conceive my duty. A citizen of my State has been assailed here in this Senate, first as being an alien enemy and next as being disloyal. The facts within my knowledge show he is neither. I do not care whether it is Maj. Stahlman or any other citizen of my State; I do not care whether he is a Democrat or a Republican, under similar circumstances; I do not care whether he is white or black, under those circumstances. When I know that such criticism is unwarranted and untrue I will stand by him, whether he be high or whether he be low, whether he be rich or whether he be poor. I represent all the people of my State, in part, and as long as I am here I want the truth to be known and the facts to come out.

Mr. President, I think I have said about all that I want to say. There are several other letters and several short communications and articles here that I ask the unanimous consent of the Senate to insert as a part of my remarks in the RECORD in order that the facts may be shown just as they are. I ask unanimous consent to insert them in the RECORD.

The PRESIDING OFFICER (Mr. THOMAS in the chair). If there is no objection, it will be so ordered. The Chair hears none.

The matter referred to is as follows:

NASHVILLE, TENN., *January 30, 1918.*

The ATTORNEY GENERAL, *Washington, D. C.:*

Refer your A. B. 188961-1 A. B.-M. R. December 17, 1917, and your J. L. O'B.-A. H. C. January 25, 1918, dispatch from Washington, dated as of 29th, appears in morning papers here states E. B. Stahlman is alien enemy in view of apparent conflict. Please advise E. B. Stahlman's real status.

DOUGLAS,
United States Attorney.

—

NASHVILLE, *January 31, 1918.*

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: Re naturalization of Maj. E. B. Stahlman, Nashville, Tenn.

I have the honor to acknowledge receipt of your telegram of the 30th instant, as follows:

"Your wire of the 30th received. My letter to you of the 25th, with inclosed copy of letter to Senator SHIELDS of same date, perfectly clear.

Since then have qualified this letter in no way. This department sent you no wire on the 29th in regard to Stahlman, nor did it send any such wire to any other person, nor did it make any announcement qualifying letter written to you on 25th. Manufactured newspaper articles do not alter my instructions to you. Fail to understand why you should have sent me wire of the 30th. Write and explain."

In reply, I beg to advise that on the morning of January 30 the following appeared in the Nashville Tennessean and American:

"WASHINGTON, D. C., *January 29 (Special)*.

"It has been ascertained that the Department of Justice has apprised Government officials at Nashville that the status of E. B. Stahlman, of that city, is that of an alien enemy. It is understood this information was given preparatory to the registration of alien enemies, which begins within the next few days."

Also, on the morning of January 30, after the morning paper was on the streets of Nashville, your letter of January 25, with inclosed copy of letter to Senator SHIELDS of same date, came to my office, the concluding paragraph of which is as follows:

"This letter is written to call your attention to the fact that the opinion stated in the inclosed letter is based on facts which were not before this department at the time of the letter written you December 17."

On account of the prominence of Maj. Stahlman, many citizens, and more especially Maj. Stahlman's friends, inquired at this office with regard to the dispatch in the morning paper, and, in justice to Maj. Stahlman, I felt it my duty to wire you.

Respectfully (for and in the absence of the United States attorney),

MARVIN CAMPEN,
Assistant United States Attorney.

—

JANUARY 30, 1918.

LEE DOUGLAS, United States Attorney,
Nashville, Tenn.:

Your wire, 30th, received. My letter to you, 25th, with inclosed copy of letter to Senator SHIELDS of same date perfectly clear. Since then have qualified this letter in no way. This department sent you no wire on 29th in regard to Stahlman, nor did it send any such wire to any other person, nor did it make any announcement qualifying letter written to you on 25th. Manufactured newspaper articles do not alter my instructions to you. Fail to understand why you should have sent me wire 30th. Write fully and explain.

T. W. GREGORY,
Attorney General.

—

NASHVILLE, TENN., *March 16, 1918.*

The ATTORNEY GENERAL,
Washington, D. C.

SIR: I appeal to you as the head of the Department of Justice to afford me an opportunity to be heard in person on the charges, unknown to me, which caused my summary removal as assistant United States attorney for the middle district of Tennessee on the 14th instant—without notice—on the broad and indefinite ground of "for the good of the service." I have endeavored to be scrupulously diligent during my incumbency of nearly two years to take care of the duties of the office, having only in mind "the good of the service," as an examination of my record will disclose.

I am eager to face my accusers, whoever they may be, or to answer truly all questions you may ask me. It looks very much like some one has tried to steal my good name, which, according to the proverb, can not profit them but makes me poor, indeed.

I believe you will agree with me that my previous good record in public and private life entitles me to at least a hearing before my family and myself are finally subjected to the humiliation incident to the summary action taken.

I do not want to be reinstated, but desire, if, after a hearing, the merits of the case warrant it, a modification of the order of removal to the extent that the sting of dishonor may no longer attach to it.

I am confident that a man of your exalted station would not knowingly permit an injustice to the humblest citizen.

I can leave for Washington any day.

Respectfully,

MARVIN CAMPEN.

—

MARCH 22, 1918.

Mr. MARVIN CAMPEN, Attorney.
Nashville, Tenn.

SIR: I acknowledge receipt of yours of the 16th.

On January 25 this department wrote a letter to United States District Attorney Douglas, at Nashville, inclosing a copy of a letter of same date written by the Attorney General to Senator SHIELDS. These letters stated that certain facts had been presented to this department in regard to the status of Maj. Edward B. Stahlman, and that if the statement of these facts was true Maj. Stahlman was a naturalized American citizen.

In the absence of District Attorney Douglas, and while you were acting in his place, you sent me a wire in his name, on January 30, stating that in a Nashville morning paper of the 29th there appeared a statement to the effect that Maj. Stahlman was an alien enemy. You stated that, in view of the apparent conflict between the department's letter to Douglas and the newspaper article, you wished me to advise you as to Maj. Stahlman's real status. Subsequently, on February 20, you wrote me quite a lengthy letter in regard to the Stahlman case.

I have not the slightest interest in the bitter political controversy prevailing in Nashville. The duty of the employees of this department is to enforce the laws of the United States and, in doing so, to refrain from engaging in controversies of the character referred to. When they permit themselves to become so involved, especially when they become bitter and resentful, they thereby impair their usefulness, reflect upon the administration of the law by this department, and violate its policies.

The wire you sent me on January 30 was entirely improper, as the opinions and instructions of this department are not varied by newspaper articles; and it is hard to conceive of how you could have properly viewed any newspaper publication as creating a conflict which it was necessary for the Attorney General to explain. This proceeding on your part was followed by your letter of February 20, which is so intemperate in its tone and expressions, so indicative of a partisan attitude on your part toward the political controversy referred to, so abounds in expressions of personal ill will, and is so absolutely lacking in that impartiality and dignity which must characterize the office of a United States district attorney, that I sent you a wire stating that for the good of the service you were removed from the position which you then held.

You of course, have copies of your wire of January 30 and your letter of February 20, and I therefore see nothing to be accomplished by discussing their contents. There is no need of a hearing, as you admit being the author of the wire and letter referred to. These documents fully justify the action taken, and for that reason I do not consider it necessary to discuss other acts of yours of which I distinctly disapprove.

Very truly, yours,

T. W. GREGORY,
Attorney General.

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JANUARY 25, 1918.

LEE DOUGLAS, Esq., United States Attorney,
Nashville, Tenn.

SIR: Based on the facts stated in your letter of December 3, this department wrote you, under date of December 17, to the effect that Maj. Stahlman, of Nashville, was an alien enemy within the statute.

As you will observe from the inclosed copy of letter addressed this day by the Attorney General to Senator SHIELDS, Maj. Stahlman became a naturalized American citizen by reason of the naturalization of his stepfather in 1856.

This letter is written to call your attention to the fact that the opinion stated in the inclosed letter is based on facts which were not before this department at the time of the letter written you December 17.

Respectfully (for the Attorney General),

(Signed) JOHN LORD O'BRIAN,
Special Assistant to Attorney General.

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[From the Nashville American.]

WALSH SPOKE FOR SHIELDS—INTERRUPTED SHERMAN'S ATTACK ON STAHLMAN FOR SENATOR.

(By John D. Erwin.)

WASHINGTON, D. C., *May 4.*

The removal of Marven Campen as assistant district attorney at Nashville was brought up on the floor of the Senate Friday afternoon during the debate on the espionage bill.

Senator SHERMAN of Illinois made reference to the case as an evidence that the Department of Justice is not dealing with an impartial hand in the prosecution of persons who have the status of alien enemies, or who are suspected of disloyalty.

After alluding to the fact that Campen was removed apparently for the reason that he was too vigorous in investigating the cases of this kind, particularly the case of E. B. Stahlman, the Nashville publisher, the Illinois Senator made the following statement concerning the Nashville Banner:

"No prosecution has ever been had of the publisher of this newspaper. No prosecution will be had. The evidence would tend to show that he is an alien; that his utterances previous to the declaration of war were friendly to the nations now at war with the United States. Because of this investigation by the assistant district attorney, I think the proof before me shows that he was removed upon the demand of the newspaper publisher, Mr. Stahlman. I only allude to this not for any purpose at this time of doing more than serving a purpose in pointing the moral and adorning the tale of prosecutions in the United States. If it should be proper at some future occasion when the issue is raised it probably will be examined in due form and hearings had if the Senate should regard it as worthy of that investigation."

Senator SHERMAN made a vigorous onslaught on the Attorney General's administration of the laws affecting alien enemies.

While Senator SHERMAN was making his speech E. B. Stahlman, the Nashville publisher, was in the gallery, and he at once got in touch with Senators SHIELDS and MCKELLAR and began a counterattack. Neither of the Tennessee Senators spoke personally in behalf of the Nashville publisher, but at their instance Senator WALSH interrupted Senator SHERMAN to say that his information was that Campen was removed because "he had not been sufficiently vigorous in prosecutions under the espionage act and other acts connected with the war."

When asked where he secured this statement of the reason for Campen's removal, Senator WALSH stated that he had been told these reasons were assigned by Gen. Gregory in the public press. He also stated that he had discussed the case with Senator MCKELLAR.

In reply to Senator WALSH'S statement, Senator SHERMAN suggested that the circumstances connected with this case should be investigated by the Senate Judiciary Committee.

The result of bringing up of this case in the Senate will probably be a senatorial investigation and an airing of all the facts in the matter.

Senator SHERMAN made the point that apparently influential German citizens with political prestige and wealth have more influence in these matters than the officials of the Government who are expected to administer the laws.

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CITIZENSHIP OF E. B. STAHLMAN.

[The following articles are taken from the Tennessean and American, Nashville Banner, and also reprints from the various newspapers throughout Tennessee relative to the attack by the Tennessean and American on the citizenship of Maj. E. B. Stahlman. The articles are arranged chronologically and the papers from which they were taken are listed:]

[From the Tennessean and American, Jan. 30, 1918.]

E. B. STAHLMAN IS DECLARED TO BE AN ALIEN ENEMY—STATUS OF LOCAL PUBLISHER ESTABLISHED BY UNITED STATES DEPARTMENT OF JUSTICE.

WASHINGTON, D. C., *January 29.*

It has been ascertained that the Department of Justice has apprised Government officials at Nashville that the status of E. B. Stahlman, of that city, is that of an alien enemy. It is understood this information was given preparatory to the registration of alien enemies, which begins within the next few days.

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In the absence of United States District Attorney Lee Douglas, who is away on his vacation, his assistant, Marvin Campen, was informed of the above dispatch, and when questioned with regard thereto, said:

"If Maj. Stahlman's status as an alien enemy is a secret, I have not been made aware of it. According to a communication in our files from the Department of Justice, Maj. Stahlman is an alien enemy within the meaning of the phrase in the statute. This office did not consider Maj. Stahlman's status an item of news and has sought no opportunity to

publish the fact. Now, that it comes from Washington as an item of news and since the Department of Justice at Washington is fully aware of his status, I see no impropriety in making this statement.

"This office is not unmindful of the further fact that no newspaper in the United States has been more patriotic and loyal in its utterances, since the declaration of war, than Maj. Stahlman's paper, the Nashville Banner."

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[From the Nashville Banner, Jan. 30, 1918.]

MAJ. STAHLMAN IS A CITIZEN.

The article published in the Tennessean and American of this morning stating that Maj E. B. Stahlman is an alien enemy is absolutely false. Maj. Stahlman became a naturalized citizen of the United States on the 20th day of October, 1856, when he was only 12 years of age, through the naturalization of his stepfather.

Mr. Campen, assistant district attorney, has furnished the Banner the copy of a letter from the Attorney General's office in Washington under date of January 25, 1918, stating that the department has been furnished evidence to show that Maj. Stahlman "became a naturalized American citizen by reason of the naturalization of his stepfather in 1856."

Mr. Campen claims he had not received this letter when he gave out the statement published in the Tennessean and American of this morning alleging that Maj. Stahlman was an alien enemy.

Maj. Stahlman has all documentary evidence in his possession and may have occasion to speak on this subject, making clear the attempt to embarrass and injure him.

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[From the Tennessean and American, January 31, 1918.]

STEPFATHER OF E. B. STAHLMAN NATURALIZED—ON BASIS OF THIS CLAIM OWNER OF THE NASHVILLE BANNER IS RECLASSIFIED.

Relative to a news story appearing in the Tennessean and American of Wednesday with regard to the citizenship of E. B. Stahlman, a local publisher, Marvin Campen assistant United States district attorney, Wednesday gave out the following statement:

"This morning this office received a letter from the Department of Justice at Washington, which was signed by the same official who for the department had previously advised this office that the status of 'Maj. Stahlman was that of an alien enemy within the meaning of that phrase in the statute.' The letter received to-day from the department states among other things that 'Maj. Stahlman became a naturalized American citizen by reason of the naturalization of his stepfather in 1856' and that this latter opinion was based upon facts which were not before the department at the time of the former opinion."

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[Reprints from Tennessee newspapers in Banner, Jan. 31.]

WHAT TENNESSEE PAPERS SAY.

LUKE LEA.

It will be a blessing to Tennessee when Luke Lea, colonel in the National Guard by the generosity and bad judgment of Tom Rye, pitches his tent in France and finds himself where he can no longer be a disturbing factor in Tennessee politics. Thus far his official duties have interfered in no way with his personal and selfish designs. Maj. E. B. Stahlman earned his eternal ingratitude the day he was instrumental in electing him to the Senate, and he has dogged him ever since with villainous persistence, not only to wreak vengeance upon him personally but to destroy the influence of his newspaper. Maj. Stahlman came to this country a lad of 8 and went to work. His father died, and in a humble home in West Virginia he held the household together, made a living, and eventually prospered. There isn't a more patriotic, honorable, or more generous man in the United States. He reared a large family, and his children and their children are a credit to this country. Maj. Stahlman is now an old man, but he has as many friends as Luke Lea has enemies, and no man could wish for more.—Memphis News-Scimitar.

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MAJ. STAHLMAN IS LOYAL.

It may be possible that technically Maj. E. B. Stahlman is an "alien enemy." It seems that he came to this country as a youth and his parents were never naturalized. Although during a long life he has participated in our politics and has been one of the most public-spirited citizens in the State, his status remains that which his birth and parentage gave him. But whatever Maj. Stahlman may be called under the law, we in Tennessee know him not as an alien or enemy but as one of most loyal and patriotic citizens. We regret, indeed, that such a fact, if it is a fact, has found the light of publicity, and his friends and neighbors will reassure him of their confidence and endeavor in every way to protect him from a humiliation he does not deserve.—Chattanooga News.

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[Reprints from Tennessee newspapers in Banner, Feb. 1.]

WHAT TENNESSEE PAPERS SAY.

[These editorial articles were produced before the libelous misstatement concerning Maj. Stahlman's citizenship had been corrected.]

MAJ. STAHLMAN—CITIZEN.

We do not know who did it, but whoever it was it was a despicable act—reporting Maj. E. B. Stahlman of the Nashville Banner as an alien enemy. Maj. Stahlman was born in Germany, to be sure, and technically he may come under the recent laws enacted with reference to the registration of aliens; but for all that, he is no alien or any other kind of an enemy to the United States. He may have failed to take out all his naturalization papers—if he did it was because he was so much an American citizen that it never occurred to him that it was necessary. We do not remember how long the major has been a citizen of the United States—so long, however, that the memory of most of us runneth not to the contrary. He has been an institution in Tennessee for 40 years to the knowledge of the present writer, and during that time he has never been anything but a loyal American, whatever else he may have been. This newspaper has differed with Maj. Stahlman radically on many questions, especially during the past six or eight years, but it was not because of any pro-Germanism he has displayed. Maj. Stahlman has for the most part during the time of his residence in the United States and his citizenship in Tennessee occupied a high place in the estimation of the political and business communities where he has resided. He has built up a magnificent newspaper property in the Banner and has accumulated other valuable holdings, attesting his patriotic confidence in the country as well as his business sagacity and acumen. If such a thing be possible there should be a popular vocal and written request sent to the President and to the proper authorities at Washington that whatever technical grounds there may be for Maj. Stahlman's registration as an alien enemy, the same be purged and cleared and he be immediately given full and incontestible rights as an American citizen.

One thing the major may be sure of—if they should insist on interning him there will be a whole lot of us who have been quarreling very bitterly with him in a political way who will be delighted to take charge of him and guarantee his good behavior and his patriotic support of the President and the Government until the Kaiser has been licked and the German people are restored to their rights as a free people—for we are sure that is precisely what he would stand for even if he were an alien enemy, which he is not by any manner of means.—Chattanooga Times.

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THE MAJOR AND AMERICA.

About the meanest piece of personal spite we know of has been vented by rival publishers against Maj. Stahlman, proprietor of the Nashville Banner.

It is alleged now that the major is technically an alien enemy.

Here are facts:

Maj. Stahlman came with his father to America when he was a boy 8 or 10 years old. His father took out his first papers and died before the second papers were perfected.

Maj. Stahlman struggled along as a boy and as a young man to support his relatives. He secured an education under the greatest difficulties. Against growing competition he forged his way to the front. He has fought thousands of battles through his paper for better citizenship, for a better Nashville, for a better Tennessee, and for a better America, but he has never fought one single battle against the best interests of America.

We have often differed from the Nashville Banner in politics. We have differed from it in other policies, but we have never doubted the soundness of the devotion to America of its owner.

The chief editor of the Nashville Banner for years has been Richard H. Yancey. The very name of Yancey is redolent of the best Americanism and the best patriotism in the South.

And others of equally southern and American tribal names have worked on the Banner.

Maj. Stahlman has done much more for the country of his adoption than some of those who are assailing him.—Memphis Commercial Appeal.

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[Reprint from Nashville Commercial Daily (market newspaper), in Banner, Feb. 2.]

TRIBUTE TO MAJ. STAHLMAN.

The citizenship of our distinguished fellow-townsman, Maj. E. B. Stahlman, has at last been settled. The Department of Justice has decided that he is subject to registration as an alien enemy. This decision was based purely upon technical grounds. That no misconstruction of his loyalty or stand in this titanic struggle may occur, we are taking the liberty of featuring the facts as we have them. For once we take a chance without attempting to verify each item, as the high esteem in which he is held forbids any mention of the matter to him at this time. The service flag that floats above the entrance to his paper is large enough and full enough to cover any aspersions that might be cast, while the pay roll, on which still appears the roster of the boys that have gone to the front, is eloquent evidence of the naturalization of his heart, even though his name has never been attached to the papers that legally change the nationality of one who chances to be born in a country that floats other than the Stars and Stripes.

Maj. Stahlman may be an alien. He is not an enemy. Legally he may still belong to the land of his birth and his childhood; morally and in every other way he belongs to the land of his labors and manhood. There may have been some tender memory of those untroubled hours, that never come again in this world, strong enough and full of sentiment enough to have caused him to hope and fight for amicable relations to continue between the land of birth and land of adoption. It would have in most American hearts were they residing in another country when the great war came. Even among those naturalized years ago there was that same desire for friendly relations.

It is not wrong. It is the echo of the inner self that is so interwoven with the higher loves that we can not cast it out. Had Maj. Stahlman come to America as a grown man it would have been his duty in choosing this country as his permanent home. He came, however, as a child. His father died, if we mistake not, before he was subject to full naturalization. We are inclined to believe that when the child grew to manhood he was under the impression that naturalization was not required. At any rate, it was neglected without any intimation or thought that such a day as that of February 2, 1918, would ever come. Such a failure was not a sin of commission. If of omission, there was no ulterior motive back of it. That he is with us, if not of us, all unprejudiced citizens of this city believe. Then, there is proof of it. Men who come to America without sympathy for us and our institutions stay sufficiently long to amass a fortune and then return to the land to which they belong and above which no country ranks in their estimation. With Maj. Stahlman it has been different. Though successful in all his business ventures, until he came to be what is usually called a rich man his investments have been in the city which is and will ever be his home until he moves to the city of shadows, and then the city that he loved and for which he labored so long and so well will shadow the body until the spirit returns to give it life again. He has lived among us, and not even in the evening time of life has there been a call to return to the land of his nativity.

AS A CIVIL LEADER.

The loyalty of Maj. Stahlman can be seen in no better light than to mentally review his labors for the city of Nashville. During his long residence here he has sought to build up the city along lines of permanent rather than inflated growth. Chimerical schemes and hyperbolical representation have always been opposed in the planning of a greater city. In fact, Maj. Stahlman usually did his own building, and only opposed those schemes in which his remarkable foresight saw financial harm. His opposition to the city's investment of a million dollars in the building of the Tennessee Central called down a torrent of maledictions and accusations of a villifying kind upon him and his motives.

Under all he maintained a dignified silence, well knowing that the future would prove the wisdom of his warning. It has. In these and other matters the people of Nashville have learned to listen to his advice and have given him a whole-hearted confidence which has never yet been betrayed. When he remained firm he was accused of stubbornness; when he changed under the light of new facts he was declared a weakling. Whether praised or censured, he has fought the battles of

his people here and has spent and been spent in watching after their present and future welfare. The Stahlman building is not a personal monument—the name was the suggestion of other stockholders—but is a monument to his faith in and love for the city he has year after year so materially aided. His time and his paper have not been used in interesting capitalists from other cities. They have been devoted to the people of this immediate section, and the profit arising from them has been invested where others feared to invest until taxes could be decreased. If Nashville ever had a loyal resident, that resident is E. B. Stahlman. If the industries he has founded or aided are the works of alien enemies, it will chill the hatred America feels for them and encourage the hope that when the cruel war is over all that find no asylum elsewhere will seek a refuge where people can overlook a technicality and appreciate a life dedicated to their welfare. No man that now lives or has lived in this city left or can leave a more indelible impression upon it and its citizens than Edward Bushrod Stahlman.

AS A PUBLISHER.

While this and other papers have seen fit to differ with the Banner during the heat of political campaigns, such difference has been founded upon principles of politics and not upon personal antipathy toward its publisher or lack of appreciation of his ability and worth. Recognizing a giant antagonist, the shafts have been all the keener and hurled with double the force. That the influence of that paper is so far-reaching as to discount any candidate unfortunate enough to stand within range of its fire has called forth grilling attacks from other guns of much smaller caliber. When the race is over there was no post bellum feeling, but if victory, double elation against such odds; if defeat, no shame, because the weight was beyond strength of ordinary mind and pen.

We and others, sometimes critics and opponents, in such a time when no fight is on, feel called upon for a confession of the inner and secret pride we feel in a paper so well and favorably known all over the United States. Nor are we unmindful of the fact that when the Banner and its publisher were younger we followed it and its policies with full indorsement. It may be that when we have reached the snow-capped summit of the mountain of existence we, too, may gain visions hitherto hidden, and view as he views, see as he sees, and seek to lead in the same paths of rectitude and reformation. What he indorses seems to him the best. Right is but a chance—it is not your belief or ours—it is that which in time comes true. Right is rather the wish and attempt, not the consummation. Whatever of success attends a life there is no higher goal than to complete it with "a conscience void of offense toward God and man."

AS A CHURCHMAN.

Only those that know Maj. Stahlman in the home and in the pew can fully appreciate the measure of the man. He has yet to have a pastor who does not look to him for advice in every delicate question that touches the spiritual welfare of the cause. Nor does the pastor always know the extent of a charity that is so hidden by silence and lack of ostentation that few dream of its breadth. It is not time to discuss it now. The subject of this sketch would be offended by reference to those deeds of true friendship in hours of need that neither donor nor recipient care to have recalled. In the home the true measure of his worth is known best of all, and while the somber-winged angel has called on more than one occasion and left the chill of its presence there is still the warmth that makes home worth the best of life and the labors it entails.

The church of which he is a member holds him in high esteem. As an official of that church he has injected the same business methods and thoughts which he has successfully practiced in his private affairs. Especially to the aged and poorer ministers he has been tenderly kind and thoughtful. While the friend of great men, he is the better friend of the man in distress or trouble. Only in the great eternity will the full measure of the man be known.

AS AN AMERICAN.

Since long before the Civil War Maj. Stahlman has been a resident of the United States. His hand has guided many an undertaking into the avenues of usefulness and prosperity. Not only to this city but to the South as a whole he has been a friend and helper in the greater undertakings. Not once in the long years that he has been one of us has lip or pen brought forth a disloyal sentence. When the President declared war on his native land there was not a criticism or complaint, but with a loyalty that many critics would do well to pattern he threw the weight of his paper to the cause of democracy and called upon his employees to go to the front, providing pay to their families while they fought for the liberty of the world. If that be alien enmity let us have the fullness! While it is regrettable that this matter should come just at this time it offers a long-desired opportunity for an expression of the high esteem and perfect confidence in which Maj. E. B. Stahlman is held by those of his fellow citizens who appreciate the value of a man worth while.

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(NOTE.—The above was written before the Banner published a denial of the story appearing in the Tennessean and American. Our information was based upon the interview of Assistant United States District Attorney Marvin Campen. We sincerely hope that the report is an unintentional error. Whether Maj. Stahlman or Mr. Campen is in error, it goes to show that Maj. Stahlman was acting in good faith and considered himself one of us as well as one with us. This is noted as we go to press, too late to change the main article.—Editor.)

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[Editorial, Banner, Sunday morning, Feb. 3.]

QUESTION OF LOYALTY.

The recent publication made in the Tennessean and American to the effect that Maj. E. B. Stahlman, proprietor of the Banner, is an alien enemy was patently malicious as it was also entirely false. No one at all familiar with the facts and conditions could possibly suppose that it came of any patriotic purpose or desire to serve the country.

The statement was not only published in the Tennessean and American but sent out from that paper's office through the agency of special correspondence to the daily newspapers of the State. It was false in fact and false in the allegation that it had come directly from the Department of Justice at Washington.

The malice involved in such a statement, even if the allegation it made had been technically true, was so obvious, its spite and spleen were so patent on the surface, that the papers to which the alleged news was sent burst into indignant editorial protest at the innate meanness of the spirit it displayed. Both of the daily papers in Memphis, and both of those in Chattanooga, papers that had differed with the Banner in public matters and that had strongly differed among themselves, were a spontaneous unit in denouncing the act as a base departure from all ethical principle. The Chattanooga Times called it a "despicable act"; the Memphis Commercial Appeal said it was "about the meanest piece of personal spite" known. The Memphis News-Scimitar roundly denounced the man supposed to be the chief instigator, and the Chattanooga News showed its plain disapproval of such methods.

These newspaper expressions served to show how the vileness of this surreptitious endeavor to injure Maj. Stahlman personally and to destroy the usefulness and influence of the Banner impressed a disinterested public.

They show, too, that the men behind this endeavor did not have sufficient understanding of the common decencies of life; that their intuitions in any matter of equity or honor were too blunted to make them know that the worse effect of the malicious publication would be in its inevitable reaction on those who perpetrated it.

It was contemptibly little, crass in its petty meanness, the work of those so below the power of a clean perspective as not to know that they were making an exhibit of their malevolence; and beyond all of this, it was wholly false.

The public has known only that this allegation was made and contradicted, but there was a great deal beyond this. It was the result of a conspiracy that has been some time in the hatching, but with a result not looked for by those who placed the serpent eggs in the incubator. It was a continuance, in large part, of the personal enmity that has hounded Maj. Stahlman in late years and was meant to work a personal injury; and still further it involved future schemes of politics characteristic of the schemers, and was a stupid effort to remove Maj. Stahlman and the Banner as impediments to the consummation of the plan.

There is more in the story than the public has supposed. Some space will be required to reveal all the facts that have come into the Banner's possession. The first installment is made in an article printed to-day. It may be continued in subsequent issues. It is asked that these statements of facts be carefully and impartially read and that all they reveal and impart be duly considered.

The Banner is not afraid that its loyalty will be in any way impugned by the base effort made to injure the standing of the owner of the paper and thereby impair its influence. Its record is clear. It has given earnest support to the country and to the administration in the conduct of the war. This a patriotic and discerning public has probably more appreciated than it did some of the hysterical stuff coming from other quarters, sometimes as lacking in intelligence as it was at others saturated with spite and personal motive.

The head of every department of the Banner, in both its editorial rooms and its business office, is a native American of southern colonial stock, who could not by any influence or force of circumstances be induced or compelled to do anything not to the country's interest in this time of stress, and the owner of the paper, whose strong personality and active participation in public affairs has for years made him well known, not only to the Tennessee public, but outside of the State, gives full allegiance to the land in which he has lived as a citizen over 60 years, and in whose destiny his every interest is bound. The Banner's course has been in accord with his wishes and has had his full approval.

This effort to impeach Maj. Stahlman's loyalty the public has readily recognized as a piece of low malevolence and personal spite, having no remote kinship to patriotic endeavor.

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[Banner, front page, Sunday, Feb. 3.]

INSIDIOUS SCHEME TO INJURE MAJ. STAHLMAN—REVEALED IN FUTILE EFFORTS OF THE GANG TO FORCE PUBLIC PREJUDICE AGAINST HIM AS AN "EMISSARY OF THE KAISER"—WASHINGTON "SPECIAL" IN TENNESSEAN FALSE ON ITS FACE—STATUS AS AMERICAN CITIZEN FULLY ESTABLISHED BY DEPARTMENT OF JUSTICE—CERTIFIED RECORDS FURNISHED.

Anent the insidious attempt of enemies to create the impression in the public mind that I am an "emissary of the German Kaiser," and not a naturalized American citizen, I wish to say that this scheme had its inception in February of last year, and although at the beginning my name was not actually mentioned, every discerning reader could have understood that the scurrilous and contemptible squibs and paragraphs which appeared in the Tennessean and American from time to time were meant to apply to me. In addition to this on more than one occasion my name was used in leading editorials attacking not only my loyalty to the United States but my citizenship.

On Wednesday, January 30, 1918, the Tennessean and American published the following alleged "special":

"WASHINGTON, D. C., *January 29.*

"[Special.]

"It is ascertained that the Department of Justice has apprised Government officials at Nashville that the status of E. B. Stahlman is that of an alien enemy. It is understood this information was given preparatory to the registration of alien enemies, which begins within the next few days."

If this alleged "special" dispatch had been sent out from Washington on the 29th, and the Department of Justice was giving out for publication a ruling in my case "preparatory to the registration of alien enemies," the sender of this "special" would, instead of asserting that the department had declared me an alien enemy, have been obliged to state that on January 25 it had declared me a naturalized American citizen.

As I see it, this "special" was manufactured in Nashville to enable the gang to pull Assistant District Attorney Marvin Campen, a former private secretary of Luke Lea, into their scheme.

In the light of these and other facts known to me, which I do not now care to bring to public attention, I deem it my duty to give the people of Tennessee full information respecting my citizenship, based upon the record in my case.

While in Washington recently, with four prominent newspaper publishers representing the Southern Newspaper Publishers' Association, I had advices from Nashville that an attempt would probably be made to embarrass me in case I should fail to register as an alien enemy.

I knew I was not an alien enemy, but a loyal and duly naturalized American citizen, and therefore determined to submit the matter to the Hon. T. W. Gregory, the head of the Department of Justice.

After talking the matter over with the Hon. JOHN K. SHIELDS he concurred in that view, saying he would take pleasure in presenting the matter to the Attorney General for me.

I therefore prepared and submitted to Senator SHIELDS the following statement and exhibit, accompanied by a letter addressed to the Senator:

STATEMENT OF EDWARD B. STAHLMAN.

My father, Frederick Stahlman, and mother, Christiana Lange, were married in Mecklenburg, Germany, in the year 1834.

I, Edward B. Stahlman, was their fourth child, born in Mecklenburg, Germany, on the 2d of September, 1844.

My father and mother, with all of their children, left Germany to become citizens of the United States, reaching West Union, in the county of Doddridge, State of Virginia, in October, 1853, in which county and State they contemplated establishing their residence.

In the early spring of 1854 my father was taken seriously ill. He remained so, growing worse from month to month, until he died, in January, 1855.

Mr. Lewis Harnish, a former resident of Mecklenburg, and who had as I now remember, known my father and mother in Germany, came to the United States and located at West Union, in the county of Doddridge, State of Virginia, in 1851.

The kindly interest of Mr. Lewis Harnish in my father, mother, and their children's welfare grew on account of the distress incident to my father's prolonged illness and final death, cementing the bond of friendship between Mr. Harnish and my mother and children, so that in December, 1855, within 11 months after the death of my father, Mr. Lewis Harnish and my mother were married.

On the 24th day of October, 1853, Lewis Harnish declared his intention to become a citizen of the United States, and renounced forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly to the Grand Duke of Mecklenburg, which same appears of record in law order book No. 1, at page 292, of the office of the circuit court of Doddridge County.

On the 20th day of October, 1856, "said Lewis Harnish came into court and declared on oath that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly to the Grand Duke of Mecklenburg, of whom he was a former subject, whereupon the said Lewis Harnish is admitted a citizen of the United States of America," as shown by record of the circuit court of Doddridge County, Va., in law order book No. 2, at page 44, of the office of said county court clerk. The original copy of said record, certified by L. E. Kiger, clerk of said court, is herewith exhibited to the Department of Justice, and a copy of same attached hereto as Exhibit A.

At the time, i. e., October 20, 1856, when Lewis Harnish was admitted a citizen of the United States, he was my stepfather, and I was only 12 years of age.

Decisions innumerable, as well as acts of Congress, show that my citizenship was established on October 20, 1856, when Lewis Harnish, the husband of my mother, was admitted a citizen of the United States, which is fully confirmed not only by various court decisions but by the Official Bulletin of Wednesday, January 2, 1918, which, on page 10, paragraph 8, makes the following explicit declaration:

"If the second or subsequent husband of an alien widow becomes naturalized as an American citizen, the minor children of such widow residing permanently in the United States at the time of the naturalization of such husband are thereby naturalized as American citizens."

I was not only "residing permanently in the United States at the time," but have been residing in the United States ever since, and during the last 52 years of that time have lived permanently and continuously at Nashville, in the State of Tennessee, where I have been prominently and actively engaged in business pursuits and for the last quarter of a century have, as sole owner and publisher, defined the policy of the Daily Nashville Banner, the columns of which have made my career and aim in life an open book.

Respectfully submitted.

EDWARD B. STAHLMAN.

WASHINGTON, D. C., *January 25, 1918.*

EXHIBIT "A" TO STATEMENT.

Lewis Harnish, a native of Mecklenburg and a subject of the grand duke thereof, this day applied to the court to be admitted a citizen of the United States, and thereupon the said Lewis Harnish exhibited to the court a transcript of the record of this court, declaring his intention, which transcript is in the words and figures following, to wit:

Virginia, Doddridge County circuit court, fall term, 1853. Be it remembered that heretofore, to wit:

At a circuit held for the county aforesaid at the courthouse, said county, on the 24th day of October, in the year 1853, Lewis Harnish, a native of Germany, made the following report of himself to the said court:

That he arrived in the United States of America from Germany in the year 1851, the place of his nativity; that he is about 28 years of age, and that it is his intention to become a citizen of the United States of America. Thereupon the said Lewis Harnish came into court and made oath on the Holy Evangelists of Almighty God that it is his bona fide intention to become a citizen of the United States of America and to renounce forever all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly to the Grand Duke of Mecklenburg.

Virginia, Doddridge County, to wit:

Francis D. Hickman, clerk of the circuit court of Doddridge County, does hereby certify that the foregoing is a true transcript taken from the record of the said court:

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the courthouse of said county, this 24th day of October, 1853.

Testa:

FRANCIS D. HICKMAN,
Clerk.

And it being proven to the satisfaction of the court by the evidence of William Huffman and John Wanstreet, who were examined on oath as witnesses, that the said Lewis Harnish has constantly resided in the United States for the last five years and within this State for more than one year at least, and that during that time he has behaved himself as a man of good moral character attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same, whereupon the said Lewis Harnish came into court and declared on oath that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly to the Grand Duke of Mecklenburg, of whom he was a former subject, whereupon the said Lewis Harnish is admitted a citizen of the United States of America.

"STATE OF WEST VIRGINIA,
"*Doddridge County, to wit:*

"I, L. E. Kiger, clerk of the circuit court of Doddridge County, W. Va., do hereby certify that the foregoing is a true and correct copy of the order admitting Lewis Harnish to citizenship in the United States of America, in the circuit court of Doddridge County, W. Va., on the 20th day of October, 1856, of which the same appears of record in law order book No. 2, at page 44, in my said office.

"Given under my hand and the official seal of said court this 20th day of December, 1917.

"L. E. KIGER, *Clerk.*

LETTER TO SENATOR SHIELDS.

WASHINGTON, D. C., *January 25, 1918.*

MY DEAR SENATOR SHIELDS: I am handing you herewith a brief statement covering the facts and records relating to my citizenship. I have attached a true and correct copy of the record of the clerk of the circuit court of Doddridge County, W. Va., to my statement as an exhibit, and am handing you the original certificate to satisfy the department of the genuineness of the copy. I ask to have this original paper returned to me, or a certified copy thereof furnished me.

I make no reference in my statement to the declaration of my desire to become a citizen of the United States filed by me in the office of the circuit-court clerk of Davidson County, Tenn., on the 5th of July, 1867, since that has no bearing on my case now.

The circumstances under which this declaration was made by me has been explained to you. When made I was a young man, many hundred miles from my home and relatives in Virginia. I did not then know what rights my stepfather's naturalization bore on my citizenship. I lived in Tennessee, was anxious to vote, and finding that a mere declaration of my intention to become a citizen of the United States under the act of the Tennessee General Assembly passed in 1866–67 would give me the right, I made my declaration. It was during the reconstruction period, just after the Civil War, when there was a very heated campaign on to determine whether the substantial white citizens of the State should be allowed to assume control of its affairs or the carpetbaggers, aided by the negroes, should be permitted to continue in power.

I felt so keenly an interest in the success of the former that I lost no time in seeking to qualify myself as a voter by a method so simple, and took that course rather than search over the records of a distant State to find whether or not my stepfather had become a naturalized citizen, and whether, even if he had, it would entitle me at that time to vote in Tennessee.

You know what took place in New York last April. You, Senator MCKELLAR, and Representative BYRNS know whom I suspected of the base attempt to harass and humiliate me by imprisonment, if they could, even though it were only one night, a day, or even an hour.

These men are still at work. They have not let up, and I ask that you to-day please confer with the Attorney General and determine whether or not he will take steps to compel the officials connected with his department at Nashville to cease playing into the hands of the politically corrupt creatures who are seeking to harass me.

I would not gratify the curiosity of these scoundrels by showing them any of my records or papers. I have lived too long in the city of Nashville, have been too thoroughly identified with all that tended to promote its welfare, to dance attendance to men who, through disappointment in politics and malice, are seeking to annoy and destroy me.

If the Attorney General is not entirely satisfied with the character of the evidence I furnish in this statement, he will very greatly oblige me by sending a special agent to West Union, Doddridge County, about 50 miles east of Parkersburg, on the Baltimore & Ohio Railroad, where he will be able to find in the West Union cemetery a monument erected under my direction over the grave of my father, showing that he died in January, 1855.

This agent will then, by going to the office of the county-court clerk, find a record of the license issued in December, 1855, authorizing the marriage of Lewis Harnish and my mother, and by going to the office of the circuit-court clerk he will find court record showing that Lewis Harnish was admitted to full citizenship of the United States on the 20th of October, 1856.

I am ready to meet all expenses incurred in making this further investigation, if necessary. I desire a surcease of the intolerable attempts of the unscrupulous gang that is seeking to annoy me, and as a citizen of the United States I feel that I have a right to ask that such protection shall be vouchsafed to me.

Only yesterday I received a letter strongly indicating that an attempt may be made to give me trouble if I fail to register within the next 10 days as an alien enemy, which I am not.

Can it be possible that the employees of the Department of Justice at Nashville will continue to lend their official sanction to such an attempt as that?

I sincerely trust that the Attorney General will see his way clear to take prompt and positive steps to stop my enemies from annoying me any further, or at least stop the officials of the department in Nashville from giving any countenance or support to these enemies.

Very sincerely, yours,

E. B. STAHLMAN.

Senator SHIELDS immediately upon the receipt of the foregoing papers from me called upon the Attorney General, receiving later the following letter respecting my claims to citizenship and the ruling of the Department of Justice thereon:

ATTORNEY GENERAL'S OPINION.

"OFFICE OF THE ATTORNEY GENERAL,
"*Washington, D. C., January 25, 1918.*

"Hon. JOHN KNIGHT SHIELDS,
"*United States Senate, Washington, D. C.*

"MY DEAR SENATOR SHIELDS: I have carefully considered the documents submitted by you in respect to the citizenship of Edward B. Stahlman, of Nashville, Tenn., and the necessity of his registering as a German alien enemy.

"From these documents it appears that Edward B. Stahlman was born in Mecklenburg, Germany, September 2, 1844, the son of Frederick Stahlman and Christiana Stahlman (born Christiana Lange), German subjects, who were married in Mecklenburg, Germany, in the year 1834; that he was brought to the United States in October, 1853, by his father and mother, who settled in Doddridge County, Va.; that his father, Frederick Stahlman, died in the United States in January, 1855; that his mother, Christiana Stahlman, after the death of her husband, Frederick Stahlman, and in December, 1855, was married in

the United States to Mr. Lewis Harnish, then a German alien; that on October 20, 1856, Lewis Harnish completed his naturalization as an American citizen and was, by the circuit court of Doddridge County, Va. (now West Virginia), duly admitted a citizen of the United States of America; that at the time of the naturalization and admission of Lewis Harnish, stepfather of Edward B. Stahlman, as an American citizen, the mother of Edward B. Stahlman was (so far as appears) living in the United States, and her son, Edward B. Stahlman, was a minor of the age of 12 years, then permanently residing or dwelling within the United States; that Edward B. Stahlman has since continued to reside permanently in the United States; and that he has not expatriated himself.

"If the facts be as stated, Mr. Edward B. Stahlman became naturalized as an American citizen on October 20, 1856, by the naturalization on that date of his stepfather, and is not required to register in the forthcoming registration of German alien enemies. His subsequent filing of a declaration of intention to become a citizen of the United States is to be regarded merely as cumulative evidence of election of United States citizenship, as he was already a citizen of the United States by the naturalization of his stepfather, and was none the less so because he may at the time of filing his declaration of intention have entertained unfounded doubts on the subject.

"Respectfully,

"T. W. GREGORY,
"Attorney General."

"Inclosures: Letter January 25, addressed to Senator Shields by E. B. Stahlman; copy naturalization record of Virginia (Doddridge County) circuit court."

When on the morning of January 30 the Tennessean and American on the top of its front page and in box form, under headlines, stated "E. B. Stahlman is declared to be an alien enemy—Status of local publisher established by United States Department of Justice," I immediately telegraphed Senator SHIELDS, transmitting the full text of the article and asking him to at once ascertain if the department had at any time ruled that I was an alien enemy; and if so, please ascertain when and upon what representation this ruling was made and by whom the statement was made to the department upon which it had made its ruling.

I wired Senator MCKELLAR and Representative BYRNS also, so that in case of the absence of either the matter would have prompt attention from the other. I received responses from all three to the same effect, but it is not necessary to quote from either, since the honorable Attorney General, with the apparent purpose to put a quietus on this matter and without any request from me, sent direct to me the following telegram:

WASHINGTON, D. C., *January 30—9.30 p. m.*

Maj. E. B. STAHLMAN,
Nashville, Tenn.:

On December 3 last reported to this department by district attorney at Nashville that you were born in Germany and not naturalized. On this information I wrote district attorney on December 17 that you were within the statutory definition of an alien enemy. On January 25 facts presented to me showed that you came to United States as a child; that your father died in 1855; that your mother married again; that subsequently her second husband was naturalized while you were still a child; that you have lived in the United States since you originally came here; and that you have not expatriated yourself. On these facts I held that you became an American citizen through naturalization of your stepfather, and that you were not required to register as an alien enemy. On the same day I wrote United States Attorney Douglas of the conclusion reached and the facts and reasons on which it was based, stating to him that these facts were not before the department at the time I wrote him on December 17. Since January 25 this department has given nothing varying in the slightest the conclusion announced on January 25. My letter to Douglas, dated January 25, seems to have been mailed on January 26.

T. W. GREGORY, *Attorney General.*

According to the statement of Assistant District Attorney Marvin Campen, the letter from the Department of Justice, dated January 25, ruling that I was a naturalized American citizen, was not received by him until Wednesday morning, January 30, the day following the information given by him to the Tennessean and American, alleging that I was classed as an alien enemy.

I have no wish to impugn Mr Campen's statement, but it appears somewhat strange that a letter dated January 25 and mailed in Washington January 26 should not have reached Nashville until the morning of January 30, when I, on my return home, did not leave Washington until the evening of January 27 and, after being delayed 12 hours by a collision en route, thereby missing two train connections, was able and did reach Nashville at 8.40 o'clock on the morning of January 29, bringing with me a copy of the Attorney General's letter to Senator SHIELDS, which was handed to me in Washington on the morning of January 26, 28 hours before my departure from Washington City on January 27.

There are a number of important facts bearing on the attempt of the gang to embarrass and destroy me, which it is not necessary to bring to the attention of the public at this time. The foregoing record and statement will answer for the present. It will, at least, be sufficient to sorely disappoint and thwart the aim of my enemies and give a corresponding degree of comfort and pleasure to my friends.

E. B. STAHLMAN.

[Editorial, Banner, Feb. 4.]

MECKLENBURG.

Some of those who have endeavored to malign Maj. E. B. Stahlman and prejudice him with the Tennessee public because of his birth in Germany more than 70 years ago, have called him an "emissary of the Kaiser," a "subject of the Kaiser," and "a born subject of the Kaiser, for whom he has never foresworn allegiance."

As told in the article published on the front page of Sunday's Banner, Maj. Stahlman has been a naturalized American since 1856, and under all law and right is as much a citizen of this country as if he were born here, but without regard to that important fact he was not born a subject of the Kaiser and none of his ancestors ever owed such allegiance. It was ignorance of history that ever led his traducers, as misinformed as they were malicious, to such an allegation.

Maj. Stahlman was born in the Grand Duchy of Mecklenburg-Schwerin in 1844 and came to America with his parents nine years later. The German Empire, as now known, was not formed until 1871. There was no Deutches Kaiser, otherwise German Emperor, until 27 years after Maj. Stahlman was born, and the Hohenzollern kings of Prussia, who became German emperors when the empire was formed at Versailles, near Paris, after the conclusion of the Franco-Prussian War, in 1871, never had any sort of dominion over Mecklenburg before that date. Maj. Stahlman was then an American, living in Nashville.

If Maj. Stahlman had never been naturalized, as his enemies endeavored to make it appear, it would have been only in a constructive sense that he was a subject of the Kaiser, since he left Germany nearly 20 years before there was a Kaiser and before the present German Empire had any existence.

Maj. Stahlman's father was a subject of Grand Duke Friedrich Franz III of Mecklenburg-Schwerin, and had no other sovereign. The Grand Duchy still exists, but it is now a State of the German Empire, with two members of the Bundesrat and six deputies in the Reichstag, compared to Prussia's 17 members of the Bundesrat and 236 members of the Reichstag. The total membership of the Reichstag is 397.

With the Prussian king as emperor and such a large preponderance of Prussians in the imperial legislative body, the whole of Germany is now pretty well Prussianized, but it was not so when Maj. Stahlman was born. Mecklenburg was then independent. It was allied with other German States in a loose "bund," or confederation, mainly for commercial purposes, in which the Emperor of Austria had a nominal prestige but exercised no sovereign authority.

Mecklenburg-Schwerin and Mecklenburg-Strelitz, formerly united, are two States in the extreme north of Germany, with a hardy population, almost wholly Protestant in religion. The University of Rostock is in Mecklenburg, and there are 1,235 elementary schools, with about 100,000 pupils.

[Front page—Tennessean and American, Feb. 4.]

MARVIN CAMPEN EXPLAINS STATUS OF E. B. STAHLMAN—ASSISTANT DISTRICT ATTORNEY ASSERTS PUBLISHER WAS DECLARED AN ALIEN ENEMY—RULING WAS CHANGED IN SUBSEQUENT ORDER—JUSTIFIES FORMER INTERVIEWS AND DENOUNCES ACCUSATION OF FALSEHOOD.

Marvin Campen, assistant United States district attorney, Sunday gave out the following statement relative to the E. B. Stahlman naturalization matter:

"Publicity does not appeal to me, and I desire no controversy with an aged man like Maj. Stahlman, but can not let his implied accusation of falsehood against me, relative to the receipt by me of the letter from the Department of Justice, dated January 25, 1918, on the morning of January 30, go unnoticed simply because of his years and his sensitiveness, perhaps largely due thereto. His reflection on me will go for naught with those who know me, and personally I do not care what he thinks of me. I am not and have not been interested in the major's status, because if the past is any criterion for the future the result of determining the major's status, whether citizen or alien, will be the same to our country.

"From the major's statement in Sunday's Banner it appears that his two letters to Senator SHIELDS, furnishing additional information, were dated January 25, 1918, and that Senator SHIELDS transmitted the documents to the Attorney General the same day, and the reply of the Attorney General to Senator SHIELDS was dated the same day—January 25—and the department's letter to the district attorney at Nashville was dated the same day. The Attorney General's telegram of January 30 to Maj. Stahlman states, 'My letter to Douglas, dated January 25, seems to have been mailed on January 26.'

"It happens not infrequently that mail is received from the Department of Justice, as well as other departments at Washington, at the district attorney's office a week or more after the date on the letterhead. I repeat most emphatically that the letter in question did not come to my office until the morning of January 30.

"Maj. Stahlman further attempts to impugn my motives by reference to the fact that I was formerly private secretary to Col. Lea. He could have stated also that I was formerly a private secretary to Senator SHIELDS. Both Col. Lea and Senator SHIELDS had enough confidence in me to indorse me for the position I now hold without my soliciting either of them for the indorsement and without my being an applicant.

"Many of Maj. Stahlman's warmest friends have commented on the fairness to him of my statement of the night of January 29.

"It was up to me to tell the truth or a lie, and I preferred the truth, as it appeared in the files at that time, although I might have relied on the precedent of St. Peter, as did the Major on one occasion, when he was denounced as a liar and a thief by no less a personage than a distinguished United States Senator in the course of a senatorial investigation involving the Major, when the Major received over $100,000 which Congress thought was going to supernumerary ministers of the Methodist Church.

"I alone am responsible for my statements, and the Major's veiled insinuations and his wrathful threats, as I have been informed, to 'get my official scalp' do not intimidate me. The fact remains that at least from December 17, 1917, to January 25, 1918, the Major's status with the Department of Justice was that of an alien enemy within the meaning of that phrase in the statute; and the further fact remains that the Major was so uncertain of his status that he filed a declaration of his intention to become a citizen of the United States long after the naturalization of his stepfather in 1856.

"It has been noticeable in recent years that the Major vents his spleen without measure on those who incur his displeasure in the smallest particular, and then seeks refuge and sympathy in his old age when a victim of his wrath speaks a word in his own behalf.

"This ceases the matter so far as I am concerned."

[Banner—front page—Feb. 4.]

MAJ. E. B. STAHLMAN NOT AFTER "KIDS."

Maj. Stahlman, referring to the article in the Tennessean and American of this morning, headed "Marvin Campen Explains," says:

"I am sorry Mr. Campen is allowing himself to play 'the goat' for the conspirators higher up.

"It's a mighty poor start in life for a young man to make.

"'Dollars to doughnuts,' Campen didn't even write his alleged interview, at any rate, a large portion of it was inspired by another.

"I am not after 'kids,' but full-grown 'bucks,' and have at least two of them already lassoed through records in my possession."

[Reprints from Tennessee newspapers in Banner, Feb. 5.]

WHAT TENNESSEE PAPERS SAY.

About the silliest bit of alleged news seen in a long time is that that by some hook or crook got into the papers to the effect that Maj. E. B. Stahlman, the owner of the Nashville Banner and one of the enterprising and progressive citizens of Nashville, was an "alien enemy."

At first blush it strikes one as being too silly to merit the slightest notice. And it deserves none except as an illustration of how silly some persons are when it comes to gathering news worth printing. In some way this got into print and may have been read with some surprise by some who may not know Maj. Stahlman, or know of him. Of either of these classes there are few.

The major is a native of Germany, born there seventy-odd years ago. When 9 years old he came to this country and into the State of Virginia. When less than 21 he came to Tennessee, and his home has been here since 1863. He has not been a dead or unknown one in any sense. In business he has been a live wire, and has succeeded to a very large extent. He is one of the live men of the State capital. He is personally known to thousands of Tennesseeans, and there are few in the State who read newspapers who don't know of him.

In respect to being an "enemy alien," there is not a paper in the State or in the country that has stood more loyally to the administration than has the Nashville Banner, in which Maj. Stahlman owns at least a controlling amount of stock.

As already stated, Maj. Stahlman is a German by birth, but most of his life has been spent in Tennessee, and, like thousands of others so born, he is intensely loyal to the land to which his parents brought him when he was a boy not yet in his teens. He is a loyal American, a loyal Tennesseean, and a leading citizen. Whoever gave publicity to the assumption that Maj. Stahlman was an alien enemy showed his ignorance and exposed his silliness.

Now, the Department of Justice at Washington has revised its ruling on the status of Maj. Stahlman as an "enemy alien." The same officials of that department who first passed upon his status have now faced about and declare, among other things, "that Maj. Stahlman became a naturalized American citizen by reason of the naturalization of his stepfather in 1856, this latter opinion being based upon facts not before the department at the time of the former (and contrary) opinion."

Truth and justice have again come into their own. (Knoxville Journal and Tribune.)

FORUM OF THE PEOPLE.

LUKE'S LATEST.

To the EDITOR OF THE BANNER.

I think Luke had about despaired of ever downing the major. But lately a new vision came over him. It comes with poor grace for a man like Luke to try to sick the Government on a man like Stahlman, a man who has for 40 years fought both with his pen and pocketbook for the very best of the State and Nation. Get up some other razzle, Luke.

T. A. SMITH.

ORION, TENN., *February 4.*

[Reprints from Tennessee newspapers and Forum letter—Banner, Feb. 4.]

WHAT TENNESSEE PAPERS SAY.

So far as our information goes there has been no newspaper in the United States more patriotic than the Nashville Banner. Maj. E. B. Stahlman, owner and publisher, while a German by birth, has spent his entire life in this country and has contributed of his talents to the upbuilding of the Government and the community in which he lives. If memory serves us right, we believe the dirty trick against Mr. Stahlman emanated with Col. Luke Lea. It's a pity that we have not more men of Stahlman's character and manhood, and fewer like those who would destroy the world to gain political advantage. Nashville, Tennessee, and the South will resent such treachery and disgraceful political tactics by Maj. Stahlman's personal enemies. We believe, and thousands of people all over the South—yes, throughout the United States—believe that a truer citizen never lived than Stahlman.—South Pittsburg Hustler.

WASTED TALENTS.

The enterprising investigator who delved in the dusty files and tomes of time back to "befo' de war" to establish the status of Maj. E. B. Stahlman, owner of the Nashville Banner, as that of an "alien enemy," was wasting his young ambition and talents as a sleuth at a time when there is so great demand and opportunity in this field of endeavor. Even though the major was not born in the United States, he must have been acclimated before the investigator was born, and, at any rate, the statute of limitations bars any cloud of title on a citizenship that dates before the Civil War, when the United States themselves were new born. The Sherlock Holmes who opened on this cold trail of the veteran Nashville publisher was no doubt doing a little private sleuthing to his personal account under guise of patriotism, which also covers a multitude of sins.

Maj. Stahlman has a large circle of friends, not only in Tennessee but throughout the South, who have never lost confidence in him or even slightly doubted his loyalty to the United States. His Nashville Banner is one of the leading and most influential newspapers in the South, and as its publisher the major can usually be found espousing the things that stand for the good of his city, State, and Nation.—Knoxville Sentinel.

FORUM OF THE PEOPLE.

MAJ. STAHLMAN AS AN ALIEN.

To the EDITOR OF THE BANNER:

I just can not remain silent. Of all the nasty, mean, low-down, contemptible things of which Luke Lea has been guilty, this last one assailing the patriotism and citizenship of Maj. E. B. Stahlman takes the rag off the bush. I have watched with careful scrutiny the acts and influence of these two men in the politics of the State, especially as regards the prohibition issue, and can say with confidence that Maj. Stahlman has all the time been a straightforward, honest, and sincere advocate of State-wide, bone-dry, and national prohibition, and has labored ably and faithfully without the shadow of a turning for their adoption by the State and Nation and has grandly won the fight. I doubt very much if any man or any paper in the State has done as much for prohibition as Maj. Stahlman and the Banner have so wisely and effectively done. I have not now sufficient words to describe his lofty efforts, which will redound to the glory and for the comfort and happiness of the women and children for all time to come. In contrast, what am I forced to say of Luke Lea? I verily believe with all my heart he is one of the most contemptible hypocrites that ever disgraced the State. For it is a fact which everybody knows, or ought to know, when a bill was brought before the legislature for passage into a law Luke Lea was there with Hilary Howse, Crump, his satanic majesty, and the whisky force of the State laboring with all his might to effect its defeat. While he was posing publicly as a prohibitionist he was doing all he could secretly against the passage of these laws. This is his history given by the papers of the State. What are the people to think of such a man as this? Now he is doing all he can to traduce the loyalty and citizenship of a man who since early boyhood had to labor in his adopted State for his own support and that of his widowed mother, and all the time since manhood has been his estate he has exhibited a liberality for the church and community in which he lived not excelled by many men of his day and generation. Such is the character of Maj. Stahlman right at and all around his door and in all the homes of Nashville. Luke Lea's attack will fall flat and wide of his mark and will be characterized by the best men of the State as a piece of contemptible littleness.

JOHN C. WRIGHT,
Trenton, Tenn.

[Reprints from Tennessee newspapers—Banner, Feb. 6.]

WHAT TENNESSEE PAPERS SAY.

A report has been circulated in Tennessee that Maj. E. B. Stahlman, owner of the Nashville Banner, is an alien enemy. It is a false report and does a loyal American citizen a grievous injustice.

Maj. Stahlman was born in Germany, but came to this country when he was a child. In 1856, when he was only 12 years of age, he became a naturalized citizen through the naturalization of his stepfather. And he has been a citizen of the kind and character of which America can not have too many. He began at the bottom in the struggle for existence, and by dint of his own efforts he has achieved a success in which men with much better earlier opportunities could find great satisfaction. If he has profited by coming to America, that part of America in which he lives and moves and has his being has been benefited by his presence here. He has been a foremost figure in the public-spirited citizenship of Nashville for 30 or 40 years, and there are few people in Tennessee who do not know that he is an asset to that city.

The Nashville Banner is one of the leading newspapers of the country. It is also one of the most thoroughly and intelligently patriotic newspapers of the country. No paper anywhere has given the Government and its war efforts more loyal and whole-hearted support. No paper anywhere has addressed itself more ably and earnestly to the duty of holding up the hands of the President and the administration at Washington.

Maj. Stahlman is an American citizen in whom there is no taint of alienism. Any attempt to embarrass and injure him by raising a question as to his loyalty is despicable and will fail. (Bristol Herald-Courier.)

[Reprints from Tennessee newspapers and Forum letter, Banner, Feb. 7.]

WHAT TENNESSEE PAPERS SAY.

AN ABSURDITY.

The idea of classifying Maj. E. B. Stahlman as an alien enemy seems absurd to those who for nearly 40 years have known him to be a true and loyal friend to this, the country of his adoption. (Rogersville Star.)

GAME OF SNEAK.

The story told of Maj. E. B. Stahlman being an alien enemy seems to have been concocted by an enemy who knows how to play the game of sneak. (Knoxville Journal and Tribune.)

HIS HYPOCRISY PUNCTURED.

The efforts of the Tennesseean to make out that Maj. E. B. Stahlman, editor and owner of the Nashville Banner, is an alien enemy fell flat and only resulted in discredit to the Tennesseean, as it heartily deserved.

It would seem that Luke Lea would learn after a while that he can do nothing with major and be content to get along without having his hypocrisy punctured as often as it has been in the past. (Crossville Chronicle.)

NARROW PIECE OF WORK.

The effort to make Maj. E. B. Stahlman, owner of the Nashville Banner, an alien enemy of the United States has fallen very, very flat, and those responsible for this narrow piece of work do not even look like 30 cents. This is a very serious matter, under present conditions, and ought not to rest with Maj. Stahlman's elaborate and manly explanation. The instigator ought to be brought to strict account by the Federal Government. This is the only way to put a stop to such meddlers. (Lawrence Union.)

APPRECIATES THE BANNER.

CAMDEN, TENN., *February 6, 1918.*

To the EDITOR OF THE BANNER:

For some time I have read with pleasure your splendid editorials on the war that is now raging in Europe. I have from time to time observed your position, and must say that for patriotism and patriotic sentiments you are unexcelled, the Tennesseean notwithstanding.

The article last night, "The war has begun," should be read by all American citizens. It breathes the true spirit of the times. For patriotism this article goes beyond anything that I have read on the question. It is strange, indeed, with all you have said and the positions you have taken, that the Nashville Tennesseean would take the little, contemptible position that it has recently, that it might reflect on Maj. Stahlman as an American citizen. This is no time for dissension, but is the hour for all who are true Americans to stand together. The American citizen is going to be looked upon after this war with more respect than ever before. He is going to be the balance of power that forever destroys the spirit of conquest that has flourished for so long in the land of Germany. May we realize his worth and all stand together in this hour of war, in which our Nation is to play the winning part.

America has a tradition which swells every American citizen's heart with pride. This must and will be upheld in this war. Your paper does its part well in its editorials along this line, and its expressions from time to time, it seems to me, do much to help win this war.

C. N. FRAZIER.

[Reprints from Tennessee newspapers—Banner, Feb. 8.]

WHAT TENNESSEE PAPERS SAY.

A PATENTLY INSIDIOUS EFFORT.

A few days ago there appeared in the Tennesseean an alleged special, stating that the status of Maj. E. B. Stahlman was that of an alien enemy. This was followed by another special in which the status of Maj. Stahlman was revised, and stating that he became a naturalized citizen through the naturalization of his stepfather.

Any intelligent citizen knows that the circulation of a report that Maj. Stahlman was an alien enemy was not actuated by any patriotic motives or desire to serve the country, but was patently an insidious effort to injure Maj. Stahlman and impair the influence of his paper, the Nashville Banner. This attempt to discredit and injure as loyal and patriotic citizen as Maj. Stahlman has fallen decidedly flat and has been denounced by the press throughout the State.

Maj. Stahlman was born in Germany, but came to this country when a child, and was naturalized in 1856, when 12 years of age, through the naturalization of his stepfather. He has been a citizen of Nashville for 30 or 40 years, and is one of the foremost figures in the public-spirited citizenship of the South.

The Banner is one of the leading papers of the country, thoroughly and intelligently patriotic, and has given the Government loyal and whole-hearted support in its war efforts. No paper anywhere has more ably and earnestly stood by the President and assisted the administration at Washington. (Marshall Gazette.)

ENVY, MALICE, SPITE.

Maj. E. B. Stahlman is not an alien enemy. Envy, malice, and spite have caused many uncalled-for attacks on Mr. Stahlman, and but shows the smallness and mediocrity of the man who does it. Maj. Stahlman is a citizen of the United States and a patriotic one. (Murfreesboro Home Journal.)

PERSONAL SPLEEN.

The efforts to have Maj. E. B Stahlman declared an alien enemy were contemptible, miserably small, and bore the stamp of personal spleen. To our way of thinking there is not a more loyal American living than Maj. Stahman. Certain it is that Tennessee and Nashville can claim no other citizen who does more for his country, his State, or his city. There is no movement for good that he is not an active agent and despite his advanced age his energies are great and his time, his talents, and his money are lavishly given for every worthy object and every laudable undertaking. He supports men and measures that stand for the right as he sees it and his actions are stimulated by no hope of reward. He seems to have incurred the everlasting displeasure of a class of men who stop at nothing that will harass him, and yet he has done more for the State and its people than a field full of those small-bore, selfish individuals. One of the annoying features of this war is that it gives the opportunity for some men to display their counterfeit patriotism that on some occasions is difficult to distinguish from the real. Maj. Stahlman has friends, not in one section, but over all of Tennessee, who believe in him, who believe in his honesty and in his integrity, and the contemptible efforts of a gang to harass and embarrass him only cements that friendship the stronger. (Alexandria Times.)

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[Reprints from Alabama newspapers, Banner, Feb. 9.]

WHAT ALABAMA NEWSPAPERS SAY.

NOT AN ALIEN.

December 3 last report was made by the district attorney at Nashville to the Department of Justice at Washington that Maj. E. B. Stahlman, owner of the Nashville Banner, was a native of Germany and not naturalized. The Attorney General then issued order that the major be enrolled as an alien enemy. The publication of the news of this finding caused a sensation in Tennessee, where Maj. Stahlman is a considerable figure in business and political life. The major set to work, however, and seems to have had no difficulty in showing that as he came to this country as a child, and was under the tutelage of a stepfather who was naturalized he himself did not need to be naturalized. Accordingly, January 30 the Attorney General writes: "On these facts I hold that you became an American citizen through the naturalization of your stepfather, and that you were not required to register as an alien enemy." Maj. Stahlman is widely known throughout the South, in which quarter he has been prominent for 50 years or more. (Mobile Register.)

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The effort of some Tennessee politicians for personal reasons to discredit Maj. E. B. Stahlman, the able editor of the Nashville Banner, as a German alien, deserves the strongest condemnation. It shows to what depths men will go to accomplish their purposes. But the major got back at them all right; and his friends all over the South, even those who do not know him personally, will rejoice with him. (Florence (Ala.) Times.)

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[Reprints from Tennessee newspapers, Banner, Feb. 12.]

WHAT TENNESSEE PAPERS SAY.

MAJ. E. B. STAHLMAN.

It is to be regretted that the loyalty of such a man as E. B. Stahlman, after his long, useful, patriotic, and loyal citizenship in Tennessee, should be called in question; for even if he had not been, technically, naturalized, everybody knows that he considered himself a citizen of Tennessee and of Nashville, and everybody so treated him, for he has been a voter in that city for years. As a matter of fact, however, Maj. Stahlman has shown beyond any doubt that he is a naturalized citizen, and the Department of Justice at Washington has passed on that question and forever set it at rest. It must be apparent that there is some one or more of Maj. Stahlman's personal enemies behind the effort to injure if not destroy him, and that they were not actuated by any good motive or purpose to serve the best interest of the country but, on the contrary, were influenced by personal spleen and were guilty of bad citizenship in attempting at this time to injure a man and an enterprise contributing their best energies to the country's needs. No man who reads the Nashville Banner can get the idea that it is being used other than for the national welfare.

We are not advised as to who or what interest is behind this unjust attack on Maj. Stahlman, but we see no reason why he should not expose those who would, if they could, destroy him; for whoever they are, if prompted by personal spleen or other bad motive, they are unworthy citizens and deserve to be watched. (Clarksville Leaf-Chronicle.)

A BIG STICK.

His pursuers have learned that Maj. E. B. Stahlman carries a big stick and is not averse upon occasion to using it. (Knoxville Journal and Tribune.)

HE STANDS FOR THE RIGHT.

The men who are trying to discredit Maj. Stahlman by calling attention to his citizenship had best pluck the beam from their own eyes. Whatever be said of his citizenship—and he has proven that to the satisfaction of all—he stands for the right. He makes mistakes, but he is not a petty politician. To say the least, he is bigger than the men who are trying to besmirch his character. (Watertown Herald.)

[Reprints from Tennessee newspapers, Banner, Feb. 16.]

WHAT TENNESSEE PAPERS SAY.

LOYAL AND FAITHFUL.

The attempt of the Tennesseean and American to injure Maj. Stahlman has been one of the best advertisements for the Banner we have seen in some time. It has been the occasion of bringing forth many complimentary notices of Maj. Stahlman that show him to be one of Tennessee's most loyal and faithful citizens—a man who is appreciated by all true Tennesseeans for the valuable services he has rendered the State during his long and useful career. (Bedford County Times.)

SPITEFUL WAR.

Concerning the little spiteful war made on Maj. E. B. Stahlman by Luke Lea and the Tennesseean, the Memphis News-Scimitar says: "It will be a blessing to Tennessee when Luke Lea, colonel in the National Guard by the generosity and bad judgment of Tom Rye, pitches his tent in France and finds himself where he can no longer be a disturbing factor in Tennessee politics. Thus far his official duties have interfered in no way with his personal and selfish designs. Maj. E. B. Stahlman earned his eternal ingratitude the day he was instrumental in electing him to the Senate, and he has dogged him ever since with villainous persistence, not only to wreak vengeance upon him personally, but to destroy the influence of his newspaper. * * * There isn't a more patriotic honorable, or more generous man in the United States. He reared a large family and his children and their children are a credit to this country. Maj. Stahlman is now an old man, but he has as many friends as Luke Lea has enemies, and no man could wish for more." All of which the Index heartily indorses. (Bedford County Index.)

COWARDLY AND CONTEMPTIBLE.

The cowardly and contemptible effort to discredit Maj. Stahlman, of the Nashville Banner, was simply another example of editorial jealousy and malicious spite. And the storm of indignation it aroused is simply another evidence of the fact that the public will not support a newspaper that depends upon lies and appeals only to the prejudice of the poison minority. (Morristown Republic.)

THE TRUMP PLAYED.

Maj. Stahlman waited until his enemies had played their last card, then he played his trump. You have to get up before day to put one over on the major. (Sparta News.)

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[Forum letter, Banner, Feb. 21.]

DEFENSE OF MAJ. STAHLMAN.

To the EDITOR OF THE BANNER:

In reading in the columns of the Banner of some of those who criticize Maj. Stahlman on his loyalty, I want to say I have been a reader of the Banner for three years and I have never doubted Maj. Stahlman's loyalty to the United States.

There is no paper that has come out in defense of America more urgent and patriotic than the Banner.

The Banner has many times appealed to masses of the people to defend their country and help win the war, and no one dares to deny this; and this is a duty which everyone should perform whether in the trenches, in the factory, or behind the plow handles. A man has three duties to perform: A duty to his God, his country, and his home. A man who will not defend these duties is a coward. I am not a war lord like the Kaiser and Hindenburg, but I believe we should carry the war to a finish or till the Kaiser asks for peace which will be everlasting.

I am not from what some would call a warring family, but I am proud of the fact that my ancestors have been soldiers in all of America's wars, from Bunker Hill to Vera Cruz and from Gettysburg to Santiago's grim walls.

Both of my grandfathers served in the Confederate army, and one of them charged with Pickett up that blood-stained slope at Gettysburg, and I still honor his memory, and I am proud of the fact that some of his grandsons are serving their country in the world war. Let us bury old grudges and politics and stand firm side by side, and back up these boys who are giving their lives in defense of peace. There will be many vacant chairs in homes; there will be streams of tears that will be shed for those who return not. Think of the mothers sending their nearest and dearest to the bloody battle fields of France. For the dearest thing on earth to a mother is her son; so let not those war mothers look us in the face and say you did not do your duty.

L. D. SANDERSON.

BUMPUS MILLS, *Tenn.*

Mr. SHIELDS. Mr. President, I have heard the statement made by my colleague [Mr. MCKELLAR] concerning the comments of the Senator from Illinois [Mr. SHERMAN] upon the Attorney General, and his action in dismissing Mr. Campen, assistant district attorney at Nashville, Tenn., for what he considered improper conduct in connection with the case of Maj. E. B. Stahlman, and I can add little to what he has so well said.

I have personal knowledge of what facts were submitted to the Attorney General and upon which he held that Maj. Stahlman was not an alien enemy and required to register under the proclamation of the President, but a duly naturalized American citizen, and have seen the correspondence between him and Mr. Campen, and my colleague has stated them correctly.

Maj. Stahlman came to the city of Washington on business of a public nature just previous to the time alien enemies were required to be registered. While here he told me that his status as a citizen was being agitated and misrepresented by some parties in Nashville, and submitted to me the facts in regard to his birth, emigration to West Virginia, then a part of Virginia, with his father and mother, the subsequent death of his father, the remarriage of his mother, and the subsequent naturalization of his stepfather, Mr. Harnish, while he

was yet a minor, and a certified copy of the record of the naturalization of Mr. Harnish. I had no doubt, upon the facts given me, but that he was an American citizen, but suggested to him that the best way to have the matter settled and forestall all efforts to harass him was to submit the facts to the Department of Justice and have his status finally determined.

He believed he was a duly naturalized American citizen and was conscious of his loyalty to our Government and did not want to be misrepresented. I had him then make out a statement of the facts not appearing of record and transmitted them to the Department of Justice with a request for an opinion upon them. That statement was made in my office here in Washington, in the absence of papers and family records of Maj. Stahlman. The Attorney General was of the opinion, as stated in the letter read by Senator McKELLAR, that upon those facts Maj. Stahlman was a duly naturalized American citizen, and not an alien enemy.

Immediately after Maj. Stahlman went home, which was in a few days, he wrote me that there were some inaccuracies in dates and names in the statement he had prepared in my office, and which I had transmitted to the Department of Justice, and inclosed a corrected statement which, upon his request, I filed with the Department of Justice. The corrections were wholly immaterial and did not change the legal aspects of the case.

There was no question of loyalty or disloyalty discussed or involved, the sole inquiry being whether Maj. Stahlman was an alien enemy or a naturalized American citizen. When the *Lusitania* was sunk, I believe a flagrant and just cause of war against Germany existed, and have held to that opinion ever since. I voted for the declaration of war against Germany, and for every measure that President Wilson had advised and the Congress has enacted into law for the vigorous prosecution of the war; and have been familiar with the war spirit in Tennessee, and the attitude of our public men in regard to it from the day the declaration of war was made. Maj. Stahlman in his paper, the Nashville Banner, came out strong for America and against Germany, promptly, and, as I remember, immediately urged all the force of the Banner capable of bearing arms to volunteer, promising to pay their dependents one-half of their salaries while absent in the service of their country, and I understand that every member of his family within the military age is now in the Army.

I believe that if there had been any question of Maj. Stahlman's loyalty and patriotism, I would have known it, and such a thing did not occur to me when I submitted the facts relating to his citizenship to the Department of Justice. He has long been one of the most prominent and influential citizens of Nashville and of Tennessee, and has always taken a leading and active part in everything that tended to the upbuilding of the city and State; and, as evidenced by the almost unanimous voice of the press of the State, when he was attacked as an alien enemy by the Tennesseean and American, has the confidence and good will of the majority of his fellow citizens. When I received the letter of the Attorney General, to which I have referred, I mailed it, as I now remember, to Maj. Stahlman, and heard nothing more of the matter until my attention was called to a communication in the Tennesseean and American purporting to be from Washington, to the effect that the Department of Justice had given out an opinion that Maj. Stahlman was an alien enemy, followed by an interview of Mr. Campen, the assistant district attorney, extolling the loyalty and patriotism of Maj. Stahlman. I called up someone at the Department of Justice and asked what the communication to the Tennesseean and American meant, but no one there knew anything about it, and I was informed that no such information had been given out to anyone. Of all of which I informed Maj. Stahlman. The next thing I heard of the case was that Mr. Campen had been removed, and Mr. Littleton appointed in his place, which I learned from Nashville newspapers. If Maj. Stahlman had any connection with the removal of Mr. Campen I do not know it, and I have no reason to believe that he made any effort to remove him.

The Attorney General has informed me that the removal was made for the good of the service growing out of the conduct of Mr. Campen in connection with the Stahlman case, wherein he displayed bitterness and extreme partisanship that unfitted him for the position. I know of no facts connected with this case which warrant the charge or inference that Mr. Campen was removed for desiring to prosecute Maj. Stahlman for disloyalty, nor do I know of anything connected with the case tending to show that the Attorney General favored or desired to favor Maj. Stahlman in the investigations that were made. The facts submitted to him have not been successfully controverted, and upon them the opinion given by him was unquestionably sound. I was not present when the Senator from Illinois referred to this matter in his speech last Friday and knew nothing about it until after the Senate had adjourned, when I was informed of it by my colleague, who stated that he had obtained his information from Senator WALSH. I was engaged that evening working upon the passport bill, which was then pending before the Judiciary Committee and to-day passed by the Senate. Had I been present, I would have given the facts as I have here stated them, which I believe fully exonerate the Attorney General from any suspicion of failure to discharge his duties, and Maj. Stahlman from the charge of disloyalty. I do not believe that the distinguished Senator from Illinois would have made the unfavorable comments contained in his speech as it appears in the RECORD this morning if he had been in possession of the facts and not been misled by some designing persons who are hostile to Maj. Stahlman and desired to injure him by unfounded insinuations of disloyalty, even to the extent of misrepresenting and traducing the Attorney General of the United States.

Mr. McKELLAR. Mr. President, I omitted to say, in addition, that Maj. Stahlman has one or two—I do not know which—grandsons in the Army now. I omitted also another matter of very considerable importance. The Senator from Montana [Mr. WALSH] is present, and, inasmuch as my statements have been questioned, I should like to ask the Senator if I am correct in the statement that I have made as to what took place in this Chamber on last Friday when the speech was made by the Senator from Illinois [Mr. SHERMAN], which is published in to-day's RECORD.

Mr. WALSH. Mr. President, "the very head and front of my offending" in this matter "hath this extent, no more"——

Mr. McKELLAR. Will the Senator yield to me to say that he has not offended at all, so far as I am concerned?

Mr. WALSH. I appreciate that.

Mr. McKELLAR. I thank him for having taken the part of the Attorney General of the United States under the circumstances; and I say to him that, in my judgment, the Attorney General of the United States deserved his attitude in the matter on that day.

Mr. WALSH. I was sitting in the gallery with a lady friend when the Senator from Illinois [Mr. SHERMAN] made his reference to the matter which has given rise to this discussion. As I recall, he stated that the removed assistant district attorney had represented in some way—I think, perhaps, through the public press—that he had been removed because he was too active in the prosecution of persons charged with disloyalty. Feeling that that was in a way at least an unjust insinuation against the Attorney General, I came to the floor and simply asked the Senator from Illinois if he had seen the statement made in the public press to the effect that the assistant district attorney was removed because he had not been sufficiently vigorous in the prosecution of persons charged with disloyalty and other similar crimes.

It is needless for me to say that I was not prompted in the action that I took by the junior Senator from Tennessee [Mr. McKELLAR] or by the senior Senator from Tennessee [Mr. SHIELDS] or anyone else. I usually act upon my own impulse and motion when I address the Senate. The junior Senator from Tennessee [Mr. McKELLAR] is quite right in his statement that he was not in the Chamber at the time at all, and apparently knew nothing about the incident until I told him about it in the lobby.

I might say the same with respect to the senior Senator from Tennessee [Mr. SHIELDS]. I have no recollection of seeing that Senator in the Chamber; and I have never talked to him about the matter, even, until this day.

EXECUTIVE SESSION.

Mr. BANKHEAD. I desire to ask the Senator from Ohio if he intends to go on any further this evening with the bill he has in charge?

Mr. POMERENE. No. I was going to move, in the absence of the Senator from Alabama, that the Senate adjourn.

Mr. BANKHEAD. I asked the question because I want to have a short executive session before we adjourn.

Mr. POMERENE. Very well.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 42 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 10, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1918.

CONSUL GENERAL.

Ernest L. Harris, of Illinois, formerly a consul general of class 5, assigned to Stockholm, to be a consul general of class 5 of the United States of America.

PROMOTIONS IN THE ARMY.

VETERINARY CORPS.

To be veterinarians with rank from January 27, 1918.

Asst. Veterinarian Charles H. Jewell.
Asst. Veterinarian William A. Sproule.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1918.

ASSISTANT ATTORNEY GENERAL.

H. LaRue Brown to be Assistant Attorney General.

UNITED STATES MARSHALS.

Henry A. Skeggs to be United States marshal, northern district of Alabama.

Christopher C. Gewin to be United States marshal, southern district of Alabama.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

INFANTRY.

Capt. George L. Byroade to be major.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY.

To be colonel.

Lieut. Col. George L. Byroade.

To be lieutenant colonels.

Maj. Fred W. Bugbee, and
Maj. George L. Byroade.

To be major.

Capt. Fred W. Bugbee.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. Charles M. Austin to be a lieutenant commander.

The following-named lieutenants (junior grade) to be lieutenants:

Charles M. Cooke, jr.,
Mervyn S. Bennion,
Walter E. Brown,
Chester C. Jersey,
Earle C. Metz,
Frederick C. Sherman,
Josiah O. Hoffman, jr.,
John L. Riheldaffer,
Alfred Y. Lanphier,
George L. Dickson,
Scott B. Macfarlane,
Earl W. Spencer, jr.,
Roger W. Paine,
Lybrand P. Smith,
William E. Baughman,
Howard S. Jeans,
Edward B. Lapham,
Cecil Y. Johnston,
Everett D. Capehart,
Joseph L. Nielson,
Frank C. McCord,
Ames Loder,
John W. Reeves, jr.,
Guysbert B. Vroom,
Glenn F. Howell,
Sherwood Picking,
Francis M. Collier,
William F. Callaway,
Harrison R. Glennon,
Ralph E. Dennett,
Charles G. McCord,
William J. Butler,
Robert H. English,
Carroll Q. Wright, jr., and
James G. B. Gromer.

Ensign Hervey A. Ward to be a lieutenant (junior grade).

Surg. Albert J. Geiger to be a medical inspector with the rank of commander.

Civil Engineer De Witt C. Webb to be a civil engineer with the rank of commander.

Boatswain James J. Joyce to be a chief boatswain.

Machinist Albert A. Hooper to be a chief machinist.

Lieut. William C. Faus to be a lieutenant commander for temporary service.

Lieut. Radford Moses to be a lieutenant commander for temporary service.

Lieut. (Junior Grade) Clifton E. Denny to be a lieutenant for temporary service.

Lieut. (Junior Grade) Theodore F. C. Walker to be a lieutenant for temporary service.

Carpenter Daniel Campbell to be an ensign for temporary service.

The following-named temporary warrant officers to be ensigns for temporary service:

Roy Childs,
George H. Toepfer,
Henry J. Behrends,
Hardy M. James,
William H. Meyer,
Will F. Roseman,
Joseph A. Ouellet,
Howard E. Haynes,
Gustav A. C. Leutritz,
Thomas Noland,
Walter A. Krueck,
Leo J. Sutton,
John B. Manghan,
Alexander O. Schory,
Luther C. Crow,
Jesse G. McFarland,
Simon P. Swynenburg,
Joie C. Wilkins,
John Reid,
Charles R. Shaw,
James C. Humphrey,
Patrick J. Sullivan,
John J. Coogan, and
Herbert A. Anderson.

The following-named enlisted men to be ensigns for temporary service:

William G. Burgess,
Arthur E. Le Gros,
William E. Bringhurst,
Robert E. Dwyer,
Leland C. Poole,
Chester C. Rounds,
Herbert J. Wiker,
George W. Brown,
John Cusick,
Clarence E. Beach,
Claudius G. Pendill,
John M. O'Neil,
John S. Danner,
John P. Dix,
Glenn F. Hulse,
Robert E. Davenport,
Ralph B. Raymond, jr.,
Louis Verbrugge,
Raymond L. Morrissey,
Walter Hansen,
George W. Adams, and
Rudolf Winzer.

The following-named ensigns of the United States Naval Reserve Force to be ensigns for temporary service:

Charles J. Ingersoll,
Albert J. Courtney, and
Edward J. Bermingham.

Ensign Jay B. Coon, of the National Naval Volunteers, to be an ensign for temporary service.

The following-named pharmacists to be assistant surgeons, with the rank of lieutenant (junior grade), for temporary service:

James A. Winterbottom,
John Haupt,
Charles E. Reinhardt,
Robert E. Weaver,
Charles Schaffer,
Thomas A. Stareck,
Paul V. Tuttle,
Carl A. Setterstrom,
James Holden,
Fred A. Payne,
Thomas E. Kent,
Henry L. Gall,
Allen F. Bigelow,
Tobais B. Weaver,
Paul F. Dickens,

Henry C. Kellers,
Albert H. Benhard,
Charles F. Wood,
Edward G. Dickinson,
Roy Aikman,
Jason H. Barton,
Edwin G. Swann,
William T. Gildberg,
Thomas J. Murphy,
John H. Schreiter,
Lawrence Zembsch,
Joseph A. Ortolan,
Abraham T. Schwartz,
Joseph C. Gill,
Alexander J. Link,
DeWitt C. Allen,
Samuel J. Seckelman,
Fred H. Stewart,
Ervin C. Eastman,
Walter W. Wade,
William M. Benton,
Henry B. Schreurs,
Loring Nottingham,
Harold B. Sanford,
Corliss P. Dean,
Nord F. Smith,
Clyde E. Snider,
Glen D. Sipe,
Benjamin W. Claggett,
Edgar L. Sleeth,
Jeremiah Harris,
Rodney J. Youngkin,
Walter H. MacWilliams,
Roscoe C. Rowe,
Willie R. Joiner,
George L. Crain,
Paul Hapke,
Leon H. French,
Lloyd C. Sims,
Edwin R. McColl,
Newton W. Parke,
Harry G. Danilson,
Charles P. Hines,
Edward G. Dennis,
Stanley J. Kinkaid,
William T. Minnick,
Robert R. Hinnant,
John G. Baisch,
Herman C. Roe,
Charles Peek, and
Boyce L. Brannon.

The following-named pay clerks to be assistant paymasters with the rank of ensign for temporary service:

Samuel I. Marks,
Walter E. Brown, and
Harry E. Gross.

POSTMASTERS.

NEBRASKA.

Edwin S. Updike, Chappell,
Lottie L. Colby, Marquette.
C. Earl Steuteville, Bridgeport.

NEW YORK.

John Chester Jubin, Lake Placid Club.
Alfred G. Tucker, Minetto.
William F. Winterbotham, Old Forge.
James H. Butler, Scottsville.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 9, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, that through the wide-world contest and the terrible conditions resulting therefrom men are finding their souls and being brought nearer to Thee, through a deeper, broader, and more abiding faith; that religion is stirring the hearts of men as never before.

Sectarianism, creeds, dogmas, wild speculations about the future are diminishing through a more rational view of life and its far-reaching purposes.

Never was there a time when the sympathy of men was more widely spread, as evidenced by charity, philanthropy, patriotism, self-sacrifice, which are moving men toward the Hill of Calvary. Grant, we beseech Thee, that the hallowed work may continue till all hearts shall be purified, glorified, and an everlasting peace bless the world and hallow Thy name, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

THIRD LIBERTY LOAN.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I have received information from the mountains of Kentucky, where the spirit of true liberty and patriotism always dwells [applause], and where the conscription law at the time of its enactment was not very popular, that in every city, town, and county the third liberty loan has been largely oversubscribed, and in some instances several times over. I have not yet received the complete reports from the tenth congressional district, which I have the honor to represent in this body, but the reports I have received show large oversubscriptions. Paintsville and Prestonsburg, on the Big Sandy, have both largely exceeded their quotas. The city of Hazard, of public-building fame [applause], has oversubscribed its quota more than 150 per cent. My home city of Pikeville, which probably many of you remember in the same connection [applause], and the city of Whitesburg, and Letcher County, in which it is located, have oversubscribed their respective quotas by 300 per cent. [Applause.]

I read the following telegrams which I have received:

HAZARD, KY., *May 9, 1918.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

Perry County subscribed $165,700 third liberty loan, which is over 50 per cent in excess of allotment. More than 1,100 persons bought bonds.

J. B. HOGE.

[Applause.]

HAZARD, KY., *May 9, 1918.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

Perry County 50 per cent over quota third liberty loan.

HAZARD HERALD.

[Applause.]

WHITESBURG, KY., *May 9, 1918.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

Whitesburg fully exceeds treble its quota of $55,000. Letcher County exceeds treble its quota, over $80,000. Perry County exceeded its quota about $50,000.

D. I. DAY.

[Applause.]

PAINTSVILLE, KY., *May 9, 1918.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

All eastern Kentucky counties subscribed full quota and many over. Johnson 30 per cent over.

JOHN E. BUCHINGHAM.

[Applause.]

PIKEVILLE, KY., *May 9, 1918.*

Hon. JOHN W. LANGLEY,
Washington, D. C.:

Pikeville exceeds its quota third liberty loan fully 500 per cent, and entire county largely in excess.

FON ROGERS.

[Applause.]

Mr. Speaker, I have other reports, which I shall not take the time to read, which indicate that in the mountain sections of Kentucky, Tennessee, Virginia, West Virginia, and, indeed, throughout that entire mountain region, the people are rallying to the support of the Nation's flag, as they have always done throughout the history of the Republic. [Applause.]

PENSIONS.

Mr. GALLIVAN, from the Committee on Appropriations, reported the bill (H. R. 12000) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 543), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from California reserves all points of order.

MOTHERS' DAY.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent for the present consideration of the House concurrent resolution which I send to the desk and ask to have read.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for the present consideration of the concurrent resolution (No. 40), which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That with the approach of Mothers' Day the attention of the Nation be directed to the patriotic sacrifice made by the mothers of our land in freely offering their sons to bear arms and, if need be, die in defense of liberty and justice; that in appreciation of this great sacrifice the President of the United States be, and he is hereby, respectfully requested to recommend in the observance of Sunday, May 12, 1918, as Mothers' Day that the people of the United States offer fervent prayers to Almighty God for His divine blessing on the mothers of our country, especially those having sons serving under our flag throughout the world.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MANUFACTURE OF GOVERNMENT SUPPLIES AT ATLANTA, GA., PENITENTIARY.

The SPEAKER. When the House adjourned on Tuesday last it was dividing on the adoption of House resolution 335, which the Clerk will report.

The Clerk read as follows:

House resolution 335.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 8938; that there shall be not exceeding one hour of general debate, to be equally divided between those supporting and those opposing the bill, which debate shall be confined to the said bill at the end of which time the bill shall be read for amendment under the five-minute rule, and at the conclusion of such reading the committee shall rise and report the bill to the House, together with the amendments, if any, whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion, except one motion to recommit.

The SPEAKER. The previous question has been ordered on this resolution. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 42, noes 43.

Mr. GARNER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 191, nays 132, answered "present" 4, not voting 103, as follows:

YEAS—191.

Alexander	Drane	Lee, Ga.	Shackleford
Almon	Eagle	Lesher	Shallenberger
Anderson	Elston	Lever	Sherley
Ashbrook	Evans	Linthicum	Sherwood
Aswell	Ferris	Lobeck	Shouse
Ayres	Fess	Lonergan	Sims
Baer	Fields	Lunn	Sinnott
Bankhead	Fisher	McAndrews	Sisson
Barnhart	Flood	McClintic	Slemp
Bell	French	McKeown	Smith, T. F.
Black	Fuller, Mass.	McLemore	Snell
Blackmon	Gandy	Mansfield	Snyder
Bland	Gard	Mapes	Steagall
Blanton	Garner	Martin	Stedman
Borland	Garrett, Tenn.	Mays	Steele
Brand	Garrett, Tex.	Mondell	Stephens, Miss.
Britten	Glass	Moon	Stephens, Nebr.
Buchanan	Godwin, N. C.	Morgan	Sterling, Pa.
Burnett	Goodwin, Ark.	Neely	Stevenson
Burroughs	Gordon	Nichols, S. C.	Summers
Byrnes, S. C.	Gregg	Nolan	Talbott
Byrns, Tenn.	Hamill	Oldfield	Taylor, Ark.
Caldwell	Hamlin	Oliver, Ala.	Taylor, Colo.
Campbell, Kans.	Hardy	Oliver, N. Y.	Temple
Candler, Miss.	Harrison, Miss.	Olney	Thomas
Cantrill	Harrison, Va.	O'Shaunessy	Tillman
Caraway	Hastings	Overmyer	Van Dyke
Carlin	Hayden	Overstreet	Venable
Carter, Okla.	Heflin	Padgett	Vinson
Cary	Helm	Park	Volstead
Clark, Fla.	Helvering	Platt	Walker
Collier	Hensley	Polk	Walton
Connally, Tex.	Hilliard	Pou	Watkins
Cox	Holland	Pratt	Watson, Va.
Crisp	Houston	Quin	Weaver
Crosser	Huddleston	Ragsdale	Webb
Dale, N. Y.	Hull, Tenn.	Rainey, H. T.	Welling
Decker	Igoe	Rainey, J. W.	Welty
Delaney	James	Raker	Whaley
Dent	Johnson, Ky.	Randall	White, Ohio
Denton	Jones	Rayburn	Wilson, La.
Dickinson	Keating	Roberts	Wilson, Tex.
Dill	Kehoe	Romjue	Wingo
Dixon	Key, Ohio	Rouse	Wise
Dominick	Kincheloe	Rubey	Wright
Doolittle	Kitchin	Rucker	Young, N. Dak.
Doremus	Larsen	Russell	Young, Tex.
Doughton	Lea, Cal.	Sabath	

NAYS—132.

Anthony	Browne	Chandler, Okla.	Cooper, W. Va.
Austin	Browning	Clark, Pa.	Cooper, Wis.
Bacharach	Butler	Classon	Copley
Bowers	Cannon	Cooper, Ohio	Cramton
Currie, Mich.	Hamilton, N. Y.	McKinley	Sanford
Dale, Vt.	Haskell	McLaughlin, Mich	Scott, Mich.
Dallinger	Haugen	Madden	Sells
Darrow	Hawley	Magee	Siegel
Davidson	Hayes	Merritt	Sloan
Dempsey	Hersey	Miller, Minn.	Smith, Idaho
Dewalt	Hicks	Miller, Wash.	Smith, Mich.
Dunn	Hull, Iowa	Montague	Stafford
Dyer	Husted	Moore, Pa.	Steenerson
Edmonds	Hutchinson	Moores, Ind.	Sterling, Ill.
Ellsworth	Ireland	Morin	Stiness
Esch	Johnson, Wash.	Mott	Strong
Farr	Juul	Mudd	Swift
Fordney	Kahn	Nichols, Mich.	Tague
Francis	Kearns	Norton	Tilson
Freeman	Kennedy, Iowa	Osborne	Timberlake
Gallivan	Kennedy, R. I.	Parker, N. J.	Tinkham
Gillett	Kiess, Pa.	Parker, N. Y.	Towner
Glynn	Kinkaid	Peters	Vestal
Good	Knutson	Phelan	Voigt
Goodall	Kraus	Purnell	Walsh
Gould	Kreider	Ramsey	Ward
Graham, Ill.	La Follette	Ramseyer	Watson, Pa.
Green, Iowa	Langley	Reed	Wheeler
Greene, Mass.	Lundeen	Robbins	White, Me.
Greene, Vt.	McArthur	Rogers	Wilson, Ill.
Griest	McCulloch	Rose	Winslow
Hadley	McFadden	Rowe	Wood, Ind.
Hamilton, Mich.	McKenzie	Sanders, Ind.	Woods, Iowa

ANSWERED "PRESENT"—4.

Dowell	Dupré	Emerson	Rodenberg

NOT VOTING—103.

Barkley	Elliott	Kelly, Pa.	Rowland
Beakes	Estopinal	Kettner	Sanders, La.
Beshlin	Fairchild, B. L.	King	Sanders, N. Y.
Booher	Fairchild, G. W.	LaGuardia	Saunders, Va.
Brodbeck	Fairfield	Lazaro	Schall
Brumbaugh	Flynn	Lehlbach	Scott, Iowa
Campbell, Pa.	Focht	Little	Scott, Pa.
Carew	Foss	Littlepage	Scully
Carter, Mass.	Foster	London	Sears
Chandler, N. Y.	Frear	Longworth	Slayden
Church	Fuller, Ill.	Lufkin	Small
Claypool	Gallagher	McCormick	Smith, C. B.
Cleary	Garland	McLaughlin, Pa.	Snook
Coady	Graham, Pa.	Maher	Sullivan
Connelly, Kans.	Gray, Ala.	Mann	Sweet
Costello	Gray, N. J.	Mason	Switzer
Crago	Griffin	Meeker	Templeton
Curry, Cal.	Heaton	Nelson	Thompson
Davis	Heintz	Paige	Treadway
Denison	Hollingsworth	Porter	Vare
Dies	Hood	Powers	Waldow
Dillon	Howard	Price	Wason
Donovan	Humphreys	Rankin	Williams
Dooling	Jacoway	Reavis	Woodyard
Drukker	Johnson, S. Dak.	Riordan	Zihlman
Eagan	Kelley, Mich.	Robinson	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. SEARS with Mr. DOWELL.

Mr. SCULLY with Mr. CARTER of Massachusetts.

Mr. LEVER with Mr. BENJAMIN L. FAIRCHILD.

Mr. BOOHER with Mr. TREADWAY.

Mr. THOMPSON with Mr. BURROUGHS.

Mr. HOOD with Mr. HEATON.

Mr. GALLAGHER with Mr. KING.

Mr. SANDERS of Louisiana with Mr. RODENBERG.

Mr. ESTOPINAL with Mr. WALDOW.

Mr. HOWARD with Mr. EMERSON.

Mr. BARKLEY with Mr. CHANDLER of New York.

Mr. BESHLIN with Mr. COSTELLO.

Mr. BRODBECK with Mr. CRAGO.

Mr. BRUMBAUGH with Mr. CURRY of California.

Mr. CAMPBELL of Pennsylvania with Mr. DAVIS.

Mr. CAREW with Mr. DENISON.

Mr. CHURCH with Mr. DILLON.

Mr. CLAYPOOL with Mr. ELLIOTT.

Mr. CLEARY with Mr. ZIHLMAN.

Mr. COADY with Mr. FAIRFIELD.

Mr. CONNELLY of Kansas with Mr. FOCHT.

Mr. DIES with Mr. FOSS.

Mr. DONOVAN with Mr. FREAR.

Mr. DOOLING with Mr. GARLAND.

Mr. EAGAN with Mr. GRAHAM of Pennsylvania.

Mr. FLYNN with Mr. GRAY of New Jersey.

Mr. FOSTER with Mr. KELLEY of Michigan.

Mr. GRAY of Alabama with Mr. LEHLBACH.

Mr. GRIFFIN with Mr. LITTLE.

Mr. HUMPHREYS with Mr. LONGWORTH.

Mr. JACOWAY with Mr. LUFKIN.

Mr. KELLY of Pennsylvania with Mr. MCLAUGHLIN of Pennsylvania.

Mr. KETTNER with Mr. MASON.

Mr. LAZARO with Mr. WASON.

Mr. LITTLEPAGE with Mr. PAIGE.

Mr. MAHER with Mr. WILLIAMS.

Mr. PRICE with Mr. REAVIS.

Mr. RIORDAN with Mr. ROWLAND.
Mr. ROBINSON with Mr. SANDERS of New York.
Mr. SAUNDERS of Virginia with Mr. WOODYARD.
Mr. SCHALL with Miss RANKIN.
Mr. SMALL with Mr. SWITZER.
Mr. SULLIVAN with Mr. VARE.
Mr. BEAKES with Mr. FULLER of Illinois.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

EXTENSION OF REMARKS.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD on the subject of the draft law.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent to extend his remarks on the subject of the draft law. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4244. An act for the relief of entrymen within the Castle Peak irrigation project, in Utah.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4208. An act authorizing postage rates on aeroplane mail;

S. 1545. An act to amend the act of March 3, 1913, entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States"; and

S. 3402. An act to fix the age limits for candidates for admission to the United States Naval Academy.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KETTNER, for two weeks, on account of having to return to California on important business; and

To Mr. GRIFFIN, for five days, on account of a death in his family.

ORDER OF BUSINESS.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the House take up the conference reports on Senate joint resolutions 123 and 124 prior to the consideration of the bill H. R. 8938, and that immediately after the disposition of those two conference reports that bill be in order.

The SPEAKER. The gentleman from Alabama asks unanimous consent, the special rule just passed to the contrary notwithstanding, to take up the conference report which the Clerk will report by title.

Mr. DENT. There are two, Mr. Speaker.

The SPEAKER. The Clerk will report the first one by title. You can not take up both at once.

The Clerk read as follows:

Joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The SPEAKER. The Clerk will report the other by title.

The Clerk read as follows:

Joint resolution (S. J. Res 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman who proffers this request why, when the House had just adopted a rule making one war measure immediately in order, the gentleman wishes that to be put aside in order to act upon these two other measures?

Mr. DENT. Well, because it is thought that those are more important than the other two, to be perfectly frank with the gentleman. The question of registering the boys becoming 21 years of age is certainly a very important measure and ought to be passed on by the House now in view of the fact that regulations have already been adopted by the Provost Marshal General's office providing for such registration on the 5th day of June.

Mr. WALSH. Mr. Speaker, still further reserving the right to object, I assume, of course, that the gentleman has just voted for this rule knowing that it provided for the immediate consideration of this measure, and he is, of course, aware that under the rule there is only one hour's general debate permitted and that the bill is very brief and certainly it can not defer action upon his conference report but for a few hours at the most, and it seems to me that it is not orderly procedure for us to have a vote upon a rule making in order a measure which is urged as a war emergency bill and then immediately after we adopt the rule to ask by unanimous consent to defer action on that on account of the presentation of two conference reports. If the conference reports were offered prior to voting upon the rule, I presume it would have then been in order.

Mr. GARRETT of Tennessee. Will the gentleman permit me to offer this suggestion? This rule came up and this vote came at this particular time because it was the unfinished business. Had it been the question of bringing forward this rule as an original proposition this morning it would not have been presented, I feel quite sure, but the conference report would have had the right of way. The Committee on Rules would not have insisted upon presenting a rule ahead of these conference reports, but the gentleman from Massachusetts realizes the parliamentary situation in which the House is placed by reason of the action of Tuesday.

Mr. WALSH. Yes, Mr. Speaker; and I further realize that one, if not both, of these conference reports have been pending for some little time, and I want to ask the gentleman——

Mr. DENT. The gentleman is mistaken about that. One of these conference reports was not submitted until Tuesday afternoon late, while something else was pending in the House.

Mr. WALSH. When was the other submitted?

Mr. DENT. That has been pending about a week.

Mr. WALSH. Now, does the gentleman think——

Mr. DENT. The first report is a disagreement and the report of Tuesday was an agreement.

Mr. MOORE of Pennsylvania. Mr. Speaker, this seems to be a controversy between the Atlanta Penitentiary and the Army of the United States, and I think we ought to hear what is going on.

The SPEAKER. The Chair has tried to get order three or four times.

Mr. WALSH. Mr. Speaker, I simply want to ask the gentleman from Alabama if he believes it is particularly urgent at this time that the action upon the penitentiary measure, which has just been made in order, should be set aside in order to act upon these conference reports, and if he thinks that if the conference reports were delayed until after the penitentiary bill was disposed of that the military situation in the country would be seriously affected?

Mr. DENT. I think the gentleman from Massachusetts will agree with me that the conference reports are of far more importance than the Atlanta Penitentiary proposition. [Applause on the Republican side.]

Mr. WALSH. Well, I do not object in view of that statement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the first conference report.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 522).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," hav-

ing met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

On the amendment of the House the conferees have been unable to agree.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

Mr. DENT. Mr. Speaker, I move that the House recede from its amendment to Senate joint resolution 123.

The SPEAKER. The gentleman from Alabama [Mr. DENT] moves that the House recede from its amendment to Senate joint resolution 123.

Mr. CANNON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. If the House should recede and concur in the amendment of the Senate, it would take precedence of the motion that the House further insist?

The SPEAKER. Yes.

Mr. CANNON. So I will give notice that if this motion is voted down I will, if somebody else does not, move that the House further insist on its disagreement.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. The bill is in this shape: It came from the Senate without a provision for credits to volunteers. The House put that amendment into the bill. Is the only motion that can be made a motion to recede?

The SPEAKER. A motion to recede ends it; that is, if it should prevail.

Mr. CANNON. This motion would take precedence, that the House do further insist?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To make a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the motion to recede fails of adoption, will it be necessary for the House to further insist?

The SPEAKER. Not necessarily. It can do it if it wants to do so.

Mr. WALSH. Will it be in order to do so?

The SPEAKER. If the motion to recede is defeated, that would be tantamount to insistence.

Mr. NORTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. NORTON. May we have the House amendment read?

The SPEAKER. The Clerk will report the House amendment.

The Clerk read as follows:

House amendment: Page 2, line 10, after the word "residing," insert a comma and the following: "and credit shall be given on its quota to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military or naval service of the United States from any such State, Territory, District, or subdivision thereof, since April 1, 1917, including members of the National Guard who were in Federal service on that date."

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. DENT].

Mr. DENT. Mr. Speaker, I would like to make a brief explanation.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. DENT. Mr. Speaker, this resolution is what is known as the quota resolution, providing for the division of drafted men into four classes, or five, when including the exempted class. The House adopted an amendment providing that under this new classification credit should be given for volunteers in each State and in each community, as provided in the original draft law of May 18 of last year. The Senate insisted that that amendment should not be agreed to. The conferees came back to the House, as I promised when we went to conference, for instructions in the event that they could not agree, with a disagreement. I finally made up my mind to move to recede from the House amendment, not because I have changed my original opinion, but because I think the matter is too unimportant to further delay legislation upon this proposition.

Gen. Crowder, who has had charge of the draft law, insists that he could not execute the law satisfactorily with that provision in it; the Secretary of War is in accord with Gen. Crowder upon this proposition. They both appeared before the Committee on Military Affairs several days ago and insisted that the House amendment ought to be stricken from this bill. I called their attention to the fact that the President of the United States had voluntarily written me a letter, which I read to the House when this bill was before us, advocating the principle of credits for volunteers, and that I did not feel that I should move to recede unless the President himself had changed his mind. I was informed by the Secretary of War that the President——

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask the gentleman a question.

Mr. DENT. I hope the gentleman will let me finish my statement.

I was informed that the President of the United States had changed his mind upon this subject upon the presentation of certain specific facts that were worked out by Gen. Crowder from the questionnaires after the Military Committee had reported this bill to the House, these facts not being in the possession of the Military Committee or of Gen. Crowder at the time we reported this bill. I would like to have the letter of the President read from the Clerk's desk at this time.

The SPEAKER. Without objection, the Clerk will read the letter.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, May 7, 1918.

MY DEAR MR. DENT: I take the liberty of writing you to say that I have become convinced that I was mistaken in advising you recently with regard to the matter of credits in the draft legislation. When the matter was presented to me I had not fully analyzed, and I dare say that the gentlemen who presented the matter to me had not fully analyzed, the effects which would ensue by allowing credits for the number who had volunteered. I do not know whether they have changed their opinion in the matter, but I have been convinced by the facts as presented to me by the War Department that I took a mistaken view of the matter, and I now write to say that in my judgment that mistake ought to be corrected. I hope that if I was instrumental in any way in leading the committee of the House to the conclusion they came to you will express to them my apologies for not having looked into the facts more thoroughly before I advised.

Cordially and sincerely, yours,

(Signed) WOODROW WILSON.

Hon. S. HUBERT DENT, Jr.,
House of Representatives.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The SPEAKER. Does the gentleman yield, and to whom?

Mr. DENT. Not at this time.

The SPEAKER. The gentleman from Alabama declines to yield.

Mr. DENT. I wish to make this additional statement, and then I am perfectly willing to yield to any gentleman during my time and give him a chance to discuss this proposition, because I intend to move the previous question on this motion.

I have reached the conclusion, as I stated a little while ago, to make this motion to recede, not that I had changed my opinion, but because I think the practical effect is too small to warrant the delay in the passage of this legislation. Take, for instance, the situation under the facts presented by Gen. Crowder. My State, Alabama, would have to furnish between 28,000 and 29,000 under this draft. The State of California, represented by my colleague on the committee [Mr. KAHN], would get the benefit of credits and would not have to furnish any. But in the end, on the next call, Alabama would get credit for her 29,000, and California would not have any credit, so that in the end the result will practically be the same, and it is too small a matter for us to delay this legislation.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. MOORE of Pennsylvania. We have no access to the hearings of the Committee on Military Affairs, for reasons sufficient to the committee. But the gentleman from Alabama has stated that the Secretary of War and the Provost Marshal General have appeared before the committee and have given their reasons for this legislation, and he has had read a letter from the President saying that he also has changed his mind upon this subject. The letter from the President, however, gives no reasons for the change of mind. Does the gentleman care to tell the House what was said by Secretary Baker and the Provost Marshal General as to their attitude, since the President has not indicated what induced him to change his mind?

Mr. DENT. One of the main reasons that the Provost Marshal General gave was that in this draft some States and some communities would not furnish any soldiers at all.

Mr. MOORE of Pennsylvania. In the State of Pennsylvania, I am told, this legislation will require an additional 25,000 men; that is to say, if no credit is given for volunteers.

Mr. DENT. The State of Pennsylvania would get credit for that on the next draft, so that in the end it will work out just as fairly as any law of this kind could.

Mr. MOORE of Pennsylvania. I want to work along with the gentlemen of the Committee on Military Affairs. Perhaps they are right in proceeding in executive session and without undue publicity. But it does seem that the House should have some information with regard to these changes of law when they affect the various States as they seem to affect mine.

Mr. DENT. I am perfectly willing to put into the RECORD, so far as I am concerned, the figures that Gen. Crowder furnished to the committee as to how this would operate.

Mr. MOORE of Pennsylvania. We should surely have something upon which to exercise discretion as Members of Congress——

Mr. DENT. I am perfectly willing for them to be read.

Mr. MOORE of Pennsylvania. If the gentleman will do that, very well. But he has admitted that two distinguished officials appeared before the committee and stated that they would like this thing done, though we have no reasons, and then he read a letter from the President, stating his change of mind, but giving no reasons.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MILLER of Washington. What is the system of credits that will be adopted on the next draft that the gentleman speaks about?

Mr. DENT. The system of credits will be this: If Alabama, as I stated, furnishes 29,000 soldiers on this call, and California none, then the next time class 1 is called California would be called before Alabama.

Mr. DYER. Mr. Speaker, will the gentleman yield for a question?

Mr. DENT. In a moment.

Mr. MILLER of Washington. Then the system of credits is not to be abandoned, but still kept in effect?

Mr. DENT. It is not to be entirely abandoned.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes; I will yield to the gentleman from California, and then to the gentleman from Missouri [Mr. DYER].

Mr. KAHN. Mr. Speaker, under the provisions of the resolution, with the House amendment, every State in the Union would get credit for all its volunteers as well as for the men who have been drafted from each State. That is the meaning of the language of the amendment that was put into the bill by the House. Figuring on the volunteers in the Army, the volunteers in the Navy, and the men who have been drafted, as well as the men who have been inducted voluntarily into the service since the order of December 15 last was promulgated, the quotas of the various States of the Union have been classified by the Provost Marshal General. That classification, I understand, the chairman of the committee desires to have read for the benefit of the House.

Under that classification there are four States in the Union, or rather three States and the District of Columbia, that will not have to furnish a single man in the second draft, because their quota is ahead of what they would be required to furnish under the second draft. In other words, they have furnished to the Government more men than they would be called upon to furnish.

Mr. ROGERS. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ROGERS. If they have already done more than their duty, why should they be expected at this time to go ahead of what the others have done?

Mr. KAHN. Because in the very next draft, under the language of the pending amendment, there will be a different condition of affairs, and then they will have to do more than their duty, while some of the other States——

Mr. NORTON. How does that come about?

Mr. BUTLER and Mr. GREEN of Iowa rose.

The SPEAKER. Does the gentleman yield, and to whom?

Mr. KAHN. I am consuming the time of the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama yielded to the gentleman from California some time.

Mr. KAHN. I will yield to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER. How much time did the gentleman from Alabama yield to the gentleman from California?

Mr. DENT. Ten minutes.

Mr. BUTLER. Let me ask the gentleman a question. Suppose we would have no subsequent draft, would it be fair to these States?

Mr. KAHN. If the idea of the War Department prevails, and we are to furnish 3,000,000 men under the Army appropriations asked for, there must be subsequent drafts.

Mr. KREIDER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. KREIDER. As I understand it, the resolution provides that the quota to be furnished from each State shall be taken from class 1.

Mr. KAHN. Yes.

Mr. KREIDER. Now, if it be true that we must possibly furnish 3,000,000 men, the number in class 1 will be exhausted.

Mr. KAHN. Oh, no; the gentleman is mistaken.

Mr. KREIDER. Assuming that it will be exhausted, upon what basis will the quota be obtained for the next draft, if class 1 has been exhausted?

Mr. KAHN. The presumption is that there will be other laws passed providing for additional drafts, by changes in the age limit, or by the invasion of classes 2, 3, 4, and so forth.

Mr. KREIDER. Do I understand that the gentleman is of the opinion that in view of existing law, and in view of the resolution passed, the President is not empowered to call now anyone except those in class 1.

Mr. KAHN. If this law goes through, that will be so. That is the very purpose of passing this resolution, namely, to exhaust men in class 1 everywhere before class 2 is invaded anywhere.

Mr. KREIDER. I understand. I fully realize and agree with the gentleman from California that that is the proper policy to pursue; but I am apprehensive of the fact, because of recent developments, that class 1 will not furnish us the men we need to prosecute this war successfully.

Mr. KAHN. I agree with the gentleman that if the war is to be a protracted one, I know that there are not enough men in class 1 as at present constituted, but it will yield the 3,000,000 men who will be provided for in the proposed Army appropriation bill, which is now being considered by the Military Committee.

Mr. WALSH. I should like to ask the gentleman from California what additional information he has to present to the House as a reason for the House reversing its action, which it took by an overwhelming vote on this question, other than that the President has changed his mind.

Mr. KAHN. When the bill was up before the House, I stated that I was not in favor of the House amendment. The President has come to my way of thinking. I stated at that time that every State in the Union was getting credit for its Army volunteers in an indirect way. Gentlemen from the Southern States made much of the fact that California had a small percentage in class 1. The reason has since developed. There were so many volunteers for the Army and Navy from California that did not go into class 1. They went into the service of their country before there was any classification. If they had not volunteered, class 1 would have been largely increased and our percentage would have been that much greater, so that we got an indirect credit, which was exactly the thing that I said had occurred under the classification system.

Mr. DILL. The gentleman stated that when the next draft came the States, in furnishing men on this draft, if the credit system were used, would be called upon to furnish their men. Now, if between this draft and the next draft a sufficient number of men should volunteer from these States, they would not be called upon again, would they?

Mr. KAHN. Volunteering has run down very considerably. There is little volunteering now.

Mr. DILL. They are volunteering in the Navy and in the Marine Corps.

Mr. KAHN. They get credit for that in an indirect way, because that reduces their class 1 quota.

Mr. DILL. Not necessarily.

Mr. BRITTEN. Yes; positively.

Mr. DYER. If we should so act in this conference report as to agree with the motion of the chairman of the committee, will not that have the effect of retarding the volunteering of men for service, since the States, cities, and so forth, would receive no credit for it?

Mr. KAHN. I do not think so.

Mr. HAYES. Will my colleague yield?

Mr. KAHN. Yes.

Mr. HAYES. I want to ask the gentleman how the States are to get credit for these volunteers, many of whom would never be put in class 1? Many of the volunteers are above the draft age and therefore can not be credited.

Mr. KAHN. The greater percentage of those who have volunteered would be in class 1. That is the information we get from the War Department.

Mr. DYER. That is correct information.

Mr. NORTON. Will the gentleman yield?

Mr. KAHN. I yield to the gentleman.

Mr. NORTON. I am very anxious to have cleared up the statement made by the chairman of the committee [Mr. DENT] and by the gentleman from California [Mr. KAHN], that in the end it will make no material difference whether the House amendment is adopted or not. I understood the gentleman from California [Mr. KAHN] to say that, taking the cases of California and Alabama, if the House amendment is adopted the State of Alabama will be required to furnish 29,000 men and the State of California in this next call will be required to furnish no men. Is that right?

Mr. KAHN. That is correct.

Mr. NORTON. Now, if the House amendment is adopted, then, if the next call is for a million men, on that hypothesis will California be required to supply a larger number of men in the third draft than it would if the State supplied its quota for the second call, without allowances for volunteers and other enlistments? I think not. If the House amendment is adopted, each State and each community will be required merely to supply an equitable proportion of men for the Army. Why, if the House amendment is adopted, would not the percentage of men to be supplied in the third call be the same for California as for Alabama?

Mr. KAHN. Because under the language of this resolution Alabama would get credit for the 29,000 men that she furnishes at this time, while California gets no credit at all; and the next time there is a call California would have to make up that deficiency.

Mr. NORTON. I do not consider that deduction a correct one. The adoption of the House amendment will put Alabama and California on an equal basis as far as their apportionment is concerned, whereas if the House amendment is not adopted they will not be on an equal basis, but California and other States where volunteer enlistments have been large will be required to supply many more men than their fair and equitable proportion.

Mr. KAHN. As I have repeatedly stated, California has received credit in an indirect way, which accounts for her low percentage in class 1.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GREEN of Iowa. Mr. Speaker, I have before me a chart issued by the Provost Marshal General's office. I think it is dated back in December. It is a chart with reference to the enlistments. I think the proportions have not changed very much since that time.

Mr. KAHN. I do not know whether they have or have not.

Mr. GREEN of Iowa. But, at all events, the gentleman is stating that by reason of the large enlistments made from California California would have no men to furnish if this amendment prevailed.

Mr. KAHN. That is what the Provost Marshal General stated to the committee.

Mr. GREEN of Iowa. I would like to know, and I would like to have some gentleman state, and I would like to have the House hear, where the Provost Marshal General gets his figures. I can not find them from any statement in this report he has made. They are not there. This statement is not in accordance with his report. His report that I have before me here shows the State of Oregon as highest in ratio of enlistments, and next is the District of Columbia; then Washington and Maine, and some of these other States that he figures will not have to furnish anything by reason of their enlistments being away down.

The SPEAKER. The time of the gentleman from California has expired.

Mr. DENT. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. KAHN. Mr. Speaker, of course that statement was made before the classification of men was taken up by the War Department. It was based on total population, and I think that report was made in December, probably. What is the date of it?

Mr. GREEN of Iowa. I think it is December; but the proportions have not changed since then.

Mr. KAHN. The proportions have changed in some of the States; in fact, in many of the States; but the figures that we now get from the War Department are based entirely on classification. The House amendment also provides for Navy credits. According to the figures, combining Army and Navy credits, three States in the Union will not have to furnish any men under this draft—California, Nevada, and Rhode Island—and I believe the District of Columbia, Connecticut, and Massachusetts will have to furnish only a very small percentage.

Mr. OLNEY. Massachusetts would have to furnish 8 per cent.

Mr. KAHN. I think Massachusetts would have to furnish 8 per cent and Connecticut only 4 per cent.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. WALSH. If the House recedes from this amendment under what law will any credits be given for the next draft?

Mr. KAHN. No law. There will be no credits given, and really the majority of the credits were given under the first draft law.

Mr. WALSH. That did not include the Navy volunteers.

Mr. KAHN. No; that did not include the Navy. That included all of the volunteers for the Army.

Mr. O'SHAUNESSY. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. O'SHAUNESSY. I understood the chairman of the committee to say that there would be great difficulty in administering the law with the House amendment. What is the difficulty?

Mr. KAHN. The officials of the War Department notified the committee to that effect. Probably the chairman——

Mr. O'SHAUNESSY. There is nothing but that bald statement?

Mr. KAHN. Oh, no; they furnished data to the committee.

Mr. DENT. They would have to rearrange and reorganize.

Mr. KAHN. Mr. Speaker, I yield back the remainder of my time.

The SPEAKER. The gentleman yields back two minutes.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Speaker, this amendment which we are asked to recede from passed the House by a vote of 292 to 65, an overwhelming majority. It simply seeks to preserve in the law one of the fundamental things in the law as we passed it, and that is the giving of credits to those who volunteer. The gentleman from Washington [Mr. MILLER] asked the chairman of the committee if credits would be allowed in case this amendment was rejected, and I think he got the idea that credits were to be allowed. I want the House to understand that if the motion to recede prevails, no credits will any longer be allowed for volunteers. When the report of Gen. Crowder was made on the first draft you will find on page 17 of that report he has what he calls a banner roll—the banner roll of counties in the United States. He went to the trouble to print in the RECORD the name of every county that had furnished a sufficient number of volunteers for this Nation when it needs men to fight for it, so that the draft would not have to be applied to that county. He comes in now and asks you to pull down this banner roll. It is no longer to be a banner to a community or to a State to have furnished men voluntarily to fight the battles of the country. The only reason I have heard urged for the adoption of this proposition, the rejection of the amendment, is that the Provost Marshal General asks to have it done. His department does not want to be bothered with seeking out and determining where these volunteers should be credited. If you reject this amendment, it does not add a single soldier to the Army of the United States. If you adopt this amendment, it does not add a soldier. As I said, when we had the matter under consideration, it is whether or not we were going to adhere to the idea of giving credit for volunteers. At the end if we draft all these men in class 1, as the chairman has indicated, we can not escape this, that those States that have furnished generously of their men as volunteers to win this war are going to have to bear an unfair proportion of this great struggle.

There are two classes of taxes we have got to pay in this war; one is in money and the other is in men, or a blood tax. When a certain community has paid its share of the money tax we say it is sufficient, and under the law we have also determined what the man tax shall be. Take the State of Massachusetts, which my friend, Mr. WALSH, here represents. Every man which Massachusetts would be required to furnish, if my amendment prevails, will be 7,395. If that amendment is rejected she will have to furnish 27,000—20,000 more men from Massachusetts than if credit for volunteers were given. She will be required to give that much more of her manhood to the Nation.

Mr. DEWALT. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. DEWALT. It has been stated that this credit would afterwards be given. Is there any foundation in fact for that statement?

Mr. SHALLENBERGER. No; there will be no further credit given if my amendment is rejected.

Mr. DENT. Will the gentleman yield?

Mr. SHALLENBERGER. Certainly.

Mr. DENT. But it is a fact; perhaps I did not make it clear; this proposed plan of the Provost Marshal's office is to exhaust class 1 throughout the United States before he goes into any other class, and therefore if by this call he takes more from one State than from another, he will go into class 1 of the States which furnished less than their proportion.

Mr. SHALLENBERGER. When all of class 1 is exhausted, if a certain State had volunteered no men whatever and another State has volunteered fifty or seventy-five thousand men, as some States have volunteered, they will have furnished just that many more men for the Army than the other State furnished by draft.

Mr. KAHN. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. KAHN. As I understood the gentleman from Pennsylvania, he asked the gentleman from Nebraska whether the States had received no credit at all.

Mr. SHALLENBERGER. No; I did not understand it that way.

Mr. KAHN. That is the way I understood the question of the gentleman, and I do not think the gentleman wanted to leave that impression. In the first draft they did get credit for their volunteers.

Mr. SHALLENBERGER. The law required it. Now, in the case of the State of Pennsylvania——

Mr. WALSH. I do not think that was the question of the gentleman from Pennsylvania.

Mr. SHALLENBERGER. I did not so understand it.

The SPEAKER. The time of the gentleman has expired.

Mr. SHALLENBERGER. Might I have some more time?

Mr. DENT. I will yield the gentleman five minutes more.

Mr. SHALLENBERGER. The total quota that the State of Pennsylvania will be required to furnish under the law would be 178,615. That means every man who has volunteered and also every man required under this draft and the previous draft. If my amendment prevails she will have credit for a sufficient number so that her entire quota she is required to furnish would be 31,007. If that amendment goes out she will have to furnish 69,000, or 25,000 more men in this quota than if she had been given credit for volunteers. Now, the State of New York——

Mr. MOORE of Pennsylvania. We could not hear the gentleman on this side. Will he please state those figures again?

Mr. SHALLENBERGER. If my amendment goes out the State of Pennsylvania would have to furnish 25,000 more men under this call than if given credit for volunteers.

Mr. MOORE of Pennsylvania. Just there, another question. Who will get the benefit of the 25,000 men Pennsylvania will have to make up?

Mr. SHALLENBERGER. The States that have fewer volunteers.

Mr. MOORE of Pennsylvania. Some States will not furnish so many in proportion; is that the idea?

Mr. SHALLENBERGER. I am glad the gentleman mentioned that, because it explains something that perhaps the House would like to have explained, and that is why certain Southern States, to which the gentleman from Alabama, the chairman of the committee, has called attention, have furnished a smaller proportion of volunteers than some of the Northern States. The reason for that is that those States have a large colored population, some 50 per cent of the population being colored. There are no means whereby these colored men could volunteer. There are only two regiments in the Regular Army in which colored men are taken, so the volunteers came largely from the white population.

Mr. GREENE of Massachusetts. Will the gentleman yield for a question?

Mr. SHALLENBERGER. I will.

Mr. GREENE of Massachusetts. Why is it that these colored men could not be drafted or could not volunteer?

Mr. SHALLENBERGER. Because there was no regiments for them to volunteer into.

Mr. GREENE of Massachusetts. Because their faces were black?

Mr. SHALLENBERGER. No. That was not the reason. That is something that the Army of the United States and the Congress is responsible for, if there is any error.

Mr. DENT. There are only two regiments of Cavalry and two regiments of Infantry in the entire Army of the United States that the black man is allowed to enlist in, and under the laws of the Southern States he could not enlist in the National Guard.

Mr. SHALLENBERGER. So there was no chance for him to volunteer.

Mr. MOORE of Pennsylvania. Without regard to the white man or the black man, does that mean, if the gentleman's amendment is not sustained, that the State of Pennsylvania, for instance, would be obliged to furnish 25,000 more in proportion than some of the other States?

Mr. SHALLENBERGER. Twenty-five thousand more if my amendment goes out than if it stays in, according to the Provost Marshal General.

Mr. MOORE of Pennsylvania. That certainly would seem to prejudice the State of Pennsylvania in favor of some other States.

Mr. SHALLENBERGER. If you reject this amendment, it will take away the inspiration for patriotism and volunteering which we have sought to build up in this country.

Mr. MOORE of Pennsylvania. Would it be prejudicial as to numbers?

Mr. SHALLENBERGER. In the final analysis, if all the men in class 1 are called, those States that have volunteered heavily will furnish more additional men than those that have not volunteered, if you turn down the volunteer amendment.

Mr. CARY. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. CARY. Will you please give me the Wisconsin figures, if you have them there?

Mr. SHALLENBERGER. Yes. Wisconsin's gross quota is 73,528; her total credit is 36,936—that is, for volunteers. If my amendment goes out, on this next quota Wisconsin will not have to furnish as large a quota as she will if my amendment stays in, because the proportion of volunteers in Wisconsin is not as large as that in some other States.

Mr. HUSTED. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from New York.

Mr. HUSTED. I would like to ask the gentleman whether, if the House amendment is retained, class 2 will not be invaded in certain States before all the men in class 1 throughout the country have been exhausted?

Mr. SHALLENBERGER. I do not think so. Of course, if this war goes on and we have to raise a tremendous army, possibly what the gentleman says may be true. We may have to take all the classes.

Mr. HUSTED. If the gentleman will permit——

The SPEAKER. The time of the gentleman from Nebraska has again expired.

Mr. SHALLENBERGER. I would like to have two minutes more.

Mr. DENT. I yield two minutes more to the gentleman.

Mr. HUSTED. I would like to ask the gentleman if the real ground of the opposition by the War Department to the House amendment is not based upon the fact that the War Department want to get all the men in class 1 throughout the country, irrespective of location and irrespective of volunteering, on the ground that they are the best qualified to fight this war?

Mr. SHALLENBERGER. The statement is made to the committee by the Provost Marshal General's office that they do not think that credit for volunteers is worth standing for. In other words, the statement was made that a community is not entitled to credit because of volunteers; that that is a thing they do not wish to encourage any more in the United States.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SHALLENBERGER. I yield.

Mr. GREEN of Iowa. My own city of Council Bluffs some time ago enlisted more than her entire gross quota. Now, if the gentleman's amendment does not prevail, we will have to furnish just as many men?

Mr. SHALLENBERGER. If you have the men in class 1, you will have to furnish them.

Mr. DYER. Will the gentleman yield?

Mr. SHALLENBERGER. I yield.

Mr. DYER. The Navy Department is now awaiting a campaign to have men volunteer for the Navy. In my city the city officials and all are helpless. What will be the effect upon the public mind when it goes out that the War Department is against volunteering and does not want to give a community credit for it?

Mr. SHALLENBERGER. I would not attempt to interpret that.

Mr. SLOAN. Will the gentleman yield?

Mr. SHALLENBERGER. I yield.

Mr. SLOAN. Calling the gentleman's attention to the statement made by the gentleman from California [Mr. KAHN] about the large number of enlistments there, I find on page 16 of the Provost Marshal General's report that California is the

thirty-ninth State in the Union, being 33.76 out of every 100 as to ratio of enlistment credits to gross quota, the average for the United States being 40.42. The average for our State is 40.94. Now, how does the gentleman reconcile the strong statement made by the ranking member of the Military Committee that California profits by its large number of enlistments while it is thirty-ninth among the States?

The SPEAKER. The time of the gentleman from Nebraska [Mr. SHALLENBERGER] has again expired.

Mr. SHALLENBERGER. May I have one minute more?

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent that the gentleman from Nebraska be given 10 minutes in which to answer questions, independent of the arrangement.

Mr. DENT. Mr. Speaker, how much time have I left?

The SPEAKER. Twenty-three minutes.

Mr. DENT. Mr. Speaker, I ask unanimous consent that my time be extended one-half hour.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. CANNON. I understood that others would be recognized after consultation with the gentleman, and that he must not necessarily move the previous question in an hour and a half.

Mr. DENT. Not necessarily. I will do my best to be fair. If in an hour and a half the discussion is so interesting that it is desired to be continued, it may be extended. I would like to have some program, however.

Mr. CANNON. I would like to have 30 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the time be extended 30 minutes. Is there objection?

Mr. CANNON. I hope that the gentleman will ask that his time be extended for 30 minutes, and then for an hour and a half longer he will yield to Members if they desire it.

Mr. DENT. Making the debate three hours?

Mr. CANNON. Yes

Mr. DENT. I hope the gentleman will not insist on that now. I have another conference report. I think after the expiration of an hour and a half or two hours we should be able to finish. I ask unanimous consent that the time be extended one hour.

The SPEAKER. Is there objection?

Mr. CANNON. Is one-half of that time or all of it to be controlled by the gentleman?

Mr. DENT. That is the usual rule; but I will state to the gentleman that I will divide the time between those for and those against as fairly as I know how.

Mr. CANNON. I think that those who are for this amendment ought to have an hour. I do not care to control it, although I would like a little time.

Mr. DENT. I am perfectly willing. I will have 20 minutes, and the time will be extended an hour. That will be 1 hour and 20 minutes. I have yielded to the gentleman from Nebraska all the time he has asked for, and he is in favor of the amendment and against my motion.

Mr. CANNON. But it has been done by yielding five minutes at a time.

The SPEAKER. What request has the gentleman from Alabama to make?

Mr. DENT. I ask that my time be extended for one hour longer, and that the gentleman from Nebraska [Mr. SHALLENBERGER] shall take out the gentlemen who have spoken in favor of this amendment and may have half the time.

Mr. CANNON. That is not fair. I think we can get through with both of these conference reports to-day. I think somebody on the Committee on Military Affairs ought to have as much time as the gentleman has consumed.

Mr. DENT. That is what I am trying to do, and I propose to let the gentleman from Nebraska, who is opposed to my motion, control it.

The SPEAKER. The gentleman from Alabama asks unanimous consent that his time be extended an hour, and that the gentleman from Nebraska [Mr. SHALLENBERGER], who is opposed to the pending motion, shall control half of that time.

Mr. DENT. I will put it this way, Mr. Speaker: I will ask that my time be extended one hour, and that I shall control the time so far as those who favor the motion to recede are concerned, and the gentleman from Nebraska [Mr. SHALLENBERGER] shall control one-half of the time on the other side, and that he and I divide the time just as equally as we can.

The SPEAKER. Do you put the 23 minutes in the pot? [Laughter.]

Mr. DENT. Yes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that his time be extended one hour and that the gentleman from Nebraska [Mr. SHALLENBERGER], who is opposed to this pending motion, shall control one-half of that time and also one-half of the 23 minutes remaining of the original hour.

Mr. DENT. No; the whole time.

The SPEAKER. That is the whole time. Is there objection?

Mr. FIELDS. Mr. Speaker, reserving the right to object, some of us do not understand that. Let the whole time be extended one hour.

Mr. DENT. The whole time shall be extended to one hour and 23 minutes.

Mr. FIELDS. How much time will that be for the whole debate?

Mr. DENT. Two hours.

Mr. FIELDS. And the gentleman from Alabama shall control one-half and the gentleman from Nebraska one-half?

Mr. DENT. Yes.

The SPEAKER. It is not 2 hours. It is 83 minutes.

Mr. FIELDS. Do I understand, Mr. Speaker, that the total time is to be equally divided between the gentleman from Alabama and the gentleman from Nebraska?

The SPEAKER. Yes. The total time that remains, not counting in the time already consumed, will give 83 minutes more of debate. The request of the gentleman from Alabama is that the 83 minutes be equally divided between himself, in favor of this pending motion, and the gentleman from Nebraska [Mr. SHALLENBERGER], who is opposed to it. Is there objection?

Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Would that 83 minutes be dated from now?

The SPEAKER. Yes.

Mr. CANNON. I ask the gentleman from Alabama to accept my amendment and make it an hour and twenty minutes, making it equally divided from now on.

The SPEAKER. Does the gentleman from Alabama modify his request?

Mr. DENT. Does the gentleman mean 1 hour and 20 minutes left now?

Mr. CANNON. I would like two hours and a half. Let it be divided equally.

Mr. DENT. I hope the gentleman will not insist on that.

The SPEAKER. Does the gentleman from Alabama modify his request or not?

Mr. DENT. I ask unanimous consent for my original proposition.

The SPEAKER. The gentleman from Alabama asks that his time be extended 1 hour, making it 1 hour and 23 minutes remaining, with one half to be controlled by himself and the other half to be controlled by the gentleman from Nebraska. Is there objection?

Mr. CANNON. I will ask the gentleman to accept an amendment to his request, that it be an hour and a half.

Mr. DENT. I will accept that.

The SPEAKER. Does the gentleman from Alabama modify his request?

Mr. DENT. I will modify it to meet the wishes of the gentleman from Illinois.

The SPEAKER. The gentleman from Alabama modifies his request and asks that the time be extended one hour and a half, and to that shall be added the 23 minutes remaining, which would make 1 hour and 53 minutes, and that half of it be controlled by himself, in favor of the motion to recede, and the other half be controlled by the gentleman from Nebraska, who is opposed to receding. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MCKENZIE].

The SPEAKER. The gentleman from Illinois is recognized for 10 minutes.

Mr. SHALLENBERGER. Mr. Speaker, before the gentleman from Illinois [Mr. MCKENZIE] proceeds, I want to use three minutes.

The SPEAKER. The gentleman from Nebraska is recognized for three minutes.

Mr. SHALLENBERGER. I want to explain to the gentleman from Nebraska [Mr. SLOAN] and also the gentleman from Iowa [Mr. GREEN] in regard to the showing of the State of California. These tables which are in the printed report that Gen. Crowder gave us are based on population. The tables which the gentleman from California [Mr. KAHN] and myself are referring to are based upon classifications, and the State of California also got credit for 12,000 naval volunteers.

Mr. KAHN. Fifteen thousand.

Mr. SHALLENBERGER. The gentleman from California says 15,000. Then, men have volunteered very heavily since the

1st of January. The credits for California have been worked out, and the gentleman from California [Mr. KAHN] is correct in his statement.

Mr. NOLAN. The gentleman offered the original amendment giving credit for volunteers, but only those who volunteered for the Army. Does the gentleman think this amendment ought to include the men who have volunteered for the Navy—240,000 who have enlisted since the beginning of the war? Does the gentleman think that sort of an allowance should be made in a bill that is trying to raise an army?

Mr. SHALLENBERGER. My own judgment was against that, but the House voted overwhelmingly for it.

Mr. NOLAN. The gentleman voted for the amendment to his amendment, and that is the thing that makes this proposition top-heavy—giving credit for naval enlistments.

Mr. WALSH. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Massachusetts.

Mr. WALSH. Under what provision of law was the State of California given credit for naval enlistments?

Mr. SHALLENBERGER. Under this proposed amendment she would be. She is not given credit under any provision of law, but the figures I read were based on the amendment.

Mr. WALSH. Can the gentleman give any good reason why volunteering for naval enlistment should not be credited? It was done during the Civil War.

Mr. KAHN. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from California.

Mr. KAHN. As my colleague has just said, this bill purports to raise an army. If they want to draft men for the Navy, why not draw up a bill to raise a force for the Navy? But why should you take away from your Army men who have gone into the Navy?

Mr. DEWALT. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Pennsylvania.

Mr. DEWALT. The chairman of the committee has stated in our hearing that credit would be given for enlistment of volunteers in the future. That is correct.

Mr. DENT. I should like to answer that. I have not made any such statement as that.

Mr. DEWALT. What is the gentleman's statement?

Mr. DENT. I have tried to make it clear that in the end the thing will be equalized, because the Provost Marshal General stated to the committee in the presence of the Secretary of War that he proposed to exhaust class 1 in the entire country before going into any other class. Therefore, if Alabama furnishes 29,000 in this next call and California furnishes but 10,000—using those figures for illustration—the next time Alabama would not have to go into class 1 until California had been brought up to the same proportion as Alabama. That is the effect of it.

Mr. DEWALT. Directing my inquiry now to the gentleman from Nebraska [Mr. SHALLENBERGER]——

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. DEWALT. I ask for one minute more for the gentleman from Nebraska.

Mr. DENT. The gentleman has his own time.

Mr. SHALLENBERGER. I will take one more minute.

Mr. DEWALT. Conceding for the sake of argument that credit is to be given in the future, as explained by the chairman of the committee, why is it more difficult to give credit at this time than it would be to give the same credit in the future?

Mr. SHALLENBERGER. I do not think the explanation that it is difficult to do it is a sufficient explanation. They had no trouble in working that out the other time, and they will have no trouble in working it out now. I think the explanation is that they are not in favor of it in the War Department.

Mr. WISE. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Georgia.

Mr. WISE. I think the House should understand that, as the gentleman knows, in this call just made, where they are calling men now, they have given credit, and have not called a single man from California.

Mr. SHALLENBERGER. They have called the men for this draft under the present law. They say they expect to correct it if we adopt this new law, but the present call is under the old law.

Mr. PHELAN. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Massachusetts.

Mr. PHELAN. Is not this the fact with reference to representation, that it will amount to the same thing in the end, namely, that if they take all of class 1 from every place, when that time comes all will be on an equality; but in the meantime there will be some communities furnishing a great many more men to the Army than other communities will furnish?

Mr. SHALLENBERGER. Of like population.

Mr. PHELAN. And in that respect the thing will not be equitable.

Mr. SHALLENBERGER. I think the gentleman is right.

Mr. LONERGAN. I should like to ask the gentleman from Nebraska a question.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. DENT. I yield 10 minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I do not know that I shall use 10 minutes of the time of this body on this question, because I do not care to make a speech. It is perfectly clear in my own mind, but from the discussion I have heard this morning I realize that it will be absolutely impossible for me in my weak way to make this matter plain to the Members of the House who are now present. But I want to call the attention of the Members of the House to one or two very patent facts in connection with this legislation. In the first place I can not get away from the fact that we are a Nation, that our Nation is at war; that while I am a citizen of Illinois, I am a citizen of the United States; and I have tried to consider all war legislation absolutely free from any sectional or partisan idea. I approach the discussion of this matter in the same way. When we got into this war we found that it was necessary to raise an army. We proposed to raise part of that army by volunteering, and to follow that by a draft.

We felt then, not having any better way of doing it, that it was fair to fix the quota of the draft on the population of the respective States. I stood for that, as we all did at that time, and in fixing the quota on population we felt, and rightly so, that every State and every community ought to have credit when basing the quota on population for the number of men who had already volunteered. So we provided in that law that the States and the registration districts should have credit for their volunteers. All well and good. They got it. We all got it. The war went on. Experience demonstrated that quotas based on population is not a fair way to base quotas in this country. The Provost Marshal General proceeded then to get up a classification. You all know what it is. I want to ask right now if there is a man in this House who does not believe that the men that that regulation puts into class 1 ought to be placed in class 1.

Very well. All over this country the boys came forth and filled out their questionnaires. They have been placed in classes 1, 2, 3, 4, and 5. What does the law propose to do that we have passed, with the exception of this amendment? This House voted by an overwhelming vote, the Senate voted by an overwhelming vote, that from this time forward the armies shall be based on quotas fixed on class 1 in all of the States. Very well. You have a certain number of men in class 1 in each of your States. At the beginning of the war you had just so many young men in your States who would have fallen into class 1. Thousands of them have volunteered. They are gone. The questionnaire comes along to classify those who remain in class 1. If you have had many volunteers, then you have not so many men in class 1, but is there a man here who will say that the quotas for our armies should be based on class 2 or class 3 rather than on class 1?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. In a moment. These men in class 1, regardless of where they live, are American citizens. They are the best fitted to fight our battles for us across the sea. What does the law propose? It proposes in fixing the quota to say to each State, "You shall furnish as many men in this draft as you have men in class 1 in proportion to all of the men in class 1 in this country." Is not that fair?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. If that is fair and just and equitable to every State and community in this country, why talk about credits now? Why talk about credits when you have so many men in class 1, the best men to fill the Army, regardless of where they may live? Ah, but some of my good friends here will take this floor and argue that credits should be given where? In Illinois, let us say, in some of the agricultural counties in Illinois, perhaps, where but few volunteers went forth. In the counties where there are good-sized cities many have gone forth, and under this contention for credits it means this, that you will go into the agricultural counties of this country and say

to these boys who are plowing the corn or harvesting the wheat at this time, "You come and go into the Army, because we had enough of volunteers up here in Danville, for instance, or Richmond, or some other place, to make up the quota, and we can not take any men from there now"; and you go out and grab the farmer boy while perhaps the loafer stays on the street in your cities, who under this class 1 proposition, without credit, will be called into the Army. Ah, but you are for that, are you? You believe that is just, and you believe that will be dealing fairly with the people of this country? I tell you, my friends——

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. There is no question about the equity, the fairness, the justness of this thing.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. MADDEN. We have got to furnish the men to fight the war, have we not?

Mr. McKENZIE. Yes.

Mr. MADDEN. Then what is the use of quibbling about credits? We have to furnish all the men that are needed.

Mr. McKENZIE. Absolutely.

Mr. HAYES. I would like to ask the gentleman to explain how we are going to get away with the proposition that any of these volunteers, a majority of them, are not in class 1 and will never be in class 1.

Mr. McKENZIE. They are in class 5.

Mr. HAYES. They were under 21 years of age and over 31, and many of them were aliens and not subject to the draft.

Mr. McKENZIE. I want to say to the gentleman that every one between 21 and 31 is now in class 5, and you get credit for him. And what does your argument mean? It means for the 21-year-old slacker or the men between 21 and 31 to stand around on the street corners saying to 18-year-old boys, for God's sake, to go and volunteer so that a particular district can get credit, and that they can stay at home, and that man is in class 1. That is what it means; yet men say it would discourage patriotism in this country and volunteering, when we have the importunities of men with yellow in them, who want some one to volunteer and go to the front while they sat at home.

Mr. PHELAN. Mr. Speaker, if that is so, why does the gentleman give credit in the original bill?

Mr. McKENZIE. Because the quota was based on population, and, basing it on population, it was only the fair thing to do.

Mr. PHELAN. But even basing it on population, it still gave opportunity for these people whom the gentleman asserts went around asking the boys to volunteer so that they could stay at home.

Mr. McKENZIE. Based on population it is equitable, then, and you should give credit; but basing it on class 1 it is a different proposition.

Mr. RANDALL. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. RANDALL. Which fellow does the gentleman think will make the best fighter, the slacker standing around on the corner or the fellow who went and volunteered?

Mr. McKENZIE. I have not any fear of the slacker not making a good fighter when he has got a lot of red blood surrounding him. He will fight then. I have no fear of that; but I do protest against voting for a proposition that will encourage him to sit on a dry-goods box while the farmer's boy may have to go and fight in his place.

Mr. KINCHELOE. Will the gentleman yield?

Mr. McKENZIE. I will.

Mr. KINCHELOE. Is it not a fact that basing it upon the hypothesis that the Provost Marshal is going to exhaust all in class 1, which I presume he will do——

Mr. McKENZIE. Yes; he has got to do that under the law.

Mr. KINCHELOE. And any subsequent draft coming—take the illustration of California and Alabama, that if California does not furnish any in class 1 and Alabama furnishes 49,000, that the next draft at least will work out an equilibrium between the two States, based on class 1.

Mr. McKENZIE. Yes; if you take all of class 1, and I want to say in reply to the gentleman——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McKENZIE. May I have two minutes?

Mr. FIELDS. I yield the gentleman two minutes.

Mr. McKENZIE. I want to say to my friend from Kentucky that I appreciate the force of his question, and I realize that with the credit system that it will mean that all these young fellows in class 1 in California, perhaps many of whom are not employed, will escape the draft this summer, while the boys who are cultivating the cotton and the corn in Alabama will be called.

Mr. MONDELL. Will the gentleman yield?

Mr. McKENZIE. I do.

Mr. MONDELL. The gentleman is basing his argument probably on the proposition that where there is a large amount of volunteering it has reduced the number of men in class 1. The State I represent is the third in percentage of volunteering and the highest in the Union in class 1——

Mr. McKENZIE. Yes.

Mr. MONDELL. So the facts do not bear out the gentleman's contention. Furthermore, the gentleman is assuming what is not true—that the men in class 1 are put in there with mathematical accuracy. As a matter of fact, they are put in there depending upon the frame of mind of the local and State boards. There are no more men in my State who ought to be in class 1 than in the surrounding States, but we have 40 per cent in class 1 and the surrounding States have from 22 to 24 per cent in class 1.

Mr. McKENZIE. I want to say to my good friend from Wyoming that I realize——

Mr. MONDELL. Your proposition exactly doubles our quota, compared with the surrounding States, and I ask the gentleman if that is a fair proposition.

Mr. McKENZIE. I do not care what it is in your State. The law is fair, and if you have got a lot of fellows out there in Wyoming that are so disreputable and so contemptible that they will take men with wives and little children and put them in class 1, for God's sake condemn them, not the law. The law never anticipated that such a thing would be done. One further thing I want to say to my good friend from Wyoming, that when I was a young man I went out there among those mountains which make his home and where he lives, and I want to tell him that I worked all one summer long in a mine with 1,100 men and not a single woman was there. I want to tell the gentleman there are more young men, in the absence of war, who must go and get rid of their enthusiasm; that is, in the days gone by, and I assume it is true now, who go to the mountains of the West to see the great elephant in the western country, and I myself say it without fear of contradiction in the State of Wyoming compared with the population of the State of Illinois or any other State, that he has got more single men between the ages of 21 and 31——

Mr. MONDELL. It has not got more single men, but it has got fewer men who took advantage of the opportunity to get into the slacker class.

Mr. McKENZIE. I want to congratulate the gentleman on that fact.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Speaker, I am sure I did not intend to interrupt the gentleman who has just spoken with any discourtesy——

Mr. FIELDS. I was very glad to yield to the gentleman.

Mr. PHELAN. I realize that. So many statements have been made here which I think beg the question that I could not at the moment refrain from challenging the statement the gentleman made. Let us boil the thing right down to what it is. Here is the whole question, outside of the question of clerical work, which may cause some trouble. Are you going to give communities credit for all the men they send to the service, whether by draft or by volunteering, whether in the Army or in the Navy, or are you going to give those communities credit simply for the men they are obliged to send through the draft? That is the whole question. I contend that the community ought to be given credit for every single man it contributes, whether it contributes that man voluntarily or by draft.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. PHELAN. I have not the time; I regret that I can not yield. I say that that is the spirit of the draft law. What is the draft law? We passed it for two reasons: First, because it was the most equitable way of raising an army, and, second, because it was the most effective. If it is equitable, wherein does its equity lie? It lies in this, that it compels the various communities in the United States to contribute in equal proportions; it lays the burden with fairness on every part of the country without any discrimination of any kind. If that is the spirit of it, that every part of the country shall be treated fairly on the proposition, why is it not in accordance with that spirit to give to communities credit for the volunteers which they offer? I can see no other way out of the question at all. If you are going to give them credit for the men they con-

tribute, you ought to give them credit for all the men they contribute, no matter what the branch of the service, whether the Army or the Navy. Consider what the War Department itself has been doing. The War Department has been taking men by enlistment up to a recent date. It would let men come in from the various communities and enlist in the Army by voluntary enlistment. They wanted those men or they would not have taken them. After they have taken them, should not the communities from which they come get credit for those men whom the Army authorities themselves invited to come in?

In that same connection I say that this question has been begged, and this point has been overlooked. It is not a question of whether those men who have volunteered and who have shown their patriotic loyalty are letting slackers stay at home. That is a detail; it is outside of the question. It is not a question of the individuals; it is not a question of whether this individual or that shall serve. It is a question of apportioning the burdens of this war, so far as that may be done, equitably all over the United States. Suppose this amendment does not prevail; suppose no credit is given for voluntary enlistments. In that case one part of the Union, one State in the Union, one county in that State may contribute very much more than the others, and it may lose its man power to a very large degree, more than the others, and its industries may be interfered with more than the others. Is that what anyone wants to see—not simply from a local standpoint but from a national point. We want to distribute the burdens of this war as fairly as we can. When gentlemen raise questions about agriculture, that point is in their minds. Why does it not apply to every part of the country, as well as to the agricultural districts? In that connection, again, the President has full power to act upon the agricultural situation, if, through the draft or in any other way, we are likely to get more farmers than we ought to get. If we are likely to get farmers who are needed at home, the President has full authority to act.

Mr. SHALLENBERGER. Right in that connection I would say that the Provost Marshal General has already issued orders to different boards to put the agricultural laborers at the foot of class 1, where a man is actually engaged in agriculture.

Mr. BURNETT. That is a new classification.

Mr. PHELAN. That is in spirit with the carrying on of the war. There is no Member here, no matter on which side of this question he is, who does not want just as much as any other Member to see the war won. There is no man in this body who is local in point of view, but if you are going to win this war there is one thing you have to do all of the way through, and that is, so far as you can, apportion the burdens equitably. That principle is involved in the thing we are fighting for. We are fighting for democracy, for the principle of equity. Every time we get a chance we ought to carry that principle through. That is why I am for this bill——

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I not only voted for the selective-conscription bill, but I endeavored to support it by argument. The argument which I presented in support of that measure was that the bill was a fair and just one, that it would equitably apportion among the different States and the different communities the number of men which they ought to furnish. So far as I recollect, that was one of the chief arguments that was offered in support of the bill at the time. That argument now seems to have been entirely forgotten. It is contended that no credit should be given any State or community in apportioning the draft for the volunteers which it has furnished. Gentlemen tell us that this is a Nation, and it does not make any difference how many men one community may furnish or how many another community may furnish. If so, why did we ever spend so much time providing for a system of draft and apportioning the men in different parts of the country? Why do we not now take the men at random wherever we can find them, without any effort to apportion them? This contention is absurd. If you once concede that the men should be apportioned in the different parts of the community you concede the Shallenberger amendment to give credit for volunteering ought to be adopted and that we ought not to recede on this conference report. The gentleman from Kentucky [Mr. FIELDS] undertook to show by figures that it would not make any difference whether this amendment were adopted or not, that credit would be given. Why, Mr. Speaker, the city where I live has already——

Mr. FIELDS. Will the gentleman yield?

Mr. GREEN of Iowa. I can hardly yield when my time is so short. If I have misunderstood the gentleman I will take out of my remarks all reference to him.

Mr. FIELDS. I say indirect credit will be given whether this passes or not, and additional credit will be given——

Mr. GREEN of Iowa. I will show the gentleman it will not be done and can not be done. My own city has already enlisted more than its quota. Does the gentleman mean to tell me it will not be required to furnish more if we recede on this conference report? Everybody knows it will be required to furnish more—practically as many as if none had volunteered.

Mr. GORDON. If you have got them in class 1 or any other class.

Mr. GREEN of Iowa. We have plenty in class 1—too many, in fact, as compared to the other States. Gentlemen say it is a fair proposition to apportion the draft in accordance with the number in class 1. I say it is not; but that matter, I suppose, has gone by. However, I would like to say a word or two in reference to that. In many of the States practically every married man was exempted by being taken out of class 1. Hundreds, I suppose thousands, of married men were put in class 1 in my State. Many of them have already been taken in the draft, leaving their wives and children at home without adequate support. Many pitiable cases have been called to my attention, where the drafted man was compelled to leave a sick wife in a delicate condition in a situation where she could not be properly cared for. The difficulty in my State has been that various communities have been so overflowing with patriotism that they have sent men who ought not to have gone at all.

By some singular course of reasoning gentlemen have argued that those communities which have furnished the largest number of volunteers have the greatest number of slackers among them. Mr. Speaker, I am getting very tired of hearing such remarks, and I resent them. We heard before the war began some intimations that the Middle West was not as patriotic as the East. I said then that if the war came the West would be the first to furnish the men and the first to furnish the money, and this has been especially true of my own State, which has gone far beyond its quota in volunteering and many times over its quota in subscriptions to liberty bonds. Gentlemen who want to protect slackers in their own States now assert that it makes no difference where you obtain the men; that this country is one entire Nation and that Members who ask that there should be some sort of equality in the draft are pleading sectional issues. This charge is absolutely without foundation, and it would not be set up if Members could think of anything else. If the question of whether credit should be given for the volunteers should be decided in this House upon its merits, there would not be a dozen votes against it; but the House seems to be afraid to act upon its own judgment or even declare its honest opinion. What fairness or justice can there be in a system under which the draft is based upon the number in class 1 when some States only put half the proportion in class 1 which is fixed by others like my own State? What excuse or reason can be given for requiring a community that has already furnished more than its quota by volunteering to furnish as many more as a community which has so little patriotic spirit in it that the volunteering has been almost negligible?

Members say we must win the war. Of course we must, and we will; but the refusal to apportion the draft fairly will not add one man to the Army or assemble it one minute quicker and everyone knows it. It will not help win the war to be unjust and unfair and to impress unnecessary hardship upon certain communities and to deliberately favor others. Members say, "Is the fact that one man volunteered any reason why another should not go?" None, so far as the individual is concerned, but so far as the community is concerned there is every reason. Only a certain number can be taken from each community without entirely ruining it and paralyzing all its business and industries. We are not likely to reach that point, of course, although we may before the war is over; but just to the degree that the active working young men are taken from the community, just to that extent will its institutions be affected. Besides the volunteers, as a rule, are those who can go with the least injury to themselves, their business, and the enterprise of the community generally, whereas the draft inevitably takes many whose business is destroyed, and in the aggregate thereby the whole community is affected.

Mr. Speaker, I think this is the first time in the history of any country that a community was penalized for being patriotic. If there was the slightest necessity for it, if it in any way affected the strength or efficiency of our Army, the case would be different; but the only reason that has been given for rejecting the plan of giving credits for enlistments is that it would

make some trouble and some work for the Provost Marshal General's office If this were true, it would be no reason at all; but why it should be true is more than I can imagine. That office ought to have the enlistments up to date, and it is as easy to determine the proportion one way or another. I insist, Mr. Speaker, that the report of the conference ought to be rejected. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SHALLENBERGER. I yield five minutes to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker and gentlemen, I shall oppose the motion to recede. I do this because as I look at it if we are to win this war we must convince the American people that we have been playing fair with the whole country. To recede now will convince the American people that we are willing to break the promise that we gave them, for when you do not give credit for the National Guard that has enlisted you break your promise to the American people, and I insist that you can not afford to do that under any circumstances. I want to call attention to this, that the War Department in insisting on this resolution has insisted upon the breaking of this promise and it is done without a proper consideration of the effect. There has been no consideration given to this resolution, in fact no comprehensive investigation. The resolution was introduced in the Senate, it was not considered by the committee so far as I know, it was not considered or debated in the Senate so far as I know, and it came over into our committee and we discovered this, that there were no facts or figures upon which to base a change of this law. It is just recently that we are beginning to find out what will come if this law goes into effect as the War Department asks us to pass it. I want to say to you that when the American people find out, as they will find out, that they are not to have credit for the National Guard units which are already enlisted, and we are not to insist upon every State furnishing its proper quota, that suspicion will at once grow up all over the country that in some States they are not furnishing their fair share of man power. The question has come up and been talked about of how many men there are in Washington who have gone into the Staff Corps. For myself I do not believe that there is any great amount and yet the people of this country believe that there are a large number of men who are slacking here in the city of Washington. Now, how much greater it will be when the people in the State of Montana or the State of Wyoming know nothing of what Connecticut is doing, and that is just what you do by receding, and the trouble comes right here that you are basing your draft quota upon class 1 and that is unscientific because it has no fixed basis. If you had adopted, as you should have done, the entire amendment——

Mr. McKENZIE. Will the gentleman yield?

Mr. HULL of Iowa. No; excuse me for a moment. If you had adopted the first part of the Shallenberger amendment, then you would have had a scientific basis for making the draft. To make class 1 the basis of a draft is as preposterous a proposition as it is to give your son or daughter a thousand dollars and then to ask them to place it in your bank account to your credit so you may have it all back when you need it.

But the War Department will never learn. They are stubborn, and they had not thought of that before, and therefore it is some one else's idea, and they can not change their mind. And this resolution, half right and half wrong, must be driven through this House irrespective of the fact that it is unworkable and will not stand the test of time.

Now I yield to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. I just simply wish to ask my colleague if it is not a fact that the matter of quota being based on class 1 is out of the controversy entirely, that having been settled by both the Senate and the House?

Mr. HULL of Iowa. I presume for the present it is; but it will never be out of the minds of the American people. There ought to be a scientific basis for a draft.

Mr. GORDON. Gen. Crowder can change any classification to-morrow, if he wants to do so, by regulation.

Mr. HULL of Iowa. He certainly can when this resolution becomes a law. Those of us who are for the Shallenberger amendment are the real large Army men. We are insisting on getting 4,000,000 men from your present registration instead of 2,000,000, which is all you have when this resolution is adopted. We do not claim that any district or State has furnished too many men. What we claim is that there are from one to two million men that ought to be put in class 1 that when you pass this resolution will be for all practical purposes exempted from military service by being put in a deferred classification, and we insist that this is unfair, unjust, and unscientific, and the test of time will so demonstrate it to be.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, State quotas under the draft were originally based on estimated total populations. It developed that that basis was slightly inequitable, owing to the fact that there was not an equal number or proportion of men in all the States who were eligible for service. It was therefore suggested that State quotas should be based on the total male population eligible to service. That is a fair, proper, and equitable basis on which to fix quotas. But what is now proposed? To depart absolutely from that plan, from the pledge given to the American people under that plan. In the early days of the war we applauded the men and the communities that sent their young men and their middle-aged men as volunteers to the colors. In those days it was an honor to a community to have a large percentage of volunteers, and no one imagined that a community that sent a large portion of its population as volunteers would in addition be called upon to contribute as large a proportion of its population under the draft as the worst slacker community under the flag. And yet that is what is now proposed.

There are counties in the State I have the honor to represent from which a large portion of the available men, young and middle-aged, volunteered; two counties that under the law as it stands would not be called upon to furnish a man under the next call; counties that can not send more men without seriously interfering with the growing of grain and live stock, the production of foodstuffs. It is proposed under this change of law to take those men, essential to the production of foodstuffs, and send them, rather than send men from other communities where volunteers were few and men willing to be listed in class 1 still fewer.

I notice a gentleman smiling. The only man that can smile at a statement of that kind is a man who approves slacking and who does not believe in volunteering.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. MONDELL. I regret I can not. I have only five minutes.

There is another feature of this proposition to which I wish to refer. It is proposed under this bill to make the basis of the quotas the men in class 1. The practical effect of that is to compel the Commonwealth that I represent to double its quota. Is there any justice in that? Forty per cent of all of our classified men are in class 1. Why? Not because there is an unusually large number of unmarried men, not because there is an unusually large number of men that necessarily fall into that class, but because there was an unusual number of men who claimed no exemption and were willing to go when they were needed. But it is not fair because they did waive exemption that they should go and the slackers in other States stay at home.

Let me make this suggestion to you gentlemen who are fighting for this proposition. We have had our questionnaires. We have divided our men into classes, but never again shall we follow that plan if you pass this bill. You ask why? Because if it is known that quotas are to be based on the number of men in class 1 communities and States will vie with each other to see which can outslack the other in order to have as few men in class 1 as possible, and thus make their quotas as small as possible.

The moment you place the burden on the man who either voluntarily allows himself to go into class 1 or the man who is placed in class 1 by action of a local board, the moment you say that he must go, while he who outrages heaven with his oaths and claims for exemption may remain at home, without regard to the quota of a State or community, based on its population eligible to service, you have broken down the whole system which has been so carefully and laboriously built up.

Do not misunderstand me. The people of my State and of all States similarly situated ask no special exemptions. They are cheerfully furnishing their quota under an estimate of population entirely too high. They stand ready to furnish their share of any number of men needed even on that padded estimate of population. But I must protest, as their representative, on a change of the rules after the game is called under which because they have a larger percentage of men in class 1 than any other State they must furnish more men in proportion to their number than any other State. It is neither just nor equitable, and if adopted will prove as unpopular as it is unfair. [Applause.]

Mr. DENT. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, a great deal of the discussion seems to be based, if we are to judge from the general trend of the arguments, on the presupposition that we would not have any Army at all if we did not drag men in. It seems to me that gentlemen are trying to protect their communities or protect their States rather than have their remarks inspired with the idea that we are here to devise ways and means for raising an Army.

Mr. GORDON. Will the gentleman yield?

Mr. LUNN. Not just now, but in a moment I will.

I am sure that if I were a soldier and listened to the debates that have gone on whenever a military affairs' proposition was brought in, I would draw the conclusion, from many of the remarks uttered in the House, that this war is evidently not a war of the Nation, but that we must look out for Massachusetts, or look out for New York, or look out for Ohio. My interest must not center on New York, or Massachusetts, or Ohio, or any other State when it comes to a question of the Army The great thing I am interested in is the country, all of the States together—one mighty mass movement to save the Nation.

Let me offer a suggestion which might clarify this question for some who think they favor granting credits. I am opposed to it; but if we are to go on a basis of credit, then let credit be given to whom credit is due, and in order that that might be brought about let us amend our law so that every man who volunteers will have the privilege of deciding whether he is going to give the credit of his advance service or volunteer service to the community or to the country. Let him check affirmatively one of the following questions:

(1) "Are you volunteering out of devotion for and for the benefit of your country?" (2) "Are you volunteering out of devotion to and for the benefit of your community, your county, and your State?" Under such conditions I am confident that those who answer that they were volunteering out of devotion for their country would desire the whole country to have the benefit. If there were any who would answer, "We are volunteering so that Massachusetts, or New York, or Ohio, or Alabama, or any other State may send a less number when the country calls under the selective draft," then let their community have the credit. But I am sure if you followed this plan you would find that the men who have volunteered have not volunteered in order to help their State. They have volunteered to help their Nation, to help their country; and that is the whole object of their volunteering. For if they were inspired by any less motive than that, they do not deserve, neither would you give them, the praise that is given them and that should be given them, but no more praise than to those who await the call under the selective draft. I would not give one whit more praise or credit for patriotism to a man who advances his call by volunteering than I would to a man who awaited his call and took his place in the line.

Mr. VENABLE. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. VENABLE. As a matter of fact—and I do not wish to disparage these gentlemen who have volunteered, as it is called—is there such a thing as a volunteer?

Mr. LUNN. There would not be if I had my way.

Mr. VENABLE. Is there now, when men have to go at all events, and are given the privilege of choosing their service if they go in a little sooner than they otherwise would be required to go, which is the situation in this country? Understand I do not mean to reflect upon these men or impugn their motives. They were glad to go.

Mr. LUNN. Many of them took advanced service in order to get preferential place.

Mr. VENABLE. That is not my question. Have we any volunteers? You can not say that a man is a volunteer who has to go at all events, because he goes a little sooner.

Mr. LUNN. A man above 30 would have to volunteer.

Mr. VENABLE. I understand your argument is based upon the fact that we have certain volunteers.

Mr. LUNN. Not mine.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. LUNN. Yes.

Mr. GREENE of Vermont. If the gentleman will permit me to make a suggestion, we would still take those under 18 and above 31, who are not included in the selective-service act?

Mr. LUNN. Yes. Now, the whole purpose of this attempt to raise an army out of class 1 is that in the opinion of the War Department they are the most capable and best fitted at the present time to serve in that army, and that we should utilize all in class 1 before class 2 is invaded. Class 1 should be exhausted everywhere before class 2 is invaded anywhere.

I recognize and consider it unfortunate that so many married men were taken in the first draft who would have had the right of deferred classification in the second.

If you carefully consider the classification, you know as well as I that the men who are now in class 1 are as a rule unmarried. There are some married men, and the gentleman before me [Mr. MONDELL] and others have suggested that there were men in class 1 who were married and had families and would not claim exemption.

Now, a man who will go back on one of the first obligations he has, to his family and to his children, when it is not necessary to sacrifice them, since the Government has made provision whereby they would have a deferred classification, should not be praised as unusually patriotic. I would say that he was more of a slacker than the man who considered that the Government knew what it was doing when it passed the law and provided a deferred classification for that man.

The gentleman from Nebraska [Mr. SHALLENBERGER] said it was a case of providing man power and money. He knows that when it comes to money we must go where the money is. New York pays larger income taxes than any other State, I believe, and it should, because it has the wealth. And if New York State had a larger proportion of men who, in the opinion of the War Department, are best capable of serving now, then it ought to furnish those men and furnish them now.

In this crucial period is it not time that we forget State lines entirely? This is a war of the entire Nation, and the more we think in terms of the whole people the nearer we will approach the ideal in legislation.

The gentleman from Ohio [Mr. GORDON] desired to ask me a question, and I promised to yield. I yield now.

Mr. GORDON. The gentleman just referred to the taxation of New York and to the fact that it paid more taxes. It does not pay more on the dollar than any other community in the United States. Then why not impose a levy on your man power in the same way? This amendment will do it.

Mr. LUNN. If necessity demanded for the national defense 6-foot men and only 6-foot men, and New York had only 6-foot men, then New York should provide them.

Mr. GORDON. But nobody makes such a contention as that.

Mr. LUNN. I know; but it is a good illustration.

In referring to the large amount of income taxes paid by New York State I intended to show that we did not pro rate according to the individual States. New York State pays a tremendous share of the total, because New York has the wealth, and having the wealth should in all justice make the contribution. It would be grossly unfair and against the national interest to attempt to apportion income taxes on the basis of geographical lines. Now, the War Department seeks to apply the same principle regarding man power. Congress has decided to base the quota on the number of men in class 1, and to exhaust class 1 everywhere before we invade class 2 anywhere. In other words, we take the men in class 1, who are best fitted to serve at the present time, in the judgment of the War Department. If the number of men in class 1 in a given State is exhausted and there is a large number still remaining in class 1 in New York State, it is essentially more fair to take an excess number of men from New York State than to defer their call, while married men with dependents are called elsewhere.

My friends, the whole question is one of raising an Army, and raising it as quickly and as efficiently as possible. Instead of seeking to keep men out of the Army, every Member of this House should be determined to get more men into the Army. The President, as Commander in Chief of the Army and Navy of the United States, the Secretary of War and the War Department as a whole are agreed that with the automatic credit given by the selective-draft law there should be no further credit to any community or State. The Military Affairs Committee is convinced that this is the right method to pursue. If we are called upon to give more men in the Army, let us give them willingly, not according to geographical lines, but to give the men most capable and best fitted for service wherever they may be located. The splendid national spirit that has manifested itself in so many ways is the spirit that should control us in our decision. The Nation calls. The Nation should respond, and the Nation will respond gladly, and with a determination that will mean victory for the principles and ideals for which we battle. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SHALLENBERGER. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, there is not a single argument that has been proposed here that amounts to shucks in support of this motion to recede and concur; not one.

Now, of course, we know that figures do not lie, but liars will figure if you give them a chance sometimes. [Laughter.] We have had figures here on both sides of this question. It is not necessary to have figures. This is a proposition that is so clear that it does not require any illustration by way of figures. Take the argument that the gentleman from New York [Mr. LUNN] just made here when he talked about taxation. New York pays more taxes because it has more property subject to taxation. In framing your tax law you recognize the rule of equality, just as you did in framing this draft law. The great trouble about the repeal of this provision of the law giving credit for men already in the service is that you will absolutely break down the administration of your draft law if you pass it. That is something that, of course, the military authorities have never considered. You are withdrawing the local support that this law has received in all of these communities. What did these governors of States and all the prominent men in the different localities mean last year when they went out and made patriotic speeches appealing on behalf of their communities and their States to men to volunteer? Is there a community in the United States where they did not do it? I do not know of any. Now you propose to repudiate all that and refuse to give credit for those men who went in response to these very appeals.

Mr. HUSTED. Mr. Speaker, will the gentleman yield?

Mr. GORDON. Yes.

Mr. HUSTED. I should like to ask the gentleman if he knows any good reason why my son should not be drafted because the gentleman's son has volunteered?

Mr. GORDON. None whatever. I think they ought both to volunteer. [Applause.]

Mr. GARRETT of Tennessee. And they both have.

Mr. GORDON. That, however, has nothing to do with this case. The effect of this motion to recede and concur will be to penalize every patriotic community in the United States. I should like to have somebody dispute that.

Mr. MADDEN. Will the gentleman illustrate how?

Mr. GORDON. Simply because when these men went out in these communities and appealed to the boys to volunteer they did volunteer, and they ought to receive credit for that.

Mr. MADDEN. Does the gentleman think it was necessary to appeal to them? Most of the men who volunteered did it because they wanted to go.

Mr. GORDON. That is all right. I am in favor of letting them go. You understand my position on that.

Mr. MADDEN. Most of the men who volunteered were less than 21 or more than 31.

Mr. DYER. That is not so.

Mr. JOHNSON of Washington. I suggest to the gentleman that you can not penalize an excess of patriotism. [Applause.]

Mr. GORDON. Well, I do not agree with the gentleman about that. I am speaking of local patriotism, and I say where they have gone out and appealed to the men of communities, and the men have responded to that appeal, they should be given credit for it.

Mr. JOHNSON of Washington. I have got one town of 6,000 people in my district from which 600 men volunteered, and they will put in 600 men more if they have to. [Applause.]

Mr. GORDON. That is all right.

Mr. MADDEN. Is this a local war or is it a national war?

Mr. GORDON. Why, it is a national war, of course.

Mr. MADDEN. Then let us talk about it as a national proposition.

Mr. GORDON. The only excuse that is given for this legislation is that by some mysterious means the War Department has discovered something about these boys of 21, upon whom this proposed legislation will impose this burden, that makes them better soldiers than anyone else. Before our committee the Chief of Staff, in direct response to a question from the Secretary of War, the other day told us what he thought about that. He was asked by the Secretary of War the question which were the better soldiers, boys of 21 or men of 26, and the Chief of Staff said, of course, that men of 26 are the better soldiers. So that disposes of all these mysterious hunches that we have received from down there as to the superiority of boys for military service. The truth is that they are trying to do away with some of the opposition that has been aroused by people who do not want to be drafted. They are converting this thing into the volunteer system, except that they still retain whatever odium rests upon conscription. If it were not for one thing, I would not refer to this question at all, because my views are very well known in the House; but it seems to me, as the gentleman from Wyoming [Mr. MONDELL] said, that you are destroying the administration of this law by withdrawing the local support for it. Communities will begin to compete with one another as to who can be put into these deferred classes. And, of course, there is nothing sacred about this classification. Congress never enacted it. Gen. Crowder made it, and he can change it to-morrow if he wants to. There is no dispute about that, I take it.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SHALLENBERGER. Does the gentleman want any more time?

Mr. GORDON. I do not care for any more time.

Mr. DENT. Mr. Speaker, I do not suppose the House would like to stop to have the Clerk read these figures, but I have three tables here furnished by Gen. Crowder, which I have promised to put into the RECORD, and I ask unanimous consent to insert them now, unless some gentleman would like to have them read.

Mr. JOHNSON of Washington. Has the gentleman got the percentage table showing the percentages to be levied upon the various States under the credit system?

Mr. DENT. I have a table here showing the percentages.

Mr. JOHNSON of Washington. Is the table dated?

Mr. DENT. No; the table is not dated, but these figures were furnished to the committee last week.

Mr. SHALLENBERGER. The figures are as of the 1st of May, up to date.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to insert in the RECORD certain tables. Is there objection?

There was no objection.

The tables are as follows:

EXHIBIT A.

Draft of 800,000—Basis class 1, without credits, requiring levy of 39.731 per cent of class 1 in each State.

	Total number class 1.	Emergency fleet list.	Physical rejections.	Total deductions.	Net class 1.	Net quota (39.731 per cent).
United States	2,421,480	42,147	365,838	407,985	2,013,495	800,000
Alabama	52,815	310	7,673	7,983	44,829	17,811
Arizona	6,492	48	769	817	5,675	2,255
Arkansas	43,873	72	5,727	5,799	38,074	15,127
California	58,666	464	8,253	8,717	49,949	19,843
Colorado	18,557	426	2,365	2,791	15,766	6,264
Connecticut	33,837	2,201	6,225	8,426	25,411	10,095
Delaware	5,677	194	1,159	1,353	4,324	1,718
District of Columbia	10,311	1,000	1,031	2,031	8,280	3,290
Florida	29,547	340	4,684	5,024	24,523	9,743
Georgia	70,565	360	12,607	12,967	57,598	22,885
Idaho	10,355	84	1,319	1,403	8,952	3,557
Illinois	152,867	1,332	20,569	21,901	130,965	52,035
Indiana	60,937	480	8,078	8,558	52,379	20,812
Iowa	56,938	595	6,653	7,248	49,690	19,743
Kansas	38,728	41	6,241	6,282	32,446	12,892
Kentucky	50,192	38	7,527	7,565	42,627	16,937
Louisiana	56,781	26	8,668	8,694	48,087	19,105
Maine	19,253	6,240	2,882	9,122	10,134	4,025
Maryland	33,042	398	6,305	6,703	26,339	10,465
Massachusetts	87,323	4,054	14,253	18,307	69,016	27,422
Michigan	102,468	234	15,369	15,603	86,865	34,513
Minnesota	65,084	184	10,252	10,436	54,648	21,713
Mississippi	42,368	33	6,752	6,785	35,583	14,137
Missouri	78,888	95	11,602	11,787	67,101	26,661
Montana	24,881	55	3,901	3,956	20,925	8,314
Nebraska	29,067	22	4,673	4,695	24,372	9,681
Nevada	2,385	12	30	42	2,324	923
New Hampshire	10,111	114	1,538	1,652	8,459	3,361
New Jersey	71,709	4,612	10,416	15,028	56,681	22,521
New Mexico	8,867	9	1,488	1,497	7,370	2,928
New York	212,805	5,652	31,929	37,581	175,284	69,643
North Carolina	55,682	350	7,839	8,189	47,493	18,870
North Dakota	18,628	40	2,715	2,755	15,873	6,307
Ohio	128,418	2,132	21,535	23,667	104,751	41,619
Oklahoma	47,076	20	6,249	6,269	40,807	16,213
Oregon	19,086	364	3,005	3,369	15,717	6,245
Pennsylvania	182,422	6,160	33,547	39,707	142,715	56,703
Rhode Island	13,434	112	1,536	1,648	11,786	4,683
South Carolina	35,265	141	5,759	5,900	29,365	11,667
South Dakota	20,339	11	3,268	3,279	17,560	6,977
Tennessee	49,627	72	6,380	6,452	43,175	17,154
Texas	102,180	765	15,327	16,092	86,088	34,204
Utah	8,873	52	1,333	1,382	7,491	2,976
Vermont	6,824	51	849	900	5,924	2,354
Virginia	51,553	927	7,679	8,606	42,947	17,063
Washington	24,242	1,026	3,317	4,343	19,899	7,905
West Virginia	36,413	37	5,127	5,164	31,249	12,415
Wisconsin	66,939	120	8,074	8,194	58,745	23,340
Wyoming	8,546	42	1,271	1,313	7,233	2,874

National quota sheet—Draft of 800,000 men, based on class 1 with credits.

	Total number in class 1.	Deductions.			Net class 1.	Ratio.	Gross quota.	Credits.					Difference.	Proportion.	Adjustments.	Net quota.	Per cent of net class 1.	Rural or urban.
		Emergency fleet list.	Physical rejects.	Total deductions.				Army enlistments.	Navy enlistments.	First draft.	Special inductions.	Total credits.						
Alabama	52,815	310	7,676	7,986	44,829	0.022264	56,107	10,564	2,624	13,612	158	26,958	29,149	0.022095	160	28,989	65	R.
Arizona	6,492	48	769	817	5,673	.002818	7,102	1,638	1,187	3,472	109	6,406	696	.002910	20	676	12	R.
Arkansas	43,873	72	5,727	5,799	38,074	.018909	47,652	9,002	2,303	10,267	374	21,946	25,706	.019531	136	25,570	67	R.
California	58,666	464	8,253	8,717	49,949	.024807	62,516	31,442	12,400	23,060	1,303	68,205						R. & U.
Colorado	18,557	426	2,365	2,791	15,766	.007830	19,732	7,305	4,455	4,753	238	16,751	2,981	.008875	62	2,919	19	R.
Connecticut	33,837	2,201	6,225	8,423	25,411	.012620	31,804	12,594	6,934	10,977	194	30,699	1,105	.013035	91	1,014	4	U.
Delaware	5,677	194	1,159	1,353	4,324	.002148	5,414	1,952	693	1,202	77	3,929	1,488	.002218	15	1,473	34	U.
Dist. of Columbia	10,311	1,000	1,031	2,031	8,280	.004112	10,363	4,930	1,245	929	1,031	8,135	2,228	.004247	20	2,199	27	U.
Florida	29,547	340	4,684	5,024	24,523	.012179	30,692	5,971	3,311	6,325	64	15,671	15,021	.012580	87	14,934	61	R.
Georgia	70,565	360	12,607	12,967	57,598	.028603	72,090	13,634	4,552	18,337	261	36,814	35,276	.029543	205	35,071	61	R.
Idaho	10,355	84	1,319	1,403	8,952	.004446	11,204	4,225	1,357	2,287	205	8,074	3,130	.004592	32	3,098	35	R.
Illinois	152,867	1,332	20,569	21,901	130,966	.065043	163,918	49,669	15,132	51,653	1,199	117,653	46,265	.067081	466	45,799	35	R. & U.
Indiana	60,937	480	8,078	8,558	52,379	.026014	65,558	23,547	5,158	17,510	1,868	48,083	17,475	.023869	187	17,288	33	R. & U.
Iowa	56,938	595	6,653	7,248	49,690	.024678	62,191	19,935	4,581	12,749	859	38,124	24,067	.025489	177	23,890	48	R.
Kansas	38,728	41	6,241	6,282	32,446	.016114	40,609	14,294	3,171	6,439	276	24,180	16,429	.016544	116	16,313	50	R.
Kentucky	50,192	38	7,527	7,555	42,627	.021171	53,353	11,532	3,098	14,236	133	28,999	24,354	.021868	152	24,202	57	R.
Louisiana	56,781	26	8,668	8,694	48,087	.023882	60,185	6,274	3,434	13,582	395	23,685	36,500	.024667	171	36,329	76	R.
Maine	19,256	6,240	2,882	9,122	10,134	.005033	12,684	6,215	3,658	1,821	112	11,806	878	.005098	35	843	8	U.
Maryland	33,042	398	6,305	6,703	26,339	.013081	32,965	10,125	4,261	7,096	185	21,667	11,298	.013510	94	11,204	43	R. & U.
Massachusetts	87,323	4,054	14,253	18,307	69,016	.034277	86,381	37,977	19,778	20,586	645	78,986	7,395	.035493	245	7,149	10	U.
Michigan	102,468	234	15,369	15,603	86,865	.043141	108,719	25,851	6,504	30,291	1,457	64,113	44,606	.044509	309	44,297	51	R. & U
Minnesota	65,084	184	10,252	10,436	54,648	.027141	68,398	15,784	6,517	17,778	773	40,852	27,546	.028033	195	27,351	50	R.
Mississippi	42,368	33	6,752	6,785	35,583	.017672	44,535	7,185	2,220	10,801	3	20,209	24,323	.018203	126	24,200	68	R.
Missouri	78,888	95	11,692	11,787	67,101	.033326	83,985	17,715	9,365	18,660	639	46,379	37,606	.034420	239	37,367	56	R.
Montana	24,881	55	3,901	3,956	20,925	.010391	26,190	6,579	2,445	7,872	583	17,479	8,711	.010734	75	8,635	40	R.
Nebraska	29,067	22	4,673	4,695	24,372	.012104	30,503	9,527	3,063	8,185	724	21,499	9,004	.012502	87	8,917	40	R.
Nevada	2,366	12	30	42	2,324	.001153	2,907	1,280	443	1,051	144	2,918						R.
New Hampshire	10,111	114	1,538	1,652	8,459	.004201	10,587	4,209	1,661	1,204	177	7,251	3,336	.004309	30	3,305	39	U.
New Jersey	71,709	4,612	10,416	15,028	56,681	.028151	70,943	24,545	10,520	20,665	81	55,811	15,132	.020076	202	14,930	26	U.
New Mexico	8,867	9	1,488	1,497	7,370	.003660	9,224	2,701	937	2,292	44	5,974	3,250	.003780	26	3,224	44	R.
New York	212,865	5,652	31,929	37,581	175,284	.087064	219,388	80,058	39,739	69,241	1,991	191,029	28,359	.089905	624	27,735	16	R. & U
North Carolina	55,682	350	7,839	8,189	47,493	.023587	59,441	10,218	4,377	15,974	267	30,836	28,605	.024362	169	28,436	60	R.
North Dakota	18,628	40	2,715	2,755	15,873	.007883	19,866	5,524	1,268	5,272	268	12,332	7,534	.009042	56	7,478	47	R.
Ohio	128,418	2,132	21,535	23,667	104,751	.052025	131,113	42,454	8,791	38,773	1,817	91,835	39,278	.053734	373	38,905	37	R. & U
Oklahoma	47,076	20	6,249	6,269	40,807	.020267	51,075	9,777	3,284	15,564	845	29,470	21,605	.020903	145	21,460	53	R.
Oregon	19,086	364	3,005	3,369	15,717	.007806	19,673	9,399	3,823	717	426	14,365	5,308	.009062	56	5,252	33	R.
Pennsylvania	182,422	6,160	33,547	39,707	142,715	.070879	178,615	66,038	18,580	60,859	2,133	147,610	31,005	.073208	509	30,496	21	R. & U.
Rhode Island	13,434	112	1,536	1,648	11,786	.005854	14,754	5,342	8,340	2,211	107	16,000						U.
South Carolina	35,265	141	5,759	5,900	29,365	.014583	36,753	6,119	2,539	10,081	39	18,778	17,975	.015063	105	17,870	61	R.
South Dakota	20,839	11	3,268	3,279	17,560	.008720	21,976	5,550	1,063	2,717	238	9,568	12,408	.009008	63	12,345	70	R.
Tennessee	49,627	72	6,380	6,452	43,175	.021442	54,039	12,431	3,568	14,528	409	30,936	23,103	.022047	153	22,950	53	R.
Texas	102,180	765	15,327	16,092	86,088	.042755	107,751	32,606	11,806	30,545	611	75,568	32,183	.044060	306	31,877	37	R.
Utah	8,873	52	1,330	1,382	7,491	.003720	9,376	4,232	1,985	2,370	450	9,037	339	.003343	27	312	4	U.
Vermont	6,824	51	849	900	5,924	.002942	7,414	2,881	1,427	1,049	607	5,964	1,450	.003039	21	1,429	24	U.
Virginia	51,553	927	7,679	8,606	22,947	.021330	53,754	11,018	5,450	13,795	260	30,523	23,231	.022080	153	23,078	54	R.
Washington	24,242	1,026	3,317	4,343	19,899	.009883	24,906	10,787	5,028	7,296	1,033	24,144	762	.010208	70	692	3	R.
West Virginia	36,413	37	5,127	5,164	31,249	.015520	39,112	7,625	4,058	9,101	1,157	21,941	17,171	.016030	111	17,060	55	U.
Wisconsin	66,939	120	8,074	8,194	58,745	.029176	73,526	18,869	3,502	12,876	1,343	36,590	36,936	.030934	209	36,727	63	R.
Wyoming	8,546	42	1,271	1,313	7,233	.003592	9,052	2,792	527	810	187	4,316	4,736	.003700	26	4,710	65	R.
United States	2,421,480	42,147	365,838	407,985	2,013,495	1.000000	2,520,095	741,951	276,164	673,471	28,509	1,720,095	806,946	1.000000	6,946	800,000	40	

The national percentage of class 1 to be called under a draft of 800,000 men is 40.
The percentage of their class 1 to be called from rural States is 53.
The percentage of their class 1 to be called from rural and urban States is 34.
The percentage of their class 1 to be called from urban States is 21.

Percentages of class 1 to be levied on the States.

Louisiana	76
South Dakota	70
Mississippi	68
Arkansas	67
Alabama	65
Wyoming	65
Wisconsin	63
Florida	61
Georgia	61
South Carolina	61
North Carolina	60
Kentucky	57
Missouri	56
West Virginia	55
Virginia	54
Tennessee	53
Oklahoma	53
Michigan	51
Kansas	50
Minnesota	50
Iowa	48
North Dakota	47
New Mexico	44
Maryland	43
Montana	40
Nebraska	40
New Hampshire	39
Ohio	37
Texas	37
Illinois	35
Idaho	35
Delaware	34
Indiana	33
Oregon	33
District of Columbia	27
New Jersey	26
Vermont	24
Pennsylvania	21
Colorado	19
New York	16
Arizona	12
Massachusetts	10
Maine	8
Connecticut	4
Utah	4
Washington	3
California	0
Nevada	0
Rhode Island	0

Mr. SHALLENBERGER. I yield 10 minutes to the gentleman from Arizona [Mr. HAYDEN]. [Applause.]

Mr. HAYDEN. Mr. Speaker, I want to see this House reject the motion to recede, and I hope that it will insist upon the Shallenberger amendment to this resolution. I want to see that done in order that the resolution may go back to conference, so that out of it may come a just and fair method of apportioning the quotas among the several States. I voted for both parts of the Shallenberger amendment when it was before the House, because it represented the best proposition that was submitted with reference to the apportionment of quotas. The first part of his amendment, which deals with the apportionment of quotas, was defeated by a vote of 118 to 243. The second part, which provided that credit be given to the States for the men that they have furnished for this war was adopted in the House by a vote of 292 to 65, but we are now asked to also reject it. A majority of the House will now probably vote to do so, but not with my consent. I have tried to think this question out fairly and logically, and I want you gentlemen to reason with me for a little while, and see if the position that I have taken as to how quotas should be apportioned and how credits should be given is sound.

If we had known as much at the beginning of this war as we know now, Congress would have had upon the statute books a

law providing for the apportionment of quotas and credits among the States. If we had solved this problem in advance it seems to me Congress would have said, "We have a supply of man power in this country that we are going to use in this war, which consists of the total number of men liable to military service, and we will provide for the apportionment of quotas according to that basis." We did not have that kind of a law, but adopted the old population scheme that was used in the Civil War draft act, which everybody now admits is illogical, unfair, and unjust.

Mr. GORDON. And they did not even carry that out.

Mr. HAYDEN. That is true, because estimates of population were used and not the census of 1910. Now, after the war has been going on for a year, it is proposed to change the basis of apportionment, to change the rules in the middle of the game. It seems to me that the only fair way to distribute the burden of furnishing fighting men is to first ascertain the entire number of persons liable to military service. That number, on the day of the declaration of war against Germany, was the reservoir of man power that we have authorized the President to draw from as soldiers are needed. Like a reservoir of water that is replenished by the rains, so is it also necessary to add from time to time the numbers of young men who come of age. Having registered and classified these men, Congress should then require each State to furnish soldiers, when the President says they can be used, in proportion to the number residing within the State who are liable to military service. That was not the Shallenberger amendment, but it was close to it.

If in this resolution we had taken the number of men now in the military and naval service, plus the number of men in the four classes, as a basis, that being the total man power of the country, and provided that each State shall furnish soldiers according to the total number of men it has to its credit in the reservoir, that would have been a fair basis. We could then give credit for all of the volunteers and all of those who have since gone into the service by any other method.

I want to be frank with you and say that my attention was first attracted to this matter because of the great injustice done to my State, and it may be that I have been a special pleader. One can not be blamed, however, for attempting to protect his own people. That condition, however, no longer exists. I received a letter from the Provost Marshal General yesterday which states that in his last call for 233,000 men, as apportioned among the States, there were not enough men left in Arizona to complete her quota by over 200, and that he has ordered in this month of May all of the remaining men in class 1 from Arizona into camp. It is a moot question, so far as I am concerned, and I am not making any more special pleas, because Arizona has no more men left to plead for. But I do say that if this House will reject this motion, send this resolution back to conference, and the conferees study the question as they should, they can bring to us a law that will do justice by bringing the other States up to an equality with my own.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Not just now. The fundamental reason why I am opposed to adopting this resolution as it is is this: It is entirely proper for the local authorities in any community to say who shall be first to go out of that community into this war, but no local authority ought to have the right to say how many shall go. When we apportion quotas on some mathematical basis and say, "you must furnish your quota from this State, this community, this district," then the local authorities have no concern as to what is going on anywhere else. All that they have to determine is who shall be first to go and who shall remain. But when we change to the class 1 basis, it is of immediate interest in Mississippi as to what Massachusetts is doing. The local boards that are doing their duty with a fine spirit all over this country will pause to lift up their heads and listen to some idle and perhaps evil rumor that some other local board, in some other place, is giving aid and comfort to slackers. Persuasive arguments can be, and have been used in favor of the class 1 basis, but they are all demolished by the fundamental fact that it is a bad policy to permit any local authority to determine the number of men that will be sent to the war from a particular community. If the local and district boards are to be told that henceforth when they place a man in one of the deferred classes they will not have to find another man to take his place, it takes no profound knowledge of human nature to predict that they will not exercise the same strict adherence to the law and the regulations as has characterized their decisions in the past.

Mr. MADDEN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. MADDEN. The gentleman stated a moment ago that all of Arizona's class 1 men have gone.

Mr. HAYDEN. They will all have to go beginning on the 25th of this month.

Mr. MADDEN. And he is not concerned, but if the present law were to be enforced Arizona would be compelled to furnish men from class 2 and class 3, and those classes are not now to be invaded, and so Arizona is free to use the men in class 2, class 3, and class 4 to carry on her industries.

Mr. HAYDEN. Arizona's class 2 and class 3 men would not be taken if she were given credit for the large number of men she now has in the military service by reason of volunteering and by reason of the excessive number she was called upon to furnish under an unfair quota apportionment. Arizona wants credit for these men, and when that credit is given justice will be done everywhere. I am not asking that Arizona be favored; I am trying to bring every other State in the Union up to Arizona's high level.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. HICKS. If you will permit, what interest has John Smith, of Arizona, we will say, who is with the flag now, in assisting John Brown from joining the colors and showing his patriotism and doing his full duty?

Mr. HAYDEN. None whatever. It is not the interest of the individual that I am considering at all. It is the public interest. It is not fair that one part of this country should be required to furnish more of man power, more of blood, than another. That burden should be spread equitably over all the States.

Mr. HICKS. But this is not a question of a war of the individual, of a section, or of a State. It is a war of the Nation, where all our resources must be called upon, and therefore it is not vital what one State has contributed in relation to another, however much we would like to see the proportion kept equitable. Loyalty and service know no sectional or State lines, and this contest is a national and not a State one, and should be so considered.

Mr. HAYDEN. Yes; but this is the United States, and it is made up of 48 States, and the whole 48, each one of them, should do its full duty.

Mr. GREENE of Vermont. Of course, it is obvious that the population of the United States is not distributed through its entire area in equal proportions of men in all the classes. One State might have by reason of natural situation or occupations more of one class than other States may have, so there will be no possible way of equalizing the men coming out of that class with the others of the same class in the other States.

Mr. HAYDEN. But the gentleman overlooks this one fact, that as long as you base the quotas on the four classes or upon the total number of men liable to military service no State can say how many men it shall furnish. But when we change to the basis of class 1 the same authority that places men in that class also makes up the total number who can be called to arms. That fact will make every local and district board interested in what the boards in other States may do. The fact that public sentiment in a State is favorable to the war will cause that State to furnish more men than some other community where there is not so much patriotism.

Mr. MADDEN. Will the gentleman point out any State in the Union that is not patriotic? The gentleman has insinuated they are not patriotic in some States.

Mr. HAYDEN. The gentleman should know that every tabulation presented to the House shows that in different States different boards place a different percentage of men in these classes. Some very remarkable differences exist where the general conditions are the same. I hope that the expressions of faith in the patriotism of the members of these boards will materialize, because from now on we must depend upon the unaided devotion of these men to raise our armies.

Mr. GREENE of Vermont. Does the gentleman mean that conditions in all the States are the same?

Mr. HAYDEN. I do not say that.

Mr. GREENE of Vermont. How will this credit business correct the judgment of those men to put men in the classes in which they should be placed?

Mr. HAYDEN. If credit is given for volunteers, it means that less men will leave a given community, which ought to have the benefit of their labor.

Mr. CALDWELL. Will the gentleman yield?

Mr. HAYDEN. I will.

Mr. CALDWELL. For one question, or rather two questions. Would the gentleman under any circumstances consent to the hiring of a substitute for a drafted man?

Mr. HAYDEN. Of course not. It was my amendment to the selective-draft act which prevented that very thing.

Mr. CALDWELL. Would the gentleman then favor a provision that would give a drafted man a substitute without pay?

Mr. HAYDEN. It does not mean anything of the sort.

Mr. CALDWELL. Of course it does.

Mr. HAYDEN. Credit for a volunteer does not run to the individual; it runs to the State or communit , and properly so.

Mr. CALDWELL. Does the gentleman know in the consideration of giving credit that the only advantage that it could have had would be the drafted man would stay at home and the man outside the draft would have to go?

Mr. HAYDEN. Why should they not?

Mr. CALDWELL. Because then you are putting up a law that permits a man to get a substitute for himself and not pay for it even.

Mr. HAYDEN. To carry the gentleman's argument to its logical conclusion, volunteering is a crime and should not be permitted.

Mr. CALDWELL. No; it does not. It should be permitted, but it should not be a cloak for a man who will not go out and fight to hide behind and to stay at home.

Mr. HAYDEN. If a State or a community furnishes its full share of the number of men needed in this war, that is all that we should require, and that is the reason why we should vote down this amendment.

Mr. CALDWELL. And let the slacker stay at home?

Mr. GORDON. No; he goes into the deferred classes, the slacker does.

Mr. HAYDEN. In conclusion, I desire to read a brief editorial from the Arizona Republican, which so accurately expresses my sentiments on this quota question that I shall make the editor's words my own:

ARIZONA IN THE NATIONAL ARMY.

Arizona has the proud distinction of having contributed proportionately more men to the National Army than any other State in the Union. On the basis of population of the former quotas Arizona sent four times as many men to the cantonments as it would have to send under the proposed basis of the number of men in class 1; that is, the number of men physically fit to go. We were given a fictitious population double the actual population, and that included aliens automatically exempt who, in some localities made up much more than half the registrants. A result of this arrangement is that in some of the counties every available man registered has already been taken so that they could contribute nothing to any future quota.

It was thought that in the next draft Arizona would be given credit for the excess of its contributions, but it is now said that that can not be done; that what we have given, we have given, and we must now start anew on the same footing with other States.

Nobody is disposed to offer any complaint. We do not regret that we have done more than our share, but that under the former awkward, illogical, and inequitable arrangement some of the States were not called upon for their full share when there was so much to be done.

Mr. DENT. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Alabama has 23 minutes and the gentleman from Nebraska 3 minutes.

Mr. DENT. I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, there have been some good arguments made in this debate to-day, and two of the best of them were by the gentleman from Arizona, who has just taken his seat, and the gentleman from Wyoming [Mr. MONDELL]. The trouble with these two arguments is that they were directed to an entirely different question from that which the House is now considering. Both of these gentlemen proceeded on the theory that by voting against the motion to recede that we would undo what both the House and Senate have done in fixing the quota according to class 1. There is now no parliamentary way in which we can undo that, and I am very glad there is not, because in my judgment it is the only right way to proceed.

The quota being fixed upon class 1, the only question left is the matter of credits. When you reduce it to its last analysis the question of credits has no place whatsoever when we leave the basis of population and pass over to the basis of fixing the quota upon class 1. The fixing of the quota upon class 1 means simply this, that we have by selection singled out among the citizens of this country the men who by reason of their age, by reason of their lack of dependent relations, or by reason of their not having gone into industries which are necessary, can best go and fight the battles of our country.

Having determined that question, the matter of credits is of comparatively slight importance. What does it amount to? It amounts simply to this, that, owing to the fact that a few more men from one State or locality have enlisted, or a few more have gone into special or technical troops, than from some other, that community will not be called upon in the next draft to furnish the same proportion of troops that some other community, which has not thus furnished volunteers, technical or special troops, would have to furnish. After all, when we have taken all the men in class 1, and there are now only about 2,000,000, the credits disappear.

For the present it simply amounts to a little difference in the order in which they will be called, because, in accordance with the quota basis we have fixed, all the men in class 1 must be taken from all the localities all over the country before we can invade class 2 in any community. Why should we put in this crazy-quilt arrangement, which makes confusion worse confounded, only for the purpose of drawing some men into service from certain communities before they would otherwise be called?

Now, gentlemen, that is the whole situation in a nutshell. We can not go back and consider the question of quota on the basis of population. That has gone by.

Mr. KAHN. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. KAHN. While the House has acted on the matter, it has not yet been enacted into law and is involved in this very resolution we are now considering.

Mr. TILSON. But it is not in conference and can not come into conference on any action that this House can take.

Mr. KAHN. But if this bill fails, that classification may be considered.

Mr. TILSON. The bill must not fail. It would be a national calamity for this bill to fail, and it is a national misfortune that it is being delayed at all. It ought to be passed and passed soon.

After all, this is a national war, so far as we are concerned. It is not a war contributed to or conducted by a number of States. It is the war of the Nation to which all are contributing, and we ought to contribute to it according to the man power that is eligible for service. [Applause.]

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN], and after that I propose to move the previous question.

Mr. KAHN. Mr. Speaker, when this matter was before the House last month I called attention to the fact that the States were given credit in this second draft in an indirect way for their volunteers. That is absolutely the case, because class 1 in the various States of the Union would be materially augmented in almost every State if the men who had volunteered from those States had been classified. If they had not volunteered and had waited for the draft——

Mr. DYER. Will the gentleman yield?

Mr. KAHN. I yield.

Mr. DYER. I wanted to ask the gentleman if he had any facts or figures from the War Department to substantiate the statement he just made?

Mr. KAHN. Yes. The War Department tells us that a very large percentage of the men who volunteered were men who would come in the draft age, between 21 and 31 years. We have had that statement made by War Department officials before our committee repeatedly.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. KAHN. I will.

Mr. MILLER of Washington. What proportion of those men are in class 1?

Mr. KAHN. Of course, they were not classified at all, because they volunteered. If they had waited for the draft and had not volunteered, fully 60 per cent of them would have been in class 1. Probably in many States 70 or 75 per cent, and in some States even more than that would have been added to class 1.

Now, in that way the States have received their credits. True, they have received them indirectly. In the first draft they all received their credits under the selective-draft law. In the new draft they receive them indirectly, as I have explained. But we are in war. Why should the War Department be charged with men who have gone into the Navy? This, so far, is a land war. The cry comes across the Atlantic, "For God's sake, hurry! Furnish men for our Army on the western front to fight the battles of the Republic." There have been no naval battles to speak of. Mostly all the fighting is on land. We need land forces. Why should the Army be charged with something like 300,000 men who have volunteered in the Navy? Bring in a bill for drafting men into the Navy, if that be necessary, and put men into the Navy. But when you need men to fight in the Army, why should you deduct by way of credits from the man power of this country the fighting forces of this country, capable of being added to our military organizations, the men who have volunteered in the Navy?

Mr. CANNON. Will the gentleman yield?

Mr. KAHN. I have only five minutes.

Mr. CANNON. I only just wish to ask this: Is not the gentleman aware that the marines are in the trenches, and are doing as good fighting as anybody over there?

Mr. KAHN. There are something like 30,000 marines, and we need as soon as possible 5,000,000 men in arms. [Applause.] We will need fully 5,000,000 men in our Army before we get through. We will need, in my humble opinion, a minimum of

8,000,000 men in our Army before we get through. [Applause.] Let us not quibble about things, but look upon the magnitude of the task that lies before us. Let us look the situation squarely in the face. Let us not delude ourselves. Class 1, in my humble opinion, will be exhausted within a year, and then you will have to go——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BAER. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more.

Mr. DENT. Would the gentleman from California like further time?

Mr. KAHN. I would like to conclude my statement.

Mr. DENT. How much time?

Mr. KAHN. Five minutes.

The SPEAKER pro tempore. The gentleman is recognized for five minutes more.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. KAHN. Yes; I will yield.

Mr. CAMPBELL of Kansas. The gentleman has not stated that the Navy was not important, but has left the impression it was not doing much.

Mr. KAHN. The Navy is most important. I do not minimize the——

Mr. CAMPBELL of Kansas. Is it not true that you could not have gotten your Army over if it had not been for the Navy? [Applause.]

Mr. KAHN. I know we could not have transported our Army over without the Navy, and I do not think the gentleman is more willing to give credit to the Navy than is "the gentleman from California." The Navy needs no defense at my hands, or the hands of anyone else for that matter. I know what the Navy has done for this country in all our wars. I do not minimize the great importance of that branch of our fighting service. But at the present time we need land armies. I am looking the conditions squarely in the face. I want my country and my countrymen to recognize what we are up against. Let us lose no time in getting and organizing our armies. We have got to win this war; we have got to win it. And the only way we can win it is by furnishing our man power speedily so that it can promptly and effectively meet the enemy upon the battle fields of Europe.

Just a word more. I recognize the fact that in many of the communities of this country men volunteer readily, gladly, patriotically. In the first draft the States got credit for those men. We are proceeding upon new lines in this second draft. We have sought no longer to take men indiscriminately, but to first take the men that can best be spared to fight the battles of the Republic. That is what the quota bill will do. That is why we appealed to the House not long ago to classify the fighting men of this country. Under the classification there are about 2,000,000 more men that will be available to go into the Army under the present draft law. Why, in my opinion, even when those 2,000,000 men are exhausted we will have to furnish many more men. We will probably have to increase the draft age to 40 years. England had to increase her draft age to 50 years. She has been almost four years in the war. Her man power is at a low ebb. We have hardly entered the war. According to the statement of the Secretary of War, published this very day, 500,000 of our boys are now "over there" in France. That is but a drop in the bucket after all, where millions are contending against each other in this war. And always remember that in this war, in the final analysis, my country, your country, our country will have to furnish the man power to win the war. [Applause.] I hope that the House will recede from its amendment and that the bill can speedily go to the President for his approval. [Applause.]

Mr. DENT. Mr. Speaker, have I any time left?

The SPEAKER. The gentleman has eight minutes.

Mr. DENT. I said that I would make a motion for the previous question, but the gentleman from Kentucky [Mr. FIELDS] would like to have three minutes. Then I positively declare that I will move the previous question.

Mr. MILLER of Minnesota. Can the gentleman let me have a little time?

The SPEAKER. The gentleman from Kentucky is recognized for three minutes, and the time is running.

Mr. FIELDS. Mr. Speaker and gentlemen of the House, if the motion of the gentleman from Alabama [Mr. DENT] to recede is not adopted, it delays the passage of this bill, and if it is never adopted by the House it defeats the bill. This is important legislation that has been urged by the War Department for months, and I want to call your attention to the fact that the gentlemen who are leading this fight against the motion to recede have opposed this bill in its entirety from the beginning. They opposed it in committee. They opposed it on the floor of the House. If they can prevent its enactment into law by the tactics they now employ, they will have at last accomplished their undertaking; they will have killed the bill.

This bill is too important to be trifled with. The War Department needs this legislation in the prosecution of the war. I appeal to gentlemen of this House to vote for the motion of the gentleman from Alabama to recede from the previous House amendment, which will complete the enactment of this legislation, which is so badly needed in the prosecution of the war. [Applause.]

Mr. BAER. Mr. Speaker, will the gentleman yield?

Mr. SHALLENBERGER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. HAYES].

The SPEAKER. The gentleman from California is recognized for three minutes.

Mr. DENT. Then, Mr. Speaker, I shall have to change my promise that I made a while ago, and I will yield three minutes to the gentleman from Minnesota. After that I will move the previous question

The SPEAKER. The gentleman from California [Mr. HAYES] is recognized for three minutes.

Mr. HAYES. Mr. Speaker, when this matter was before the House the last time I came upon the floor from a very important committee meeting, in which I had been engaged all day, just as the vote was being taken on the House amendment, and had no time or opportunity to inform myself in regard to it. Under these circumstances I followed the lead of a majority of the Committee on Military Affairs and voted against the House amendment. Since then I have informed myself, and I am satisfied that I voted wrong, and I hope that the House will not now recede from its position.

As has already been said, the country at this time has a fine patriotic spirit, but I fear that spirit may not continue unless the people of the country are given to understand that the Congress of the United States is to continue so to legislate that the burden of this war shall fall equitably upon all the different sections of the country; that they will not call upon one section to furnish twice as much man power as another section of the country.

My people in California, even since the 1st of January, have volunteered very freely and generously. I am very proud of their patriotism and their manhood. But however willingly the people bear this burden, it is a burden, and I am unwilling by my vote to place upon them a larger part of it than rightfully belongs to them. From the beginning of the war nearly 50 per cent of the volunteers have been either under 21 years of age or over 31. Since January 1 all volunteers have been either under 21 or over 31. Nobody else has been allowed to volunteer.

Mr. BAER. Mr. Speaker, will the gentleman yield?

Mr. HAYES. In just a minute. Therefore, if the House recedes from its position, these men who have volunteered will be used to save going into the Army men of other sections of the country where there have been no volunteers or few of them, as in Louisiana, for instance. The men in my State who have patriotically come forward and volunteered when they were not in class 1, and never could be placed in class 1, so that under the system that will be established if the House recedes the State could get no credit for them, will in effect be used to save from going into the Army men who have not volunteered in the State of Louisiana, for example, and who will not be drafted. California will thus be furnishing men for the Army that Louisiana should furnish.

Mr. O'SHAUNESSY. Mr. Speaker, will the gentleman yield?

Mr. HAYES. Yes.

Mr. O'SHAUNESSY. Then the gentleman challenges the statement of his colleague from California [Mr. KAHN], that we want man power, and unless we pass this bill we will not get the number necessary? We get the same number of men either way.

Mr. HAYES. We do not; because many of these men who have volunteered are not in class 1, and never will be. As the basis of future drafts will be those in class 1 we shall not have credit for them.

Mr. O'SHAUNESSY. I mean if we do not recede we will get the same number of men?

Mr. HAYES. We will get the same number of men, but not from the same section of the country. I am sorry to have to disagree with my distinguished colleague. I am glad to follow him in almost everything military, but in this case I think he is wrong.

Mr. GREENE of Vermont. The gentleman says we will get the same number of men, but they will not come from the same section of country?

Mr. HAYES. That is so.

Mr. GREENE of Vermont. But under this bill they do not come out equitably from the same class.

Mr. HAYES. That does not change the matter. These men, whether under 21 years of age or over 31 years, or between the ages of 21 and 31, should all be credited by the War Department to the quota of our State, not only when the second draft is made, but in all subsequent ones. No section of the country, because it is patriotic, so that its manhood volunteers freely, should for that reason have an added burden placed upon it by the law.

It should also be remembered that all men who enter the Army are taken from the industries of the section from which they come. Hence the section which furnishes more than its proportion of men must to that extent sacrifice its industries. I have used California to illustrate. It is not solely because my State is affected that I uphold the action of the House, but it is because I believe in a square deal for every section of our country.

I append the figures of Gen. Crowder, the Provost Marshal of the Army, showing what the effect upon the next draft of 800,000 men would be if the provision contained in the House bill should be retained. If each State should be given credit for the volunteers it has furnished, the several States would furnish the following percentages of their men in class 1 to make up the necessary 800,000 men:

	Per cent.		Per cent.
Louisiana	76	Nebraska	40
South Dakota	70	New Hampshire	39
Mississippi	68	Ohio	37
Arkansas	67	Texas	37
Alabama	65	Illinois	35
Wyoming	65	Idaho	35
Wisconsin	63	Delaware	34
Florida	61	Indiana	33
Georgia	61	Oregon	33
South Carolina	61	District of Columbia	27
Kentucky	57	New Jersey	26
Missouri	56	Vermont	24
West Virginia	55	Pennsylvania	21
Virginia	54	Colorado	19
Tennessee	53	New York	16
Oklahoma	53	Arizona	12
Michigan	51	Massachusetts	10
Kansas	50	Maine	8
Minnesota	50	Connecticut	4
Iowa	48	Utah	4
North Dakota	47	Washington	3
New Mexico	44	California	0
Maryland	43	Nevada	0
Montana	40	Rhode Island	0

Why should not the States whose men have not volunteered be obliged to furnish men for the Army until they bring their number up to offset these volunteers from the other States? This is just and equitable and I hope the House will not recede from its position.

The SPEAKER. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. MILLER].

The SPEAKER. The gentleman from Minnesota is recognized for three minutes.

Mr. MILLER of Minnesota. Mr. Speaker, those who favor giving credit for men who have voluntarily enlisted are, in effect, endeavoring to exempt as many as they can from service. In effect their attitude is to have each community send as few men to the Army as they can. I believe each community and State should endeavor to send as many men as it can under the law. I believe thoroughly that the proposition laid down by the gentleman from California [Mr. KAHN] is profoundly sound and should ring to us with a strength that would bring immediate response.

The world war, if it is to be won by ourselves and our allies, must be won by the man power of the United States. We should pour forth our men with unstintedness, with enthusiasm, with vigor, and with energy.

Now, there is one phase of this that appeals to me. Many of these men who have volunteered have been most gallant. Why should we capitalize their gallantry and leave at home some slackers who are trying to get out of service? The slacker spirit says because some in a community have volunteered, that community's draft quota should be reduced accordingly; the patriotic spirit says that each community should point with pride to their volunteers and match them by a full draft quota. Let us strive to perform, not to escape. Let us send all men who are available and all whom we can get. [Applause.]

Then there is another class of the volunteers who need a little different treatment. They are all gallant in a way, but a great many of these volunteers have joined branches of the service that are not for the field. They are for technical positions; they are for clerical positions. And why in the name of common sense should we consider them when we are sending men to the fighting line? [Applause.] No, my friends; let us write this law as it ought to be written. Let us stop quibbling about trying to see how few men we can send. Let us try to enforce the law so as to see how many men we can send for the fighting line and not for clerical positions. [Applause.] Let us see how many men we can send for the fighting phalanxes which must be kept full all the time. Get men, and, for God's sake, hurry up! [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. MILLER of Minnesota. I regret that in my three minutes I will not have time.

The SPEAKER. The time of the gentleman has expired.

Mr. DENT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recede from the House amendment.

Mr. SHALLENBERGER. On that I demand the yeas and nays.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 235, nays 90, answered "present" 7, not voting 98, as follows:

YEAS—235.

Alexander	Eagle	Kincheloe	Reed
Almon	Ellsworth	Kinkaid	Robinson
Anderson	Elston	Kitchin	Rogers
Anthony	Emerson	Knutson	Romjue
Aswell	Esch	Larsen	Rouse
Bacharach	Evans	Lazaro	Rowe
Baer	Ferris	Lea, Cal.	Rubey
Bankhead	Fess	Lee, Ga.	Rucker
Barkley	Fields	Lesher	Russell
Beakes	Fisher	Lever	Sabath
Black	Flood	Littlepage	Sanford
Blanton	Fordney	Lobeck	Scott, Mich.
Borland	Francis	Lonergan	Shackleford
Bowers	Freeman	Lufkin	Sherley
Britten	Fuller, Mass.	Lunn	Sherwood
Browning	Gard	McAndrews	Siegel
Buchanan	Garner	McClintic	Sims
Burnett	Garrett, Tenn.	McCormick	Slayden
Burroughs	Garrett, Tex.	McCulloch	Smith, Mich.
Butler	Gillett	McKenzie	Snook
Byrnes, S. C.	Glass	McLaughlin, Mich.	Steagall
Byrns, Tenn.	Glynn	McLemore	Stedman
Caldwell	Godwin, N. C.	Madden	Stephens, Miss.
Campbell, Kans.	Good	Magee	Stephens, Nebr.
Candler, Miss.	Goodall	Mansfield	Sterling, Pa.
Cantrill	Goodwin, Ark.	Mapes	Stevenson
Caraway	Greene, Vt.	Martin	Summers
Carlin	Gregg	Merritt	Swift
Carter, Okla.	Hadley	Miller, Minn.	Switzer
Chandler, N. Y.	Hamilton, Mich.	Miller, Wash.	Talbott
Chandler, Okla.	Hamlin	Montague	Taylor, Ark.
Clark, Fla.	Hardy	Moores, Ind.	Taylor, Colo.
Classon	Harrison, Miss.	Morgan	Temple
Coady	Harrison, Va.	Morin	Tillman
Collier	Hastings	Mott	Tilson
Cooper, Ohio	Heflin	Mudd	Timberlake
Cooper, W. Va.	Helm	Neely	Tinkham
Copley	Hensley	Nelson	Venable
Cox	Hersey	Nolan	Vinson
Cramton	Hicks	Oldfield	Walker
Crisp	Holland	Oliver, Ala.	Walton
Crosser	Houston	Oliver, N. Y.	Ward
Currie, Mich.	Huddleston	Olney	Watkins
Dale, N. Y.	Hull, Tenn.	Osborne	Watson, Pa.
Davidson	Husted	Overmyer	Weaver
Decker	Hutchinson	Overstreet	Webb
Dempsey	Igoe	Padgett	Welling
Dent	Johnson, Ky.	Park	Welty
Denton	Johnson, Wash.	Parker, N. J.	Whaley
Dewalt	Jones	Parker, N. Y.	White, Me.
Dickinson	Juul	Peters	Wilson, La.
Dill	Kahn	Platt	Wilson, Tex.
Dixon	Kearns	Price	Wingo
Doolittle	Keating	Quin	Winslow
Doremus	Kehoe	Ralacy, H. T.	Woodyard
Doughton	Kelley, Mich.	Rainey, J. W.	Wright
Drane	Kennedy, Iowa	Raker	Young, N. Dak.
Dunn	Key, Ohio	Ramsey	Young, Tex.
Dupré	Kiess, Pa.	Ramseyer	

NAYS—90.

Austin	Gould	McKeown	Sinnott
Ayres	Graham, Ill.	McKinley	Smith, T. F.
Bland	Green, Iowa	Maher	Stafford
Browne	Greene, Mass.	Mays	Steenerson
Cannon	Griest	Mondell	Sterling, Ill.
Cary	Haskell	Nicholls, S. C.	Stiness
Church	Haugen	Nichols, Mich.	Strong
Clark, Pa.	Hawley	Norton	Tague
Claypool	Hayden	O'Shaunessy	Thomas
Connally, Tex.	Hayes	Phelan	Towner
Cooper, Wis.	Helvering	Pratt	Vestal
Dale, Vt.	Hilliard	Purnell	Voigt
Dallinger	Hull, Iowa	Randall	Volstead
Darrow	Ireland	Rankin	Walsh
Dominick	James	Rayburn	Watson, Va.
Dyer	Kennedy, R. I.	Riordan	Wheeler
Edmonds	Kraus	Robbins	White, Ohio
Farr	Kreider	Roberts	Wilson, Ill.
Frear	La Follette	Rose	Wise
French	Langley	Sanders, Ind.	Wood, Ind.
Gallivan	Lundeen	Sells	Woods, Iowa
Gandy	McArthur	Shallenberger	
Gordon	McFadden	Shouse	

ANSWERED "PRESENT"—7.

Bell	Brand	Moon	Rodenberg
Booher	Dowell	Ragsdale	

NOT VOTING—98.

Ashbrook	Fairchild, B. L.	Kettner	Scott, Pa.
Barnhart	Fairchild, G. W.	King	Scully
Beshlin	Fairfield	LaGuardia	Sears
Blackmon	Flynn	Lehlbach	Sisson
Brodbeck	Focht	Linthicum	Slemp
Brumbaugh	Foss	Little	Sloan
Campbell, Pa.	Foster	London	Small
Carew	Fuller, Ill.	Longworth	Smith, Idaho
Carter, Mass.	Gallagher	McLaughlin, Pa.	Smith, C. B.
Cleary	Garland	Mann	Snell
Connelly, Kans.	Graham, Pa.	Mason	Snyder
Costello	Gray, Ala.	Meeker	Steele
Crago	Gray, N. J.	Moore, Pa.	Sullivan
Curry, Cal.	Griffin	Paige	Sweet
Davis	Hamill	Polk	Templeton
Delaney	Hamilton, N. Y.	Porter	Thompson
Denison	Heaton	Pou	Treadway
Dies	Heintz	Powers	Van Dyke
Dillon	Hollingsworth	Reavis	Vare
Donovan	Hood	Rowland	Waldow
Dooling	Howard	Sanders, La.	Wason
Drukker	Humphreys	Sanders, N. Y.	Williams
Eagan	Jacoway	Saunders, Va.	Zihlman
Elliott	Johnson, S. Dak.	Schall	
Estopinal	Kelly, Pa.	Scott, Iowa	

So the motion to recede was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BRAND with Mr. HOLLINGSWORTH.

Mr. BELL with Mr. FULLER of Illinois.

Mr. DELANEY with Mr. MEEKER.

Mr. RAGSDALE with Mr. BENJAMIN L. FAIRCHILD.

Mr. THOMPSON with Mr. DILLON.

Mr. HOWARD with Mr. ELLIOTT.

Mr. DONOVAN with Mr. FAIRFIELD.

Mr. FOSTER with Mr. WASON.

Mr. JACOWAY with Mr. PAIGE.

Mr. SAUNDERS of Virginia with Mr. WILLIAMS.

Mr. SCHALL with Mr. REAVIS.

Mr. SMALL with Mr. ROWLAND.

Mr. ASHBROOK with Mr. SANDERS of New York.

Mr. BLACKMON with Mr. SIEGEL.

Mr. LINTHICUM with Mr. SLEMP.

Mr. POLK with Mr. SLOAN.

Mr. POU with Mr. SMITH of Idaho.

Mr. STEELE with Mr. SNELL.

Mr. VAN DYKE with Mr. SWEET.

On this vote:

Mr. BARNHART (for motion) with Mr. MOORE of Pennsylvania (against).

Mr. ASHBROOK. Mr. Speaker, I would like to vote "yea," but I came in just after my name was called a second time.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BLACKMON. Mr. Speaker, I would like to vote "yea."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. BLACKMON. I was just inside the door.

The SPEAKER. Was the gentleman in the cloakroom?

Mr. BLACKMON. Yes.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I present a conference report upon the bill H. R. 10358, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, for printing under the rule.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TIMBERLAKE for one week, on account of a speaking engagement for the Red Cross campaign in Indiana.

EXTENSION OF REMARKS.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks upon the conference report just agreed to.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all gentlemen may be permitted to extend their remarks upon the conference report which has just been agreed to.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen be permitted to extend their remarks in the RECORD upon the conference report just agreed to. Is there objection?

Mr. DYER. Mr. Speaker, I object.

Mr. HAYES. Mr. Speaker, I ask unanimous consent to extend my remarks upon the conference report.

The SPEAKER. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I renew my request that all gentlemen who spoke upon the conference report just agreed to shall be allowed to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken upon this motion to recede shall be permitted to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the third liberty loan in Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD upon the subject of the third liberty loan in Oklahoma. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. BYRNS], who has just presented the conference report, as to when he expects to take it up for action.

The SPEAKER. The gentleman does not seem to be here now.

Mr. BYRNS of Tennessee. Mr. Speaker——

Mr. DYER. I want to ask the gentleman from Tennessee when he expects to call up for consideration the conference report on the disagreement upon the bill which he has just presented?

Mr. BYRNS of Tennessee. I can not say to the gentleman, for this reason, that the Senate has the papers, and of course it must act before the House can take action.

Mr. GARRETT of Tennessee. The Senate has acted.

Mr. STAFFORD. Mr. Speaker, if the gentleman will permit, I have been advised the Senate has already taken action on the partial conference report.

Mr. BYRNS of Tennessee. So far as I am personally concerned, I would like to take it up to-morrow, but of course I do not know whether I would be recognized for that purpose or not.

Mr. DYER. Is it the intention of the gentleman to give the House an opportunity to go on record again upon the amendments upon which there are disagreements?

Mr. BYRNS of Tennessee. That is a proposition that of course would have to be acted upon when we reach it. The conferees are only in disagreement as to two amendments, and of course I do not know what disposition the House will have to act upon either amendment.

Mr. DYER. Will the gentleman state what those two are?

Mr. BYRNS of Tennessee. One is an amendment in reference to the Subtreasuries; the other is the excess-compensation amendment, which carries with it the Borland amendment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and further insists upon its amendments numbered 38 and 90, still in disagreement.

EXTENSION OF REMARKS.

By unanimous consent, Mr. RAKER, Mr. RANDALL, Mr. WELLING, Mr. LANGLEY, Mr. CHURCH, and Mr. REED were given unanimous consent to extend their remarks on the conference report.

Mr. LANGLEY. Mr. Speaker, I had unanimous consent to address the House this morning on the liberty loan in Kentucky, and I have two additional telegrams, and I ask unanimous consent to insert those in my remarks.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in reference to the liberty loan in Kentucky. Is there objection? [After a pause.] The Chair hears none.

TEMPORARY INCREASE OF THE MILITARY ESTABLISHMENT—CONFERENCE REPORT (NO. 540).

Mr. DENT. Mr. Speaker, I call up the conference report on Senate joint resolution 124.

The SPEAKER. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 124) providing for the registration for military

service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 8.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 4, 5, 6, and 7, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert "and all male persons." Also, amend the title by striking out the word "or," in line 2, and insert in lieu thereof "and all male persons"; and the House agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. J. Res. 124, providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," submit the following written statement explaining the effect of the action agreed on:

The Senate receded from all of the amendments of the House except the amendment relating to the exemption of divinity and medical students. To this amendment the House receded and accepted the Senate provision.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. DENT. Mr. Speaker, I move the adoption of the conference report.

Mr. CALDWELL. Mr. Speaker, I have a preferential motion.

The SPEAKER pro tempore (Mr. GARNER). The gentleman will state it.

Mr. CALDWELL. I move that the House refuse to accept the Senate amendment known as amendment No. 8, and I would like to have the Clerk read that.

Mr. DENT. I reserve the point of order on that, Mr. Speaker.

The SPEAKER pro tempore. The Chair did not catch the motion of the gentleman from New York.

Mr. CALDWELL. Mr. Speaker, I made the motion that the House refuse to agree to Senate amendment No. 8. I may probably be out of order——

Mr. MADDEN. Mr. Speaker, I make the point of order against the motion.

The SPEAKER pro tempore. The point of order is sustained.

Mr. WALSH. Mr. Speaker, I desire to ask the chairman of the committee with all due deference whether he has a letter to read to the House upon this subject. If he has, we might just as well vote now and have the discussion by and by. [Laughter.]

Mr. DENT. I will state to the gentleman from Massachusetts that his sense of humor is highly appreciated.

Mr. WALSH. I am asking the question in a serious spirit in an attempt to speed the business of the House.

Mr. DENT. I am very sorry I can not furnish the gentleman with a letter from the President of the United States.

The SPEAKER pro tempore. The question is on agreeing to the conference report——

Mr. WINGO. Mr. Speaker, I would like to inquire of the gentleman if he intends to explain the report. We do not know what it is.

Mr. DENT. Mr. Speaker, the statement on the part of the managers of the House shows that the conferees agreed to all of the amendments adopted by the House except the one providing for the exemption of divinity and medical students. Every other amendment adopted by the House was agreed to by the conferees. So that is really the only proposition that is submitted back to the House of Representatives in the adoption of this report. Now, if there are any gentlemen who would like to discuss that proposition——

Mr. DYER. Will the gentleman yield for a question?

Mr. DENT. I will.

Mr. DYER. Does this amendment have anything to do with the law that was previously passed, the national-defense act, which permitted medical students and divinity students certain rights with reference to the draft?

Mr. DENT. It does not undertake to change any provision of law of 1916.

Mr. DYER. It does not change the law?

Mr. DENT. It only affects those who come in under this new registration.

Mr. CALDWELL. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman from New York, a member of the committee.

Mr. CALDWELL. I do not want to ask a question, but I want to speak.

Mr. DENT. How much time?

Mr. CALDWELL. Ten minutes.

Mr. DENT. I yield 10 minutes to the gentleman from New York [Mr. CALDWELL], a member of the committee.

Mr. CALDWELL. Mr. Speaker and gentlemen of the House, this provision that was stricken out of this bill by the House when it was here before us a few days ago contained the following words:

That students entering such theological or divinity schools after the approval of this act and during the continuance of the war and who would be subject to any future registration, as provided for in this act, may, upon the recommendation or request of the president or dean of such school, be exempt from the selective draft by order of the President.

Now, gentlemen, every Member of this House has been raised by parents who have taught him to respect the cloth, to respect the pastor, the priest, the rabbi, or the person who stands in the pulpit of the religious denomination of his family, and we have all been taught to love and respect and to honor that calling. And if you pass this amendment you open wide the door and invite every man who is devoid of human sympathy—that which makes a man a good Christian or a good Jew—to clothe himself in the cloth of the ministry, and you will invite him to become ordained to teach your faith and that of your children and your children's children, and you will by that act do one of the greatest things to destroy the love and confidence that we have in that religion that has made us the people that we are.

Mr. MADDEN. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MADDEN. The gentleman talks as if he was not willing to trust the President of the United States on this question.

Mr. CALDWELL. This is not a question of trusting the President of the United States, because under the law as it stands now the President has authority to make rules and regulations by which any man who enters any of these schools or any of the professional schools may obtain a deferred classification or a deferred call, and when he graduates and has proven himself the character of man that that school wants to produce, then he can be assigned to the kind of duty that he has qualified himself to perform.

This thing as proposed here is vicious. It strikes at the very sent of our religion, and I do not believe that it is defensible. I think it is ill-advised, and I think it will tend to destroy the religion that we love. I have talked to men who are high in the counsels of the various denominations, high in the various Christian denominations, both Catholic and Protestant, and I have yet to find a man who has had this probable result pointed out to him that wants his religion defined by this class of men who would be invited to come into that rank and take the cloth as a cloak for their rascality. In some denominations practices may be such as to protect the church against this class of men, but we do not all belong to the same church; and in some churches I am sure the evil result is certain to occur. The President has the power under existing law to protect the worthy of every denomination and every creed and has shown a disposition to do so. I therefore think we ought to vote this thing down and protect religion, that which has made this country what it is. [Applause.]

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I know that we are all weary, and I am only going to take five minutes. But I want to say to you very frankly that I shall vote against this conference report, because it violates a principle for which I have been standing and for which this House has been standing since the declaration of war. It is the first attempt to break down the rule of the selective draft—that all American citizens are equal before the law—in an attempt to exempt medical students and theological students.

In the law as we enacted it in the first instance we did exempt theological students then in the colleges, because they had decided to make that their life work, and as we exempted the ministers of the church we felt that those who were preparing themselves for the ministry prior to the passage of the law should also be exempted. Now, this proposes not to exempt only those who are now in the institutions, but any young man who may desire to enter these institutions hereafter, thereby making theological schools and seminaries places of refuge for the man who has sufficient money to enter. And, I might add, it would be his cemetery in the end, because the American people do not believe in exempting any special class.

Mr. LONERGAN. Will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. LONERGAN. Is the gentleman in a position to inform the House whether or not in the fall of 1917 there was an increased registration in theological schools in this country over the preceding year?

Mr. McKENZIE. I have understood that that is true in some instances.

Mr. LONERGAN. Does the gentleman know?

Mr. McKENZIE. I only know by the statement of one of my colleagues that he had been so informed.

Mr. LONERGAN. It is not so, I will say to the gentleman.

Mr. McKENZIE. The gentleman may be correct, but I protest against this opening of the door of escape from military service to any special class or classes of men.

Mr. STERLING of Illinois. Will the gentleman yield for a question in order that we may understand the parliamentary situation? If we adopt the conference report, then these students are exempted by the law?

Mr. McKENZIE. Yes, sir.

Mr. STERLING of Illinois. If we reject the conference report, then does not the President have the power under the original law to exempt them if he sees fit to do so?

Mr. McKENZIE. Not unless he would exempt them on the ground of industrial or agricultural reasons. He could grant them furloughs and give them deferred classification.

Mr. STERLING of Illinois. Have they not exempted the medical students already?

Mr. McKENZIE. That is true.

Mr. STERLING of Illinois. On what ground did they do that if the law did not authorize them?

Mr. McKENZIE. They did that on the ground that we would need perhaps more doctors in the service during the war, and that these young men, already being in college, should be permitted to finish their education.

Mr. KAHN. Mr. Speaker, my colleague on the committee did not directly answer the question of the gentleman from Illinois [Mr. STERLING]. The question of the gentleman from Illinois was to the effect as to whether or not they were exempt. They have not been exempted. The young men in the medical schools have not been exempted. Those who are already in those schools are being furloughed so that they can complete their studies, but there has been no exemption.

Mr. McKENZIE. I should have stated that more fully. I thank my colleague. They were permitted to finish their education under these furloughs.

Mr. STERLING of Illinois. Just another question. I am not exactly clear as to what this may result in. If this conference report is not concurred in, then the President can hereafter, under the law, exempt medical students?

Mr. McKENZIE. No; he can not exempt them. He can furlough them or give them deferred classification.

Mr. STERLING of Illinois. He can permit them to go on and finish their course?

Mr. McKENZIE. Yes; under furlough.

Mr. STERLING of Illinois. On the ground that they may need their services in the Medical Department of the Army.

Mr. McKENZIE. Yes.

Mr. STERLING of Illinois. And he could—whether he has done so or not—exempt the divinity students on the ground that they may be needed as chaplains, could he not?

Mr. McKENZIE. I am not certain but that he may be able to do that. But that is not the question involved here. The question involved here is that the Congress of the United States is undertaking to exempt one or two favorite classes of our citizens. It would be a long guess to say that a young man who enters a medical school now would graduate in time to render any service in this war in the Medical Corps of the Army.

More than that, if a medical student is drafted, he would be put in the Hospital Corps of the Army, and that year or two of service would be worth more to him as a physician than any year or two that he might spend in college. I protest against the exemption of any class of citizens as a class. It is wrong. It is un-American. It not only will be resented, but is already being resented by ministers of this country, as will be shown by an article that I shall put in the RECORD in extending my remarks; a resolution passed by the Freeport Presbytery, representing all of northern Illinois, in which they protest against the exemption of ministers and say that the minister wants to do his duty the same as anyone else. Now, if we start the policy of exempting this class, we shall be called upon to exempt some other class, and again some other class, and it is unfair to the citizens of this country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. TOWNER. Mr. Speaker, will the gentleman yield for a question?

Mr. KAHN. Mr. Speaker, I ask that the chairman of the committee yield my colleague five minutes.

Mr. DENT. I yield five minutes to the gentleman from Illinois, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes more.

Mr. TOWNER. Just to clear up the situation, so that the membership of the House will understand it, I wish to ask this question: As the bill passed the House this proviso extending these theological and medical students was contained in the bill as we sent it over to the Senate?

Mr. McKENZIE. It is a Senate bill, remember, and we struck out that provision in our committee unanimously. It came to the House, and only 27 men in the House voted to retain it.

Mr. TOWNER. That is what I wanted to clear up. Now, according to the position in which the matter now stands, if you vote for the conference report, to sustain it you vote to put that provision in the act?

Mr. McKENZIE. Yes.

Mr. TOWNER. So that the exemption will stand?

Mr. McKENZIE. Yes.

Mr. TOWNER. If you vote against the conference report, you vote against this exemption?

Mr. McKENZIE. Yes. I will say this, that this Senate amendment was overwhelmingly voted down by the House. I am not finding fault with the conferees. It was a matter of trade. The Senate conferees accepted a number of House amendments, and the House conferees accepted this, which was a Senate amendment. But I protest because it contains a vital principle, and I say that the House ought to vote down this conference report and send it back to the Senate, and thereby serve notice on the Senate of the United States that the House of Representatives is not yet ready to exempt any class of citizens from doing their military duty in this country. [Applause.] And if it is necessary to have the Senate get a letter from the President of the United States to bring it to time I would be glad to have him send one to the Senate, because I believe a more important vital principle is involved in this matter than there was in the other bill that we have beeen voting upon here this afternoon. [Applause.] That was a mere matter of credit. This is a matter of principle

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Yes.

Mr. CRAMTON. As I understand, a medical student will be exempted if this provision is adopted, whereas heretofore a medical student who had about completed his education has been put in a deferred class, in order that the Government might make use of his scientific training?

Mr. McKENZIE. Yes.

Mr. CRAMTON. If we adopt this language, which states not that his service shall be deferred, but that he shall be exempt when he graduates next June, there is no way that the Government can force him to serve, even as a surgeon, and no way of utilizing his medical or surgical training, and it will get no service from him whatever?

Mr. McKENZIE. Yes. I am at a loss to know from what source the demand comes for this legislation. Surely not from devoted men of the class of those noble and dauntless chaplains of whom the gentleman from Massachusetts [Mr. GALLIVAN] told us the other day, who went over the top out into no man's land to reclaim the wounded from the battle field; not from the ministers of this country, because I have not had a single letter from any of them. If there is any demand for this legislation, it

must come from the men who have money invested in these educational institutions and whose revenue has been cut down by the many heoric medical and theological students who have gone forth to battle for our country. Are the young men of the country asking for it? Not at all; and at this hour, when the conflict is so terrific, any red-blooded young American asking the right to seek refuge in a theological seminary or in a medical school instead of putting on the uniform of Uncle Sam, the same as the farmer boy, the miner, and the mechanic, would be doing a thing it would be an outrage to permit, and I would like to see this House stand up and say by its vote that America believes in the equality of all men before the law. [Applause and cries of "Vote!"]

To show the sentiment of the ministers of northern Illinois relative to exemption of ministers I desire to insert at this point a resolution which will speak for itself, and I simply wish to add that I am proud of this organization of God-fearing but patriotic men, for many of them live in my section of the State of Illinois:

[From the Freeport Journal-Standard, Apr. 25, 1918.]

MINISTERS ASK FOR NO FAVORS—WILLING TO ASSUME SAME MILITARY DUTIES AS OTHER MEN.

Ministers of the Freeport (Ill.) Presbytery have no desire to be relieved from any of the military duties or burdens imposed upon laymen. This was made clear at the spring session of the presbytery at Marengo Wednesday, when Rev. D. L. McNary, of the First Church of Freeport, presented the following memorial to the general assembly of the church, which was adopted unanimously:

"Because of our conviction that ministers of the gospel should have their equal share in every form of national service, we respectfully memoralize the general assembly to ask our National Government to so change exemption rules as to place ministers of the gospel in the same classification for military service as other citizens.

"We recognize the high tribute of the present rule to the value of the work of ministers of religion, but we believe they should in all matters stand upon an equality with other men."

The memorial was not presented to the laymen for action, as it concerned the ministers only.

Mr. DENT. Mr. Speaker, I move the previous question.

Mr. McKENZIE. Mr. Speaker, I ask leave to extend my remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. DENT. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I appreciate the condition which confronted the conferees upon this measure. I realize that in seven out of eight of the matters in dispute the House conferees were successful. But, unfortunately, as has been expressed so well by the gentleman from Illinois [Mr. McKENZIE], that upon which they failed is a very fundamental proposition. [Applause.] I do not wish to add to the burdens of the conferees, nor do I wish to delay for a single instant the passage of this important legislation; but, sir, I do not believe that we ought to agree to a matter so fundamental as this, so vitally affecting the very principle upon which this draft law was builded, without at least the House having another opportunity of expressing itself upon that question and that question alone. Unfortunately, I was unable to be present when the vote was taken on this question before, but, as I remember it, this House went upon record by a very decided majority as not favoring the exclusion—as the gentleman from Illinois [Mr. McKENZIE] has so happily expressed it—"of any class as a class." What will be the result if it goes forth to the country that this legislation is enacted? We do not know what the result will be.

Men who in the best of faith enter theological seminaries, feeling themselves called by a Higher Power to engage in that particular work, are likely all their lives, or at least for years to come, to have the finger of scorn pointed at them, and the charge repeatedly hurled at them that they entered upon that vocation to escape the operation of the military service in the hour of their country's peril. [Applause.] Of course, we shall need physicians. This includes both students of divinity and students of medicine. Some arrangements must be made whereby men can be trained in those vocations. I realize that. We shall have to have doctors and have to have priests and ministers. But, after this Nation has adopted as a fixed policy this plan of universal liability to service of those who are physically fit, it is a grievous error to pick out any particular class and say that they shall be exempted. [Applause.] Therefore, much as I regret to do it, I shall, so far as I am concerned, have to take the responsibility of voting against this conference report in order that we may have at least one more opportunity to express ourselves upon this very fundamental question. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. O'SHAUNESSY. I ask that the gentleman have two minutes more. I would like to ask him a question.

Mr. DENT. I yield to the gentleman two minutes more.

Mr. O'SHAUNESSY. I realize full well the sentiment that has provoked the gentleman's speech, and I thoroughly agree that it would be a very reprehensible performance for a man to break into a seminary in order to escape military duty.

Mr. GORDON. They would all be under that implication.

Mr. O'SHAUNESSY. I want to ask the gentleman what method would he propose in order that the ministry may be continued and the medical profession continued?

Mr. GARRETT of Tennessee. Mr. Speaker, I am not prepared to offer now a concrete proposition along that line. The gentleman will realize, of course, that I am not prepared to do it.

Mr. O'SHAUNESSY. I will follow that with another question, based upon the statement of Gen. Pershing as to the great necessity for chaplains and the constant call from the War Department for doctors. We can not have doctors without medical schools, and we can not have chaplains without seminaries.

Mr. JOHNSON of Washington. Classification rather than exemption will cover the proposition.

Mr. CALDWELL. I will say that the President now has authority under the law to make a regulation that will take care of that situation, and he has done so so far as doctors are concerned.

Mr. DENT. I will state that the President did that as to doctors in the Medical Corps, and I thought that he might be able to do it in this case, but I think I made a mistake.

Mr. GARRETT of Tennessee. Of course, in the original draft act those who were then in theological seminaries and in medical schools were excluded, for the very obvious reason that we were excluding ministers themselves. At least I think so——

Mr. CALDWELL. The gentleman is correct.

Mr. GARRETT of Tennessee. I think ministers of the Gospel were themselves excluded by the terms of the act, and there could be no imputation against young men who, prior to the time when we thought of going into the war, had gone into these schools. But this is a very different proposition.

Mr. MADDEN. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Illinois.

Mr. MADDEN. Does not the gentleman think there ought to be some provision made for ministers of the Gospel after the war is over, and for doctors after all the doctors that we have now are killed off, as may happen during this war?

Mr. GARRETT of Tennessee. Yes; and we will need school teachers and farmers and workers of all classes, so far as that is concerned.

Mr. DENT. Mr. Speaker, I would like to make this statement. It is true that under the act of May 18, 1917, the President took care of medical students by putting them into the enlisted reserve corps and not calling them into the service. I was under the impression—perhaps I may have been wrong, but I think not—that he could take care of the same situation so far as theological students were concerned, and when this bill was before the House I made that statement. But here is the proposition that is presented to the House: Shall we hold up this bill upon the question as to whether a few boys who have become 21 since the 5th day of June, 1917, who want to study medicine and who want to study theology, shall be exempted or not? That is all there is to this proposition.

Mr. SHALLENBERGER. Will the gentleman permit me to read the language of the act?

Mr. DENT. Yes.

Mr. SHALLENBERGER. The language is that it may be done upon the order of the President. There is nothing explicit in this bill that exempts these men, but after all the matter is placed in the hands of the President.

Mr. DENT. The President can take care of it, and I hope he will, and I believe he will, just as he took care of the medical students.

Mr. CRAMTON. If the gentleman will yield, the first part of it is not dependent upon action by the President. It says that those who are now in a medical school—in this time when the great need of the Army will be doctors—those who are now the deferred class in medical schools shall be exempt, not from further military service, but even from service in the Medical Reserve Corps. It is not dependent upon the action of the President. I absolutely protest against it, because we need doctors in the Army, and this says they will exempt doctors from service in the Army. It is absolutely inconsistent.

Mr. O'SHAUNESSY. Is it not a fact that they do not need them until they are doctors?

Mr. CRAMTON. But when they become doctors then they still shall be exempt.

Mr. O'SHAUNESSY. Oh, the man who becomes a doctor is absolutely amenable to the law of the land.

Mr. DENT. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker and gentlemen of the House, each of your conferees voted to strike this provision from the Senate bill when it was considered in the House. There was a record vote on that part of it that referred to divinity students. Your conferees held out in conference, and I want to say for the chairman of the committee and the gentleman from California [Mr. KAHN] that they did everything they could do to induce the Senate conferees to yield. They held out longer than I did on the proposition, and it is only just to them that I make that statement of fact to the House. There were eight amendments in conference. The Senate conferees yielded on seven of them, and on this one they refused to yield. We either had to yield on this one or bring the bill back to the House in disagreement. I suppose every man will vote for what he thinks is best; I grant that every man will do that; but, as the chairman of the committee has said, shall we delay this legislation—and it must be passed speedily if the registration is to be had on the 5th of June, which is now planned—shall we delay this legislation because of this one difference between the two bodies? That is the question that is involved. Gentlemen must bear in mind that when conferees go into conference they must give and take. Your conferees can not go into conference and force the Senate to yield on every proposition.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. I yield to the gentleman.

Mr. STEVENSON. I want to get clear on this. Does this, ipso facto, exempt all of those, or does it subject them to the approval or upon the action of the President, or leave it in his discretion to exempt or not exempt?

Mr. FIELDS. It exempts those now in the schools.

Mr. STEVENSON. It exempts those already in; that is, before this legislation is passed?

Mr. FIELDS. And the law of 1917 did the same thing for the same classes of students who had entered their institutions prior to the enactment of that law.

Mr. STEVENSON. I understand; but as to those entering hereafter—does it exempt them?

Mr. FIELDS. That is a question for the President to decide. No blame should attach to your conferees. They have done the best they could. It is a question of whether you will accept the conference report or vote it down. If you vote it down, you delay this legislation, the immediate enactment of which is urged by the War Department.

Mr. DENT. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. FESS]. [Cries of "Vote!" "Vote!"]

Mr. FESS. Mr. Speaker, I have seen it stated in the press that the number of students in seminaries have been increased since the war was declared. The number of students usually in the seminaries of this country is about 4,500. Since the war began the number has decreased to 2,500. If the larger number were now in attendance and those should be taken for the Army, it would amount to very few in the building up of the Army. Mr. Speaker, we must have physicians. There is no call so imminent and so loud as medical service in time of war, and if you are going to deplete the medical schools while they are in attendance, to do the work that the war demands, it is to me a serious proposition. It seems to me we ought not to lose our heads here in a furore demanding "Vote!" "Vote!" until we know what we are voting on.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. FESS. Yes.

Mr. HAYES. I would like to ask the gentleman if the proposition does not provide that the request for exemption must come from the dean or the president of the theological seminary and be approved by the President. Does not that take charge of the matter?

Mr. FESS. Mr. Speaker, I desire to read another statement here from one of the leading men of New England:

> We want to put as many of our young clergymen as possible into the trenches with our boys at the front, where they can give the strongest moral support and comradeship to the boys as they go over the top. We have already presented 14 of the young clergymen from this diocese for commissions, and 4 are already at the front in France. The others expect to be there within a few weeks. We have 20 more volunteers on our list who will be released as soon as we can provide for the vacancies that will result from their entrance into military service.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Speaker, I ask the gentleman to yield me one minute more.

Mr. DENT. Mr. Speaker, I yield one minute more to the gentleman.

Mr. FESS (continuing the reading)—

> Our normal quota each year is only 12 for ordination. Within the past year 10 of our clergymen died and 14 were permitted to go into service at the front. Therefore we were obliged to call our seminarians for ordination before the time prescribed for the conclusion of their seminary course. If the draft calls those who remain in the seminary our source of supply will be completely exhausted, and we shall find it impossible to respond to the call of Gen. Pershing and the War Department for more chaplains.

I voted the other day to forbid these exemptions, but, my friends, this is not all on one side. I say again that in the midst of war we must not deplete our medical schools, and we ought not to deplete our theological seminaries. In time of war's havoc we must not omit all attention to the spiritual necessities of the race.

Mr. DENT. Mr. Speaker, I move the previous question on the agreeing to the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. CALDWELL) there were—ayes 66, noes 74.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-six Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 181, answered "present" 2, not voting 129, as follows:

YEAS—118.

Alexander	Fess	Knutson	Shallenberger
Ashbrook	Fields	Kraus	Sherwood
Austin	Fisher	Kreider	Siegel
Baer	Francis	Lazaro	Sims
Barkley	Gallivan	Lonergan	Smith, T. F.
Bland	Gillett	McAndrews	Snook
Burroughs	Glynn	Madden	Stephens, Miss.
Byrns, Tenn.	Graham, Ill.	Maher	Stevenson
Cannon	Greene, Mass.	Mapes	Stiness
Cantrill	Gregg	Martin	Swift
Carter, Okla.	Griest	Moores, Ind.	Tague
Cary	Hamill	Morin	Talbott
Clark, Pa.	Harrison, Va.	Mott	Taylor, Colo.
Coady	Haskell	Nelson	Tilson
Copley	Hastings	Nolan	Tinkham
Dale, Vt.	Hayes	Oliver, N. Y.	Van Dyke
Dallinger	Hensley	O'Shaunessy	Vestal
Darrow	Hersey	Peters	Walsh
Davidson	Hilliard	Phelan	Walton
Decker	Holland	Platt	Ward
Dempsey	Hull, Iowa	Purnell	Watson, Va.
Dent	Hutchinson	Ragsdale	Webb
Denton	Igoe	Rainey, J. W.	Welty
Dickinson	Johnson, Ky.	Randall	White, Me.
Dixon	Kahn	Riordan	White, Ohio
Dominick	Keating	Robbins	Wilson, Ill.
Doremus	Kennedy, R. I.	Rogers	Wood, Ind.
Dupré	Key, Ohio	Russell	Young, N. Dak.
Farr	Kiess, Pa.	Sabath	
Ferris	Kinkaid	Sanders, Ind.	

NAYS—181.

Almon	Dill	Heflin	McLemore
Anderson	Doolittle	Helm	Magee
Anthony	Doughton	Helvering	Mansfield
Aswell	Drane	Hicks	Mays
Ayres	Dunn	Houston	Miller, Minn.
Bacharach	Dyer	Huddleston	Miller, Wash.
Bankhead	Eagle	Hull, Tenn.	Mondell
Beakes	Edmonds	Husted	Moon
Black	Ellsworth	Ireland	Morgan
Blackmon	Elston	James	Neely
Blanton	Esch	Johnson, Wash.	Nicholls, S. C.
Brand	Flood	Jones	Nichols, Mich.
Britten	Fordney	Juul	Norton
Browning	Frear	Kehoe	Oldfield
Buchanan	French	Kelley, Mich.	Oliver, Ala.
Burnett	Fuller, Mass.	Kennedy, Iowa	Olney
Butler	Gandy	Kincheloe	Osborne
Byrnes, S. C.	Garner	Kitchin	Overstreet
Caldwell	Garrett, Tenn.	La Follette	Padgett
Campbell, Kans.	Garrett, Tex.	Langley	Parker, N. J.
Candler, Miss.	Glass	Larsen	Parker, N. Y.
Caraway	Godwin, N. C.	Lea, Cal.	Price
Chandler, N. Y.	Good	Lee, Ga.	Quin
Chandler, Okla.	Goodwin, Ark.	Lesher	Raker
Church	Gordon	Lever	Ramsey
Classon	Gould	Littlepage	Ramseyer
Claypool	Green, Iowa	Lobeck	Rankin
Collier	Greene, Vt.	Lufkin	Rayburn
Connally, Tex.	Hadley	Lundeen	Reed
Cooper, W. Va.	Hamlin	McClintic	Roberts
Cooper, Wis.	Hardy	McCormick	Rodenberg
Cramton	Harrison, Miss.	McFadden	Romjue
Crisp	Haugen	McKenzie	Rose
Currie, Mich.	Hawley	McKeown	Rouse
Dewalt	Hayden	McLaughlin, Mich.	Rowe

Rubey	Stedman	Vinson	Wilson, Tex.
Rucker	Sterling, Ill.	Voigt	Wingo
Scott, Mich.	Sterling, Pa.	Volstead	Winslow
Shackleford	Strong	Walker	Wise
Sherley	Switzer	Watkins	Woods, Iowa
Shouse	Taylor, Ark.	Watson, Pa.	Woodyard
Sinnott	Temple	Weaver	Wright
Slayden	Thomas	Welling	Young, Tex.
Smith, Mich.	Tillman	Whaley	
Stafford	Towner	Wheeler	
Steagall	Venable	Wilson, La.	

ANSWERED "PRESENT"—2.

Dowell Emerson

NOT VOTING—129.

Barnhart	Estopinal	LaGuardia	Saunders, Va.
Bell	Evans	Lehlbach	Schall
Beshlin	Fairchild, B. L.	Linthicum	Scott, Iowa
Booher	Fairchild, G. W.	Little	Scott, Pa.
Borland	Fairfield	Loudon	Scully
Bowers	Flynn	Longworth	Sears
Brodbeck	Focht	Lunn	Sells
Browne	Foss	McArthur	Sisson
Brumbaugh	Foster	McCulloch	Slemp
Campbell, Pa.	Freeman	McKinley	Sloan
Carew	Fuller, Ill.	McLaughlin, Pa.	Small
Carlin	Gallagher	Mann	Smith, Idaho
Carter, Mass.	Gard	Mason	Smith, C. B.
Clark, Fla.	Garland	Meeker	Snell
Cleary	Goodall	Merritt	Snyder
Connelly, Kans.	Graham, Pa.	Montague	Steele
Cooper, Ohio	Gray, Ala.	Moore, Pa.	Steenerson
Costello	Gray, N. J.	Mudd	Stephens, Nebr.
Cox	Griffin	Overmyer	Sullivan
Crago	Hamilton, Mich.	Paige	Sumners
Crosser	Hamilton, N. Y.	Park	Sweet
Curry, Cal.	Heaton	Polk	Templeton
Dale, N. Y.	Heintz	Porter	Thompson
Davis	Hollingsworth	Pou	Timberlake
Delaney	Hood	Powers	Treadway
Denison	Howard	Pratt	Vare
Dies	Humphreys	Rainey, H. T.	Waldow
Dillon	Jacoway	Reavis	Wason
Donovan	Johnson, S. Dak.	Robinson	Williams
Dooling	Kearns	Rowland	Zihlman
Drukker	Kelly, Pa.	Sanders, La.	
Eagan	Kettner	Sanders, N. Y.	
Elliott	King	Sanford	

So the conference report was rejected.

The Clerk announced the following additional pairs:

For roll call 149:

Mr. BELL with Mr. BENJAMIN L. FAIRCHILD.

Mr. BARNHART with Mr. SANDERS of New York.

Mr. CARLIN with Mr. SWEET.

Mr. CAREW with Mr FULLER of Illinois.

Mr. CLARK of Florida with Mr. MOORE of Pennsylvania.

Mr. COX with Mr. BROWNE.

Mr. CROSSER with Mr. ———.

Mr. DALE of New York with Mr. COOPER of Ohio.

Mr. EVANS with Mr. GEORGE W. FAIRCHILD.

Mr. GARD with Mr. GOODALL.

Mr. LONDON with Mr. KEARNS.

Mr. OVERMYER with Mr. HAMILTON of Michigan.

Mr. PARK with Mr. MCARTHUR.

Mr. HENRY T. RAINEY with Mr. MCKINLEY.

Mr. ROBINSON with Mr. MERRITT.

Mr. CHARLES B. SMITH with Mr. SANFORD.

Mr. STEPHENS of Nebraska with Mr. STEENERSON.

Mr. BORLAND with Mr. TIMBERLAKE.

Mr. SANDERS of Louisiana with Mr. DENISON.

Mr. MONTAGUE with Mr. EMERSON.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

Mr. DENT. Now, Mr. Speaker, I move that the House further insist on its disagreement and ask for a conference.

The SPEAKER. The gentleman from Alabama [Mr. DENT] moves that the House further insist on its disagreement——

Mr. DENT. Further insist and ask for a conference.

The SPEAKER. And ask for a conference.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Should not the motion of the gentleman from Alabama be to further insist upon the House amendment and ask for a further conference?

Mr. DENT. I thought that was the motion. I do not know whether I stated it correctly or not, or whether the gentleman from Massachusetts [Mr. WALSH] misunderstood me.

Mr. WALSH. I did misunderstand. I presume when this appears in the House the gentleman will see to it that there is a letter accompanying it.

The SPEAKER. The gentleman from Alabama [Mr. DENT] moves that the House further insist on its amendment and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees: Mr. DENT, Mr. FIELDS, and Mr. KAHN.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Upon the House Joint Resolution 123, the House by a vote decided to recede. There was a conference report presented. However, I understand the gentleman from Alabama has an inquiry to make, and I desire that he make it.

Mr. DENT. If the gentleman from Massachusetts will give me time, I will state that I was going to ask that the conference report, which was in disagreement on Senate Joint Resolution 123, be laid on the table. And I ask unanimous consent——

The SPEAKER. The gentleman from Alabama asks unanimous consent that the conference report on Senate Joint Resolution 123 lie on the table. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report just rejected.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the conference report which has just been rejected. Is there objection? [After a pause.] The Chair hears none.

PURCHASE OF LIBERTY BONDS BY ROCK ISLAND RAILROAD EMPLOYEES.

Mr. STERLING of Illinois. Mr. Speaker, I ask leave to proceed for two minutes with reference to the liberty-bond sale.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for two minutes relative to the liberty-bond sale. Is there objection? [After a pause.] The Chair hears none.

Mr. STERLING of Illinois. Mr. Speaker, I have a letter to-day from a friend of mine in the service of the Rock Island Railroad Co. in which he tells me about the sale of bonds among the employees of that great railroad organization.

The Rock Island Railroad system traverses 14 States. It has in its employ 41,167 persons, and every man and woman in that great organization bought liberty bonds. [Applause.] Every department of that organization stands 100 per cent subscribers to the bonds sold in the third Liberty loan. These 41,167 persons bought bonds to the amount of $2,923,100. It seems to me that that achievement is wonderfully significant. It shows the unanimity of the sentiment of the American people with reference to this war. It demonstrates to our allies that which must be very encouraging, it demonstrates to our enemies that which must be very discouraging, namely, the fact that the American people are heart and soul in this war to a complete and a conclusive victory for human freedom and human rights. [Applause.]

Now, Mr. Speaker, accompanying that letter is a statement issued by Mr. L. M. Allen, general chairman of that organization. It is brief and relates to the fine achievement of the people connected with the Rock Island, and it expresses a just pride in the patriotism of the people for whom he speaks and whom he represents.

I ask leave to extend my remarks in the RECORD by printing that statement. [Applause.]

The SPEAKER. The gentleman asks leave to extend his remarks in the RECORD as stated. Is there objection? [After a pause.] The Chair hears none.

The following is the statement referred to:

The Rock Island System has under its banner to-night everyone of its great family of employees enrolled for the support of the Nation. All are subscribers to the third liberty loan.

The pledges have poured in from every artery of the complex organism of a great railway; its employees are to be found in every walk of life and in every occupation of railway effort, not only in the 14 States through which its lines of railway pass, but scattered throughout this vast country, from the Atlantic to the Pacific, wherever they had gone, in the performance of their railway work, or in the service of the Nation. Everyone has responded to the call, from the humblest employee to the president, all alike and all equally important in this unanimous response.

Its vast army of over 41,000 railway operatives have thus reiterated to the country that the Chicago, Rock Island & Pacific Railway Co. is 100 per cent loyal, patriotic, and faithful. By this united response of all its loyal men and women to the call of the Nation they have effectively shown to the people of the entire country the wonderful organization of the Rock Island as a great railway system, as well as the broad foundation upon which it rests; a solidarity of men and women who are grouped together for the efficient operation of this transportation machine and for every act that spells for its welfare as being indicative of the welfare of the country.

Each member of our great family can well be proud to-day that he or she is a "Rock Island railroader."

We have pledged, through our subscription cards, our support to the Nation. This means, for most of us, a readjustment of our finances during the coming 10 months in order to meet the obligations which we have requested our company to undertake in our behalf, because the railway company must buy these bonds and hold them subject to

our final payment. This requires a fixed determination on the part of everyone that, irrespective of what may come, we are going to keep the faith which we have asked the Rock Island to pledge to the Government for us.

Let it be our earnest prayer that this loan to which we have pledged ourselves may be the medium that will ultimately bring our dear country again to the safe port of peace and prosperity. But we know that this can not be brought about until, through the efforts of this Nation, the world shall become a safe and decent place in which to live.

Now that we are 100 per cent let us put the Rock Island in the three million class.

L. M. ALLEN,
General Chairman.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that on next Monday it be in order to consider what is known as the Overman bill, and that that bill shall be the continuing order until disposed of, not to interfere with conference reports and privileged matters.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Monday, after the reading of the Journal and the clearing up of the business on the Speaker's table, the Overman bill shall be in order and be the continuing order until disposed of, not to interfere with conference reports and privileged matters. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I wish to say there are two very important measures before the Committee on the District of Columbia, and next Monday is the day set apart by the rules for consideration of District business. The two measures to which I refer are, first, the emergency resolution, which the Senate passed day before yesterday, forbidding the ousting of tenants from houses in the District of Columbia. That is a temporary measure, to take the place of a permanent measure, which it is expected will be passed later on. And the other bill is one extending the time for which alley houses may be occupied. Under the law certain alley houses can not be occupied after the 1st day of next July. The Senate has passed a bill extending that time until one year after the war is over. These are two urgently pressing bills, and I wish to add to the request made by the gentleman from North Carolina [Mr. KITCHIN] that we have unanimous consent to consider those bills as soon as the Overman bill is out of the way, not to interfere with Calendar Wednesday or with matters on the Speaker's table.

Mr. KITCHIN. Let me suggest this to the gentleman. As long as District day is only one day—that is, Monday—will the gentleman accept the suggestion, and I will ask unanimous consent for it, to make Saturday of next week District day; that is, to consider those bills on Saturday?

Mr. JOHNSON of Kentucky. I will say in reply to that that the bill to prevent tenants from being ousted was reported by the Senate committee unanimously. I understand it passed the Senate without a dissenting vote, and the House District Committee to-day has made a unanimous report on that, and it is a very urgent matter. People are being put out by the hundreds, and this will stop it.

Mr. KITCHIN. As to making it a day certain, I will say the Overman bill will surely take Monday and Tuesday. I think all day Monday will be consumed by debate, and possibly longer—possibly it may go until Thursday.

Mr. JOHNSON of Kentucky. Then I ask that we be permitted to take these bills up immediately we get through with the Overman bill.

Mr. KITCHIN: You mean the day following the disposition of this?

Mr. JOHNSON of Kentucky. No.

Mr. KITCHIN. The gentleman is entitled to only one day.

Mr. JOHNSON of Kentucky. I would be perfectly willing to take the day following.

The SPEAKER. Now, what is the request agreed on?

Mr. JOHNSON of Kentucky. I ask that the District Committee have the day next following the conclusion of the bill to which the gentleman from North Carolina has just referred, not to interfere with Calendar Wednesday or with matters on the Speaker's table or conference reports.

Mr. GILLETT. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from North Carolina if I am correct in assuming that he expects to give full and reasonable opportunity for debate?

Mr. KITCHIN. I should say yes. I think it is a matter that ought to be fully and freely discussed.

Mr. HAYES. With the right of amendment?

Mr. KITCHIN. Yes; with the right of amendment.

Mr. CANDLER of Mississippi. Reserving the right to object, Mr. Speaker, I am very anxious to get up the "food-production bill," and the Committee on Rules this morning reported unanimously a rule to consider that bill. I would like to know whether or not this agreement will interfere with the consideration of that bill?

Mr. KITCHIN. I would say that this agreement would not interfere with it further than to except the Overman bill and one day for the District Committee. That would come in ahead of your bill. You would have a full day next week—Friday or Saturday, perhaps. If we get through the Overman bill by Tuesday night or Thursday night, that would certainly give you Saturday.

Mr. CANDLER of Mississippi. I want to ask the gentleman from North Carolina [Mr. KITCHIN] whether or not there would be a probability that this bill could certainly be considered some time next week? I am anxious to have it considered this week, if possible.

Mr. KITCHIN. It could perhaps be considered next week.

Mr. CANDLER of Mississippi. Would there not be an opportunity to get it up before next week?

Mr. KITCHIN. No; I think not.

Mr. CANDLER of Mississippi. When does the gentleman think it could be taken up?

Mr. KITCHIN. If we can finish to-morrow the pension bill and the prison bill, the gentleman from Mississippi [Mr. CANDLER] might get in Saturday of this week on his food-production bill. I think the pension bill ought to be passed before that, and I think we ought to finish up this Atlanta Penitentiary bill.

Mr. CANDLER of Mississippi. I desire to state in this connection that the Secretary of Agriculture is very anxious that this bill be considered at the very earliest possible time, for the reason that the organization under the present food-production bill expires on the 30th of June, and it is necessary to maintain the present organization, and in order to do so the passage of this bill is necessary as soon as possible. It is necessary to pass the bill to continue the present organization.

Mr. KITCHIN. It at least ought to give way to the Overman bill and to the bill of the gentleman from Kentucky [Mr. JOHNSON] if he does not finish it Saturday.

Mr. CANDLER of Mississippi. I would not object to that if it will expedite business. The food-production bill is a very important bill, and it is necessary to pass it as soon as possible, but I want to join in every effort to expedite business and to aid my splendid leader. I am willing at all times to defer to his good judgment. All I ask is to get in as soon as possible.

Mr. BURNETT. I was not in the Hall when this discussion began, but I would not want anything to interfere with the conference report on the housing bill.

Mr. KITCHIN. No; it would not at all.

Mr. GARNER. I want to ask the gentleman from Kentucky, if he gets unanimous consent for District bills, what bills he proposes to call up?

Mr. JOHNSON of Kentucky. First I would call up the Senate joint resolution to prohibit the ousting of tenants, and after that I would call up the alley bill, and after that, if I had time, I do not know what I would call up.

Mr. KITCHIN. Now, Mr. Speaker, I renew my request.

Mr. CAMPBELL of Kansas. Further reserving the right to object, Mr. Speaker, is there a unanimous report on the Overman bill from the Committee on the Judiciary?

Mr. KITCHIN. I understand there is a unanimous report on the bill as far as it went, but some Members wish to add amendments to it. I do not know whether there is a minority report or not.

Mr. GILLETT. I do not think there could be said to be a unanimous report.

Mr. KITCHIN. Several members of the committee desire to add amendments, and I am free to say I expect to vote for some of the amendments.

Mr. CAMPBELL of Kansas. I will say further that I have not talked with the chairman of the Judiciary Committee about this, but does the gentleman from North Carolina know whether or not it is agreeable to the members of the Committee on the Judiciary to take the matter up for consideration on Monday?

Mr. KITCHIN. I would say to the gentleman that really the chairman of the Committee on the Judiciary spoke to the chairman of the Committee on Rules, asking for a rule to take it up this week. I spoke to both gentlemen and asked them to postpone it; not to bring in a rule this week. I told them I was very certain we could get a unanimous agreement to consider it by Monday, and that would allow time for Members to take it up and consider it, whereas if we had insisted on a rule, as the chairman thought proper to do, we would be cut off from that opportunity to study the bill. It gives us more time.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. WALSH. The gentleman certainly does not mean to contend that if the Committee on Rules brings in a rule we are prohibited from allowing liberal debate?

Mr. KITCHIN. No. If we had brought in a rule to consider it this week we would not have the opportunity to study the bill that we would have if it is postponed until Monday. Some of us wanted to consider the bill this week.

Mr. WALSH. In response to the query propounded by my colleague from Massachusetts [Mr. GILLETT], I am of opinion that there are one or two members of the Committee on the Judiciary who expect to file minority views. I do not know whether they have changed their minds on that or not, but as I recall it there are one or two who reserved the right to file minority views.

Mr. KITCHIN. They will have that right, certainly.

Mr. HICKS. May I ask if the gentleman is still an optimist about the time of the adjournment of Congress from the 1st to the 15th of July?

Mr. KITCHIN. I will say to the gentleman that if what I saw in the New York World to-day is true, that we shall have to bring in a new revenue bill of two or three billion dollars at this session, we shall get away from here perhaps in time enough to cast a vote if we do not live too far from here. [Laughter.]

Mr. WALSH. In the primaries?

Mr. KITCHIN. No; in the election. If we do not have to pass a revenue bill, we shall get away from here by July 1.

Mr. HICKS. That is a very clear explanation.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GARNER. Does the New York World control the situation? [Laughter.]

Mr. KITCHIN. No. The gentleman must have been sleeping when I made the remark. I said if it be true, as the New York World says, that the administration will demand a new revenue bill, and we should take it up, those who live as near Washington as I do would perhaps be able to get home in time to vote. [Laughter.]

Mr. GARNER. Will the gentleman yield further?

Mr. KITCHIN. Yes.

Mr. GARNER. Has the administration said anything to the gentleman, as chairman of the Committee on Ways and Means, about the revenue bill at this session?

Mr. KITCHIN. No.

Mr. GARNER. Then I do not suppose it would suggest it to the New York World, if not to the gentleman from North Carolina.

Mr. KITCHIN. I will say to the gentleman from Texas that I have known some administrations of late to confer with newspaper men and tell them what ought to be done long before any Member of Congress was told; but certainly they have never told any Member of the House. So I can either assume that the New York World is not telling the truth or I can assume that some members of the administration have talked with them and told them about it before they told us. But I do not know about that, of course.

Mr. SMITH of Michigan. Is it in contemplation at this session to change the income-tax law so as to make the income tax payable in installments?

Mr. KITCHIN. I do not think we are in a position to say yet. The Commissioner of Internal Revenue told me two weeks ago that he was going to tabulate the probable revenue receipts as early as he could, and he thought he would be through about the 10th of May. That would be a tabulation of the amount of taxes which he thought we would raise. He was under the impression at that time that we would raise several hundred million dollars more than we had anticipated. We would also know by that time the amount of the oversubscription to the bonds; and if the oversubscription to the bonds and the extra amount of taxes to be raised would be sufficient to put the Treasury in such a financial condition as to justify a resolution to make the income tax payable in installments we would do so. I have not heard anything from Mr. Roper, but I propose to go down there to-morrow and find out.

Mr. WALSH. Would it seriously interfere with the plans that have been made if the gentleman should ask to take up the Overman bill on Tuesday instead of Monday next?

Mr. KITCHIN. If we did that it would probably go over and cut out some of these other bills that we want to consider.

Mr. WALSH. I think we could give it much more thorough consideration if we did that.

Mr. KITCHIN. I hope the gentleman will not insist on that, for the reason that I conferred with the gentleman from Massachusetts [Mr. GILLETT] after I had had a talk with Mr. WEBB, the chairman of the Judiciary Committee, and Mr. POU, the chairman of the Rules Committee, who were discussing the bringing in of a rule this week. We thought if they would not do that, but would give the membership of the House an opportunity to investigate and consider the Overman bill until Monday, they ought to get unanimous consent to take it up Monday.

Mr. WALSH. I will not insist.

Mr. FESS. Regular order, Mr. Speaker.

The SPEAKER. The gentleman will state his request.

Mr. KITCHIN. I ask unanimous consent that the Overman bill be in order to be considered Monday, and be the continuing order until disposed of, and that the day following the disposition of the Overman bill be given to the consideration of bills from the District of Columbia Committee, not to interfere with conference reports or Calendar Wednesday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Monday, after the reading of the Journal and the disposition of the business on the Speaker's table, the so-called Overman bill shall be in order and be the continuing order until disposed of, and that the gentleman from Kentucky [Mr. JOHNSON] shall have the day following the completion of the Overman bill for the consideration of District business, none of this to interfere with conference reports or Calendar Wednesday. Is there objection?

There was no objection.

CALENDAR WEDNESDAY.

Mr. KITCHIN. Mr. Speaker, I want to make another request for unanimous consent. At the suggestion of several gentlemen on both sides, I ask unanimous consent that the business of Calendar Wednesday on next Wednesday be dispensed with.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the Calendar Wednesday business for next Wednesday be dispensed with. Is there objection?

Mr. GILLETT. I object for the present. When the time comes I may not object.

The SPEAKER. The gentleman from Massachusetts objects.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committee, as indicated below:

S. 4410. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; to the Committee on the District of Columbia; and

S. J. Res. 152. Joint resolution to prevent rent profiteering in the District of Columbia; to the Committee on the District of Columbia.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.), the House adjourned until to-morrow, Friday, May 10, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOULD, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7360) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia, reported the same with amendment, accompanied by a report (No. 546), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 152) to prevent rent profiteering in the District of Columbia, reported the same with amendment, accompanied by a report (No. 548), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government, reported the same without amendment, accompanied by a report (No. 545), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11988) granting a pension to Mary Hodges, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARD: A bill (H. R. 11999) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on the Judiciary.

By Mr. GALLIVAN: A bill (H. R. 12000) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1919, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. CARLIN: A bill (H. R. 12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. PETERS: A bill (H. R. 12002) for the establishment of Bar Harbor, in the State of Maine, as a port of entry and delivery for the immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. PLATT: Resolution (H. Res. 342) directing the Bureau of Efficiency to report to the House what Government activities are not essential to the successful prosecution of the war; to the Committee on Military Affairs.

By Mr. GREGG: Resolution (H. Res. 343) to investigate the cause of the advance in the price of leather and leather goods; to the Committee on Rules.

By Mr. BANKHEAD: Joint resolution (H. J. Res. 292) to make the words of "America," as written by Samuel Francis Smith and set to the music of "God Save the King," the national anthem; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 12003) for the relief of Louis A. Cornthwaite; to the Committee on Claims.

Also, a bill (H. R. 12004) for the relief of William Sennhenn and Borris M. Spector; to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 12005) granting a pension to Jacob Copeland; to the Committee on Pensions.

Also, a bill (H. R. 12006) granting a pension to Lydia Johnson; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 12007) granting a pension to Emma Eugenia Lameraux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12008) granting an increase of pension to Charles C. Crockett; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 12009) granting an increase of pension to Corwin Clemens; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 12010) granting a pension to Edward Warner; to the Committee on Pensions.

Also, a bill (H. R. 12011) granting a pension to Francis P. McCue; to the Committee on Pensions.

Also, a bill (H. R. 12012) for the relief of James Green; to the Committee on Naval Affairs.

Also, a bill (H. R. 12013) granting an increase of pension to William E. Butler; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 12014) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 12015) granting a pension to Peter Poirier; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 12016) granting an increase of pension to Peter M. Smith; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 12017) for the relief of Albert H. Campbell; to the Committee on Military Affairs.

Also, a bill (H. R. 12018) making appropriation for payment of claims of John Sevier, sr., and John Sevier, jr., in accordance with report and findings of the Court of Claims as reported in House Documents Nos. 1302 and 131, under the provisions of the act approved March 3, 1883, known as the Bowman Act; to the Committee on Claims.

Also, a bill (H. R. 12019) granting an increase of pension to William H. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12020) granting an increase of pension to James Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12021) granting an increase of pension to Marstein Forward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12022) granting an increase of pension to Theodore L. Shaffer; to the Committee on Pensions.

By Mr. McANDREWS: A bill (H. R. 12023) granting an increase of pension to Paul Webster; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12024) granting an increase of pension to William A. Jackson; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 12025) granting an increase of pension to William H. Brock; to the Committee on Pensions.

By Mr. THOMAS F. SMITH: A bill (H. R. 12026) granting an increase of pension to Margaret F. Hoar; to the Committee on Pensions.

By Mr. SULLIVAN: A bill (H. R. 12027) granting an increase of pension to Edward Hostutter; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 12028) granting an increase of pension to Benton Allen; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12029) granting an increase of pension to Thomas F. Rilea; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 12030) granting an increase of pension to John P. Hanford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution adopted at the Twenty-seventh Continental Congress, National Society, Daughters of the American Revolution, desiring legislation to prohibit the publication and circulation of periodicals in the language of the various countries with which we are at war; to the Committee on the Judiciary.

Also (by request), resolution of the Daughters of the American Revolution, protesting against the use of national cemeteries of America for the burial of alien enemies; to the Committee on Military Affairs.

Also (by request), resolution of the Sons and Daughters of Richmond, Va., favoring the passage of House bill 10846, fixing a one-third fare rate to enlisted men on furlough; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution adopted by the Liberty Council, No. 3, Junior Order American Mechanics, St. Louis, Mo., objecting to the zone system, increasing the postage on second-class mail, and urging repeal of this part of the war-revenue act; to the Committee on Ways and Means.

By Mr. CARY: Memorial of Milwaukee Press Assistants' Union No. 27, disapproving the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petition of Green Mountain Council, No. 5, Sons and Daughters of Liberty, of Newport Center, Vt., favoring House bill 10846, fixing a one-third fare rate to enlisted men on furlough; to the Committee on Military Affairs.

By Mr. GOULD: Petition of the Woman's Christian Temperance Union of Manchester, N. Y., favoring the prohibition of the beverage liquor traffic during the period of the war as a war measure; to the Committee on the Judiciary.

By Mr. LUNDEEN: Petition of Minnesota State Vegetable Growers' Association, Richard Wellington, secretary, favoring the fixing of prices on all wheat substitutes, to be based on the established wheat price; to the Committee on Agriculture.

By Mr. McCLINTIC: Petition of sundry citizens of Mountain Park, Okla., relative to taxing corporations furnishing war material for profit; to the Committee on Ways and Means.

By Mr. MAGEE: Petition of the Baptist Church of Skaneateles, N.Y., favoring war prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of a committee of the Potsdam Branch of the Dairymen's League of New York, Potsdam, N. Y., to have milk, butter, and cheese made a liberal part of the daily living of our men in training and in the service as well; to the Committee on Agriculture.

By Mr. TINKHAM: Petition of sundry Irish citizens in America relative to freedom for Ireland; to the Committee on Foreign Affairs.

By Mr. WASON: Petition of Clara M. Rayner and 42 other residents of Goshen, N. H., protesting against the zone system of postage as relating to second-class mail matter; to the Committee on the Post Office and Post Roads.

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